

**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 classified staff members, will assist the District in achieving the operational 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 fully informed of the Board's problems, concerns, and actions.

C. Visit to School

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 school or classroom is being made for other than general interest, the Board members shall inform the Superintendent of such visit and 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  
Adoption Date November 17, 1997

**EMPLOYMENT OF CLASSIFIED STAFF**

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

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

When any recommended candidate has been rejected by the Board, the Superintendent shall make a substitute recommendation.

All applications for employment shall be referred to the Human Resources Office.

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 staff member.

Any classified 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.

When appropriate, no candidate for employment as a classified staff member shall receive recommendation for such employment without having proffered visual evidence of proper certification or that application for such certification is in process.

The Superintendent shall prepare procedures for the recruitment and selection of all classified staff.

R.C. 3319.081, 3319.082  
A.C. 3301-83-07

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

EMPLOYMENT OF SUBSTITUTES

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

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

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 staff member.

Relatives of Board members may be employed by the Board, provided the member of the Board involved does not participate in any way in the discussion or vote.

In order to ensure reliable assistance in the absence of regular classified personnel, the Board will offer competitive compensation to qualified substitutes.

Classified substitutes will be paid on an hourly basis at a rate set periodically by the Board.

Adopted as Amended November 4, 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 classified 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, 109.574-7, 121.401-2

Adopted as Amended Date January 7, 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 classified staff. This requirement includes all substitutes, persons employed on a part-time basis such as coaches or activity supervisors. 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; and
- 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 (BCI) 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 is confidential and shall not be released or disseminated.

Should it be necessary to employ a person to maintain continuity of the District's operations, prior to receipt of the criminal history record, the Superintendent may, except in the case of a bus driver, employ the person on a provisional basis until the report is received.

In accordance with State regulations, the Superintendent shall request the BCI to conduct a biennial criminal history record check on each employed bus driver.

R.C. 109.57, 109.572, CH 2950, 2953.32, 3319.39, 3301.541  
A.C. 3301-83-06 (B)(10)

Adopted as Amended November 4, 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 classified 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 and promotion 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 November 4, 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 classified 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 collective bargaining 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 collective bargaining agreements.

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

Adopted as Amended November 4, 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 November 4, 2002  
Adoption Date April 15, 2002

ASSIGNMENT AND TRANSFER

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

Responsibility for the assignment and transfer of classified staff members shall be vested in the Business Manager.

R.C. 3319.081, 3319.04

Adopted as Amended November 4, 2002  
Adoption Date November 17, 1997

**REDUCTION IN FORCE**

Reduction of classified staff made necessary through decreases in student enrollment, changes in regular and complementary instruction, abolishment of positions, or shortages of funds will be in compliance with the State and Federal laws relating to employment decision and equal employment opportunity.

The Board reserves the right to abolish positions in the District and to reduce the staff consistent with the negotiated agreement and Ohio law.

The Superintendent shall, with the advice and consent of the Board, develop administrative guidelines for the reduction of staff, which shall be in accordance with the terms of the Negotiated Agreement, due process, and the best interests of the District.

Revised Date August 5, 2002  
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 provision of any appropriate collective bargaining agreement.

R.C. 124.34, 3319.081, 4117.08(C)

Adoption Date February 17, 2004

**TERMINATION OR RESIGNATION/RETIREMENT**

**TERMINATION**

The employment of a classified staff member may be suspended or terminated, with the recommendation of the Superintendent, upon a majority vote of the Board, for violation of Board policies and in accordance with the Ohio Revised Code, when applicable.

**RESIGNATION/RETIREMENT**

A classified administrative staff member may resign/retire by filing a written letter of resignation/retirement with the Superintendent at least sixty (60) days prior to the effective date of the resignation/retirement. Classified Administrators will be released upon approval of the Board.

R.C. 3319.081

Adopted as Amended November 4, 2002  
Adopted as Amended Date December 6, 1999  
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  
A.C. 3301-83-06  
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990  
29 C.F.R. Part 1630

Adopted as Amended November 4, 2002  
Adoption Date November 17, 1997  
Revised October 13, 2008

**UNREQUESTED LEAVES OF ABSENCE**

The Board may place a classified 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 classified staff member will be offered the opportunity for a meeting to discuss these issues.

Prior to placing a classified staff member on unrequested leave, the Board may require the staff member to submit to an appropriate examination by a health provider determined 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 classified staff member is found to be unable to perform assigned duties and no reasonable accommodations are available, the classified staff member may be placed on involuntary leave of absence for a period not to exceed two (2) consecutive school years.

A classified staff member subject to an unrequested leave of absence shall have such rights as are available under R.C. 3319.081 or the terms of a Negotiated Agreement.

R.C. 3319.081  
A.C. 3301-83-07  
Americans with Disabilities Act of 1990  
42 U.S.C. 12101 et seq.  
29 C.F.R. Part 1630

Adopted as Amended November 4, 2002  
Adoption Date November 17, 1997

DRUG AND ALCOHOL TESTING OF CDL LICENSE HOLDERS

The Board believes that the safety of students while being transported to and from school or school activities is of utmost importance and is the primary responsibility of the driver of the school vehicle. To fulfill such a responsibility, each driver, as well as others who perform safety-sensitive functions with District vehicles must be mentally and physically alert at all times while on duty. To that end, the Board has established this policy and others related to employees' health and well-being. To this end the Superintendent will establish administrative guidelines.

49 C.F.R. 382.101 et seq.

Adopted as Amended November 4, 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 classified staff. The Board may assist such employees in a manner recommended by appropriate specialists in the treatment of those illnesses.

A classified 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 classified staff having any other illness.

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

Classified staff who suspect they may have an alcoholism 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 November 4, 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 the 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 November 4, 2002

**STUDENT SUPERVISION AND WELFARE**

Classified staff members may be confronted with situations which, if handled incorrectly, could result in liability to the District and personal liability to the staff member.

It is the responsibility of the Superintendent to prepare administrative guidelines to ensure the maintenance of the following standards:

- A. Each classified staff member shall report immediately to the principal any accident or safety hazard s/he detects.
- B. A classified staff member shall not send students on any personal errands.
- C. A classified 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 classified staff member subjects the offender to criminal liability and discipline up to and including termination of employment.  

This provision should not be construed as precluding a classified staff member from associating with students in private for legitimate or proper reasons.
- D. A classified staff member shall not transport students in a private vehicle without the approval of the principal.
- E. A student shall not be required to perform work or services that may be detrimental to his/her health.
- F. 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

Adopted as Amended November 4, 2002  
Adoption Date November 17, 1997

**STAFF GIFTS**

The Board considers the presentation of gifts to classified 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 classified 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.

Classified 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, classified 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, classified 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 classified staff member receives compensation in any form for services rendered.

Auditor of State Bulletin 2000-006

Adopted as Amended November 4, 2002  
Adopted as Amended October 8, 2001  
Adoption Date November 17, 1997

**USE OF TOBACCO BY CLASSIFIED 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 classified 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 November 4, 2002  
Adoption Date November 17, 1997

**STAFF DRESS AND GROOMING**

The Board believes that classified staff members, like certificated staff members, set an example in dress and grooming for students to follow. Staff members who understand this precept and adhere to it enlarge the importance of his/her task and present an image of dignity and professionalism.

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 classified staff members shall:

- A. be physically clean, neat, and well groomed;
- B. dress in a manner consistent with their assigned 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;
- F. wear uniforms when provided by the District.

Adopted as Amended November 4, 2002

**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 November 4, 2002  
Adoption Date November 17, 1997

EVALUATION OF CLASSIFIED STAFF

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

The goals of the Board's evaluation plan for classified personnel are:

- A. to improve and reinforce the skills, attitudes, and abilities which enable a classified staff member to be effective in achieving assigned job goals;
- B. to identify and remediate weaknesses which prevent a classified staff member from achieving the goals of assigned duties. The Superintendent shall prepare administrative guidelines to conduct classified staff member evaluations in compliance with the Negotiated Agreement.

R.C. 3319.081  
A.C. 3301-35-03 (A)

Revised Date August 5, 2002  
Adopted as Amended Date December 6, 1999  
Adoption Date November 17, 1997

**OUTSIDE ACTIVITIES OF CLASSIFIED STAFF**

The Board directs the Superintendent to promulgate the following guidelines so that 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 Board reserves the right to evaluate the impact of such interest, activity, or association upon a 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 staff member has obtained or may obtain by reason of his/her position or authority.
- D. Staff members shall not campaign on school property during school time in behalf of any political issue or candidate for local, State, or National office.
- E. Staff members should avoid conduct and associations outside the school which, if known, could have an adverse or harmful effect upon the school community.
- F. Staff members should refrain from expressions that would disrupt harmony among their co-workers or interfere with the maintenance of discipline by school officials.

R.C. 3313.20

Adopted as Amended November 4, 2002  
Adoption Date November 17, 1997

**CLASSIFIED STAFF DEVELOPMENT OPPORTUNITIES**

Classified staff employees are an integral part of the District's total staff. Their training and development are essential to the efficient and economical operation of the schools.

All classified staff employees will be encouraged to grow in job skills and to take additional training which will improve their skills on the job. It is the responsibility of all building principals to assist effectively in the training of classified staff assigned to their respective buildings.

Absences to attend meetings, conventions, conferences, or workshops of local, State, or national associations which serve to advance the welfare of the District through the upgrading and strengthening of the support service may be granted by the Superintendent or the Superintendent's designee without loss of pay to the employee.

Adopted as Amended November 4, 2002  
Adoption Date November 17, 1997

# POLICY

**BOARD OF EDUCATION  
PARMA CITY SCHOOLS**

**CLASSIFIED STAFF**  
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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:

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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

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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 – CLASSIFIED 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 is also 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 November 4, 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

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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 employees<sup>1</sup> 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.)

<sup>1</sup> 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).

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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.

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### **Special Rules for Instructional Employees**

If an instructional employee begins FMLA/Military Caregiver Leave toward the end of the academic term<sup>2</sup>, 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

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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.

<sup>2</sup>For 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

JOB-RELATED EXPENSES

The Board may provide for the payment of pre-authorized actual and necessary expenses, including traveling expenses, of any classified staff member of the District incurred in the course of performing services for the District.

Adopted as Amended February 17, 2004  
Adopted as Amended November 4, 2002  
Adoption Date November 17, 1997

**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 students are in attendance, those basic services will be provided.

Recognizing the fact that a 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.

Classified staff members who fail to perform their normal duties when so required as part of an 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 policies of this Board and the laws of the State.

R.C. 3313.202, 4117.01 et seq.

Adopted as Amended November 4, 2002

