

FARGO PUBLIC SCHOOLS

FARGO, NORTH DAKOTA



CERTIFIED EMPLOYEE GUIDEBOOK

JULY 1, 2009 - JUNE 30, 2011

Fargo Public School District #1 is committed to a culture of collaboration, open communication, and the personal and professional growth of all employees. This Employee Guidebook has been prepared to assist employees in understanding some of the policies, procedures, rules, and regulations, and to provide for the orderly and efficient operation of the School District. Each employee is obligated to read and become familiar with this information and to follow the policies, procedures, rules, and regulations contained herein.

Please direct any questions regarding either the Guidebook or matters not covered here to your immediate supervisor. For complete information on these policies please contact Human Resources. Should any policies, procedures or benefits language contained in this Guidebook differ from those set forth in the collective bargaining agreement, the latter shall govern.

This Employee Guidebook has been prepared for information purposes only, and the provisions contained herein supersede any and all previous Guidebooks, statements, policies, procedures, rules, or regulations given to employees, whether verbal or written. None of the statements, policies, procedures, rules or regulations contained herein constitute a guarantee of employment, a guarantee of any other right or benefits, or a contract of employment, expressed or implied. The provisions set forth in this Guidebook may be altered, modified, changed, or eliminated at any time by the District. Policy changes will be posted electronically to the employee portal within 5 days of being adopted by the District.

Because policies may be revised as needed to better serve the students and staff of the Fargo Public Schools, all employees are encouraged to refer to the on-line version of the Employee Guidebook for current District policies, as the on-line version of this Guidebook will always reflect the actual policies which are currently in effect in the Fargo Public Schools.

Employee Acknowledgement:

. I understand that the Guidebook \has been developed for the general guidance of FPS employees and that it is my responsibility to read and acquire an understanding of the information contained in the Guidebook. The Office of Human Resources is available to answer any questions I may have concerning the Guidebook or any District policies, benefits and/or procedures.

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Section I - Employment

Administrative Responsibility

All employees will be under the supervision of the respective departmental administrator to whom assigned.

The appropriate supervisor will be responsible for the assignment and work scheduling of personnel and will be responsible for providing appropriate training, supervision and evaluation of such personnel.

Equal Opportunity Employer

The Fargo Public Schools is an Equal Opportunity Employer and does not discriminate on the basis of race, color, religion, national origin, sex, age, disability or non-disqualifying handicap in its education programs/activities and employment practices. The Fargo Public Schools seek to provide access to all its programs for those interested persons who might have a variety of handicapping conditions. This includes those with impaired vision and hearing loss. Furthermore Fargo Schools' district policy 5060 assures that the district and its employees will not retaliate against any persons who file a complaint regarding these or any other OCR enforced statutes regarding discrimination and/or treatment. Additionally the School District will discipline any individual who retaliates or takes adverse action against any person who reports alleged discrimination and/or harassment or who testifies, assists, or participates in any investigation relating to a discrimination and/or harassment complaint. If you have concerns or need information regarding the existence and location of services, activities, and facilities that are accessible, please contact the 504 Coordinator, Deb Dillon, Director of Alternative Programming at (701)446-1000. For information regarding Title IX compliance call, Brad Franklin, Principal, Jefferson Elementary School or Jennifer Soupir-Fremstad, Assistant Principal, Fargo South High School at (701)446-1000. You may also write to the coordinators at Fargo Public Schools, 415 4th Street N. Fargo, ND 58102.

Duties of Teachers – AP 5210

GENERAL DUTIES OF TEACHERS

1. The primary duty of the teacher is to help students learn basic subject matter and/or skills that will contribute to their development as mature, able, and responsible men and women.
2. The teacher's responsibilities to students are not confined to the classroom but extend to school corridors, restrooms, playground, study halls, field trips or other assignments, as the principal may deem necessary for good discipline, health and safety.
3. Teachers in the Fargo Public Schools shall strive at all times to:
 - A. Plan a program of studies that meets the individual needs, interests, and abilities of students.
 - B. Create a classroom environment that is conducive to learning and appropriate to the maturity and interests of students.
 - C. Guide the learning process toward the achievement of the curriculum goals.
 - D. Employ instructional methods that are most appropriate for meeting the stated goals and objectives.
 - E. Assess the accomplishments of students on a regular basis and interpret their work fairly and honestly to students and parents.
 - F. Counsel with colleagues, students, and/or parents on a regular basis relative to individual student progress in terms which emphasize significant items of need, growth and personality development.
 - G. Assist the administration in implementing all policies and/or rules governing student life and conduct; for the classroom, develop reasonable rules of classroom behavior and procedures that maintain order in a fair and just manner.
 - H. Plan and supervise purposeful assignments for student teachers, aides, and/or volunteers and work cooperatively with supervisors and/or department chairpersons.
 - I. Maintain and improve professional competence.

J. Attend staff meetings and serve on committees that may be required and/or assigned; maintain a positive relationship with other building and school district employees.

K. Be readily available to students.

To accomplish these goals, specific job descriptions are prepared for each position and kept in the HR office as well as posted on the Fargo School Web Site. These individual job descriptions are not intended to supplant these general duties, but to expand on them. Teachers are expected, therefore, to adhere to this policy in addition to the specific duties outlined in the job description for their position.

Adopted 8/8/67
Reviewed 12/1/02 & 7/2006

Layoffs and Recalls AP-5225

When reduction of Education Standards and Practices' licensed staff becomes necessary because of declining enrollment, program curtailment, or lack of funds, the Board and administration shall make every effort to accomplish this by attrition.

In the event that the necessary reduction in force cannot be accomplished through attrition the following guidelines shall be used:

1. Contracted personnel shall be released in accordance with present statutes, fair dismissal procedures (15.1-15), and district procedures herein. Notification of contemplated nonrenewal will be delivered to affected staff as early as March 1, but not later than April 15.
2. Provided there are highly qualified, licensed teachers to replace and perform all the duties of the teaching assignment, teachers with the fewest number of years of teaching experience in the Fargo Public School District will be released first.
3. If two or more teachers have the same number of years of experience, the next consideration for reduction in force will be the teacher with the least academic preparation.
4. Any personnel released under this process will be offered reemployment if any vacancy occurs for which he/she is licensed or has become licensed for a period of two (2) years or until a position has been offered, whichever occurs first.

In the event that there are more teachers on the recall list than there are positions available, the school district will offer those positions to the teachers in order of seniority. The most senior licensed teacher will receive the first opportunity for reemployment.

April 2008

Staff Conduct – AP 5255

All employees are expected to adhere to established policies, rules, and standards of conduct. Failure to comply lessens the ability of the school district to fulfill our mission of guaranteeing a quality education for every student, every day. The following actions may lead to progressive disciplinary action, including verbal counseling, written reprimand, paid administrative leave, suspension without pay, and termination of employment.

A policy outlining standards of conduct and performance cannot be all inclusive. The Administration of the Fargo Public Schools reserves the right and will exercise the right to take appropriate action of certain conduct not specifically included in this policy when the conduct is such that any reasonable person would be expected to know it to be against the best interest of Fargo Public Schools.

1. Theft of school property or theft of the property of another employee
2. Falsification of any school record or employment application
3. Deliberate damage to or destruction of school property
4. Negligent conduct while on duty, resulting in personal injury to a student or another employee or property damage
5. Possessing, using, selling or buying any alcoholic beverage, narcotic, hallucinogenic drug, marijuana, barbiturate, amphetamine, or other intoxicant during working hours or on school premises, or being under the influence of a controlled substance while on Fargo Public Schools property
6. Smoking on Fargo Public Schools property
7. Unauthorized use of school equipment
8. Use of abusive or profane language or racial slurs toward students, parents, members of the public, or other employees
9. Disorderly conduct on school property which might include, but is not limited to: fighting, threatening or attempting to inflict bodily harm on another person
10. Engaging in immoral conduct in relation to a student
11. Excessive absenteeism, unreported absences of 1 or more days, excessive tardiness, repeated failures to clock in/out, abuse of sick leave benefits
12. Insubordination: refusal to follow a supervisor's instruction
13. Unauthorized use or possession of any dangerous weapon on school property.
(The definition of a dangerous weapon shall include but not be limited to firearms, knives, metal knuckles, straight razors, explosives, noxious irritants or poisonous gases, poisons, drugs or other items possessed with the intent to use, sell, harm, threaten or harass students, staff members, parents or members of the school community.
14. Associating with students at any time in any situation or activity which could be considered sexually suggestive or involve the presence or use of controlled substances such as tobacco, alcohol, or drugs, or dating a student enrolled in the district. Any such conduct with a student by an employee of the school district can also subject the offender to criminal liability.
15. Failure to wear employee ID badge or failure to wear it in the appropriate manner
16. Extended lunch or other breaks

17. Posting, altering, or removing material from bulletin boards or other Fargo Public Schools property without authorization
18. Conduct disruptive to fellow employees
19. Failure to exercise reasonable care or courtesy in dealing with students, customers, or other employees
20. Unsatisfactory work performance
21. Serious or intentional breach of confidentiality

Reviewed 11/1/06, 4/08, 9/08,
9/09

Job Posting

1. When a job opening occurs, a notice will be placed on the designated bulletin board, website, or notebook in all locations. The job posting notice will specify the job classification and position, rate of pay, and if applicable, the closing date for submission of applications.
2. Position openings will not be filled for a period of ten (10) working days from the initial posting to ensure that applicants from within the system have sufficient time to apply and be considered for potential interviews. Please refer to the Transfer Policy #
3. Consideration will be given to individuals indicating an immediate interest to transfer as the openings are posted. Opportunity to transfer is now on-line through the employee portal using the Applitrack system. Additional help can be accessed through Human Resources by calling 1039. Any transfer is considered a new assignment, and will include any associated the changes in group, salary, and benefits. (note: page 2)
4. Every effort will be made to post all jobs opened within the District in a timely manner.

Anti-Harassment – AP 5060 and 6060

AP-5060

PROHIBITION OF DISCRIMINATION, HARASSMENT AND VIOLENCE

I. GENERAL STATEMENT OF POLICY

It is the policy of the Fargo Public School District to maintain a learning environment that is free from discrimination and harassment. The Fargo School District prohibits any form of harassment based on race, color, religion, sex, national origin, mental or physical disability, sexual orientation, age, or status with respect to marriage or public assistance, or status in any group protected by federal or state law.

The School District will act to investigate all complaints, formal or informal, verbal or written, of harassment and to discipline or take appropriate action against any pupil, teacher, administrator, or other school personnel who is found to have violated this policy.

II. DISCRIMINATION / HARASSMENT DEFINED

Harassment generally includes, but is not limited to, physical contact or violence or verbal statements relating to an individual's race, color, religion, sex, sexual orientation, national origin, age, mental or physical disability, or status with respect to marriage or public assistance, or status in any group protected by federal, state or local law when the conduct:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
3. Otherwise adversely affects an individual's employment or academic opportunities.

III. SEXUAL DISCRIMINATION / HARASSMENT DEFINED

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct and violence or communication of a sexual nature when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or

2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment or education environment.

Sexual discrimination / harassment may include but is not limited to:

1. Unwelcome verbal harassment or abuse of a sexual nature;
2. Unwelcome pressure for sexual activity;
3. Unwelcome, sexually motivated, or inappropriate patting, pinching, or physical contact, other than necessary restraint of pupil(s) by teachers, administrators, or other school personnel to avoid physical harm to persons or property;
4. Unwelcome sexual behavior or words, including demands for sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
5. Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises for preferential treatment with regard to an individual's employment or educational status; or
6. Unwelcome behavior or words directed at an individual because of gender.

IV. RACIAL DISCRIMINATION / HARASSMENT DEFINED

Racial harassment in public schools violates Title VI of the Civil Rights Act of 1964; sexual harassment violates Title IX of the Education Amendments of 1972. Racial discrimination / harassment is present if a person is treated differently on the basis of race, color, or national origin in the context of an educational program or activity without legitimate nondiscriminatory reason so as to interfere with or limit the ability of the person to participate in or benefit from the services, activities, or privileges provided by the recipient.

Racial discrimination / harassment may include but is not limited to:

1. Harassing conduct that is physical, verbal, graphic or written;
2. Injury to persons or property or;
3. Conduct threatening injury to person or property.

I. REPORTING PROCEDURES

Any person who believes he or she has been the victim of discrimination and/or harassment on the basis of race, color, religion, sex, national origin, mental or physical disability, sexual orientation, age or status with respect to marriage or public assistance, or status in any group protected by federal or state law, by a pupil, teacher, administrator or other school personnel of the Fargo School District, or any person with knowledge or belief of conduct which may constitute discrimination or harassment toward a pupil, teacher, administrator, or other school personnel should report the alleged acts

immediately to an appropriate school district employee. An appropriate employee could be any support staff or certified staff member of a school building or district location.

This procedure is applicable to allegations of discrimination/harassment, including staff-on-student, staff-on-staff, and student-on-student discrimination/harassment as described under Title VI, Title IX, and Section 504.

The District's Title IX Coordinators are Brad Franklin and Jennifer Fremstad (Administrators, Fargo Public Schools, 415 4th Street North, 446-1000). The District's Section 504 Coordinator is Deb Dillon (Administrator, Fargo Public Schools, 415 4th Street North, 446-1000). The School District encourages the reporting party or complainant to use the report forms available from the principal or in the office of each building or available from the school district office, but oral reports shall be investigated as well. Nothing in this policy shall prevent any person from reporting discrimination and/or harassment directly to the District Human Resources Officer, Nancy Jordheim (Administrator, 415 4th Street North, Fargo Public Schools, 446-1036), or to the Superintendent. Students and staff are encouraged to contact the Human Resources Office regarding the existence and location of services, activities, and facilities that are accessible to and usable by individuals with disabilities. Filing of a complaint or otherwise reporting discrimination or harassment will not reflect upon the individual's status or affect future employment, work assignments, or grades.

The right to confidentiality, both of the complainant and of the accused, will be respected consistent with the School District's legal obligations and with the necessity to investigate allegations of discrimination or harassment and to take disciplinary action when this conduct has occurred.

A substantiated charge against a school district staff member will subject such member to disciplinary action which may include possible discharge. A substantiated charge against a student in the school district will subject that student to disciplinary action, which may include suspension or expulsion, consistent with the student disciplinary policies.

A. In each school building, the building principal is the person responsible for receiving oral or written reports of discrimination/harassment at the building level. Any school district employee who receives a report of discrimination and/or harassment shall inform the building principal. The following is a list of building names, addresses, and phone numbers. All buildings are in the (701) area code.

Ben Franklin	1420 North 8th Street	446-3600
Discovery	1717 South 40th Avenue	446-3300
North High	801 North 17th Avenue	446-2400
South High	1840 South 15th Avenue	446-2000
South Campus II at Agassiz	1305 South 9th Avenue	446-3000
Woodrow Wilson	315 North University	446-2800
Bennett	2000 South 58th Avenue	446-4000
Carl Ben Eielson Middle School	1601 13 Avenue S.	446-1700
Centennial	4201 South 25th Street	446-4300
Clara Barton	1417 South 6th Street	446-4400
Early Childhood Center	3502 South University	446-3900

Hawthorne	555 South 8th Avenue	446-4500
Horace Mann	1025 North 3rd Street	446-4600
Jefferson	315 South 16th Street	446-4700
Kennedy	4401 42 nd Street S	446-4100
Lewis & Clark	1729 South 16th Street	446-4800
Lincoln	2120 South 9th Street	446-4900
Longfellow	20 Northeast 29th Avenue	446-5000
Madison	1040 North 29th Street	446-5100
McKinley	2930 North 8th Street	446-5200
Roosevelt	1026 North Street	446-5300
Washington	1725 North Broadway	446-5400

Upon receipt of a report of discrimination/harassment, the principal will request a written statement (age and cognitively appropriate is the guideline). This written statement of the alleged facts will be forwarded within 48 hours by the principal to the Human Resources Office. If the report was given verbally, the principal will personally provide a written summary within 24 hours. If the complaint involves the building principal, the complaint will be made or filed directly with the Human Resources Office or with the Superintendent (mailing address: 415 4th Street North, phone number 446-1005). A same-sex administrator will hear the complaint if requested.

B. The Assistant Superintendent for Human Resources is the district's Human Resources Officer for the receipt of reports or complaints of discrimination and/or harassment. If the complaint involves the Human Resources Officer, the complaint will be filed directly with the Superintendent. District Office employees, warehouse employees, administrative level employees or other staff members who are not supervised by a building principal, or another designated supervisor may file a report directly with the Human Resources Officer.

C. A student or adult who believes he/she is a victim of discrimination or harassment on a school bus, or any student or adult who witnesses such action on a school bus, will report the incident to a school employee. The employee will then refer the report to the principal of the school the alleged victim attends or to the Director of Transportation if the alleged perpetrator is a bus driver or bus aide.

D. Time Limits

1. Reports should be filed as soon as possible after the events which constitute discrimination, retaliation and or harassment, but no later than 120 days following the date of the last discriminatory act.

2. A complaint alleging an act of discrimination, harassment, or retaliation that began before the 120 day time limit may be filed if the acts are a "continuing violation."

- a. A "continuing violation" may exist if at least one of a series of closely related acts that began more than 120 days before a report was filed satisfies the time limit, or pervasive, institutionalized, or systemic discriminatory practices or procedures result in at least one discriminatory act that occurs within the 120 days.

- b. Generally, the present effects or consequences of past discrimination do not constitute a continuing violation.

c. Court decisions interpreting Title VI, VII, IX, and other civil rights laws shall be the guide in determining whether a report properly alleges a continuing violation.

3. Because jurisdiction under this procedure is restricted to complaints alleging unlawful discrimination, harassment, or retaliation, complaints alleging other infractions or other types of unfair treatment will be dismissed and returned to the complainant for disposition under the appropriate grievance or complaint procedure.

II. INVESTIGATION PROCEDURES

By the authority of the School District, the building principal, direct supervisor, or Human Resources Officer upon receipt of a report or complaint alleging discrimination and/or harassment, either verbal or written, shall immediately undertake or authorize an investigation and an investigator will be assigned. In any case in which one or more of the following circumstances exist, an outside-the-building district investigator and/or in the case of harassment complaints, an outside-of-the-building district Title IX investigator will be used.

- a) Harassment is alleged;
- b) The building level administrator who would normally be responsible for the investigation expresses a concern about his/her ability to be unbiased;
- c) The supervisor(s) of the building level administrator perceive a potential conflict or bias that would recommend a different investigator;
- d) Because of some past experience or history, the complainant expresses a concern about the person who would normally be assigned to investigate.

A. Filing the Complaint Form

The complaint:

1. Shall be signed by the complainant;
2. Shall describe in detail the specific incident(s), occurrence(s), decision(s), and other factual matters believed to constitute unlawful discrimination, harassment, or retaliation;
3. Shall name as the respondent(s) the individual, department, committee, or other body whom the complainant believes to have engaged in prohibited behavior; and
4. Shall include a brief statement describing the resolution, relief, or action requested by the complainant;
5. May be written by either the complainant or someone else.

B. Jurisdiction

1. Jurisdiction under these procedures is met when:
 - a. The allegations of the complaint meet the definition of discrimination or harassment;
 - b. The complaint was timely filed; and
 - c. The complaint has complied with Section A above.
2. The complaint shall be dismissed if the Superintendent determines that the district does not have jurisdiction over the complaint.

3. Either party may request the Superintendent to reconsider the decision made at the school building level. The complaining party may at any time pursue the matter through other state agencies or through the United States Department of Health and Human Services Office for Civil Rights.

C. Investigation

1. The investigation, at a minimum, may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods including retrieval and review of documents deemed pertinent by the investigator.
2. In determining whether alleged conduct constitutes a violation of this policy, the investigation should consider the surrounding circumstances, the nature of the behavior, past incidents or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
3. In addition, the principal, immediate supervisor, or Human Resources Office may take immediate steps to protect the complainant, pupils, teachers, administrators, or other school personnel pending completion of an investigation of alleged discrimination/harassment.
4. The investigation must be completed within 60 days, however; the District will attempt to do so within 30 days of the date the complaint was received by the principal, supervisor, or Human Resources Officer. The School District Human Resources Officer shall make a report to the Superintendent upon completion of the investigation. If the complaint involves the Superintendent, the report may be filed directly with the School Board President.

D. Informal Resolution - A CRITICAL FIRST STEP

Because of the personal and often embarrassing disclosures concomitant to making or responding to accusations of discrimination / harassment, the district strongly encourages complainants to attempt to resolve their complaint informally (in lieu of or before commencing formal proceedings). Informal resolutions may be attempted by taking one or more of the following steps. These steps are not, however, mandatory and would be handled by the building principal or a mutually agreed upon designee. Complaints would be handled within fifteen to twenty working days or school days, whichever would apply to the circumstance. Anyone believing that he/she has been subjected to discrimination / harassment or retaliation may choose instead to immediately commence formal internal complaint proceedings or to file a charge with the appropriate state enforcement agency, or the United States Department of Health and Human Services Office for Civil Rights.

1. The first attempts at resolution should be through the process of mediation.
2. Mediation is essential to this process, and every effort shall be made to resolve the complaint in this manner.

3. The complainant and respondent may be required to attend a mediation conference.
4. At the mediation conference, the complainant and respondent will be encouraged to explain their positions to one another, clarify any misunderstandings or misconceptions, which may have played a part in the matters complained of, and formulate a mutually acceptable resolution.
5. Mediation may begin at any time and may continue after the mediation conference until such time that a resolution is determined.
6. If the parties agree to an informal resolution, it shall be reduced to writing, signed by the parties, and forwarded to the Superintendent or his designee for approval.
7. At such time as the Superintendent or his designee determines that the complainant's remedies have been provided, or the issue has otherwise become moot, the Superintendent may dismiss the complaint.

E. Appeals

1. The Superintendent's decision and/or reconsideration of a decision is considered final.
2. If the party is dissatisfied with the decision concerning an employment discrimination complaint, he/she has the right to file a charge with the Equal Employment Opportunity Enforcement agency. The school office or the district office can provide the most current address.
3. Fargo Public Schools acknowledges your right to file a discrimination complaint at any time with: U.S. Department of Education, Office for Civil Rights, Midwestern Division Chicago Office, 111 North Canal Street, Suite 1053, Chicago, Illinois 60606-7204

II. DISCIPLINARY ACTION

Upon receipt of an investigation report which indicates that the complaint is valid, the Human Resources Officer shall review the findings and recommendation(s) of the building and confirm or determine the appropriate disciplinary action if the individual(s) against whom the complaint is filed is an employee. Disciplinary action shall be appropriate to the severity of the discrimination/harassment or retaliation and may include warning, referral of an employee to the Employee Assistance Program, suspension, resignation, or discharge.

If a substantiated complaint is filed against a student, the building principal shall determine the appropriate disciplinary action. Parents shall be notified consistent with policies dealing with discipline and due process procedures. Disciplinary action shall be appropriate to the severity of the discrimination/harassment or retaliation and may include warning, suspension, or expulsion.

The results of the investigation and the disciplinary action taken will be reported in writing to the complainant by the principal or Human Resources Officer within ten

working days following the receipt of the investigation report which validated the complaint.

III. REPRISAL

The School District will discipline any individual who retaliates or takes adverse action against any person who reports alleged discrimination/harassment or retaliation or who testifies, assists, or participates in an investigation relating to a complaint of discrimination/harassment or retaliation. The complainant or the individual(s) against whom the complaint is filed may appeal to the Superintendent of Schools if he or she believes they have not received fair treatment under this policy.

IV. PREVENTION

It is important that all students and employees understand what constitutes discrimination, harassment or retaliation and their right to report unwelcome behavior. Supervisors should educate those within their building regarding this policy and should be watchful for behavior which fits the description of discrimination, harassment or retaliation. Employees who witness such behavior as a third party have a responsibility to report it.

V. NON-DISCRIMINATION/NON-HARASSMENT

The school district recognizes that not every advance or communication based on race, color, religion, sex, sexual orientation, national origin, mental or physical disability, age or status with respect to marriage or public assistance, or status in any group protected by federal or state law constitutes discrimination, harassment or retaliation. Whether or not a particular action or incident results in a discriminatory/harassing or retaliation employment or classroom learning effect requires a determination based on all the facts and surrounding circumstances. False accusations of discrimination, harassment and/or retaliation can have a serious detrimental effect on innocent parties and may result in disciplinary action.

VI. EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program (EAP) is provided for Fargo School District employees involved in a harassment accusation or incident of discrimination/harassment or retaliation. EAP can be beneficial to help the employee deal with the psychological effects of being involved in the process.



Fargo Public Schools

COMPLAINT REPORT FORM

Complainant: _____ **Student/grade or Employee**
(circle)

Home Address: _____ **Phone:** _____

School: _____ **Date:** _____

Summary of the Alleged Complaint/Conduct

1. Date(s) on which alleged conduct occurred:
2. Names of witnesses (please specify whether employee, student, or other):
3. Describe in detail (include where and when) the specific incident(s) that are the basis of this complaint. Include verbal statements (e.g. threats, demands), or physical threats that are relevant. (Use additional sheets if needed.)
4. Suggestion for remediation:

CERTIFICATION

I certify that the statements made in this complaint are true and accurate, and that I have read and understand the statements made in the acknowledgments section of the complaint.

Signature of Complainant

Date

HARASSMENT CLAIM FORM

The Fargo Public School District maintains a firm policy prohibiting all forms of discrimination based on race, color, religion, sex, sexual orientation, national origin, age, disability, or status in any group protected by federal, state or local law. Harassment against students or employees will not be tolerated under any circumstances.

Grievant Information

Complainant _____ Student ____ Employee ____
Home Address _____ Phone _____
School _____

Discrimination Alleged (check all that apply)

Race Religion Verbal Sexual Harassment
 Color Disability Physical Retaliation
 National Origin Age Visual
 Sexual Orientation Sex
 Marital Status Familial Status

Summary of the Alleged Complaint

1. Date on which alleged conduct first occurred:
2. Date on which alleged conduct most recently occurred:
3. Names of witnesses (please specify whether employee, student, or other):
4. Name of person(s) who engaged in discrimination (respondent), if the alleged harassment was toward another person, identify that person:
5. Describe in detail (include where and when) the specific incidents, occurrences, decisions, and other factual matters believed to constitute unlawful discrimination, harassment, or retaliation, including what force if any, was used; any verbal statements (e.g. threats, demands, requests); what if any physical contact was involved (use additional sheets if needed):
6. Harm caused:
7. I request the following action be taken:

ACKNOWLEDGMENTS

I understand the following:

1. I have the right to be free of retaliation for filing this grievance. I agree to report any conduct which I believe is motivated by retaliation for filing this complaint. I understand, however, that if this statement contains accusations which I know are false, I may be subject to disciplinary action within the district and/or external legal action from those I have falsely accused.
2. The Fargo Public Schools will try to protect my identity from public exposure. The respondent, however, will be given a copy of this grievance in order to have an opportunity to respond to it.
3. I may have the right to file a complaint with civil rights agencies or to file legal actions in a court of law.
4. I understand that the investigating personnel are advocates for neither the grievant nor the respondent. Their responsibility is to investigate complaints from a neutral position to determine whether violations of the district's discrimination and harassment policy have occurred.

CERTIFICATION

I certify that the statements made in this grievance are true and accurate, and that I have read and understand the statements made in the acknowledgments section of the grievance.

Signature of Grievant

Adopted 12-11-84

Reviewed 11/2002, 7/2006, 4/2007, 2/2009

Electronic Communications – AP 5265 and AP 5270

STAFF USE OF FARGO PUBLIC SCHOOLS INFORMATION NETWORK

The district will provide access to the network through the establishment of a system account. The system account is established by the issuance of authorized and unique passwords for each user. Training on appropriate use of the Fargo Public Schools Information Network shall be provided for each staff member prior to the issuance of a system account. This account will include a personal folder/subdirectory. The use of this password constitutes acceptance of the account and an agreement by the user to abide by the following rules of conduct and to assume responsibility for the content of the folder/subdirectory.

A. On-Line Conduct

The individual in whose name a system account is issued is responsible at all times for its proper use. The district's system shall be used for all educational purposes consistent with the district's mission and goals. The district reserves the right to inspect folders and files to assure compliance. Uses of the system that are prohibited include, but are not limited to:

1. Commercial and/or excessive personal use of the district's system:
 - a. The district assumes no responsibility or liability for any membership or phone charges including, but not limited to, long distance charges, per minute (unit) surcharges and/or equipment or line costs incurred.
 - b. Staff members assume full responsibility or liability for any membership or phone charges including, but not limited to, long distance charges, per minute (unit) surcharges and/or equipment or line costs incurred by them.
 - c. District staff and administration shall not be a party to any such transaction or be liable for any costs or damages arising out of, either directly or indirectly, the actions or inactions of sellers.
2. Use of the system to submit, publish or display inaccurate information.
3. Use of the system to submit, obtain, publish, store or display objectionable material is prohibited. Objectionable material includes, but is not limited to:
 - a. information to encourage the use of tobacco, alcohol or controlled substances or otherwise promote any other activity prohibited by district policy, state or federal law.

- b. information or software in violation of any district policy, local, state or federal law.
 - c. information encouraging the toleration or promotion of discrimination towards individuals or groups of individuals based on race, sex, religion or age.
 - d. information or software that is pornographic or sexually explicit.
4. Any action by a staff member that results in the compromise of the system's security. System users identifying a security problem on the district's system must immediately notify the building principal or district technology coordinator. Any system user identified as a security risk or having a history of violations of district and/or building computer-use guidelines may be involved in disciplinary action.

Attempts by a staff member to log on to the district's system as a system administrator will result in cancellation of user privileges and may result in disciplinary action.

5. Staff members may not use another individual's system account without specific authorization.
6. Use of e-mail systems:
- a. All certified employees are provided with an e-mail account. E-mail sent and received over this system is subject to the Open Records laws of North Dakota (see NDCC 40-04-18), the confidentiality provisions provided for in the Family Educational Rights and Privacy Act (FERPA) and any other local state or federal laws that may apply.
 - b. All staff members may establish e-mail accounts with providers other than Fargo Public Schools. SENDIT is provided for this purpose. The district requires compliance with appropriate use policies when using Fargo Public Schools equipment to access personal email accounts from other providers.
 - c. If system users wish to save e-mail correspondence indefinitely, it is the responsibility of individual users to save e-mail correspondence to their personal folders on the district server.
 - d. Forgery or attempted forgery of electronic mail (e-mail) messages is prohibited. Attempts to read, delete, copy or modify the electronic mail of other system users is prohibited as is deliberate interference with the ability of other system users to send/receive electronic mail. Local, state or federal law may apply.

8. Space quotas on some file servers have been implemented.
 - a. Staff members will not evade, change or exceed resource quotas or disk usage quotas as set by the network manager. A user who remains in non-compliance may have their files removed. Such quotas may be exceeded only by permission of the network manager.
 - b. To conserve network resources, system users are prohibited from engaging in Multiple-User Domains (MUDs). Multiple-User Domains are defined as any multi-user computer games or chat areas. Examples include, but are not limited to, Star Trek, TrekMUSE and LambdaMOO.
 - c. Chat tools such as AOL Instant Messenger (AIM) and others may only be installed for short-term specific educational projects. These tools must be removed at the conclusion of the project.
9. System users will do a virus check on downloaded files to avoid spreading computer viruses. Deliberate attempts to degrade or disrupt system performance will be viewed as a violation of district policy and administrative regulations and may be viewed as criminal activity under applicable state and federal laws.
10. System vandalism may result in employment termination. Vandalism is defined as any malicious attempt to harm or destroy district equipment or materials, data of another user of the district's system or any of the agencies or other networks that are connected to the Internet. This includes, but is not limited to, the uploading or creating of computer viruses. Local, state or federal law may apply.
11. Copyrighted material may not be placed on any system connected to the district's system without the author's permission. Only the owner(s) or individuals the owner specifically authorizes may upload copyrighted material to the system.
12. System users may download material for their own use in accordance with applicable copyright laws, district policy and administrative regulations. System users may redistribute non-commercially copyrighted programs only with the express permission of the owner or authorized person. Such permission must be specified in the document or must be obtained directly from the author in accordance with applicable copyright laws, district policy and administrative regulations.
13. System users may not upload public domain programs to the system. System users may not download public domain programs for their own use or non-commercially redistribute a public domain program. Shareware and Freeware program installations (including demo disks and other "freebie" software) must be previewed and installed in accordance with the same installation policies for all other commercial software.

B. Updating Member Account Information

1. The district may require new registration and account information from system users to continue service.
2. System users must notify the district of any changes of account information such as address and phone number.
3. Staff account information will be maintained in accordance with applicable education records law and district policy and administrative regulations.

C. Information Content/Third Party Supplied Information

1. System users and parents of system users are advised that use of the district's system may provide access to other electronic communications systems that may contain inaccurate and/or objectionable material. The district does not condone the use of objectionable materials.
2. Staff knowingly bringing prohibited materials into the school will be subject to disciplinary action in accordance with district policy and contractual.
3. Opinions, advice, services and all other information expressed by system users, information providers, service providers or other third party individuals in the system are those of the information providers and not the district.

D. Publication of Materials on the Network - Including the Internet

1. General Responsibility/Liability
 - a. The publisher assumes general liability for the content of material. As such, the publisher retains the right to control the content of the publication.
 - b. The creator is obligated to observe copyright guidelines (see Board Policy 4615) and other rights to intellectual property. (see Board Policy 4600) The creator is required to provide the publisher with evidence of compliance with intellectual property rights involved in the creation.
2. Classrooms, Clubs, Houses, Departments & Building Homepages
 - a. Publications of classrooms, departments, buildings or any other organizational elements of the district are considered to be publications of the Fargo Public Schools. As such, the district has the right to control the content. Exercising this right may include

deletion of materials from these publications as well as other editorial rights.

- b. Publications containing information about classrooms, departments, buildings or any other organizational elements of the district must reside on Fargo Public Schools Internet servers.
- c. The creator (staff members, students etc.) of these publications is responsible for observing copyright and other intellectual property rights. The publisher, (Fargo Public Schools) at its sole discretion, may refuse to publish such material if compliance with intellectual property rights is suspect, if the publisher suspects publication of such material will jeopardize the confidentiality of staff or student information or for any other reason the publisher (Fargo Public Schools) deems appropriate.
- d. The creator is responsible for the appropriateness of all links to other sites on the Internet.
- e. Links contained may not include links to a personal (staff or student) homepage.
- f. The creator is responsible to protect the privacy interests - including personal information - of students and staff. This includes providing names or any other identifying data relating to the students.
- g. All materials included in the publication must be educationally appropriate as defined in sections A and C of this policy.

3. Personal Homepages

- a. Homepages of individuals (staff or student) will be considered to be created and published by the individual - not the district. As such, all liability rests with the individual publishing the homepage.
- b. Personal publications of staff and students may not be posted on Fargo Public Schools Internet servers. The district assumes no authority to control the content of these publications.
- c. The fair use exemptions to copyright laws and other intellectual property rights may not apply to personal publications.
- d. Use of software licensed to the school district may or may not extend to personal use, as each company's licensing agreement is

unique. It is the responsibility of the application creator to comply with the licensing requirements of the software producer(s).

- e. Personal homepages may provide a link to the Fargo Public Schools homepage. The district reserves the right to require the removal of such links if, at the sole discretion of the superintendent, any part of the homepage is deemed to be inappropriate.

E. Termination/Revocation of System User Account

1. A guest system user's account may be established to accomplish specific educational training or tasks by the network manager with the permission of the building principal or district personnel. These accounts will be terminated upon completion of the educational training or task. Termination may take place without notice given to the guest system user.

2. The district may suspend or revoke a system user's access to the district's system upon any violation of district policy and/or administrative regulation according to the following guidelines:

An offense for an e-mail or Internet issue that does NOT compromise student security (inappropriate electronic contact with an under aged individual for example) will result in a written warning placed in the individual's personnel file.

A second offense of the same type would result in the removal of Internet access and/or removal of ability to send or receive e-mail outside of Fargo Public Schools depending upon whether the violation is Internet or e-mail related. A third violation of the same type would result in either the transfer of the employee to a different position or termination.

Inappropriate electronic contact with a minor will result in immediate termination and contact of the local authorities.

Violations involving e-mail harassment of another individual will result in suspension of e-mail service and written warning.

A second violation will result in termination.

3. Prior to a suspension or revocation of system service or as soon as practical the building principal will inform the system user of the suspected violation and give the system user an opportunity to present an explanation. If the decision of the principal is to suspend or revoke network privileges, AF-4265a will be completed.

F. Disclaimer

The district does not warrant that either the functions or services performed by the information or software contained on the system will meet the system user's requirements, or that the system will be uninterrupted, error-free and/or that defects will be corrected. The district's system is provided on an "as is, as available" basis. The district does not make any warranties, whether express or implied including, without limitation, those of merchantability and fitness for a particular purpose with respect to any services provided by the system and any information or software contained therein.

Adopted 4/4/2003

Reviewed 7/2006 9/2009

Usage of Electronic Mail Systems - AP 5270

The electronic mail system of Fargo Public Schools is provided to employees to carry out their employment responsibilities and as such is not intended to be used as a personal email account. Users are expected to monitor their accounts regularly and promptly process incoming email.

Every email of the District is subject to the open meeting and open record laws of North Dakota and will be saved as a public record for sixty (60) days. Messages potentially involved in litigation may be archived for longer periods until the issue is resolved. Archiving practices will be maintained to comply with applicable State and Federal laws. Should an open records request be made, the District will make a reasonable attempt to notify the sender and recipients of such email. However, others to whom the email was copied, blind copied, forwarded or otherwise relayed may not be known and thus notified of the request/review.

Employees may have other email accounts for personal use, but these accounts should not be used to transact District-related business nor should District email be forwarded to personal email accounts. All provisions of this policy shall apply to the use of cell phones or other portable devices that may be used to access email systems.

All appropriate/inappropriate employee conduct as defined in other policies applies to use of the email system as well.

Adopted 7/2007

Confidentiality – AP 5115

It is the policy of the Fargo Public Schools that information held by the district such as but not limited to: payroll records, FLEX benefit balances, insurance coverage will not be released without the written permission of the employee.

Employees shall use confidential information appropriately and with respect for the rights of individuals. Privileged information shall not be used for personal gain or to the detriment of the District.

Violation of this policy will result in progressive discipline, up to and including termination.

Transfer Process – AP 5120

TRANSFER AND REASSIGNMENT OF STAFF

Relocation of staff personnel may become necessary to meet instructional requirements, fluctuating enrollments and for other reasons, including the wishes of employees for opportunities elsewhere in the district. When these circumstances exist, there is a need for guidelines for both voluntary and involuntary transfers. All parties will make every effort to maintain professionalism and respectful communication throughout either process. Student needs should be heavily considered as they are always our first priority. Varying factors in the implementation of the policy may also include the time frame in which the positions need to be filled.

Transfers may be voluntary, initiated by the staff person, or involuntary, initiated by the school or district for reasons that might include enrollment, licensure with may also include highly qualified status, or other building specific needs. The following guidelines will be used across the district to the greatest degree possible. The district and the staff recognize that circumstances and timing are sometimes not within the control of either party.

Voluntary Transfer

The application process will be the responsibility of the interested applicant.

After the building principal determines the opening, it is confirmed through HR, and internal movement is completed, all licensed teaching applicants who are currently employed by the Fargo Public Schools and who apply for a specifically-opened position, will be interviewed. The following process will be used to the degree that timing allows:

1. The building administrator will notify the building personnel of an opening through the building's staff folder as well as any other processes that are appropriate for that location. The building administrator will allow two weeks when possible before opening the position to the district. All licensed and highly qualified teachers from within that building will be given first consideration and will be interviewed. These persons can be then assigned or reassigned prior to any posted opening.
2. If there are no in-building applicants, the building principal with the help of HR will announce the opening to all district teaching applicants by posting the position in the "Internal Posting" folder in the Applitrak system. All postings will include the location and qualifications for the position.
3. The district-wide posting will include the name of the person to contact and a deadline date for applying. Interested in-district applicants will make application by this internal Applitrak process, this application then is automatically routed to the appropriate principal/supervisor.

4. All interviewed candidates will be notified of the hiring decision as soon as the successful candidate has accepted the position. When requested the reason for the decision will be shared with the staff member. The rationale for a positive hiring decision may include such considerations as: seniority; qualifications; team dynamics and culture match; current location; and/or extra and co-curricular needs.
5. All transferring candidates moving from one building to another will receive the district's moving allowance.

NOTE: All parties will respect that a domino effect may occur due to multiple transfers resulting from the initial opening - therefore the evolving location will be communicated as quickly as possible. If the hiring individual or group chooses to search outside the current staff, they maintain the right to do so. Further they are under no obligation to interview every internal or external applicant after the 1st of August.

Involuntary Transfer:

If the voluntary transfer policies do not apply the following policies will apply.

1. The employee to be considered for transfer will be notified as soon as possible. The employee and the involved administrator will meet and the administrator will seek, without pressure, the willingness and/or preference to transfer within the building or to another building.
2. In an individual, team or department situation, when none of the individuals desire to accept the transfer, the following justifications (not necessarily in priority order) for transfer will be considered: seniority; qualifications, favorable employment standing, team dynamics and culture match of the sending and receiving school (this may include extra and co-curricular needs). This is not meant to be an all inclusive list.
3. All transfer candidates will be notified of the transfer decision as soon as a candidate has accepted the position. When requested the reasons for the decision will be shared with the staff member. The rationale for a transfer decision may include such conditions as: seniority; qualifications, favorable employment standing, team dynamics and culture match of the sending and receiving school (this may include extra and co-curricular needs). This is not meant to be an all inclusive list.
4. All transferring candidates moving from one building to another will receive the district's moving allowance.
5. Candidates may request a review of their transfer by the Superintendent. The request for review should indicate the reason(s) the candidate has requested the review. The process will include a review of the application of this policy to the candidate's transfer. The Superintendent will notify the candidate of the findings of the review within 15 days of the written request for the review.

Adopted 8/23/67

Reviewed 12/30/02 and 9/2007

Revised 4/2008

Revised 6/2009

Conflict of Interest – AP 5240

No employee in the Fargo Public Schools shall engage in or accept any outside activity that directly or indirectly conflicts with his/her duties and responsibilities. Outside activities that may conflict with the duties and responsibilities of employees include outside employment and/or college course work where an employee's job performance or attendance is impaired.

1. All employees will be expected to fulfill all their contractual demands, which include:
 - A. Completing the expected work schedule as designated by their supervisor
 - B. Attending all required meetings - special education, staff meetings, in-services and other events.
 - C. If employment is with another school district, the employee's first obligation will be to FPS
2. Handling of missed work days or hours:
 - A. The employee has the right to use personal leave for any activity. If all personal days have been used, future absences that involve the 'other' employment will be subject to Loss of Pay.
 - B. If an employee misses a day of work due to a storm or natural cause involved with their second employer, the absences will be subject to Loss of Pay.
3. The employee will notify the direct supervisor and the Human Resource office of their intent to seek employment that might involve a conflict of duties as defined in BP 5240.
4. The employee should make sure that he or she is appropriately covered with worker's compensation and long term disability coverage in both employment settings.

Adopted 5/11/82

Reviewed 12/1/02 – 7/2006 – 9/2009

Employee Resignation / Retirement – AP 5230

Employee resignation/retirements shall be made in writing to the Assistant Superintendent for Human Resources and shall be in accordance with the contracts and agreements. Resignations shall contain a specified effective date and should include a reason for separation/termination.

Resignations that are not in accordance with District policy may be accepted for administrative purposes only. Additional information is contained in AP 5230 as follows.

RESIGNATION OF TEACHERS

All contracted teachers shall submit to the Superintendent's Office, a written resignation immediately upon arriving at a decision to leave the Board's employ. The resignation shall indicate clearly the date upon which it is intended to be effective. Teachers may be released from contracts based upon the needs of the district and any one of the following conditions:

1. For reasons of personal health where a physician's statement supports the request.
2. If a teacher's spouse is transferred to another city in connection with his/her regular occupation.
3. If serious illness or death in the immediate family requires a teacher's presence at home for an extended period of time.
4. If the services of the well-qualified replacement can be obtained.

During the time when longevity recognition is available the procedures of that policy (AP 5452) must be followed in order to receive any defined benefit.

Adopted 8/23/67
Reviewed 12/01/02 – 7/2006

Inclement Weather – AP 5350

Occasionally it becomes necessary to cancel a regular school day, close school early or begin school late in the interest of the safety of students. Winter storms, excessive heat, a water main break, and boiler failures are examples of conditions which may warrant a building closure. All storm days need to be made up according to state law. The necessity of make up days determines how we can set the calendar. Over the course of the year the employees will be paid for the number of days they were assured to work.

I. INCLEMENT WEATHER PROCEDURES

A. When school is canceled before the start of the regular school day:

1. Nine and ten month employees will not report to work when school is canceled before the start of the regular school day but will report to work on the make up day that is scheduled. Storm days rescheduled as make up days will be treated as regular work days.
2. Twelve month employees will not report to work when school is canceled before the start of the regular school day. Twelve-month employees can be paid for storm days in one of the three methods: use of vacation time, emergency time, or extended work hours/days within the pay period.

B. When school starts one or two hours late:

Employees should report to work at their regularly scheduled times. Employees who are unable to get to work as scheduled may apply for emergency leave or personal leave. Otherwise, loss of pay may apply for the period of time missed.

C. When school is released early:

Employees who are at work at the time school is released will work their regularly scheduled day. An employee who believes it is necessary to leave early may, with the approval of the supervisor; make up the time lost through emergency leave or personal leave. Otherwise, loss of pay may apply for the period of time missed.

D. North Dakota Century Code 15.1-06-02 indicates a capacity of the district, based on calendar and length of day, to determine if the need for a make-up day in that specific year is warranted. When the decision **can** be made to not make up the day, all employees will be informed of the Century Code process and each 9 and 10 month employee will then be paid for their work day without having to access personal or emergency leave time.

II. OTHER BUILDING CLOSURES

In the event that a building is closed for other reasons such as a water main break, the building principal, in consultation with the Assistant Superintendent for Business Services, will determine whether or not employees can safely come to work, remain on duty, or be assigned other work. No loss of pay will occur for employees who are told not to report to work or who are sent home. Employees assigned to a building that has been closed to students should report for work at the usual time unless otherwise notified. Employee work schedules in buildings closed for an extended period, due to a fire, for example, will be determined on a case-by-case basis and may include substituting or other duties, which may be required by the district.

III. LEAVES APPROVED IN ADVANCE OF DISMISSAL

An employee on an approved leave or on a loss of pay day will retain that status on a storm day. The Assistant Superintendent for Human Resources may grant exceptions to this status.

Adopted 11/4/97 Reviewed 12/01/02 – 12/2005 – 7/2006 – 2/2007 – 12/2008 – 9-2009

School Day – AP 4050

The Fargo Board of Education will establish a school day that, as a minimum, meets all the requirements imposed by the state. In addition, the School Board will consider the following instructional requirements in determining the length of the day:

1. The time students need to meet the curriculum goals established by the district;
2. The time teachers need to prepare for and respond to the needs of the students and concerns of parents.

In establishing the length of the day, the district administration will consider the following criteria:

1. The time teachers are expected to arrive;
2. The time students are expected to arrive;
3. The time classes start;
4. The time classes end for students;
5. The time teachers may leave the building.

These guidelines will be used to develop a teachers' workday that is at least seven and one-half hours long. Each building principal, with the approval of the district administration, will establish the actual starting and ending times for each building.

In planning the workday for teachers, the principal should use all reasonable options to provide teachers with opportunities for periods of time when they have no students. Every effort should be made to allow these times to equal no less than two hundred minutes per week.

The workday of seven and one-half hours includes a duty free lunch break.

Principals will develop the regulations necessary to fulfill these policy objectives.

If the need arises, the School Board, administration and representatives of the teaching staff will review the day.

Adopted 11/08/94 Reviewed 1/06/2003, 6/1/2009

Section II - Employment Records

Access to Personnel Files – AP 5100

It is the District's policy to protect the privacy of each employee and therefore the district is committed to the confidential handling of every employee's personnel information. Records of all personnel shall be considered confidential to the extent required by the law and shall be kept in the Human Resources Office(s).

PERSONNEL RECORDS

The Fargo Board of Education shall maintain a personnel file for each employee. The file shall contain information required by law and shall include performance evaluations and signed letters of praise and criticism. The Assistant Superintendent for Human Resources shall be responsible for the maintenance and safekeeping of personnel files. The Superintendent or the designee shall develop guidelines regarding the content of personnel files and procedures for review of such files.

Content:

1. Information within district personnel files shall include but not be limited to:
 - A. Application for employment
 - B. Annual contracts
 - C. Payroll information
 - D. Insurance and other forms required for the administration of employee benefit programs.
 - E. Evaluation reports.
 - F. Improvement track information with time line
2. Records pertaining to medical treatment will be maintained separately from the personnel file and shall not be released without written consent of the employee. These will be maintained as a sealed file within the file.
3. Signed correspondence offering praise or criticism regarding an employee will be included in his/her personnel file with the following provisions:
 - A. Signed letters of praise or appreciation will be included in the file after the employee has reviewed the correspondence and had an opportunity to obtain a copy if desired.

B. Signed letters of criticism or complaint will be included in the file only when:

- (1) The principal or other administrator has investigated the complaint and determined it to be valid.
 - (2) The employee has been given an opportunity to obtain a copy of the correspondence and to attach an explanation or rebuttal to the correspondence if desired.
4. Employees may add items to their personnel file so long as the Assistant Superintendent for Human Resources deems the material appropriate.
 5. The Assistant Superintendent for Human Resources or his/her designee may remove material from the personnel files, which is determined to be irrelevant, inappropriate or outdated. Evaluations and other material related to job performance will not be subject to removal.
 6. Employees may request an administrative review of items in their file or items to be placed in their file which they consider to be in error or inappropriate. The decision of the Assistant Superintendent for Human Resources may be appealed to the Superintendent. If the employee is dissatisfied with the result of the administration's review, the employee is entitled to, upon written request, receive a formal review before the Board of Education regarding the placement of the material in the file.

Access:

1. Employees may review their own personnel file during regular business hours by making an appointment through the staff of the Human Resources office. The Assistant Superintendent for Human Resources or his/her designee will be present during the review. No material may be removed from the file. Material may be copied. Costs for significant copying requests will be borne by the employee.
2. Supervisors and principals may review the personnel files of employees under their supervision.
3. Persons other than employees and supervisors may review personnel files with the following provisions:
 - A. The person wishing to review the personnel file of an employee shall make the request to the Assistant Superintendent for Human Resources. If written, the request shall become a part of the file.
 - B. The Assistant Superintendent for Human Resources, or a designee, shall set a date and time for the review within a reasonable period of time and at the mutual convenience of the requestor and the Assistant Superintendent for Human Resources or designee.

- C. The employee whose file is to be reviewed will be notified. However, if reasonable attempts to contact the employee are unsuccessful, the review may proceed as scheduled.
- D. The Assistant Superintendent for Human Resources or his/her designee will be present during the review. No items may be added or deleted.
4. Files may not be removed from the Human Resources Office under any circumstance.
5. The Human Resources Directory in an on-line format shall be made available to all employees and members of the Board of Education each year. The Human Resources Directory shall not be distributed for the purpose of promoting private business.
6. Information regarding employees shall not be released over the telephone. However, employment may be verified including the position held and the starting date of employment.
7. Right to copies - Upon written request of the employee, the district shall provide to the employee copies of the content of his/her personnel file, provided that the cost of providing such copies is borne by the employee.

Adopted 7/26/88 Reviewed 11/30/02 and 7/2006 Revised 11/2008

Employee Evaluation – AP 5130

Personnel shall be evaluated periodically and the Assistant Superintendent of Human Resources or designee shall maintain the documentation of the formal evaluation process. Employee evaluations shall be conducted in accordance with applicable state laws, provisions of current employee bargaining agreements and established District procedures.

EVALUATING TEACHER PERFORMANCE

Evaluation is a continuous process designed to recognize performance, improve instruction, promote professional growth, strengthen communication and provide data for personnel decisions. The responsibility for evaluation is shared by the board, administration and faculty in that each must be committed to the development of a respectful climate, a constructive process and a beneficial outcome. The formal evaluation system must be collectively defined and periodically assessed.

The Fargo Public School District is committed to evaluation because the quality of education, the motivation of staff and the achievement of students can be strengthened by the implementation of thorough, growth-oriented appraisal practices.

CRITERIA FOR EVALUATION PROCESS

It is the FPS goal that our evaluation system will:

1. Be based on multiple approved contacts including classroom observations.
2. Utilize instruments which:
 - a. Promote open constructive communication.
 - b. Recognize diverse teaching styles.
 - c. Provide specific feedback.
 - d. Define a prescription for growth as needed.
 - e. Provide supervised response to the evaluation.
3. Insure that in-service programming and resources required by the growth plan are reasonable.
4. Designate the supervisor responsible for carrying out the evaluation process.
5. Require training for supervisors to help insure quality and uniformity of supervision.
6. Be implemented with consistency in all departments and buildings.
7. Follow due process principles.

PROCEDURES FOR FORMAL EVALUATION

1. Evaluation will be based on:
 - a. two written performance reviews based upon a classroom or other educational

- programming observation(s) that shall be completed and made available to the teacher the first year of employment and an additional every third year of their employment.
- b. or at least one informal classroom observation with date(s) and time(s) documented for years where a formal evaluation is not required.
2. A comprehensive written formal evaluation based upon the performance reviews will be submitted to the Assistant Superintendent for Human Resources at least once every three years. Each year the HR Office will identify the teachers who are due for this comprehensive formal evaluation.
 3. The primary responsibility for evaluation rests with the building principal. The principal will identify the administrator(s) or designee who will carry out the evaluation process.
 4. In addition, the evaluation may include:
 - a. student assessments submitted by the teacher or requested by the administrator.
 - b. colleague evaluations submitted by the teacher or requested by the administrator.
 - c. department chair, director or coordinator evaluations submitted by the teacher or requested by the administrator.
 - d. self evaluation submitted by the teacher or requested by the administrator.
 - e. parent input submitted by the teacher or administrator.
 5. After each observation a post-conference or written review will be given to:
 - a. review the observation.
 - b. if appropriate, set short term goals to be accomplished for the next observation.
 6. After the formal observations and the yearly written performance reviews are completed, the administrator will write the evaluation report and discuss it with the teacher. The evaluation report may include a plan for professional development and/or suggestions for improved performance. It may be necessary to submit a formal evaluation on a teacher more often than once every three years.

If improved performance is indicated, the principal will in writing:

- a. Identify and clearly state the problem (what and why.)
- b. State a course of action to correct the problem and improve performance (goals-action plan.)
- c. Set the time line in which the problem is to be corrected and reviewed (when.)
- d. Review of progress.

If the review of progress is unsatisfactory, the teacher is placed on an improvement plan.

THE IMPROVEMENT PLAN

The purpose of the Improvement Plan is to develop a list of essential improvements to be accomplished in a specific time frame if employment is to continue. If needed, additional resource professionals (re: directors or coordinators) can be consulted. The plan should be designed so that it will:

- a. Develop specific, sequential steps which will serve as a plan of action toward improvement.
 - b. Develop time lines in which the teacher will achieve the plan of action.
 - c. Develop methods by which the action plans will be measured.
 - d. Explain the plan, time lines and measurement plans.
 - e. Implement the steps A through C above and document performance.
 - f. If the teacher successfully achieves the plan of action, the teacher is removed from the improvement plan.
 - g. If the teacher is unsuccessful in achieving the plan of action, nonrenewal procedures will continue.
7. The yearly observation reports will be filed with the teacher, the building principal, when and where appropriate, and the Assistant Superintendent for Human Resources.
 8. If an informal classroom observation is used, verification of the observation will be documented with date(s) and time(s). However, if the administrator determined that the teaching performance informally observed does not meet minimum standards, the administrator will immediately schedule a formal observation accompanied by a written performance review.
 9. The building principal will file a record of completed written performance reviews and the informal observation(s) with the Assistant Superintendent for HR.
 10. Instructional staff members new to the district will be evaluated two times during the first year of employment. The first evaluation will be completed by December 15. The second evaluation will be completed by March 15.

PROCEDURES FOR ANNUAL PERFORMANCE REVIEW - CONFERENCES

Because classroom observations may facilitate communication, foster curricular understanding and encourage professional growth, building principals/designates must observe each teacher no later than March 15. The procedures for the formal classroom observation - conferences are defined below:

1. The building administrator will complete the formal observation associated with the written performance review with the teacher.
2. The building administrator and the teacher observed will discuss this formal classroom observation.
3. The building administrator will provide feedback regarding instruction and interpersonal/organizational relations.
4. A copy of the performance review will be filed with the teacher and building principal.
5. When an informal classroom observation is optioned, the building administrator may make "drop-in" visitations. The date(s) and time(s) of these informal observations must be verified with signatures of the teacher and administrator.
6. The building principal will file a yearly record of the formal reviews and informal classroom observations conducted with the Assistant Superintendent for HR.

**PROCEDURES FOR IMPLEMENTING
A PROFESSIONAL DEVELOPMENT/GOAL PLAN**

1. The professional development plan should be cooperatively developed each school year. It should delineate ways in which a teacher can grow professionally. The plan may be written to remedy specific weaknesses identified in an evaluation or observation report or it may be written when a teacher or administrator desires a written formula for professional growth (i.e. training in a specific skill such as computer related instruction, education leading to certification in a new field, advanced reading or research in a particular field, etc.)
2. Either a teacher or administrator may initiate parts or all of the plan, but it should be cooperatively understood.
3. Reasonable options and time lines should be set.
4. Provision should be made for follow-up on the prescribed plan. Was it completed? Has the plan achieved the desired results?

Adopted 8/8/67 Reviewed 12/2002, 7/2006, 9/2009

Section III – District Benefits
and
General Leaves

Family and Medical Leave Act (FMLA) – AP 5080a

An employee will be allowed up to 12 weeks total of paid and unpaid leave during a calendar year as a result of conditions outlined within the federal legislation of the Family and Medical Leave Act. This leave will run concurrently with any other leave which is available to the employee under other District leave and absence policies, provision or employee agreements, or state and federal laws. Please see AP 5080.

FAMILY MEDICAL LEAVE (in Brief)

FAMILY MEDICAL LEAVE

The Family and Medical Leave Act effective August 5, 1993 (updated in January of 2009) requires employers with 50 or more employees or all local education agencies or schools to grant up to 12 weeks of paid or unpaid leave per year to employees who need to care for family members or whose personal serious health condition requires absence beyond the sick leave accumulated by the employee. FMLA and benefited paid time off, sick leave, emergency leave, and/or personal/vacation leave run concurrently. Eligible employees are those whose employment is not limited in duration, who have been employed by the Fargo School District for at least 1,250 hours during the previous twelve months, and are employees who have been employed by the district for at least one year, and are within a 75 mile radius.

Family leave is an unpaid leave of absence available to all eligible employees for the birth, adoption, or foster placement of a child or for the serious health condition of the employee, the employee's parent, child or spouse. Family leave used for the birth, adoption or foster care placement of a child expires within twelve months of the date of birth or placement.

The maximum length of the leave is twelve weeks per year which includes any days of appropriate paid leave (emergency leave, sick leave, personal leave) used by the employee in a rolling twelve month period measured backward from the date the employee uses any FMLA leave. The leave may be taken on consecutive days and weeks or intermittently so long as the total days do not exceed the equivalent of twelve weeks and so long as the serious health condition of the employee or family member continues to be medically verified. If both spouses are employed by the Fargo School District, the aggregate leave is limited to twelve weeks.

Employees shall make a written request for the leave (attached below) at least thirty days prior to the commencement of the leave period. This provision may be waived by the Assistant Superintendent for Human Resources in a case where the employee had no reasonable anticipation of the situation requiring the leave. The employee is also responsible for notifying the employee's building principal or immediate supervisor.

The district may require medical certification or recertification (no more often than every 30 days) that the leave is needed due to the employee's own serious health condition or that of a family member. A second opinion may be requested at the district's expense.

The district may also require verification from a social service agency in the case of an adoption or foster placement. When the leave period is completed, the employee will be returned to the same position or a similar position with equivalent compensation and benefits. If a reduction in force would have caused the position to be eliminated, this reinstatement does not apply.

Employees utilizing family leave will be provided health related benefits at the same level received while actively employed. The employee is required to pay the same portion of the premium paid while actively employed. The employee granted such a leave will not lose any employment benefits accrued prior to the leave; however sick leave, emergency leave, retirement eligibility and eligibility for salary increments shall not accrue during the period of the leave.

Adopted 12-12-95 Reviewed 11/30/02 - 09/29/05 – 7/2006 – 1/2009

FAMILY AND MEDICAL LEAVE REGULATIONS.

Leave Description

The use of unpaid family and medical leave is subject to the following:

1. It may be used for up to a combined total of 12 weeks each year, on a rolling basis that is dependent to the individual situation (29 C.F.R. 825.200).
2. Other available paid vacation, personal, sick leave, or emergency leave will be substituted for family and medical leave necessitated by birth, adoption/foster care placement, or a family member's serious health condition or employee's own serious health condition. The District will pay family leave or sick leave only under circumstances permitted by the applicable leave plan (29 C.F.R. 825.207).
3. To be eligible for FMLA leave, an employee must (29 C.F.R. 825.110 and 825.111):
 - a. Have been employed by the District for at least 12 months.
 - b. Have been employed for at least 1,250 hours of service during the 12 month period immediately before the beginning of the leave or be a full-time classroom teacher.
4. Family and medical leave is available in one or more of the following instances (29 C.F.R. 825.112 and 825.200):
 - a. The birth and first-year care of a son or daughter.
 - b. The adoption or foster placement of a child.
 - c. The serious health condition of an employee's spouse, parent, or child.
 - d. The employee's own serious health condition.
 - e. "Any qualifying exigency" during a family member's active military service, or the family member being called to active military duty; or to care for a member of the Armed Forces who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness suffered while on active duty.
5. School Board policy will govern family and medical leaves, but the FMLA, and its implementing regulations, will be the final authority.

Procedure to Request Leave

1. If possible, an employee shall notify the Human Resources' department of the date the employee will need a family and medical leave at least 30 days before a leave is to begin. If 30 days' notice is not practicable, the employee should give the notice at least two

business days after the need becomes known to the employee. The employee is encouraged to provide a written notice, but a verbal notice is sufficient. The notice must provide sufficient information to make the District aware that the employee needs a family and medical leave, and the anticipated timing and duration of the leave (29 C.F.R. 825.302).

2. Upon the District's request, an employee must support his or her request for a leave necessitated by a family member's or the employee's own serious health condition, with a certificate completed by the employee's or family member's health care provider. The certificate must be provided to the HR department within 15 calendar days after the request and on the District's form. Failure to provide the certification may result in a denial of the leave request (29 C.F.R. 825.208, 825.302, 825.305, and 825.311).

3. Intermittent or Reduced-Leave Schedule

a. Leave increments are limited to one-hour periods of time (29 C.F.R. 825.203[d]) for hourly employees and .25 (1/4) days for certified teaching staff.

b. An employee should follow the regular notice procedures when requesting an intermittent or reduced-hour leave. If the leave is taken because of the birth or placement of a child, leave may be taken intermittently or on a reduced schedule only if the District agrees. If the leave is taken to care for a sick family member or for the employee's own serious health condition, leave may be taken intermittently or on a reduced schedule when medically necessary (29 C.F.R. 825.203[a]).

c. Instructional employees taking leave which is 20 percent or less of the working days during the leave period, and all non-instructional employees, may be required to transfer temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of intermittent or reduced-schedule leave (29 C.F.R. 825.203, 805.204, 825.205, and 825.601). The alternative position must be equivalent in pay and benefits (29 C.F.R. 825.204).

d. If an instructional employee requests intermittent leave or leave on a reduced-leave schedule to care for a family member, or for the employee's own serious health condition, which is foreseeable based on planned medical treatment, and the employee would be on leave for more than 20 percent of the total number of working days over the period the leave would extend, the Superintendent or designee may require the instructional employee to choose either to:

1. Take leave for a period(s) of a particular duration, not greater than the duration of the planned treatment.

OR

2. Transfer temporarily to an available alternative position for which the employee is qualified, which has the equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position. (29 C.F.R. 825.601)

Response to Leave Request

1. Regardless of the type of leave requested, the District will (29 C.F.R. 825.208):
 - a. Determine the reason for any requested leave.
 - b. Decide whether it is a FMLA-qualifying leave.
 - c. Decide whether the District will require the employee to substitute available paid leave (sick, emergency, personal, or vacation) for family and medical leave.
2. If the leave qualifies as a FMLA leave, the District will provide the employee with written Notice of the Leave's Terms and Procedures, which include (29 C.F.R. 825.208 and 825.301):
 - a. An explanation that the leave is designated as, and will be counted against, the annual FMLA leave entitlement, including the substitution of otherwise available paid leave.
 - b. Any medical certification requirement, that is required and an explanation of the consequences for failing to furnish one. (29 C.F.R. 825.114 and 825.306).
 - c. Any requirement for the employee to make premium payments to maintain health benefits and the arrangement for making such payments (29 C.F.R. 825.209).
 - d. Any requirement for the employee to present a fitness-for-duty certificate to be restored to employment (29 C.F.R. 825.310).
 - e. An explanation of the employee's right to restoration to the same or an equivalent job upon returning from leave.
 - f. Any requirement that the employee periodically report on his or her status and intention to return to work (29 C.F.R. 825.309).
3. The Superintendent may challenge the adequacy of a medical certification and require the employee to obtain a second opinion from a second health care provider, paid for by the District (29 C.F.R. 825.307). If a second medical opinion conflicts with the first, the Superintendent may require a third opinion, paid for by the District. The third health care provider must be designated or approved jointly by the District and the employee. The third opinion is final and binding (29 C.F.R. 825.308).
4. The Human Resources department shall inform an instructional employee whenever the employee will be required to wait to return to work until the next semester because (29 C.F.R. 825.602):
 - a. The employee's leave begins more than 5 weeks before the end of a term, the leave will last at least 3 weeks, and the employee would return during the 3-week period before the end of the semester.
 - b. The employee's leave, for a purpose other than the employee's own serious health condition, begins during the 5-week period before the end of a term; the leave will last more than 2 weeks; and the employee would return during the 2-week period before the end of the term.

OR

c. The employee's leave, for a purpose other than the employee's own serious health condition, begins during the 3-week period before the end of a term and the leave will last more than 5 working days.

If an employee chooses, or is required, to take leave for *periods of a particular duration* in the case of intermittent or reduced-schedule leave, or is required to continue taking leave until the end of a school term, the entire period of leave taken will count as a FMLA leave (29 C.F.R. 825.603).

5. The Superintendent shall ensure that work and teaching schedules are arranged so that an employee returning from a family and medical leave will be given an equivalent position to his or her position before the leave, subject to the District's assignment and reassignment policies and practices (29 C.F.R. 825.604).

REQUEST FOR FAMILY OR MEDICAL LEAVE

This form is to be completed by an eligible employee seeking up to twelve weeks of paid or unpaid leave under the provisions of the Family and Medical Leave Act for the purpose of caring for a child following a birth, adoption, or foster placement; for the serious health condition of the employee; or to care for the employee's parent, child or spouse due to the serious health condition of that family member.

Name of employee _____ Current position _____

Location _____ Date hired by Fargo School District _____

Reason for request _____

If adoption or foster placement applies, state date of placement _____

If health of family member applies, state the name and address of family member requiring care and relationship to employee:

If illness of the employee or a family member necessitates the request, briefly describe the medical condition:

Name and address of physician able to confirm medical condition

Inclusive dates requested for leave: _____

Signature of Employee _____ Date of Application _____

Action Taken by Office of Human Resources

____ Approved ____ Disapproved for Reason(s) Given Below:

Assistant Superintendent for Human Resources

Date

Number of days and dates
to be used as followed:

____ Sick Days _____
____ Emergency Days _____
____ Loss Pay Days _____

**FARGO PUBLIC SCHOOL DISTRICT
CERTIFICATION OF ADOPTION OR FOSTER PLACEMENT**

An employee of the Fargo Public School District has requested leave under the Family Medical Leave Act due to an adoption or foster placement. Your confirmation is requested to verify the adoption or placement.

Name of Employee _____ Position _____

Address: _____ Building _____

Request is for (circle one) Adoption Foster Placement

I hereby grant permission for _____ (Name of social service agency) to release the requested information regarding an adoption or foster placement made to this employee.

_____ Date _____

Signature of Employee

To be completed by social service agency:

Name of Agency _____

Address of Agency _____

Printed name of person completing this form _____

Phone number of person completing this form _____

I hereby certify that this agency has facilitated the adoption or foster placement with the employee named above and that the date of placement is _____

_____ Date _____

Signature of Agency Representative

Upon completion, this form should be returned to:

*Office of Human Resources
Fargo Public School District
415 North 4th Street
Fargo, North Dakota 58102*

Certification of Health Care Provider

(Family and Medical Leave Act of 1993)
Fargo Public Schools

** To be returned to the employee upon completion

1. Employee's Name	2. Patient's Name (if different from employee)
<p>3. A "Serious Health Condition" means an illness, injury impairment, or physical or mental condition that involves one of the following descriptions. Does the patient's injury qualify under any of the categories described? If so, please check the applicable category. **Words in <i>italics</i> are defined on page 4.</p> <p>_____ A. <u>Hospital Care</u> Inpatient care (i.e., and overnight stay) in a hospital, hospice, or residential medical care facility, including any period of <i>incapacity</i> or subsequent <i>treatment</i> in connection with or consequent to such inpatient care.</p> <p>_____ B. <u>Absence Plus Treatment</u> A period of <i>incapacity</i> of more than three consecutive calendar days (including any subsequent <i>treatment</i> or period of <i>incapacity</i> relating to the same condition), that also involves:</p> <ul style="list-style-type: none"> (1) <i>Treatment</i> two or more times by a health care provider within 7 days of the first incapacity; or (2) <i>Treatment</i> by a health care provider on at least one occasion which results in a <i>regimen of continuing treatment</i> under the supervision of the health care provider. <p>_____ C. <u>Pregnancy</u> Any period of <i>incapacity</i> due to pregnancy, or for prenatal care. Indicate number of weeks of disability (personal recovery) _____</p> <p>Indicate number of weeks of extended time off to care for child _____</p> <p>_____ D. <u>Chronic Conditions Requiring Treatments</u> A chronic condition which:</p> <ul style="list-style-type: none"> (1) Requires periodic visits for <i>treatment</i> by a health care provider, or by a nurse under direct supervision of a health care provider (a minimum of two visits to a health care provider per year); (2) Continues and over an extended period of time; and (3) May cause episodic rather than a continuing period of <i>incapacity</i> (e.g. asthma, diabetes, epilepsy, etc.) 	

E. Permanent/Long-term Conditions Requiring Supervision

A period of *incapacity* which is permanent or long-term due to a condition for which *treatment* may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active *treatment* by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

F. Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive multiple *treatments* (including any period of recovery) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of *incapacity* of more than three consecutive calendar days in the absence of medical intervention or *treatment*, such as cancer (chemotherapy, radiation, etc.), severe arthritis (PT/OT), and kidney disease (dialysis).

4. Describe the medical facts which support your certification, including a brief statement as to how the medical facts meet the criteria of one of these categories:

- 5 (a). State the approximate date the condition commenced, and the probable duration of the condition (and also the probable duration of the patient's present *incapacity* if different):

- (b). Will it be necessary for the employee to take work only intermittently or to work on a less than full schedule as a result of the condition (including for *treatment* described in item 6 below)?

If yes, give the probable duration:

- (c). If the condition is a chronic condition (Condition D) or pregnancy, state whether the patient is presently incapacitated and the likely duration and frequency of episodes of *incapacity*.

6 (a). If additional *treatments* will be required for the condition, provide an estimate of the probable number of such *treatments*.

If the patient will be absent from work or other daily activities because of *treatment* on an intermittent or part-time basis, also provide an estimate of the probable number of and interval between such *treatments*, actual or estimated dates of *treatment* if known, and period required for recover if any:

(b). If any of these *treatments* will be provided by another provider of health services (e.g. physical therapist), please state the nature of the *treatments*:

(c). If a regimen of continuing *treatment* by the patient is required under your supervision, provide a general description of such regimen (e.g., prescription drugs, physical therapy requiring special equipment):

Signature of Health Care Provider

Type of Practice

Address

Telephone Number

City/State/Zip

Date

This section to be completed by employee needing family leave to care for a family member:

State the care you will provide and an estimate of the period during which care will be provided, including a schedule if leave is to be taken intermittently or if it will be necessary for you to work less than a full schedule:

8 (a). If leave is required to care for a family member of the employee with a serious health condition, does the patient require assistance for basic medical or personal needs or safety, or for transportation?

(b). If no, would the employees presence to provide psychological comfort be beneficial to the patient or assist in the patient's recovery?

(c). If the patient will need care only intermittently or on a part-time basis, please indicate the probable duration of this need:

Signature of Employee

Date

Terms and definitions:

1. Here and elsewhere on this form, the information sought relates only to the condition for which the employee is taking FMLA leave.
2. *Incapacity*, for purposes of FMLA is defined to mean inability to work, attend school, or perform other regular daily activities due to the serious health condition, *treatment* before, or recovery from.
3. *Treatment* includes 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.
4. *A regimen of continuing treatment* includes, for example, a course of prescription medication (e.g. an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of *treatment* does not include the taking of over-the-counter medications such as aspirin antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.
5. *Serious Heath Condition* is defined as an illness, injury, impairment, or physical or mental condition that involved inpatient care or continuing treatment by a health care provider. The 'continuing treatment' test for a serious health condition may be met through:
 - + a period of incapacity of more than three consecutive calendar days plus treatment by a health care provider twice, or once with a continuing regimen of treatment,

- + any period of incapacity related to pregnancy or for prenatal care,
- + any period of incapacity or treatment for a chronic conditions,
- + a period of incapacity for permanent or long-term conditions for which treatment may not be effective, or
- + any period of incapacity to receive multiple treatments (including recovery from those treatments) for restorative surgery, or for a condition which would likely result in a incapacity of more than three consecutive calendar days absent medical treatment.

Family and Medical Leave Act (Military) – AP 5080b

Established in 2009 there are special provisions for FMLA leave as it is associated with family members or employees who serve with the military. Please see AP 5080b

FAMILY MEDICAL LEAVE / Military (in Brief)

FAMILY MEDICAL LEAVE

The Family and Medical Leave Act effective August 5, 1993 (updated in January of 2009) requires employers with 50 or more employees or all local education agencies or schools to grant up to 12 weeks of paid or unpaid leave per year to employees who need to care for family members or whose personal serious health condition requires absence beyond the sick leave accumulated by the employee. FMLA and benefited paid time off, sick leave, emergency leave, and/or personal/vacation leave run concurrently. Eligible employees are those whose employment is not limited in duration, who have been employed by the Fargo School District for at least 1,250 hours during the previous twelve months, and are employees who have been employed by the district for at least one year, and are within a 75 mile radius.

Family leave is an unpaid leave of absence available to all eligible employees for the birth, adoption, or foster placement of a child or for the serious health condition of the employee, the employee's parent, child or spouse. Family leave used for the birth, adoption or foster care placement of a child expires within twelve months of the date of birth or placement.

The maximum length of the leave is twelve weeks per year which includes any days of appropriate paid leave (emergency leave, sick leave, personal leave) used by the employee in a rolling twelve month period measured backward from the date the employee uses any FMLA leave. The National Defense Authorization Act (NDAA) amended the FMLA to allow eligible employees of covered employers to take FMLA-qualifying leave because of any qualifying exigency arising from the fact that a spouse, son, daughter, or parent of the employee is on active duty or has been notified of an impending call or order to active duty in the Reserve or National Guard. The final rule clarified that this NDAA provision applies to a federal call to active duty, NOT a state call to active duty.

The NDAA also provides that an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered, wounded service member is entitled to a total of 26 workweeks of leave during a single 12-month period to care for the service member, which includes current members of the Regular Armed Forces as well as current members of the National Guard or Reserves.

Employees shall make a written request for the leave (attached below) at least thirty days prior to the commencement of the leave period. This provision may be waived by the Assistant Superintendent for Human Resources in a case where the employee had no reasonable anticipation of the situation requiring the leave. The employee is also responsible for notifying the employee's building principal or immediate supervisor.

When the leave period is completed, the employee will be returned to the same position or a similar position with equivalent compensation and benefits. If a reduction in force would have caused the position to be eliminated, this reinstatement does not apply. Employees utilizing family leave will be provided health related benefits at the same level received while actively employed. The employee is required to pay the same portion of the premium paid while actively employed. The employee granted such a leave will not lose any employment benefits accrued prior to the leave; however sick leave, emergency leave, retirement eligibility and eligibility for salary increments shall not accrue during the period of the leave.

Adopted 12-12-95 Reviewed 11/30/02 - 09/29/05 – 7/2006 – 1/2009

FAMILY AND MEDICAL LEAVE REGULATIONS.

Leave Description

The use of unpaid family and medical leave is subject to the following:

1. It may be used for up to a combined total of 12 weeks each year, on a rolling basis that is dependent to the individual situation (29 C.F.R. 825.200).
2. Other available paid vacation, personal, sick leave, or emergency leave will be substituted for family and medical leave necessitated a family member's serious health condition (military caregiver's leave condition) or by impending deployment. The District will pay family leave or sick leave only under circumstances permitted by the applicable leave plan (29 C.F.R. 825.207).
3. To be eligible for FMLA leave, an employee must (29 C.F.R. 825.110 and 825.111):
 - a. Have been employed by the District for at least 12 months.
 - b. Have been employed for at least 1,250 hours of service during the 12 month period immediately before the beginning of the leave or be a full-time classroom teacher.
4. Family and medical leave is available in one or more of the following instances (29 C.F.R. 825.112 and 825.200):
 - a. The birth and first-year care of a son or daughter.
 - b. The adoption or foster placement of a child.
 - c. The serious health condition of an employee's spouse, parent, or child.
 - d. The employee's own serious health condition.
 - e. "Any qualifying exigency" during a family member's active military service, or the family member being called to active military duty; or to care for a member of the Armed Forces who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness suffered while on active duty. (see below)

5. School Board policy will govern family and medical leaves, but the FMLA, and its implementing regulations, will be the final authority.

Procedure to Request Leave

1. If possible, an employee shall notify the Human Resources' department of the date the employee will need a family and medical leave at least 30 days before a leave is to begin. If 30 days' notice is not practicable, the employee should give the notice at least two business days after the need becomes known to the employee. The employee is encouraged to provide a written notice, but a verbal notice is sufficient. The notice must provide sufficient information to make the District aware that the employee needs a family and medical leave, and the anticipated timing and duration of the leave (29 C.F.R. 825.302).
2. Upon the District's request, an employee must support his or her request for a leave with a certificate completed by the employee with military confirmation. The certificate must be provided to the HR department within 15 calendar days after the request and on the District's form (DOL form WH-384). Failure to provide the certification may result in a denial of the leave request (29 C.F.R. 825.208, 825.302, 825.305, and 825.311).
3. Intermittent or Reduced-Leave Schedule
 - a. Leave increments are limited to one-hour periods of time (29 C.F.R. 825.203[d]) for hourly employees and .25 (1/4) days for certified teaching staff.
 - b. An employee should follow the regular notice procedures when requesting an intermittent or reduced-hour leave. If the leave is taken because of impending call or order to active duty, leave may be taken intermittently or on a reduced schedule only if the District agrees. If military caregiver leave is taken, leave may be taken intermittently or on a reduced schedule when medically necessary (29 C.F.R. 825.203[a]).
 - c. Instructional employees taking leave which is 20 percent or less of the working days during the leave period, and all non-instructional employees, may be required to transfer temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of intermittent or reduced-schedule leave (29 C.F.R. 825.203, 805.204, 825.205, and 825.601). The alternative position must be equivalent in pay and benefits (29 C.F.R. 825.204).
 - d. If an instructional employee requests intermittent leave or leave on a reduced-leave schedule as a military caregiver, which is foreseeable based on planned medical treatment, and the employee would be on leave for more than 20 percent of the total number of working days over the period the leave would extend, the Superintendent or designee may require the instructional employee to choose either to:
 1. Take leave for a period(s) of a particular duration, not greater than the duration of the planned treatment.

OR

2. Transfer temporarily to an available alternative position for which the employee is qualified, which has the equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position. (29 C.F.R. 825.601)

Response to Leave Request

1. Regardless of the type of leave requested, the District will (29 C.F.R. 825.208):
 - a. Determine the reason for any requested leave.
 - b. Decide whether it is a FMLA-qualifying leave.
 - c. Decide whether the District will require the employee to substitute available paid leave (sick, emergency, personal, or vacation) for family and medical leave.

2. If the leave qualifies as a FMLA leave, the District will provide the employee with written Notice of the Leave's Terms and Procedures, which include (29 C.F.R. 825.208 and 825.301):
 - a. An explanation that the leave is designated as, and will be counted against, the annual FMLA leave entitlement, including the substitution of otherwise available paid leave.
 - b. Any medical certification requirement, that is required and an explanation of the consequences for failing to furnish one. (29 C.F.R. 825.114 and 825.306).
 - c. Any requirement for the employee to make premium payments to maintain health benefits and the arrangement for making such payments (29 C.F.R. 825.209).
 - d. An explanation of the employee's right to restoration to the same or an equivalent job upon returning from leave.
 - e. Any requirement that the employee periodically report on his or her status and intention to return to work (29 C.F.R. 825.309).

3. The Human Resources department shall inform an instructional employee whenever the employee will be required to wait to return to work until the next semester because (29 C.F.R. 825.602):
 - a. The employee's leave begins more than 5 weeks before the end of a term, the leave will last at least 3 weeks, and the employee would return during the 3-week period before the end of the semester.
 - b. The employee's leave, for a purpose other than the employee's own serious health condition, begins during the 5-week period before the end of a term; the leave will last more than 2 weeks; and the employee would return during the 2-week period before the end of the term.

OR
 - c. The employee's leave, for a purpose other than the employee's own serious health condition, begins during the 3-week period before the end of a term and the leave will last more than 5 working days.

If an employee chooses, or is required, to take leave for *periods of a particular duration* in the case of intermittent or reduced-schedule leave, or is required to continue taking leave until the end of a school term, the entire period of leave taken will count as a FMLA leave (29 C.F.R. 825.603).

4. The Superintendent shall ensure that work and teaching schedules are arranged so that an employee returning from a family and medical leave will be given an equivalent position to his or her position before the leave, subject to the District's assignment and reassignment policies and practices (29 C.F.R. 825.604).

REQUEST FOR FAMILY OR MEDICAL LEAVE

This form is to be completed by an eligible employee seeking up to twelve weeks of paid or unpaid leave under the provisions of the Family and Medical Leave Act for the purpose of caring for a child following a birth, adoption, or foster placement; for the serious health condition of the employee; or to care for the employee's parent, child or spouse due to the serious health condition of that family member.

Name of employee _____ Current position _____

Location _____ Date hired by Fargo School District _____

Reason for request _____

If health of family member applies, state the name and address of family member requiring care and relationship to employee:

If illness of the employee or a family member necessitates the request, briefly describe the medical condition:

Name and address of physician able to confirm medical condition

Inclusive dates requested for leave: _____

Signature of Employee _____ Date of Application _____

Action Taken by Office of Human Resources

____ Approved ____ Disapproved for Reason(s) Given Below:

Assistant Superintendent for Human Resources Date

Number of days and dates to be used as followed:	_____ Sick Days	_____
	_____ Emergency Days	_____
	_____ Loss Pay Days	_____

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DEFINING LEAVE FOR QUALIFYING EXIGENCY

The final regulations define “any qualifying exigency” as one or more of the following:

- **Short notice (seven days or less) deployment**

– The employee can take up to seven days leave to address any issues that arise due to a short notice of a call to active duty.

- **Military events and related activities**

– To attend any official ceremony, program or event sponsored by the military related to active duty or a call to active duty or to attend family support or assistance programs sponsored or promoted by the military.

- **Childcare** – To arrange for alternative childcare when duty necessitates a change in the existing childcare arrangement for a biological, adopted, foster, or step child, or a legal ward of the military member, or a child for whom the covered military member stands in loco parentis who is either under age 18 or is over age 18 and incapable of self-care due to a mental or physical disability. Also, leave may be taken to provide childcare on an urgent, immediate need basis when the need arises from the call to active duty.

- **School activities** - To enroll in or transfer to a new school or day care facility or to attend meetings with staff of a school or daycare facility such as parent teacher conferences, meeting with school counselors, or meetings regarding disciplinary measures.

- **Financial and legal arrangements** - To make or update financial or legal arrangements to address the covered military member’s absence while on active duty or call to active duty status, such as preparing and executing financial and healthcare powers of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System (DEERS), obtaining military identification cards, or preparing or updating a will or living trust. Also, leave must be granted to allow the employee to act as the military member’s representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits.

- **Counseling** - To attend counseling provided by someone other than a health care provider for oneself, for the covered military member, or for the biological, adopted, or foster child, a stepchild, or a legal ward of the covered military member, or a child for whom the covered military member stands in loco parentis, who is either under age 18, or age 18 or older and incapable of selfcare because of a mental or physical disability at the time that FMLA leave is to commence, provided that the need for counseling arises from the active duty or call to active duty status of a covered military member.

- **Rest and recuperation** - To spend up to five days with a covered military member who is on short-term, temporary, rest and recuperation leave during the period of deployment.

- **Post-deployment activities** - To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the covered military member’s active duty status and to address issues that arise from the death of a covered military member while on active duty status, such as meeting and recovering the body of the covered military member and making funeral arrangements.

- **Additional activities** - To address any other events which arise out of the covered military member’s active duty or call to active duty status that the employer and employee have agreed upon.

Taking Caregiver Leave

In order to take leave, the eligible employee must be the spouse, son or daughter, parent, or “next of kin” of a covered service member. A “spouse” means a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides, including common law marriage in States where it is recognized. [Note: Based on the federal Defense of Marriage Act, this definition does not include a same-sex spouse even if the same-sex marriage is recognized under State law (e.g. CA, MA, CT)].

A “son or daughter of a covered service member” is defined as the covered service member’s

biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age. A "parent" is defined as a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents "in law." "Next of kin" is the nearest blood relative, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority:

- blood relatives who have been granted legal custody of the service member by court decree or statutory provisions,
- brothers and sisters,
- grandparents,
- aunts and uncles,
- first cousins.

However, the covered service member can specifically designate in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

When there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously.

An employer is permitted to require an employee to provide confirmation of the family relationship to the covered service member. The employer can also require certification of the service member's illness or injury. The regulations include a model Certification for Serious Illness or Injury of Covered Service member (Form WH-385) that must be completed by the employee or covered service member and a health care provider.

Longevity Provision – AP 5452

LONGEVITY RECOGNITION

This longevity recognition plan is designed to recognize the commitment an employee has made to the Fargo School District in the form of years of service. It is intended to provide a cash payment to the employee at the time employment with the school district is terminated. Employees will be eligible for this payment only one time and the payment will be made in one installment. Participation in the plan is fully voluntary and no employee will be required or coerced in any manner to terminate employment and take the payment. The School Board will consider all requests, but approval of any or all requests will depend on the availability of funds, the number of applicants and such factors as the Board at its sole discretion may deem important.

The district will annually review continuation of this policy at the first meeting in December and a decision as to the continued availability of this option will be made prior to January 1st of each year. Employees choosing to exercise their option under this longevity recognition must do so one hundred and fifty (150) days prior to the end of the current contract period under which they are employed.

ELIGIBILITY CRITERIA

This plan is available to full time employees, or part time employees who can satisfy the same requirements with equivalent years of service, who have met the following criteria:

1. The employee will be eligible to participate in this plan after 15 years of service to the Fargo Public School District in a benefited position. 15 years of service must be continuous in that the break in service is only through participation in an approved leave of absence plan. Those years an employee is on leave, however, will not count toward satisfying the years of service criteria, but the time the employee was absent from work will not be deemed to break the continuous years of service criteria. The Superintendent or his designee reserves the right to review and make exceptions to extenuating circumstances which may affect the continuous service criteria. The decision of the Superintendent will be final.
2. The employee has reached the age of 55 or has been determined eligible for full retirement benefits from either PERS or TFFR. The employee will be required to provide written verification of this eligibility under the retirement plan, or verification that they are at least age 55. To participate in this program, all of the eligibility provisions of the plan must have been met on or before the effective date of termination of employment with the Fargo Public Schools. All employees who elect to avail themselves of this longevity recognition will be personally responsible for determining what effect this payment will have on their coverage under any retirement program, Social Security, insurance program, and the tax implications of this payment to the individual.

CALCULATION OF PAYMENT

The payment will be computed as follows:

1. It will be based on 1/180th of the MA lane, Step 4, of the Teachers' Salary Schedule, excluding Board contribution to teacher retirement that is in existence for the year in which termination of employment is occurring. This figure will then be multiplied by the number of accumulated sick

leave days the employee has at the time of termination of employment, but will not exceed 180 days.

2. At 15 years of service, assuming all eligibility criteria have been met, the employee will receive 80% of this payment.

3. For each subsequent year the payment will increase by 2% through the 25th year of service, at which time the employee would receive 100% of this payment.

4. For purposes of this payment, an employee will be allowed to accumulate 195 days of sick leave in the last year of employment. However, the payment will be based on no more than 180 days. This provision is included in the procedure to allow employees who have a history of limited use of sick leave to be eligible for the full payment at the end of the year in which their employment is terminated even though they may have been required to use some days of sick leave during that last year.

5. Payment will be made no later than sixty (60) days from the termination of employment.

Adopted 1/23/01 Reviewed 12/01/02 Revised 12/1/0 Revised 6/14/0 Revised 5/9/06

FARGO PUBLIC SCHOOLS
LONGEVITY RECOGNITION APPLICATION

Name: _____ Social Security Number: _____
Street address upon retirement: _____

City/State/Zip: _____

Years of service: _____ Date of birth: _____

*If less than age 55, Rule of 85 date (Attach confirmation): _____

Sick leave balance upon retirement: _____ (hours/days) Retirement Date: _____

Upon my signature of this agreement, I resign my position with the District as of _____ and waive my continuing contract and non-renewal rights.

In consideration of this agreement, I hereby agree to and warrant the following:

- A. On the effective date of retirement I am no longer entitled to benefits and/or privileges provided employees of the District. All fringe benefits are discontinued at the conclusion of my employment (All COBRA regulations apply).
- B. I am personally responsible for determining the effects of the Longevity Recognition Payment upon any programs for which I may be eligible (such as TFFR, PERS, Social Security). I understand the District assumes no liability for decisions made by me in regard to these programs.
- C. I may be allowed to convert group fringe benefit programs to individual plans if the District's carriers agree to such participation.
- D. I understand I have the right to revoke this agreement within seven (7) days of signing this agreement.
- E. All deposits of longevity payments are made to the District's 403(b) employer plan and taxes are deferred until withdrawal. The deposits are made through Valic and the local contact person is Mike Simonich (218-284-3500). A contact should be made with him to review withdrawal options and decide the best management of these funds.

I have read, understand, and agree to the terms of this contract.

Applicant's Signature	Date
-----------------------	------

I hereby verify that the above listed information is correct according to the records of the Human Resources Office.

Assistant Superintendent for Human Resources	Date
--	------

The Fargo Board of Education hereby approves this application and offers to provide the benefits as outlined in AP 5452 upon the effective resignation of this applicant.

Board President	Date
-----------------	------

Leaves of Absence – AP 5430

1. Written applications for general leaves of absence without pay must be submitted to the Assistant Superintendent for Human Resources.
2. Applications for leaves shall be considered by the Assistant Superintendent for Human Resources individually upon their merit.
3. Leave and vacation allowances will not accumulate during the leave of absence. Experience credit will normally not be granted for the period the employee is on leave. If special conditions justify consideration for experience credit, such authorization must be approved in advance of the leave by the Assistant Superintendent for Human Resources.
4. A leave without pay may be granted for a part of one fiscal year or part of two fiscal years not exceeding the maximum of one calendar year. If the employee plans to return to work at the beginning of their respective work year, the Assistant Superintendent for Human Resources must be notified in writing by February 1st. Requests to return to work prior to the scheduled termination of the leave may be granted provided an appropriate vacancy exists.
5. Military leaves of absence will be granted in accordance with current and applicable state and federal laws and regulations.
6. Employees on approved leaves of absence are authorized to continue under district group insurance plans at their own expense.

Adopted 8/23/67 Reviewed 12/01/02 – 7/2006

Sick Leave

Sick leave may be used for an employee's personal illness, well-care and sick medical and dental appoints.

(Employees eligible are those who are employed for 50% or more)

1. Each regular school district employee will be entitled to fifteen (15) days of cumulative sick leave credit per year of Fargo Public Schools employment based upon an equivalency to the individual employee's respective work day. The maximum amount of credit that can be accumulated is 180 days. However, no more than 90 days may be used for any one disability. A regular employee is defined as an employee who is not hired to do special work for a limited time, and there is anticipation that the position will continue on a normal schedule.
2. Sick leave utilized will be charged against the employee's accumulative sick leave.
3. Sick leave used after either the individual's maximum days allowed has been met, or accumulated sick leave has been used, will be without pay.
4. Sick leave may be used for disability due to pregnancy or childbirth if such period of disability is certified by the employee's licensed physician.
5. Sick leave shall be prorated on the basis of the number of months of employment for employees whose employment starts at other than the normal starting date.
6. Employees who are unable to work during the remainder of a fiscal year (July 1 - June 30) because of a disability may use the balance of their sick leave beyond the end of the fiscal year, but are not eligible for additional sick leave days until a medical doctor certifies they are able to return to work.
7. Employees must furnish a medical certificate signed by a medical doctor when such a certificate is requested by the administration. This is required for any medical leave of over ten (10) days in length.
8. An employee may request FMLA (Family Medical Leave Act) if appropriate or a leave of absence for medical reasons if disability continues beyond accumulated sick leave allowance.
9. The Board of Education will annually establish a sick leave pool of 150 days. The request for days beyond the employee's accumulated sick leave shall be sent to the Assistant Superintendent for Human Resources who

will forward it to the Sick Leave Committee. This committee will consist of: One representative from maintenance, nutrition services, educational support personnel, teachers, administration, and the Board. (Pregnancy is not eligible for Sick Bank use)

10. Sick leave time can be used sparingly for medical appointments. Employees are encouraged to utilize time outside of school for appointments, but the district acknowledges that this is not always possible. Time taken off for an appointment must be in half day increments.
11. Each certified employee on an annual contract for the work year will be entitled to cumulative sick leave credit each year. The maximum days used for any one disability is limited to the days necessary to reach the starting date for disability coverage provided by the Board. Any staff eligible for sick leave may use up to five (5) days (after they have used their emergency and personal leave days) for taking care of a spouse, dependent child or parent.

Sick leave utilized will be charged against the employee's accumulative sick leave.

Emergency Leave

Each employee, working 50% or more, shall be entitled to three (3) days of emergency leave per year, prorated to the length of the requesting employee's work day; emergency leave may accumulate to a maximum of twelve days

In the first year, emergency leave will be prorated to the number of months of employment if the starting date is not at the beginning of the school year.

Emergency leave will not be granted for:

Attending at an event for a family member, moving into/out of a home or apartment, or making arrangements with a financial institution, or attending a sporting event of any kind.

Funeral Leave

In the event of the death of a near relative (wife, husband, father, mother, sister, brother, son, daughter, mother-in-law, father-in-law, grandmother, grandfather, grandchildren, sister-in-law, brother-in-law, son-in-law, daughter-in-law), each benefited school district employee is allowed a maximum of five (5) working days without salary deduction to attend the funeral and to make final arrangements.

Personal Leave

All personal leave needs to be called into the absence system as soon as the leave is processed through the HR department. Leaves not called into the system (whether or not a substitute is needed) will be subject to loss of pay.

Storm procedures

If FPS is called off for a storm and an employee is currently on personal leave or has requested personal leave for that day, the personal leave will be restored to the employee's leave bank.

1. Nine (9) and ten (10) month employees, working 50% or more, are entitled to two (2) personal days per year prorated to the length of the requesting employee's work day.
2. Approval of personal leaves will be based on workload and availability of substitutes. Specifics are outlined in the negotiated agreement.

3. In the first year, personal leave will be prorated to the number of months of employment.
4. Personal leaves may be accumulated to a maximum of five (5) days.
6. Employees may request payment for unused personal leave. This request needs to be made to the payroll office prior to April 15th of each year.

LOSS of PAY / LOA Leave

Loss of pay is not an automatic. Because employees can choose to accumulate up to 5 days of personal leave over two years there will be few situations that call for Loss Of Pay.

Due to the critical need to ensure adequate staffing for our students, employees who do not follow the appropriate procedures to request/document an absence as outlined in Section III – General Leaves of the Employee Guidebook, or who fail to use the automated absence system as required will be subject to Loss of Pay for the time period in question.

Voting Leave

The Fargo Public Schools allows employees the opportunity to vote in federal, state, or local elections, both primary and general elections by authorizing a building designee to work with the employee to find an appropriate time and coverage to get to a polling place. Employees wishing to take time off to vote must request time off for voting in writing or via e-mail five (5) days in advance. The request for leave must clearly state that the employee needs leave in order to vote. The district will designate what time of the day the employee takes time off to vote. Employees taking time off will not be paid for the time he or she is absent unless it is during a preparation period or is covered by personal leave.

Jury Duty

Upon receipt of the notification from the state or federal courts of an obligation to serve on a jury or to act as a court witness, the employee should notify his or her supervisor. The employee is required to provide copies of the subpoena or jury summons to his or her supervisor and Human Resources. The employee can either take leave from school time and accept the remuneration of the court, or turn in the court payment to the school district and receive the normal daily/hourly wage for the time spent at court.

Medical Insurance

1. Employees without dependents will be offered single coverage. Employees with qualifying dependents will be offered dependent coverage in accordance with the current health insurance contract provisions. The School District Health Insurance Committee will review the school district health insurance plan design and will meet to make recommendations to the appropriate employee groups and the School Board regarding plan design and premium contributions to the health insurance program. These recommendations by the Health Insurance Committee will be presented to the School Board for their consideration and action each year.

2. The following special provisions apply to the group insurance program:

- a. Employees whose employment continues from year to year will be provided with district group health insurance on a twelve-month basis.
- b. Employees who terminate employment will be provided with district group health insurance protection to the end of the month of termination.
- c. Any employee receiving an approved leave of absence from the Board of Education may continue in the group insurance plan for the duration of the absence by paying his/her own premium to the Board of Education.
(COBRA regulations apply.)

Dental Insurance

Employees without dependents will be offered single coverage. Employees with qualifying dependents will be offered dependent coverage in accordance with the current dental insurance contract provisions. The School District Health Insurance Committee will review the school district dental insurance plan design and will meet to make recommendations to the appropriate employee groups and the School Board regarding plan design and premium contributions to the dental insurance program. These recommendations by the Health Insurance Committee will be presented to the School Board for consideration and action each year.

Long Term Disability Insurance

Employees working 50% or more will be offered a long-term disability insurance plan at Board expense based on the current disability plan structure.

Personal Automobile Liability and Property Damage Insurance

The Board of Education will provide secondary liability and property damage insurance protection for employees of the school district who are required to use their personal automobile for authorized school district business. Employees will be notified of the limits of the protection.

Life Insurance

Employees working half time or more shall be provided with \$25,000 of group term life insurance with additional coverage equal to the principal sum for accidental death and dismemberment. Beginning with the employee's 70th birthday, the amount of life insurance will be decreased in accordance with the current life insurance plan.

403b Plan – AP 5440

The Fargo Board of Education will cooperate with employees wishing to participate in 403(b) plan in accordance with legal limitations and the school district's process. Administrative Policy 5440 provides further information.

TAX DEFERRED INVESTMENTS (403)(b)

In accordance with the current Federal Internal Revenue Code, the Fargo Board of Education authorizes regular, permanent employees working 20 hours or more per week to apply annually to the district for the purchase of qualified tax deferred investments on their behalf in accordance with current applicable administrative regulations.

Tax deferred investments are designed to provide employees of qualified organizations with the opportunity to defer a portion of their taxable income obligation during higher earnings years to a period of time, normally during retirement, when total taxable income is less and personal exemptions are higher. The result of transferring the amount of taxable income from higher earnings years to retirement years normally reduces the tax rate which then applies to such income.

Deferred means that no state or federal income tax is withheld or required to be paid on that part of the annual salary currently used to purchase the contract. Taxation of the contract value does not occur until the period of withdrawal, normally during retirement. Deductions for Social Security and retirement do, however, apply to the total gross pay including the contract contribution, at the time of original earnings. Restrictions apply as to maximum amounts of annual income that can be used to purchase such tax deferred contracts.

The tax deferred investment program shall be the choice of the individual employee. Companies participating for the first time will be required to submit at least twenty signed contracts to enter the program. Provided a company has been allowed to enroll employees in their program, the participation shall continue even though the enrollment may fall below ten provided that at least one contract remains current with the district.

The school district assumes no liability for the eligible tax exempt status of the contract deduction either in whole or in part. The participating company shall be responsible directly to the individual employee for the proper identification and reporting of any portion of the monthly deduction which does not qualify for tax exemption status. Companies participating in the program must sign a Tax Deferred Investment Hold Harmless Agreement (attached), and provide copies of the plan documents which formally describe the contract.

TAX DEFERRED INVESTMENTS (403)(b)

The tax deferred investment program for Fargo Board of Education employees is administered under the following guidelines:

- A. Employees working 20 hours or more per week may request to allocate a portion of their earnings for the purchase of an individual and voluntary tax deferred retirement income contract through payroll deduction.
- B. The contract must subsequently be applied for and legally purchased by the school district. The application form below must bear the authorizing signature of the requesting employee and indicate the firm from which the contract is to be purchased as well as the amount to be deducted from the employee's earnings per pay period.
- C. The employee shall actually own such contract and his/her rights there under shall not be forfeited except for failure to pay contributions.
- D. New applications, adjustments and requests to terminate existing agreements must be received in the Business Office seven working days prior to the affected pay date. Deductions will continue on a regular basis for the remainder of the deduction period. Unless otherwise notified, all agreements will be automatically renewed for subsequent years under the same terms.
- E. The school district assumes no liability whatsoever for any errors, irregularities or breach of statutes in which employees may become involved through any understandings or commitments with the participating company or its representatives.

FARGO PUBLIC SCHOOLS FARGO, NORTH DAKOTA 58102

TAX DEFERRED INVESTMENT HOLD HARMLESS AGREEMENT

WHEREAS, the Fargo Board of Education wishes to make available to its employees the provisions of Public Law 87-370, the United States Internal Revenue Code Section 403(b), as amended; and

WHEREAS, the company designated below has offered to provide tax deferred investments complying with federal and state law for eligible employees of Fargo Board of Education wishing to have such contracts purchased for them by the Fargo Board of Education.

IT IS AGREED AS FOLLOWS:

1. The company shall provide for purchase by Fargo Board of Education for its employees only, investments complying with the provisions of Public Law 87-370, Section 403(b) of the United States Internal Revenue Code, as amended, and any other pertinent present or future federal or state law. Such contracts shall be available for purchase by the Fargo Board of Education for legally eligible employees electing to participate.

The company reserves the right, upon thirty (30) days' written notice to Fargo Board of Education to terminate this Agreement, but such termination shall not affect any liability of the company incurred prior to such termination.

2. The company, its agents and representatives shall comply with all pertinent written directives regarding the solicitation of employees of the Fargo Board of Education and the purchase of Tax Deferred Investments.

3. The company shall hold harmless and indemnify the Fargo Board of Education and its officers and employees from every claim and demand, including those based upon negligence of the Fargo Board of Education and its officers and employees which may be made by reason of the purchase of such contracts by the Fargo Board of Education from the company.

The company shall, at its own cost, expense and risk, defend any legal proceedings that may be brought against the Fargo Board of Education or its officers and employees on any claim or demand arising out of the purchase of such contracts from the company, and shall satisfy any judgment that may be rendered against any of them. The Fargo Board of Education shall promptly notify the company upon the receipt of any such claim or demand.

4. Contributions for the purchase of such contracts shall be sent to the company at the most recent billing address designated in writing by the company.

5. This agreement supersedes and replaces any and all prior agreements of the company regarding the purchase of Tax Deferred Investments by the Fargo Board of Education.

Date: _____

Company

By: Authorized Officer and Title

Employee Assistance Program

The Village Family Service Center EAP (Employee Assistance Program) offers confidential counseling services to all employees and their immediate family. Each family member is eligible for four free sessions per calendar year. The Village Family Services Center EAP telephone number is 451-4900. The web address is www.VillageEAP.com and can be access through the HR portion of the Employee Portal.

Professional Leave – State/Regional/National Officer

When an employee is asked to serve as national or regional officer for a professional organization, Fargo Public Schools will reserve the right to match the number of personal days the employee is willing to use to attend meetings. Unless participation in the said organization or conference is **at the direction of FPS**, the total number of contracted days that can be missed is five.

Employees interested in attending professional conferences need to submit the appropriate application through the professional leave process.

North Dakota Workforce Safety and Insurance – AP5460

All employees compensated by the Fargo Public Schools are eligible for Work Force Safety Compensation. Volunteers, student teachers, and other non-salaried workers are not covered by Work Force Safety Compensation.

Any employee who is injured in the line of duty shall receive such compensation according to the Work Force Safety Compensation Laws in the state which they are primarily working. The most likely employment locations will be in the State of Minnesota or in the State of North Dakota.

There are three options an employee may choose from regarding how they will receive such compensation:

1. The employee can take only the Work Force Safety Compensation check and receive no other leave benefit from the district, including any accrued sick leave.
2. The employee can keep the Work Force Safety Compensation check and request the difference between the Work Force Safety Compensation and the actual daily salary. This would reduce the sick leave benefit in prorating to the time needed to make up the difference.
3. The employee can turn in the Work Force Safety Compensation check and use only the Fargo Public School District's accrued sick leave time to the extent sick leave is accrued. This would result in the use of full sick leave benefits rather than a prorated amount.

Specific procedures and forms required to submit an injury claim are contained within the district's Risk Management Manual available in each school office and in the Human Resources Office.

Adopted 8/8/67 Reviewed 12/15/02 – 7/2006 Revised 6/15/2009 (to include MN)

RISK MANAGEMENT / Reporting Work Related Injuries REMINDERS AND UPDATES for ALL STAFF

The Fargo Public Schools Risk Management Program is a safety program providing a safe working environment for all employees.

A **Near Miss** is an incident that did not result in any personal injury, property damage or production interruption. This is the heart of the program. Hazards in the work place need to be reported. This is how we prevent injuries from happening. It is a very important indicator of potentially harmful future accidents. Employees who identify a potential hazard, must complete a Near Miss form and send to Becky Ganje in Human Resources so corrective action can be taken.

If an **incident/ accident happens and NO medical treatment is necessary at this time**, report this to your supervisor and go to the head secretary immediately to receive and complete an incident report and waiver of medical treatment form within 24 hours. This does not mean you cannot seek medical treatment at a later date. If you need medical treatment at a later time, tell your supervisor and/or call Becky Ganje before you go. The incident report must be received by Becky Ganje, Human Resources, within 24 hours / same day reporting. Call 446-1037 or Fax # 446-1201.

If an **incident/ accident happens and medical treatment is necessary, report to your supervisor / principal in your building immediately**. If an emergency, seek medical treatment. You will be directed to Becky Ganje, Human Resources, 446-1037 to complete the North Dakota Workforce Safety & Insurance forms including an incident report and release of medical history. North Dakota Workforce Safety & Insurance will require the treating physician to complete a C3 form which will be the communication tool for any work restrictions, modified work program, or release from medical service for your injury. The contact person for Fargo Public Schools is Becky Ganje, Human Resources, 446-1037. **ALL PAPERWORK MUST BE COMPLETED THE SAME DAY (WITHIN 24 HOURS) OF THE WORK INJURY / MEDICAL TREATMENT. CONTACT BECKY GANJE (446-1037) IMMEDIATELY.**

If a Trollwood employee incident / accident occurs and medical treatment is necessary, Minnesota Worker's Compensation would be used. Same day reporting is also necessary.

Fargo Public Schools **does not** have a designated medical provider for injured workers. A recommendation is the Merit Care Occupational Health Center, at 3838 12th Ave North, Fargo. This is a walk-in clinic that treats injured workers only. Dakota Clinic / Independent network also works with injured workers. Notify Becky Ganje immediately, if you use Dakota Clinic. Both facilities have demonstrated excellent health care and communication with the injured worker and the employer.

**SAME DAY REPORTING FOR ALL WORK INJURY
(WITH OR WITHOUT MEDICAL TREATMENT)
IS REQUIRED**

**TELL YOUR PRINCIPAL/ SUPERVISOR AND/OR CALL BECKY GANJE AT 446-1037 IMMEDIATELY -
IF YOU ARE INJURED AT WORK
(WITH OR WITHOUT MEDICAL ATTENTION NEEDED)**

**THIS WILL MEET THE EMPLOYEE'S OBLIGATION OF REPORTING THE WORK INJURY WITHIN
THE 24 HOUR PERIOD. THIS WILL SAVE THE DISTRICT \$250 THROUGH ND WSI
AND ENABLE US TO HELP YOU WITH ANY NEEDS.**

INCIDENT REPORT / Same Day Reporting
COMPLETE AND RETURN TO BECKY GANJE IN HR WITHIN 24 HOURS – FAX
446-1201 / 446-1037

This form is to be completed for all work incidents/ accidents/ illnesses that result in personal injury that may or may not require medical treatment. Complete the Waiver of Medical Treatment OR Medical Release Form pertaining to the injury regarding medical treatment.

Date of Incident: _____ Location of incident:

_____ Time: _____

Name: _____ Position:

_____ Building: _____

1. Description of incident: _____

2. Description of extent of injury and body part injured:

3. Treating physician/ medical facility if needed: _____

Name of Supervisor who accompanied employee if necessary: _____

4. Name of family physician? _____

5. Witnesses to the incident: _____

6. How do you feel this incident / accident could have been prevented:

7. Employee Signature _____

Date _____

SUPERVISOR'S INVESTIGATION REPORT

Immediate Cause/ Situation:

Corrective action taken:

(Remove the hazard, replace, repair, or retrain in the proper procedures for the task)

Description of employee job duties:

Supervisor / principal signature: _____

Date: _____

WAIVER OF MEDICAL TREATMENT

Complete if you do not seek medical treatment at this time

If medical treatment is not necessary, complete the Waiver of Medical Treatment. Signing the waiver relates to the need for no treatment now, it does not prevent any additional treatment later, if necessary. I declare that medical treatment is not necessary and I elect not to receive medical treatment at this time.

Employee Signature

Date

MEDICAL TREATMENT

Complete if medical treatment is needed

I, _____ authorize all medical records pertaining to my injury/ accident / illness and any other medical records which my employer may consider significant or in any way related to this incident to be released to the North Dakota Workforce Safety and Insurance (WSI). I fully understand that the ND WSI will keep all records fully confidential and will disclose only the necessary information needed in regard to my injury/ accident/ illness.

Employee Signature

Date

6/2009

NEAR MISS REPORT

SAME DAY REPORTING

This report is to be filled out by any employee involved in or witness to a near miss. A near miss is an incident that did not result in any personal injury, property damage or production interruption. It is a very important indicator of potentially harmful future accidents.

Department _____

Date of incident _____ Time _____

Location _____

Description of incident or potential hazard

Employee Signature _____ Date: _____

Correction action:

Supervisor / Principal Signature _____

COMPLETE AND SUBMIT TO:
BECKY GANJE IN HR WITHIN 24 HOURS – FAX 446-1201 / TELEPHONE 446-1037

6/2009

Fargo Public Schools General Safety Rules:

1. Participate in new employee orientation.
2. Participate in continuing safety education.
3. Be aware of the people around you for their safety as well as yours.
4. Report all repairs with a work order through the Maintenance Department.
5. Participate in proper housekeeping. Proper housekeeping is mandatory for all departments in the school district.
6. Only people qualified to use or run machines or equipment should be allowed to use them.
7. Know where MSDS, (Material Safety Data Sheets), are in your building for all chemical products used in case of emergency or how to protect yourself when using chemicals.
8. Always wear appropriate personal protective equipment in accordance with the job operation that you are performing.
9. Never use chairs, boxes, etc. in place of a ladder.
10. Keep floors and stairways free of tripping hazards such as telephone cords, electrical cords, boxes, etc.
11. Be aware of proper handling procedures such as lifting and carrying of heavy objects. Review the situation and ask for help if needed to lift or move items.
12. Report and put "out of service" sign on any machine or equipment that may be a safety hazard to you or someone else.
13. Use caution when walking on ice or wet floor. Stop and identify a wet floor.
14. Be aware of the weather conditions, using caution and proper footwear as needed.
15. Report all accidents, incidents, injuries with or without medical attention the same day to the principal, school secretary, and the Risk Management Department in Human Resources. Be aware of the same day report of all work incidents with or without medical treatment. Report all near misses to the building principal or supervisor.
16. Always wear safety belts / seat belts when driving any company owned vehicle.
17. The Fargo Public Schools has a smoke free work place policy. No smoking is permitted on school district premises.

6/2009

District Support of Education Cohorts - PhD

When teachers or administrators participate in continuing education programs that requires a cohort experience resulting in time away from their contracted duties, there is a need for a common practice / policy.

- The days requested should not be greater than 5% of the contracted number of days. By example:
Teachers – 190 day contract = 9
Administration – 222 days = 11

The requested days can be divided equally or near equally between the following:

***Professional Development days which are not required to be made up.**

These are deemed no different than a conference.

***Contracted days that will need to be made-up or reassigned:**

Principal requests or building needs can be met in these days.

**Assignments that might be included:

Extended supervision

Special Projects

Internal study or staffing needs

Dues Deduction

The district agrees to deduct the appropriate regular monthly membership dues from those who individually and voluntarily certify in writing such authorization to the District payroll office in such form and on such date as prescribed by the Board of Education.

Section IV - Conditions of Employment

Attendance and Punctuality

Regular attendance is an essential job function. In the event of illness or other absences, the employee shall notify the automated absence and substitute assignment system prior to the employee's work starting time. An employee who is absent from work without notifying the District as required will be subject to loss of pay and to disciplinary action up to and including discharge.

Supervisors are to give special attention to absence patterns such as:

Absences before or after the weekend;

Absences the day before and/or the day after a scheduled holiday or day off;

Calling in sick as rapidly as sick time is accrued;

Calling in sick or tardy after a scheduled start time.

Absence Reporting / SubFinder (ASEOP) Procedures

Fargo Public Schools uses a centrally located automated absence system which is phone and web based. You will be given an Aesop Quickstart Guide for Employees, Aesop Phone System Instructions for Employees and a billfold size reference card to refer to when you need assistance with reporting an absence. You will need an id number to log into Aesop. Your id number will be your phone number with the area code. You will also need a pin number. Your pin number will be the last four numbers of your social security number. Do not change these numbers. If your phone number changes, please contact Human Resources right away and let Mary know by email.

All absences must be reported using the Aesop absence system. This system offers an on line or phone service for your use. The Aesop phone number is 1-800-942-3767 and the web site is www.aesoponline.com.

The Employees Quickstart Guide will show you how to:

- Log on the Aesop system
- Enter your absence
- Change your absence
- Attach a note to your absence
- View your schedule
- Manage your preference list
- Instructions for Itinerant Employees

Aesop starts finding a qualified substitute as soon as your leave is entered and confirmed. Each employee will have to specify whether they need a substitute by using the drop down box on the first screen in Aesop. If you do not need a substitute simply check the “no” box and your leave will be recorded as soon as you have received the confirmation number. **Remember that your absence is not reported until you have the confirmation number. All absences must be entered before or on the date of the leave.** Note: Leaves entered on the same day must be entered before 12 pm, as Aesop will not accept a leave entered later than noon for the same day absence or leaves entered after the day/s were taken. Try to enter your leaves into the absence system as soon as they are approved or as soon as you know you will be gone, for the sooner a leave is called in, the sooner a substitute will be found. Personal, loss pay and professional leaves must be pre-approved before they are entered into the Aesop system. When professional leaves are entered into Aesop, they will require a code number be entered into the Administrator notes section. This must be done on line and before the leave is taken. Both personal and professional leaves will be approved on line for your convenience. Personal and professional leaves taken without authorization can result in a loss of pay day.

Aesop allows you to track your absences. You will be able to see how many days you have been gone and what the reasons were.

You are able to leave notes for the substitute. You are also able to leave private notes to the administrators that are only seen by them.

Each year we ask that you verify your name, address, school location and work times on the Aesop Absence system. This saves time when reporting an absence for you and makes sure the substitutes are going to the correct locations at the correct times. Any corrections must be made through the Substitute Coordinator in the Human Resource Department 446-1024 or by email.

No matter what the reason, if you are unhappy with a substitute or have concerns please fill out an evaluation form and/or fill in the feedback section available on Aesop.

Payment of Salary

Salaried employees will receive a payment on the 15th of the month or on the Friday prior to the 15th if the 15th is on Saturday. This payment will be direct deposited into the employee’s designated account.

Paid Holidays

Nine month employees shall receive up to five (5) paid holidays. They are: Veteran's Day, Thanksgiving Day, Good Friday, Memorial Day*, and Labor Day*. (* If school is in session.) Ten month employees shall receive five (5) paid holidays. They are: Veteran's Day, Thanksgiving Day, Good Friday, Memorial Day, and Labor Day.

Twelve month employees shall receive eight (8) paid holidays. They are: Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day, New Year's Day, Good Friday, Memorial Day.

Employees may not use annual leave in advance of its being earned.

Alcohol and Drug Free Workplace – AP 5150

DRUG-FREE WORKPLACE

The Fargo Public School District intends to maintain a drug-free workplace in keeping with the Anti-Drug Abuse Act enacted by the federal government in 1988 which requires receivers of federal funds to certify that they will maintain a drug-free workplace.

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in any building belonging to or used by the Fargo Public Schools or on the grounds of any such building or on any property or in any vehicle belonging to the Fargo Public School District or at any school related activity. The term "controlled substance" is defined in federal regulations and includes such drugs as marijuana, narcotic drugs, steroids, hallucinogens, and illegal stimulants or depressants.

Any employee violating this policy will be subject to disciplinary action which may include termination of employment. (Refer to Board Policy 5155 - Alcohol and Drug Use.) Violations may also result in notification to proper authorities including, but not limited to, the federal agencies from which funds are received.

Adopted 9/10/96 Reviewed 12/1/02 and 7/2006

Reasonable Suspicion Drug Testing – AP 5155

ALCOHOL AND DRUG USE

The Fargo Board of Education recognizes chemical abuse is a serious problem that adversely affects the educational process. The Board recognizes that responsible leadership is a critical component of an appropriate and effective response to this problem. The Board is, therefore, committed to the development and implementation of programs and policies that contribute to the well being of employees through prevention, intervention, aftercare and staff development. These components are defined as:

Prevention: An educational process that promotes the development of healthy self-attitudes and provides employees with information and interactions needed to make responsible decisions regarding chemical use.

Intervention: An established process in which caring persons confront an individual with data regarding his/her chemically-related behaviors in an effort to help that individual seek appropriate corrective measures.

Aftercare: An organized support system for recovering chemically dependent individuals.

Staff Development: A process through which employees acquire the knowledge and skills required to constructively respond to the problems of chemical abuse.

ALCOHOL AND DRUG USE PREVENTION AND INTERVENTION PROCESS

I. Prevention

A. Workshops and in-service sessions will be provided to employees through use of:

1. Community agencies and organizations that provide chemical abuse and dependency services.
2. District specialists in chemical abuse and dependency.
3. Contracted specialists in chemical abuse and dependency.

B. Employees will be informed of changes in district chemical use-abuse policy and procedures.

C. An Employee Assistance Program will be maintained with the sole purpose of being the providing of chemical abuse related services to Fargo Public School employees.

II. Intervention

A. The Fargo Public Schools recognize all forms of chemical dependencies as illnesses, which will respond favorably to appropriate treatment.

B. If such chemical dependency or chemical use can be shown to interfere with the ability of an employee to carry out employment responsibilities in a satisfactory manner, corrective measures will be taken. If combined with other known facts disciplinary measures from temporary removal to reassignment or termination may be used.

C. Administrators and other supervisory personnel will be alert to behaviors, which may be indicative of an employee who is harmfully involved with chemicals. The following behaviors are offered as examples:

1. Excessive absenteeism, especially Mondays, Fridays, and the day's before/after holidays
2. Unexcused and frequent absences
3. Wage attachments or other involvements with the law
4. Altercations with other employees
5. Deteriorating personal appearance
6. Poor judgment
7. Moodiness, depression, abrupt or wide mood changes
8. Increasing complaints or unusual "problems with people"
9. Tardiness, early departure, lengthy lunch hours, or frequent absences from assigned work area
10. Concern expressed by others, such as students, parents, or co-workers

D. When an administrator or supervisor observes an employee's job performance is unsatisfactory and suspects that chemical abuse is involved, the following steps may be taken:

1. Verbal Warning

- a. The administrator or supervisor will contact the employee and tell him/her exactly what the job related concerns are.
- b. Possible solutions will be discussed.
- c. The administrator or supervisor should suggest the Employee Assistance Program for any personal problems.
- d. All steps taken by the administrator or supervisor must be documented.

2. Written Warning

- a. If the employee's performance does not improve to an acceptable level within a reasonable time period, not to exceed 60 work days. A letter of warning will be given to the employee to officially recognize unsatisfactory work performance which, if not resolved, may result in major disciplinary action.
- b. Administrators and supervisors must recommend Employee Assistance Program services as one possible solution at this point in the disciplinary process.
- c. All steps taken by the administrator or supervisor must be documented.
- d. If more than one instance occurs where the employee is judged to be impaired or under the influence of alcohol or drugs, in a three month time period, the employee will be asked to submit to a chemical use evaluation and the employee will be informed that he or she may not return to work until the evaluation has been scheduled

with an appropriate agency or clinic and has been verified by the administrator or supervisor.

3. Chemical Dependency Treatment

a. If an employee receives treatment for chemical dependency, the district expects the employee to participate in the program of care to the extent recommended by the treatment center staff.

b. When an employee returns to work following chemical dependency treatment, he/she is expected to perform their duties in a satisfactory manner.

4. Suspension-Termination.

An employee whose job performance remains unsatisfactory despite verbal and written warnings may be terminated if the treatment protocol is not followed, the employee is unwilling to seek treatment, or treatment does not result in satisfactory improvement.

E. Crisis Intervention - When an employee comes to work under the influence of alcohol or other drugs of abuse, the following steps must be taken by the administrator or supervisor:

1. See that the employee is safely removed from the work site.

2. Inform the employee that he or she may not return to work until a chemical use evaluation has been scheduled with an appropriate agency or clinician and has been verified by the administrator or supervisor.

a. Employee Assistance is an appropriate agency to schedule an evaluation.

b. The employee must keep the appointment and follow the recommendations made as a result of the evaluation.

c. It is the responsibility of the employee to provide verification that recommendations are being followed.

F. Supervisor Procedure when “Reasonable Suspicion” of Drug or Alcohol Use Exists with a FPS Employee

1. Observe the behavior of the employee.
 - i. Consideration can be given to one or all of the following: walking/standing, speech, demeanor, actions, eyes, face, appearance/clothing, breath, movements, eating/chewing, judgment.
2. If you ‘reasonably suspect’ the employee may be under the influence of drugs or alcohol, obtain a second opinion from another supervisor.
3. If the employee is in a safety sensitive position, remove the employee from the immediate worksite (i.e. ask them to sit in an office).
4. If the second supervisor agrees with the suspicions:
 - i. Confront the employee and request him/her to sign a consent form (attached) for testing to identify whether there is a presence of drugs or alcohol. Testing will be done for both. If the employee refuses to sign the consent form, arrange for a cab to drive him/her home at FPS expense and promptly and thoroughly document the events and behaviors. Refusal to sign the consent form and/or refusal to test may result in suspension or termination of employment. If the employee agrees to sign the consent form, proceed to (ii) below.
 - ii. Call the testing site (Meritcare) to let them know you are sending an employee of FPS for alcohol and drug testing. Between 7:30 and 5:00 M-F, contact Meritcare Occupational Health Center at 234-4700 – 3838 12th Avenue North. After hours and on weekend, contact Meritcare Emergency Room at 234-5121 – 720 4th Street North.
 - iii. Arrange for transportation by either having a supervisor and one other supervisory/administrative staff member drive the employee to the testing site or have a supervisor accompany the employee in a cab to the testing site.
 - iv. After the test, accompany the employee home in a cab or have the two supervisory/administrative staff members drive him/her home.
 - v. The employee will be suspended until the test results are verified.
 - vi. All test results will be reported to the Assistant Superintendent of Human Resources. Appropriate follow-up will be documented by FPS building or district level administration.

III. Aftercare

The Fargo Public School District recognizes aftercare is a necessary component of the treatment process. Employees who are returning to work after treatment for chemical

dependency are encouraged (and/or may be required dependent on circumstances) to participate in an appropriate aftercare program.

IV. Family Involvement in Treatment

Spouse, parents, and children of people in chemical dependency treatment are encouraged to participate in the treatment process to the extent recommended by the treatment facility.

Adopted 12/10/85 Revised 3/13/04 Reviewed 7/2006 Revised 8/2007

EMPLOYEE CONSENT FORM

I, _____ (employee name), give my consent to Fargo Public Schools and to Meritcare Laboratory to perform the appropriate test(s) to identify the presence of drugs and/or alcohol. I further more give my permission for the test results to be released to Fargo Public Schools.

I understand that refusal to take this test, attempts to adulterate the sample, or a positive test may result in Fargo Public School terminating my employment.

Please list below all prescription and over-the-counter medications including vitamins, herbs, etc., which you are currently taking or have taken during the past 30 days.

SIGNATURE _____ DATE _____

Administrative Personnel Signature
Verification

Adopted 12/10/85 Reviewed 3/13/04 – 7/2006 – 9/2007

Tobacco Use on School Premises – AP 3500

SMOKE FREE PHILOSOPHY AND GUIDELINES

Smoking has been identified as the number one health problem in the United States. It is the leading cause of premature death, disease and chronic disability in our country.

Smoking is hazardous to the health of both smokers and nonsmokers. For smokers, it can contribute to heart disease, stroke, high blood pressure, emphysema and several forms of cancer. Nonsmokers are affected by breathing the toxic products that tobacco smoke adds to the air and the risks of developing severe diseases are increased. Smoking is the single largest preventable cause of mortality.

Tobacco prevention education is incorporated into the district's K-12 comprehensive health curriculum so that students will be aware of the health and social consequences of use/nonuse of tobacco products. Students will be afforded the most effective delivery of the district's classroom-based tobacco prevention education.

The Fargo Board of Education is dedicated to providing a healthy, comfortable and productive environment for staff, students and citizens. The Board believes that education has a central role in establishing patterns of behavior related to good health and has included curriculum designed to help students resist tobacco use. The board further believes that the establishment of a smoke free school district is consistent with the educational goal of preventing student addiction to tobacco products.

Effective August 15, 1987, smoking and the use of tobacco products shall be prohibited in all district owned buildings and on school property. This includes but is not limited to: classrooms, offices, hallways, lounges, food service areas, meeting rooms, gymnasiums, and school owned vehicles. School owned buildings include the District Office, the Evaluation and Training Center, the Creative Arts Studio and the district's warehouse as well as elementary and secondary schools.

Effective August 15, 1987, smoking will also be prohibited at all school sponsored events whether or not they are conducted on school property.

The success of this policy will depend upon the thoughtfulness, consideration and cooperation of smokers and nonsmokers. All individuals on school premises share in the responsibility of adhering to and enforcing this policy. The first violation will result in a verbal warning to the staff member and referral to cessation services. If a second violation should occur, a written warning will be issued to the staff member with a copy placed in his or her district personnel file and referral to cessation services will be offered. Further violations shall be considered insubordination and shall be dealt with

accordingly based on established policies and procedures for suspension and dismissal of staff.

Citizens who are observed smoking or using tobacco products on school district property shall be asked to extinguish smoking materials. If the individual fails to comply with the request, his or her violation of policy may be referred to the building principal or other school district supervisory personnel responsible for the area or program during which the violation occurred. The supervisor shall make a decision on further action which may include a directive to leave school property. Repeated violations may result in a recommendation to the Superintendent to prohibit the individual from entering school district property for a specified period of time.

Adopted 2/10/87 Revised: 2/23/99 Reviewed: 9/2003 Revised: 10/15/2008

Background Checks – AP 5090

BACKGROUND CHECKS – PRE-EMPLOYMENT

Each applicant for a position within the Fargo Public School system shall be asked whether he/she has ever been convicted of a felony and whether there are any criminal charges pending against him/her at the time of application. Each person hired by the school system shall be required to submit to local and national criminal record checks. In order to process such record checks, the following procedure will be followed:

1. No later than ten calendar days after the hiring authority has notified a job applicant of a decision to hire the applicant, or as soon thereafter as practicable, the Human Resource office of FPS or the designated unit will supply the applicant with a packet containing all documents and materials necessary for the applicant to be fingerprinted by Advantage Credit (and FPS designated provider), the regional service center or Fargo Police. This packet shall also contain all documents and materials necessary for submission of the completed fingerprints to the Bureau of Criminal Investigation for the processing of national criminal record checks.
2. No later than ten calendar days after being provided with the fingerprinting packet, the applicant must arrange to be fingerprinted. Failure of the applicant to have his/her fingerprints taken within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.
3. Upon receipt of a criminal record check indicating a previously undisclosed conviction, the Human Resource office or a district designee will notify the affected applicant/employee in writing of the results of the record check and will provide an opportunity for the affected applicant/employee to respond to the results of the criminal record check.
4. Decisions regarding the effect of a conviction upon an applicant/employee, whether disclosed or undisclosed by the applicant/employee, will be made on a case-by-case basis. Notwithstanding the foregoing, the falsification or omission of any information on a job application or in a job interview, including but not limited to information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment or discharge from employment.
5. The District is not obligated to utilize the services of any final applicant who, in the adjudicator's judgment, exhibits qualities inconsistent with the district's mission, potentially disruptive to district operations, or potentially threatening to district safety.

Legal Ref: P.L. 103-209 National Child Protection Act of 1993, as amended NDCC 34-02-18

Adopted 2007

Patron Complaints – AP 7010

The Board of Education welcomes the advice of parents and citizens on ways in which school services to students can be improved. The Board expects district employees to offer prompt, considerate and consistent treatment of all citizen concerns.

Individual Board members have no authority to resolve complaints and the Board, as a whole, believes that patron complaints should be resolved at the lowest level of authority possible. Therefore, whenever a complaint is made to an individual Board member or the Board as a whole, it will be referred to school administration for investigation at the lowest level of authority possible.

Concerns relating to an individual classroom should first be brought to the attention of the teacher involved. Concerns relating to a particular school should be brought to the attention of the building principal. Concerns involving special areas such as transportation, food service, special education, etc. should be brought to the attention of the administrator who has responsibility for that program. The Superintendent's office can direct callers to the appropriate person to respond to a specific complaint if the complainant is not sure who to contact.

If a complaint is not addressed in a timely manner or if the complainant is not satisfied with the disposition of the complaint, the complainant may appeal to a higher level. Timeliness is generally defined as two weeks. Special circumstances may require extending that time period on occasion. The Assistant Superintendents for Instruction, Business Services, and Human Resources serve as appeal agents based on the nature of the complaint. An appeal should be in writing and include:

- The date
- The name, address and telephone number of the person making the complaint
- The name of the building, unit or individual the complaint is about
- A detailed description of the complaint including specific facts and timelines
- The resolution requested by the complainant
- Steps taken previously in an attempt to resolve the complaint, and
- The signature of the person making the complaint

The Assistant Superintendent will investigate the complaint and respond in writing to the complainant in a timely manner as defined above. If the complainant is not satisfied with the decision of the Assistant Superintendent, a complainant may submit an appeal to the Superintendent including all paperwork from previous levels and the written decision of the Assistant Superintendent. The Superintendent of Schools is generally the final source of appeal unless the complaint involves an issue addressed in a policy that prescribes an alternative process for resolution. If the complaint has been acted upon at each level of authority and all remedies have been exhausted, the complainant may request that the matter be placed on the agenda of a future school board meeting. However, the Governance Committee will determine whether or not to advance a complaint to the

Board level. Citizens are always welcome to address the Board during the “Audience Recognition” portion of each regular meeting.

Adopted: 11/14/89 Reviewed 12/02 Revised 10/14/08

Section V
Employee Conduct
Code of Ethics
Disciplinary Action

Staff Misconduct Reporting – AP 5160

DUTY OF EMPLOYEES TO REPORT ARREST OR CRIMINAL CHARGES

This policy is applicable to all employees of the Fargo School District, all persons scheduled to volunteer their services in a school activity, and independent contractors and employees of contractors having direct and ongoing contact with students. Solely for purposes of clarity in the balance of this policy, these persons will be referred to as employees. It applies at all times and all places regardless of whether school is in session and any doubt as to its application should be resolved in favor of its application.

It is the policy of the District to individually assess the potential harm and impact on students resulting from an employee being arrested and/or charged with violation of state or federal criminal law. To insure that this assessment begins promptly after an arrest or the filing of charges, an employee shall report an arrest or the filing of a charge for a violation of state or federal criminal law to his/her supervisor or the Superintendent in writing by the end of the first school day following the earlier of an arrest or the filing of a charge. Where the arrest or charge occurs during a time when school is not in session, the employee shall make the written report required by this policy to the Superintendent by first class mail within five (5) calendar days after the earlier of arrest or the filing of criminal charges.

Upon receipt of information about an arrest or charge against an employee, the Superintendent or his/her designee shall assess the potential harm and the impact on students of the arrest and/or charge and report any action proposed or taken as a result of this assessment to the Board.

Non-compliance or response to the charged offense could include, but is not limited to: a letter in the personnel file, follow through reports to licensing bodies, leave without pay for a designated time and/or immediate termination.

Adopted 10/2007

Complaint Resolution Process – AP 5220

PROCEDURE FOR RESOLUTION OF EMPLOYEE COMPLAINTS

Section I - Definition

A "complaint" shall be an allegation by any employee that there has been to the complainant a personal loss, injury or inconvenience because of a violation, misinterpretation or inequitable application of specific school district policies or regulations, which affect the working conditions of such employee.

Section II - Procedures

Level 1:

The employee shall first discuss the complaint with his or her supervisor. A supervisor may be a department chairperson, assistant principal, principal, coordinator, or director depending upon the complainant's position. The employee may choose any appropriate supervisor, but the individual selected should be in a position to take action on the complaint. The employee shall state the precise complaint and desired remedy. An earnest effort shall be made to resolve the complaint at this level.

Level 2:

If the employee wishes to process a complaint beyond Level 1, the employee shall submit the complaint in writing citing the specific policy or regulation in question, the name of the supervisor involved at Level 1 and the date the Level 1 discussion was held, to the building principal within ten calendar days of the discussion held in compliance with Level 1. The principal shall respond in writing to the complainant within fifteen calendar days of receipt of the complaint.

If the Level 1 supervisor selected is the building principal or if an employee is assigned to a building without a principal, an employee who wishes to process the complaint beyond Level 1 should obtain a written response at Level 1 and proceed to Level 3.

Level 3:

If the employee wishes to process a complaint beyond Level 2, the employee shall submit the complaint in writing, along with a copy of the written response received in Level 2, to the Superintendent of Schools or the appropriate Assistant Superintendent of Schools within ten calendar days of receipt of the principal's response in Level 2. The Superintendent of Schools or the appropriate Assistant Superintendent shall respond in writing to the complainant within fifteen calendar days of receipt of the complaint.

Level 4:

If the employee wishes to process a complaint beyond Level 3, the employee shall submit the complaint in writing, along with copies of the written responses received in previous

levels, to the Board of Education within ten calendar days of receipt of the Level 3 response. The Board shall render a decision in writing within thirty calendar days after submission of the complaint to the Board of Education.

Section III - Covenants

1. The employee has the option to have another person present to advise and/or assist him or her at any level of the procedure beyond Level 1.
2. An employee who wishes to lodge a complaint must do so within thirty calendar days from the time the employee knew, or should reasonably have known, of its occurrence.
3. If the employee does not receive a response from the supervisor or administrator to whom the complaint was presented within the time limits prescribed herein, the employee may present the complaint to the next level in accordance with the stated procedure.
4. Employees shall not be discriminated against because of the exercise of their rights.

Adopted 1/13/76
Reviewed 12/1/02 – 7/2006

Use of Private Vehicle

Car allowances to employees who are required to use their private autos in their assigned responsibilities will be based on the following criterion:

- a. Allowance does not include travel from home to building of the assignment and the subsequent return.
- b. Car allowance will be in accordance to the ND state for employees who are required to use their cars for their assigned responsibilities. Travel will be approved by the appropriate supervisor and submitted to Business Services within 5 working days of the end of the fiscal year.
- c. Car allowance payments for the use of private autos will be made monthly upon receipt of a mileage log.