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EQUAL OPPORTUNITY EMPLOYMENT

The Orleans Parish School Board and all offices under its jurisdiction declare that all applicants for admission and employment, students, parents, employees, sources of referral of applicants and employment, and any and all entities having business with the School Board are hereby notified that the School Board does not discriminate on the basis of race, color, national origin, sex, age, disability, marital status, sexual orientation, religion or veteran status in admission or access to, or treatment or employment in, its programs and activities. The School Board pledges to protect qualified applicants and employees with disabilities from discrimination in hiring, promotion, termination, pay, job training, fringe benefits, classification, referral, and other aspects of employment on the basis of disability. The School Board shall also provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship.

The Superintendent and/or his/her designee shall investigate any and all complaints that may be brought against any individual school in the school district in regard to any alleged discriminatory action for appropriate treatment by the School Board.

All employees shall be responsible for complying with this policy. Any form of harassment or discrimination should be immediately reported to the immediate supervisor who, in turn, shall report the incident to the Superintendent and/or his/her designee. If the supervisor is the alleged harasser or discriminator, or the employee does not wish to report the matter to his/her supervisor, the employee may submit the complaint directly to the Superintendent or his/her designee for appropriate inquiry including, when appropriate, investigation. The investigation shall proceed in accordance with policy *GAMC, Employee Investigations*.

Further, the School Board prohibits retaliation against any individual for making a complaint under this policy or participating in the investigation of any such complaint.

PERSONS WITH DISABILITIES

In accordance with federal and state statutes addressing nondiscrimination of disabled persons, namely Section 504 of the Vocational Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, the Orleans Parish School Board attests that no qualified person with a disability shall, solely by reason of a disability, be denied the benefits of, be excluded from participation in, or be otherwise subjected to discrimination under any program or activity; nor shall a qualified person with a disability be subjected to discrimination in employment.

Ref: US Constitution, Amend. XIV, Sec. 1; 20 USC 1681 (*Title IX of the Education Amendments of 1972*); 29 USC 621 et seq. (*Age Discrimination in Employment*); 29 USC 701 et seq. (*Vocational Rehabilitation and Other Rehabilitation Services*); 42 USC 2000d (*1964 Civil Rights Act*); 42 USC 12101 (*Americans with Disabilities Act of 1990*); Constitution of Louisiana, Art. I, Sec. 3, Art. X, Sec. 10; La. Rev. Stat. Ann. §§17:111, 23:301, 23:302, 23:303, 23:311, 23:312, 23:314, 23:323, 23:332, 23:334, 23:342, 23:352, 23:368; Griggs v. Duke Power Company, 91 S. Ct. 849 (1979); Singleton v. Jackson Municipal Separate School District, 419 F.2d 1211 (5th Cir. 1979.)

INDIVIDUALS WITH DISABILITIES

The Orleans Parish School Board believes that no otherwise qualified person shall, on the basis of disability, be subjected to discrimination in employment, promotion, demotion, transfer, or any employment-related function or process under any program or activity of the Orleans Parish School Board.

The School Board further believes that no student, parent or other citizen with a disability should be denied access to any program or activity where reasonable accommodations may be made without imposing undue financial or administrative burdens or where such modifications would result in a fundamental alteration in the nature of the program or activity.

REASONABLE ACCOMMODATION

The School Board shall make every effort to provide reasonable accommodations for the known disabilities of its employees and/or applicants. A *reasonable accommodation* is defined as a modification to the job or work environment that will enable a qualified individual with a disability to enjoy equal employment opportunity.

In general, it is the responsibility of the applicant and/or employee with a disability to inform the School Board that an accommodation is necessary. This request need not specifically use the term *reasonable accommodation*, but need only let the School Board know that, because of a medical reason, some adjustment or change is needed in order for the employee to perform his/her job. If an employee requests an accommodation, and the need for such is not obvious, or if the School Board does not believe that the accommodation is needed, the School Board may request that the employee provide documentation from his/her physician regarding the employee's functional limitations in order to support the request. The School Board is not required to provide an accommodation that is primarily for the personal use of the employee. The School Board further is not required to provide an accommodation that would result in an undue hardship on the School Board.

Requests for a reasonable accommodation shall be in writing. It is also permissible for another person, such as a friend, family member, or physician, to request an accommodation on behalf of an employee.

The employee who believes that a reasonable accommodation is necessary should report such to his/her immediate supervisor. The supervisor shall then report the request to the School Board's human resources manager or his/her designee. The human resources manager, together with the employee's immediate supervisor, shall meet with the employee to discuss the request and attempt to identify possible accommodations which could be made in order to allow the employee to perform the essential functions of his/her job. The School Board may choose the accommodation

that is less costly or that is easier to provide.

The initial meeting with the employee and his/her immediate supervisor shall occur as soon as practical, but in no case longer than fifteen (15) days following receipt of the request. Multiple meetings may be necessary however, before a determination regarding the request can be made.

Following the meeting(s) discussed above, the human resources manager or designee shall render a written decision regarding the request for accommodation, including whether the request is to be granted and how or, if the request is not to be granted, the reasons why. Such report shall be rendered within a reasonable time following the conclusion of the meeting(s) with the employee and the immediate supervisor, but in no instance shall the report be rendered later than thirty (30) days following the last meeting.

If a decision is made not to grant an accommodation because of an undue hardship, written documentation of the reasons therefore shall be sent to the individual and a copy maintained in the employee's personnel file.

Any employee who is denied a request for accommodation may grieve such determination as provided in policy *GAE, Complaints and Grievances*.

Ref: 29 USC 791 (*Employment of Individuals with Disabilities*); 29 USC 794 (*Nondiscrimination under Federal Grants and Programs*), 42 USC 12101 et seq. (*Equal Opportunity for Individuals with Disabilities*); La. Rev. Stat. Ann. §§23:322, 23:323, 23:324.

COMPLAINTS AND GRIEVANCES

It is the policy of the Orleans Parish School Board that a grievance process exist to allow for prompt, fair and orderly resolution of grievances arising out of employment. The person filing the grievance shall be assured freedom from restraint, interference, coercion, discrimination, or reprisal in presenting his/her claim with respect to a personal grievance. The primary purpose of this procedure is to secure, at the most immediate level possible, an equitable solution to the claim of the aggrieved employee.

If at any step of the procedure outlined below, the administration fails to comply with the timelines set forth therein, the complaint and/or grievance shall immediately move to the next higher step in the process for review and decision.

Any complaint by a teacher, group of teachers, other school employees or group of employees about or involving the school system shall be reviewed in accordance with the following procedure.

Level One

An employee with a grievance shall present the grievance orally to his/her immediate supervisor or principal within five (5) days of the time the grievant knew or should have known of the grievance. Within five (5) days thereafter, the supervisor or principal shall render an oral decision.

Level Two

In the event the aggrieved person is not satisfied with the disposition of his/her grievance at Level One, or if no decision has been rendered within five (5) days after presentation of the grievance, the aggrieved person shall, within five (5) days thereafter, present the grievance, in writing and signed, to the immediate supervisor or principal. The written grievance shall specify:

- A. The name of the aggrieved person;
- B. The nature of the grievance and the facts causing the grievance;
- C. The Board policy, administrative regulation, or state or federal law that was allegedly violated, if applicable;
- D. The nature or extent of the injury, loss, or inconvenience allegedly sustained or the rights allegedly violated;
- E. The specific relief sought; and
- F. The results of previous discussions and any dissatisfaction therewith.

The immediate supervisor or principal shall communicate his/her decision on the grievance to the aggrieved person, in writing, within five (5) days of receipt of the written grievance. The decision of the immediate supervisor or principal shall also notify the

aggrieved person of the name of the staff person to whom that decision may be appealed.

Level Three

In the event the aggrieved person is not satisfied with the disposition of his/her grievance at Level Two, or if no decision has been rendered within five (5) days from the date of receipt of the grievance by the immediate supervisor or principal, the aggrieved person may, within five (5) days thereafter, appeal to the Superintendent or his/her designee. The appeal shall be in writing and shall set forth the same information called for at Level Two, together with a copy of any written decisions rendered at all previous levels. The Superintendent or his/her designee may meet with the party(s) in interest, but, in any event, he/she must render a written decision on the grievance within five (5) days from the date of his/her receipt of it.

Level Four

In the event the aggrieved person is not satisfied with the disposition of his/her grievance at Level Three, or if no decision has been rendered within five (5) days from the date of receipt of the grievance by the Superintendent or his/her designee, the aggrieved person may, within five (5) days thereafter, request a full hearing on the grievance before the Superintendent or his/her designee. If the aggrieved person fails to request a hearing within the time limit set out above, the person shall have no further right to proceed through the complaint/grievance process.

The Superintendent or his/her designee shall schedule the full hearing with the aggrieved person within ten (10) days of the request for a hearing. The Superintendent or his/her designee may receive at the hearing written statements of witnesses or other written materials and/or interview witnesses, if relevant to the grievance. The hearing is an informal meeting or hearing controlled by the Superintendent or his/her designee. The purpose of the hearing is to resolve the grievance. The Superintendent or his/her designee shall provide for the recording of the hearing and shall maintain a transcript of the proceedings. Following the hearing, the Superintendent or his/her designee shall make a written recommendation regarding the disposition of the grievance. The written recommendation shall be provided to the employee within ten (10) days following the hearing. The Superintendent's recommendation, together with a copy of the transcript of the hearing, shall be provided to the School Board within ten (10) days of the hearing.

Level Five

On the basis of the written recommendation and the transcript of the Level Four hearing, the School Board shall dispose of the grievance. There shall be no hearing involving testimony, the receipt of evidence or additional matters before the School Board. An employee or their representative may comment on the School Board's proposed disposition of the grievance. The School Board may vote to affirm, reverse or

modify the recommendation. Absent a motion and second to modify or reverse the recommendation, the Superintendent's recommendation shall stand. Notice of the School Board's decision shall be given to the aggrieved person and to the individuals who rendered any previous level decisions. The School Board's action shall be **final**.

DEFINITIONS

1. A *grievance* is a claim by an employee or group of employees as a result of an alleged violation or misapplication of a contract, School Board policy, administrative regulation, or state or federal law, or an employee's perception of a wrong against him/her as a result of management's or another employee's decisions or behaviors.
2. An *aggrieved person* is the person making the claim.
3. A *respondent* is the person or persons responsible at each level of the procedure for responding to the claim of the aggrieved person.
4. The term *day* shall mean working days.

MISCELLANEOUS

1. A grievance may be withdrawn at any level without prejudice of record. Additionally, there shall be no retaliation against a person because a grievance has been filed in accordance with the provisions outlined herein.
2. Copies of all written decisions of grievances shall be sent to all parties involved.
3. All documents, communications, or records dealing with a grievance shall be made part of the personnel files of the participants.
4. Appeals of grievance decisions shall be limited to the specific issues raised in the original grievance. The parties in interest will not be allowed to expand the issues during the grievance procedure, except to the extent necessary to respond to administrative decisions made along the way.
5. Failure by the aggrieved person to meet the time lines and requirements of this procedure shall result in dismissal of his/her grievance. Failure by respondent to meet the time lines and requirements of this procedure shall allow the aggrieved person, at his/her option, to proceed to the next level of appeal.
6. If the aggrieved person voluntarily or involuntarily leaves the employment of the Board during the pendency, at any level, of a complaint or grievance, then such aggrieved person loses the right to continue the complaint process.

7. An action taken against an employee pursuant to policy *GBK, Discipline, or policy GBN, Dismissal*, may not form the basis of a complaint or grievance by that employee under this policy.

REPRESENTATION

An *aggrieved person* shall have the right to present his/her own grievance or may designate a representative to appear with him/her at any level of the above procedure.

The *aggrieved person* who chooses to have representation shall provide advance notice of such in writing to the superior at the respective procedural level at least two (2) days prior to the hearing on the grievance.

Ref: La. Rev. Stat. Ann. §17:100.4; Pickering v. Board of Education, 88 S. Ct. 1731 (1968); Board minutes, 3-9-87, 12-18-95, 10-27-97.

SEXUAL HARASSMENT

It is the policy of the Orleans Parish School Board to provide an employment environment that is free from unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications deemed to constitute sexual harassment under federal and state laws, regulations, and guidelines. The Orleans Parish School Board shall not tolerate sexual or gender harassment by any student, employee, non-employee volunteer, or School Board member toward any individual.

All managerial and supervisory personnel shall be responsible for enforcing the Orleans Parish School Board's sexual harassment policy. Failure to enforce this policy in a prompt and strict manner may subject such personnel to disciplinary action.

DEFINITION

Sexual harassment shall be defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) individual employment is contingent upon submission to sexual conduct, or (2) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive working environment.

REPORTING PROCEDURE

Any person who believes he or she has been the victim of sexual harassment by an employee or non-employee volunteer of the Orleans Parish School Board, or any person with knowledge or belief of conduct which may constitute sexual harassment should report the alleged acts immediately to the employee's immediate supervisor who, in turn, shall submit it to the human resources manager or his/her designee. If the alleged acts were committed by the employee's immediate supervisor, the complaint should be directed to the human resources manager. If criminal activity is involved, the victim should also report the incident to the police. The person to whom the complaint is given shall promptly prepare a written report and forward it to the human resources manager.

INVESTIGATION AND RECOMMENDATION

The School Board shall respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the School Board's legal obligations and the necessity to investigate allegations of harassment, and take corrective or disciplinary action when the conduct has occurred.

Upon receipt of a report or complaint alleging sexual harassment by an employee or nonemployee volunteer, such a complaint shall be immediately investigated by the immediate supervisor or human resources manager. The investigation 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, as well as a review of related charges, if any, personnel files, work records and other pertinent information.

A report shall be made to the Superintendent upon completion of the investigation involving an employee or non-employee volunteer. The report may include a finding that the complaint was unfounded, informally resolved, or recommended to the Superintendent for disciplinary action. No record of an unfounded or unsubstantiated complaint shall be filed in an employee's personnel file.

ACTIONS

1. Upon receipt of a recommendation that the complaint which has not been informally resolved is valid, the Superintendent shall take such action as appropriate based on the results of the investigation.
2. The result of the investigation of each complaint filed under these procedures shall be reported in writing to the complainant and the alleged harasser by the Superintendent. The report shall document any action taken as a result of the complaint.

RETALIATION PROHIBITED

The Superintendent shall discipline any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a sexual harassment complaint. *Retaliation* shall include, but not be limited to, any form of intimidation, reprisal or harassment at the time of a report or any time after a report.

NON-HARASSMENT

The School Board recognizes that not every advance or consent of a sexual nature constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment effect requires a determination based on all the facts and surrounding circumstances. Deliberate false accusations of sexual harassment can have a serious detrimental effect on innocent parties and subject the accuser to disciplinary actions.

SEXUAL HARASSMENT AS SEXUAL ABUSE OR CRIMINAL ACTIVITY

Under certain circumstances, sexual harassment of a student may constitute sexual abuse under the Louisiana Children's Code. In such situations, School Board personnel become *mandatory reporters* and shall comply with *Article 609(A)* of the Louisiana Children's Code and directly report the sexual abuse to the Child Protection Unit of the

Louisiana Department of Social Services. Also, activity of a criminal nature should be reported by the victim to the police.

DISCIPLINE

Any action taken pursuant to this policy will be consistent with requirements of applicable statutes and School Board policies. The Superintendent shall take such disciplinary action for employees and non-employee volunteers it deems necessary and appropriate, including warning, transfer, suspension or immediate termination, to end sexual harassment and prevent its recurrence.

Ref: 42 USC 2000e et seq. (*Civil Rights Act of 1964*); 29 CFR §1604.11 (*Guidelines on Discrimination Because of Sex*); La. Rev. Stat. Ann. §§14:41, 14:42, 14:42.1, 14:43, 14:81.4, 17:81, 23:967; La. Civil Code, ' 2315; Board minutes, 3-13-99.

STAFF CONFLICTS OF INTEREST

The Orleans Parish School Board as a public body administers public funds and occupies a position of public trust relative thereto. Such a position of public trust demands that, in the performance of his/her duties, every employee of the School Board should exercise great caution to avoid possible conflicts of interest and any business, professional or financial relationship which, as it relates to his/her employment, may give the appearance of impropriety.

Therefore, an employee should not accept any outside employment or any proffered gift or loan which may in any manner adversely affect the proper discharge and performance of his/her duty and responsibility to the Orleans Parish School Board. Such acceptance may constitute a violation of the state constitution or statutory provisions.

An employee should not use his/her position of employment or exercise his/her influence therein so as to secure any contract involving an expenditure of public funds to any partnership of which he/she is a member or to any corporation in which he/she is a stockholder, officer, director or employee or to any other person or firm from whom or which he/she derives a pecuniary benefit.

This policy is designed chiefly to serve as a guide for employees to avoid possible conflicts between their employment and outside interests. In most situations a possible conflict may be evident. In those situations where doubt may exist as to the propriety of certain relationships or activities, employees shall be encouraged to make a full disclosure of the facts to the Superintendent prior to entering such relationships or engaging in such activities.

Ref: La. Rev. Stat. Ann. §§17:81, 42:1101, 42:1102, 42:1111, 42:1112, 42:1113, 42:1115, 42:1115.1, 42:1116, 42:1117.

POLITICAL ACTIVITIES

It is strongly felt by the Orleans Parish School Board that all employees, but especially teachers, should stress the importance of citizenship responsibilities and the political rights of citizenship to each student. For administrators, teachers, and staff to be able to place strong emphasis on these areas, the School Board believes they should have the right to enjoy these privileges, free from any pressures and/or concerns. It is felt that all employees should be free to support candidates of their choice, exercising their own good judgment.

Therefore:

1. All personnel shall be notified that they must not be part of any activity relating to any matter to be presented by the School Board to the public (i.e. referendum, tax issues, etc.) during office hours or while on duty, nor shall they use any School Board facility for any such activity. This includes, but is not limited to, making or soliciting contributions to campaign funds, or promoting any candidate by distribution of cards, pictures, handbills, clothing and pins, making telephone contacts, or in any other way. This requirement applies in every school and department of the School Board.
2. Any materials or equipment (for example, mailing lists, copy machines, etc.) owned or held by the School Board, or staff, shall not be made available to any group or individual without the School Board's approval.
3. Public forums or meetings held at school facilities may be permitted as long as all interested persons, candidates, etc., are extended equal opportunity or representation at the forum or meeting.

All employees shall be informed of the provisions of this policy. Violation of any aspect of this policy may subject the employee to disciplinary action, including suspension and/or termination. This policy shall apply during business hours or while an employee is on official School Board business, and is not intended to interfere with personal time or affairs away from offices or school facilities in any way.

Ref: La. Rev. Stat. Ann. §17:81.

SOLICITATIONS

The Orleans Parish School Board shall prohibit employees from accepting or soliciting any gift, favor, service, or other benefit that could reasonably be construed to influence the employee's discharge of assigned duties and responsibilities. An employee who believes he or she has or may have a conflict of interest shall disclose the interest to the Superintendent or his/her designee, who shall take whatever action is necessary, if any, to ensure that the School Board's best interests are protected.

ENDORSEMENTS

Employees shall be prohibited from recommending, endorsing, or requiring students to purchase any product, material, or service in which they have a financial interest or that is sold by a company that may employ the School Board employee during non-school hours. Employees shall be prohibited from recommending or requiring students to purchase a specific brand of school supplies if there are other brands that are equal and suitable for the intended instructional purpose.

VENDOR PRESENTATIONS IN SCHOOL FACILITIES

The Orleans Parish School Board believes that its practices and procedures must reflect fair treatment to all vendors and agents as well as to the employees and pupils of the school system. Consequently, control must be placed on the use of public buildings for the purpose of demonstrating products, explaining services and/or selling or attempting to sell said products or services. Accordingly, vendors, solicitors and/or representatives of agencies, companies or associations shall not be permitted to meet with employees of the Orleans Parish School Board in the public schools or related buildings or facilities for the purpose of demonstrating products, explaining services and/or selling or attempting to sell said products or services.

1. This provision shall not apply to those instances where the School Board and/or the administration deem said presentations in the schools to school employees may be in the best interest of the Orleans Parish School Board, its employees and the community i.e., presentation of textbooks, curriculum materials, etc.
2. This provision shall not apply to insurance agents whose companies have been approved for payroll deductions by the Orleans Parish School Board. However, presentations shall be limited to insurance coverages approved for payroll deduction only and must be presented at regularly scheduled faculty meetings with approval of the appropriate school administrator. A follow-up meeting for all those not present at faculty meetings may be arranged by the appropriate administrators so that all employees are aware of the benefits which are available to them. No other insurance agents or coverage other than that provided by payroll deduction is permitted.

3. This provision does not apply to the responsibilities for the conduct of Orleans Parish School Board business fulfilled by the administrative staff.
4. Vendors of athletic equipment, with approval of the principal, may be allowed to visit coaches during administrative planning periods.

SALES

Employees shall be prohibited from using their positions with the School Board for the purpose of attempting to sell products or services.

Ref: La. Rev. Stat. Ann. §§42:1111, 42:1112, 42:1113, 42:1115.

GIFTS TO EMPLOYEES

GIFTS TO PERSONNEL

The Orleans Parish School Board shall prohibit staff members and employees of the school district from soliciting, accepting, or receiving, either directly or indirectly, any gift from students, parents, or other individuals. However, employees who work in schools may accept gifts from or on behalf of students or former students when the value of the gift does not exceed twenty-five dollars (\$25.00) and the aggregate value of all gifts from or on behalf of any one person does not exceed seventy-five dollars (\$75.00) in a calendar year.

Acceptance of any form of compensation, gift, or gratuity by any employee of the Orleans Parish School Board from persons or firms doing business with any School Board department is strictly prohibited. Reduced cost and/or free travel expenses are also defined as gifts with regard to this policy. This policy does not preclude, however, acceptance of food or drinks while participating in a social or professional event. This policy shall also not preclude the acceptance of campaign contributions for use in meeting campaign expenses by any employee who is or becomes a candidate for election to any public office.

Ref: La. Rev. Stat. Ann. §§42:1111, 42:1112, 42:1113, 42:1115, 42:1115.1, 42:1123.

PERSONNEL RECORDS

The Orleans Parish School Board shall require the maintenance of a uniform system of personnel records for all employees. It shall be the responsibility of the Superintendent or his/her designee to keep the records updated and complete in accordance with statutory provisions.

A personnel file shall be accurately maintained in the central administrative office for each present and former employee. These files shall contain applications for employment, references, and records relative to compensation, payroll deductions, evaluations, and such other matters as may be considered pertinent to the proper maintenance of all personnel records. It is the duty of the employee to furnish the personnel office with certificates, transcripts, statements of degrees, and other educational experience related documentation.

The Superintendent shall be designated as custodian of all personnel files and shall have the overall responsibility for maintaining and preserving the confidentiality of the files. The Superintendent may, however, designate another official to perform the duties of records management on the understanding that this official is to be held responsible for granting or denying access to records on the basis of these guidelines.

GENERAL ACCESS TO AN EMPLOYEE'S PERSONNEL FILE

Any school employee requesting to see his/her personnel file shall be given access to his/her entire personnel file during normal business hours. The contents of a school employee's personnel file shall not be divulged to third parties without the express written consent of the school employee, except when ordered by a court or by subpoena, or in accordance with this policy. No School Board employee other than the Superintendent, or his/her designee, who shall be a school system employee, shall be allowed access to a school employee's personnel file without the school employee's expressed written consent, unless that employee is charged with the duty of supervising that particular school employee's performance. A School Board member or any other person authorized pursuant to this policy shall be permitted to examine any and all records of the school system, except school employee records relative to evaluations, observations, formal complaints, and grievances. However, in accordance with La. Rev. Stat. Ann. §17:81, the School Board, *upon a majority vote of the total School Board membership*, shall have the right to examine any and all records of the school system, including personnel records.

In case a personnel file should be accessed by the School Board or anyone else, the employee whose file was so accessed shall receive written notice of the fact and the name and title of the person who was permitted access. All persons permitted access shall maintain the confidentiality of those documents in the file that are not matters of public record.

If an employee wishes to review and/or obtain a copy of his/her personnel file, the employee must make a written request to the Superintendent or his/her designee not less than forty-eight (48) hours before the date the file will be reviewed.

REQUESTS FOR ACCESS AND INSPECTION

Additions to Personnel File

No complaint, commendation, suggestion, or evaluation may be placed in the personnel file unless it meets the following requirements:

1. Each document concerning a school employee shall be placed in the employee's personnel file within a reasonable time, and no document, except those resulting from routine recordkeeping, shall be placed in a school employee's personnel file by any school system employee, unless and until that school employee is presented with the original document and a copy thereof prior to its filing.
2. Upon receipt of the original document and copy of the same, the school employee shall sign the original document as an acknowledgement of the receipt of the copy of the document. Such signature shall not be construed as an agreement to the contents of the document. If the employee refuses to sign the original document, the phrase *Refused to Sign* shall be printed on the document by the custodian who shall then date and sign the document before placement in the employee's personnel file.

Rebuttal and Response

Each school employee shall be given the opportunity to rebut and to respond to a document placed in his/her personnel file.

1. The rebuttal and response must be in writing and, once filed, shall be attached to the document to which the response and rebuttal applies. The rebuttal and response becomes a permanent part of the school employee's personnel file as long as the document to which it applies remains a part of the personnel file.
2. No document or copy thereof, to which a rebuttal and response has been filed, shall be used for any purpose whatsoever unless the rebuttal and response or copy thereof is attached to the document or copy sought to be used.
3. A school employee shall have the right to receive proof of any allegations and statements contained in a document placed in his/her file that the school employee believes to be inaccurate, invalid, or misrepresented. If

such proof is not presented, the document containing the allegations and statement shall be removed from the school employee's personnel file and destroyed.

If, at any time, the Superintendent takes any personnel action against an employee based upon any document that was placed in the employee's file, the employee shall be given the opportunity to rebut and respond to such document.

Procedure for Filing of Rebuttal and Response

1. Any rebuttal and response to a document placed in a school employee's personnel file shall be filed by the employee within fifteen (15) working days from the date on which the school employee signs the document acknowledging its receipt.
2. The school employee may be granted an additional ten (10) school days for the filing of the rebuttal and response, provided the school employee requests such an extension in writing addressed to the personnel file custodian within the original fifteen-day period. The personnel file custodian's consent to the ten (10) day extension of time shall not be unreasonably withheld.
3. The rebuttal and response shall be deemed filed by the delivery of the original and one copy of the rebuttal and response to the personnel file custodian. The personnel file custodian shall then sign and date the original rebuttal and response and file the same into the school employee's personnel file. The personnel file custodian shall also sign and date a copy of the rebuttal and response and return the same to the school employee.

CONFIDENTIAL INFORMATION

Certain items in the personnel records of School Board employees shall be confidential, including:

1. The home telephone number of the employee where such employee has chosen to have a private or unlisted home telephone number because of the nature of his/her occupation with such body.
2. The home telephone number of the employee where such employee has requested that the number be confidential.
3. The home address of the employee where such employee has requested that the address be confidential, except it shall be made available to recognized educational groups.

4. The social security number and financial institution direct deposit information as contained in the personnel records of an employee of the School Board. However, when the employee's social security number or financial institution direct deposit information is required to be disclosed pursuant to any other provision of law, including such purposes as child support enforcement, health insurance, retirement reporting, or to officials or employees of the school, School Board, Louisiana Department of Education, or Board of Elementary and Secondary Education (BESE), in the performance of duties or responsibilities of the official or employee, the social security number or financial institution direct deposit information of the employee shall be disclosed pursuant to such provision of law.
5. The name and account number of any financial institution to which the employee's wages or salary is directly deposited by an electronic direct deposit payroll system or other direct deposit system.

The above information shall not be divulged to third parties.

EMPLOYEES' SOCIAL SECURITY NUMBERS

Except as required by applicable law, regulation, or policy of the Louisiana Board of Elementary and Secondary Education (BESE), the School Board shall not use the social security number of a school employee as a means of identification for such employee. The employee shall not be required to include or provide his/her social security number on any form or other written document unless:

1. A social security number is required by any applicable law, regulation or policy of BESE; or
2. A social security number is required for employment, retirement, application for leave or an individualized education plan.

The School Board or any school official or employee shall not provide access to any form or document on which the social security number of an employee appears to any person other than the following:

1. Any official or employee of the school at which the employee works, the School Board, or the Louisiana Department of Education, when such access is necessary for the performance of the duties and responsibilities of the official or employee.
2. Any person authorized by the employee to have such access.

HEALTH AND MEDICAL RECORDS

An employee's health and medical records are deemed confidential and shall be maintained in a separate file apart from the employee's general personnel file. Such records will include:

1. Medical/health records, claim forms, life insurance application, requests for payment of benefits and all other health records of an employee and his/her dependents enrolled in the Orleans Parish School Board adopted insurance plan.
2. All medical records of an employee, all compensation payment records, rehabilitation records, claim records, employer's injury reports, and records submitted to *Second Injury Fund*.
3. Medical information obtained as a result of an employee's request for a reasonable work accommodation due to a disability.

There may be instances where an employee's medical information will need to be made available to certain supervisory personnel, such as where a request for a reasonable accommodation has been granted, to inform a supervisor of necessary work duties or restrictions due to an on-the-job injury, emergency treatment required by the employee, or if specific procedures are needed to aid the employee in case of fire or other evacuations. Supervisors, however, shall not have unlimited access to an employee's medical file or to information about an employee's medical condition which is unnecessary to the performance of the employee's job.

Medical information may also be made available to third parties as required by law or business necessity. For example, the School Board may be required to release such information to government officials investigating the School Board's compliance with the *Americans with Disabilities Act*, to state worker's compensation offices in accordance with Louisiana worker's compensation laws, or to insurance companies where the insurer requires a medical examination before providing health or life insurance to employees.

RELEASE OF PERSONNEL RECORDS PERMITTED

There are conditions under which personnel records of employees may be released. These conditions are:

1. Personnel records may be released to persons other than the affected employee with the written consent of the employee or as required by law or the courts.
2. Information relating to dependents and beneficiaries of deceased employees. Requests for such information may be required to be in writing.

3. In all cases, an employee shall have unlimited access to any and all information contained in or pertaining to his/her own health record.
4. Whenever the School Board receives a written request from another city, parish, or other local School Board for information regarding a current or former employee, and the requesting School Board provides a statement from the applicant properly authorizing the release of such information, the School Board shall provide the information requested not later than twenty (20) business days after receiving the request.

ANCILLARY FILES

The school principal or other appropriate supervisors may maintain certain ancillary personnel files. Maintenance of these confidential files shall be the responsibility of the Principal or appropriate supervisor. These on-sight ancillary personnel files may contain administrative data, as well as other data that may be evaluative, critical, or complimentary of the employee. Though not part of the official personnel file maintained in the central office, these ancillary personnel files shall be subject to the same provisions applicable to all personnel files, including access by the employee and the right to be aware of any information stored in the file.

DEFINITIONS

Document means any written or otherwise tangible material intended to be or actually used as a part of or any evidence of the work history of any employee including but not limited to any and all reports, comments, reprimands, correspondence, memoranda, evaluations, observations, and grievances relative to a particular employee.

Personnel file means those file(s) which contain the cumulative collection of any and all documents maintained by the school system with respect to each individual employee.

Personnel file custodians (file custodians) means those persons employed by the school system charged with the duty of maintaining and preserving the personnel files.

Third party means any person or entity not regularly employed, or employed under a contract by the school system in which the employee is employed.

Ref: 5 USC 552 (*Privacy Act of 1974*); La. Rev. Stat. Ann. §§17:81, 17:440, 17:1231, 17:1232, 17:1233, 17:1234, 17:1235, 17:1236, 17:1237, 17:1238, 23:1127, 23:1131, 23:1293, 44:1, 44:2, 44.4, 44:11, 44:12; Board minutes, 8-18-09.

EMPLOYEE TOBACCO USE

Because tobacco is the leading cause of preventable death, disease, and disability, the Orleans Parish School Board shall provide a tobacco-free environment.

The use of any tobacco product, smokeless tobacco, and any smoking object/device, including electronic cigarettes and similar devices, shall be prohibited on and in all School Board property and vehicles and at all school-sponsored functions. *School Board property* shall include any elementary or secondary school building or other buildings on a school campus, any portable buildings, field houses, stadiums, equipment storage areas, vacant land, or any property owned, operated, or leased by the School Board. This prohibition shall not apply to any outdoor area proximate to the School Board Central Office building that is within twenty-five feet of any entrance to the building, as long as no portion of such building is used as a school facility.

During the loading, unloading or transport of students, no cigarettes, cigars, matches, smoking paraphernalia or other tobacco products, whether chewing tobacco, snuff or otherwise, shall be displayed or placed in any position in the vehicle so that those products may be observed by any student during the transportation of students in the vehicle.

COMMUNICATION OF POLICY

Employees shall be informed of this policy through written notice, policy manuals, and orientation training.

COMPLIANCE AND ENFORCEMENT

Violations of this policy may subject an employee to appropriate disciplinary action or a fine not to exceed two hundred dollars, or both, and the employee may be referred to a tobacco-cessation counseling service.

Ref: 20 USC 7183 (*No Child Left Behind Act of 2001*); La. Rev. Stat. Ann. §§17:240, 40:1300.251, 40:1300.252, 40:1300.253, 40:1300.256, 40:1300.261; Board minutes, 2-24-87, 7-10-89, 10-2-97, 9-24-01.

EMPLOYEE DRESS CODE

DRESS AND PERSONAL GROOMING

Employees on a daily basis shall dress as professionals, in businesslike attire in order to set a good example for co-employees, students and the general public. Employee dress and grooming shall not detract from the learning/educational environment of students' participation in classes, school programs or other school-related activities. Extremes in style and fit in employee dress and extremes in style of grooming shall not be permitted. Administrators shall be authorized to use their discretion in determining extremes in styles of dress and grooming and what is appropriate and suitable for Orleans Parish School Board employees. No employees shall wear, possess, use, distribute, display, or sell any clothing, jewelry, emblem, blade, symbols, sign, or other things which are affiliated with drugs, alcohol, violence, or gang-related activities. Policies regarding dress and grooming stress the importance of reducing distractions that inhibit learning, and are addressed in an attempt to enhance the learning environment.

EMPLOYEE DRESS CODE

The guidelines of the School Board shall be that no mode of attire shall be considered proper for school wear that distracts from or disrupts classroom and school decorum. To maintain a proper image for teachers, it is the responsibility of principals to see that teachers are properly dressed.

Principals may make exceptions to the mode of dress in specific shop-type situations where deemed appropriate. Any condition of grooming or dress judged by the principal to be inappropriate shall not be allowed.

All employees, whether required to wear a uniform or not, shall be required to wear valid assigned ID badges at all times.

UNIFORMS

Employees who are required to wear uniforms shall wear the complete uniform at all times while at work and the uniform must be worn appropriately and as intended. Employees shall not wear uniforms during non-working hours or while not in the course and scope of their employment with the Orleans Parish School Board. Safety shoes shall be required for all maintenance employees.

Ref: La. Rev. Stat. Ann. §17:81.

INVESTIGATIONS

GENERAL INVESTIGATIONS

In the event that an Orleans Parish School Board member or staff member believes a condition exists within the school system that warrants investigation by the staff, such person shall convey his/her concerns to the Superintendent or designee. Should the Superintendent or designee determine that the situation warrants investigation, he/she shall have the matter investigated by appointing appropriate staff personnel (one or more persons) to make the necessary inquiries. At the conclusion of their investigation, a report shall be prepared for submission to the Superintendent.

Any investigation undertaken in the school system shall be conducted in accordance with the following stipulations:

1. No School Board member shall participate in any manner in an investigation.
2. The Superintendent or designee shall use every means possible to protect School Board personnel from unwarranted personal criticism.

In any investigation into incidents involving accidents or injuries to students or employees, or involving student misconduct, or the competence, honesty or performance of duties of Board employees, all employees of the Orleans Parish School Board shall, upon reasonable request by the Superintendent or his/her designee, give a statement of the facts and circumstances within the employee's knowledge, or an accounting of the employee's conduct concerning the circumstances which are the subject of the investigation or are related to the matter being investigated.

If deemed appropriate by the Superintendent or his/her designee in the conduct of such investigation, employees of the School Board shall, upon reasonable notification, appear at the offices of the Superintendent or at such other suitable location within the parish as might be appropriate and convenient in the investigation.

During any such employee interview, the employee may have legal representation if desired by the employee, but said representation shall be at no cost to the School Board.

PUBLIC ANNOUNCEMENT OF EMPLOYEE DISCIPLINE

The Orleans Parish School Board, in accordance with state law, shall initiate an investigation of an employee, in cases where the School Board has made a public announcement that an employee may be disciplined, whether or not there is an accompanying reduction in pay. The investigation shall proceed as outlined below

under *Reporting Procedures*. Not later than thirty (30) days after the conclusion of the investigation and prior to any School Board action to implement such disciplinary action, the employee may appear, if he/she so determines, before the School Board in open session and be given a reasonable time, as determined by the School Board, to comment on the investigation and any actions taken or proposed to be taken involving the employee.

These provisions shall not be applicable to any reduction in force initiated by the School Board.

CORPORAL PUNISHMENT OR MORAL OFFENSES

Corporal punishment is prohibited by the Orleans Parish School Board. If an employee is accused of corporal punishment, or of a moral offense involving a student, a prompt, thorough investigation shall be conducted by the Superintendent or designee. The investigation shall proceed as outlined below under *Investigation Procedures*. A written report of the results of the investigation shall be prepared, and the employee shall be provided with a copy of such report. The Superintendent may promulgate such administrative regulations as he/she deems necessary to implement this policy. Any employee found to have violated the provisions of School Board policy shall be disciplined by such means as appropriate to the incident, including reprimand, suspension, termination, and/or referral to the local child protection agency/law enforcement.

If the allegation falls within the definition of *abuse* as defined in state law, then all school employees with knowledge of such incidents become *mandatory reporters* and the allegations must be reported to child protection or law enforcement as provided by state law and School Board policy (see policy *JGCE, Child Abuse*). Such reporting shall be made and applied in conjunction with the procedures outlined in this policy.

INVESTIGATION PROCEDURES

Any complaint relative to employee conduct shall be handled as follows:

1. The Superintendent or his/her designee may order such investigation to be conducted in each instance as is warranted by the circumstances.
2. The investigation shall be conducted by the Superintendent or his/her designee. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint. Staff members or students may be interviewed if it is deemed essential to the investigation.
3. The Superintendent or his/her designee shall confer with each accused

employee's immediate supervisor concerning the results of the investigation and the immediate supervisor shall discuss the matter with the employee.

4. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the Superintendent or his/her designee and a copy forwarded to the complainant no later than (30) days after its filing.
5. If charges are founded, the Superintendent shall consider appropriate disciplinary action based upon investigative evidence gathered, which may include termination of employment. Any disciplinary action shall be noted in the offender's personnel file to reflect the action taken and the grounds thereof.

Ref: La. Rev. Stat. Ann. §§14:403, 17:81, 17:81.6, 17:81.8, 17:223; Board minutes, 8-14-89.

DRUG-FREE WORKPLACE

The Orleans Parish School Board, in compliance with the *Drug-Free Workplace Act of 1988*, recognizes its obligation in providing and maintaining a drug-free workplace to remain eligible to receive federal grants and in support of local, state and national efforts to achieve drug-free schools and communities.

The Orleans Parish School Board shall:

1. Advise all employees through the distribution of this policy that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance and/or intoxicants are prohibited before, during, or after school hours in any workplace of the Orleans Parish School Board. For any School Board employee, the consequences of violation of this prohibition shall be any or all of the following based on the specific offense: testing for presence of drugs/alcohol in body by a recognized hospital or chemical dependency unit, counseling, reprimanding, termination, or suspension with or without pay while the case is pending in court. Confirmed or substantial evidence of the use, sale, or possession of controlled substances by any employee while on or off duty or on or off school premises shall result in any or all of the following:
 - A. Requiring the employee to submit to a drug test from a recognized hospital or chemical dependency unit and presenting to the Superintendent or his/her designee certification from the agency performing the test that employee is drug free.
 - B. Immediate suspension with or without pay and recommendation for job termination.
2. Notify all employees that, as a condition of employment, all employees shall abide by the preceding statement and notify the Superintendent or his/her designee of any drug-related conviction no later than five (5) days after such conviction. The Superintendent or his/her designee shall notify the contracting federal agency, if applicable, within ten (10) days after receiving notice from an employee or otherwise receiving actual notice of such conviction.
3. The Orleans Parish School Board shall take one or more of the following actions within thirty (30) days of receiving notice with respect to any employee who is so convicted:
 - A. Having the Superintendent take appropriate disciplinary action against such employee, up to and including termination; or
 - B. Requiring such employee to participate satisfactorily in a drug assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.

4. *A Drug Awareness Program* developed by the Orleans Parish School Board shall inform all employees about:
 - A. The dangers of drug abuse in the workplace.
 - B. The Orleans Parish School Board's policy of maintaining a drug-free workplace.
 - C. Any available drug counseling, rehabilitation, and/or employee assistance programs.
 - D. The penalties that may be imposed upon employees for drug violations occurring in the workplace.
5. All employees of the School Board who have been recommended for employment shall submit to a drug/alcohol screening by the designated testing agent of the School Board as a condition of employment. No person who fails the drug/alcohol screening shall be considered for employment with the School Board.
6. In order to accomplish the objectives of this policy, the School Board reserves the right, at all times and in any work area, when circumstances warrant or reasonable cause exists, to conduct unannounced reasonable searches and inspections of School Board facilities. These searches shall be conducted by authorized supervisors or search personnel, including drug detection dogs. The areas open to search include but are not limited to lockers, briefcases, desks, boxes, lunch boxes, tool chests, vehicles, and other personal effects of employees.

EMPLOYMENT CONDITIONS

Condition of Continuation of Employment

Compliance with the Orleans Parish School Board's current or amended *Drug-Free Workplace* and *Employee Alcohol and Drug Testing* policies shall be a condition of continuation of employment. Failure or refusal of an employee to cooperate fully, sign any required document related to drug-free workplace provisions or alcohol and drug testing related policies, submit to any inspection or test, or follow any prescribed course of substance abuse treatment shall be grounds for discipline, up to and including termination. Violation of any part of these policies shall be grounds for termination.

Consequences of Refusal by Employee

Any employee refusing to consent to testing or to submit a saliva, urine or blood sample for testing when requested by management shall be subject to disciplinary action, up to

and including termination of employment. Attempted or actual substitution or adulteration of samples shall be equivalent to refusal to submit to testing or equivalent to a positive drug test.

Prescription Drugs

No prescription drug shall be brought on any property owned or operated by the Orleans Parish School Board by any person other than the one for whom it is prescribed; and such drugs shall be used only in the manner, combination, and quantity prescribed. The use or possession of prescription drugs contrary to this provision shall result in the drug being deemed an illegal drug.

Unauthorized Possession or Consumption of Alcoholic Beverages

No employee shall possess or consume alcoholic beverages on School Board property or at School Board-sponsored events, except as otherwise provided in this Policy Manual.

DEFINITIONS

Alcoholic Beverage is any fluid or solid capable of being converted into fluid, suitable for human consumption, and having an alcoholic content of more than 6% by volume, including alcohol, but excluding antiseptics, toilet preparations, and scientific/chemical products unfit for human consumption.

Controlled substance is any substance listed in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 821), and as further defined by regulations 21 CFR 1308.11 through 1308.15.

Conviction is a finding of guilt (including a plea of nolo contendere or imposition of sentence or both) by any judicial body charged with the responsibility to determine the violations of the Federal or State criminal drug statutes.

Workplace is any Orleans Parish School Board property or other site where work is performed by employees of the School Board, whether owned, leased, or used by the school system, at any school-sponsored or supervised activity, in any vehicle, whether or not owned or rented by the Orleans Parish School Board, machinery or equipment used in the course of employment, including any vehicle or any other employee workplace.

Ref: 20 USC 7101 et seq. (*Safe and Drug-Free Schools and Communities*); 21 USC 812 (*Schedules of controlled substances*); 41 USC 8101 et seq. (*Drug-Free Workplace*); 21 CFR 1308.11 et seq. (*Schedules of Controlled Substances*); La. Rev. Stat. Ann. §§14:91.7, 17:240, 17:405, 40:961, 40:962, 40:963, 40:964, 40:967, 40:968, 40:969, 40:970, 40:971, 40:971.1.

ALCOHOL AND DRUG ABUSE AND TESTING – GENERAL EMPLOYEES

The Orleans Parish School Board fully supports the concept of drug-free and alcohol-free workplaces and employees. Though the School Board is cognizant of the privacy rights of individuals, it also believes that the safety and well-being of its students and employees requires that it take legally permissible steps to prevent or eliminate the use of drugs and/or abuse of use of alcohol by its employees. School Board policy prohibits the unlawful manufacturing, distribution, dispensing, possession, or intoxication due to or as a result of use of a controlled substance by its employees in any workplace operated by the system or in any other location. For any such violation, disciplinary action shall be required. Also, School Board policy prohibits the possession, use or distribution of alcohol or being under the influence of alcohol by its employees on any school system property, whether owned, leased or used by the school system, at any school sponsored or supervised activity, in any School Board owned, leased or used vehicle including any school bus, or at any employee workplace.

As a condition of employment, the employee shall:

1. Abide by the terms of the School Board's *Drug-Free Workplace* policy.
2. Upon request, an employee shall present himself/herself to a School Board approved testing facility for a certified urinalysis for substance abuse or blood or other test for alcohol abuse and make the results available to the Orleans Parish School Board. The School Board shall pay the reasonable cost for the drug or alcohol testing. If the test results are positive, the employee shall be in violation of this policy. If the employee fails to be present for testing upon reasonable request, the employee shall be in violation of this policy.
3. Prior to final appointment, present themselves for drug screening. Persons who test positive for drugs and persons who refuse to undergo drug screening may not be given further consideration for employment with the School Board. The School Board shall bear the reasonable cost of this test.
4. The School Board may require alcohol and drug testing of any employee in the following circumstances:
 - A. When an employee is involved in any accident during the course and scope of his or her employment, and alcohol or drugs are suspected to have contributed to the cause of the accident; or
 - B. Under other circumstances which result in reasonable suspicion that an employee is under the influence of drugs or alcohol; or
 - C. As part of a monitoring program, to assure employee compliance with a

rehabilitation or treatment agreement; or

- D. In connection with any required periodic medical exams; or
- E. As part of a program of random drug testing of designated employees who occupy safety-sensitive or security-sensitive positions.

In addition, when an employee is injured as a result of a job-related accident and is determined after alcohol testing to be intoxicated under the standards set forth in La. Rev. Stat. Ann. §23:1081 or if the employee refuses to immediately submit to such testing, then such employee shall be presumed to have been intoxicated at the time of the accident and may be denied workers' compensation benefits in addition to any other authorized action.

Also, a positive confirmatory drug or alcohol test result may be used as a basis to terminate an employee for wrongful conduct and to deny unemployment compensation as set forth in La. Rev. Stat. Ann. §23:1601, or as the basis of other disciplinary action.

An employee involved in any of the above situations may be directed by his/her supervisor to submit to alcohol/drug testing. An employee, who provides a sample pursuant to the provisions of this policy and whose sample is determined to be positive as to the presence of drugs or alcohol (after a confirmatory test) shall be required to undergo a rehabilitation or treatment program at the employee's expense and/or be subject to disciplinary action.

SAFETY AND/OR SECURITY SENSITIVE POSITIONS

For the purposes of random testing of employees, the following definitions apply:

Safety-sensitive refers to a position which requires as part of that employee's assigned duties, primary or specific, the operation or maintenance of a motor vehicle; or responsibility for supervising or attending children on a motor vehicle used to transport students to and from school; or inspecting, servicing, maintaining or using gas fired equipment or gas utility systems; or responsibility for using, fixing, or operating tools, equipment or machinery that may place that person or others in a dangerous situation; or responsibility for handling drugs, weapons, or potentially hazardous chemicals; or responsibility in any way with food preparation. An employee who has the responsibility of supervising, either directly or indirectly, employees who perform any of the above described duties shall also be considered as occupying a *safety-sensitive* position.

Security-sensitive refers to a position which requires that a School Board employee perform or be responsible for performing, primarily or specifically, duties which may include the need to employ deadly force and which are directly related to the security of employees, students, a school, or another facility of the

Orleans Parish School Board, and which, if not performed properly, could result in serious injury or death to the employee, student, other employees or the general public. An employee who has the responsibility of supervising, either directly or indirectly, employees who perform any of the above described duties shall be considered as occupying a *security-sensitive* position.

The following positions are hereby designated as safety-sensitive or security-sensitive positions: any person who operates a School Board vehicle; persons directly employed by the School Board who supervise or attend to children in any vehicle used to transport school children; security guards or personnel; maintenance department employees who inspect, repair, or in any other manner service any equipment, pipeline or apparatus which uses natural or propane gas or is connected to natural or propane gas; any operator of tools, equipment or heavy machinery; any person that may come in contact with drugs, weapons, or hazardous chemicals, which may include administrators, teachers, and custodial personnel; any food service technician; and all who exercise any supervision over such persons. Persons in any of the above positions shall be subject to unannounced random alcohol/drug testing. A positive confirmatory test as a result of random testing may require the employee to undergo treatment at the employee's expense or be subjected to disciplinary action.

TESTING PROCEDURES

All testing/screening shall be conducted in accordance with applicable state and federal laws and regulations. Drug testing may include analysis of urine, blood, or hair. Drugs to be tested for may include, but not be limited to the following: cannabinoids, opioids, cocaine, amphetamines, phencyclidine, barbiturates, benzodiazepines, methaqualone, and/or alcohol. The Superintendent shall promulgate administrative regulations and procedures to implement the provisions of this policy.

Employees shall not be required to identify prescription and/or over-the-counter drugs being taken prior to any given drug test. However, after receiving a report of a confirmed positive test, the human resources manager and/or Medical Review Officer (MRO) shall request of the employee by phone that all prescription and/or over-the-counter drugs being taken by the employee on the day of the drug test be brought to his/her office within one work day. The human resources manager and/or MRO shall initiate only one request for this specific information.

DISCIPLINARY ACTION

Failure to comply with the provisions of this policy shall be grounds for disciplinary action including but not limited to written reprimands, suspension from work, and termination.

An employee shall be subject to immediate termination if the employee refuses to cooperate with any of the enforcement provisions of the policy or is believed to have

tampered or purposefully tried to alter the outcome of drug and alcohol tests. Additionally, the employee may be terminated if found using, manufacturing, selling, or distributing drugs or alcohol while on School Board premises. Any employee arrested for a drug related offense has five (5) working days from the day of the arrest to notify the School Board. Should an employee at any time be convicted of a drug related offense, they shall be terminated immediately.

Ref: 21 USC 812 (*Schedules of Controlled Substances*); 21 CFR 1308.11 et seq. (*Schedules of Controlled Substances*); 49 CFR 40.1 et seq. (*Procedures for Transportation Workplace Drug and Alcohol Testing Programs*); United Teachers of New Orleans et al. v. Orleans Parish School Board and Jefferson Parish School Board, et al, 142 F.3d 853; La. Rev. Stat. Ann. §§17:81, 23:897, 23:1601, 49:1001, 49:1002, 49:1011, 49:1012, 49:1015; Board minutes, 6-12-89, 7-15-91.

ALCOHOL AND DRUG ABUSE AND TESTING - EMPLOYEES WITH OFFICIAL DRIVING RESPONSIBILITIES

The Orleans Parish School Board, as a result of its responsibilities to its employees and to the public it serves, has a compelling obligation to eliminate illegal drug and alcohol use from its workplace. The School Board recognizes the increased risks and dangers when employees use drugs in the workplace. It is the intent of this policy to comply with current Federal and State statutes, and U.S. Department of Transportation regulations concerning drugs in the workplace and drug-testing of employees.

APPLICATION

This policy shall apply to all present and future full or part time drivers, driver applicants, contract drivers, volunteers, auxiliary and any other personnel employed by or representing the School Board when driving a School Board vehicle or while driving their own or a contract/rented vehicle on School Board business. The School Board requires compliance with this policy as a condition of employment, continued employment, and continuation of contractual agreements with the School Board in the capacity of a driver. The School Board shall pay the costs of any alcohol or drug tests that it may require.

The provisions of this policy shall apply to all School Board property including but not limited to School Board land, offices, buildings, structures, installations, work locations, and all fixtures, machinery, and equipment herein. This policy shall also apply to all owned, leased, or used automobiles, trucks, vehicles, equipment, or other transportation used at or while traveling to and from School Board property during the performance of School Board business.

PROHIBITIONS

Notification shall be provided to all driver applicants, School Board drivers, any employee driving on School Board business, and visitors that the unlawful use, abuse, confirmed presence in the body, possessions, manufacture, distribution, dispensation, transfer, storage, concealment, or sale of legal and illegal drugs, controlled substances, alcoholic beverages, weapons, stolen property, or drug related paraphernalia is strictly prohibited during the course and scope of School Board business and/or while on or using School Board property.

More specifically prohibited substances include:

Illegal Drugs such as, but not limited to, cannabinoids (marijuana, pot, dope, hashish), cocaine (coke, rock, crack, or base), LSD (acid), PCP (angel dust), MDMA (ecstasy), opiates (heroin, smack, black stuff, black tar, opium, morphine), and any other illegal or unlawfully obtained drug.

Designer and Synthetic Drugs such as but not limited to, ice, ice cube, crank, china white, synthetic heroine, MDA, Adam, Eve, Love Drug, and any other drugs that are made by altering the molecular structure of both legal and illegal drugs to create a drug not expressly banned by Federal law.

Unauthorized or Prohibited Drugs such as but not limited to, nonprescription stimulants, amphetamines, tranquilizers, barbiturates, or any other tablets, capsules, powders, liquids or inhalants containing substances which are regulated by state or federal law or which are intended to mimic such controlled substances. The term unauthorized includes prescription drugs not legally obtained or not being used for prescribed purposes. The term unauthorized also includes any abnormal or dangerous substance which may affect or alter a person's perception, performance, reflexes, reaction time, motor skills, mood, or judgment while working.

Prescription and Over the Counter Medications including legally obtained controlled substances. Abuse of a prescribed controlled substance or use of a prescribed controlled substance not prescribed for the employee or employment applicant is prohibited. Employees and others covered by this policy may maintain prescription drugs and over the counter medications on School Board premises provided:

1. The prescription drugs are prescribed by an authorized medical practitioner for use by the person in possession within the past twelve (12) months and the medication is in its original container. If the medical practitioner is authorizing use of the prescription for a period of longer than twelve (12) months, then a letter from the practitioner is to be placed on file with the School Board Substance Abuse Program Coordinator.
2. Employees take the prescription in the manner prescribed by the prescribing practitioner. The employee must not allow any other person to consume the prescribed drug.
3. Over the counter medications are kept in their original container.
4. Any employee who has been informed that medication could cause adverse side effects while working or where medication indicates such warning, must inform his/her supervisor prior to using such substances on the job. The School Board at all times reserves the right to have a licensed physician determine if use of a prescription drug or medication impairs the employee or in any way makes it unsafe for him/her to perform the duties of his/her job. In the event of such a finding, the School Board may, with permission, check with the employee's physician to see if alternative medications may be available which would not affect the

employee's ability to work safely. The employee may use sick days in the event this situation originates.

Drug Related Paraphernalia is any unauthorized material, equipment, or item used or designed for use in the ingesting, injecting, inhaling, manufacturing, testing, storing or packaging of a prohibited substance.

ENFORCEMENT

In order to accomplish the objectives of this policy, the School Board reserves the right, at all times and in any work area, when circumstances warrant or reasonable cause exists, to conduct unannounced reasonable searches and inspections of School Board facilities. These searches shall be conducted by authorized supervisors or search personnel, including drug detection dogs. The areas open to search include but are not limited to lockers, briefcases, desks, boxes, lunch boxes, tool chests, vehicles, and other employee's personal effects.

The School Board also reserves the right, in certain circumstances, to require employees to submit to medical or physical examinations or tests. These procedures may be required at any time as a condition of employment or continued employment. The procedures used may include, but are not limited to, urine drug tests, blood alcohol tests, breathalyzer tests, or other medical examination to determine the use of any substance prohibited by this policy or to determine satisfactory fitness for duty. The tests may be announced or unannounced and may be utilized under the following circumstances:

Pre-employment testing shall be required of any qualified applicant or candidate as a condition of consideration of employment. Testing may also be required prior to being approved to work at certain facilities, work areas, or as required by law or contract.

Any post-accident occurrence on the job which requires the evaluation of a physician, or following a serious accident or near miss incident in which safety precautions were violated, or in which School Board property was damaged, may require drug testing of the involved individuals. Drug testing shall be performed in accordance with pertinent regulations.

Reasonable suspicion testing shall be conducted when a supervisor has observed signs of possible intoxication or signs of using or being under the influence of prohibited substances, drugs or employee's physical condition or behavior leads the supervisor to have concern for the employee's safety or the safety and well-being of other employees or the public. All supervisory personnel shall take part in a School Board sponsored training program to assist them in identifying and addressing illegal drug or alcohol use by employees or others while working. All drivers shall undergo a substance abuse and policy education

program.

Random testing shall be used for all employees to detect and to prevent substance abuse. This type of testing is particularly warranted for employees directly involved with public safety or in security sensitive positions. All employees who drive vehicles owned or contracted by the School Board, whether part time or full time, shall be eligible to be tested.

Post counseling, post rehabilitation or return to work medical examinations may include drug tests if the employee is returning to work after a long illness, disabling injury, or after completion of a drug and/or alcohol treatment program.

Government required testing may be utilized by the School Board where mandated by the U.S. Department of Transportation, Federal Highway Administration, or other agencies.

Additional testing and changes in these testing guidelines may be required because of obligations to meet changes in federal and state drug laws or to meet contractual agreements.

Collecting and testing procedures shall conform to all applicable state and federal guidelines and those as prescribed by the U.S. Department of Transportation. All searches, inspections, collections, and maintenance of test records shall be performed with due regard to the individual's privacy. The results of any tests shall be considered confidential and the information shall only be shared with those having a direct need to know and as may be required to support civil or criminal investigations.

Public Law 102-143 Title V, Omnibus Transportation Employees Testing Act requires that the School Board comply with certain guidelines in order to limit substance abuse in the workplace. The Law requires the School Board to provide training and continuing education on drug abuse related issues. The School Board shall also provide its employees with a list of resources where the employee may go for drug abuse counseling and rehabilitation. The Law also requires that the employee notify his/her employer of any conviction for drug related offenses within five (5) days of such conviction.

NOTICE OF DISCIPLINARY ACTION FOR POLICY VIOLATIONS

Failure to comply with the provisions of this policy shall be grounds for disciplinary action including but not limited to written reprimands, changes in job assignments, suspensions from work and termination.

An employee shall be subject to immediate termination if the employee refuses to

cooperate with any of the enforcement provisions of the policy or is believed to have tampered or purposefully tried to alter the outcome of drug and alcohol tests. Additionally, the employee may be terminated if found using, manufacturing, selling, or distributing drugs or alcohol while on School Board premises. Any employee arrested for a drug related offense shall have five (5) working days from the day of the arrest to notify the School Board. Should an employee at any time be convicted of a drug related offense, they shall be terminated immediately.

Positive Results

Alcohol: 0.04 or Positive Result

Any employee testing 0.04 or higher on an alcohol test shall be removed from the covered position (driving) and referred to a Substance Abuse Professional. The employee shall be suspended without pay and/or terminated from employment.

Alcohol: 0.02 to Less Than 0.04

An employee testing 0.02 to less than 0.04 on an alcohol test shall be prohibited from returning to duty and operating any covered motor vehicle until the start of the driver's next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the test. Repeated incidents may result in disciplinary action including terminating from employment.

Drugs:

If the covered employee tests positive for non-prescribed use of illegal or controlled illegal substances, then the employee shall be immediately terminated.

If the covered employee tests positive for any other controlled substance that requires a prescription and the employee is not taking the drug pursuant to the prescription, then the employee shall be suspended without pay for a period of seven (7) calendar days or the period of time medically necessary for the body to no longer test positive for the drug or controlled substance, whichever is longer. In order for the employee to return to work, he or she shall be retested at the end of the suspension period. If the test result is positive, the employee's suspension period shall be converted to termination. If the test result is negative, then the employee shall be able to return to work. The School Board shall thereafter test the employee regularly for drug and alcohol abuse during the employee's remaining employment tenure with the Orleans Parish School Board. In the event a second positive reading for any drugs on any test within one (1) year after the employee returns to work, the employee shall be terminated.

If marijuana or any other controlled substance is found in the covered employee's vehicle as a result of a search occasioned by the use of undercover agents or

other appropriate means, the employee shall be terminated.

If alcoholic beverages, marijuana, or other controlled substances are found in any covered employee's locker, lunch box, or similar container, or on the employee as a result of a search occasioned by reasonable suspicion, then the employee shall be terminated.

Ref: 49 USC 5331 (*The Omnibus Transportation Employee Testing Act of 1991*); 49 CFR 10 (*Maintenance of and Access to Records Pertaining to Individuals*); 49 CFR 40.1 et seq. (*Procedures for Transportation Workplace Drug and Alcohol Testing Programs*); 49 CFR 382 (*Controlled Substances and Alcohol Use and Testing*); 49 CFR 391 (*Qualifications of Drivers and Longer Combination Vehicle Driver Instructors*); La. Rev. Stat. Ann. §§17:81, 23:897, 23:1081, 23:1601, 49:1001, 49:1002, 49:1005, 49:1011, 49:1012, 49:1015.

EMPLOYEE HEALTH AND SAFETY

The Orleans Parish School Board recognizes the importance of protecting the health and welfare of students, teachers, and other employees of the educational system from the spread of communicable diseases. The transfer of certain diseases by contact with body fluids may pose a health risk to students, teachers and employees. Therefore, decisions regarding the type of educational and care setting for an infected person should be based on the behavior, neurologic development, and physical interaction with others in that setting. The risk in the school setting should also be considered since children may have a greater risk of encountering infectious agents in a school setting than at home.

It is the responsibility of each and every employee to conduct themselves in a safe and orderly manner. All employees should follow safe operating practices.

Unanticipated events that may quickly escalate into tragic or catastrophic school-wide situations should be dealt with in accordance with the School Board's *Crisis Management* plan in order to protect the welfare, safety and care of students and staff.

HANDLING BODY FLUIDS IN SCHOOL

All personnel shall be required to follow specific guidelines in the handling of body fluids in the school setting. While the risk of infection may be low, contact with body fluids shall be minimized. Employees who fail to use the precautions outlined in policy *GAMFB, Guidelines for Handling Body Fluids in Schools*, may be subject to disciplinary action.

Ref: 20 USC 1400-1485 (*Education of Individuals with Disabilities*); La. Rev. Stat. Ann. §§17:416.16, 17:436, 17:437; *Louisiana Handbook for School Administrators*, Bulletin 741, Louisiana Department of Education.

COMMUNICABLE DISEASES

The Orleans Parish School Board recognizes the importance of protecting the health and welfare of students, teachers, and other employees of the educational system from the spread of communicable diseases.

A *communicable disease* shall be defined as a persistent or recurring infection which may be potentially transmitted to a susceptible person by contact with an infected individual.

When reliable evidence or information from a public health officer or physician confirms an employee of the School Board has a communicable disease or infection that is known to be spread by any form of casual contact and is considered a health threat to the school population or work environment, the Superintendent may exclude such person from school or employment for not more than five (5) days, or the amount of time required by state or local public health officials. Such student or staff member shall be excluded unless the public health officer approves return to employment or the condition is no longer contagious.

When reliable evidence or information from a public health officer or physician confirms a staff member has a communicable disease or infection that is known not to be spread by casual contact, the decision as to whether or not the affected person shall remain in school or the employment workplace shall be addressed on a case-by-case basis by a *Review Panel* to ensure due process.

Infected employees shall inform appropriate school officials of the infection so that proper precautions for the protection of the students, other employees, and the infected employee can be taken. Failure to do so may be grounds for termination of employment.

Irrespective of the disease presence, routine procedures shall be used and adequate sanitation facilities shall be available for handling blood or body fluids within the school setting or on school buses. School personnel shall be trained in the proper procedures for handling blood and body fluids and these procedures shall be strictly adhered to by all school personnel (see policy *GAMFB, Guidelines for Handling Body Fluids in Schools*).

REVIEW PANEL

Communicable diseases that are known not to be spread by casual contact shall be addressed on a case-by-case basis by a *Review Panel*. Membership of the *Review Panel*, procedures for convening the *Review Panel*, and the process used to review the case shall be as outlined in *Health and Safety, Bulletin 135, Louisiana Department of Education*.

The Superintendent shall provide a written decision to the affected party within three (3) business days after the *Review Panel* convenes. The written decision shall convey information brought out during the review process and include the rationale for the decision concerning attendance at work by the employee.

APPEALS

Appeals may be made by the affected employee in writing to the Superintendent and subsequently to the School Board as outlined in *Health and Safety*, Bulletin 135. If the written decision of the Superintendent is contrary to the majority opinion of the *Review Panel*, a majority of the *Review Panel* has the right to appeal the decision in the same manner as outlined in Bulletin 135.

CONFIDENTIALITY

All persons involved in procedures to assess attendance at work of an employee with a communicable disease that is not spread by casual contact shall be required to treat all medical information about the employee, proceedings, deliberations, and documents as *confidential information*. Records of the proceedings and the decisions shall be kept by the Superintendent in a sealed envelope with access limited to only those persons receiving the consent of the infected person, in accordance with state or federal law.

Before any medical information is shared with anyone in the school or work setting, a "Need to Know" review shall be made which includes the employee or his/her representative, unless the information is required to meet the mandates of federal or state law or regulation, or Louisiana Board of Elementary and Secondary Education (BESE) policy.

Ref: 20 USC 1400-1485, (*Education of Individuals with Disabilities*); La. Rev. Stat. Ann. §§17:81, 17:170, 17:436, 17:437, 17:1941, 17:1942, 17:1944, 17:1946; *Health and Safety*, Bulletin 135, Louisiana Department of Education.

GUIDELINES FOR HANDLING BODY FLUIDS IN SCHOOL

The Orleans Parish School Board shall require all personnel to follow specific guidelines in the handling of body fluids in the school setting. While the risk of infection may be low, contact with body fluids shall be minimized. Employees who fail to use the precautions outlined in the guidelines for handling body fluids may be subject to disciplinary action.

The body fluids of all persons should be considered to contain potentially infectious agents (germs). The term *body fluids* includes: blood, semen, drainage from scrapes and cuts, feces, urine, vomitus, respiratory secretions (e.g., nasal discharge) and saliva. Contact with body fluids presents a risk of infection with a variety of germs. In general, however, the risk is very low and dependent on a variety of factors including the type of fluid with which contact is made and the type of contact made with it.

The following table provides examples of particular germs that may occur in body fluids of children and the respective transmission concerns. The body fluids with which one may come in contact usually contain many organisms, some of which may cause disease. Furthermore, many germs may be carried by individuals who have no symptoms of illness. These individuals may be at various stages of infection: incubating disease, mildly infected without symptoms, or chronic carriers of certain infectious agents including the AIDS and hepatitis viruses. In fact, transmission of communicable diseases is more likely to occur from contact with infected body fluids of unrecognized carriers than from contact with fluids from recognized individuals because precautions are not always carried out.

**TRANSMISSION CONCERNS IN THE SCHOOL SETTING
BODY FLUID SOURCE OF INFECTIOUS AGENTS**

<u>Body Fluid Source</u>	<u>Organism of Concern</u>	<u>Transmission Concern</u>
Blood -cuts/abrasions -nosebleeds	Hepatitis B virus AIDS virus Cytomegalo virus	Bloodstream inoculation through cuts and abrasions on hands
*Feces -incontinence	Salmonella bacteria Shigella bacteria Rotavirus Hepatitis A virus	Oral inoculation from contaminated hands
*Urine -incontinence	Cytomegalovirus	Bloodstream and oral inoculation from contaminated hands

<u>Body Fluid Source</u>	<u>Organism of Concern</u>	<u>Transmission Concern</u>
Respiratory Secretions -saliva	Mononucleosis Common cold virus Influenza virus	Oral inoculation from contaminated hands
-nasal discharge	Hepatitis B virus	Bloodstream inoculation through cuts and abrasions on hands; bites
*Vomit	Gastrointestinal viruses, e.g., (Norwalk agent Rotavirus)	Oral inoculation from contaminated hands
Semen	Hepatitis B AIDS virus Gonorrhea	Sexual contact (intercourse)

*Possible transmission of AIDS and Hepatitis B is of little concern from these sources. There is no evidence at this time to suggest that the AIDS virus is present in these fluids.

1. Contact with Body Fluids

When possible, direct skin contact with body fluids should be avoided. Disposable gloves should at least be available in the office of the custodians, nurses, or principal. It is recommended that gloves be available in every classroom, and convenient to teachers on playground duty. Gloves are recommended when direct hand contact with body fluids is anticipated (e.g., treating bloody noses, handling clothes soiled by incontinence, cleaning small spills by hand). Gloves used for this purpose should be put in a plastic bag, and sprayed with a solution of 1 part bleach to 10 parts water, mixed fresh, and disposed in a lined trash can, secured, and disposed of daily.

2. Direct Skin Contact

In many instances, unanticipated skin contact with body fluids may occur in situations where gloves may be immediately unavailable (e.g., when wiping a runny nose, applying pressure to a bleeding injury outside the classroom, helping a child in the bathroom). In these instances, hands and other affected skin areas of all exposed persons should be routinely washed with disinfectant soap and water for a full three (3) minutes after direct contact has ceased. Clothing and other non-disposable items (e.g., towels used to wipe up body fluid) that are soaked through with body fluids should be rinsed and placed in plastic bags. If

presoaking is required to remove stains, (e.g., blood, feces), use gloves to rinse or soak the item in cold water prior to bagging. Clothing should be sent home for washing with appropriate directions to parents/teachers. Contaminated disposable items (e.g., tissues, paper towels, diapers), should be handled as with disposable gloves.

3. Removing Spilled Body Fluids from the Environment

Most schools have standard procedures already in place for removing body fluids (e.g., vomitus). These procedures should be reviewed to determine whether appropriate cleaning and disinfection steps have been included. Many schools stock sanitary, absorbent agents specifically intended for cleaning body fluid spills. Disposable gloves should be worn when using these agents. The dry material is applied to the area, left for a few minutes to absorb the fluid, and then vacuumed or swept up. The vacuum bag or sweepings should be disposed of in a plastic bag. Broom and dustpan should be rinsed in a disinfectant. No special handling is required for vacuuming equipment.

4. Hand Washing Procedures

Proper hand washing requires the use of soap and water and vigorous washing under a stream of running water for approximately one minute.

Soap suspends easily removable soil and microorganisms allowing them to be washed off. Running water is necessary to carry away dirt and debris. Rinse under running water. Use paper towels to thoroughly dry hands.

Should an ungloved person have any contact with bodily fluids, the person having contact should wash his/her hands for a full three (3) minutes using disinfectant soap and water.

5. Disinfectants

An intermediate level disinfectant should be used to clean surfaces contaminated with body fluids. Such disinfectants will kill vegetative bacteria, fungi, tuberculosis bacillus and viruses. The disinfectant should be registered by the U. S. Environmental Protection Agency (EPA) for use as a disinfectant in medical facilities and hospitals.

Various classes of disinfectants are listed below. Hypochlorite solution (bleach) is preferred for objects that may be put in the mouth.

- A. Ethyl or isopropyl alcohol (70%)
- B. Phenolic germicidal detergent in a 1 per cent aqueous solution (e.g., Lysol*)

- C. Sodium Hypochlorite with at least 100 ppm available chlorine (2 cup household bleach in 1 gallon water, needs to be freshly prepared each time it is used)
- D. Quaternary ammonium germicidal detergent in 2 per cent aqueous solution (e.g., Tri-quat*, Mytar* or Sage*)
- E. Iodophor germicidal detergent with 500 ppm available iodine (e.g., Wescodyne*)

*Brand names used only for examples of each type of germicidal solution, and should not be considered an endorsement of a specific product.

6. Disinfection of Hard Surfaces and Care of Equipment

After removing the soil, a disinfectant is applied. Mops should be soaked in the disinfectant after use and rinsed thoroughly or washed in a hot water cycle before rinse. Disposable cleaning equipment and water should be placed in a toilet or plastic bag as appropriate. Non-disposable cleaning equipment (dust pans, buckets) should be thoroughly rinsed in the disinfectant. The disinfectant solution should be promptly disposed down a drain pipe. Remove gloves and discard in appropriate receptacles.

7. Disinfection of Rugs

Apply sanitary absorbent agent, let dry and vacuum. If necessary, mechanically remove with dust pan and broom in disinfectant. If necessary, wash brush with soap and water. Disposal of nonreusable cleaning equipment shall be as noted above.

8. Laundry Instructions for Clothing Soiled with Body Fluids

The most important factor in laundering clothing contaminated in the school setting is elimination of potentially infectious agents. Clothing soaked with body fluids should be washed separately from other items. Presoaking may be required for heavily soiled clothing. Otherwise, wash and dry as usual. If the material is bleachable, add two (2) cups of household bleach to the wash cycle. If the material is not colorfast, add two (2) cups of non-hypochlorite solution to the wash cycle.

Ref: Information and Guidelines: Prevention of Disease Transmission in Schools, Acquired Immune Deficiency Syndrome (AIDS), State of Connecticut, Department of Education and Department of Health Services, March 1985; Louisiana Handbook for School Administrators, Bulletin 741, Louisiana Department of Education.

HEALTH EXAMINATIONS

The Orleans Parish School Board, through the Superintendent, may require an employee to have a medical examination whenever there is evidence the employee's condition warrants such action, or there is concern for safety. Examinations may also be conducted to determine adequacy of job performance or to meet requirements of state or federal laws. A certificate from the physician verifying that an applicant/employee is free from any communicable disease shall be submitted to the School Board. All examinations conducted shall conform to all state and federal requirements.

The physician shall be designated by the Superintendent, and the cost of the examination shall be paid by the School Board. The School Board may be entitled to reimbursement from an employee for the costs of such employee's or applicant's preemployment medical examination or drug test, however, if the employee terminates the employment relationship sooner than ninety (90) working days after the first day of work or never reports to work, unless there is a substantial change made to the employment by the School Board.

ACTIVITY BUS OPERATORS

Prior to the opening of each school session, each activity bus operator shall be required to submit to the Superintendent a certificate from a licensed physician, on forms furnished by the School Board, stating that the operator has been examined and is free from any ailment, disease, or defect that would adversely affect his/her ability to safely operate a school bus. Such certificate should be submitted within fifteen (15) days prior to the opening of school, and the cost of said examination shall be paid by the School Board.

Ref: 42 USC 12101 et seq. (*Title I, Americans With Disabilities Act*); La. Rev. Stat. Ann. §§17:81, 17:491, 17:491.2, 23:897.

DANGEROUS WEAPONS

Quality education begins with a safe school environment. The presence of firearms or any dangerous weapon on school campuses, at school-sponsored events, or on school buses presents unnecessary opportunities for students, employees, parents, and others to be seriously injured.

Employees of the Orleans Parish School Board shall be prohibited from bringing firearms, dangerous weapons, explosive or incendiary materials, including, but not limited to brass knuckles, illegal knives, and other dangerous instruments, or any instrument intended or likely to produce great bodily harm, or any sort of instrument or object which may be used in any way as a weapon, onto school campuses, to school-sponsored events or on school buses. No personal firearms shall be allowed, loaded or unloaded, except as otherwise provided herein. Employees who violate this prohibition shall be considered as willfully neglecting their duties and shall be subject to disciplinary action against them, up to and including termination. Others who violate this policy shall be subject to expulsion from School Board property. Any employee aware of another employee possessing a firearm or other dangerous weapon shall report it to a supervisor or administrator, who in turn shall notify the School Board's Security Department.

This policy is not intended to prevent inoperable or mock firearms from being brought to school for education purposes, such as ROTC training, props for drama presentations, gun safety classes, etc. The provisions of this policy shall also not apply to law enforcement officers or school resource officers or security personnel on school property, as well as other exceptions permitted by state law, such as any constitutionally protected activity such as a firearm contained entirely within a vehicle. For purposes of this policy, the term *firearm* is defined to include both instruments which propel shot by the action of gunpowder (i.e., rifles, shotguns) and instruments which propel shot by the action of air (i.e., pellet guns, BB guns).

FIREARM FREE ZONES

It is unlawful for an employee to intentionally possess a firearm on school property or within 1000 feet of school property, with limited statutory exceptions, or while on a school bus. The area surrounding the school campus or within 1000 feet of any such school campus, or within a school bus shall be designated *firearm-free zones*. The School Board, in cooperation with local governmental agencies, and the Louisiana Department of Education, shall designate and mark *firearm-free zones* which surround all schools and school property.

Ref: La. Rev. Stat. Ann. §§14:2, 14:95, 14:95.2, 14:95.6, 17:81, 32:292.1.

USE OF TELECOMMUNICATION AND OTHER ELECTRONIC DEVICES

TELECOMMUNICATION DEVICES

Employees shall be prohibited from using electronic telecommunication devices such as personal cellular telephones, pagers, beepers or other such devices during the workday except during non-duty times, unless otherwise authorized or upon prior approval of their immediate supervisor.

Notwithstanding the above provisions, this policy shall not affect the conduct of law enforcement activities including the use of electronic detection devices, dogs or other means of conducting searches for weapons, drugs, or other contraband in whatever manner is otherwise permitted by law and consistent with School Board policy.

Guidelines

All Orleans Parish School Board employees, including teachers, support staff, substitutes, those contracted for services, and visitors, may possess electronic telecommunication devices in any elementary, middle, or high school building, or on the grounds thereof or in any school bus used to transport public school students or during the course of driving a School Board-owned vehicle. However, use of these devices shall be governed by the following provisions:

1. Devices shall not be used during instructional time, while on duty, during professional development/in-services, or in the presence of students unless authorized by the Superintendent, principal, or his/her designee, except in an emergency. An *emergency* is defined as an actual or imminent threat to public health or safety, which may result in loss of life, injury, or property damage.
2. Camera phones with video and/or still photography capabilities, voice-recording capabilities, or future technological improvements and/or equivalent equipment shall not be used unless authorized by the Superintendent, principal, or his/her designee.
3. During the weeks of state testing (including end-of-course tests), phones and other electronic telecommunication devices (with or without cameras) shall be prohibited in the same room with secure testing materials.
4. District level personnel visiting any school site or attending any school/district related meeting shall turn off their cell phones, or put them or other electronic telecommunication devices on vibrate or silent, as authorized by their immediate supervisor.
5. Employees shall not make or receive cellular phone calls during any professional meetings which they are required to attend, i.e., faculty meetings, department

meetings, in-service sessions, etc.

6. Employees may not make or receive cellular phone calls during any time that they are driving School Board-owned vehicles. The School Board recognizes that there may be employees in transit who are required to maintain contact with their departments/schools while driving a vehicle. Any employee who is contacted by their department/school while driving a vehicle should come to a complete stop at a safe place as soon as possible and respond to the call in a timely manner.

While the operation of the School Board and its schools is governed by the provisions of this and all other School Board policies, administrative regulations and procedures, as well as procedures of the individual schools, no policy manual can list each and every instance of misconduct that is precluded relative to telecommunication and electronic devices. Accordingly, employees shall be cautioned that the appropriateness of certain action or behavior must necessarily be dictated by the nature of the position held by the employee and standards of common sense. By virtue of one's education and experience, an employee knows and understands that certain actions or conducts are unacceptable even in the absence of formal School Board policy. Such conduct constitutes both incompetence and willful neglect of duty. Such conduct, as well as violation of any state or federal law or School Board policies, handbooks, regulations, or procedures, or school regulations or procedures, shall result in a case- by-case review by the Superintendent and/or his/her designee and may result in imposition of discipline up to and including but not limited to written reprimands, suspensions from work without pay and/or benefits and termination of the employee.

Exceptions

School administrators and supervisors may be permitted to carry cell phones in sight due to administrative and safety responsibilities. It is suggested that the phone be in the vibrate mode and used out of the sight of students whenever possible. No personal use of the cell phone shall be allowed except as provided above for the teachers and staff.

EMPLOYER PROVIDED CELLULAR PHONES

The Orleans Parish School Board may provide cell phones to selected employees to ensure the safety of the educational community and school clientele, as well as to enhance all facets of school operations and procedures to improve the efficiency of the school district. The Superintendent shall designate those employees who may be issued cell phones, based on the employees' duties and responsibilities.

Cell phones shall not be a personal benefit, nor a primary mode of personal communication. Cell phones must be used for school-related business **only**.

School Board personnel may monitor use of the School Board-owned cell phones on a

monthly basis for propriety and reasonableness of phone use.

ELECTRONIC RECORDING DEVICES

No employee of the Orleans Parish School Board shall utilize an electronic recording device to surreptitiously record a telephone or face-to-face conversation with any other person while the employee is on duty or where the communication concerns school matters. To ensure compliance with this policy, and to protect the privacy rights of the individual who is subject to the use of a recording device, a school employee shall, prior to the initiation or use of any recording device to monitor a conversation with a third party, advise the third party that the conversation is being recorded and shall request the permission of the third party to record the conversation, which advice and consent for the recordation shall be documented at the beginning of the recordation of any such conversation. If permission to record is denied by the third party, no employee shall surreptitiously record a conversation with any third party.

This policy shall have no application to the following:

1. A recording made at the direct request and in conjunction with a member of a law enforcement agency pursuant to the investigation of criminal conduct by that agency;
2. A recording made to preserve a criminal threat of personal injury or property damage by a third party, i.e. a bomb threat or threat to physically harm a teacher, student or other person;
3. Due process hearings for employees or students where recordation of the proceedings is required by state law or School Board policy, such as student suspension or expulsion hearings at the Superintendent level.

CONTACTING SCHOOL BOARD MEMBERS

Employees shall only contact School Board members utilizing email account(s), mailing addresses, or phone number(s) designated by the Orleans Parish School Board member and maintained at the main office. School Board members' official contact information and district supported emails which allow everyone to email individual School Board members shall also be posted on the School Board's website. Blocking of contact information by employees, or School Board members shall not be permitted. Nothing in this policy shall prohibit individual School Board members from providing other means by which employees may contact them or from personally speaking to employees.

Ref: La. Rev. Stat. Ann. §§14:40.3, 17:81, 17:239.

ELECTRONIC COMMUNICATIONS BETWEEN EMPLOYEES AND STUDENTS

The Orleans Parish School Board shall require that all communications between employees and students be appropriate and in accordance with state law. All electronic or any other communications by employees to students at any time shall be expected to be professional, acceptable in content to any reasonable person, and limited to information that is school-related or is acceptable to both student and parent.

All electronic communication, including electronic mail, by an employee of the Orleans Parish School Board to any student enrolled in a school under the jurisdiction of the Orleans Parish School Board, shall use a means provided by or otherwise made available by the School Board for this purpose. All such communication shall be relative to the educational services provided to the student. The School Board shall prohibit the use of any means to electronically communicate with a student that is not related to such educational services, except communication with an immediate family member if such communication is specifically authorized by the School Board.

The School Board recognizes the limitations of its communication system and the convenience associated with employees utilizing their own personal electronic communication devices for relaying information and assignments to their students. The School Board shall permit its employees to use their own personal electronic communication devices for communications between the employee and the employee's students, provided the communications are for an educational purpose and the communication is timely reported to the building administrator.

Any electronic communication made by an employee of the Orleans Parish School Board to a student enrolled at any school under the jurisdiction of the Orleans Parish School Board or that is received by an employee from a student enrolled at any Orleans Parish public school using a means other than one provided by or made available by the School Board shall be reported by the employee, in a manner deemed appropriate by the School Board, to the building administrator within one (1) week of the communication. The approved means of electronic communication with students shall be: School Board authorized email, School Board sponsored teacher websites, school websites, School Board provided phones and other electronic communication that is approved by the Superintendent or his/her designee. Records of any such reported communication shall be maintained by the School Board for a period of at least one (1) year.

The School Board may authorize a school principal, or his/her designee, to permit an employee at the school to contact one or more specifically identified students enrolled at the school and be contacted by such student or students using a means other than one provided by or made available by the school, provided the employee has requested and received permission from the principal, or his/her designee, to do so and has provided documentation in writing to the principal, or his/her designee, stating the purpose or purposes for such contact. Such purposes may include but need not be limited to

necessary communications relative to extracurricular activities, student athletic activities, community-based youth activities such as scouting, and faith-based activities such as a youth group sponsored by a religious organization.

If an employee is attending an education-related trip, function or event with students at which electronic communication with students is reasonably necessary for coordination of the trip, function, or event, for the safety of the students, or for some other reasonable purpose, and the electronic communication will or may occur over a period of time not to exceed seven (7) days, then the employee may obtain written permission from the principal or site administrator, in advance of the trip, function, or event, to communicate with student via electronic communication. In order to exercise this option, a parent's written permission to communicate with a student shall be obtained in advance of the trip, function, or event.

DEFINITIONS

1. *Electronic Communication* includes any direct communication facilitated by voice or text-based telecommunication devices, or both, computers, as well as those devices that facilitate indirect communication using an intermediate method, including but not limited to Internet-based social networks. It shall also include transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature in whole or in part by wire, radio, electromagnetic, photoelectric, or photo-optical system and pertains to both personal and School Board issued devices.
2. *Electronic mail* – the transmission of text-based information or communication by use of the Internet, computers, a facsimile machine, a pager, a cellular telephone, a video recorder, or any other electronic device or means sent to a person identified by a unique address or address number and received by that person.
3. *Computers* – pertains to any and all computers.
4. *Social networks* – locations on the Internet where users may interact with other users -- examples are Facebook, MySpace, YouTube, and other social networks sites available on the internet.
5. *Improper or inappropriate communications* – any communication between employee and student, regardless of who initiates the communication, that may be viewed as derogatory, sexual or lewd in content, threatening or harassing, discriminatory, simple fraternization, or suggestive in nature.
6. *Educational Services* – direct and indirect classroom instruction, as well as extracurricular activities provided and/or authorized by the Superintendent or his/her designee.

NOTIFICATION

The School Board shall ensure that, at the beginning of each school year, each employee, student, and parent, or other person responsible for a student's attendance, be notified of the provisions of this policy and any related procedures or practices regarding communications between employees and students.

The parent or other person responsible for a student's attendance shall also be notified of his/her right to request that his/her child not be contacted through electronic communication by any school employee unless the purpose of such communication is directly related to the child's educational services and is sent to and received by more than one student at the school.

INAPPROPRIATE COMMUNICATIONS

The School Board is aware that the reputations and careers of students and educators have been damaged due to inappropriate communications between parties. Therefore, it is the intent of the Orleans Parish School Board to make all employees and students aware of the expectations and procedures of the School Board in regard to proper use of all telecommunication devices and computers if used to communicate with one another. The policy is not intended to limit the use of technology as an effective teaching tool.

In addition to reporting communication to or from students not made through the means provided by the School Board, employees shall report to their supervisor at the first opportunity available, *any* student-initiated communication that may be construed as inappropriate.

Employees shall be required to comply with all School Board policies, administrative regulations, procedures, and practices established regarding direct communications with a student, and any failure to do so may result in disciplinary action, up to and including termination of employment. Extreme circumstances may constitute willful neglect of duty. Should an employee's failure to comply also violate state or federal law, the Superintendent or his/her designee shall report such violation to the proper authorities.

Violations

1. Any violation of this policy shall be immediately investigated by the employee's supervisor, in accordance with School Board policy. The investigation shall include dates, the name of the person reporting the allegation, and the specific allegation made.
2. The supervisor shall meet with the employee to document his/her response to

the allegation. The employee shall be required to cooperate fully with the investigation.

3. All information of the investigation shall be provided to the Superintendent and the human resources manager by the supervisor.

The School Board shall prohibit retaliation by any of its employees against anyone who files a report of an alleged violation. This prohibition shall extend to the alleged violator of this policy and/or third parties, who directly or indirectly retaliate an individual reporting a violation.

Violations of this policy or any implementing regulations or procedures may result in discipline of the employee up to and including termination of employment

MANDATORY REPORTING

Nothing in this policy shall prohibit or deter the mandatory reporting requirements in cases of suspected abuse/neglect as provided for in policy *JGCE, Child Abuse*, state, and/or federal law.

PARENTAL OPTION

Parents shall be notified of the right to request that their child not be contacted through electronic communication by any School Board employee unless the purpose of such communication is directly related to the child's education services and is sent to and received by more than one student. A form authorized by the Superintendent shall be provided to parents for this purpose. Contacting a student when the parents have opted out of individual communication with employees shall be considered a violation of this policy.

MISCELLANEOUS CONDITIONS OF EMPLOYMENT

INSPECTIONS AND SEARCHES

It shall be the policy of the Orleans Parish School Board to reserve the right to inspect any School Board-owned property including, without limitations, computers, desks, lockers, and similar furnishings at any time, with or without notice, and any personal property an employee may bring onto School Board premises may be subject to inspection, including searches, in connection with the School Board's investigation of stolen property, hazardous materials, controlled substances, or the health and safety of employees and students.

As a condition of employment, each employee of the School Board shall acknowledge the School Board's right to conduct such inspections and investigations, and agree to any inspections made, and cooperate in all respects during any such proceedings.

SECURITY AND CONFIDENTIALITY

It is the policy of the School Board to maintain strict control over entrance to the premises, access to work locations and records, computer information, and cash and other items of monetary value. Employees who are assigned keys, given special access, or assigned job responsibilities in connection with the safety, security, or confidentiality of such records, material, equipment, or items of monetary or business value shall be required to use sound judgment and discretion in performing their duties, and shall be held accountable for any wrongdoing or acts of indiscretion.

Confidential information obtained as a result of employment with the School Board shall not be used by an employee for the purpose of furthering any private interest, or as a means of making personal gains. Use or disclosure of such information may result in civil or criminal penalties, both for the individuals involved and for the School Board, and may subject the employee to disciplinary action, up to and including termination.

ACCOMMODATIONS FOR BREAST-FEEDING MOTHERS

Each school under the jurisdiction of the School Board shall provide the following:

1. An appropriate, private room, other than a restroom, that may be used by an employee to express breast milk.
2. A reasonable amount of break time to accommodate an employee needing to express breast milk that, to the extent possible, shall run concurrently with the break time already provided to the employee, and that shall be available to the employee for up to one (1) year following the birth of her

child.

3. Procedures for the employee to notify her supervisor or other appropriate personnel, in writing, of her intent to make use of the accommodations offered pursuant to this policy and to schedule break time accordingly. Supervisors, in consultation with the employee, shall have the discretion and flexibility to provide other accommodations as long as the employee fulfills work schedule requirements.

Any additional break time used by an employee to express breast milk shall be considered unpaid leave time.

Ref: La. Rev. Stat. Ann. §17:81.

CONTRACTS AND COMPENSATION

CONTRACTS

Contracts of employment between eligible employees and the Orleans Parish School Board shall be executed for a specified period of time and compensation in accordance with state law. Unless otherwise stipulated, all employees shall meet all stated position qualifications and/or certification requirements before any contract shall become valid. Renewal or issuance, when possible, of contracts of employment, as well as termination or nonrenewal of contract notices, with the exception of performance contracts, shall be issued on or before the last day of each school year, whenever possible.

The execution of an employee contract between the School Board and employee shall be legally binding upon both parties. Teachers without tenure shall be required to have written contracts. Teachers who have gained tenure shall not be required to receive written contracts, although the School Board may choose to issue such contracts and may require teachers to sign such contracts if issued. The failure of a non-tenured teacher to sign a contract for the ensuing school session within the specified time, when required, shall be considered as voluntary termination of employment on the part of the teacher, unless under extenuating circumstances, an extension is granted by the Superintendent. Any subsequent resignation or termination of said contract for reasons other than extreme emergencies, as determined by the School Board, shall constitute a breach of contract against which legal action may be taken by the School Board and the employee dealt with accordingly. Except for those employees who are directly appointed by the School Board, the Superintendent shall receive, finalize, and accept all resignations of all employees.

The Superintendent shall sign each teacher contract.

Performance Contracts

Administrative and supervisory personnel in positions that require certification shall be hired under the terms of a performance contract of not less than two (2) nor more than four (4) years, except when such employment is for a temporary position. Prior to the School Board's approval of any initial or subsequent contract which involves an employee being or having been promoted to a position with a higher salary, the Superintendent shall disclose all terms of the contract to the School Board.

Termination or non-renewal of any performance contract shall be governed by the terms of the contract and applicable law.

COMPENSATION

Salary Schedules

Upon the recommendation of the Superintendent, the School Board shall establish salary schedules by which to determine the salaries to be paid to teachers and all other school employees. Salaries of all teachers shall be set by the Superintendent. The salaries of all personnel are generally based upon an established salary schedule and associated regulations provided, however, that salaries may be stated in and controlled by an employment contract. The salaries as provided in any salary schedule shall be considered as full compensation for all work required and performed within each employee's prescribed scope of duties and responsibilities.

Salary schedules established for teachers, administrators, and other certified school personnel shall be based upon the following criteria, with no one criterion accounting for more than fifty percent (50%) of the formula used to compute such employees' salaries:

1. Effectiveness, as determined by the performance evaluation program as provided in La. Rev. Stat. Ann. §§17:3881 through 3905.
2. Demand, inclusive of area of certification, particular school need, geographic area, and subject area, which may include advanced degree levels.
3. Experience.

No teacher or administrator who is rated *ineffective* pursuant to the School Board's performance evaluation program shall receive a higher salary in the year following the evaluation than the teacher/administrator received in the year of the evaluation.

The amount of the annual salary paid to any employee in any school year shall not be reduced below the amount of such salary paid during the previous school year, nor shall the amount of the annual salary paid to any employee be reduced at any time during an academic year. The limitations on the reduction in the amount of the annual salary paid to any employee shall not be applicable to the correction of any accounting errors or to a reduction necessitated by the elimination of a state program or state funding. Any salary reduction shall not apply to any local salary supplement funded, in whole or in part, from a revenue source requiring voter approval, when such voter approval has not been obtained. The limitation on the reduction of salary shall also not apply to an employee who has been promoted and subsequently demoted. In this case, the employee's salary shall return to the salary previously received in the lower position from which promoted.

Ordinarily, no teacher shall be placed on the payroll of the School Board unless the teacher holds a valid certificate as required by law, and a copy of the teacher's contract

has been filed with the Superintendent. Exceptions may be made only when qualified teachers with valid certification are not available for employment.

Experience Credit

A *year of teaching experience* is defined as each scholastic year of employment as a certified teacher in public schools within any of the fifty states of the United States of America, or within any of its territorial possessions; or as a teacher in a private or parochial school, as an employee in a state department of education, or as an instructor in an institution of higher learning. All such experience must have been as a teacher in an institution or school accredited by one of the recognized regional accrediting agencies in the United States of America (e.g., SACS). Experience outside the United States of America, its territories or possessions must be in an institution or school accredited by an accrediting agency recognized by the United States of America.

A year of teaching experience shall be granted if the person was employed for at least ninety-one (91) instructional days, or the equivalent of fifty percent (50%) plus one (1) day of the number of student instructional days contained in the school calendar where the teacher was employed, during one scholastic year, excluding holidays, as verified by the Superintendent. However, not more than one (1) year of experience shall be granted for a period inclusive of twelve (12) consecutive calendar months. All experience must have been on a full-time basis.

Any teacher holding a valid Louisiana teaching certificate in the public school system of Louisiana who has transferred to Louisiana from a public school system of another state and who, at the time of such transfer, held a valid teacher's certificate from that state, shall be given full credit under the salary schedule for the years of satisfactory teaching service previously rendered in the public school system of that state. Credit for previous teaching experience shall also be granted to an employee who holds a valid Louisiana teaching certificate and is employed or has been employed by another public school system in the state.

Advanced Degree

When a teacher earns additional college credit, is awarded an advanced degree, or receives additional training that would result in an increase in salary, said teacher shall be paid for the advanced degree or training beginning with the next school semester after all necessary documentation has been received from the Louisiana Department of Education. It shall be the responsibility of the employee to assure proper notification is given to the Superintendent or his/her designee.

Retirees

The salary of any retiree who is reemployed as a full-time teacher shall be based on the salary schedule which accounts for all prior years of teaching service and pertinent

experience. The status of any retiree who is reemployed shall be the same as a full-time active employee, subject to all applicable rules, procedures, policies, and statutes that apply to all such full-time active employees.

The retirement of an employee prior to his/her re-employment as a retiree shall constitute a break in his/her service with the School Board for purposes of tenure and sabbatical leave. The retiree shall not be allowed to carry forward annual leave days accumulated by him/her as of the date of his/her retirement, but he/she may carry forward accumulated sick leave days provided that he/she has returned to employment within five (5) years of his/her last employment as a teacher within the school system. A retiree shall have the right to earn additional sick leave and annual leave, if applicable, on the same basis as other similarly situated newly hired employees while a retiree.

School Employees

Compensation for all school employees shall be based on applicable salary schedules or hourly rates established by the Orleans Parish School Board, with the exception that no employee shall receive less than the minimum established by state or federal law.

For the purpose of this subsection, *school employee* shall mean any employee of the School Board who is not required to hold a teacher's certificate as a condition of employment, including, but not limited to, bus operator, food service worker, paraeducator, custodian, and maintenance personnel.

SALARY SUPPLEMENTS/STIPENDS

The School Board, at its discretion, may permit the payment of salary supplements or stipends to certain personnel who assume special duties. Salary supplements/stipend payments made to eligible employees (i.e. those employees who are actively employed on scheduled payroll date, with applicable federal and state taxes, Medicare tax and pension contributions deducted from the gross amount) shall be based upon recommendations from the Superintendent to the full School Board for consideration and/or adoption.

Ref: 29 USC 201 et seq. (*Fair Labor Standards Act of 1938, as amended*); La. Rev. Stat. Ann. §§11:710, 17:81; 17:83, 17:84, 17:84.1, 17:411, 17:413, 17:418, 17:419.2, 17:421.4, 17:422.6, 17:423, 17:424, 17:424.2, 17:424.3, 17:444, ; Wright v. Caldwell Parish School Board, 30.448 (La. App. 2 Cir. 6/16/99); Garcia v. San Antonio Metropolitan Transit Authority et al., 105 S. Ct. 1005 (February 1985); Harrah Independent School District v. Martin, 99 S. Ct. 1062 (1979).

COMPENSATION GUIDELINES/OVERTIME

The Orleans Parish School Board, for purposes of accurate and timely wage and salary determinations, and in an attempt to ensure consistency and fairness in the application and interpretation of federal regulations established in the *Fair Labor Standards Act (FLSA)*, sets forth the following guidelines.

MINIMUM WAGE

The minimum wage paid on an hour-by-hour basis to all Orleans Parish School Board employees whether full or part time, permanent or temporary shall be at least equal to the federal minimum wage.

WORKWEEK

A *workweek* is a continuous period of 168 hours in the form of seven consecutive 24-hour periods. The school system workweek begins at 12:01 a.m. each Thursday for all employees and consists of seven (7) consecutive days. Each workweek stands alone for the purpose of determining overtime pay for nonexempt employees.

WORK SCHEDULES

The work schedule for exempt employees such as principals, teachers and others may vary as to time of reporting and shall continue until professional responsibilities to students, school, and School Board have been completed. Administrative meetings, curriculum development, pupil supervision, assigned duties, parent conferences, group or individual planning, extracurricular activities, School Board and Board Committee meetings may require hours beyond any stated minimum. The Superintendent or his/her designee, consistent with the FLSA and the provisions of this policy, shall define work schedules for nonexempt employees.

SALARIES

A fixed salary is generally paid to nonexempt employees for hours worked for forty (40) hours in a workweek. Nonexempt employees who have a work schedule of fewer than forty (40) hours in a workweek shall not be paid overtime compensation unless the employee works more than forty (40) hours in a workweek. Such employees shall be paid their regular rate of pay for time worked up to forty (40) hours.

PART TIME IN DIFFERENT CAPACITY

Should individuals be employed in one capacity but voluntarily work part time in a different capacity on an occasional or sporadic basis, the hours logged in the secondary voluntary capacity shall not be counted as hours worked for overtime purposes.

CLASSIFICATION OF EXEMPT OR NONEXEMPT EMPLOYEES

The *Fair Labor Standards Act* (FLSA) classifies employees into two (2) groups, as follows:

Exempt – Employees who are not eligible to receive overtime compensation. These employees are generally salaried employees whose primary duties are directly related to the management or administrative and business functions within the school system. Learned professionals, such as teachers, are also classified as exempt. Other exempt employees may include, but not be limited to, the Superintendent, directors, level 1 and level 2 supervisors, principals, assistant principals, and degreed professionals.

Nonexempt – Employees who are eligible to receive overtime compensation. These employees perform work involving repetitive manual operations, such as maintenance employees, food service employees, janitors and custodians, bus drivers, and security personnel. Nonexempt employees may also include office employees who perform non-manual labor, such as secretaries, paraprofessionals, nurses, data-processing operators and technicians, cafeteria managers and staff, bus drivers, maintenance staff, accounting and payroll staff.

Utilizing the provisions of and accompanying regulations implementing the *Fair Labor Standards Act*, the School Board shall classify all employees of the school system as *exempt* or *nonexempt* for purposes of determining eligibility for overtime compensation.

HOURS WORKED FOR OVERTIME REQUIREMENTS

Hours worked for nonexempt employees includes all hours during which the individual is required to be on duty - generally from the required starting time to normal quitting time. Meal periods do not count as hours worked unless the individual is required to perform work duties during the meal period. Break periods of twenty (20) minutes or longer do not count as work time. Hours worked do not apply to exempt employees. Exempt employees are excluded from the overtime requirements and their work schedules may include meetings, extracurricular activities, parent conferences, planning time and other responsibilities of the position.

OVERTIME COMPENSATION

Nonexempt employees who work in excess of forty (40) hours per workweek shall earn compensation at one-and-one-half times their *regular rate* for all hours more than forty (40). However, the School Board shall discourage overtime work (more than forty (40) hours in a workweek) by nonexempt employees.

OVERTIME HOURS

Overtime hours (more than forty (40) hours worked in a workweek) shall be held to a minimum consistent with the needs and requirements of sound and orderly administration. The Superintendent or his/her designee shall approve all overtime in advance. Overtime assignments of nonexempt employees shall be permitted only when required by operational necessity. All hours worked by nonexempt employees shall be scheduled and duly authorized. Any hours worked by a nonexempt employee over forty (40) hours during the workweek shall be authorized in writing and documented on the *Overtime Request Form* by the building principal or department head prior to the time the work is performed. Forms authorizing overtime shall be signed by the building principal or department head and submitted to the Department of Human Resources on a weekly basis. Unauthorized overtime shall not be tolerated. All supervisory personnel shall monitor overtime use on a weekly basis and report such use to the Superintendent or his/her designee.

Flexible Time

Principals, supervisors, or department heads may need to adjust daily schedules of nonexempt employees to prevent nonexempt employees working more than forty (40) hours in a workweek.

Recording Overtime Hours

Accurate and complete time sheets and/or records of the actual hours worked during a workweek shall be signed by each nonexempt employee and supervisor and submitted with other payroll information to the Department of Human Resources.

Building principals, department heads and other supervisors shall be subject to discipline for allowing nonexempt employees under their supervision to work more than forty (40) hours in a workweek without the Superintendent's or his/her designee's advance approval. Nonexempt employees shall not be permitted to begin their duties prior to their scheduled start time and supervisors shall monitor sign-in procedures to prevent such employees performing duties prior to the start time.

EMERGENCY OVERTIME

During a state of emergency or imminent threat of disaster as declared by the Governor of the State of Louisiana, Orleans Parish, the Louisiana Office of Emergency Preparedness or the Orleans Parish Emergency Management Director ("Declared Emergency"), the Superintendent or his/her designee may close schools and/or other facilities. The resources of the school system may also be called upon to assist in protecting the health and safety of the citizens of Orleans Parish and the neighboring communities. The School Board may also find it necessary to utilize employees to protect the School Board's improved property or to assist in preparing the schools to open after a "Declared

Emergency.”

All nonexempt employees who are called upon to perform disaster related emergency work during the time of the Emergency shall be paid a supplemental salary benefit equal to their regular rate of pay for the first forty (40) hours worked and time and a half for every hour worked after forty (40) hours.

- The aforesaid payment shall be in addition to his or her regular salary should the School Board decide to pay the salaries of all system employees during the existence of the emergency, whether or not they perform disaster related emergency work.

The duration of the emergency shall be that period from the first day that schools are closed due to the emergency through the day when the Superintendent or his/her designee determines that Orleans Parish School Board employees must return to work.

Parish-Declared Emergency

When the local government declares a State of Emergency, departments shall be authorized to pay overtime at the rate of time and a half for all hours worked in excess of forty (40) per week to non-exempt and exempt employees when the following conditions occur:

1. An Orleans Parish declaration of a state of emergency, or
2. Requirement by management for employees to work overtime for purposes of response and/or recovery during the emergency, or
3. Requirement by management to work overtime specifically approved by the Superintendent or his/her designee prior to services being performed.

COMPENSATORY TIME OFF

Nonexempt employees who work more than forty (40) hours during any workweek may be provided compensatory time (comp time) off. Compensatory time shall be provided at the rate of *one and one-half hours* for each hour of overtime worked. The Superintendent or his/her designee shall approve all compensatory time in advance.

Compensatory time may be accrued up until 240 hours (160 overtime hours). Overtime work beyond this maximum accrual amount shall be paid in cash.

Every effort shall be made to permit the use of compensatory time at the time mutually agreed upon by the individual and employee's supervisor. Nonexempt employees shall be required to use any accumulated compensatory time. However, where the individual's absence would unduly disrupt the school system operations, the

Superintendent retains the right to postpone the usage of any compensatory time.

Time off for working on an official holiday shall not be considered compensatory time off but as a delayed holiday. Employees who are required to work on an announced holiday shall be given equal time off within the same fiscal year.

Nonexempt employee's record of compensatory time shall be maintained by the Department of Human Resources.

TRAVEL

Ordinary travel time from home to a work site or a school location or vice versa shall not be considered work time. Official travel during an individual's regular working hours shall be considered hours worked.

LEAVE

Time taken for annual leave, sick leave, leave without pay, or other leave taken for the purpose of jury duty, military assignment, or because of death in the family shall not be counted as hours worked to determine if a nonexempt employee worked more than forty (40) hours in a workweek.

VOLUNTEERS

A *volunteer* shall be defined as an individual who receives no compensation or who is paid expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered and such services are offered freely and without coercion, direct or implied, from the School Board. If an employee of the School Board wishes to volunteer, the volunteer services must be different from the services the employee is employed to perform. The Superintendent or designee must approve any exception.

EXCLUSIONS FROM OVERTIME PAY REQUIREMENTS

Executive, administrative, professional and certain computer employees shall be identified as *exempt* from overtime pay if their job duties and salary meet the rules for one or more of the categories of exemption provided by the FLSA and the implementing regulations. A list of the exempt employees shall be maintained by the Department of Human Resources.

EXEMPT EMPLOYEE DEDUCTIONS

Deductions from pay shall be permissible when an exempt employee: is absent from work for one (1) or more full days for personal reasons other than sickness or disability; for absences of one (1) or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation

for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; for penalties imposed in good faith for infractions of safety rules of major significance; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions. An exempt employee may file a grievance in accordance with the School Board's grievance procedure (policy *GAE, Grievance Procedures*), if there is a dispute or objection to deduction from pay.

RECORD-KEEPING

Exempt Employees

The following records shall be kept for each employee:

- Name and identifying number
- Home address, including zip code
- Birth date if the employee is less than nineteen (19) years of age
- Sex and occupation in which employed

Teachers shall record daily when they report to work and when they leave work.

Nonexempt Employees

The following records shall be kept for each employee:

- Name and identifying number
- Birth date, if younger than nineteen (19) years of age
- Home address, including zip code
- Sex and occupation
- Time and day of week when employee's workweek begins
- Hours worked each day
- Total hours worked each workweek
- Basis on which employee's wages are paid (e.g. "\$6 an hour", "\$220 a week")
- Regular hourly rate
- Total daily or weekly straight-time earnings
- Total overtime earnings for the workweek
- All additions to or deductions from wages paid each pay period
- Total wages paid each pay period
- Date of payment and the pay period covered by the payment (29 CFR §516.2)

Non-exempt hourly employees shall record daily the time they begin work, take breaks, take lunch periods, and when they leave work. Vacation and sick leave days should also be recorded. Work periods that are not a minimum of thirty (30) minutes shall be

reported as hours worked.

RETENTION OF PAYROLL RECORDS (See also policy *DIE, Retention of Records*)

Records to be preserved for at least three (3) years:

- Payroll records
- Certificates, agreements, plans, notices, etc. (e.g. contracts, written agreements memoranda summarizing the terms of oral agreements)
- Sales and purchase records (29 CFR §516.5)

Records to be preserved for at least two (2) years:

- Supplementary basic records
- Basic employment and earnings records
- Wage rate tables
- Work time schedules
- Order, shipping and billing records
- Records of additions to or deductions from wages paid
- Records that explain the basis for payment of any wage differential to employees of the opposite sex in the same establishment (29 CFR §516.6)

SPECIAL SITUATIONS

Nonexempt employee - cannot volunteer to perform work that is part of their normal job duties, for example, a janitor may not volunteer to clean up after school events (ball games) without such time counting as hours worked during a workweek. A janitor could volunteer to coach an athletic team. An employee who is the parent of a child in an activity may volunteer for work similar to their regular duties upon special request and permission, and as authorized by the Superintendent or his/her designee.

Meetings - when authorized or required shall be counted as hours worked for nonexempt employees.

In-Service Training - when authorized or required shall be counted as hours worked for nonexempt employees.

Waiver of Rights - nonexempt employees shall not be allowed to waive their rights under *Fair Labor Standards Act* (FLSA).

Students - Vocational students performing work as part of a curriculum are students and not workers; therefore, wages are not mandatory under FLSA. Students helping in office capacities for short periods of time are volunteers and not employees. The payment of wages is not mandatory under FLSA.

Release time - the Superintendent may grant exempt employees release time from their duties in the event of required extended periods of duty due to extreme emergencies such as some natural disasters or man-made disasters. Such release time may not affect the orderly operation of the school system.

Flexible time (flex time) - A principal, supervisor, or department head may adjust the hours and schedule of a nonexempt employee within a workweek to avoid an employee working more than forty (40) hours in a workweek. An employee may be given a different reporting time or quitting time due to a scheduled evening requirement during the workweek.

ACKNOWLEDGMENT OF POLICY

Employees shall be provided a copy of this policy and be required to sign a statement to acknowledge their receipt of the policy.

Ref: 29 USC 201 et seq. (*The Fair Labor Standards Act of 1938*, as amended); Garcia v. San Antonio Metropolitan Transit Authority et al., 105 S. Ct. 1005 (February 1985); La. Rev. Stat. Ann. §§17:84.1, 17:418, 17:422.6; Board minutes, 10-22-09.

POSITIONS

The Orleans Parish School Board shall determine the number of teachers and other school personnel to be employed. It is the intent of the School Board to activate a sufficient number of positions to accomplish the district's goals and objectives.

The Superintendent shall be delegated the authority to receive or originate recommendations for the School Board for adding new positions and for making revisions and/or adaptations to existing job titles and/or descriptions, or for making adjustments to the system's personnel that will contribute to more efficient operations.

The Superintendent shall maintain a comprehensive and up-to-date set of job descriptions of all positions in the school district. These job descriptions shall be kept on file and utilized in conjunction with the current performance evaluation plan. All personnel shall be given a copy of their respective job description when first employed and any time the job description is revised. All personnel shall be required to sign a copy of his/her job description.

NEW POSITIONS

When any new position is contemplated, a job description shall be prepared for the position. The proposed position shall be evaluated by the Superintendent and the Department of Human Resources and assigned to a salary range in accordance with the *Salary Schedule*.

Ref: La. Rev. Stat. Ann. §17:54, 17:81, 17:418.

QUALIFICATIONS AND DUTIES

TEACHERS

The Orleans Parish School Board shall require that each **teacher** or **substitute teacher** hold not less than a bachelor's degree from a regionally accredited college or university to be eligible for employment. Each teacher, including administrative personnel, shall be required to hold a current and valid teacher's certificate issued by the Louisiana Board of Elementary and Secondary Education (BESE) or demonstrate proficiency in meeting all requirements necessary to obtain such a certificate.

A written job description shall exist for every employment position with the Orleans Parish School Board, depicting the minimum qualifications and the responsibilities necessary for the position.

As part of their work assignment, teachers, as well as other employees, shall perform duties as necessary to reasonably maintain the safety and welfare of students. They shall at all times perform these duties in a reasonably prudent manner. There shall be intensive supervision of all students in areas of high risk, such as indoor or outdoor physical education classes, weight rooms, locker/dressing rooms, chemistry and biology labs, home economics classes, as well as other high risk technical education classes, and extracurricular activities including such things as practices, tutoring, try-outs, field trips, and athletic events.

Teachers may also be required to attend or conduct such other functions or activities of their respective school as deemed appropriate by the principal within the guidelines of their job description and their job responsibilities.

OTHER PERSONNEL

The Superintendent shall ensure that other school employees, both current and prospective, have proper certification, as applicable, and are qualified for the position to which employed.

Ref: La. Rev. Stat. Ann. §§17:81, 17:413, 17:414, 17:441, 17:3884, 17:3904; Harrah Independent School District v. Martin, 99 S. Ct. 1062 (1979).

RECRUITMENT

The Orleans Parish School Board shall make a concerted effort to recruit the best qualified applicants available. Upon creation of a new administrative or supervisory position or a vacancy occurring in an established position, if such positions are not filled by transfer or promotion of qualified personnel, the Department of Human Resources shall prepare a notification outlining the details of the position and procedures for applying. Such notification shall be posted on the School Board's website and other such mediums as the Superintendent and/or his/her designee may determine.

When filling vacancies in positions of authority or those with policymaking duties, the School Board or Superintendent or his/her designee, depending on the vacancy, shall not utilize only oral contacts and interviews of applicants considered, or use any other means to circumvent the provisions of state statutes. Nothing, however, shall prohibit oral contact prior to a person becoming an applicant or shall prohibit oral contact which may result in a written application or other documents.

APPLICATIONS

Applications submitted for any teaching vacancy shall be submitted to and retained by the Department of Human Resources for a period of not less than three (3) years. All applications for non-certified positions shall be retained for at least one (1) year.

Disclosure of Information by Applicant

As part of the application process, the School Board shall require the applicant to sign a statement that authorizes the release and disclosure of the following information by the applicant's current or previous employer(s):

1. All actual cases of *sexual misconduct with a minor or student* by the applicant.
2. All instances of *sexual misconduct with students*, as defined by the Louisiana Board of Elementary and Secondary Education (BESE), and outlined in the *Louisiana Handbook for School Administrators*, Bulletin 741, committed by the applicant, if any, if such employer is/was a city, parish, or other local public School Board.
3. All investigations of *sexual misconduct* by the applicant with a minor or student that occurred within thirty-six (36) months prior to the applicant's resignation, termination, or retirement from employment.
4. All actual or investigated cases of *abuse* or *neglect* committed by the applicant, if any, if such employer is/was the Louisiana School for the Deaf, the Louisiana School for the Visually Impaired, or the Louisiana Special Education Center.

If an investigation determined that a formal allegation of an applicant was inconclusive, unjustified, or otherwise without cause for further formal pursuit, the applicant shall not be required to disclose such information.

The statement shall also request the current or previous employing School Board make available to the School Board through its Superintendent or his/her designee, within twenty (20) business days of receipt of the request, copies of all documents as contained in the applicant's personnel file maintained by such employer relative to instances of sexual misconduct, if any. Such request for information shall include a copy of the required statement signed by the applicant.

The Superintendent, or principal with the approval of the Superintendent, may employ any applicant on a conditional basis pending a review of any information obtained pursuant to this request. Permanent employment shall not occur until the information has been satisfactorily verified. However, in accordance with statutory provisions, the Superintendent shall not hire any applicant who does not sign the disclosure statement as required by law.

Any information obtained by the School Board as a result of the disclosure statement shall be used *only* for the purpose of evaluating an applicant's qualifications for employment in the position for which he/she has applied, is not subject to the state public records statutes, and shall not be disclosed to any person, other than the applicant, who is not directly involved in the process of evaluating the applicant's qualifications for employment.

In addition to the above, as part of the application process, the School Board shall request the applicant's performance evaluation results, if applicable. The applicant, once the evaluation results have been received, shall be given an opportunity to review the information received and provide any response or information the applicant deems appropriate.

Finally, the applicant shall grant permission by signing a statement on the application form that permits the School Board to have access to **any and all** reference, background, and previous employment information and to receive copies of any such documentation from a current or previous employer.

Disclosure of Applicant's Records

The name of each applicant for certain positions of authority or those with policymaking duties, the qualifications of such an applicant, and any relevant employment history or experience of such an applicant shall be available for public inspection, examination, copying, or reproduction as provided for in the statutory provisions governing public works.

CRIMINAL HISTORY OF APPLICANTS

The Orleans Parish School Board shall require, in accordance with state law, applicants for employment to submit necessary information regarding their backgrounds. A prospective employee shall be required to provide authorization for the disclosure of any information regarding past criminal activities, including arrests, convictions, having pled *nolo contendere*, or other dispositions, including dismissal of convictions, of any criminal offense, in accordance with La. Rev. Stat. Ann. §15:587.

A standard applicant fingerprint card acceptable to the *Louisiana Bureau of Criminal Identification and Information* and a disclosure authorization form shall be provided the applicant by the School Board or may be obtained from local police authorities. It shall be the responsibility of the applicant to have his/her fingerprints taken by a qualified individual and submitted to the proper authorities for processing. Any cost associated with fingerprinting or the disclosure of background information on an applicant may be passed on to the applicant.

1. No person who has been convicted of or has pled *nolo contendere* to crimes listed in La. Rev. Stat. Ann. §15:587.1 shall be hired as a teacher, substitute teacher, or janitor, or as a temporary, part-time, or permanent school employee of any kind, unless approved in writing by a district judge and the district attorney with jurisdiction in Orleans Parish, or if employed on an emergency basis, unless approved in writing by the Superintendent. Any such statement of approval shall be kept on file at all times at the location wherein the employee is assigned and shall be produced upon request by any law enforcement officer.
2. For the purposes of reviewing the criminal history of prospective employees, any person employed to provide cafeteria, transportation, janitorial or maintenance services by any person or entity that contracts with a school or the School Board to provide such services shall be considered to be hired by the School Board.
3. Every such prospective employee shall be subjected to fingerprinting and each person's fingerprints shall be submitted to the proper authorities for a criminal history review.
4. A person who has submitted his/her fingerprints may be temporarily hired pending the results of the inquiry, subject to the approval of the Superintendent.
5. Upon the final conviction or upon a plea of *nolo contendere* of any crimes enumerated in La. Rev. Stat. Ann. §15:587.1, except La. Rev. Stat. Ann. §14:74 (criminal neglect of family), any teacher may be terminated following a review held in accordance with statutory provision.
6. Any other school employee if such employee is convicted of or pleads *nolo contendere* to crimes enumerated in La. Rev. Stat. Ann. §15:587.1, except La. Rev. Stat. Ann. §14:74, may be terminated.

7. A teacher or any other School Board employee shall report any final conviction or plea of guilty or *nolo contendere* to any criminal offense, excluding traffic offenses, to the School Board within forty-eight (48) hours of conviction or plea.
8. The Superintendent, or principal with approval of the Superintendent, may reemploy a teacher or other school employee who has been convicted of crimes enumerated in La. Rev. Stat. Ann. §15:587.1, except La. Rev. Stat. Ann. §14:74, **only** upon written approval of a district judge and the district attorney who has jurisdiction in this school district, or upon written documentation from the court in which the conviction occurred stating that the conviction had been reversed, set aside, or vacated.

Ref: La. Rev. Stat. Ann. §§15:587, 15:587.1, 17:15, 17:24.2, 17:81, 17:81.9, 17:83, 17:430, 17:3884, 23:291, 42:1119, 44:12.1, 44:31, 44:31.1, 44:32, 44:33, 44:34; La. Children's Code, Art. 603, 606.

EMPLOYMENT OF PERSONNEL

The Orleans Parish School Board and its administrative staff believes that it has an obligation to provide the children attending its schools with the very best personnel available regardless of race, color, creed, sex, age, national origin or any similar personal characteristic or affiliation with any teacher union or association.

The Superintendent or his/her designee shall be responsible for establishing and maintaining appropriate procedures for reviewing and evaluating any and all applicants for selection, including administrative and supervisory personnel, and assuring adherence to applicable state and federal legal requirements. Selection of personnel to fill all positions shall be based upon performance, effectiveness, and qualifications applicable to each specific position. Consideration of personnel for employment or promotion shall also be in accordance with the provisions of policy *GBDA, Nepotism*. Decisions shall be made on a non-discriminatory basis with selection procedures and evaluative criteria known to all applicants. Applicants should not resort to the use of political, social, or other pressures to gain employment or promotion.

Teachers and all other personnel, except those who are appointed directly by the School Board, shall be selected for employment by the Superintendent. It shall be the responsibility of the Superintendent and/or his/her designee to ensure that all persons recommended have proper certification, where applicable, and are qualified for the position. Seniority and tenure shall not be used as the primary criteria when making any employment decision.

The Superintendent shall delegate to the school principal all decisions regarding the employment of any teacher or other personnel at the school in which the principal is employed, subject to the approval of the Superintendent.

The Superintendent and/or his/her designee shall consult with teachers regarding any possible selections made by the Superintendent for the hiring or placement of a principal at the school in which such teachers are employed, subject to the provisions of any applicable court order.

GRANT FUNDED POSITIONS

Since the Orleans Parish School Board encourages the development of proposals to federal, state and private funding agencies for the supplementing and funding of innovative educational strategies, long range planning, and special supportive services, it is recognized that grants may fund applicable staff positions to achieve the goals and objectives of the grant.

Therefore, *grant funded positions* shall be full-time or part-time positions established for a specific period of time not to exceed the scheduled termination date of the grant. The

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letter of appointment sent to an employee for grant funded positions shall state continuation of the employee's service in that position is contingent upon the continuing availability of funds from the grant funding source. The grant-funded employee shall be issued a written notice of termination a minimum of thirty (30) days prior to the effective date of the grant termination.

Ref: La. Rev. Stat. Ann. §§17:81, 17:81.9, 17:413, 23:897; *Louisiana Handbook for School Administrators*, Bulletin 741, Louisiana Department of Education.

NEPOTISM

Decisions and the process included in the employment, assignment, and other related functions shall be conducted ethically and in accordance with state statutory provisions. As such, the Orleans Parish School Board shall require that no member of the immediate family of an *agency head* of the school system shall be employed in his/her agency. No member of the immediate family of a School Board member or of the Superintendent shall be employed by the School Board, with limited exceptions as outlined in policy *BE, School Board Ethics*.

In addition, it is the policy of the School Board not to discriminate in its employment and personnel actions with respect to its employees and applicants on the basis of marital or familial status. Notwithstanding this policy, the School Board retains the right to refuse to appoint a person to a position in the same department, division or facility, wherein his/her relationship to another employee has the potential for creating adverse impact on supervision, safety, security or morale, or involves a potential conflict of interest. The Department of Human Resources shall have the authority and responsibility for determining if such a potential for adverse impact exists or does not exist. If co-workers are or become involved in a relationship that may lead to conflicts of interest or other employee morale problems, the co-workers must consult with their supervisor and the Department of Human Resources.

The provisions of this policy shall not prohibit the continued employment of any School Board employee nor shall it be construed to hinder, alter or in any way affect normal promotional advancements for such employee should a member of that employee's immediate family hereafter become the agency head of such employee's agency provided that such employee has been employed in the agency for a period of at least one year prior to the member of that employee's immediate family becoming the agency head.

If a member of the immediate family of a School Board member or the Superintendent is employed with the School Board under allowable exceptions outlined in policy *BE, School Board Ethics*, the School Board member or Superintendent, as the case may be, shall recuse himself/herself from any decision involving the promotion, discipline, termination or teaching location of the employee.

Within thirty (30) days after the beginning of each school year, any School Board member or Superintendent whose immediate family member is employed by the School Board shall file a disclosure statement with the Louisiana Board of Ethics stating the facts of such employment.

A willful violation of this policy may subject the offending party and/or his/her immediate supervisor to disciplinary action up to and including termination.

DEFINITIONS

Immediate family of an employee, for the purposes of this policy, means the employee's children, spouses of children, brothers, sisters, parents, spouse and parents of spouse. This definition has been expanded by the School Board for purposes of assignment to positions as included in policy *GBE, Assignment*.

Agency means any department, office, division, subdivision or other organizational unit of the Orleans Parish School Board, and *agency head* means the chief executive or administrative officer of an agency who exercises supervision over the agency. For the purposes of the Orleans Parish School Board, the following shall apply:

1. For members of the School Board, the entire school district represents the *agency* of the School Board member and for purposes of this policy, the School Board member is the *agency head* of the entire school district.
2. Similarly, the Superintendent is the *agency head* for the entire school district and the *agency* of the Superintendent is the entire school district.
3. The *agency* of an Assistant Superintendent, a Director or a Supervisor is the division or office or other organizational unit of the School Board and school district over which the Assistant Superintendent, Director or Supervisor has general supervisory jurisdiction and which generally constitutes his/her sphere of influence, and would be considered the *agency head* of that division, office, or other organizational unit.
4. As to a school principal, the *agency* of the principal is the school at which he/she serves and he/she is the *agency head* of the particular school at which he/she is assigned.
5. A cafeteria manager assigned to a particular school is an employee of the school at which he/she serves and that school forms the *agency* employing the cafeteria manager and the cafeteria manager shall be considered the *agency head* of the cafeteria which he/she manages.
6. The *agency* of an administrator, department head or supervisor is to be determined with reference to his/her job duties and sphere of influence. Where a prospective employee would be subject to the supervision, direction, observation, evaluation, promotional input, etc. of a member of his/her immediate family, such employment is proscribed.

Ref: La. Rev. Stat. Ann. §§17:81, 17:428, 42:1102, 42:1119, 42:1123.

EMPLOYMENT OF RETIRED PERSONNEL

The Superintendent of the Orleans Parish School Board or a principal, with the approval of the Superintendent, may employ retired employees under certain conditions; however, an employee whose retirement has been accepted shall not be guaranteed any position/employment with the School Board.

CERTIFIED PERSONNEL

Certified personnel who are members of the *Teachers' Retirement System of Louisiana* (TRSL) who have retired and are rehired, shall be designated as either a *retired teacher* or *retired member*, as provided below:

Retired Teachers

A *retired teacher* is:

1. Any teacher who returns to active service as a full-time or part-time classroom teacher in grades K-12 in a critical shortage area.
2. A retiree who returns to active service as a full-time certified speech therapist, speech pathologist, or audiologist whose position requires a valid Louisiana ancillary certificate where the shortage exists.
3. A retired employee who has returned to active employment service covered by La. Rev. Stat. Ann. §11:710 on or before June 30, 2010.
4. A retired member who retired on or after May 1, 2009, and on or before June 30, 2010, and who returns to active employment service to a position requiring a valid Louisiana teaching certificate or a valid Louisiana ancillary certificate.
5. A retired employee who returns to active employment service as a substitute classroom teacher who teaches any student in pre-kindergarten through twelfth grade.
6. A retired employee who holds an advanced degree in speech therapy, speech pathology, or audiology.
7. A retired employee who has a valid Louisiana teaching certificate who returns to active employment service who is assigned the professional activities of instructing adults through an adult education or literacy program administered through a qualified public institution.

Critical shortage area shall mean any shortage of certified teachers existing in a subject

area that has been certified by both the Superintendent and human resources manager to Louisiana Board of Elementary and Secondary Education (BESE) and the *Teachers Retirement System of Louisiana*.

Classroom teacher shall mean any employee whose position requires a valid Louisiana teaching certificate and who is assigned activities of instructing pupils in classroom courses for which daily attendance figures are kept, including school classroom, home or hospital settings or other learning situations that may be delivered inside or outside the classroom or in other teacher-student settings.

Substitute classroom teacher shall mean a classroom teacher employed in a temporary capacity to fill the position of another classroom teacher who is unavailable to teach for any reason.

Prior to making such certification of critical shortage for any *full-time teaching position*, the School Board shall be required to advertise in the School Board's official journal, on two (2) separate occasions, notice that a shortage of certified teachers exists and the positions to be filled. If a certified applicant who is not a retiree applies for an advertised position, such person *shall be hired* before any certified retired teacher is employed, unless fewer than three (3) teachers have applied for the position each of whom are certified in the critical shortage area being filled.

Retirees who are filling teaching positions shall be hired for one school year *only* and shall report to duty not more than three (3) days before the school year begins.

The salary of any retired teacher who is reemployed shall be based on the salary schedule which accounts for all prior years of teaching service and pertinent experience. The earnings of a retired teacher reemployed as a substitute classroom teacher may result in a reduction in retirement benefits received, if those earnings exceed 25% of his/her retirement benefit during any fiscal year.

Whenever a retiree returns to active service, the School Board shall, within thirty (30) days thereafter, notify the TRSL in writing of such employment, the date of reemployment, and a determination as to whether the person is a *retired teacher* or *retired member*. Other reports shall be submitted as required by state law.

Retired Members

A *retired member* is any person who is a member of the *Teachers Retirement System of Louisiana* and who after being reemployed, is not classified as a *retired teacher*. A retired member, once reemployed, shall have his/her retirement benefits suspended for the duration of reemployment, even if such employment is based on a contract, and shall receive no additional service credit nor accrue any additional retirement benefits. Prior to hiring the *retired member*, the employee must acknowledge in writing that retirement benefits shall be suspended.

OTHER NON-CERTIFIED EMPLOYEES

Any retired non-certified employee may be reemployed as a full-time, part-time, temporary, or substitute employee. The School Board shall be required to transmit monthly, by the fifteenth (15th) day after the end of the month, a report to the *Louisiana School Employees Retirement System* (LSERS) with the name, social security number, and the amount of earnings of the retiree during the previous month.

Ref: La. Rev. Stat. Ann. §§11:710, 11:1006, 11:1007, 17:81.

ASSIGNMENT

POSITION ASSIGNMENTS

The Orleans Parish School Board delegates to the Superintendent or his/her designee the assignment of all teachers, administrators, supervisory personnel, and other employees of the School Board to their respective positions and/or schools. The principal shall have the authority to determine the placement of all teachers or other personnel at the school in which the principal is employed, subject to the approval of the Superintendent. Personnel shall be assigned on the basis of performance, effectiveness, and qualifications applicable to each position.

In order to avoid conflicts of interest, or the appearance of same, it is the desire of the School Board that employees not be assigned to a position that would require that employee to be directly supervised by an immediate family member. The above provision, however, does not apply, in accordance with statutory provisions, to an immediate family member of an athletic director of a school, which may employ an immediate family member as a coach where he/she is athletic director. **Immediate family members** for the purposes of this policy shall include a person's spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, corresponding in-law, "step" relation or any member of the employee's household.

For purposes of this policy, principals and assistant principals shall be considered to directly supervise all programs operated at their school; therefore no immediate family member of any principal or assistant principal shall be employed to work in any program operated at his/her school. Also, any department head shall be considered to directly supervise all operations in the department. However, in accordance with La. Rev. Stat. Ann. §42:1119, should, in the normal course of promotional advancement, a person be appointed as the principal or assistant principal of a school in which his or her spouse is presently employed, the spouse may be allowed to remain at the school if he or she has been employed at the school for at least one (1) year prior to the appointment. This provision also pertains to supervisory staff as it relates to his/her spouse working in the department under his/her direct supervision. Such assignments shall be subject to review by the Superintendent or his/her designee regarding appropriateness of assignments.

In the assignment or placement of immediate family members, the following guidelines shall apply:

- Individuals who are related by blood, marriage, or reside in the same household shall be permitted to work in the same department, provided no direct reporting or supervisor to subordinate relationship exists. That is, no employee is permitted to work in a supervisory capacity when one relative's work responsibilities, salary, hours, career progress, benefits or other terms and conditions of employment could be influenced by the

other relative, except as noted in the above paragraph.

- Related employees shall have no influence, input, or decision-making authority over the wages, hours, benefits, career progress and other terms and conditions of the other related staff members.
- Employees who marry while employed, or become part of the same household shall be treated in accordance with these guidelines. That is, if in the opinion of the employee's supervisory personnel a conflict arises as a result of the relationship, one of the employees may be recommended for transfer.

The assignment of personnel shall provide comparability of services by ensuring equivalence among schools in teachers, administrators, and auxiliary personnel.

CLASS ASSIGNMENT

The principal shall be responsible for assigning teachers to classes within his/her respective school. Except in extenuating circumstances, the principal shall notify teachers of their anticipated assignment for the school year prior to the opening of school. Teachers who wish to request reassignment for the subsequent school year may do so provided such request is submitted prior to the close of the school year. Principals shall give every reasonable consideration to teacher requests for assignment to a particular grade level and/or subject area for which a teacher is certified and qualified.

A teacher shall be notified by the principal of any change in assignment as soon as reasonably possible.

Ref: La. Rev. Stat. Ann. §§17:81, 42:1119.

PROBATION

TEACHERS

Upon initial employment, teachers shall remain on an *at-will employment status* until they have successfully met the statutory criteria to be granted tenure by the Orleans Parish School Board. During this period, the teacher may be terminated by the Superintendent after providing the teacher with written reasons therefor, and providing the teacher an opportunity to respond within seven (7) days.

CONTRACT APPOINTEES

Employees hired under a promotional or performance contract shall not serve any probationary period.

SCHOOL EMPLOYEES OTHER THAN TEACHERS

All school employees (those employees who are not teachers or whose employment does not require the holding of a teacher's certificate) shall serve a probationary period of three (3) years from the date of their initial employment. During this probationary term, the School Board may terminate any probationary employee upon the written recommendation of the Superintendent to the School Board, accompanied by valid reasons therefor.

For those school employees hired on or after July 1, 2007, successful completion of the probationary period shall in no way convey any expectation of continued employment. School employees hired on or after July 1, 2007 shall no longer be eligible to acquire permanent status.

Ref: La. Rev. Stat. Ann. §§17:441, 17:442, 17:521, 17:522.

EVALUATION

TEACHERS AND ADMINISTRATORS

The Orleans Parish School Board believes the quality of teaching and learning is directly related to the performance of personnel who work in the school district. It is therefore, the policy of the School Board to appraise the performance of instructional and administrative personnel in order to maintain performance at the levels essential for effective schools.

The Superintendent and his/her staff shall have the responsibility for developing, monitoring, and maintaining an effective and efficient performance evaluation program in accordance with guidelines as found in *Regulations for Evaluation and Assessment of School Personnel*, Bulletin 130, Louisiana Department of Education. The observation, evaluation and assessment process shall measure the effectiveness of teachers and administrators as to whether they meet the necessary standard of performance.

The process for all observations, evaluations, teacher conferences, and related functions shall be conducted in accordance with state requirements, as well as regulations and other criteria enumerated in the *Orleans Parish School Board Personnel Accountability Plan*. Evaluations shall be conducted annually.

Every effort shall be made by the school system to communicate to position holders the general goals of the system, the specific objectives of the position, the plans which have been made to support the individual as he/she performs his/her role, the standards of performance the system has established, the criteria it will employ in assessing performance, as well as components of an intensive assistance program for addressing those persons determined to be *ineffective*.

Copies of the assessment and evaluation results and any documentation related thereto of any school employee retained by the School Board shall be confidential and shall not constitute a public record, and shall not be released or shown to any person except as provided by state or federal law.

Should a teacher or administrator not agree with his/her rating, he/she may initiate grievance proceedings in accordance with the procedures for resolving conflict contained in *Bulletin 130*.

ALL OTHER PERSONNEL

In an effort to improve the level of job production and skill performance of the individual employee, evaluations of support personnel shall be conducted annually. Performance evaluations shall be based on an employee's job classification and the School Board's adopted standards for the work performed.

Ref: La. Rev. Stat. Ann. §§17:3881, 17:3882, 17:3883, 17:3884, 17:3901, 17:3902, 17:3903, 17:3904; *Regulations for the Evaluation and Assessment of School Personnel*, Bulletin 130, Louisiana Department of Education; Board minutes, 4-24-90.

PROMOTION

The Orleans Parish School Board desires to provide advancement in employment to qualified personnel through promotion. The School Board shall require, and the Superintendent shall verify, that all employees considered for promotion shall possess the appropriate qualifications and/or certification necessary for the position.

Any employee under investigation, suspension, probation, or any other adverse personnel action shall not be considered for promotion.

TEACHERS/CERTIFICATED EMPLOYEES

Whenever a teacher/certificated employee is promoted by the Superintendent from a position of lower base salary to a position of higher base salary requiring the holding of a teaching certificate, employment shall be based on a written contract containing performance objectives. Such contract shall be for a term of not less than two (2) years, nor more than four (4) years, except when such employment is for a temporary position. Prior to the School Board's approval of any initial or subsequent contract which involves an employee being or having been promoted to a position with a higher salary, the Superintendent shall disclose all terms of the contract to the School Board.

Any employee thus promoted and who enters into an employment contract as stated above, shall not gain permanent tenured status in the position to which promoted.

SUPPORT PERSONNEL

Decisions regarding promotion of support personnel shall be made by the Superintendent.

Ref: La. Rev. Stat. Ann. §§17:81, 17:444.

EMPLOYEE DISCIPLINE

The Superintendent and his/her designee shall possess the authority to discipline employees when an employee's behavior warrants such action. A principal shall have the authority to recommend to the Superintendent when appropriate that employees at the school in which he/she is employed should be disciplined.

Discipline of an employee shall be progressive in nature such that penalties for poor job performance or broken rules become increasingly harsh as similar or related conditions continue or infractions are repeated. Such progressive discipline, however, shall not inhibit the Superintendent's authority or, in the case of certain employees, the School Board's authority, to discipline, suspend, or terminate an employee based on the circumstances of any single event. Documentation of employee behavior, employee performance and any disciplinary action taken shall be properly and thoroughly recorded.

Should any disciplinary measure become necessary, any documentation shall be considered *confidential* and treated in accordance with statutory provisions and School Board policy.

TEACHERS

As explained in greater detail below, certain disciplinary actions against teachers shall only be taken following statutorily required hearing procedures. However, such procedures do not prevent the Superintendent and/or principal from taking other disciplinary measures as appropriate which do not fall under the definition below of *disciplinary action* and do not require a hearing.

Definitions

For the purpose of this section:

Discipline and *disciplinary action* shall include **only** suspension without pay, reduction in pay, involuntary demotion, or termination.

Written notice shall be considered given when the notice is hand delivered to the teacher, or on the day it is delivered to the teacher by registered mail, certified mail, or a commercial courier.

Non-Tenured Teachers

The Superintendent may take disciplinary action against any non-tenured teacher after providing such teacher with the written reasons therefor and providing the teacher the opportunity to respond. The teacher shall have seven (7) days to respond, and such response shall be included in the teacher's personnel file. The Superintendent shall

notify the teacher in writing of his/her final decision. The teacher shall not be entitled to a hearing before the School Board.

Within sixty (60) days of such notice, the teacher may seek summary review in district court of whether or not the Superintendent's action was arbitrary or capricious.

Tenured Teachers

A teacher with tenure shall not be disciplined except upon written and signed charges by the Superintendent or his/her designee of poor performance, willful neglect of duty, incompetency, dishonesty, immorality, or of being a member of or contributing to any group, organization, movement, or corporation that is by law or injunction prohibited from operating in the state of Louisiana, and then only if furnished with a copy of such written charges and given the opportunity to respond.

The teacher shall have ten (10) calendar days from written notice of the charges to respond, in person or in writing. Following review of the teacher's response, the Superintendent may take *interim disciplinary action*, which may include placing the teacher on paid administrative leave. If the teacher has been arrested for a violation of any of the following: La. Rev. Stat. Ann. §§14:42 through 14:43.5, 14:80 through 14:81.5, any other sexual offense affecting minors, any of the crimes provided in La. Rev. Stat. Ann. §15:587.1, or any justified complaint of child abuse or neglect on file in the central registry pursuant to Children's Code Article 615, the administrative leave shall be without pay. Paid administrative leave shall not exceed fifty (50) days from notice of the Superintendent's interim decision.

Within ten (10) calendar days after written notice of the interim disciplinary action or within ten (10) calendar days after receipt of the teacher's response if no interim disciplinary action is taken, a teacher may request a hearing before a disciplinary hearing officer. If the teacher fails to timely request a hearing, the disciplinary action shall become final.

Upon request for a review hearing, the Superintendent shall randomly appoint a hearing officer from a list of persons previously approved by the School Board as *disciplinary hearing officers*. If the school district serves fewer than twenty thousand students, the School Board shall maintain a list of at least five (5) hearing officers. If the school district serves twenty thousand students or more, the School Board shall maintain a list of at least ten (10) hearing officers. All hearing officers shall be qualified to serve as a disciplinary hearing officer in accordance with state law. If the School Board fails to maintain such a list, the Superintendent may randomly appoint a hearing officer from a list of persons previously approved by the Louisiana Board of Elementary and Secondary Education.

Such hearing may be private or public, at the option of the teacher, and shall commence no sooner than ten (10) calendar days nor later than thirty (30) calendar days after receipt of the teacher's request for such hearing. The disciplinary hearing officer shall

have the power to issue subpoenas, and shall conduct the hearing in accordance with procedures adopted by the School Board.

The teacher shall have the right to appear before the disciplinary hearing officer with witnesses on his/her behalf and with counsel of his/her selection. The disciplinary hearing officer shall hold a hearing and review on whether the interim decision of the Superintendent was arbitrary or capricious and shall either affirm or reverse the action of the Superintendent. The disciplinary hearing officer shall notify the Superintendent and the teacher of his/her final determination, with written reasons, within ten (10) days from the date of the hearing. If the Superintendent's disciplinary action is affirmed, it shall become effective upon the teacher's receipt of the decision of the disciplinary hearing officer. If the Superintendent's disciplinary action is reversed, the teacher shall be restored to duty.

Within sixty (60) days from the postmarked date of such written notification of the decision of the disciplinary hearing officer, the School Board or the teacher may petition a court of competent jurisdiction to review the matter as a summary proceeding.

The time periods contained above may be extended by mutual agreement of the parties.

CONTRACT APPOINTEES

The Superintendent shall have the authority to discipline persons employed on performance contracts, including suspension with or without pay, when circumstances necessitate immediate action. If sufficient grounds for suspension without pay are subsequently not found to exist by the School Board or Superintendent, the contract appointee shall be reimbursed for any loss of compensation.

SCHOOL EMPLOYEES OTHER THAN TEACHERS

As used in this section, the term *school employee* shall mean any person in the employ of the Orleans Parish School Board who is not a teacher or whose legal employment does not require the holding of a teacher's certificate.

Non-Tenured School Employees

The Superintendent shall have the authority to discipline, including suspension, any non-tenured, non-contract employee with or without pay, when circumstances warrant such action.

Tenured School Employees

The Superintendent shall have the authority to temporarily suspend tenured employees with or without pay when the circumstances necessitate immediate action. Upon suspension of a tenured employee, the Superintendent shall refer the matter to the

School Board for consideration of appropriate action. Such referral shall be taken within fifteen (15) calendar days of the Superintendent's action of suspending the tenured employee. If sufficient grounds for termination, suspension, or other disciplinary action are subsequently not found, the employee shall be reinstated without loss of compensation.

Ref: La. Rev. Stat. Ann. §§17:81, 17:81.8, 17:443, 17:522, 17:523; Reed v. Orleans Parish School Board, April 30, 1945, 21 So.2d 895; Frazier v. East Baton Rouge Parish School Board, App. 1 Cir. 1961, 128 So.2d 250.

TENURE

TEACHERS

A teacher who has acquired tenure before September 1, 2012 shall retain tenure, subject to the provisions of state law. Effective beginning on July 1, 2012, a teacher shall be rated *highly effective* for five (5) years within a six-year period pursuant to the *Personnel Evaluation Plan* adopted by the Orleans Parish School Board in accordance with La. Rev. Stat. Ann. §§17:3881 through 3905, to be granted tenure. The Superintendent shall notify a teacher, in writing, when tenure has been awarded and the teacher shall be deemed to have acquired tenure on the date specified therein.

A tenured teacher who receives a performance rating of *ineffective* pursuant to the teacher's annual evaluation shall lose his/her tenure and all rights related thereto immediately upon exhaustion of the grievance procedure outlined in §317 of Bulletin 130, *Regulations for Evaluation and Assessment of School Personnel*, unless the ineffective performance rating is reversed. Such rating shall constitute sufficient grounds for disciplinary action pursuant to La. Rev. Stat. Ann. §17:443. If a teacher is found *highly effective* based on the evidence of the growth portion of the evaluation but is found *ineffective* according to the observation portion, within thirty (30) days after such finding, the teacher shall be entitled to a second observation by members of a team of three (3) designees, chosen by the Superintendent, which shall not include the principal.

A teacher who loses tenure shall reacquire tenure if the teacher receives a performance rating of *highly effective* for five (5) years within a six-year period subsequent to receiving an *ineffective* rating.

Teachers Paid with Federal Funds

A teacher paid with federal funds shall not be eligible to acquire tenure, nor shall time spent in employment paid with federal funds be counted toward the time required for acquisition of tenure.

CONTRACT APPOINTEES

Any teacher who has acquired tenure and is promoted to a higher salaried position shall not be eligible to gain tenure in the position to which promoted, but shall retain any tenure acquired as a teacher.

Any person hired under a performance contract shall not be eligible to gain tenure.

SCHOOL EMPLOYEES OTHER THAN TEACHERS

As used in this section, the term *school employee* shall mean any person in the employ of

the Orleans Parish School Board who is not a teacher or whose legal employment does not require the holding of a teacher's certificate.

No employee hired or promoted by the Orleans Parish School Board on or after July 1, 2007 shall be eligible to acquire tenure.

Ref: La. Rev. Stat. Ann. §§13:3204, 17:82, 17:441, 17:442, 17:443, 17:444, 17:522, 17:525, 17:1213, 17:1217, 17:3881, 17:3882, 17:3883, 17:3884, 17:3901, 17:3902, 17:3903, 17:3904.

PERSONNEL TRANSFER

The Superintendent of the Orleans Parish School Board may transfer any teacher or other employee, including personnel employed as principals and supervisors, from one position, school or grade to another by giving written notice to the teacher or employee of such intention to transfer. Such transfer shall be without loss of status or violation of contract and shall not be for political or personal reasons. No transfers of instructional personnel shall be initiated during the regular school term, except in emergencies or promotional instances where transfers are required to preserve quality instruction.

The principal shall have the authority to transfer employees at the school in which the principal is employed, subject to the approval of the Superintendent.

Transfer decisions shall be based on performance, effectiveness, and qualifications as applicable to each specific position. *Effectiveness*, as determined by the School Board's performance evaluation program, shall be the primary reason for considering any transfer. Conversely, seniority or tenure shall not be used as the primary reason when making any decisions to transfer an employee.

All personnel involuntarily reassigned to a lesser salaried position than previously held shall have their salary unchanged. Such personnel shall be placed in the salary schedule appropriate to the new position and there shall be no increase in salary until the salary in that schedule is at least equal to their present salary.

VOLUNTARY TRANSFER

Employees who voluntarily request such a transfer to another location or position shall submit such request to the Superintendent or his/her designee in writing. Such requests shall be submitted on or before March 1 or the first working day thereafter, in order to be considered for the next school year. A written notation of the request to transfer shall also be sent to the employee's principal or immediate supervisor.

A teacher transferred to a school or position must be certified and qualified for the position to which transferred. Should a person request reassignment to a lesser position, such personnel, upon reassignment, shall be placed in the salary schedule at the level of the new position. Procedures and timelines for requesting, reviewing, interviewing, and making recommendations for transfers of personnel shall be maintained by the Department of Human Resources.

A teacher or other school employee who has been a victim of physical abuse by any student(s) shall be given the opportunity to transfer to another position for which he/she is certified or otherwise qualified and in which he/she shall not have contact with the student(s), provided there is a position available.

Ref: La. Rev. Stat. Ann. §§17:7, 17:81, 17:443.

DISMISSAL OF EMPLOYEES

The Orleans Parish School Board shall strive to assist personnel in adjusting to their positions and performing their duties satisfactorily.

Except as otherwise provided by law, Board of Elementary or Secondary Education policy, or School Board policy, the Superintendent shall have the responsibility to terminate all employees except those who are appointed directly by the School Board. With the exception of lay-offs caused by programmatic changes, budget cuts, staff reorganizations, and/or other personnel actions reducing numbers of employees, no School Board employee shall be terminated except as provided below. Any school employee shall be terminated by the Superintendent or by the School Board, in accordance with statutory provisions, upon final conviction of or pleading *nolo contendere* to certain crimes enumerated in La. Rev. Stat. Ann. §15:587.1 and/or any other felony offense. In addition, employees may be terminated for failure to properly report arrests for certain offenses enumerated in La. Rev. Stat. Ann. §17:16.

If an employee is absent for ten (10) or more days without explanation or approved leave, the Superintendent may consider the job as abandoned and the employee may be terminated in accordance with School Board policy, unless the employee can provide acceptable and verifiable evidence of extenuating circumstances. The Superintendent or his/her designee shall be responsible for determining acceptability of evidence of extenuating circumstances.

CERTIFICATED EMPLOYEES

Non-tenured Teachers

The Superintendent may terminate the employment of any non-tenured teacher after providing such teacher with the written reasons therefor and providing the teacher the opportunity to respond. The teacher shall have seven (7) days to respond, and such response shall be included in the teacher's personnel file. The Superintendent shall notify the teacher in writing of his/her final decision. The teacher shall not be entitled to a hearing before the School Board.

Within sixty (60) days of such notice, the teacher may seek summary review in district court of whether or not the Superintendent's action was arbitrary or capricious.

Tenured Teachers

A teacher with tenure shall not be removed from office except upon written and signed charges by the Superintendent or his/her designee of poor performance, willful neglect of duty, incompetency, dishonesty, immorality, or of being a member of or contributing to any group, organization, movement, or corporation that is by law or injunction

prohibited from operating in the state of Louisiana, and then only if furnished with a copy of such written charges and given the opportunity to respond. Termination of a tenured teacher shall be governed by the provisions for discipline of tenured teachers as included in policy *GBK, Discipline*.

Contract Appointees

Personnel who have entered into promotional employment contracts with the School Board, pursuant to La. Rev. Stat. Ann. §17:444, may be removed from their positions by non-renewal of their contracts or by termination of their contracts. Contracts may be non-renewed by the School Board for any of the following reasons:

1. The Superintendent has recommended against renewal of the contract based on an evaluation of the employee's performance;
2. The failure to offer a new contract is based on a cause sufficient to support a mid-contract termination;
3. The position in question has been discontinued; or
4. The position in question has been eliminated as a result of district reorganization.

In a non-renewal situation, the employee shall not be entitled to a hearing before the School Board.

For *mid-contract termination* of promotional employment contracts, the employee shall have the right to written charges and a hearing before a disciplinary hearing officer in the manner provided in La. Rev. Stat. Ann. §17:443. A contract may be terminated if the employee is found guilty of being incompetent or inefficient or is found to have failed to fulfill the terms and performance objectives of his/her contract, or other reasons provided for by state law.

SCHOOL EMPLOYEES OTHER THAN TEACHERS

Non-Tenured School Employees

School employee shall mean any employee of the Orleans Parish School Board who is not a teacher or whose legal employment does not require the holding of a teacher's certificate.

During the three (3) year probationary term of a school employee, the Orleans Parish School Board may terminate any school employee upon the written recommendation of the Superintendent, accompanied by valid reasons therefor.

Any school employee found unsatisfactory by the Orleans Parish School Board shall be notified before the expiration of his/her probationary term that he/she has been terminated.

After completion of the probationary term, a school employee may be terminated by the Superintendent. A non-tenured school employee shall not be entitled to a hearing before the School Board.

Tenured School Employees

A tenured school employee shall not be terminated, except upon written and signed charges of willful neglect of duty, or of incompetency, dishonesty, immorality, or of insubordination, or of being a member of or of contributing to any group, organization, movement or corporation that is prohibited by law or injunction from operating in the state of Louisiana, and then only if found guilty after a hearing by the Orleans Parish School Board, which hearing at the option of said employee may be private or public. The School Board shall furnish the employee a copy of the written charges at least fifteen (15) days in advance of the date set for the hearing. The employee shall have the right to appear before the Orleans Parish School Board at said hearing with witnesses in his/her behalf, and with counsel of his/her selection, all of whom shall be heard by the School Board at the hearing.

Ref: La. Rev. Stat. Ann. §§13:3204, 15:587.1, 17:15, 17:16, 17:81.5, 17:442, 17:443, 17:444, 17:522, 17:523; La. Code of Civil Procedure, Art. 2592; Rouselle v. Plaquemines Parish School Board, 633 So2d 1235 (La. 2/28/94).

REDUCTION OF PERSONNEL

The Orleans Parish School Board delegates all reduction of personnel decisions to the Superintendent. When circumstances necessitate a reduction in personnel greater than what can be accomplished through attrition, the Superintendent may institute a reduction of personnel pursuant to the provisions of School Board policy. The determination of the need to implement a reduction of personnel action and all decisions affecting such action shall be made by the Superintendent.

Except as otherwise provided herein, any existing procedure for reconsidering or examining an employee termination, non-reappointment, or grievance shall not be considered in implementing a reduction of personnel action. Likewise, no personnel action other than a reduction of personnel may be considered under this policy.

Employees on approved leaves of absence shall be treated in the same manner as other regularly employed personnel under this policy.

Seniority or tenure shall not be the primary criterion to be considered when instituting a reduction of personnel action.

TEACHERS AND ADMINISTRATORS

Reduction of teachers and administrators shall be based solely upon demand, performance, and effectiveness, as determined by the performance evaluation program as provided in La. Rev. Stat. Ann. §§17:3881 through 17:3905. Any reduction of teachers and administrators by the Superintendent shall be instituted by terminating the least effective teacher within each targeted subject area or area of certification first, and then proceeding by effectiveness rating until the reduction of personnel has been accomplished.

EMPLOYEES OTHER THAN TEACHERS AND ADMINISTRATORS

Reduction of school employees (those employees who are not teachers or whose employment does not require certification) who are not evaluated pursuant to La. Rev. Stat. Ann. §§17:3881 through 17:3905 shall be based upon the following criteria:

1. Performance and effectiveness; and
2. Certification or academic preparation, if applicable.

Performance and effectiveness shall be measured as follows:

1. Results of the School Board-approved evaluation system for employees who are not evaluated pursuant to La. Rev. Stat. Ann. §§17:3881 through 17:3905;

2. Documented evidence of higher performance in the affected job category;
3. Satisfactory attendance; and
4. Documented evidence of special skills, training, experience, and knowledge that enhances performance in the job category.

NOTICE TO EMPLOYEES

When a reduction in force is instituted, written notice of termination shall be given by the Superintendent or his/her designee by certified mail, return receipt requested, to the employee to be terminated. Notice shall include a statement of the general conditions requiring a reduction of personnel. The employee's address, as it appears in the School Board's personnel records, shall be deemed to be the correct address. It shall be the employee's responsibility to ensure that the School Board has his/her current address on file.

REQUESTS FOR REVIEW OF TERMINATIONS

Within ten (10) days after receiving a notice of termination, an employee may request, in writing, a review of the action taken and shall receive notice of the results of the review in a timely manner, but not later than ten (10) days after the request to review is received. The employee shall have the right to further pursue the review of reduction action through the School Board's adopted grievance procedures.

RECALL OR OTHER EMPLOYMENT

No recall list shall be compiled or maintained for employees affected by a reduction of personnel action. However, affected employees may apply for other vacant positions, not affected by the reduction of personnel, for which they are qualified.

Any certificated administrator serving under an administrative contract whose position has been recommended to be abolished may be reassigned or reclassified in accordance with that administrator's contract.

SEVERABILITY OF PROVISIONS

If any provision of this policy or the application thereof is held to be invalid, such invalidity shall not affect other provisions of this policy which can be implemented without the invalid provisions, and to this end, the provisions of this policy are hereby declared severable.

Any and all provisions of this policy shall yield to existing state law when held to be in conflict with said state law.

Ref: La. Rev. Stat. Ann. §§17:81, 17:81.4; Board minutes, 7-20-92, 5-26-09.

RESIGNATION

The Orleans Parish School Board requires any employee who wishes to terminate his/her employment with the School Board to submit a letter of resignation to the Superintendent or his/her designee. The Superintendent shall accept any letters of resignation. Resignations received after July 15th, when accepted, shall only be considered for approval when a suitable replacement is available for employment.

Employees resigning from employment with the School Board after the end of the school session shall do so as soon as possible.

Resignations should include the reason for the request and the exact date for release.

Ref: La. Rev. Stat. Ann. §17:81.

RETIREMENT

ENROLLMENT IN RETIREMENT SYSTEMS

Upon initial employment with the Orleans Parish School Board, employees shall be required to enroll in the respective retirement system for which they are eligible. Eligibility requirements for retirement shall be as established by the respective retirement system.

All substitute and part-time employees who are eligible for enrollment in a retirement system shall be required to enroll no sooner than their sixty-first (61st) day of continuous employment.

NOTIFICATION AND EFFECTIVE DATE OF RETIREMENT

It is the policy of the Orleans Parish School Board that an employee wishing to retire shall submit written notice of this intent to the Department of Human Resources. An employee's retirement shall become effective at the end of the fiscal year or as may be approved by the School Board. When the retirement becomes effective, the employee shall no longer be considered to be in active service with the School Board.

No individual shall be terminated or forced to retire because of age.

Ref: La. Rev. Stat. Ann. §§11:133, 11:203, 11:204, 11:701 11:710, 11:721, 11:728, 11:761, 11:778, 11:786, 11:788, 11:951.61, 11:951.71, 11:951.72, 11:951.74, 11:951.81, 11:951.84, 11:1147,17:425.

GENERAL EMPLOYEE RESPONSIBILITIES

SCHOOL BOARD POLICIES

All employees shall have a responsibility to make themselves familiar with, and abide by, the policies of the Orleans Parish School Board and the administrative regulations and procedures designed to implement them. All employees shall be required annually to sign an acknowledgment of their reading and knowledge of the core School Board personnel policies.

ASSIGNED RESPONSIBILITIES

All employees shall be expected to carry out their assigned responsibilities in a conscientious and exemplary manner. This includes daily punctual attendance at work, proper care and protection of School Board property, and concern and attention toward their own and the School Board's legal responsibility to supervise students for their safety and welfare.

POSITIVE ROLE MODELS

All persons employed by the Orleans Parish School Board shall be expected to act properly and professional as representatives of the School Board. As such, they shall be expected to present themselves as positive examples to the students and community they serve.

Employees shall dress in a professional manner and shall not engage in inappropriate conduct. The use of abusive or profane language in the presence of students or while representing the School Board shall be expressly prohibited.

RECORDS AND REPORTS

All personnel shall keep applicable records and prepare and submit reports on a timely basis as may be required by state law, Louisiana Board of Elementary and Secondary Education (BESE) directives, School Board policy and administrative regulations or as directed by their supervisors.

REPORTING CRIME, UNETHICAL, AND DISRUPTIVE BEHAVIOR

All employees of the School Board shall be required to report to their immediate supervisor, any illegal or unethical practices or any disruptive behavior occurring on school property. The responsible administrator has the obligation to conduct an immediate investigation of the allegation and, upon verification of a criminal, unethical, or disruptive behavior, to report to the Superintendent and, if warranted, appropriate law enforcement authorities, in a manner consistent with procedures established by the Superintendent. Under certain conditions, it may be necessary to advise the District Attorney concerning the possible violation of any state laws.

FILE: GBR
Cf: GAMD, GAMEA
Cf: GAMEB, GBRA

Employees and officials of the School Board shall be prohibited from taking any retaliatory action against any employee who in good faith has reported suspected illegal or unethical practices of others.

Ref: La. Rev. Stat. Ann. §17:81.

EMPLOYEE CONDUCT

The Orleans Parish School Board believes the teaching profession occupies a position of public trust involving not only the individual teacher's personal conduct, but also the interaction of the school and the community. Education is most effective when these many relationships operate in a friendly, cooperative, and constructive manner. A teacher's conduct, as well as the conduct of all employees throughout the school district, should meet acceptable standards of the community and show respect for the law and the rights of others.

All employees, volunteers, student teachers, interns, and any other persons affiliated with the Orleans Parish School Board shall have the responsibility to be familiar with and abide by the laws of the state, the policies and decisions of the Orleans Parish School Board, and the administrative regulations and procedures designed to implement School Board policies. Employees shall also comply with the standards of conduct set out in this policy and with any other policies, regulations, procedures, or guidelines that impose duties, requirements, or standards of conduct attendant to their status as School Board employees.

Employees shall be expected to observe at least the following standards of conduct:

- Be courteous to students, one another, and the public and conduct themselves in a professional and ethical manner.
- Recognize and respect the rights and property of students, other employees, and the public.
- Maintain confidentiality of all matters relating to students and other employees.
- Demonstrate dependable attendance and punctuality with regard to assigned activities and work schedules.
- Observe and adhere to all terms of an employee's contract or job description.
- Strive to keep current and knowledgeable about the employee's area of responsibility.
- Refrain from promoting personal attitudes and opinions for matters other than general discussion.
- Refrain from using undue influence to gain, or attempt to gain, promotion, leave, favorable assignments, or other individual benefit or advantage.
- Refrain from conducting or participating in any unauthorized studies, surveys, or

investigations while on duty.

- Advocate positive personal behavior on or off campus and attempt to avoid improprieties or the appearance of improprieties.

While the operation of the School Board and its schools is governed by the provisions of this and all other School Board policies, administrative regulations and procedures, as well as procedures of the individual schools, no policy manual can list each and every instance of misconduct that is precluded. Accordingly, employees are cautioned that the appropriateness of certain action or behavior must necessarily be dictated by the nature of the position held by the employee and standards of common sense. By virtue of one's education and experience, an employee knows and understands that certain actions or conducts are unacceptable even in the absence of formal School Board policy. For instance, without the need of a specific prohibition or warning, a classroom teacher should be aware of the impropriety of certain practices such as leaving students unattended, using profanity or sexually suggestive language, or bringing a firearm onto campus. Such conduct constitutes both incompetence and willful neglect of duty. Such conduct, as well as violation of any state or federal law or School Board policies, administrative regulations or procedures, or school regulations or procedures, shall result in the imposition of discipline up to and including termination.

RELATIONSHIPS WITH STUDENTS

The School Board shall prohibit any type of close personal relationship between a school employee and a student that may be reasonably perceived as unprofessional, such as excessive personal attention outside of school or dating. School Board employees shall not entertain students, socialize with students, or spend an excess time with students in such a manner as to reasonably create the impression to other students, their parents, or the public that an improper relationship exists.

Prohibited Sexual Conduct

Employees shall be prohibited from engaging in any form of sexual conduct with students. In particular, it is a violation of criminal statutes for any educator, which includes any administrator, coach, instructor, teacher, paraprofessional, teacher aide, or student aide, to engage in sexual conduct, as defined in La. Rev. Stat. Ann. §14:81.4 with a student who is seventeen (17) years of age or older, but less than twenty-one (21) years of age, where there is an age difference of greater than four (4) years between the two persons.

Notwithstanding any claim of privileged communication, any educator, having cause to believe that prohibited sexual conduct has occurred between another educator and a student, shall be required by state law to immediately report such conduct to a local or state law enforcement agency.

JOB INTERFERENCE

Employees shall be prohibited from knowingly aiding or engaging in any activity for the purpose of causing disruption or interference with the performance of his or her job duties or duties of other employees, or conduct that is otherwise detrimental to the efficient and orderly operation of the school system for which the employee is employed.

NOTIFICATION BY EMPLOYEES

Convictions

A teacher or any other School Board employee shall report to his/her immediate supervisor and to the Department of Human Resources any final conviction or plea of guilty or *nolo contendere* to any criminal offense, excluding traffic offenses within forty-eight (48) hours of conviction or plea.

Any incarcerated employee may authorize another person to act on that employee's behalf in notifying or providing documents to that employee's immediate supervisor and the Department of Human Resources.

Initiation of Criminal Prosecution

When a criminal prosecution is initiated in court against any employee by way of indictment, bill of information, or affidavit for committing any offense, other than a minor traffic violation, that employee shall provide his/her immediate supervisor and the Department of Human Resources each with a copy of the indictment, bill of information, or affidavit within five (5) calendar days of his/her arrest or service of summons. In lieu of such indictment, bill of information, or affidavit, the employee so charged may otherwise properly notify his or her supervisor and the Department of Human Resources of the particulars of the criminal prosecution.

Within five (5) calendar days of the scheduling of any court hearing or trial related to criminal prosecution, the affected employee shall give notice to the Department of Human Resources of the date and time of the pending hearing or trial.

Arrests for Certain Sexual Offenses

Any public school employee shall be required to report his/her arrest for a violation of La. Rev. Stat. Ann. §§14:42-14:43.5, 14:80-14:81.5, any other sexual offense affecting minors, any of the crimes listed in La. Rev. Stat. Ann. §15:587.1, or any justified complaint of child abuse or neglect on file with the *Louisiana Department of Children and Family Services*.

The report shall be submitted to the Department of Human Resources within twenty-four (24) hours of the arrest. However, if the employee is arrested on a Saturday, Sunday,

or a legally declared school holiday such report shall be made prior to the employee next returning for his/her work assignment at a school. Such report shall be made by the employee or an agent of the employee regardless of whether he/she was performing an official duty or responsibility as an employee at the time of the offense. In addition, the employee shall report the disposition of any legal proceedings related to any such arrest, which shall also be made a part of any related files or records.

Any employee who fails to comply with these provisions shall be suspended with or without pay if such employee is serving a probationary term of employment or if the provisions of law relative to probation and tenure are not applicable to the employee.

Any employee employed with the School Board who is a tenured employee of the School Board shall be subject to removal under applicable state laws for failure to comply with these provisions. Written and signed charges alleging such failure shall be brought against the employee.

Unless criminal charges are instituted pursuant to an arrest which is required to be reported as provided above, all information, records, hearing materials, and final recommendations of the school pertaining to such reported arrest shall remain confidential and shall not be subject to a public records request.

School employee, as used in this policy, shall mean any employee of the School Board, including teachers, substitute teachers, janitors, or custodians, and shall include all temporary, part-time, and permanent school employees.

Ref: 41 USC 8103 (*Drug-Free Workplace*); La. Rev. Stat. Ann. §§14:42, 14:42.1, 14:43, 14:43.1, 14:43.2, 14:43.3, 14:43.5, 14:80, 14:80.1, 14:81, 14:81.1, 14:81.1.1, 14:81.2, 14:81.3, 14:81.4, 14:81.5, 17:15, 17:16, 17:81; Sylvester v. Cancienne, 95-0789 (La. App. 1st Cir. 11/9/95), 664 So.2d 1259; Howard v. West Baton Rouge Parish School Board, 2000-3234 (La. 6/29/01), 793 So.2d 153; Spurlock v. East Feliciana Parish School Board, 03-1879 (La. App. 1st Cir. 6/25/04), 885 So.2d 1225; Board minutes, 4-22-91.

VIOLENCE IN THE WORKPLACE

Violence, threats, harassment, intimidation, and other disruptive behavior throughout the school system shall not be tolerated. Employees of the Orleans Parish School Board shall not resort to violence or threats to settle any issue, dispute or concern.

All reports of incidents shall be taken seriously by supervisors, principals and/or building administrators and dealt with appropriately. Improper behavior may include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises and shall be subject to reprimands, disciplinary action up to and including termination, and/or criminal penalties.

Employees shall not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. An employee who experiences such behavior, by another employee, student or any other person, shall report it immediately to his/her supervisor, principal, or building administrator.

Threats or assaults that do occur on school premises shall require prompt attention, and immediately be referred to school security or police. The Department of Human Resources shall also be notified as soon as possible.

Ref: La. Rev. Stat. Ann. §17:81.

THEFT

It shall be a violation of the Orleans Parish School Board policy for an employee to:

1. Intentionally misappropriate or take anything of value which belongs to another with the intent to deprive the other of a thing of value by means of fraudulent conduct, practices, or representations.
2. Intentionally fail or refuse to return to the owner, anything of value obtained through error, within a reasonable time after the person obtaining the thing of value learns or is informed of the error; including checks issued in error or the dollar equivalent thereof.
3. Use, remove, possess, convert, steal or misappropriate School Board property without prior authorization from their supervisor or the designated building administrator. Such property includes, but shall not be limited to, school/department files, records, materials, food, supplies, facilities, tools, equipment, documents and proprietary information.
4. Fail to notify the appropriate supervisor immediately, when he/she becomes aware, witnesses, or discovers that a theft has taken place.

The Superintendent or his/her designee shall develop administrative procedures for implementation of this policy. Said procedures shall include but are not limited to the following topics:

- Timelines for submission of oral and written reports to appropriate administrative office.
- Reporting/handling thefts perpetrated by non-employees.
- Internal investigations.
- Due process for employees.
- Notification to law enforcement agencies; return of records, files, equipment, materials, etc., removed without proper authorization.
- Restitution of stolen property/funds.
- Employee return of checks issued in error, or the dollar equivalent thereof.

For employees, violation of this policy may result in disciplinary action, up to and including termination, and referral to law enforcement authorities.

Non-employees engaging in acts of theft shall be reported to law enforcement.

Ref: La. Rev. Stat. Ann. §§14:67, 17:81; Board minutes, 3-24-03.

EMPLOYEE ATTENDANCE

Employees of the Orleans Parish School Board shall be expected and required to report to their designated work locations in the prescribed manner and at the prescribed time work activity is to commence. Employees are also expected to remain at work for the entire work period excluding any rest and meal periods permitted. Tardiness, unexpected absence, or failure to report to work as scheduled may result in disciplinary action. In cases of anticipated absence or where the employee cannot report to work as scheduled, the employee shall notify his/her supervisor as soon as possible after the employee becomes aware that he/she will be absent from work. Continual absence by the employee shall be conveyed to the employee's supervisor on a regular basis. The frequency of contact that may be required shall be determined by the supervisor.

ABSENCES DURING DAY

Principals shall notify the Department of Human Resources in advance of being absent from school. For those schools that do not have an assistant principal, another responsible individual should be designated by the principal and made known to the school office staff.

No teacher or other employee shall leave the school campus or work location without having first obtained permission from the principal/building administrator or designee. Teachers shall be required to sign out, stating the reason for leaving school. Upon returning, the teacher shall sign back in and note the time of his/her return. An employee's immediate supervisor may authorize an absence during the business day. Otherwise, appropriate leave shall be granted in order for an employee to be properly absent from work.

Reporting Absences

All absences of one (1) hour or more shall be reported by the immediate supervisor and shall be recorded and counted toward an employee's leave time and reported on the bi-weekly or monthly payroll absence report. However, the immediate supervisor shall be allowed to record and count less than one (1) hour at his/her discretion.

Unauthorized Absence

Any employee who is absent from work and who has not received an authorized leave shall be considered on *unauthorized leave*. Any employee on unauthorized leave shall receive no pay for those days which constituted the unauthorized leave and may be subject to termination and/or other disciplinary actions. Unauthorized absences beyond three (3) work days shall be immediately reported to the Superintendent or his/her designee and entered into the regular school or department payroll record. Appropriate deductions for such days' absence shall be made from the employee's salary. Records

of such unauthorized absences shall be maintained for each employee and may be used to support recommendations for disciplinary action against such employees. Failure to notify appropriate personnel prior to an absence without valid cause shall constitute an unauthorized absence.

DEFINITION OF TARDINESS AND PARTIAL ATTENDANCE

Tardiness shall be defined as any occasion in which the employee reports late to his/her work location for officially assigned duties (which includes out of class duties for teaching personnel).

Partial attendance shall be defined as any occasion in which an employee is absent for only a portion of a work day.

EXCESSIVE TARDINESS OR ABSENTEEISM

Tardiness or absenteeism shall be excessive after the fifteenth (15th) full day of absence or the fifteenth (15th) occurrence of tardiness and partial attendance in any work year, unless:

1. The employee has sought and obtained from the School Board, a leave of absence for the days during which the employee has been absent; or
2. The reason(s) for the tardiness, partial attendance or absence(s) is (are) valid and sufficient; and
3. The cause(s) of the tardiness, partial attendance or absence(s) has (have) been eliminated or otherwise corrected.

The foregoing applies even if the employee's current sick leave days are not exhausted.

REPORTING TARDINESS AND ABSENCES

Each Orleans Parish School Board employee shall personally record in the required *Employee Attendance Record*, daily and immediately, the hour and minute of the time of his/her arrival and/or early departure from work as shown by the official (office) clock. When such an employee is tardy or absent for a portion of the work day, the information from the required *Employee Attendance Record* shall be posted each pay period to the payroll form prepared by designated personnel and approved by the principal/supervisor, indicating the number of times tardy and partial workdays recorded and the total time lost for tardiness/early departure from work by minutes. It is the responsibility of the principal/supervisor to assure that each employee under his/her direct supervision is actively carrying out the duties assigned to him/her, working the required day, and arriving at work at the proper time.

No employee shall suffer any loss or deduction of pay for tardiness, unless such tardiness has caused loss of time from official duties, on more than two (2) occasions and for a period of one hour or more, during one work year. In all cases where deduction of pay may be made as herein provided, the amount of pay deducted shall be based on one day's pay in proportion to the period of tardiness daily and immediately, the hour and minute of the time of his/her arrival as shown by the official (office) clock.

Tardiness for administrative employees who qualify for overtime or compensatory time, shall be recorded each pay period on the appropriate form prepared by the department and approved by the department or division head, indicating the number of times tardy and the time lost for tardiness by minutes. Deductions of pay for tardiness shall be made as indicated above.

JOB ABANDONMENT

If an employee is absent for ten (10) or more days without notice of leave, the Superintendent may consider the job as abandoned and the employee may be terminated in accordance with School Board policy, unless the employee can provide acceptable and verifiable evidence of extenuating circumstances. The Superintendent or his/her designee shall be responsible for determining acceptability of evidence of extenuating circumstances.

Ref: La. Rev. Stat. Ann. §§17:81, 17:1186, 17:1201, 17:1202, 17:1203, 17:1204, 17:1206, 17:1208, 17:1208.1; Board minutes, 1-26-81, 5-14-90, 9-23-02, 10-14-02.

STAFF SCHEDULES

LENGTH OF STAFF SCHOOL YEAR

The Orleans Parish School Board shall require instructional personnel to work at least the minimum number of days stipulated by their contract.

DAILY WORK SCHEDULES

The Orleans Parish School Board shall require all personnel to follow the school calendar and holiday schedule during the school term. The Superintendent shall establish office hours and work schedules outside the normal school calendar as necessary. Normal business hours shall be officially designated as 8:00 a.m. to 4:30 p.m., Central Standard Time, Monday through Friday, for the central office.

The business hours for each school may vary from school to school. Principals and the administrative staff should be in their buildings ahead of pupils or teachers, and should remain in their buildings until pupils and teachers have gone from school. Principals who leave their buildings for any purpose, other than attendance at civic clubs, principals' meetings, going to the administrative offices of the School Board, or other routine business affairs connected with the schools, shall secure prior approval from the Superintendent or his/her designee in advance of anticipated absences.

Teachers shall be expected to be at school at least fifteen (15) minutes before school starts and may leave school no sooner than fifteen (15) minutes after the close of school each day. Teachers shall be permitted to leave school grounds during their duty-free lunch period using prescribed procedures for checking out and back in to the school campus. Exceptions to this time schedule may be made by the principal/building administrator when, in his/her opinion, a justifiable request has been made in advance by the teacher. *School day* shall mean the regular student attendance hours, whether or not students are actually present.

Principals and department heads shall be authorized to adjust staff personnel schedules during the work week in order to prevent any employee incurring overtime work, unless properly authorized.

All supervisors shall be responsible for ensuring that appropriate numbers of staff are available during peak periods (i.e., fiscal year beginning/end, fiscal accounting close, budgeting season, etc.) to ensure continuous and effective operations.

All employees shall personally record their arrival and departure time each day in the *Employee Attendance Record*.

SUMMER WORK SCHEDULE

The Superintendent or his/her designee may designate and maintain a summer work schedule that varies from the normal business hours. The principal shall be responsible for the operation of the school during the summer months. This includes summer maintenance, financial statements, requisitions, request for services, reports, mail and correspondence, school records and transcripts, and the coordination of the school operation with the School Board.

In order to achieve the most efficient use of personnel at each school, assistant principals, school secretaries and all other ten (10) and eleven (11) month employees shall work their required number of days at the discretion of the principal, as determined by their contract.

The principal shall give the Superintendent a telephone number(s) where he/she may be contacted at any time. The assistant principal shall be contacted in the absence of the principal as needed.

MODIFIED WORK SCHEDULE (LIGHT DUTY)

Any employee recovering from a work-related disability and whose recovery is determined by a physician to be to the point where the employee can resume at least partial duties and/or hours of work, may be allowed to return to work on a modified duty schedule. Such a work schedule and/or the nature of the work to be performed by the returning employee shall be at the discretion of the Superintendent or, in a school, at the discretion of the principal subject to the approval of the Superintendent. The School Board shall endeavor to provide reasonable accommodation to such an employee based on the employee's circumstances and conditions of employment in accordance with Board policy *GAAB, Individuals with Disabilities*. A modified work schedule may continue only until the employee is certified to return to his or her normal work schedule by a physician or the employee has been determined to be permanently disabled.

Ref: La. Rev. Stat. Ann. §§11:778, 17:81, 17:434.

STAFF MEETINGS

The Orleans Parish School Board shall require all employees to attend staff meetings and in-service training sessions that may be required by the principals and/or supervisors. General faculty meetings and in-service activities shall be considered part of the instructional personnel's regular assignment and on certain occasions support staff may also be required to attend. Teachers and other personnel shall be required to attend faculty meetings and in-service activities unless they are excused for valid reasons by the principal. Advance notice (at least twenty-four (24) hours, whenever possible) shall be given to employees informing them of any scheduled faculty meetings. Nothing in this policy shall be intended to prohibit the school site administrator from disseminating significant information when time is of the essence.

Members of the administrative staff shall be expected to attend all administrative staff meetings as called by the Superintendent or his/her designees and participate in regular staff development and/or in-service opportunities.

SCHOOL STAFF MEETINGS

The principal shall prepare and disseminate a formal agenda for each staff meeting held. A copy of the agenda shall be sent to the Superintendent.

Ref: La. Rev. Stat. Ann. §17:81.

PROFESSIONAL AND SUPPORT STAFF WORK LOAD

The Orleans Parish School Board recognizes that employees shall be expected at times to perform duties above their regular responsibilities. Activities and services that make demands on the teacher's time (such as student registration, attendance-keeping and record-keeping, reporting to parents, supervision of students, and the request for, care of, and accounting for instructional materials) shall be part of each teacher's assignment. It is also recognized that student clubs, school papers, yearbooks, athletics, supervision of playgrounds, and other activities under the supervision of the school are and should be a shared responsibility of the whole faculty. Principals/immediate supervisors may designate both professional and support personnel to perform such duties from time to time and establish the times at which such duties shall be performed. Such assignment of duties shall be spread equitably among the various members of the school staff.

All professional personnel shall be subject to attendance at any regular Board and committee meetings wherein topics reasonably related to their job responsibilities may be addressed, as may be requested by appropriate authorities.

Ref: La. Rev. Stat. Ann. §17:81.

NON-SCHOOL EMPLOYMENT

Employees of the Orleans Parish School Board shall be expected to perform their job responsibilities to the best of their ability, giving priority over any types of outside work. Employees shall be expected to not accept outside work positions that would prevent them from performing their school responsibilities in an effective manner or that would raise a conflict of interest.

Outside work assignments that would bring honor to both the employee and the Orleans Parish School Board shall be encouraged, such as consultant work, college teaching, professional writing, tutoring, etc. Such responsibilities may well contribute to the employee's professional growth; therefore, the following principles shall apply:

- Employees shall not perform any duties related to an outside job during regular working hours unless approved in writing by the Superintendent or his/her designee.
- Employees shall not use any School Board facilities, equipment, or materials in performing outside work without the written consent of the Superintendent or his/her designee.

No teacher shall engage in private instruction of students for compensation during school hours.

Ref: La. Rev. Stat. Ann. §17:81.

PROFESSIONAL LEAVE

The Orleans Parish School Board recognizes the value of attending local, regional and national educational meetings in order to become exposed to new ideas and developments in various areas of public school education. Therefore, the Superintendent or his/her designee may grant professional leave to an employee wishing to attend any educationally related conference, meeting, or convention, if such attendance is considered to be in the best interests of the School Board. The School Board may pay all or any part of expenses of any personnel whom it may direct to represent it at any such professional or educational meeting or in visitation to another School Board. In all such cases, prior approval for said expenses must be given by the Superintendent or his/her designee.

Application and notification to attend a conference or similar educational meeting shall be made in writing, using the official form designated for that purpose, and approved by appropriate authorizers as far in advance of the meeting as possible, but not later than ten (10) working days in advance of the meeting, unless authorized by the Superintendent or his/her designee. The written request shall include dates, subjects to be covered, and sponsoring agency. Employees may also be requested or directed by their supervisor to attend a meeting, workshop or other work related activity.

Employees granted professional leave shall be expected to fully participate in the conference or educational meetings for which leave is granted. The employee may also be required to submit proper documentation that the leave granted was used for the purposes for which requested. Any instances of non-attendance shall be reported to the employee's supervisor. Such non-attendance may result in reimbursement to the School Board of any compensation paid the employee for the leave days taken, and may lead to discipline of the employee up to and including termination.

SCHOOL DISTRICT MEETINGS

Employees shall attend in-service meetings in the school district during the workday on the recommendation of the immediate supervisor/department head and as authorized by the Superintendent.

STATE MEETINGS

Employees may be permitted to attend workshops and/or in-service meetings in the state during the work day with the recommendation of the principal/supervisor/department head and the authorization of the Superintendent, provided such meetings are related to the performance of the employee's job assignment.

LEAVE FOR STATE BOARD OR COMMISSION

Leave with pay shall be granted any School Board employee who is an elected member of the Board of Trustees of the *Teachers' Retirement System of Louisiana* or the *Louisiana School Employees Retirement System*, an elected or appointed member of the *Louisiana Board of Elementary and Secondary Education* (BESE), or an appointed member of any task force, commission, or other advisory body established by BESE so that such employee may attend meetings of the entity and any committees thereof on which the employee serves.

The School Board shall require any employees who may serve on the public entities outlined above to provide notice to the School Board of the dates and times of all meetings of the entity and any committees thereof that are scheduled to occur on a regular basis and reasonable notice to the School Board of any special or otherwise unscheduled meetings.

Any employee serving on such an entity shall apply in writing for such leave in a timely manner, but in no case less than twenty-four (24) hours prior to the date of the meeting, except in an emergency. The employee shall also be required to submit proper documentation that the leave granted was used for the purposes for which requested. Improper use of said leave may result in reimbursement to the School Board of any compensation paid the employee for the leave days taken, and may lead to discipline of the employee up to and including termination.

Ref: La. Rev. Stat. Ann. §17:81; Board minutes, 9-79, 6-10-91.

SABBATICAL LEAVE

The Superintendent of the Orleans Parish School Board may grant sabbatical leave for the purpose of professional or cultural improvement or for medical leave to all teaching personnel in accordance with statutory provisions. *Teaching personnel* shall include any person employed by the School Board who holds a valid teaching certificate issued by the Louisiana Board of Elementary and Secondary Education and any social worker, guidance counselor, school nurse, audiologist, education diagnostician, speech-language pathologist, or school psychologist employed by the School Board who holds the appropriate valid professional ancillary certificate issued by the Louisiana Department of Education.

ELIGIBILITY

Sabbatical leave may be granted on the ratio of two (2) semesters for twelve (12) or more consecutive semesters of active service within the employ of the Orleans Parish School Board or one (1) semester for six (6) or more consecutive semesters of such service.

At no time may more than five percent (5%) of the total number of teachers employed by the School Board be on leave. Selection of employees among those who qualify for sabbatical leave must be based on years of continuous service and other criteria as specified by statute.

MEDICAL SABBATICAL LEAVE

A teacher may make application for *medical sabbatical leave*, which shall be accompanied by a statement from a licensed physician certifying that the leave is medically necessary.

If the Superintendent, upon review of the application, questions the validity or accuracy of the certification, the Superintendent may require the applicant, as a condition for continued consideration of the application, to be examined by a licensed physician selected by the Superintendent. In such a case, the School Board shall pay all costs of the examination and any tests determined to be necessary. If the physician finds a medical necessity, the leave application shall be granted.

If the physician selected by the Superintendent disagrees with the certification of the physician selected by the applicant, then the Superintendent may require the applicant, as a condition for continued consideration of the application, to be examined by a third licensed appropriate physician whose name appears next in the rotation of physicians on a list established by the local medical society for such purpose and maintained by the School Board. All costs of an examination and any required tests by a third physician shall be paid by the School Board. The opinion of the third physician shall

decide the issue.

The opinion of all physicians consulted shall be submitted in the form of a ***sworn statement***. All information contained in any statement from a physician shall be confidential and shall not be subject to the public records law.

SABBATICAL LEAVE FOR PROFESSIONAL OR CULTURAL IMPROVEMENT

Every person on sabbatical leave for the purpose of professional or cultural improvement, shall during each semester of leave, pursue a program of study, earning at least nine (9) undergraduate credit hours, provided such hours directly improve the person's skills and knowledge as a teacher, or six (6) graduate credit hours, or be certified as a full-time student at an institution of higher learning accredited by the respective State Board of Education or territorial board in which such institution is located. If less than fifteen (15) weeks is spent as specified above, the number of weeks less than fifteen (15) shall be spent in either of the two (2) alternatives specified below:

1. Pursue a program of independent study, research, authorship or investigation which involves an approximately equivalent amount of work and which is approved by the School Board.
2. Engage in travel which is so planned as to be of definite educational value and which has been approved by the School Board.

Final authority for granting such leave shall rest with Superintendent.

PROCEDURE FOR APPLICATION

1. Application for sabbatical leave shall be made on a form provided by the Superintendent. Applications shall be sent to the Superintendent by registered mail at least sixty (60) days preceding the beginning of the semester of the scholastic year for which leave is requested, except that when a teacher or other professional employee has become sick during a semester and requests medical sabbatical leave, it shall be sufficient if the application is mailed thirty (30) days prior to the date upon which the requested leave is to commence.

The Superintendent shall inform the teacher of the approval or denial of sabbatical leave at least thirty (30) days preceding the beginning of the semester of the school year for which the leave is requested, except that, where a teacher has become sick during a semester and has requested medical sabbatical leave, the Superintendent shall inform the teacher of approval or denial of such leave as soon as possible after receipt of his/her request for leave.

2. Whenever, in accordance with statutory provisions, some of the applications

cannot be granted from among those which would otherwise be granted, those to be granted shall be determined in the following manner:

- A. Preference in every case shall be given to the applicant who has rendered active service in the school system for the greatest number of consecutive semesters immediately preceding the period for which leave is requested.
 - B. Where any two (2) applicants rank equally in point of continuous service, preference in every case shall be given to the applicant who has rendered service in the school system for the greater total number of semesters.
 - C. Where any two (2) applicants rank equally in both point of continuous service and in point of total service, preference in every case shall be given to the applicant whose date of birth is earlier.
 - D. In cases where all factors are equal, the tie shall be broken by the drawing of lots in the presence of the employees.
3. Applicants whose applications are filed in the first thirty (30) days of the semester shall be given a preference over those who seek medical sabbatical leave under the special provision relating to sickness during a school semester.
 4. Every application for sabbatical leave shall specify **all** of the following:
 - A. The period for which leave is requested;
 - B. Whether leave is requested for the purpose of professional or cultural improvement, or for the purpose of medical leave;
 - C. The precise manner, insofar as possible, in which such leave, if granted, shall be spent;
 - D. The semesters spent in active service in the school system from which leave is requested; and
 - E. The date of birth of the applicant.

The application shall contain a statement over the signature of the applicant that he/she shall agree to comply with all sabbatical leave provisions.

COMPENSATION

A teacher granted sabbatical leave shall be paid compensation at the rate of **sixty-five percent (65%)** of the person's salary at the time the sabbatical leave begins. A teacher on sabbatical leave with pay must continue his/her retirement contribution. Time spent

on such leave is considered as active service for retirement purposes.

CONDITIONS OF SABBATICAL

1. Each person granted sabbatical leave, as a condition of the sabbatical leave, shall be prohibited from being employed during the sabbatical leave by any public or private elementary or secondary school in Louisiana or any other state.
2. Every person on *medical sabbatical leave* shall be prohibited from undertaking any gainful employment during such leave unless all of the following conditions are met:
 - A. The teacher can demonstrate that he/she will be working not more than twenty (20) hours a week in a part-time job that he/she has been working for not less than one hundred and twenty (120) days prior to the beginning of such leave.
 - B. The doctor certifying the medical necessity of the leave indicates that such part-time work does not impair the purpose for which the leave is granted.
 - C. The Superintendent authorizes such part-time work.

Violation of the part-time work provisions shall result in the medical sabbatical leave being rescinded.

3. Each person granted sabbatical leave shall sign an agreement or contract as specified with the School Board stipulating that, as a condition of sabbatical leave and in order to be eligible for compensation during such leave, he or she will return to service for one (1) semester for each semester of leave upon completion of the sabbatical leave. Said service shall ordinarily be performed in this School District.

No person who, upon the expiration of his/her sabbatical leave, immediately begins employment with a state-operated educational agency, city, parish, or other local school board, department, school, college or university instead of returning to the school system which granted him/her such leave, shall be required to forfeit that portion of compensation paid to him/her by the State while he/she was on such leave. However, such person shall be required to reimburse the school system any salary paid to him/her by the School Board while he/she was on leave, unless the Superintendent opts to exercise the waiver provision as explained under *Waiver of Intention to Return to Service Clause* explained herein.

As per statutory requirement, any employee taking sabbatical leave who fails to return to service with the Orleans Parish School Board upon expiration of the

leave as specified above for any reason other than incapacitating illness as certified by two (2) physicians, shall forfeit all salary compensation received during the leave period.

The Superintendent shall have the authority to waive this requirement in accordance with its pre-published criteria, as noted under *Waiver of Intention to Return to Service Clause* explained herein, if he/she deems such to be in the best interest of the School District, provided that such a waiver shall not be of a discriminatory nature against any employee or applicant because of his or her job description, age, race, or sex.

4. An employee on professional sabbatical leave shall observe the above stipulations concerning graduate or undergraduate credit hours to be earned and/or alternatives such as productive research or travel. The Superintendent shall have the authority to require written reports of work done and work to be done at any time during the period of leave. In addition, written reports are required within thirty (30) days after the beginning of each semester of leave and within thirty (30) days after the end of leave.
5. Any employee who fails to comply with statutory provisions may have his/her leave terminated by the Superintendent at any time.
6. Every person on sabbatical leave shall notify the Superintendent of his/her intention to return to work not less than thirty (30) days prior to the beginning of the semester in which he/she expects to return.

An employee who has been granted sabbatical leave shall, upon expiration of the leave, be returned to the same position in the same school held at the time of said sabbatical leave was granted unless otherwise agreed to by the individual.

WAIVER OF INTENTION TO RETURN TO SERVICE CLAUSE

The return to service provision, as stated in *Conditions of Sabbatical*, Item 3 above, may be waived by the Superintendent, after careful review and consideration in any of the following instances:

1. Any person whose spouse is transferred out of the parish (job requirement not anticipated before leave) during the time the teacher is on leave or within one (1) year immediately following the termination of such leave (certification must be provided by spouse's employer).
2. Any person who receives a position to the Louisiana Department of Education, to another public school system within the State of Louisiana, or to a state-operated educational agency. In such instances, the person granted sabbatical leave, upon the expiration of leave, shall be permitted to retain that portion of compensation

paid by the state while he/she was on leave. However, such person shall be required to reimburse the School Board any compensation paid by the School Board while on leave.

3. Incapacitating illness, as certified by two (2) physicians. (The Superintendent reserves the right to verify validity of the request.)
4. Whenever, in the Superintendent's opinion, such a waiver would be in the best interest of the School Board.

Ref: La. Rev. Stat. Ann. §§11:755, 14:125, 17:1170, 17:1171, 17:1172, 17:1173, 17:1174, 17:1175, 17:1176, 17:1177, 17:1178, 17:1179, 17:1180, 17:1181, 17:1182, 17:1183, 17:1184, 17:1185, 17:1187.

PERSONNEL LEAVES AND ABSENCES

The Orleans Parish School Board may grant leaves of absence to teachers and other employees upon application for leave, subject to such rules and regulations that may be established for the various types of leave.

All leaves must be requested in writing on the form approved for that purpose. Applications for leave must be submitted to the Superintendent or designee well in advance of the anticipated beginning date of leave, whenever possible.

All leaves granted shall be conducted in accordance with state law and pertinent regulations. Any employee on leave who does not comply fully with the stated intentions and administrative regulations of said leave, may be subject to disciplinary action.

If an employee is absent from duty under circumstances in which he/she is not entitled to any kind of leave, such employee shall be considered to be in violation of his/her contract, is not entitled to be paid for the days of unauthorized absence and non-performance of duties, and may be subject to disciplinary action. Employees whose unauthorized absences are excessive may be subject to termination.

Under no circumstances shall any type of leave be granted for purposes of seeking or accepting employment.

RETURN FROM LEAVES OF ABSENCE

A leave of absence granted by the Orleans Parish School Board is official permission for an employee to be absent from regular employment duties. Such granting of leave protects certain employment rights only for the duration of the leave. In order to retain those rights, an employee shall return to duty on the next work day following the expiration of the leave, unless the employee has applied for and has received an extension of that leave prior to its expiration date.

Any employee who does not return at the expiration of the leave shall not be reinstated until there is an appropriate vacancy to be filled. If such an employee makes no attempt to return within thirty (30) calendar days of the expiration date of the leave, or its extension, the employee shall be deemed to have voluntarily removed himself/herself from employment.

Ref: La. Rev. Stat. Ann. §§17:81; Board minutes, 1-26-81, 5-14-90, 9-23-02, 10-14-02.

PERSONAL LEAVE

Teachers and other employees of the Orleans Parish School Board, except those who receive annual leave (vacation time), shall be allowed up to two (2) days absence without loss of pay during each school year to be used for such purposes as may be determined by the individual employee. Personal leave shall be charged to and deducted from current and/or accumulated sick leave as of the date personal leave is taken. Personal leave shall not be accumulated from year to year, nor shall personal leave be compensated for upon death or retirement or paid in any other manner except as provided by law.

Persons wishing to take personal leave shall notify the principal of the school in which he/she is employed or his/her staff supervisor of his/her intention to take such personal leave at least twenty-four (24) hours before personal leave will be taken. All employees requesting personal leave must submit an official leave form to the principal/ immediate supervisor for approval.

Ref: La. Rev. Stat. Ann. §§17:1208, 17:1208.1

SICK LEAVE

The Orleans Parish School Board shall grant all employees hired for the school year or longer a minimum of ten (10) days absence per year because of personal illness or other emergencies without loss of pay.

Sick leave, when not used, shall be allowed to accumulate to the credit of the employee without limitation. However, upon initial employment, a *teacher* employed by the School Board shall not be allowed any sick leave until he/she reports for duty and actually performs work.

The minimum of ten (10) days of sick leave for an employee shall be based on the employee beginning work at the beginning of the school year. In the case of an employee beginning work in the first month of the school year, *ten days* sick leave shall be allowed. If an employee begins work in the second month of the school year, *nine days* of sick leave shall be allowed and the number of days of sick leave shall continue to be prorated for an employee who begins work until the eighth month of the school year, when only *three days* of sick leave shall be allowed. The Superintendent and/or his/her designee shall be responsible for developing and maintaining pertinent regulations and procedures governing sick leave.

CERTIFICATION OF ABSENCE

An employee who is absent for six (6) or more consecutive days shall be required to present a certificate from a physician certifying such absence upon return to work. In the case of repeated absences of less than six (6) days because of illness, the School Board reserves the right to require verification of illness. Should a pattern of behavior so warrant, upon the request of the Superintendent, the employee shall be required, at the expense of the School Board, to provide a certificate from a physician specified by the Superintendent, in order to verify the existence of a medical disability.

Excuses for employee absences due to illness or injury must be provided on physician's letterhead containing the physician's name, address, and telephone number, typed, printed, or as part of the letterhead. The physician's typed or neatly printed name shall also appear beneath his/her signature. The letter must clearly state the reason for the disability, date of the disability, and the anticipated return-to-work date.

If an employee is absent from duty under circumstances in which he/she is not entitled to any kind of leave, such employee shall be considered to be in violation of his/her contract, and is not entitled to be paid for the days of unauthorized absence and non-performance of duties.

SICK LEAVE FOR EMERGENCIES

Emergencies for sick leave purposes shall be defined by the School Board as:

1. The serious illness or death of the employee or member of his/her immediate family (husband, wife, father, mother, grandmother, grandfather, son, daughter, brother or sister, or a person living and being cared for under the same roof as that of the employee.)
2. Circumstances of such a nature as to be beyond control, such as fire, flood, other natural disasters, and summons to appear in court (other than for School Board business).
3. Other Emergencies – There may be other circumstances which may necessitate the presence of an employee, such as to attend the funeral of a family member or close friend not covered as the immediate family. There may be other legitimate reasons for being absent which should be classified as emergency. In all such cases, the employee shall confer with the principal/supervisor/building administrator, who shall present the case to the Superintendent for his/her consideration. The principal/supervisor/ building administrator shall have an attachment on the absence monthly report noting the circumstance and agreement reached.

EXTENDED SICK LEAVE

The School Board shall permit employees to take up to ninety (90) days of extended sick leave in each six-year period of employment which may be used for a medical necessity at any time the employee has **no** remaining regular sick leave balance at the time the extended sick leave is set to begin. The initial six-year period of employment shall begin on August 15, 1999 for all *teachers* employed as of that date, on August 15, 2008 for *school employees* (not a teacher or whose employment does not require the holding of such certificate) employed as of that date, or on the effective date of employment for those employees employed after the dates above. All decisions relative to the granting of extended sick leave shall be made by the Superintendent.

Unused days during any six-year period of employment shall not cumulate or carry forward into the next six-year period of employment. The balance of days of extended sick leave available shall transfer with the employee from one public school employer to another without loss or restoration of days.

Interruptions of service between periods of employment with a public school employer shall not be included in any calculation of a six-year period, such that any employment with any public school employer, regardless of when it occurs, shall be included in any determination of the balance of days of extended sick leave available to the employee.

Any employee on extended sick leave shall be paid **sixty-five percent (65%)** of the salary paid the employee at the time the extended sick leave begins.

Definitions

Child means a biological son or daughter, an adopted son or daughter, a foster son or daughter, a stepson or daughter, or a legal ward of an employee standing in *loco parentis* to that ward who is either under the age of eighteen (18) or who is eighteen (18) years of age but under twenty-four (24) years of age and is a full-time student, or who is nineteen (19) years of age or older and incapable of self-care because of a mental or physical disability.

Immediate family member shall mean a spouse, parent, or child of the employee.

Infant means a child under one year of age.

Medical necessity shall be the result of a catastrophic illness or injury, a life-threatening, chronic, or incapacitating condition, as certified by a physician, of the employee or a member of his/her immediate family.

Parent means the biological parent of an employee or an individual who stood in *loco parentis* to the employee.

Extended Sick Leave for Maternity Purposes

Each *teacher* granted maternity leave in accordance with state law and who has no remaining sick leave available may also be granted up to (30) days of additional extended sick leave in each six-year period of employment for personal illness relating to pregnancy, illness of an infant, or for required medical visits certified by a physician as relating to infant or maternal health.

Gainful Employment Permitted

An employee may undertake additional gainful employment while on extended sick leave, provided **all** of the following conditions are met:

1. The employee can demonstrate that he/she will be working not more than twenty (20) hours a week in a part-time job that the employee has been working for not less than one hundred twenty (120) days prior to the beginning of any period of extended sick leave.
2. The physician who certifies the medical necessity of the leave indicates that such part-time work does not impair the purpose for which the extended sick leave is required.

Any violation of the provisions regarding gainful employment may require the employee to return to the School Board all compensation paid during any week of extended sick leave in which the employee worked more than twenty (20) hours and to reimburse the School Board all related employment costs attributable to such period as calculated by the School Board, without any restoration of leave days.

Application Process

On every occasion that a *teacher* uses extended sick leave, a statement from a licensed physician certifying that it is for personal illness relating to pregnancy, illness of an infant, or for required medical visits related to infant or maternal health, or that it is a medical necessity, shall be presented prior to extended sick leave being taken.

On every occasion that any *school employee* uses extended sick leave, a statement from a licensed physician certifying that it is a medical necessity for the employee to be absent for at least ten (10) consecutive work days shall be presented prior to extended sick leave being taken.

The required physician's statement may be presented along with the request for extended sick leave subsequent to the *teacher's* or *school employee's* return to service. In such a case, the extended sick leave shall be granted for all days for which extended sick leave is requested, provided the request and required documentation are presented within three (3) days after the teacher or school employee returns to service. However, the School Board or Superintendent reserves the right to question the validity of the medical certification after the three (3) day period.

If the period an employee is on extended sick leave is anticipated to carry over from one school year to the start of the next school year, another application and physician's statement shall be submitted prior to the start of the next school year in order to be eligible for continued extended sick leave.

1. Upon review of the application, if the Superintendent questions the validity or accuracy of the certification, the Superintendent may require the employee, or the immediate family member, as a condition for continued extended sick leave, to be examined by a licensed physician selected by the Superintendent. In such case, the School Board shall pay all costs of the examination and any tests determined to be necessary. If the physician finds medical necessity, the leave shall be granted.
2. If the selected physician disagrees with the original medical certification from the physician selected by the employee, then the Superintendent may require the employee, or immediate family member, as a condition for continued extension of sick leave, to be examined by a *third* licensed physician, whose name appears next in the rotation of physicians on a list established by the local medical society and maintained by the Superintendent. All costs of an examination and any

required tests by a third doctor shall be paid by the School Board. The final determination of medical necessity shall be based on the opinion of the third physician.

3. The opinion of *all* physicians consulted in determining medical necessity of the extended sick leave shall be submitted to the Superintendent in the form of a **sworn statement**. All information contained in any statement from a physician shall be confidential and shall not be subject to the public records law.

SICK LEAVE FOR ASSAULT OR BATTERY

Any School Board employee who is injured and disabled while acting in his/her official capacity as a result of an assault or battery by any student or person shall receive sick leave without reduction in pay, and without reduction in accrued sick leave days while disabled as a result of such assault and battery. The employee shall be required to provide a certificate from a physician certifying such injury and incapacitation.

The sick leave authorized shall be in addition to all other sick leave authorized herein, shall not be accumulated from year to year, nor shall such additional sick leave be compensated for at death or retirement, or compensated for in any manner except as set forth above.

If any *teacher* or *school employee* is receiving sick leave as a result of assault or battery as provided in this section, and begins receiving retirement benefits, the sick leave provided herein shall cease.

SICK LEAVE FOR PHYSICAL CONTACT WITH A STUDENT

Any *teacher* who is injured or disabled while acting in his/her official capacity as a result of physical contact with a student while providing physical assistance to a student to prevent danger or risk of injury to the student, shall receive sick leave for a period of up to one (1) calendar year without reduction in pay and without reduction in accrued sick leave days while injured or disabled as a result of rendering such assistance. Any *school employee* injured or disabled in a similar manner shall receive up to ninety (90) days of such sick leave. The teacher or employee shall be required to present a certificate from a physician certifying such injury or disability. The School Board may extend the period of sick leave beyond the allowable period at its discretion.

If the Superintendent questions the validity or accuracy of the physician's certification submitted by a *teacher*, the Superintendent may require the *teacher* to be examined by a licensed physician selected by the Superintendent. Any further review of medical certification shall proceed in the same manner as requests for extended sick leave, which is outlined under *Application Process* above. The School Board shall pay all costs of any examinations and tests determined to be necessary.

SICK LEAVE/WORKERS' COMPENSATION

Should any *teacher* become injured or disabled while acting in his/her official capacity, other than by assault, the teacher shall be entitled to appropriate worker's compensation benefits and/or sick leave benefits, at the teacher's option, for the period of time while injured or disabled. Any benefits received, however, shall not exceed the total amount of the regular salary the teacher was receiving at the time of injury or disability. The teacher shall be required to present a certificate from a physician certifying such injury or incapacitation.

VESTING OF SICK LEAVE

All sick leave accumulated by a *teacher* or *school employee* shall be vested in the teacher or school employee by whom such leave has been accumulated. In the event of the transfer of a teacher or school employee from one school system to another in Louisiana, or upon the return of such teacher or school employee to the same school system within five (5) years or such longer period that may be approved by the School Board to which the teacher or school employee returned, regardless of the dates on which the leave was accumulated or the date of transfer or return of the teacher or school employee, such vested leave which remains unused or for which the employee has not been compensated directly or transferred such days for retirement credit, shall be transferred, returned to, or continued by the School Board and shall be retained to the credit of teacher or school employee.

PAYMENT UPON RETIREMENT OR DEATH

Upon the retirement of any employee, or upon the employee entering DROP, or upon the employee's death prior to retirement, the School Board shall pay the employee or his/her heirs or assigns, for any unused sick leave, not to exceed twenty-five (25) days. Such pay shall be at the daily rate of pay paid to the employee at the time of his/her retirement or death.

DEFERRED RETIREMENT OPTION PROGRAM (DROP)

Any employee of the Orleans Parish School Board who participates in the *Deferred Retirement Option Program* (DROP) shall be eligible for and may elect to receive on a one-time basis severance pay (accrued sick leave up to a maximum of twenty-five (25) days) upon entering DROP on the same basis as any other employee who retires or otherwise leaves employment; otherwise, any accrued sick leave shall be paid only upon final retirement of the employee.

Ref: La. Rev. Stat. Ann. §§14:125, 17:425, 17:425.1, 17:1200, 17:1201, 17:1202, 17:1205, 17:1206, 17:1206.1, 17:1206.2.

FAMILY AND MEDICAL LEAVE

The Orleans Parish School Board shall permit qualified employees to take up to twelve (12) workweeks of unpaid leave in a twelve (12) month period for family and medical reasons.

ELIGIBILITY

Employees qualifying for family and temporary medical leave shall have been employed by the School Board for the previous twelve (12) months prior to the date of the leave to be taken. For the purposes of this policy, the 12 month period shall be the same as the fiscal year, July 1 to June 30. Such unpaid leave may only be taken for the following reasons:

1. For the birth of the employee's child and subsequent care;
2. For the placement of a child with the employee for adoption or foster care;
3. In order to care for the spouse, child or parent of the employee who has a serious health condition; or
4. When the serious health condition of the employee renders the employee unable to perform the function of the position of such employee.

Leave may be taken for birth or placement of a child only within twelve (12) months of the birth or placement.

DURATION OF LEAVE

Generally, the time taken for family and medical leave shall be on a continuous basis. However, the employee shall be permitted to take leave on an intermittent or reduced basis to care for a seriously ill family member or the employee's own illness when medically necessary. An employee may take intermittent leave for the birth or adoption of a child only with School Board approval.

If a teacher's period of absence on intermittent leave amounts to more than twenty percent (20%) of classroom time, the teacher may be required to take continuous leave throughout the treatment period or be placed temporarily in an equivalent position, for which the teacher is qualified and which has equivalent status, pay and benefits, and which would not be so disruptive to the classroom.

In any case where both the husband and wife are employed by the School Board, the aggregate number of weeks of FMLA leave to which both employees may be entitled shall be limited to twelve (12) weeks during any one-year period.

ADVANCE NOTICE

In any case in which the necessity of leave is for the birth of the employee's child and subsequent care; or for the placement of a child with the employee for adoption or foster care, and said necessity of leave is foreseeable based on the expected birth or placement, the employee shall be required to provide the School Board with at least thirty (30) days' notice, before the date the leave is to begin. If the date of birth or placement requires the leave to begin in less than thirty (30) days, notice shall be given as soon as possible.

In any case in which the necessity of leave is in order to care for the spouse, child or parent of the employee who has a serious health condition; or when the serious health condition of the employee renders the employee unable to work, and the need to take such leave is foreseeable based on planned medical treatment, the employee shall be required to make a reasonable effort to schedule the treatment so as not to disrupt school operations.

MEDICAL CERTIFICATION

The School Board may require an employee to provide medical certification to support the request for family and medical leave. Such certification shall be provided in a timely manner.

SUBSTITUTION OF PAID LEAVE

The employee shall be permitted to substitute any accumulated sick leave and/or annual leave for any family and medical leave time requested. The School Board shall require an employee to first use any accumulated sick, personal and/or annual leave time for any part of the twelve (12) week period. If paid leave is used by an employee, the School Board shall provide only enough unpaid family and medical leave time to total the allowed 12-week period.

RETURN TO SERVICE

Any employee taking family and medical leave shall have the right to return to his/her previous position or an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. An employee returning to service at the end of his/her leave period for personal medical reasons shall be required to present to the School Board a letter from his/her doctor certifying that the employee is able to return to work.

FMLA FOR MILITARY PERSONNEL

Family and Medical Leave Act of 1993 (FMLA) provisions also permit a spouse, son, daughter, parent, or next of kin to take up to twenty-six (26) workweeks of leave in a

single twelve (12) month period to care for a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

The School Board may require an employee to provide medical certification to support the request for family and medical leave. Such certification shall be provided in a timely manner. Certification shall be sufficient if it states:

1. The date on which the serious health condition commenced;
2. The probable duration of the condition;
3. The appropriate medical facts within the knowledge of the health care provider regarding the condition;
4.
 - A. For purposes of leave to care for immediate family member a statement that the eligible employee is needed to care for the son, daughter, spouse, or parent and an estimate of the amount of time that such employee is needed to care for the son, daughter, spouse, or parent; and
 - B. For purposes of leave for self, a statement that the employee is unable to perform the functions of the position of the employee;
5. In the case of certification for intermittent leave, or leave on a reduced leave schedule, for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment.

This policy shall also permit an employee to take FMLA leave for any qualifying exigency (as the Secretary of Labor shall, by regulation, determine) arising out of the fact that the spouse, or a 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 Armed Forces in support of a contingency operation.

Ref: 29 USCA 2601 et seq. (*The Family and Medical Leave Act of 1993*); 29 CFR 825 et seq. (*The Family and Medical Leave Act of 1993–Federal Regulations*); Board minutes, 10-9-00.

SICK LEAVE BANK

The Orleans Parish School Board recognizes that major illnesses and catastrophic injuries may warrant the need for additional sick leave by an employee. The School Board shall create and maintain a *Sick Leave Bank* which provides an opportunity for employees to donate sick leave days, which in turn may be used by employees in emergency situations when their own sick leave days have been exhausted.

Donations of sick leave days shall be made to the Sick Leave Bank and not directly to individual employees, shall be made by notarized *Acts of Donation*, and shall be made in accordance with other provisions of this policy. Once executed, any donation made shall be *irrevocable*.

Receipt of sick leave days from the Sick Leave Bank shall be based on a written application submitted by an employee to the Superintendent and/or his/her designee. Assessment and any decisions regarding the granting of days from the Sick Leave Bank shall be the responsibility of the Superintendent. His/her decisions shall be *final*, and such decisions shall not be subject to review by the School Board or subject to the School Board's grievance procedures.

ADMINISTRATION OF SICK LEAVE BANK

Donations of sick leave days shall be made directly to the Sick Leave Bank. In order to be eligible for participation, eligible employees shall voluntarily donate at least one (1) sick leave day to the bank. Continued participation in the program shall require the donation of at least one (1) sick leave day for each of the following school years for which participation is desired.

Applications for receipt of donated sick leave days from the Sick Leave Bank shall present a completed *Sick Leave Bank Request* form and include a statement from a licensed physician certifying a *medical necessity* for the employee to be absent from work. The application shall be submitted at least twenty (20) work days prior to the anticipated beginning date of leave. In cases of extenuating circumstances, the Superintendent may waive or alter the application deadline. Upon review of the applications by the *Sick Leave Bank Committee*, if questions about the validity or accuracy of the certification arise, the Superintendent may require additional medical certification as outlined under *Extended Sick Leave* in policy *GBRIB, Sick Leave*.

Medical necessity shall be the result of a catastrophic illness or injury, which means a life-threatening, chronic, or incapacitating condition of the employee or a member of his/her immediate family. *Immediate family member* shall mean a spouse, parent, or child of the employee.

All records generated in the administration of the Sick Leave Bank, as well as the confidentiality of applicable records, shall be properly maintained by the Superintendent and staff in accordance with statutory provisions.

Donor Eligibility

1. Employees who wish to donate accrued sick leave days shall have been actively employed by the School Board for a period of thirty-six (36) consecutive months as of the date of the intended donation.
2. Only employees with a balance of more than fifty (50) sick leave days as of the date of the intended donation shall be permitted to donate to the Sick Leave Bank. No donation shall be permitted which causes the donor's sick leave balance to fall below fifty (50) days. A maximum of ten (10) days may be donated in a fiscal year. An individual may make only one (1) donation in a fiscal year.
3. Employees wishing to donate sick leave shall complete the appropriate *Act of Donation Form*. The donation shall irrevocably relinquish all future claims and rights to such donated sick leave. The days donated shall be permanently deducted from the total number of accumulated sick leave days the employee has on the date the donation is approved.
4. All donations shall be strictly voluntary.
5. No transfer shall become valid until all forms, verifications and signatures have been completed and signed by the Superintendent or his/her designee.
6. All donations shall be in units of whole days.

Recipient Eligibility

1. Recipients shall be actively employed by the School Board at the time that medical necessity is determined.
2. Recipients shall have been employed by the School Board for at least thirty-six (36) consecutive months as of the date of the intended usage.
3. Employees who are recipients shall have exhausted all current and accumulated sick leave and have used all days of extended sick leave and any other applicable leave to which the employee may be entitled. In addition, those employees who receive annual leave shall have exhausted all annual leave time before becoming eligible to receive sick leave days from the Sick Leave Bank.
4. Participating employees may request a minimum of twenty (20) sick leave days

and a maximum of ninety (90) sick leave days.

5. Of those days granted, any remaining unused at the end of the fiscal year shall be returned to the Sick Leave Bank.
6. A separate application shall be submitted for each occasion that an employee may request receipt of sick leave days from the Sick Leave Bank. Each application shall include necessary documentation attesting to medical necessity. The physician's certification must address circumstances relative to each separate request. The separate application requirement may be waived by the Superintendent as circumstances may warrant.
7. Donated sick leave shall not be used on an intermittent daily basis.

Miscellaneous Provisions

1. The Superintendent shall be authorized to make determinations and clarifications of these provisions. All determinations and clarifications made by the Superintendent shall be **final**.
2. All transactions shall become part of the permanent personnel files of the employees. *Act of Donation Forms* shall be placed in donor personnel files depicting the actual number of days deducted from accrued sick leave days on file after the donation is made.
3. The number of days withdrawn from the Sick Leave Bank shall not exceed the number of days available within the appropriate account of the Bank.

Ref: La. Rev. Stat. Ann. §§17:81, 17:1202, 17:1205, 17:1206.2; La. Civil Code, Art. 1541, 1542, 1833; Board minutes, 5-8-89.

MATERNITY LEAVE

The Orleans Parish School Board declares that any employee who becomes pregnant shall be eligible for maternity leave (leave without pay). The expectant employee shall be given the option of choosing maternity leave or using current and accumulated sick leave for the period of medical disability occasioned by pregnancy and childbirth. Use of current and/or accumulated sick leave for maternity leave purposes shall be in accordance with all policies, regulations and procedures affecting sick leave.

Maternity leave of absence (leave without pay) may be granted to regularly employed women for a reasonable time before and after childbirth for a maximum of one year. Maternity leave without pay does not affect tenure, teaching or working experience acquired prior to the leave. Maternity leave granted only for the period of disability occasioned by pregnancy and/or childbirth shall not interrupt the consecutive service for sabbatical leave purposes.

APPLICATION

A pregnant employee may remain on the job as long as she is performing her duties competently as determined by her immediate supervisor. An employee that desires to take maternity leave shall complete a *Maternity Leave Request* form, giving as much advance notice as possible, but in no case less than thirty (30) days prior to the beginning date of leave, except in emergency situations. The form must be accompanied by a statement from a physician verifying the stage of pregnancy and expected dates of disability due to pregnancy. Such certificate shall follow the same standards as for submission of certificates for sick leave as found under *Certification of Absence* in policy *GBRIB, Sick Leave*. Failure to comply with the notice and other requirements of this policy may be considered willful neglect of duty and may result in disciplinary action up to and including termination.

RETURN TO WORK

Prior to returning to work, the employee must provide a physician's statement to the Department of Human Resources. The Department of Human Resources shall provide the employee with a *Return to Work* form which shall be presented to the employee's immediate supervisor prior to being allowed to return to work. The immediate supervisor shall be responsible for making sure that the appropriate form has been processed prior to the employee being allowed to return.

Ref: 42 USC 2000e et seq. (*Equal Employment Opportunities*); La. Rev. Stat. Ann. §§17:1171, 17:1211, 23:341, 23:342.

MILITARY LEAVE

ACTIVE DUTY

Any regular employee of the Orleans Parish School Board who is serving in the military service or in the armed forces of the United States shall be granted a leave of absence for the period dating from his/her induction, enlistment, enrollment, or call to service. Such leave shall not affect tenure rights acquired prior thereto. An employee, upon return, must apply for reinstatement to the former position within thirty (30) days after discharge or release from active duty.

An employee who is ordered to duty shall notify the immediate supervisor as early as possible so that scheduling arrangements can be made. The employee shall also notify the Department of Human Resources within three (3) days of receipt of orders and shall submit to the Department of Human Resources a copy of the official orders. While on military leave, employees shall continue to accrue leave and other benefits which they are entitled to receive in their normal assignment.

In the event of a national emergency, the School Board shall pay the employee an amount which when combined with the base pay for military service shall equal but not exceed the employee's regular School Board salary. This arrangement shall remain in effect for no longer than twenty-six (26) weeks. As long as the employee continues to pay the employee's contribution, the School Board shall continue to pay the employer's contribution to the *Teachers' Retirement System of Louisiana* or *Louisiana School Employees' Retirement System* for these employees during the duration of the period of deployment.

The employee also has the option of continuing his/her dependent health insurance coverage by paying the regular monthly dependent coverage costs.

RESERVE, NATIONAL GUARD, OR SIMILAR DUTY

All employees of the School Board who are members of the Officers' Reserve Corps of the Army of the United States, the National Guard of the United States, the Naval Reserve Corps, the Marine Corps Reserve, the Air Force Reserve, the Citizens' Military Training Corps, or the Civil Air Patrol, either as officers or enlisted persons, are entitled to a leave of absence without loss of pay, time, annual leave, or efficiency rating, on all days which they are ordered to duty with troops, or at field experiences, or for instruction, not to exceed fifteen (15) days in any one calendar year, and when relieved from duty, are to be restored to the positions held by them when ordered to duty.

As professional educators interested in maintaining excellence in the educational system, it is expected that all teachers shall make every possible effort to schedule such military leaves during vacation periods.

Except in the event of a declared national emergency, such leave in excess of fifteen (15) days in any one calendar year shall be leave without pay, unless the employee or teacher affected applies for, qualifies for, and is granted one of the other forms of leave provided by the School Board.

Ref: 38 USC §4301-4333 (*Employment and Re-employment Rights of Members of the Uniformed Services*); La. Rev. Stat. Ann. §§17:1215, 29:401, 29:402, 29:403, 29:404, 29:405, 29:406, 29:407, 29:410, 42:394, 42:401, 42:402, 42:403.

BEREAVEMENT LEAVE

The Orleans Parish School Board shall grant employees bereavement leave of three (3) work days, within the five (5) calendar days following a death in the immediate family. For the purpose of this policy, *immediate family* shall be defined to mean parent, brother, sister, spouse, children, mother-in-law, father-in-law, grandparent or grandchild. If requested, verification of the death shall be provided.

If the death of a member of the immediate family occurs in another city which is greater than two-hundred (200) miles from New Orleans, as determined by the American Automobile Association, an additional leave of one (1) school day shall be allowed with no reduction in pay. If requested, verification of the death shall be provided.

In cases where the funeral is not held within five (5) calendar days of the death, two (2) of the three (3) excused days may be used at the time the funeral is held.

Ref: La. Rev. Stat. Ann. §§17:81; Board minutes, 8-4-69, 9-11-89, 1-29-90.

PUBLIC SERVICE

ELECTED PUBLIC OFFICIALS

The Orleans Parish School Board shall grant public service leave to those employees duly elected to local and state public office. Such service shall not adversely affect tenure or sabbatical leave status.

The hours an employee is absent from his/her specific School Board assignment while officially serving in the capacity of public official, shall be accounted for in units of a whole day and/or one-half day basis, not to exceed one and one-half (1½) days per month without pay. However, when extraordinary circumstances or situations arising from the responsibilities of the elected office conflict with this provision, necessary arrangements shall be resolved by the Superintendent.

Available personal leave and/or accumulated annual leave may be used to fulfill public service obligations, with the exception that annual leave may not be used when duties require daily contact with students. When personal and/or annual leave is expended, the regular daily salary of the individual involved shall be reduced by an amount equal one-half day's or a whole day's salary, based on the above stated unit system.

ELECTION COMMISSIONERS

An employee appointed to serve as an election commissioner or clerk may be granted a leave of absence for that purpose. The employee shall notify the Superintendent within five (5) days following the publication of the official list of commissioners and clerks and request that a leave of absence be granted. Such leave, when approved, shall be leave without pay. All requests of this type should be submitted sufficiently in advance of the required date of absence to enable administrative consideration and action on the request.

Ref: La. Rev. Stat. Ann. §§17:81, 17:1171.

JURY DUTY OR SUBPOENAS

The Orleans Parish School Board shall grant a leave of absence to any regularly employed person of the school system who has been called to serve jury duty, or subpoenaed to serve as a witness in a court proceeding, including depositions, on School Board business. Such leave shall be granted for the period of time required to serve such jury duty without loss of sick, emergency, or personal leave or any other benefit. Jury duty shall not be deemed to interrupt service accumulated toward sabbatical leave.

Employees shall be required to return to work sites immediately upon release by the courts.

All legal matters requiring an employee's presence (i.e. deposition, hearing, etc.) not in connection with the employee's official duties shall be charged against the employee's sick leave or annual leave (if applicable).

Anyone serving on jury duty shall receive his/her regular salary less any compensation he/she receives as a juror. Said employee shall be responsible for submitting verification of call or subpoena for jury duty and reporting any compensation received as juror to the Superintendent or his/her designee to be eligible to receive leave for jury duty. Any employee abusing said leave shall be subject to disciplinary action.

The amount of remuneration received by an employee for serving as juror shall be reported by the employee in writing to the Superintendent within five (5) days of receipt of remuneration. An adjustment to the employee's salary shall be made by the School Board as soon as possible thereafter. Failure to report remuneration received within the listed time shall be cause for deduction from the employee's salary for the days absent.

Teachers authorized to serve jury duty shall leave lesson plans for the substitutes with their principal.

Ref: La. Rev. Stat. Ann. §§17:81, 17:1210.

MARRIAGE LEAVE

The Orleans Parish School Board shall permit employees who marry to be absent from employment duties for up to three (3) consecutive calendar days, including the day of marriage. Such absence shall be charged to the employee's sick leave.

Requests for absence for the purpose of marriage beyond that authorized above shall be submitted on the approved form. If approved, the employee may be authorized to use available accumulated annual leave days. However, if no annual leave days are available, such requests may be approved by the Superintendent or his/her designee, but shall be without pay.

Ref: La. Rev. Stat. Ann. §17:81, Board minutes, 8-4-69.

LEAVE WITHOUT PAY

The Orleans Parish School Board may grant leaves of absence without pay for periods not to exceed one (1) year to any regularly employed teacher or other employee, who requests such leave in writing, whenever, in the discretion of the School Board, such leave is in the best interest of the school system. The granting of such leaves shall not affect any tenure rights which the applicant may have acquired prior thereto.

Requests for leave of absence without pay shall be submitted on the official leave form to the Superintendent or his/her designee at least fifteen (15) days prior to the effective date of the leave, whenever possible.

Upon return to work, an employee granted leave without pay will be assigned to the same position he/she left only if the position is vacant. The Superintendent may reassign an employee taking leave without pay to a teaching, administrative, or similar position within the person's area of certification or job responsibility, if necessary. Such reassignment shall be effected in accordance with the School Board's transfer policy and administrative procedures.

An employee on leave without pay shall not earn retirement credit for those days missed. Additionally, an employee who is on leave without pay is subject to a reduction in his/her allocation of annual sick leave days.

The Orleans Parish School Board shall grant a leave of absence, without pay, to any regularly employed teacher or other employee who is president of a statewide professional education organization with a membership of more than ten thousand members, during his/her term of office, not to exceed two (2) years. The granting of such leave shall not affect any tenure rights which may have been acquired prior thereto.

Ref: La. Rev. Stat. Ann. §§17:81, 17:1186; Board minutes, 8-4-69, 6-20-79.

MISCELLANEOUS LEAVES

RELEASE FOR RELIGIOUS OR PATRIOTIC OBSERVANCES

An employee requesting leave time for religious or patriotic observances may apply, in writing, to his/her principal or Department Head for review. If approved by the principal or Department Head, the request shall be forwarded to the Superintendent for consideration. If approved by the Superintendent, notification of such approval shall be sent to the Department of Human Resources.

Approved days shall be deducted from the employee's accumulated sick leave account. In the event that said employee has exhausted his/her available sick leave time, he/she may use available annual leave or apply for a leave of absence without pay.

The employee's request shall be denied if it is determined that his/her absence would adversely affect School Board operations or place an undue burden on other School Board employees.

Ref: La. Rev. Stat. Ann. §17:81.

SUBSTITUTE PERSONNEL

SUBSTITUTE TEACHERS

The Orleans Parish School Board shall require the compilation of a list of qualified individuals to serve as day-by-day substitute teachers within the school district. The Department of Human Resources shall prepare the list assuring that all those listed possess appropriate employment criteria, including verification of teachers' qualifications and certification.

Principals or their designated representatives shall call substitute teachers from the approved list in case of absence of a regular teacher. It shall be the responsibility of the principal and the regular teacher to ensure that the substitute teacher has the necessary instructions and materials to teach effectively, including textbooks, lesson plans, class rolls, schedules and an outline of local school procedures.

Retired teachers may be employed as substitute teachers provided that use of retired teachers as substitutes is in accordance with the rules and regulations established by the *Teacher's Retirement System of Louisiana* and pertinent statutory provisions.

Qualified teachers may also be selected to substitute for teachers who plan to be absent for long periods of time. Provisions shall be made for the hiring of, or contracting with applicable substitute teachers in these instances as authorized by the Superintendent.

Substitute Teacher Pay

Compensation paid to substitutes shall be based upon the degree status of the substitute in accordance with a pay schedule as set by the School Board. It shall be incumbent upon the substitute teacher, however, to properly notify the Department of Human Resources of any changes in degree status or other pay-related criteria.

When a substitute teacher teaches more than twenty (20) consecutive days for the same teacher, the substitute shall be paid in accordance with the *Temporary and Substitute Teachers' Salary Schedule* for all days taught beyond the twentieth (20th) day based on his/her degree status and years of experience.

Any school employee whose job does not require a teaching certificate who performs work as a substitute teacher for more than a single class period shall be compensated for that time at the rate of a substitute teacher. The principal or his/her designee shall authorize the school employee to act as a substitute teacher prior to the employee's participation in the classroom as a substitute, and shall verify the hours as a substitute teacher for payroll purposes. Any such compensation shall not be considered an increase in the employee's base pay nor factored into the employee's compensation for the following year.

SUBSTITUTES FOR SCHOOL EMPLOYEES

The School Board shall require the maintenance of a list of properly qualified and approved substitute personnel eligible to substitute for school employees (those not considered teachers) absent from work.

Appropriate judgment as to actual need should be exercised before employment of a substitute for support personnel.

No substitutes shall be hired for secretaries without authorization from the Superintendent or his/her designee.

A substitute school employee shall be paid at a daily rate as set by the School Board corresponding to the classification of the regular school employee, but in no case shall the rate be less than the federal minimum wage.

Ref: La. Rev. Stat. Ann. §§11:710, 17:81, 17:419.3, 17:1212, 17:1213, 17:1216, 17:1217.

VACATION

All full-time twelve (12) month employees of the Orleans Parish School Board shall earn vacation with pay in accordance with the following schedules. Vacation days shall begin to accrue from the date of employment as a twelve (12) month employee.

Administrative and Professional Personnel

For administrators and professional personnel working 77.5 hours per pay period:

0 – 3 years of service	3.1 hours per pay period
3 – 7 years of service	4.65 hours per pay period
8+ years of service	6.82 hours per pay period

Executive Secretaries

For confidential secretaries working 75 hours per pay period:

0 – 3 years of service	3 hours per pay period
4 – 7 years of service	4.5 hours per pay period
8+ years of service	6.6 hours per pay period

Clerical Personnel

For clerical personnel working 75 hours per pay period:

0 – 4 years of service	3 hours per pay period
5 – 7 years of service	4.5 hours per pay period
8+ years of service	6 hours per pay period

The Orleans Parish School Board shall determine the vacation accrual rate depending upon the years of service with the School Board. Vacation time shall be accrued each two (2) week pay period and shall be noted on the payroll advice.

Except for extraordinary work demands of a particular department, employees shall be expected to take vacation time earned during each fiscal year, as approved by the Department Head, on or before December 31 of the following fiscal year. Unused vacation time may not be accumulated and carried over for accrual purposes from one fiscal year to the next. The Superintendent and/or his/her designee may authorize, in writing, accumulated or newly accrued days to be carried over when unusual circumstances prevent their timely utilization. Any request for extension shall be submitted, in writing, through the appropriate Department Head.

Upon termination, resignation, or retirement, any unused vacation time shall be paid at

the employee's current rate of pay. Payment shall be made to the employee or his/her heirs on or before the next regular payday for the pay cycle during which the employee was working at the time of separation or no later than fifteen (15) days following the date of separation, whichever occurs first.

DEFERRED RETIREMENT OPTION PROGRAM (DROP)

Any employee of the Orleans Parish School Board who participates in the *Deferred Retirement Option Program* (DROP) shall be eligible for and may elect to receive on a one-time basis payment for unused annual leave upon entering DROP on the same basis as any other employee who retires or otherwise leaves employment; otherwise, any accrued annual leave shall be paid only upon final retirement of the employee.

Ref: La. Rev. Stat. Ann. §§11:754, 17:81, 17:425.1, 23:631; Board minutes, 8-4-69, 2-17-75, 7-1-79, 4-13-87, 2-27-89, 6-24-91.

HOLIDAYS

The Orleans Parish School Board shall establish the holiday schedule for all personnel in addition to those included in the adoption of a school calendar. Whenever a holiday falls on a Saturday or Sunday, the School Board may declare that the holiday be observed on the preceding Friday or following Monday, respectively.

The School Board has established the following minimum holiday schedule for all personnel employed on a twelve (12) month basis:

- New Year's Eve
- New Year's Day
- Martin Luther King, Jr.'s Day
- Mardi Gras (3 days)
- Good Friday
- July 4th (12 month employees only)
- Labor Day
- Thanksgiving Day
- Christmas Eve
- Christmas Day

The School Board may elect to add additional days to the above schedule, in conjunction with its annual adoption of the district calendar, at its discretion.

General election day shall be designated by the School Board as a holiday every four (4) years for the presidential election.

In the event a School Board-approved holiday such as Independence Day (July 4th) falls on a Saturday or a Sunday, School Board employees shall be granted either the preceding or the following work day as the day of observance.

Ref: La. Rev. Stat. Ann. §§1:55, 17:81; Louisiana Handbook for School Administrators, Bulletin 741, Louisiana Department of Education; Board minutes, 7-12-65, 8-4-69, 9-76, 11-27-89.