

**BOARD OF EDUCATION
PARMA CITY SCHOOLS**

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CREATING A POSITION

The Board recognizes the need to establish positions which, when filled by competent, qualified certificated 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 Superintendent shall verify all new full-time and part-time employees' right to work in the United States according to the Federal Immigration Reform and Control Act of 1986.

The Superintendent reserves the right, after discussion with the Board, to:

- A. create new positions;
- B. specify the number of persons to be employed within each job category;
- C. set the initial salary for a new position not currently covered by a valid Negotiated Agreement.

In the exercise of his/her authority to create new positions, the Superintendent shall give primary consideration to:

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

R.C. 3313.17, 3313.47, 3319.07, 3319.08
Federal Immigration Reform and Control Act of 1986
8 U.S.C. 1255 a

Revised Date August 5, 2002
Adoption Date November 17, 1997

BOARD-STAFF COMMUNICATIONS

The Board desires to maintain open channels of communication between itself and the staff. The basic line of communication, will, however, be through the Superintendent.

A. **Staff Communications to the Board**

All communications from staff members 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 informed of the Board's problems, concerns, and actions.

C. **Visit to Schools**

Board members must recognize that their presence in the schools could be subject to a variety of interpretations by school employees; therefore, if a visit to a classroom is being made for other than general interest, the Board members will make arrangements for visitations through the principals of the various schools. Board members shall indicate to the principal the reason(s) for the visit.

D. **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 problems of the District.

Revised Date August 5, 2002
Adopted as Amended Date May 22, 2000
Adoption Date November 17, 1997

EMPLOYMENT OF CERTIFICATED/LICENSED STAFF

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

The search for teachers and other certificated/licensed employees will extend to a wide variety of educational institutions and geographical areas. The search will take into consideration the characteristics of the community and the school system as well as the need for staff members from various backgrounds and with differing levels of experience.

The Board shall approve the employment, and also, when not covered by the terms of a Negotiated Agreement, establish the compensation and terms of employment for each certificated/licensed staff member employed by this District.

Such approval shall be given only to those candidates for employment recommended 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.

Relatives of staff members may be employed by the Board, provided the staff member being employed is not placed in a position in which s/he is supervised directly by the relative of such staff member.

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

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

No candidate for employment as a certificated/licensed staff member shall receive recommendation for such employment without having provided visual evidence of proper licensing or that application for such licensing is in process.

Recruitment procedures will include posting openings so that the talents and potential of individuals already employed by the school system will not be overlooked. Any current employee may apply for any position for which s/he has certification/licensure and meets other stated requirements. All candidates will be considered on the basis of their merits, qualifications and the needs of the District.

The Superintendent shall prepare administrative guidelines for the recruitment and selection of all certificated/licensed staff.

R.C. 3319.02, 3319.07, 3319.11, 3319.23 - .282, 3319.301

Revised Date August 5, 2002

Adopted as Amended Date October 22, 2001

Adoption Date November 17, 1997

EMPLOYMENT OF SUBSTITUTES

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

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

Substitutes must possess a valid Ohio certificate license, unless the Superintendent believes the person's application information indicates the person has the qualifications to receive a teacher's license. Such a person may be employed on a conditional basis for a period not to exceed sixty (60) days from the date the person submits a request for a license to the Department of Education through the date the Superintendent receives the person's valid teaching license. If the license is not delivered within the time period, the person's employment is to be terminated.

Substitutes shall have complied with the tuberculosis examination required by law.

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

A substitute employed for more than sixty (60) consecutive days in one (1) specific position will be placed at the appropriate position on the salary schedule and will be eligible for fringe benefits provided regular staff members.

Daily substitutes shall not earn sick leave nor be paid for days when students are not required to attend school.

R.C. 3307.381(A), 3319.10, 3317.13

Adopted as Amended Date October 21, 2002

Adoption Date November 17, 1997

**EMPLOYMENT OF PERSONNEL IN
SUMMER SCHOOL AND ADULT EDUCATION PROGRAMS**

The Board recognizes that the success of the summer school and adult education programs depends in large measure upon the employment of qualified and competent personnel.

The Board shall fix the compensation and set the term of employment for each person employed in the subject programs established for this District. The Board will employ only those candidates recommended by the Superintendent.

A candidate's intentional misstatement of fact material to his/her qualifications for employment or the determination of his/her salary will be considered by the Board to constitute grounds for dismissal.

No candidate for employment shall receive recommendation for such employment without having proffered visual evidence of proper licensing, if needed or that application for such licensing if in process.

R.C. 3307.381, 3319.10, 3317.13

Adopted as Amended October 21, 2002
Adoption Date November 17, 1997

EMPLOYMENT OF PERSONNEL FOR
CO-CURRICULAR/EXTRA-CURRICULAR ACTIVITIES

The Board may find it necessary to employ, on a part-time basis, coaches or activity sponsors who are not members of the certificated staff. Such part-time employees may be members of the District's classified/support staff or individuals from the community or nearby areas.

The Board authorizes the Superintendent to recommend candidates for employment by the Board.

The Superintendent shall establish administrative guidelines to ensure that each person employed as a coach or activity sponsor has the appropriate qualifications, has been properly interviewed, and signs an employment contract which includes the conditions of employment, compensation arrangements, and contract termination procedures.

R.C. 3313.53

Adopted as Amended October 21, 2002
Adoption Date November 17, 1997

VOLUNTEERS

The Board of Education recognizes that certain programs and activities can be enhanced through the use of volunteers who have particular knowledge or skills that will be helpful to members of the certificated staff responsible for the conduct of those programs and activities.

The Administration shall be responsible for recruiting community volunteers, reviewing their capabilities, and making appropriate placements. They shall not be obligated to make use of volunteers whose abilities are not in accord with District needs.

The Administration is to inform each volunteer that s/he:

- A. is required to abide by all Board policies and District guidelines while on duty as a volunteer;
- B. will be covered under the District's liability policy but the District cannot provide any type of health insurance to cover illness or accident incurred while serving as a volunteer, nor is the person eligible for workers' compensation;
- C. will be asked to sign a form releasing the District of any obligation should the volunteer become ill or receive an injury as a result of his/her volunteer services.

Furthermore, the Superintendent shall inform all volunteers who work or apply to work unsupervised with children on a regular basis of the need to display appropriate behavior at all times, and that:

- A. they will have to be fingerprinted so that a criminal records check can be conducted; and
- B. they will have to pay the costs associated with the criminal records check either before they can begin their duties, or as a condition of continued service as a volunteer at the discretion of the Board.

If a criminal records check indicates that a volunteer has been convicted of or pleaded guilty to any of the offenses described in Division (A)(1) of Section 109.572 of the Revised Code, the volunteer will be informed that the Board is no longer interested in maintaining their volunteer services.

R.C. 3327.16, 3313.203

Adopted as Amended Date April 15, 2002
Adoption Date November 17, 1997

CRIMINAL HISTORY RECORD CHECK

To more adequately safeguard students and staff members, the Board requires an inquiry into the background of each applicant the Superintendent recommends for employment on the District's certificated staff. This requirement includes all substitutes, persons employed on a part-time basis such as coaches or activity supervisors who may have care, custody, or control of students. It is not required of any currently-employed staff member who is a candidate for another position in the District.

The Superintendent shall establish administrative guidelines which will facilitate a records check that complies with the law and ensures that, at the time of the initial application, the applicant is properly informed of the requirement to obtain:

- A. a criminal history records check prior to employment;
- B. a set of the applicant's fingerprints;
- C. proof that the applicant has been a resident of Ohio for the five (5) years previous to the criminal history records check, and if not, that the Bureau of Criminal Investigation shall be requested to obtain criminal history information from the Federal Bureau of Investigation.

The guidelines shall also ensure that any information and records obtained from such inquiries are confidential and shall not be released or disseminated.

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

R.C. 109.57, 109.572, CH 2950, 2953.32, 3319.39, 3301.541

Adopted as Amended October 21, 2002
Adoption Date November 17, 1997

EQUAL EMPLOYMENT OPPORTUNITY

The Board shall comply with all Federal laws and regulations prohibiting discrimination and with all requirements and regulations of the U.S. Department of Education. It is the policy of the Board that no certificated staff member or candidate for such a position in this District shall, on the basis of race, color, religion, national origin, creed or ancestry, age, gender, marital status, or disability, be discriminated against, excluded from participation in, denied the benefits of, or otherwise be subjected to, discrimination in any program or activity for which the Board is responsible or for which it receives financial assistance from the U.S. Department of Education.

The Superintendent shall appoint a compliance officer whose responsibility it will be to ensure that Federal and State regulations are complied with and that any complaints are dealt with promptly in accordance with law. S/He shall also ensure that proper notice of nondiscrimination for Title II, 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, and the Age Act is provided to staff members and the general public. Any sections of the District's Negotiated Agreements dealing with hiring, promotion, and tenure need to contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender-specific terms should be eliminated from such contracts.

R.C. 4112.02
A.C. 3301-35-03(A)
42 U.S.C., 2000e, et seq., Civil Rights Act of 1964
42 U.S.C., 12112, Americans with Disabilities Act of 1990
29 U.S.C. 701 et seq., Rehabilitation Act of 1973
20 U.S.C. 1681 et seq., Title IX

Adopted as Amended October 21, 2002
Adoption Date November 17, 1997

DRUG-FREE WORKPLACE

The Board believes that quality education is not possible in an environment affected by drugs. It will seek, therefore, to establish and maintain an educational setting which meets the requirements in the Drug-Free Workplace Act.

In compliance with the Act, the Board prohibits the manufacture, possession, use, distribution, or dispensing of any controlled substance, including alcohol, by any member of the District's certificated staff at any time while on District property or while involved in any District-related activity or event. Any staff member who violates this policy shall be subject to disciplinary action in accordance with District guidelines and the terms of Negotiated Agreements.

The Superintendent shall establish whatever programs and procedures are necessary to meet the Federal certification requirements but which also comply or do not interfere with Negotiated Agreements.

41 U.S.C. 701 et seq., Drug-Free Workplace Act of 1988
20 U.S.C. 3224A

Adopted as Amended October 21, 2002
Adoption Date November 17, 1997

EMPLOYEE IDENTIFICATION CARDS

The Board of Education recognizes the importance of safe and secure learning environments; therefore, all employees of the Parma City School District shall be provided with a picture identification card, with the exception of substitutes who may have temporary identification cards.

Employees provided with a picture identification card are required to wear their identification card in a visible location whenever on school board property in an employee capacity.

The Superintendent shall require that appropriate forms and procedures be implemented.

Adopted as Amended October 21, 2002
Adoption Date April 15, 2002

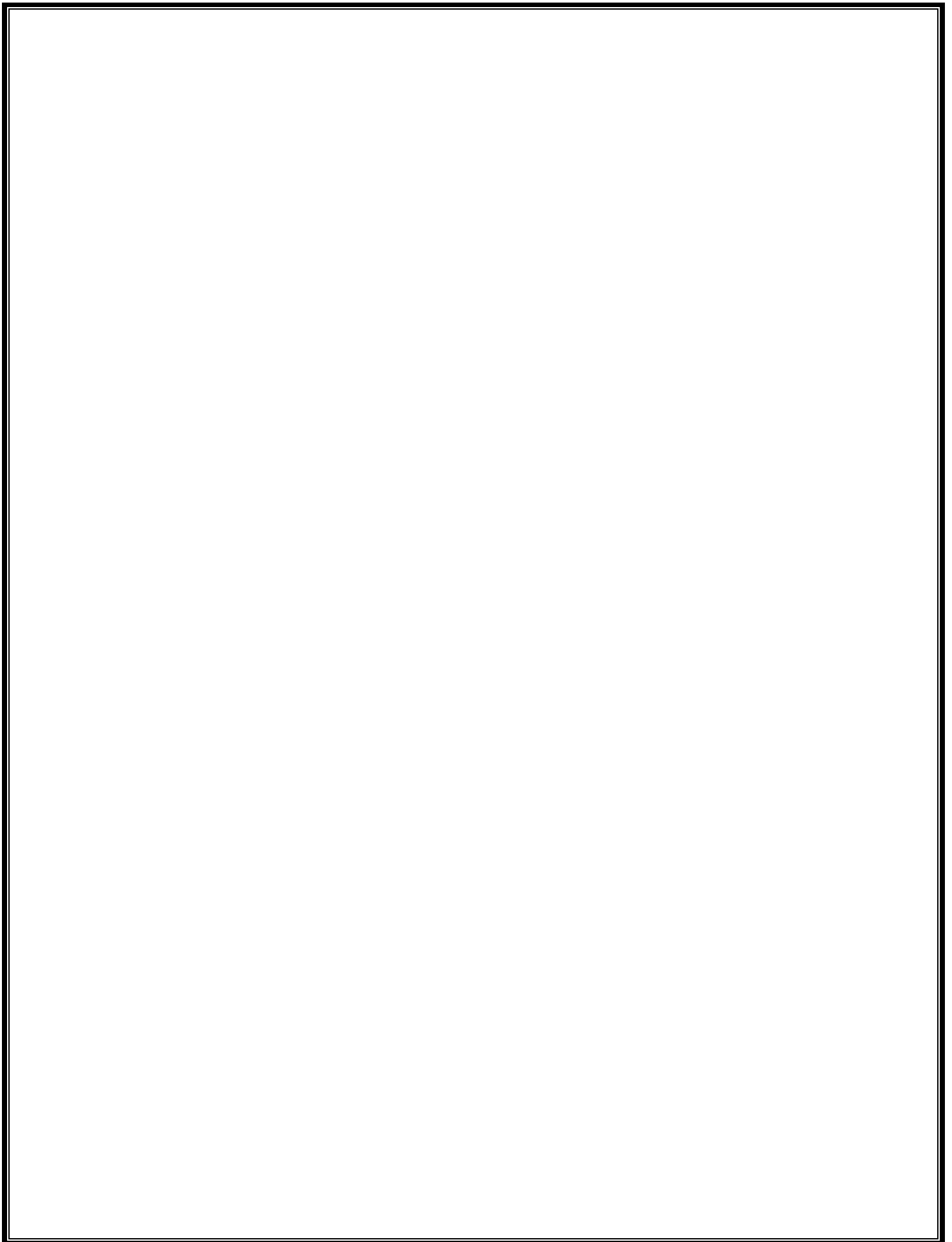
ASSIGNMENT AND TRANSFER

The Board believes that the appropriate placement of qualified and competent staff is essential to the successful functioning of the District.

The Superintendent shall be responsible for the proper assignment and transfer of all teaching and other certificated staff members and shall attempt to effect the optimum assignment of the certificated staff in conformance with any applicable contractual or legal requirements.

R.C. 3319.01, 3319.12

Adopted as Amended October 21, 2002
Adoption Date November 17, 1997



VACANCIES

It shall be the policy of the Board of to employ the best qualified individual for any District vacancy at any level.

Vacancies shall be announced as appropriate and as time permits, in compliance with the negotiated agreement. All members of the certificated staff shall be eligible for any District vacancy, providing they are properly qualified.

Adopted as Amended October 21, 2002

Adopted as Amended Date December 6, 1999

Adoption Date November 17, 1997

STAFF DISCIPLINE

The Board retains the right and the responsibility to manage the work force. When the discipline of a staff member becomes necessary, such action shall be in proportion to the employee's offense or misconduct, consistent with appropriate procedural and substantive due process, State law, and/or the specific provisions of any applicable collective bargaining agreement. All matters that could involve discharge from the District must be dealt with in accordance with R.C. 3319.16.

R.C. 3319.16; 4117.08(C)

Adoption Date February 17, 2004

TERMINATION AND RESIGNATION/RETIREMENT

TERMINATION

An employment contract may be suspended or terminated, with the recommendation of the Superintendent, upon a majority vote of the Board for a reasonable and just cause such as gross inefficiency, immorality, willful and persistent violation of Board policy or District guidelines, or for not complying with the Guidelines for the State Proficiency Test as provided by the State Department of Education. In such cases, the Board shall abide by due process, statutory procedures, and such terms as may be set forth in a negotiated agreement.

RESIGNATION/RETIREMENT

A certificated staff member may resign/retire in accordance with the terms of the negotiated agreement or his/her employment contract.

An administrator who wishes to resign/retire must file in writing a letter of resignation/retirement with the Superintendent at least sixty (60) days prior to the effective date unless otherwise approved by the Superintendent. The resignation/retirement is effective only with Board approval.

It is the intent of the Board that certificated members honor their contract by working through the entire school year unless there are health or extenuating conditions.

R.C. 3319.02, 3319.15, 3319.151, 3319.16, 3319.161

Adopted as Amended Date December 16, 2002
Adopted as Amended Date December 6, 1999
Adoption Date November 17, 1997

NON-RENEWAL OF A TEACHER CONTRACT

It is the responsibility of the Board to provide a competent and able certificated staff to perform the educational services of the District.

The Board may exercise its option, under law, not to renew the contract of a teacher under a limited or extended limited contract as specified under the negotiated agreement. The term "teacher" refers to any person employed by the Board who is covered by the negotiated agreement between the Board and the Parma Education Association.

R.C. 3319.08, 3319.11, 3319.111

Adopted as Amended October 21, 2002
Adoption Date November 17, 1997

PHYSICAL EXAMINATION

The Board or Superintendent reserves the right to require, after a conditional offer of employment, that the candidate submit to an examination in order to determine the physical and/or mental capacity to perform assigned duties. Such examinations shall be done in accordance with the Superintendent's guidelines and/or the terms of the Negotiated Agreements.

Reports of all such examinations or evaluations shall be delivered to the Superintendent, who shall protect their confidentiality. Reports will be discussed with the employee or candidate and made a part of an employee's personal record. 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 a physician and substantiation that the condition is directly correlated to defined job responsibilities.

The Board shall assume any uninsured fees for required examinations.

R.C. 3313.71
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990
29 C.F.R. part 1630

Adopted as Amended October 21, 2002
Adoption Date November 17, 1997
Revised October 13, 2008

UNREQUESTED LEAVES OF ABSENCE

The Board may place a certificated staff member on unrequested leave of absence for physical or mental inability when the staff member is unable to perform assigned duties.

If the Superintendent believes the staff member is unable to perform assigned duties, the certificated staff member will be offered the opportunity for a meeting to discuss these issues.

Prior to placing a certificated staff member on unrequested leave, the Board may require the staff member to submit to an appropriate examination by a health provider designated and compensated by the District. The results of any such examination shall be treated as a confidential medical record and will be used only in compliance with law.

If, as a result of such examination, the certificated staff member is found to be unable to perform assigned duties and no reasonable accommodations are available, the certificated staff member may be placed on involuntary leave of absence for a period not to exceed two (2) consecutive school years.

A certificated staff member subject to an unrequested leave of absence is entitled to a hearing as provided for in State law or the terms of a Negotiated Agreement.

R.C. 3319.13, 3319.16
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990
29 C.F.R. Part 1630

Adopted as Amended October 21, 2002
Adoption Date November 17, 1997

SUBSTANCE ABUSE

The Board recognizes alcoholism and drug abuse as treatable illnesses. Such illnesses may impair the performance of professional staff members. The Board may assist such employees in a manner recommended by appropriate specialists in the treatment of those illnesses.

A professional staff member having an illness or other problem relating to the use of alcohol or other drugs will receive the same careful consideration and offer of assistance that is presently extended to professional staff members having any other illness.

The responsibility to correct unsatisfactory job performance or behavior resulting from a suspected substance abuse rests with the professional staff member. Failure to do so will result in appropriate corrective or disciplinary action as determined by the Board.

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

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

R.C. 2925.01 et seq., 3313.60, 3719.01 et seq., 3793.02
Rehabilitation Act of 1973, 29 U.S.C. 794

Adopted as Amended February 17, 2004
Adopted as Amended October 21, 2002
Adoption Date November 17, 1997

EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Board believes that early recognition and treatment of illegal drug use, controlled substance abuse, or alcohol abuse is important for successful rehabilitation, return to productive work, and reduced personal, family, and social disruption.

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

Staff members with personal drug or controlled substance abuse problems should request assistance from Human Resources Office. Assistance will be provided on a confidential basis, and each staff member will be referred to the appropriate treatment and counseling services.

Although the District will assist a staff member to the extent feasible through the Employee Assistance Program, the Board cannot guarantee that the staff member's use of illegal drugs or abuse of alcohol or controlled substances will not impact adversely the staff member's employment status through disciplinary procedures.

Adopted as Amended October 21, 2002
Adoption Date November 17, 1997

STAFF ETHICS

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

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

Adopted as Amended October 21, 2002
Adoption Date November 17, 1997

STAFF CONDUCT

All staff members have a responsibility to make themselves familiar with, and to abide by, the laws of the State of Ohio, the policies of the Board and the administrative regulations designed to implement them.

The Board expects staff members to conduct themselves in a manner which not only reflects credit to the District, but also presents a model worthy of emulation by students.

All staff members will be expected to carry out their assigned responsibilities with conscientious concern. Essential to the success of ongoing school operations and the instructional program are the following specific responsibilities which will be required of all personnel:

- A. faithfulness and promptness in attendance at work;
- B. support and enforcement of policies of the Board and regulations of the school administration in regard to students;
- C. diligence in submitting required reports promptly at the times specified;
- D. care and protection of school property; and
- E. concern and attention toward their own and the Districts legal responsibility for the safety and welfare of students, including the need to ensure that students are under supervision at all times.

Adopted as Amended October 21, 2002
Adoption Date November 17, 1997

STUDENT SUPERVISION AND WELFARE

Certificated staff members because of their proximity to students are frequently confronted with situations which, if handled incorrectly, could result in liability to the District and personal liability to the certificated staff member. It is the intent of the Board to direct the preparation of guidelines that would minimize that possibility.

It is the responsibility of the Superintendent, with the advice and consent of the Board, to prepare administrative guidelines to ensure the maintenance of the following standards:

- A. Each certificated staff member shall maintain a standard of care for supervision, control, and protection of students commensurate with assigned duties and responsibilities.
- B. A certificated staff member should not volunteer to assume responsibility for duties s/he cannot reasonably perform. Such assumption carries the same responsibilities as assigned duties.
- C. A certificated staff member shall provide proper instruction in the safety matters presented in assigned course guides.
- D. Each certificated staff member shall immediately report to the principal any accident or safety hazard s/he detects.
- E. A certificated staff member shall not send students on any personal errands.
- F. A certificated staff member shall not associate with students, particularly those of the opposite gender, 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. Any sexual conduct with a student by a certificated staff member or other person in authority in the school subjects the offender to criminal liability and discipline up to and including termination of employment.

This provision should not be construed as precluding a certificated staff member from associating with students in private for legitimate or proper reasons.

- G. 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, unless properly licensed and authorized to do so, to counsel, assess, diagnose, or treat the student's problem or behavior.

Parents shall be informed of the matter, unless the student requests otherwise.

- H. A certificated staff member shall not transport students in a private vehicle without the approval of the principal.
- I. A student shall not be required to perform work or services that may be detrimental to his/her health.

Pursuant to the laws of the State and Board Policy 8462, each certificated staff member shall report to the proper legal authorities immediately, any sign of suspected child abuse or neglect.

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

R.C. 2907.03

Revised Date August 5, 2002
Adoption Date November 17, 1997

NOTIFICATION OF SEX OFFENDERS

When the sheriff notifies the Superintendent an individual registered as a sexual predator or habitual sex offender (“sex offender”) resides in the District, the District will take steps to notify employees and parents to the presence of the sex offender.

The Superintendent will provide the information received from the sheriff to all employees whose duties include supervision of, or responsibility for, students. The Superintendent will determine the appropriate manner in which to provide such notice to employees. Employees who receive this information must promptly notify the Superintendent if the sex offender is observed in the vicinity of a school. The Superintendent will notify law enforcement officials if, in his or her judgment, the presence of the offender appears to be without legitimate purpose or otherwise creates concern for the safety of the students.

The Superintendent will provide notification to parents and/or guardians of students who reside within the attendance area in which the sex offender resides. The Superintendent may also review each incident to determine if other attendance areas should be notified. By law, this notification must only consist of a statement that a sex offender is residing within the attendance area and that information concerning the offender may be obtained from the office of the sheriff.

Adopted as Amended October 21, 2002
Adoption Date May 11, 1998

STAFF GIFTS

The Board considers the presentation of gifts to certificated/licensed staff members by students and their parents an undesirable practice because it tends to embarrass students with limited means and gives the appearance of currying favor.

Based on the foregoing premise, it is the policy of the Board that certificated/licensed staff members may accept gifts of nominal value from students or parents.

The Superintendent may approve acts of generosity to individual staff members in unusual situations.

Upon the recommendation of the Superintendent, the Board shall consider, as appropriate, the presentation of token gifts to retiring members of the staff who have rendered service for a period of time.

Certificated/licensed staff members shall not accept any form of compensation from vendors that might influence their recommendations on the eventual purchase of equipment, supplies, or services. Furthermore, certificated/licensed staff members shall not accept any compensation from a vendor after a decision has been made to purchase equipment, supplies, or services from said vendor. In addition, certificated/licensed staff members who recommend purchases shall not enter into a contractual arrangement with a vendor seeking to do business with the District, or a vendor with whom the District is doing business, whereby an individual certificated/licensed staff member receives compensation in any form for services rendered.

Auditor of State Bulletin 2000-006

Adopted as Amended October 21, 2002

Adopted as Amended October 8, 2001

Adoption Date November 17, 1997

USE OF TOBACCO BY CERTIFICATED STAFF

The Board recognizes that the use of tobacco presents a health hazard which can have serious consequences both for the user and the nonuser and is, therefore, of concern to the Board.

For purposes of this policy, "use of tobacco" shall mean all uses of tobacco, including a cigar, cigarette, pipe, snuff, or any other matter or substances that contain tobacco.

In order to protect students and staff who choose not to use tobacco from an environment noxious to them, and because the Board cannot, even by indirection, condone the use of tobacco, the Board prohibits the use of tobacco by certificated staff members in school buildings, Board-owned vehicles and all school grounds at all times. Such prohibition also applies on school buses and at any school-related event.

The only exception is that tobacco may be used in private vehicles on school grounds.

R.C. 3313.20, 3313.47
20 U.S.C. 6081 et seq

Adopted as Amended February 18, 2003
Adopted as Amended October 21, 2002
Adoption Date November 17, 1997

STAFF DRESS AND GROOMING

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

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

- A. be physically clean, neat, and well groomed;
- B. dress in a manner consistent with their professional responsibilities;
- C. dress in a manner that communicates to students a pride in personal appearance;
- D. dress in a manner that does not cause damage to District property;
- E. be groomed in such a way that their hair style or dress does not disrupt the educational process nor cause a health or safety hazard.

Adopted as Amended October 21, 2002
Adoption Date November 17, 1997

DANGEROUS WEAPONS

The Board will not tolerate the possession of weapons or any other device designed to inflict serious bodily harm or inappropriate use of chemical irritants by any staff member while on District property, at a school-sponsored event, or on a school vehicle.

Any staff member found possessing a weapon or other device capable of deadly force and designed for that intent on District premises, a school vehicle, or on property being used by the District for school purposes may be charged with a felony. This restriction applies to staff members licensed to possess firearms unless serving as an authorized security officer. The illegal or inappropriate use of chemical irritants on District property may be subjected to criminal prosecution or disciplinary procedures.

The Superintendent shall ensure that any staff member possessing a weapon or other device designed to inflict serious bodily harm is reported immediately to the appropriate law enforcement agency. The staff member will be disciplined up to and including discharge consistent with law, due process, and any negotiated agreement.

R.C. 2923.12, 2923.22, 3313.20, 2923.1961, 2923.122, 2923.19
18 U.S.C. 922

Adopted as Amended October 21, 2002
Adoption Date November 17, 1997

STAFF EVALUATION

The Board through the powers derived from the Ohio Revised Code, is responsible for the employment and discharge of all personnel. To carry out this responsibility, the Superintendent shall establish and implement a program of personnel assessment.

It is the purpose of the program of staff assessment to:

- A. strive for the improvement of the total District program;
- B. stress the importance of personal improvement on the part of individual certificated staff members so that each student may be provided a quality education;
- C. ensure the continuous improvement of administrative and supervisory services provided certificated staff members;
- D. establish a process of continuous and systematic certificated staff member evaluation.

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

Evaluations shall be conducted of each certificated staff member. A certificated staff member shall be given a copy of any documents relating to his/her performance which are to be placed in the personnel file.

Evaluations of Administrators shall be conducted in accordance with State statute and evaluation of certificated staff will be conducted in accordance with the negotiated agreement.

R.C. 3319.02, 3319.11, 3319.111
A.C. 3301-35-03(A)

Adopted as Amended October 21, 2002
Adoption Date November 17, 1997

OUTSIDE ACTIVITIES OF STAFF

The Board directs the Superintendent to promulgate the following guidelines so that certificated staff members may avoid situations in which their personal interests, activities, and associations may conflict with the interests of the District. If such situations threaten a staff member's effectiveness within the school system, the Superintendent shall evaluate the impact of such interest, activity, or association upon the certificated staff member's responsibilities.

- A. Staff members should not give work time to an outside interest, activity, or association without valid reason to be excused from assigned duties.
- B. Staff members shall not use school property or school time to solicit or accept customers for private enterprises without written administrative permission.
- C. Staff members shall not engage in business transactions on behalf of private enterprises in which s/he 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. Staff members shall not campaign on school property during duty hours on behalf of any political candidate for local, State, or National office.
- E. Staff members may not accept fees for tutoring when such tutoring is conducted during the normal work day.
- F. Staff members may not accept fees for remedial tutoring of students currently enrolled in one (1) or more of their classes.

Adopted as Amended October 21, 2002
Adoption Date November 17, 1997

**BOARD OF EDUCATION
PARMA CITY SCHOOLS**

CERTIFICATED STAFF
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The Board directs the staff not to recommend by name one home tutor over another. Students and/or parents seeking to employ the services of a private home tutor will be referred to the Student Services Department for a list of licensed teachers who have expressed interest in providing tutorial assistance in their field of expertise. Financial details, time, and place of tutorial sessions will be the responsibility of the student and his/her parents.

Adopted as Amended October 21, 2002
Adoption Date November 17, 1997

LESSON PLANS

Every teacher is responsible for planning written lesson plans on a weekly and daily basis. Lesson plans are to be developed using current courses of study and should be designed to address the needs of the individual students. Administrators may evaluate and/or review daily and/or unit lesson plans upon request.

Adoption Date June 26, 2000

FREEDOM OF SPEECH IN NONINSTRUCTIONAL SETTINGS

The Board acknowledges the right of its certificated 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, the certificated staff member's expression must be balanced against the interests of this District.

The following guidelines are adopted by the Board to help clarify and, therefore, avoid situations in which the certificated staff member's expression could conflict with the District's interests. In such situations, s/he should:

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

Adopted as Amended October 21, 2002

POLICY

**BOARD OF EDUCATION
PARMA CITY SCHOOLS**

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PROHIBITION OF HARASSMENT

The Board of Education of the Parma City School District is committed to the creation and maintenance of a learning environment in which all persons who participate in school programs and activities can do so in an atmosphere free from harassment. Harassment, bullying, shunning, or discrimination on the basis of race, color, national origin, ancestry, citizenship, religion, disability, age, sex or sexual orientation, economic status, or any other human characteristic is incompatible with such an environment and is strictly prohibited.

Students, administrators, teachers, staff, and all other school personnel, including Board members, agents, volunteers, contractors, and other persons subject to the control and supervision of the Board are without limitation, subject to this anti-harassment policy and are herein defined as members of the “School District community.”

Prohibited Conduct includes:

A. Sexual Harassment

For purposes of this policy, sexual harassment of a student consists of unwelcome and unsolicited sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:

1. a member of the School District community causes a student to believe that s/he must submit to unwelcome sexual conduct in order to participate in a school program or activity, or when a member of the School District community causes a student to believe that an educational decision will be made based on whether or not the student submits to unwelcome sexual conduct; or
2. a member of the School District community engages in unwelcome sexual conduct that is so severe, persistent, or pervasive that it affects a student’s ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, or abusive educational environment.

B. Other Prohibited Harassment

Prohibited harassment is conduct by a member of the School District community arising out of or related to the actual or perceived race, color, national origin, ancestry, citizenship, religion, disability, age, sexual orientation, economic status, or any other human characteristic, when such conduct has the purpose or effect of:

1. unreasonably interfering with a student’s curricular, co-curricular, or extra-curricular performance;

2. creating an intimidating, hostile, or offensive educational environment; or
3. otherwise adversely and unreasonably impacting upon a student's educational opportunities.

C. Physical Intimidation or Bullying

Physical intimidation or bullying is any conduct involving physical force or the threat of such force that has the purpose or effect of compelling a student to act against his/her will or deterring a student from acting in accordance with his/her will.

Reporting Prohibited Conduct

It is the responsibility of each faculty and staff member in the School District to recognize incidents of harassment and take immediate necessary action to ensure that such acts are addressed swiftly, fairly, and effectively by the District. Consequently, all faculty and staff in schools, offices, and other facilities must be aware of and responsible for reporting any harassment, bullying, shunning, or other discriminatory conduct reported to or witnessed by them.

It will be explained to all students that harassing, bullying, shunning, and other such behaviors are intolerable. All students will be encouraged to notify a faculty or staff member if they are the victims of prohibited conduct or if they are a witness to such conduct.

All faculty and staff are required to report any prohibited conduct, as soon as possible, to their building coordinator, principal, or the Civil Rights Officer ("CRO"). Building coordinators and principals must ensure that all reports of prohibited conduct are documented on a "Harassment Report Form." Furthermore, building coordinators and principals will ensure that every Harassment Report Form is provided, as soon as possible, to the CRO for investigation.

Any person at any time may contact the CRO directly regarding any potential incidents of prohibited conduct at:

Civil Rights Officer
Parma City School District
6726 Ridge Road
Parma, Ohio 44129
440-885-8334

Investigating Reports of Prohibited Conduct

The CRO will be responsible for investigating and resolving every reported incident of prohibited conduct. The CRO will complete a full investigation of each report within a reasonable time. The CRO will resolve each reported incident and where appropriate, disciplinary action will be taken in compliance with applicable laws, the Student Code of Conduct, and School District procedures.

Appeals

Any party dissatisfied with the result of the CRO's investigation may appeal that decision to the Superintendent.

Training

Every faculty and staff member will be trained to properly recognize, report, and respond to incidents of prohibited conduct.

The CRO will be provided with further training regarding effective techniques for investigating and responding to harassment, bullying, or other discriminatory behaviors. The CRO will be trained to effectively and sensitively investigate and resolve reports of harassment in accordance with the recommendation of the U.S. Department of Education's Office for Civil Rights found in Protecting Students from Harassment and Hate Crime: A Guide for Schools.

Communication

Subject to legal obligations and restrictions, considerations of safety and any determination that is made to notify the parent or guardian of a minor student reporting that s/he has been so harassed, reasonable measures shall be taken to keep the identity of anyone so reporting confidential in relation to any person(s) alleged to have engaged in harassment unless authorization is otherwise given.

Retaliation

Retaliation against any person who submits a good faith report of an incident of harassment is prohibited. Retaliation against any person who participates in an investigation into conduct covered by this policy also is prohibited. Reporting an incident of harassment will not affect the reporting party's or witness's future employment, grades, learning or working environment, or assignments. Any person who engages in retaliation shall be subject to further discipline under this policy, other applicable School District policies, and applicable laws.

United States Department of Education, Office for Civil Rights

Any party may contact the U.S. Department of Education at any time concerning an incident of harassment.

United States Department of Education
Office for Civil Rights
600 Superior Avenue East
Bank One Center, Suite 750
Cleveland, Ohio 44114
216-522-4970

The Office for Civil Rights is an independent government agency charged with the responsibility of resolving complaints of discrimination. The Office for Civil Rights is not affiliated with the Parma City School District.

Reporting an incident of harassment to the U.S. Department of Education Office for Civil Rights does not automatically trigger an investigation by the Parma City School District.

Any person who wants the Parma City School District to investigate an incident of harassment must report the incident to the School District.

The School District will cooperate with the Office for Civil Rights in any investigation that it initiates into alleged incidents of harassment.

R.C. 4112.02
41 U.S.C. 2000d et seq.
42 U.S.C. 2000e et seq.
29 U.S.C. 621 et seq.
29 U.S.C. 794
42 U.S.C. 12101 et seq.
20 U.S.C. 1681 et seq.
42 U.S.C. 1983

Adoption Date November 17, 1997
Revised 7/17/00
Revised 6/2/03

HARASSMENT POLICY – CERTIFICATED STAFF

The Board of Education of the Parma City School District is committed to the creation and maintenance of a working environment in which all persons can work in an atmosphere free from unlawful harassment. Harassment on the basis of race, color, national origin, ancestry, citizenship, religion, disability, age, sex, sexual orientation, or any other status protected by law is incompatible with such an environment and is strictly prohibited.

The term “harassment” may include such unwelcome conduct as slurs and other offensive remarks, jokes, and other verbal, graphic, or physical conduct.

The District will not tolerate, condone or allow harassment, whether engaged in by administrators, teachers, staff, volunteers or any other school personnel, including Board members; students; third parties (such as agents, vendors, contractors, or other non-employees who conduct business with the District, whether on or off District premises); or any other persons subject to the control and supervision of the Board.

Sometimes people use the word “harassment” to describe conduct far beyond what is covered under this or any other Board policy, such as personality conflicts or general disagreements. However, “harassment” has a specific meaning, and is not intended to describe all workplace conflicts or disagreements. Rather, “harassment” is conduct – based on race, color, national origin, ancestry, citizenship, religion, disability, age, sex, sexual orientation, or any other status protected by law – which substantially interferes with an individual’s employment or creates an intimidating, hostile or offensive work environment.

Because sexual harassment involves a specific type of unacceptable conduct, the District’s anti-harassment policy includes the following additional explanation of sexual harassment. For purposes of this policy, sexual harassment is defined as unwelcome conduct of a sexual nature, whether verbal or physical, when:

1. submission to or rejection of the conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
2. submission to or rejection of such conduct is used as the basis for employment decisions regarding that individual; or
3. the conduct substantially interferes with an individual’s employment or creates an intimidating, hostile or offensive work environment.

Examples of sexual harassment may include, but are not limited to: unwanted sexual demands; demands for sexual favors in exchange for favorable treatment or continued employment; severe and pervasive sexual jokes, advances or propositions; and other similar types of unwelcome behavior of a sexual nature.

The District encourages reporting of all perceived incidents of all types of harassment or retaliation, regardless of the accused individual’s identity or position. Individuals who believe they have been subjected to harassment or retaliation, or who have witnessed another employee being subjected to harassment or retaliation, should report the incident to a department head, a supervisor, or the District's Civil Rights Officer and fully cooperate in any subsequent investigation.

Any allegation of harassment reported under this policy will be promptly investigated. To the extent practical and appropriate under the circumstances, confidentiality will be maintained throughout the investigatory process. However, complaining parties should be aware that the District's obligation to investigate may require interviews with the alleged offender(s) and/or other witnesses to the alleged misconduct. It is important to note that if you, as a party with either direct or indirect involvement, are questioned with respect to any allegations, this questioning and/or interview should be kept in the strictest of confidence.

Upon completing the investigation of a harassment complaint, the District will communicate its finding and intended actions to the complainant and the alleged harasser. If the investigation determines that harassment has occurred, the harasser will be subject to appropriate disciplinary procedures, up to and including termination. Although the District's ability to discipline a non-employee harasser is limited by the degree of control, if any, that the District has over the alleged harasser, any employee who has been subjected to such a form of harassment should inform the District of that complaint immediately.

If an investigation results in a finding that a reporting party or witness falsely accused another of harassment knowingly or in a malicious manner, the reporting party or witness will be subject to appropriate discipline under this policy and other applicable District policies.

The District will not retaliate against anyone who makes a good faith report of harassment under this policy. Retaliation against any person who submits a good faith report of an incident of harassment is prohibited. Retaliation against any person who participates in good faith in an investigation into conduct covered by this policy also is prohibited. Any person who engages in retaliation shall be subject to further discipline under this policy, other applicable District policies, and applicable laws. Retaliation is a serious violation of this policy and should be reported immediately.

Adoption Date May 15, 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 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 or reported to the 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.

R.C. 2917.11

Adopted as Amended October 21, 2002
Adoption Date November 17, 1997

PLACEMENT ON SALARY SCHEDULE

All teachers newly employed by the District will be given credit on the teacher's salary schedule for up to five (5) years of service as a licensed regular or substitute teacher or learning disabilities tutor in:

- A. a chartered, non-public school located in Ohio;
- B. another public school whether inside or outside the State of Ohio; or
- C. a chartered school or institution that subsequently became chartered or a chartered special education program or a special education program that subsequently became chartered operated by the State or by a subdivision or other local government unit of the State of Ohio.

Credit for one (1) year of service will only be given when the year of service consisted of one hundred and twenty (120) full time-days of service in a single school year. A full-time day shall consist of at least four (4) hours of service.

All teachers newly employed by the District, including rehired retired teachers, will be given up to five (5) years of credit on the teacher's salary schedule for years of active military service in the armed forces of the United States (as defined in R.C. 3307.02). A partial year of active military service of eight (8) continuous months or more in the armed forces will be counted as one (1) year.

On an individual basis, the Board may grant initial salary schedule placement up to or beyond five (5) years of active teaching or related work experience combined with military service, as defined above.

R.C. 3317.13, 3317.14

Adopted as Amended October 21, 2002
Adoption Date November 17, 1997

POLICY

BOARD OF EDUCATION
PARMA CITY SCHOOL DISTRICT

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FMLA LEAVE

Qualifying Reasons for FMLA and Military Family Leave

In accordance with the Family and Medical leave Act of 1993, as amended, (“FMLA”), eligible staff members may take up to twelve (12) workweeks of job-protected, unpaid leave, or substitute appropriate paid leave if the staff member has earned or accrued it, for the following reasons:

- A. the birth and/or care of a newborn child of the staff member within one (1) year of the child’s birth;
- B. the placement with the staff member of a child for adoption or foster care within one (1) year of the adoption or placement in foster care;
- C. the staff member is needed to provide physical and/or psychological care for a spouse, child or parent with a serious health condition;
- D. the staff member’s own serious health condition makes him/her unable to perform the functions of his/her position; or
- E. any qualifying exigency (as defined in applicable federal regulations) arising out of the fact that the staff member’s spouse, son, daughter, or parent is a covered military member on active duty in the Armed Forces or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation (“Qualifying Exigency Leave”).

In addition, an eligible staff member who is a spouse, son, daughter, parent or next of kin of a covered service member with a serious injury or illness may take up to a total of twenty-six (26) workweeks of job-protected, unpaid leave, or substitute appropriate paid leave if the staff member has earned or accrued it, during a “single twelve (12) month period” to provide physical and/or psychological care for the covered service member (“Military Caregiver Leave”). A covered service member is defined as a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a “serious health illness or injury” incurred by a service member in the line of duty that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating. A “serious health illness or injury” for purposes of Military Caregiver Leave means undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. The “single twelve (12) month period” for leave to care for a covered service member with a serious injury or illness begins the first day the staff member takes leave for this

reason and ends twelve (12) months later, regardless of the twelve (12) month period established below for general FMLA leave. During the “single twelve (12) month period,” an eligible staff member is limited to a combined total of twenty-six (26) workweeks of unpaid leave for any FMLA qualifying reason. (Only twelve (12) of the twenty-six (26) workweeks total may be for a FMLA qualifying reason other than to care for a covered service member.)

Eligible Employees

Staff members are “eligible” if they have worked for the Board for at least twelve (12) months and for at least 1,250 hours over the twelve (12) months prior to the leave request. All full-time instructional employees¹ are deemed to meet the 1,250-hour requirement. Months and hours that members of the National Guard or Reserve would have worked if they had not been called up for military service counts towards the staff member’s eligibility for FMLA leave. While the twelve (12) months of employment need not be consecutive, employment periods prior to a break in service of seven (7) years or more will not be counted unless the break is occasioned by the staff member’s fulfillment of his/her National Guard or Reserve military obligation or a written agreement, including a collective bargaining agreement, exists concerning the Board’s intention to rehire the staff member after the break in service.

Twelve (12) Month Period

Twelve (12) month period is defined as a fixed twelve (12) month period (July 1-June 30).

Serious Health Condition

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves in-patient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider. As utilized in this policy, the term “incapacity” means an inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom. The term “treatment” includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. (Treatment does not include routine physical examinations, eye examinations, or dental examinations.)

¹ For purposes of the FMLA Policy, “instructional employees” are those whose principal function is to teach and instruct students in a class, a small group, or an individual setting and includes teachers, athletic coaches and special education assistants such as signers for the hearing impaired. It does not include teacher assistants or aides who do not have as their principal job actual teaching or instructing, auxiliary personnel such as counselors, psychologists, or curriculum specialists, cafeteria workers, maintenance workers or bus drivers.

- A. Inpatient care means an overnight stay in a hospital, hospice, or residential medical-care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care.
- B. Continuing treatment by a health care provider includes any one or more of the following:
 - 1. “Incapacity and treatment” involves a period of incapacity of more than three (3) consecutive, full calendar days and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - a. treatment two (2) or more times, within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g. physical therapist under orders of or on referral by a health care provider, or
 - b. treatment by a health care provider on at least one (1) occasion that results in a regimen of continuing treatment under the supervision of the health care provider.
 - c. Treatment by a health care provider as referenced above involves an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven (7) days of the first day of incapacity.
 - d. The health care provider is responsible for determining whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty (30) day period.
 - e. “extenuating circumstances” as set forth above means circumstance beyond the employee’s control that prevents the follow-up visit from occurring as planned by the health care provider.
 - 2. Any period of incapacity related to pregnancy, or for prenatal care. A period of incapacity related to pregnancy need not involve a visit to the health care provider for each absence, and the absence need not last more than three (3) consecutive, full calendar days;
 - 3. Any incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one that:

- a. requires periodic visits (i.e. at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;
 - b. continues over an extended period of time (including recurring episodes of a single underlying condition; and
 - c. may cause episodic rather than a continuing period of incapacity (e.g. asthma, diabetes, epilepsy, etc.). A visit to a health care provider is not necessary for each absence, and each absence need not last more than three (3) consecutive, full calendar days.
4. Any period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g. Alzheimer's, a severe stroke, terminal stages of a disease). With regard to permanent or long-term conditions, the employee or family member must be under the continuing supervision of, but need not be receiving active treatment, by a health care provider.
 5. Any period of absence to receive multiple treatments (including any 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 for a.) restorative surgery after an accident, or b.) other injury or a condition that would likely result in a period of incapacity of more than three (3) consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy) or kidney disease (dialysis).

Conditions for which cosmetic treatment is administered (e.g. most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.

Intermittent and Reduced Schedule Leave

A staff member is entitled to take FMLA leave on an intermittent or reduced schedule leave when medically necessary as indicated in reasons (C) and (D) on page one. A staff member may also take FMLA leave on an intermittent or reduced schedule leave for Qualifying Exigency Leave (i.e. reason (E) on page one). Finally, Military Caregiver Leave may be taken on an intermittent or reduced schedule leave when medically necessary. Regardless, the taking of FMLA leave

intermittently or on a reduced schedule leave results in the total reduction of the twelve (12) or twenty-six (26) weeks only by the amount of leave actually taken. If the intermittent or reduced schedule leave is foreseeable based on planned medical treatment for the employee, a family member or a covered service member, the Superintendent/designee may require the staff member to transfer temporarily, during the period the intermittent or reduced schedule leave is required, to an available alternative position for which the staff member is qualified and which better accommodates recurring periods of leave than the staff member's regular position. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties. Instructional employees, as defined in this policy, who request intermittent leave or a reduced schedule leave because of reasons (C) or (D) on page one or pursuant to Military Caregiver Leave and the leave would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave must elect either to:

- A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- B. transfer temporarily to an available alternative position offered by the Superintendent/designee for which the instructional 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.

When leave is needed for planned medical treatment, the staff member must make a reasonable effort to schedule the treatment so as not to unduly disrupt the District's operations, subject to the approval of the health care provider.

Staff Member Notice Requirements

Staff members are required to provide thirty (30) calendar days advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than thirty (30) calendar days in advance, the staff member must provide notice as soon as practicable, generally, either the same or next business day. When the need for leave is not foreseeable, the staff member must provide notice as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, staff members must comply with the Board's usual and customary notice and procedural requirements for requesting leave. Failure to provide timely notice may result in the leave being delayed or denied, and/or possible disciplinary action.

Staff members must provide "sufficient information" for the Superintendent/designee to determine whether the FMLA may apply to the leave request. Depending on the situation, such information may include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is unable to perform the functions of the job, that the staff member or his/her qualifying family

member is under the continuing care of a health care provider, that the requested leave is for a particular qualifying exigency related to the active duty or call to active duty status of a covered military member, or that the leave due to a qualifying family member who is a covered service member with a serious injury or illness. The information may also include the anticipated timing and duration of the leave.

When a staff member seeks leave for a FMLA qualifying reason for the first time, the staff member need not expressly assert FMLA rights or even mention the FMLA. When an employee seeks leave, however, due to a FMLA qualifying reason for which the District has previously provided the staff member FMLA protected leave, the staff member must specifically reference either the qualifying reason for leave or the need for FMLA leave.

Substitution of Paid Leave

This policy does not limit or enlarge entitlement to paid or unpaid leave for which an employee is otherwise eligible. However, if an employee is entitled to and takes paid sick leave or assault leave for any circumstances set forth in this policy, the leave will be treated and counted against the employee's FMLA entitlement. A staff member electing to use any type of paid leave concurrently with FMLA leave must follow the same terms and conditions of the Board's policy that apply to other employees for use of such leave. The staff member is always entitled to unpaid FMLA leave if s/he does not meet the Board's conditions for taking paid leave. On occasion, the Board may waive any procedural requirements for the taking of any type of paid leave.

If the staff member has not earned or accrued adequate paid leave to encompass the entire twelve (12) workweek period of FMLA leave or a twenty-six (26) workweek period of Military Caregiver Leave, the additional weeks of leave to obtain the twelve (12) workweeks of FMLA leave or twenty-six (26) workweeks of Military Caregiver Leave shall be unpaid. Whenever a staff member uses paid leave during unpaid FMLA leave/Military Caregiver Leave, such leave is taken concurrently with FMLA leave and counts toward the twelve (12) workweek/twenty-six (26) workweek maximum leave allowance provided by this policy and federal law.

District Notice Requirements

The Superintendent/designee is directed to post the Department of Labor approved notice explaining employees' rights and responsibilities under the FMLA. Additionally, this general notice shall be included in employee handbooks or other written guidance to staff members concerning benefits or leave rights or, in the alternative, distributed to each new staff member upon hiring.

When a staff member requests FMLA leave or the District acquires knowledge that leave may be for a FMLA purpose, the Superintendent/designee shall notify the staff member of his/her eligibility and responsibility to take leave, and inform the staff member of his/her rights and responsibilities under the FMLA (including the consequences of failing to meet those obligations).

Along with the Notice of Rights and Responsibilities, the Superintendent/designee will attach any medical certification that may be required, and a copy of the employee's essential job functions. If the essential job functions are not provided at this time, they will be provided with the Designation Notice Form. If the Superintendent/designee determines the staff member is not eligible for FMLA leave, the Superintendent/designee must state at least one (1) reason why the staff member is not eligible. Such notice may be given orally or in writing and should be given within five (5) business days of the request for FMLA leave or within 5 days of the District's receipt of a proper certification, absent extenuating circumstances. When oral notice is given, it must be followed by written notice within five (5) business days. Staff member eligibility is determined (and notice provided) at the commencement of the first instance of leave for each FMLA qualifying reason in the applicable twelve (12) month period. All FMLA absences for the same qualifying reason are considered a single leave and staff member eligibility as to that reason for leave does not change during the applicable twelve (12) month period. If, however, the staff member's eligibility status has changed, the Superintendent/designee must notify the staff member of the change in eligibility status within five (5) business days, absent extenuating circumstances.

If the specific information provided by the Notice of Rights and Responsibilities changes, the Superintendent/designee shall within five (5) business days of receipt of the staff member's first notice of need for leave subsequent to any changes, provide written notice referencing the prior notice and setting forth any of the information in the Notice of Rights and Responsibilities that has changed.

When the Superintendent/designee has sufficient information to determine that leave is being taken for a FMLA qualifying reason (e.g. after receiving certification), the Superintendent/designee shall notify the staff member whether the leave will be designated and counted as FMLA leave. Leave that qualifies as **both** Military Caregiver Leave and leave to care for a qualifying family member with a serious health condition (i.e. reason (C) must be considered as Military Caregiver leave in the first instance. This designation must be in writing and must be given within five (5) business days of the determination, absent extenuating circumstances. Additionally, when appropriate, the Superintendent/designee shall notify the staff member of the number of hours, days and weeks that will be counted against the employee's FMLA entitlement, and whether the employee will be required to provide a fitness-for-duty certification to return to work.

Only one Designation Notice is required for each FMLA qualifying reason per applicable twelve (12) month period, regardless of whether the leave taken due to the qualifying reason will be a continuous block of leave or as intermittent or on a reduced schedule leave. If the Superintendent/designee determines the leave will not be designated as FMLA qualifying (e.g. if the leave is not for a reason covered by the FMLA or the staff member's FMLA leave entitlement has been exhausted), the Superintendent/designee shall notify the staff member of that determination. If the staff member is required to substitute paid leave for unpaid FMLA leave, or if

paid leave taken under an existing leave plan is being counted as FMLA leave, the Designation Notice” shall include this information. Additionally, the “Designation Notice” shall notify the staff member if s/he is required to present a fitness-for-duty certification to be restored to employment.

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Further, if the fitness-for-duty certification is required to address the staff member’s ability to perform the essential functions of his/her job, that will be indicated on the Designation Notice, and a list of the essential functions of the staff member’s position will be included.

If the information provided to the staff member in the Designation Notice changes, the Superintendent/designee shall provide, within five (5) business days of receipt of the staff member’s first notice of need for leave subsequent to any change, written notice of the change.

In the case of intermittent or reduced-leave schedule leave, only one such notice is required unless the circumstances regarding the leave have changed.

Limits on FMLA When Both Spouses are Employed by the Board

When an eligible husband and wife are both employed by the Board, they are limited to a combined total of twelve (12) workweeks of FMLA leave during any twelve (12) month period if the leave is taken for reason (A) or (B) on page one, or to care for the staff member’s parent who has a serious health condition.

Where the husband and wife both use a portion of the total twelve (12) week FMLA leave entitlement for reason (A) or (B) on page one, or to care for a parent, the husband and wife are each entitled to the difference between the amount s/he has taken individually and the twelve (12) weeks of FMLA leave for other purposes.

When an eligible husband and wife are both employed by the Board, they are limited to a combined total of twenty-six (26) workweeks of Military Caregiver Leave during the “single twelve (12) month period”.

Certification

When FMLA leave is taken for either reason (C) or (D) on page 1, the staff member must provide medical certification from the health care provider of the eligible staff member or his/her immediate family member. The certification forms will be provided to the employee by the District. The staff member may either:

- A. submit the completed medical certification to the Superintendent/designee; or
- B. direct the health care provider to transfer the completed medical certification directly to the Superintendent/designee, which will generally require the staff member to furnish the health care provider with a HIPAA compliant authorization.

The staff member remains responsible for making sure the certification is provided to the District in a timely manner even if the employee requests his/her health care provider to transfer the information directly to the District. If the staff member or health care provider fails to provide

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appropriate medical certification in a timely manner, any leave taken by the employee shall be delayed and/or may not constitute FMLA leave.

When the need for FMLA leave is foreseeable and at least thirty (30) days notice has been provided, the staff member must provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the Superintendent/designee within fifteen (15) calendar days after the staff member requests FMLA leave unless it is not practicable under the circumstances to do so despite the staff member's diligent and good faith efforts.

The Board reserves the right to require second or third opinions (at the Board's expense), and periodic recertification of a serious health condition. If a third opinion is sought, that opinion shall be binding and final. The staff member may either:

- A. submit the opinion of the second health care provider, and the opinion of the third health care provider if applicable, to the Superintendent/designee;
- B. direct the second or third health care provider to transfer his/her opinion directly to the Superintendent/designee, which will generally require the staff member to furnish the health care provider with a HIPAA compliant authorization.

In the event that the staff member fails to provide the medical opinion of the second or third health care provider, if applicable, any leave taken by the staff member shall not constitute FMLA leave.

Recertification

Recertification may be required no more often than every thirty (30) days in connection with an absence by the staff member unless the condition will last for more than thirty (30) days. For conditions that are certified as having a minimum duration of more than thirty (30) days, the District will not request recertification until the specified period has passed, except that in all cases the staff member must submit recertification every six (6) months in connection with an absence by the employee. Additionally, the Superintendent/designee may require a staff member to provide recertification in less than thirty (30) days if the staff member requests an extension of leave, the circumstances described in the previous certification have changed significantly, or if the District receives information that casts doubt upon the staff member's stated reason for the absence or the continuing validity of the certification. Finally, staff members must provide a new medical certification each leave year for medical conditions that last longer than one (1) year.

Certification for Military Leave

Staff members requesting Qualifying Exigency Leave are required to complete a certification which will be provided by the District. As stated in the certification, the staff member shall submit to the Superintendent/designee a copy of the covered military member's active duty orders and

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certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party.

Staff members requesting Military Caregiver Leave are required to complete a certification which will be provided by the District. As stated in the certification, the staff member shall submit to the Superintendent/designee certification completed by an authorized health care provider or a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family.

Authentication and Clarification of Certification

The Board authorizes its health care provider, or human resource professional but not the staff member's direct supervisor, to authenticate or clarify a medical certification of a serious health condition, or an ITO or ITA (i.e. medical certification provided for reasons (C) or (D) on page one or Military Caregiver Leave). Additionally, the Superintendent/designee is authorized to contact the individual or entity named in the Qualified Exigency Leave certification for purposes of verifying the existence and nature of the meeting.

Fitness for Duty Certification

A staff member who takes leave for reason (D) on page one, prior to returning to work, must provide the Superintendent/designee with a fitness-for-duty certification that specifically addresses the staff member's ability to perform the essential functions of his/her job. The fitness-for-duty certification shall only apply to the particular health condition that caused the staff member's need for FMLA leave. If reasonable safety concerns exist, the Superintendent/designee may, under certain circumstances, require a staff member to submit a fitness-for-duty certification before s/he returns to work from intermittent FMLA leave. The cost of the certification shall be borne by the staff member.

Job Restoration & Maintenance of Health Benefits

Upon return from FMLA leave, the Board shall restore the staff member to his/her former position, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. During FMLA leave, the Board shall maintain the staff member's current coverage under the Board's group health insurance program on the same conditions as coverage would have been provided if the staff member had been continuously working during the leave period. If the staff member was paying all or part of the premium payments prior to going on FMLA leave, the staff member must continue to pay his/her share during the leave.

Special Rules for Instructional Employees

If an instructional employee begins FMLA/Military Caregiver Leave toward the end of the academic term², the end of the calendar year or the end of the school year, the District may require

the instructional employee to remain on leave until the end of the academic term under the following circumstances:

1. Leave began more than 5 weeks before the end of the academic term, the leave will last at least three weeks and the employee would return to work during the three week period before the end of the term; or
2. Leave began during the 5 weeks before the end of the academic term, because of the birth of a son or daughter, the placement of a son or daughter for adoption of foster care; to care for a spouse, son, daughter, or parent with a serious health condition or to care for a covered service member, the leave lasts more than two weeks and the employee would return to work during the two week period before the end of the term; or
3. Leave began during the 3 week period before the end of the academic term because of the birth of a son or daughter, the placement of a son or daughter for adoption of foster care; to care for a spouse, son, daughter, or parent with a serious health condition or to care for a covered service member, and the leave will last more than 5 working days.

If the District requires an instructional employee to stay out until the end of the term, the period when the employee was able to return and require to stay out will not count against the employee's FMLA entitlement and the District will maintain the employee's group health insurance during that time.

The staff member shall not accrue any sick leave, vacation or other benefits during a period of unpaid FMLA leave unless otherwise required pursuant to a Board policy or contract (i.e. Collective Bargaining Agreement).

The use of FMLA leave shall not result in the loss of any employment benefit that the staff member earned or was entitled to before using FMLA leave.

A staff member shall have no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously working.

If the staff member fails to return to work at the end of the leave for reasons other than the continuation, recurrence, or onset of a serious health condition that entitles the staff member to leave pursuant to reasons (C) or (D) on page one or Military Caregiver Leave, or for circumstances beyond the control of the staff member, the staff member shall reimburse the Board for the health

insurance premiums paid by the Board during the unpaid FMLA leave period unless stated otherwise in a Board policy or contract.

Generally, a staff member may not be required to take more FMLA leave than necessary to resolve the circumstance that precipitated the need for leave.

A staff member who fraudulently obtains FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

The Superintendent/designee shall prepare any guidelines that are appropriate for this policy and verify that the policy is posted properly.

Copies of this policy shall be available to staff members upon request.

²For purposes of this Policy, "academic term" means the school semester.

29 U.S.C. 2601 et seq. (as amended)

29 C.F.R. Part 825

45 C.F.R. Part 160, 164

Adoption Date December 14, 2009

POLICY

**BOARD OF EDUCATION
PARMA CITY SCHOOLS**

CERTIFICATED STAFF
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JOB-RELATED EXPENSES

The Board may provide for the payment of the actual and necessary expenses, including traveling expenses, of any certificated staff member of the District incurred in the course of performing pre-approved services for the District whether within or outside the District, under the direction of the Board and in accordance with the parameters specified in this policy.

Expenses which are incurred by certificated staff members as a result of pre-authorized travel in and outside of the District will be reimbursed to the extent provided for in these guidelines. Reimbursement is intended to provide for transportation, lodging, and food of reasonable and adequate quality.

Authorization

- A. Travel within or outside the District is to be authorized by the immediate supervisor.
- B. Travel to conventions or conferences away from the District which, involve an overnight stay will be authorized by the appropriate administrator for approval by the Superintendent/designee. All such requests must be received in the Central Office at least fourteen (14) days prior to the date a decision is needed. Forms are available in each school office.

Procedure

- A. Each request for travel or conference funds should detail the reasons for the expenditures and should not be labeled in broad general terms (see Form PO3-22). Expenditures should be encumbered on a purchase order and submitted for approval.
- B. Under normal conditions, officers and certificated staff members traveling on official business shall provide themselves with sufficient funds of their own for ordinary expenses.
- C. Travel should be by the most direct and economical route.
- D. All persons authorized to travel on official business should keep receipts of expenditures properly chargeable to the Board. Certificated staff members might find it advantageous to charge as many expenditures as possible on credit cards. The itemized statement may serve as a receipt, with reimbursement available to pay the charges.

- E. In all instances of travel reimbursement, full itemization of expenditures is required.
- F. Those doing such traveling should be expected to exercise the same care in incurring expenses that they would in travel on personal business of their own. Excessive and unnecessary travel will not be approved or reimbursed.

Reimbursement

- A. Reimbursement will be at the current rates approved by the Board. Requests for reimbursement will be submitted on Form PO3-22 provided for that purpose.
- B. Travel outside the school district will be reimbursed at the regular fare rate charged the general public by common carrier, unless travel by private conveyance is more economical, in which case mileage will be reimbursed at the IRS rate or at the rate designated by the district's collective bargaining agreement. Taxi fare from home and conference destination to terminal and return is allowable with receipt.
- C. Meals will be reimbursed at a reasonable per diem rate as outlined on Form PO3-22. All claims must be supported by original receipted bills.
- D. Reimbursement for reasonable charges for tolls, lodging, parking, taxis, official telephone calls, and tips will be made upon presentation of supporting receipts.
- E. Registration fees are reimbursable.
- F. That portion of the sales tax on hotel bills, which is not covered by the tax-exempt certificate, is reimbursable.
- G. A tax-exempt certificate should be obtained from the Treasurer's Office and presented at the time reservations are being made or at the time of checking in.

Limitations

Employees are prohibited from accepting, soliciting, or using the authority or influence of his position to secure, for personal travel, a discounted or free "frequent flyer" airline ticket or other benefit from an airline if he has obtained the ticket or other benefit from

the purchase of airline tickets, for use in official travel, by the department with which he serves, or by which he is employed or connected.

In addition, employees are restricted from personally benefiting from the use of any travel related incentives including, but not limited to, fuel-perks, vendor gifts or solicitations.

R.C. 2921.42(A)(4), 2921.43(A)

Adoption Date November 17, 1997

Revised 11/4/02

Revised 2/17/04

Revised 1/25/10

POLICY

**BOARD OF EDUCATION
PARMA CITY SCHOOLS**

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USE OF DISTRICT VEHICLE FOR SCHOOL BUSINESS

The District has established the following policy for the use of school-owned vehicles in the performance of assigned duties.

- A. Regularly scheduled use will be authorized by the Superintendent/designee.
- B. School personnel who are required to be on-call in case of after hour emergencies may be assigned a District vehicle for daily use. Such use will be authorized by the Superintendent/designee.
 - 1. Only school personnel will be authorized to operate the vehicle.
 - 2. The vehicle is to be used only for school business except that personal use of school vehicles may be approved solely for transportation to and from work, for non-recurring personal errands on the way to and from work (if within a reasonable distance on a reasonably direct route between home and work), and for errands incidental to the use of the vehicle for school business. No personal use of school vehicles shall expose the Board to substantial additional risk of loss, damage or liability.
- C. Requirement for Continuation of District Vehicle Use:
 - 1. No repair work will be performed on the vehicle without the Superintendent's/designee's approval.
 - 2. All accidents and related injuries will be reported in writing immediately, no matter how minor, to the Superintendent/designee. Drivers shall report to their immediate supervisor any parking or traffic ticket incurred while operating a District vehicle, along with proof of payment.
 - 3. All accidents must be reported to the law enforcement agency where the accident takes place at the time of the accident.
 - 4. The designated operator is responsible for cleanliness of the vehicle both inside and outside.
 - 5. All motor vehicle accidents will be reported in writing, no matter how minor, to the Treasurer's Office.

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6. Regardless of whether you are driving a personal or District vehicle at the time, employees shall notify their immediate supervisor of traffic violations such as DUI, reckless operation and license suspension or revocation. The Board may annually check the employee's driving record.
7. Drivers and passengers must wear seatbelts in accordance with Ohio law. Drivers shall obey all state and local traffic laws.
8. Transporting individuals/cargo unrelated to the performance of school business is prohibited.
9. All employees who drive District owned vehicles will maintain a mileage log on file in each respective department.

Adoption Date 1/25/10

UNAUTHORIZED WORK STOPPAGE

The Board is obligated and committed to provide certain basic services to students participating in District programs. Therefore, if the schools are open and the students are in attendance, those basic services will be provided.

Recognizing the fact that the District, for various reasons, could experience an unauthorized work stoppage, the Board remains committed to providing educational and related services to the schools and will fulfill its obligations to operate the schools when possible.

Certificated staff members who fail to perform their normal duties when so required as part of a concerted unauthorized work stoppage will be subject to loss of pay and fringe benefits, including paid insurance coverage, as well as disciplinary measures in accordance with the laws of the State.

R.C. 3313.202, 4117.01 et seq.

Adopted as Amended October 21, 2002
Adoption Date November 17, 1997

