

## PERSONNEL

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ROLE OF AND GUIDING PRINCIPLES FOR PERSONNEL

This series of the board policy manual is devoted to the board's goals and objectives for personnel in the performance of their jobs. School district personnel provide a variety of important services for the children of the school district community. They may be teaching or assisting in the classroom, working in the office, maintaining the facilities, driving or repairing the school buses, or cooking lunches. Each school district employee plays a vital role in providing an equal opportunity for a quality education for students commensurate with their individual needs. While the teachers have the most direct impact on the formal instruction of students, all school district personnel have an impact on the school environment by their dedication to their work, their actions, and their manners. As role models for the students, school district personnel shall strive to promote a cooperative, enthusiastic, and supportive learning environment for the students.

In striving to achieve a quality educational program, the board's goal will be to obtain and retain qualified and effective school district personnel. The board shall have complete discretion to determine the number, the qualifications, and the duties of the positions and the school district's standards of acceptable performance. It shall be the responsibility of the superintendent to make recommendations to the board in these areas prior to board action. The board recognizes its duty to bargain collectively with duly licensed and collective bargaining units. The board shall strive to fulfill this duty.

Board policies in this series relating to general personnel shall apply to school district personnel regardless of their position as a licensed employee, classified employee, substitute or administrator. Board policies relating to licensed personnel shall apply to positions that require a teaching or administrative certificate or license unless administrative positions are specifically excluded from the policy. Classified personnel policies included in this series shall apply to positions that do not require a teaching or administrative certificate.

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## EQUAL EMPLOYMENT OPPORTUNITY

The Garner-Hayfield-Ventura Community School District will provide equal opportunity to employees and applicants for employment in accordance with applicable equal employment opportunity and affirmative action laws, directives and regulations of federal, state and local governing bodies and agencies. Opportunity to all employees and applicants for employment includes hiring, placement, promotion, transfer or demotion, recruitment, advertising or solicitation for employment, treatment during employment, rates of pay or other forms of compensation, and layoff or termination. The school district will take affirmative action in major job categories where women, men, minorities and persons with disabilities are underrepresented. Employees shall support and comply with the district's established equal employment opportunity and affirmative action policies. Employees will be given notice of this policy annually.

The board will appoint an affirmative action coordinator. The affirmative action coordinator will have the responsibility for drafting the affirmative action plan. The affirmative action plan will be reviewed by the board at least every two years.

Individuals who file an application with the school district will be given consideration for employment if they meet or exceed the qualifications set by the board, administration, and Iowa Department of Education for the position for which they apply. In employing individuals, the board will consider the qualifications, credentials, and records of the applicants without regard to race, color, creed, sex, national origin, religion, age, sexual orientation, gender identity, or disability. In keeping with the law, the board shall consider the veteran status of applicants.

Prior to a final offer of employment for any position (involving contact with students) the school district will perform criminal, child abuse and sexual abuse background checks. The district may determine on a case-by-case basis that, based on the duties, some positions within the district will require more thorough background checks. Based upon the results of the background checks, the school district will determine whether an offer will be extended.

Advertisements and notices for vacancies within the district will contain the following statement: "The Garner-Hayfield-Ventura Community School District is an equal employment opportunity/affirmative action employer." The statement will also appear on application forms.

Inquiries by employees or applicants for employment regarding compliance with equal employment opportunity and affirmative action laws and policies, including but not limited to complaints of discrimination, will be directed to the Affirmative Action Coordinator by writing to Affirmative Action Coordinator, Garner-Hayfield-Ventura Community School District, 605 Lyon St., Garner, Iowa 50438; or by telephoning at 641-923-2718.

Inquiries by employees or applicants for employment regarding compliance with equal employment opportunity and affirmative action laws and policies, including but not limited to complaints of discrimination, may also be directed in writing, to the Director of the Office for Civil Rights Chicago Office, United States Department of Education, Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661-4544, (312) 730-1560, or the Iowa Civil Rights Commission, 400 East 14th Street, Des Moines, IA 50319-1004, 1-800-457-4416. This inquiry or complaint to the federal office may be done instead of, or in addition to, an inquiry or complaint at the local level.

Further information and copies of the procedures for filing a complaint are available in the district's central administrative office and the administrative office in each district attendance center.

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GARNER-HAYFIELD-VENTURA COMMUNITY SCHOOL BOARD OF EDUCATION

EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION COMPLIANCE PROGRAM

The Garner-Hayfield-Ventura Community School District is an Equal Opportunity Employer without regard to race, color, creed, sex, national origin, religion, age, sexual orientation, or disability. The district has an established policy of taking affirmative action in recruitment, appointment, assignment and advancement of women, minorities and disabled.

All employment decisions will be made in accordance with these principles. All employment related programs will be administered in a manner consistent with these principles. No employee or applicant shall suffer any form of discrimination because of race, color, creed, sex, national origin, religion, age, sexual orientation, gender identity, or disability. To ensure awareness by all levels of the administration, all employees, all students, educational agencies, vendors with which the school district works and the community, the district will disseminate information as detailed below.

A. Dissemination of Policy

1. Employees will be reminded annually of the school district's Equal Employment Opportunity Policy ("EEO Policy") by:
  - a. Annual notification in newspaper or newsletter that goes to all community members.
  - b. Description of the EEO Policy by publication or reference in all issuances or re-issuances of personnel handbooks.
  - c. Where applicable, detailed discussions of the EEO Policy at administrative conferences and staff meetings.
  - d. Posting of the EEO Policy on the District's website.
2. Employment advertisements will contain assurance of equal employment opportunity.
3. Employment sources and recruiting sources where jobs are posted and/or listed by the school istrict will be reminded of the district's EEO Policy, both verbally and in writing.
4. Notices informing employees and applicants of their rights under federal and state civil rights laws will be posted on bulletin boards and in locations where applicants are interviewed.

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EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION COMPLIANCE PROGRAM

B. Responsibility for Implementing the Affirmative Action Plan and Program

The superintendent is responsible for implementing the Affirmative Action Plan and Program and will render full assistance and support for those seeking help and assistance in taking affirmative action.

C. Recruiting

Additional emphasis will be given to seeking and encouraging applicants from minority groups, women's groups, and disabled individuals where such applicants with the necessary qualifications or potentials are available.

D. Training

All training and in-service programs supported or sponsored by the school district will continue to be equally open to all employees on the basis of qualifications.

E. Hiring, Placement, Transfer, Lay-Off and Recall

The school district recognizes that to accomplish the long-range objectives of its Equal Employment Opportunity policy, continued affirmative action must be taken to ensure that job opportunities of all kinds are called to the specific attention of members of minority groups, women, and the disabled, and that qualified members of such groups should be offered positions on the same basis as all other applicants or employees. To assure achievement of the objectives, the school district will periodically review its practices of hiring job applicants.

F. Compensation

All employees will receive compensation in accordance with the same standards. Opportunities for performing overtime work or otherwise earning increased compensation will be afforded to all qualified employees without discrimination based on race, color, creed, sex, national origin, religion, age, sexual orientation, or disability.

EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION GRIEVANCE PROCEDURE

Employees of the school district and applicants for employment with the district have the right to file a formal complaint alleging non-compliance with federal and state regulations requiring non-discrimination in employment.

Level One- Principal or Immediate Supervisor

Individuals with a grievance of discrimination on the basis of race, color, creed, sex, national origin, religion, age, sexual orientation, gender identity, or disability may first discuss it with their principal/designee or immediate supervisor, with the goal of resolving the matter informally. An applicant for employment with a complaint of discrimination on the basis of race, color, creed, sex, national origin, religion, age, sexual orientation, gender identity, or disability may discuss it with the instructor, counselor, supervisor, department chairperson, building administrator or personnel contact person involved.

Level Two- The Affirmative Action Coordinator

If the grievance is not resolved at level one and the grievant wishes to pursue the grievance, he or she may formalize it by filing a complaint in writing.

The complaint shall state the date filed, the name of complainant, home address, home and work phone number, the nature of the grievance, the date the alleged violation occurred, the remedy requested, and the signature of the complainant. The filing of the formal, written complaint at level two must be within fifteen (15) working days from the date of the event giving rise to the grievance or from the date the grievant could reasonably become aware of such occurrence. The grievant may request that a meeting concerning the complaint be held with the affirmative action coordinator.

The affirmative action coordinator shall investigate the complaint and attempt to resolve it. A written report from the affirmative action coordinator regarding action taken will be sent within fifteen (15) working days after receipt of the complaint.

Level Three- Superintendent

If the complaint is not resolved at level two, the grievant may process the complaint to level three by presenting a written appeal to the superintendent/designee within ten (10) working days after the grievant receives the report from the affirmative action coordinator. The grievant may request a meeting with the superintendent/designee. The superintendent/designee has the option of meeting with the grievant to discuss the appeal. A decision will be rendered by the superintendent/designee within ten (10) working days after receipt of the written appeal.

This procedure in no way denies the right of the grievant to file formal complaints with the Iowa Civil Rights Commission, the Federal Office of Civil Rights, or the Equal Employment Opportunity Commission for mediation or rectification of civil rights grievances, or to seek private counsel for complaints alleging discrimination.

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DISTRICT PERSONNEL CONFLICT OF INTEREST

School district employees' use of their position with the school district for personal financial gain shall be considered a conflict of interest with their position as a school district employee and may subject the employee to disciplinary action.

Employees of the school district have access to information and a captive audience that could award the employee personal or financial gain. No school district employee may solicit other employees or students for personal or financial gain to the employee without the approval of the superintendent. If the approval of the superintendent is given, the employee must conduct the solicitations within the conditions set by the superintendent. Further, the superintendent may, upon five (5) days' notice, require the employee to cease such solicitations as a condition of continued employment.

School district employees shall not participate for personal financial remuneration in outside activities wherein their position on the staff is used to sell goods or services to students or parents. School district employees shall not engage in outside work or activities where the source of information concerning the customer, client, or employer originates from information obtained because of the employee's position in the school district. Employees shall specifically be prohibited from serving as an agent or dealer for the sale of textbooks, school equipment, musical instruments or other school supplies. .

It will also be a conflict of interest for an employee of the school district to engage in any other outside employment or activity which is in conflict with the employee's official duties and responsibilities. In determining whether outside employment or activity of an employee creates a conflict of interest, situations in which an unacceptable conflict of interest shall be deemed to exist shall include, but not be limited to, any of the following:

1. The outside employment or activity involves the use of the school district's time, facilities, equipment, and/or supplies or the use of the district's badge, uniform, business card or other evidences of office to give the employee or the employee's immediate family an advantage or pecuniary benefit that is not available to other similarly situated members or classes of members of the general public. For purposes of this section, a person is not "similarly situated" merely by being related to an employee who is employed by the school district.
2. The outside employment or activity involves the receipt of, promise of or acceptance of more or other consideration by the employee or a member of the employee's immediate family from anyone other than the school district for the performance of any act that the employee would be required or expected to perform as part of the employee's regular duties or during the hours during which the employee performs service or work for the district.
3. The outside employment or activity is subject to the official control, inspection, review, audit or enforcement authority of the employee during the performance of the employee's duties.

If the outside employment or activity is employment or activity in (1) or (2) above, the employee must cease the employment of or activity. If the activity or employment falls under (3), then the employee must do one of the following:

1. Cease the outside employment or activity; or

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DISTRICT PERSONNEL CONFLICT OF INTEREST

2. Publicly disclose the existence of conflict and refrain from taking official action or performing any official duty that would detrimentally affect or create a benefit for the outside employment or activity. Official action or official duty includes, but is not limited to, participating in any vote, taking affirmative action to influence any vote, or providing any other official service or thing that is not available generally to members of the public in order to further interests of the outside employment or activity.

It shall be the responsibility of each employee to be aware of and to take the necessary action to eliminate a potential conflict of interest should it arise.

NEPOTISM

Nepotism is patronage bestowed or favoritism shown on the basis of family relationship. More than one family member may be an employee of the school district. However, no school district employee shall be involved in hiring a family member. The decision to employ more than one individual in a family shall be made on the basis of each individual's qualifications and credentials.

No school district employee shall serve in a supervisory capacity over one of their family members employed by the school district. No school district employee shall attempt to influence the evaluation or conditions of employment of the employee's family member with anyone who serves in a supervisory capacity over that family member.

Family members for purposes of this policy include husbands, wives, mothers, fathers, mothers-in-law, fathers-in-law, sisters, brothers, sisters-in-law, brothers-in-law, daughters, sons, daughters-in-law, and sons-in-law.

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## EMPLOYEE RECORDS

The school district shall maintain personnel records on employees. The records are important for the daily administration of the educational program, for implementing board policy, for budget and financial planning, and for meeting state and federal requirements.

Each school district employee's personnel file shall include, but not be limited to personal information regarding the employee, salary records, employee evaluations, employee disciplinary records, application for employment, references, and other documentation necessary for the daily administration of the school district. Employee personnel files are school district records and are considered confidential records and therefore are not generally open to public inspection or accessibility. Only in certain limited instances, when the employee has given a signed consent, will employee personnel records be accessible to individuals other than the employee or authorized school officials.

Employees may have access to their personnel files as required by law. The school district may charge a reasonable fee for each copy made. School administrators and board members will have access to an employee's personnel files as required by law

It shall be the responsibility of the superintendent to keep employees' personnel files current. The board secretary shall be the custodian of employee personnel files and all other records.

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## EMPLOYEE RECORDS REGULATION

### Employee Personnel Records Content

1. Employee personnel records may contain, but are not limited to, the following information:
  - Personal information including, but not limited to, name, address, telephone number, emergency contact numbers, birth date, and spouse;
  - Application, resume and references, except those that shall be kept confidential according to state and federal law;
  - Educational transcripts;
  - Copy of the employee's license or certificate, if needed for the position;
  - Individual employment contract;
  - Job Description and Assignment;
  - Salary information;
  - Tax documents, including, but not limited to IRS Form W-4;
  - Written attendance records;
  - Evaluation documents;
  - Complaints;
  - Performance Improvement Plans;
  - Documents concerning any raise, promotion, pay decrease or demotion;
  - Records of disciplinary matters;
  - Receipts and/or acknowledgements of any employee-related material including policies and handbooks;
  - Letters of termination and/or resignation;
  - Documentation relating to an employee's unemployment benefits; and
  - Documentation relating to an employee's employment ceasing
  
2. Employee health and medical records shall be kept in a file separate from the employee's personnel records and may contain, but are not limited to, the following:
  - Employee's medical history, including but not limited to, medical records and/or notes;
  - Employee's emergency names and numbers;
  - Medical professional signed physical form;
  - Sick or long-term disability leave days;
  - Family and medical leave request forms;
  - Worker's compensation claims; and
  - Reasonable accommodation made by the school district to accommodate the employee's disability.

Employee immigration forms, specifically Form I-9, are kept separate from employee personnel records, and may be kept in a file that houses all employees' immigration forms for the U.S. Citizenship and Immigration Services.

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## EMPLOYEE RECORDS REGULATION

### Applicant for Employment Records

Records on applicants for positions with the school district are maintained in the central administration office and may contain, but are not limited to, the following information:

- Application for employment;
- Resume;
- References, except those that shall be kept confidential according to state and federal law;
- Evidence of appropriate license or certificate, if necessary for the position for which the individual applied; and
- Affirmative action form, if submitted.

### Record Access

The board shall allow current and former employees access to their files pursuant to state and federal law. The board shall allow only authorized school officials access to an employee's records without the written consent of the employee. Authorized school officials may include, but are limited to, the superintendent, building principal, or board secretary. In the case of a medical emergency, the school nurse or other first aid or safety personnel may have access to the employee's health or medical file without the consent of the employee. Board members will generally only have access to an employee's personnel file without the consent of the employee when necessary for the conducting of board business.

The general public may have access to an employee's personnel records and/or personnel information as permitted by law. Specifically, the general public may have access to the following information:

- An employee's name and compensation, including any written agreement establishing compensation or any other terms of employment excluding any information otherwise protected under the law. Compensation means payment of, or agreement to pay, any money, thing of value or financial benefit conferred in return for labor or services rendered by an official, officer or employee plus the value of benefits conferred including but not limited to casualty, disability, life or health insurance, other health or wellness benefits, vacation leave, holiday leave, sick leave, severance payments, retirement benefits, and deferred compensation.
- The dates the employee was employed by the school district.
- The positions the employee holds or has held with the school district.
- The educational institutions attended by the employee, including any diplomas and degrees earned, the names of the employee's previous employers, positions previously held, and dates of previous employment.
- The fact that the employee was discharged as the result of a final disciplinary action upon the exhaustion of all applicable contractual, legal, and statutory remedies.

### Employee Record Retention

All employee records, except payroll and salary records are maintained for a minimum of seven (7) years after termination of employment with the school district. Applicant records are maintained for minimum of three (3) years after the position was filled. Payroll and salary records are maintained for a minimum of three (3) years after payment.

DISTRICT PERSONNEL RELATIONS TO ADMINISTRATION AND TO THE BOARD

School district personnel are encouraged to attend school board meetings. School district personnel shall be available to provide information and assist in providing recommendations to the board upon request. The employees shall keep the board informed through the administration about educational trends and issues that may assist the board. It shall be the responsibility of the employees to keep the administration informed about the day-to-day occurrences in their work areas.

It shall be the responsibility of the superintendent to develop avenues for communication between the board and the employees. These avenues of communication will not be construed as denying the right of any employee to appeal any action or decision of the superintendent to the board.

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GENERAL PERSONNEL INVOLVEMENT IN DECISION MAKING

Input from school district personnel regarding the students, the educational program, and other school district operations will be considered by the administration and the board. School district personnel may be requested to make a presentation to the board. The administration, in its discretion, may consult with employees about proposed changes in the educational program and operations of the school district.

Teachers having suggestions for changes or improvements in administrative procedure or policy should take such suggestions directly to their respective principal or to the superintendent, as appropriate. The principal or superintendent will give the teacher a fair and courteous hearing regarding the same. The administrator's decision with respect to the same shall be final.

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USE OF SCHOOL DISTRICT FACILITIES & EQUIPMENT BY GENERAL PERSONNEL

The primary purpose of the school district facilities and equipment is the delivery of the educational program. Resources for school equipment are limited. Each user must operate the equipment with the utmost care. School district employees may use school equipment for any school purpose or activity held during the school day or for a school-sponsored event.

School district facilities will be open between the hours of 7 a.m. and 4 p.m. on regular school days. School district personnel shall be issued a key to the building to which they are assigned, unless their position requires additional keys be issued to them. Employees shall be responsible for the keys assigned to them. If lost keys require the locks to the school facility be changed, the employee losing the keys shall be responsible for payment of the cost to change the locks.

School district personnel may not use school equipment for non-school-sponsored events, unless specifically approved. A request by an employee to use the facilities for non-school-related business must be approved by the principal. Such a request will not supersede any prior request made by another individual or organization. The employee shall be responsible to meet the same requirements as other individuals or organizations using the facilities. The superintendent shall be informed of all such approvals.

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USE OF SCHOOL MATERIALS FOR INTERNAL COMMUNICATIONS

School materials are purchased and used for the delivery of the educational program. School district employees may use the school district materials for internal communication between themselves when the communication is directly related to the educational program. Communications distributed to or between school district personnel shall also be distributed to the building principal and the superintendent.

When the communication will involve unusual expense or use of materials, the employee must first have permission of the principal.

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TRANSPORTING OF STUDENTS BY GENERAL PERSONNEL

Generally, transportation of students shall be in a motor vehicle owned by the school district and driven by a school bus driver. In some cases, it may be more economical or efficient for the school district to allow another employee of the district to transport the students in their personal motor vehicle, or in a school district motor vehicle other than a school bus.

School district employees who transport students for school purposes must have the permission of the superintendent or the superintendent's designee, and must further provide to the superintendent or the superintendent's designee, for copying, a current driver's license and proof of insurance.

This policy statement applies to transportation of students for school purposes in addition to the regular bus route transporting students to and from their designated attendance center.

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## TRAVEL COMPENSATION

Employees traveling on behalf of the school district and performing approved school district business will be reimbursed for their actual and necessary expenses. Actual and necessary travel expenses will include, but not be limited to, transportation and/or mileage costs, lodging expenses, meal expenses and registration costs.

### Travel Outside the School District

Travel outside of the school district must be pre-approved. Pre-approval will include an evaluation of the necessity of the travel, the reason for the travel, and an estimate of the cost of the travel to qualify as approved school district business. Travel outside the school district by employees, other than the superintendent, is approved by the superintendent.

Reimbursement for actual and necessary expenses will be allowed for travel outside the school district only if the employee received pre-approval for the travel. Prior to reimbursement of actual and necessary expenses, the employee must provide the school district with detailed receipts, indicating the dates, purposes and nature of the expense for each claim item. In exceptional circumstances, the superintendent may allow a claim without proper receipt. Written documentation explaining the exceptional circumstances will be maintained as part of the school district's record of the claim. Otherwise, failure to have a detailed receipt will make the expense a personal expense.

Personal expenses, including mileage, in excess of that required for the trip are reimbursed by the employee to the school district no later than ten (10) working days following the date of the expense.

Reimbursement for actual and necessary expenses for travel outside the school district will be limited to pre-approved expenses. Pre-approved expenses for registration are limited to the actual cost of the registration. Pre-approved expenses for meals will be limited to an amount determined by the board.

Pre-approved expenses for transportation within three-hundred miles of the school district administrative office will be by automobile. If a school district vehicle is not available, the employee will be reimbursed at a rate determined by the board in accordance with any applicable state or federal laws or regulations.

### Travel Within the School District

Employees required to travel in their personal vehicle between school district buildings to carry out the duties of their position may be reimbursed at a rate determined by the board in accordance with any applicable state or federal laws or regulations. It is the responsibility of the superintendent to approve travel within the school district by employees. It is the responsibility of the board to review the travel within the school district by the superintendent through the board's audit and approval process.

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GENERAL PERSONNEL ACTIVITY PASSES

Employee passes to school-sponsored activities shall be available to school district personnel. It shall be the responsibility of the employee to obtain his/her school activity pass.

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GARNER-HAYFIELD-VENTURA COMMUNITY SCHOOL BOARD OF EDUCATION

RECOGNITION FOR SERVICE OF DISTRICT PERSONNEL

The board recognizes and appreciates the service of its employees. Employees who retire or resign may be honored by the administration and staff in a manner fitting to the retiring or resigning employee.

If the form of honor thought appropriate by the administration and staff involves unusual expense to the school district, the superintendent shall seek prior approval from the board.

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GARNER-HAYFIELD-VENTURA COMMUNITY SCHOOL BOARD OF EDUCATION

GENERAL PERSONNEL POLITICAL ACTIVITY

No employee shall engage in political activity upon property under the jurisdiction of the board or at school district activities or events. Activities including, but not limited to, posting of political circulars or petitions, the distribution of political circulars or petitions, the collection of and/or solicitation for campaign funds, solicitation for campaign workers, and the use of students for writing or addressing political materials, or the distribution of such materials to or by students are specifically prohibited.

Violation of this policy may be grounds for disciplinary action up to and including termination.

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RELEASE OF CREDIT INFORMATION

The following information will be released to any entity with whom a school district employee has applied for credit or has obtained credit: title of position, income, and number of years employed. This information will be released without prior written notice to the employee. Confidential information about the employee will not be released to an inquiring creditor without a written authorization from the employee.

It shall be the responsibility of the administrative secretary to respond to inquiries from creditors.

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GARNER-HAYFIELD-VENTURA COMMUNITY SCHOOL BOARD OF EDUCATION

## CHILD ABUSE REPORTING

In compliance with state law and to provide protection to victims of child abuse, the board believes incidents of alleged child abuse should be reported to the proper authorities. Employees are encouraged, and licensed employees are required as mandatory reporters, to report alleged incidents of child abuse that they become aware of within the scope of their professional practice. The definition of child abuse is set forth in the accompanying regulation.

When a mandatory reporter suspects a student is the victim of child abuse, the mandatory reporter shall orally or in writing notify the Iowa Department of Human Services. If the mandatory reporter believes the child is in immediate danger, the local law enforcement agency shall also be notified. Within forty-eight (48) hours of the oral report, the reporter shall file a written report with the Iowa Department of Human Services.

Within six (6) months of their initial employment, mandatory reporters shall take a two (2) hour training course involving the identification and reporting of child abuse. The course shall be re-taken at least every five (5) years.

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GARNER-HAYFIELD-VENTURA COMMUNITY SCHOOL BOARD OF EDUCATION



## CHILD ABUSE REPORTING REGULATION

Iowa law requires licensed employees to report to the Iowa Department of Human Services (DHS) instances of suspected child abuse which they become aware of within the scope of their professional practice.

The law further specifies that a licensed employee who knowingly or willfully fails to report a suspected case of child abuse is guilty of a simple misdemeanor and that the licensed employee may be subject to civil liability for damages caused by the failure to report.

Employees participating in good faith in the making of a report or in a judicial proceeding that may result from the report are immune from liability.

### Child Abuse Defined

"Child abuse" is defined as:

- Any non-accidental physical injury or injury which is at variance with the history given of it, suffered by a child as the result of the acts or omissions of a person responsible for the care of the child.
- The commission of a sexual offense with or to a child pursuant to Iowa law, as a result of the acts or omissions of the person responsible for the child.
- The failure on the part of a person responsible for the care of a child to provide for the adequate food, shelter, clothing or other care necessary for the child's health and welfare when financially able to do so or when offered financial or other reasonable means to do so. A parent or guardian legitimately practicing religious beliefs who does not provide specified medical treatment for a child for that reason alone shall not be considered abusing the child.
- The acts or omissions of a person responsible for the care of a child which allow, permit or encourage the child to engage in acts of prostitution.
- Any mental injury to a child's intellectual or psychological capacities evidenced by an observable and substantial impairment in the child's ability to function within the child's normal range of performance and behavior as the result of the acts or omissions of a person responsible for the care of the child, if the impairment is diagnosed and confirmed by a licensed physician or qualified mental health professional as defined by Iowa law.
- An illegal drug is present in a child's body as a direct and foreseeable consequence of the acts or omissions of the person responsible for the care of the child.
- The person responsible for the care of a child has, in the presence of the child, manufactured a dangerous substance or in the presence of the child possesses a product containing ephedrine, its salts, optical isomers, salts of optical isomers, or pseudoephedrine, or its salts, with the intent to use the product as a precursor or an intermediary to a dangerous substance.

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## CHILD ABUSE REPORTING REGULATION

- The commission of bestiality in the presence of a minor by a person who resides in a home with a child, as a result of the acts of omissions of a person responsible for the care of the child.
- Knowingly allowing a person custody or control of or unsupervised access to a child or minor, after knowing the person is required to register or is on the sex offender registry.

Teachers in public schools are not "persons responsible for the care of the child" under this definition. However, a teacher who abuses a child is subject to civil, criminal, and professional sanctions.

### Reporting Procedures

Licensed employees, including teachers and school nurses, are mandatory reporters and are required to report, either orally or in writing, within twenty-four (24) hours to the Iowa Department of Human Services when the employee reasonably believes a child has suffered from abuse within the scope of employment. Within forty-eight hours of an oral report, a written report must be filed with DHS.

Each report should contain as much of the following information as can be obtained within the time limit. However, the law specifies a report will be considered valid even if it does not contain all of the above information.

- name, age, and home address of the child;
- name and home address of the parents, guardians or other persons believed to be responsible for the care of the child;
- the child's present whereabouts if not the same as the parent's or other person's home address;
- description of injuries, including evidence of previous injuries;
- name, age, and condition of other children in the same home;
- any other information considered helpful; and,
- name and address of the person making the report.

It is not the responsibility of employees to prove that a child has been abused or neglected. Employees should not take it upon themselves to investigate the case or contact the family of the child. DHS is responsible to investigate the incident of alleged abuse.

GIFTS TO DISTRICT EMPLOYEES

The board understands the desire of students, parents, or others to give gifts to show appreciation of a school district employee. Rather than giving gifts, the board encourages, as more welcome and more appropriate, the writing of letters to express gratitude and appreciation or the donation of a gift to benefit the district rather than an individual employee.

School district employees shall not, either directly or indirectly, solicit, accept, or receive any gift, series of gifts, or honorarium unless the donor does not meet the definition of a "donor" stated below or the gift or honorarium does not meet the definition of "gift" or an "honorarium" stated below. However, employees may receive non-monetary gifts of a value less than \$3.00 if the donor does not intend to influence the employee's professional judgment. Employees may receive a gift on behalf of the school district.

A "donor" is defined as a person or other entity which:

1. Is seeking to be or is a party to any one or any combination of sales, purchases, leases, or contracts to, from, or with the school district;
2. Is engaged in activities, which are regulated or controlled by the school district;
3. Will be directly and substantially affected financially by the performance or non-performance of the employee's official duty in a way that is greater than the effect on the public generally or on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry, or region; or
4. Is a lobbyist with respect to matters within the school district's jurisdiction.

A "gift" is the giving of anything of value in return for which something of equal or greater value is not given or received. However, "gift" does not include any of the following:

1. Contributions to a candidate or a candidate's committee;
2. Information material relevant to an employee's official function, such as books, pamphlets, reports, documents, or periodicals;
3. Anything received from a person related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related;
4. An inheritance;
5. Anything available or distributed to the public generally without regard to the official status of the employee:

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GIFTS TO DISTRICT EMPLOYEES

6. Actual expenses of an employee for food, beverages, travel, and lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the employee has participation or presentation responsibilities;
7. Plaques or items of negligible resale value given as recognition for public services;
8. Items of food and drink with a value of less than three dollars that are received from any one donor during one calendar day;
9. Items or services solicited or given to a state, national, or regional organization in which the State of Iowa or a political subdivision of the State of Iowa is a member; or
10. Items or services received as part of a regularly scheduled event that is part of a conference, seminar, or other meeting that is sponsored and directed by any state, national, or regional organization in which the State of Iowa or a political subdivision of the State of Iowa is a member.

An "honorarium" is anything of value that is accepted by, or on behalf of, an employee as consideration for an appearance, speech, or article. However, an honorarium does not include any of the following:

1. Actual expenses of an employee for food, beverages, travel, or lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the employee has participation or presentation responsibilities;
2. A non-monetary gift or series of non-monetary gifts donated within thirty days to a public body, a bona fide educational or charitable organization, or the department of general services; or
3. A payment made to an employee for service rendered as part of a bona fide private business, trade, or profession in which the employee is engaged if the payment is commensurate with the actual services rendered and is not being made because of the person's status as an employee but rather, because of some special expertise or other qualification.

It shall be the responsibility of each employee to know when it is appropriate to accept or reject gifts or an honorarium. An employee who violates this policy may be subject to disciplinary action.

## PUBLIC COMPLAINTS ABOUT DISTRICT PERSONNEL

The school board recognizes situations may arise in the operation of the district which are of concern to the parents and other members of the district community. While constructive criticism is welcomed, the board desires to support its employees and their actions to free them from unnecessary, spiteful, or negative criticism and complaints that do not offer advice for improvement or change.

The school board firmly believes concerns should be resolved at the lowest organizational level by those individuals closest to the concern. Whenever a complaint or concern is brought to the attention of the board it will be referred to the administration to be resolved consistent with the following:

- (a) Matters concerning an individual student, teacher, or other employee should first be addressed to the teacher or employee.
- (b) Unsettled matters from (a) above or problems and questions about individual attendance centers should be addressed to the employee's building principal for licensed personnel and the superintendent for non-licensed personnel.
- (c) Unsettled matters regarding licensed personnel from (b) above or problems and questions concerning the school district should be directed to the superintendent.
- (d) If a matter cannot be settled satisfactorily by the superintendent, the individual may ask that it be brought to the board. To ask that a concern regarding an employee be addressed by the board, the individual must notify the board president in writing of the concern. The board president may bring it to the attention of the entire board by placing it on the agenda or the individual may be permitted to address the complaint with the board at the beginning of a meeting in accordance with board policy.

It is within the discretion of the Board to address complaints from the members of the school district community if they are in writing, signed, and the complainant has complied with this policy.

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DISTRICT PERSONNEL RELATIONS TO THE PUBLIC

Members of the school district community shall be treated with respect by school district personnel. The board encourages active participation by school district employees in community activities and events as a means to show respect for the district community.

It shall be the responsibility of school district employees, as they participate in various community groups and events, to make a conscientious effort to make the school and its events a real part of the community. School district employees shall take advantage of their participation in the community to look for opportunities in which community and school can join forces for the betterment of the school district and the community.

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ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES

Physical or sexual abuse of students, including inappropriate and intentional sexual behavior, by employees will not be tolerated. The definition of employees for the purpose of this policy includes not only those who work for pay but also those who are volunteers of the school district under the direction and control of the school district. Employees found in violation of this policy will be subject to disciplinary action up to and including discharge.

The school district will respond promptly to the allegations of abuse of students by school district employees by investigating or arranging for the investigation of an allegation. The processing of a complaint or allegation will be handled confidentially to the maximum extent possible. Employees are required to assist in the investigation when requested to provide information and to maintain the confidentiality of the reporting and investigation process.

The school district has appointed a Level I investigator and alternate Level I investigator. The school district has also arranged for a trained, experienced professional to serve as the Level II investigator. The Level I investigator and alternate will be provided training in the conducting of an investigation at the expense of the school district. The names of the investigators shall be listed in the student handbook, published annually in the local newspaper and posted in all school facilities.

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ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

Pursuant to Chapter 102 of the School Rules of Iowa, abuse may fall into either of the two following categories.

1. Physical Abuse- The non-accidental physical injury to a student as a result of the actions of a district employee. Physical abuse may occur as the result of intentional infliction of injury or excessive, unnecessary, or unreasonable use of force in discipline.
2. Sexual Abuse- Sexual offenses or misconduct as defined by Iowa Code Chapter 709. This definition also encompasses acts or omission of a district employee that allows, permits, or encourages the student to engage in prostitution as defined by Iowa law.

To constitute a violation of the Iowa Code, acts or omissions of the employee must have occurred on school grounds, on school time, on a school-sponsored activity, or in a school-related context.

It shall be the responsibility of the superintendent/designee to annually identify a designated investigator and an alternate investigator. The names and telephone numbers of these investigators shall be included in the employee handbooks.

When an employee receives a report of alleged abuse of a student by a school district employee, the report shall immediately be given to the designated investigator or their alternate if the investigator is named in the report. The investigator shall then make and provide a copy of the report to the person filing, the student's parent/guardian and the school district employee named in the report. Within five (5) school days of receipt of the report, the investigator shall conduct an informal investigation to determine whether the allegations are true. In the course of this investigation, the investigator shall interview the alleged victim, the school district employee named in the report, and any collateral sources who may have knowledge of the circumstances contained in the report. The investigator shall exercise prudent discretion to preserve the confidentiality interests of the individuals involved.

The investigator's role is not to determine the guilt or innocence of the involved party, but whether it is likely that an incident took place between the student and the school district employee. If, in the investigator's opinion, the magnitude of the allegations suggests immediate and professional investigation is necessary, the investigator may waive informal investigation. In such cases, the investigator shall contact appropriate law enforcement officials, the child's parent/guardian, and the person filing the report, and shall document in writing the action taken.

Within fifteen (15) calendar days of receipt of the report, the investigator shall complete a written investigative report which shall include those items required by Iowa law. If the report is founded by a preponderance of the evidence, the investigator shall promptly notify law enforcement in case of sexual abuse allegations. The investigator may notify law enforcement authorities in serious cases of physical abuse. In addition, the investigator shall (1) file a copy of the report with the school district employee's supervisor, (2) file a complaint with the Board of Educational Examiners in cases involving a licensed district employee, and (3) document all actions taken.

Any record created by an investigation shall be handled subject to formally adopted or bargained policies on the maintenance of personnel records.

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ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES  
Complaint of Injury to or Abuse of a Student by a School District Employee

Please complete the following as fully as possible. If you need assistance, contact the Level I investigator in your school.

Student's name and address:

Student's telephone no:

Name and place of employment of employee accused of abusing student:

Allegation is of \_\_\_\_\_ physical abuse \_\_\_\_\_ sexual abuse\*

Please describe what happened. Include the date, time, and where the incident took place, if known. If physical abuse is alleged, also state the nature of the student's injury:

Were there any witnesses to the incident or are there students or persons who may have information about this incident? \_\_\_\_\_ yes \_\_\_\_\_ no

If yes, please list by name, if known, or classification (for example: "third grade class," "fourth period geometry class"):

\*Parents of children who are in pre-kindergarten through sixth grade and whose children are the alleged victims of or witnesses to sexual abuse have the right to see and hear any interviews of their children in this investigation. Please indicate "yes" if the parent/guardian wishes to exercise this right:

\_\_\_\_\_ Yes \_\_\_\_\_ No Telephone Number

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ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES  
Complaint of Injury to or Abuse of a Student by a School District Employee

Has any professional person examined or treated the student as a result of the incident?

\_\_\_\_\_ yes \_\_\_\_\_ no \_\_\_\_\_ unknown

If yes, please provide the name and address of the professional(s) and the date(s) of examination or treatment, if known:

Has anyone contacted law enforcement about this incident? \_\_\_\_\_ yes \_\_\_\_\_ no

Please provide any additional information you have which would be helpful to the investigator. Attach additional pages if needed.

Your name, address and telephone number:

Relationship to student:

Complainant Signature

Witness Signature

Date

Witness Name (please print)

Witness Address

Be advised that you have the right to contact the police or sheriff's office, the county attorney, a private attorney, or the State Board of Educational Examiners (if the accused is a licensed employee) for investigation of this incident. The filing of the report does not deny you that opportunity.

You will receive a copy of this report (if you are the named student's parent or guardian) and a copy of the Investigator's report within fifteen calendar days of filing this report unless the investigation is turned over to law enforcement.

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES  
Level I Investigator's Report Form

Student's name:

Student's age: \_\_\_\_\_ Student's grade:

Student's address:

Student's School:

Name of accused school employee: \_\_\_\_\_ Building

Name and address of person filing report:

Date report of abuse was filed: \_\_\_\_\_ physical \_\_\_\_\_ sexual\*

Name and address of student's parent or guardian, if different from person filing report:

Describe the nature, extent, and cause of the student's injury, if any and if known: (Attach additional pages if needed).

Describe your investigation: Attach additional pages if needed. (Please do not use a student witnesses' full names.):

\*Were parent(s) or guardian(s) advised of their right to see and hear any interview of their pre-kindergarten through sixth grade children who are alleged victims of or a witness in a sexual abuse investigation?

\_\_\_\_\_ yes \_\_\_\_\_ no Was the right exercised? \_\_\_\_\_ yes \_\_\_\_\_ no

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ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES  
Level I Investigator's Report Form

Were audio tapes made of any interviews?  yes  no

Were video tapes made of any interviews?  yes  no

Was any action taken to protect the student during or as a result of the investigation?  
 yes  no

If yes, describe:

student excused from school  school employee placed on  
administrative or other leave

student assigned to different class  other (please specify)

Level I investigator's conclusions:

The complaint is being dismissed for lack of jurisdiction.

Physical abuse was alleged, but no allegation of injury was made.

Physical abuse was alleged, but no evidence of physical injury exists and the nature of the  
alleged incident makes it unlikely an injury as defined in the rules, occurred.

Sexual abuse was alleged, but the alleged actions of the school employee, even if true,  
would not meet the definition of sexual abuse in the rules.

Alleged victim was not a student at the time of the incident.

Alleged school employee is not currently employed by this school district.

Alleged incident did not occur on school grounds, on school time, at a school-sponsored  
activity, not in a school-related context.

The complaint has been investigated and concluded at Level I as unfounded.

Complaint was withdrawn.

Insufficient evidence exists that an incident of abuse, as defined in the rules, took place.

The complaint has been investigated at Level I and is founded.

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES  
Level I Investigator's Report Form

The investigation is founded at Level I and is being turned over to Level II for further investigation.

Investigation of the complaint was deferred at Level I and referred to law enforcement at this time.

The investigation is concluded at Level I because the accused school employee has admitted the violation, has resigned, or has agreed to relinquish any teaching license held.

Current status of investigation:

Closed. No further investigation is warranted.

Closed and referred to school officials for further investigation as a personnel matter.

Deferred to law enforcement officials.

Turned over to Level II investigator.

Other comments:

I have given a copy of the report of abuse and of this investigative report to the employee named in the report, the employee's supervisor, and the student's parent or guardian and informed the person filing the report of the options of contacting law enforcement, private counsel, or the State Board of Educational Examiners, if the accused school employee holds an Iowa teacher's certificate or license.

\_\_\_\_\_  
Name of investigator (please print)

\_\_\_\_\_  
Investigator's place of employment

\_\_\_\_\_  
Signature of investigator

\_\_\_\_\_  
Date

## EMPLOYEE PHYSICAL EXAMINATIONS

Good health is important to job performance. Employees will be required to submit to a pre-employment physical examination after an offer of employment has been made and before the beginning of service. The school district will provide the standard examination form to be completed by an appropriately licensed health care provider who performs the physical examination. A written report of the physical examination shall be submitted to the school district. The date by which any such physical examination report shall be submitted to the school district shall be determined by the superintendent, but in no case shall be any less than five (5) business days prior to the first working day.

Bus drivers will be examined using all applicable state and federal criteria at the beginning of employment and every two years thereafter.

Fitness-for-duty examinations may be required following an absence from work due to illness, if there is a reasonable belief that the employee is unable to perform the essential functions of the job, or if there is a reasonable belief that the employee poses a direct threat to the employee or others because of a health condition. A direct threat occurs when an individual poses a significant risk of substantial harm to him/herself or others, and the risk cannot be reduced below the direct threat level through reasonable accommodations.

All information regarding the medical condition or history of an employee must be kept in files separate from the employee's personnel records and treated as a confidential medical record subject to state and federal confidentiality laws.

The cost of an initial physical examination is set through negotiations and the certified bargaining unit for certified staff. Classified staff will be reimbursed at a rate set by the board.

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Reviewed 11-13-2017

Revised 8-11-14

DISTRICT EMPLOYEE INJURY ON THE JOB

When an employee becomes injured on the job, the building principal shall notify a member of the family, or an individual of close relationship, as soon as the building principal becomes aware of the injury.

The school district is not responsible for medical treatment of an injured employee. If possible, school personnel administer emergency or minor first aid. An injured school employee shall be turned over to the care of the employee's family or qualified medical personnel as quickly as possible.

It shall be the responsibility of the employee injured on the job to inform the superintendent within twenty-four (24) hours of the occurrence. It shall be the responsibility of the employee's immediate supervisor to file an accident report within twenty-four (24) hours after the employee reported the injury.

It shall be the responsibility of the employee to file any claims, such as workers' compensation, through the superintendent's secretary.

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## COMMUNICABLE DISEASES – DISTRICT EMPLOYEES

The school district recognizes that some employees with a communicable disease, as defined by law, may be able to attend to their customary employment duties without creating a risk of transmission of the illness to the students or other employees. The district also recognizes that there may be a greater risk of transmission of some communicable diseases for some employees with certain conditions than for other employees infected with the same disease.

Employees with a communicable disease will be allowed to perform their customary employment duties provided they are able to perform the essential functions of their position and their presence does not pose a direct threat. A direct threat occurs when an individual poses a significant risk of substantial harm to himself/herself or others and the risk cannot be reduced below the direct threat level through reasonable accommodations.

Prevention and control of communicable diseases is included in the school district's blood borne pathogens exposure control plan procedures will include scope and application, definitions, exposure control, methods of compliance, universal precautions, vaccination, post-exposure evaluation, follow-up, communication of hazards to employees and record keeping. This plan is reviewed annually by the superintendent and school nurse.

An employee who is at work and who has a communicable disease that poses a direct threat, as defined above, shall report the condition to the superintendent any time the employee is aware that the employee's condition poses a direct threat. Any individual who has information that a school district employee may have a communicable disease is encouraged to report the information to the superintendent.

The superintendent shall determine on a case-by-case basis whether the presence of an employee with a communicable disease in the school district environment constitutes a direct threat. In making this determination, the superintendent shall consider credible, objective evidence. If the superintendent, after reviewing the credible, objective evidence, determines the employee's presence may constitute a direct threat, the superintendent may request additional medical information from the employee's physician (with the employee's consent), a physician chosen by the school district or public health officials, to confirm the superintendent's determination.

Health data of an employee is confidential and it will not be disclosed to third parties. Employee medical records are kept in a file separate from their personal file and are treated as confidential medical records subject to state and federal laws.

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## UNIVERSAL PRECAUTIONS

Universal precautions (“UPs”) are intended to prevent transmission of infection, as well as decrease the risk of exposure for employees and students. It is not currently possible to identify all infected individuals, thus precautions must be used with every individual. UPs pertain to blood and other potentially infectious materials (“OPIM”) containing blood. These precautions do not apply to other body fluids and wastes (“OBFW”) such as saliva, sputum, feces, tears, nasal secretions, vomitus and urine unless blood is visible in the material. However, these OBFW can be sources of other infections and should be handled as if they are infectious.

The single most important step in preventing exposure to and transmission of any infection is anticipating potential contact with infectious materials in routine as well as emergency situations. Based on the type of possible contact, employees and students should be prepared to use the appropriate precautions prior to the contact. Diligent and proper hand washing, the use of barriers, appropriate disposal of waste products and needles, and proper decontamination of spills are essential techniques of infection control. All individuals should respond to situations practicing UPs followed by the activation of the school response team plan. Using common sense in the application of these measures will enhance protection of employees and students.

### Hand Washing

Proper hand washing is crucial to preventing the spread of infection. Textured jewelry on the hands or wrists should be removed prior to washing and kept off until completion of the procedure and the hands are rewashed. Use of running water, lathering with soap and using friction to clean all hand surfaces is key. Rinse well with running water and dry hands with paper towels.

- Hands should be washed before physical contact with individuals and after contact is completed.
- Hands should be washed after contact with any used equipment.
- If hands (or other skin) come into contact with blood or body fluids, hands should be washed immediately before touching anything else.
- Hands should be washed whether gloves are worn or not and, if gloves are worn, after the gloves are removed.

### Barriers

Barriers anticipated to be used at school include disposable gloves, absorbent materials and resuscitation devices. Their use is intended to reduce the risk of contact with blood and body fluids as well as to control the spread of infectious agents from individual to individual. Gloves should be worn when in contact with blood, OPIM or OBFW. Gloves should be removed without touching the outside and disposed of after each use.

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Reviewed 11/13/2017

Revised

## UNIVERSAL PRECAUTIONS

### Disposal of Waste

Blood, OPIMs, OBFWs, used gloves, barriers and absorbent materials should be placed in a plastic bag and disposed of in the usual procedure. When the blood or OPIM is liquid, semi-liquid or caked with dried blood, is not absorbed in materials, and is capable of releasing the substance if compressed, special disposal as regulated waste is required. A band-aid, towel, sanitary napkin or other absorbed waste that does not have the potential of releasing the waste if compressed would not be considered regulated waste. It is anticipated schools would only have regulated waste in the case of a severe incident.

Needles, syringes and other sharp disposable objects should be placed in special puncture proof containers and disposed of as regulated waste. Bodily wastes such as urine, vomitus or feces should be disposed of in the sanitary sewer system.

### Clean Up

Spills of blood and OPIM should be cleaned up immediately. The employee should do the following:

- Wear gloves;
- Clean up the spill with paper towels or other absorbent material;
- Use a solution of one part household bleach to one hundred parts of water (1:100) or other EPA--approved disinfectant and use it to wash the area well;
- Dispose of gloves, soiled towels and other waste in a plastic bag;
- Clean and disinfect reusable supplies and equipment.

### Laundry

Laundry with blood or OPIM should be handled as little as possible with a minimum of agitation. It should be bagged at the location. If it has the potential of releasing the substance when compacted, regulated waste guidelines should be followed. Employees who have contact with this laundry should wear protective barriers.

### Exposure

An exposure to blood or OPIM through contact with broken skin, mucous membrane or by needle or sharp stick requires immediate washing, reporting and follow-up. The employee should do the following:

- Always wash the exposed area immediately with soap and water;
- If a mucous membrane splash (a splash into the eye or mouth) or exposure of broken skin occurs, irrigate or wash the area thoroughly;
- If a cut or needle stick injury occurs, wash the area thoroughly with soap and water.
- The exposure should be reported immediately, the parent or guardian should be notified, and the person exposed should contact a physician for further health care.

## HAZARDOUS CHEMICAL DISCLOSURE

The board authorizes the development of a comprehensive hazardous chemical communication program for the school district to disseminate information about hazardous chemicals in the workplace.

Each school district employee shall review this information about hazardous substances annually. Further, when a new school district employee is hired, the information and training, if necessary, shall be included in the orientation of the employee. When an additional hazardous substance enters the workplace, information about it shall be distributed and training shall be conducted for the appropriate employees. The superintendent shall maintain a file indicating when such hazardous substances are present in the workplace and when training and information sessions take place.

School district personnel who will be instructing or otherwise working with students shall disseminate information about the hazardous chemicals they will be working with as part of the instructional program.

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## EMPLOYEE ANTI-HARASSMENT POLICY

Harassment of or by school district employees will not be tolerated in the school district. School district includes school district facilities, school district premises, and non-school property if the employee is at any school-sponsored, school-approved, or school-related activity or function, such as field trips or athletic events where the employee is engaged in school business.

Harassment includes, but is not limited to that based upon perceived or actual race, religion, national origin, sex, color, national origin, religion, creed, age, marital/parental status, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, or socioeconomic status or familial status. Harassment by board members, administrators, employees, parents, vendors, and others doing business with the school district is prohibited. Employees whose behavior is alleged to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including, discharge or other appropriate action. Other individuals whose behavior is alleged to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the superintendent or board.

Sexual harassment shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- 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.

Other types of harassment may include, but not be limited to, jokes, stories, pictures or objects that are offensive, tend to alarm, annoy, abuse or demean certain protected individuals and groups.

Employees who believe they have suffered harassment shall report such matters to the investigator for harassment complaints. However, claims regarding harassment may also be reported to the alternate investigator for harassment complaints.

Upon receiving a complaint, the investigator shall confer with the complainant to obtain an understanding and a statement of the facts. It shall be the responsibility of the investigator to promptly and reasonably investigate claims of harassment and to pass the findings on to the superintendent who shall complete such further investigation as deemed necessary and take such final action as deemed appropriate. Information regarding an investigation of harassment shall be confidential to the extent possible, and those individuals who are involved in the investigation shall not discuss information regarding the complaint outside the investigation process.

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## EMPLOYEE ANTI-HARASSMENT POLICY

No one shall retaliate against an employee because they have filed a harassment complaint, assisted or participated in a harassment investigation, proceeding, or hearing regarding a harassment charge or because they have opposed language or conduct that violates this policy.

It shall be the responsibility of the board members, administration, licensed and classified employees, and others having business or other contact with the school district to act appropriately under this policy. It shall be the responsibility of the superintendent and investigator to inform and educate employees and others involved with the school district about harassment and the school district's policy prohibiting harassment.

This policy and accompanying regulations shall only apply when an employee is the victim of an alleged harasser or an employee is the alleged harasser.

## EMPLOYEE ANTI-HARASSMENT INVESTIGATION PROCEDURES

### I. General Procedures

Employees who feel that they have been harassed should:

- Communicate to the harasser that the individual expects the behavior to stop, if the individual is comfortable doing so. If the individual wants assistance communicating with the harasser, the individual should ask an administrator to help.
- If the harassment does not stop, or the individual does not feel comfortable confronting the harasser, the individual should:
  - tell an administrator; and
  - write down exactly what happened, keep a copy and give another copy to the administrator, including;
    - what, when and where it happened;
    - who was involved;
    - exactly what was said or what the harasser did;
    - witnesses to the harassment;
    - what the individual said or did, either at the time or later;
    - how the individual felt; and
    - how the harasser responded.

### II. Complaint Procedure

An employee who believes that the individual has been harassed shall notify local law enforcement, the Level I investigator. The alternate investigator is the county sheriff. The investigator may request that the individual complete the Harassment/Bullying Complaint form and turn over evidence of the harassment, including, but not limited to, letters, tapes, or pictures. The complainant shall be given a copy of the completed complaint form. Information received during the investigation is kept confidential to the extent possible.

The investigator, with the approval of the principal, or the principal has the authority to initiate an investigation in the absence of a written complaint.

### III. Investigation Procedure

The investigator will reasonably and promptly commence the investigation upon receipt of the complaint. The investigator will interview the complainant and the alleged harasser. The alleged harasser may file a written statement in response to the complaint. The investigator may also interview witnesses as deemed appropriate.

Upon completion of the investigation, the investigator will make written findings and conclusions as to each allegation of harassment and report the findings and conclusions to the superintendent. The investigator will provide a copy of the findings of the investigation to the superintendent.

### IV. Resolution of Complaint

Following receipt of the investigator's report, the principal may investigate further, if deemed necessary, and make a determination of any appropriate additional steps which may include discipline.

EMPLOYEE ANTI-HARASSMENT INVESTIGATION PROCEDURES

Prior to the determination of the appropriate remedial action, the superintendent may, at the superintendent's discretion, interview the complainant and the alleged harasser. The superintendent will file a written report closing the case and documenting any disciplinary action taken or any other action taken in response to the complaint. The complainant, the alleged harasser and the investigator will receive notice as to the conclusion of the investigation. The superintendent will maintain a log of information necessary to comply with Iowa Department of Education reporting procedures.

POINTS TO REMEMBER IN THE INVESTIGATION

- Evidence uncovered in the investigation is confidential.
- Complaints must be taken seriously and investigated.
- No retaliation will be taken against individuals involved in the investigation process.
- Retaliators will be disciplined up to and including suspension and expulsion.

V. Conflicts with Investigation

If the investigator is a witness to the incident, the alternate investigator shall investigate.

Approved: Insert date here Reviewed: 11-13-2017 Revised: \_\_\_\_\_

SUBSTANCE-FREE WORKPLACE

The board expects the school district and its employees to remain substance free. No employee shall unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance or alcoholic beverage as defined by federal or state law while in the workplace. "Workplace" includes school district facilities, school district premises or school district vehicles. "Workplace" also includes non-school property if the employee is at any school-sponsored, school-approved or school-related activity, event or function, such as field trips or athletic events where students are under the control of the school district or where the employee is engaged in school business.

If an employee is convicted of a violation of any criminal drug offense committed in the workplace, the employee shall notify the employee's supervisor of the conviction within five (5) days of the conviction.

The superintendent will make the determination whether to require the employee to undergo substance abuse treatment or to discipline the employee. An employee who violates the terms of this policy may be subject to discipline up to and including termination. An employee who violates this policy may be required to successfully participate in a substance abuse treatment program approved by the board. If the employee fails to successfully participate in a program, the employee may be subject to discipline up to and including termination.

The superintendent shall be responsible for publication and dissemination of this policy to each employee. In addition, the superintendent shall oversee the establishment of a substance-free awareness program to educate employees about the dangers of substance abuse and notify them of available substance abuse treatment programs.

Approved: 1-9-95 Reviewed: 11-13-2017 Revised:



SUBSTANCE-FREE WORKPLACE NOTICE TO EMPLOYEES  
AND ACKNOWLEDGEMENT FORM

DISTRICT EMPLOYEES ARE HEREBY NOTIFIED it is a violation of the Substance-Free Workplace policy for an employee to unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance or alcohol, as defined in federal or state law, while in the workplace.

"Workplace" is defined as the site for the performance of work done in the capacity as an employee. This includes school district facilities, other school premises or school district vehicles. Workplace also includes non-school property if the employee is at any school-sponsored, school-approved, or school-related activity, event or function, such as field trips or athletic events where students are under the control of the school district or where the employee is engaged in school business.

Employees who violate the terms of the Substance-Free Workplace policy shall be subject to discipline up to and including termination. The superintendent retains the discretion to discipline an employee for violation of the Substance-Free Workplace policy.

EMPLOYEES ARE FURTHER NOTIFIED it is a condition of their continued employment that they comply with the above policy of the school district and will notify their supervisor of their conviction of any criminal drug offense for a violation committed in the workplace, no later than five (5) days after the conviction.

SUBSTANCE-FREE WORKPLACE EMPLOYEE ACKNOWLEDGMENT FORM

I, \_\_\_\_\_, have read and understand the Garner-Hayfield-Ventura Community School District's Substance-Free Workplace policy. I understand that if I violate the Substance-Free Workplace policy, I may be subject to discipline up to and including termination or I may be required to participate in a substance abuse treatment program. If I fail to successfully participate in a substance abuse treatment program, I understand I may be subject to discipline up to and including termination. I understand that if I am required to participate in a substance abuse treatment program and I refuse to participate, I may be subject to discipline up to and including termination. I also understand that if I am convicted of a criminal drug offense committed in the workplace, I must report that conviction to my supervisor within five (5) days of the conviction.

\_\_\_\_\_  
(Signature of Employee)

\_\_\_\_\_  
(Date)

Approved: 1-9-95 Reviewed: 11-13-2017 Revised: 8-11-14

SUBSTANCE-FREE WORKPLACE REGULATION

If the superintendent suspects an employee has a substance abuse problem the superintendent shall follow these procedures:

1. Identification - The superintendent shall document the evidence the superintendent has which leads the superintendent to conclude the employee has violated the Substance-Free Workplace policy. After the superintendent has determined there has been a violation of the Substance-Free Workplace policy, the superintendent shall discuss the problem with the employee.

2. Discipline - If, after the discussion with the employee, the superintendent determines there has been a violation of the Substance-Free Workplace policy, the superintendent may recommend discipline up to and including termination or may recommend the employee seek substance abuse treatment. Participation in a substance abuse treatment program is voluntary.

3. Failure to Participate in Referral - If the employee refuses to participate in substance abuse treatment program or if the employee does not successfully complete a substance abuse treatment program, the employee may be subject to discipline up to and including termination.

4. Conviction - If an employee is convicted of a criminal drug offense committed in the workplace, the employee must notify the employer of the conviction within five (5) days of the conviction.

Approved: 1-9-95 Reviewed: 11-13-2017 Revised: 8-11-14

## DRUG AND ALCOHOL TESTING OF EMPLOYEES OPERATING DISTRICT VEHICLES

Employees who operate school vehicles are subject to drug and alcohol testing if a commercial driver's license is required to operate the school vehicle and the school vehicle transports sixteen (16) or more persons including the driver or the school vehicle weighs twenty-six thousand one pounds or more. Alcohol and drug testing of employees and applicants shall be conducted in accordance with state and federal law.

For purposes of the drug and alcohol testing program, the term "employees" includes applicants who have been offered a position to operate a school vehicle. The employees operating a school vehicle as described above are subject to pre-employment drug testing and random, reasonable suspicion and post-accident drug and alcohol testing. Employees operating school vehicles will not perform a safety-sensitive function within eight (8) hours of using alcohol. Employees governed by this policy are subject to the drug and alcohol testing program beginning the first day they operate or are offered a position to operate school vehicles and continue to be subject to the drug and alcohol testing program as long as they may be required to perform a safety-sensitive function as it is defined in the administrative regulations. Employees with questions about the drug and alcohol testing program may contact the superintendent at 605 West Lyon Street in Garner, Iowa.

Employees who violate the terms of this policy are subject to discipline up to and including termination. Employees who violate this policy may be required to successfully participate in a substance abuse evaluation and, if recommended, a substance abuse treatment program. Employees required to participate in and who fail to or refuse to successfully participate in a substance evaluation or a recommended substance abuse treatment program may be subject to discipline up to and including termination. A second violation will result in immediate termination.

It is the responsibility of the superintendent to develop administrative regulations to implement this policy in compliance with the law. The superintendent, or superintendent's designee, shall also inform applicants of the requirement for drug and alcohol testing in notices or advertisements for employment, in the application for employment, and at the first interview with the applicant.

The superintendent, or superintendent's designee, will also oversee a substance-free awareness program to educate employees about the dangers of substance abuse and notify them of available substance abuse treatment resources and programs.

Approved: 8-16-04Reviewed: 11-13-2017Revised: 8-11-14

## DRUG AND ALCOHOL TESTING PROGRAM REGULATION

This administrative regulations support the Alcohol and Drug Testing policy required for employees operating school vehicles, and establish and explain the requirements of the school district's Alcohol and Drug Testing policy required for employees operating school vehicles. Note the definition of terms is included at the end of this policy.

- A. Questions regarding the policy, its supporting procedures or the alcohol and drug testing program may be directed to the district contact person, the school nurse, with the superintendent serving as an alternate.
- B. Covered Drivers
  - 1. To be covered under this Alcohol and Drug Testing Policy, a driver must:
    - a. Drive a vehicle transporting sixteen (16) or more persons, including the driver, or drive a vehicle weighing over twenty-six thousand pounds; and
    - b. Require a commercial driver's license to hold the driver position.
  - 2. Covered drivers include, but are not limited to, the following:
    - a. Full-time, regularly employed drivers;
    - b. Applicants seeking a position as a driver;
    - c. Casual, intermittent, or occasional drivers;
    - d. Leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to a school district or who operate a school vehicle at the direction of or with the consent of the district.
- C. Prohibited Driver Conduct
  - 1. Drivers shall not report to duty or remain on duty with a 0.04 or greater breath alcohol concentration.
  - 2. Drivers shall not use alcohol at least eight (8) hours prior to the performance of a safety sensitive function.
  - 3. Drivers shall not possess alcohol while on duty including prescriptions and over-the-counter medicines containing alcohol, unless the packaging seal is unbroken.
  - 4. Drivers required to take a post-accident alcohol test shall not use alcohol within eight (8) hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.
  - 5. Drivers shall not refuse to submit to an alcohol or drug test. A refusal to test is considered a positive test result requiring the driver to undergo evaluation by a substance abuse professional (SAP) and subjecting the driver to discipline up to and including termination.

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DRUG AND ALCOHOL TESTING PROGRAM REGULATION

6. Drivers shall not report for duty or remain on duty when using any drug except when instructed by a physician who has advised the driver that the drug does not adversely affect the driver's ability to safely operate a school vehicle, and the district is informed in writing of the medication and licensed medical practitioner's opinion..
7. Drivers shall not report for duty when under the influence of drugs, or remain on duty performing a safety sensitive function if the driver has a positive drug test result.

D. Alcohol Testing Procedures

1. An employee driver's breath is tested for alcohol.
2. Evidentiary breath testing devices (EBTs) are used to conduct the initial and, if necessary, the confirmation, alcohol tests.
  - a. The initial alcohol breath test determines whether the driver's breath alcohol concentration (BAC) is less than 0.02.
    - i. An initial alcohol test result of less than 0.02 BAC allows the driver to continue to drive.
    - ii. An initial alcohol test result of 0.02 BAC or greater requires a confirmation test.
  - b. The confirmation alcohol breath test determines whether the driver can continue to drive.
    - i. A confirmation alcohol test result of less than 0.02 BAC allows the driver to continue to drive.
    - ii. A confirmation alcohol test result of 0.02 BAC or more, but less than 0.04 BAC, requires the driver to cease performing a safety sensitive function for 24 hours.
    - iii. A confirmation alcohol test result of 0.04 BAC or greater requires the driver to be evaluated by a SAP.
3. Alcohol testing is conducted at collection sites that provide privacy to the driver and contain the necessary equipment, personnel and materials.
  - a. Alcohol testing is conducted at a designated non-school district facility unless a mobile unit or a district facility better serves the situation.
  - b. In the event privacy cannot be assured, privacy will be provided to the extent practical.

DRUG AND ALCOHOL TESTING PROGRAM REGULATION

4. Initial Alcohol Testing Steps
  - a. Once the driver is informed of the need to submit to an alcohol test, the driver must proceed immediately to the collection site. Collection site personnel must immediately contact the school nurse, with the superintendent serving as an alternate, if a driver does not arrive at the specified time.
  - b. Upon arrival, the driver must provide photo identification.
  - c. The testing procedure is explained to the driver by the collection site person.
  - d. The breath alcohol technician (BAT) or the screening test technician (STT) and the driver complete and sign the appropriate sections of the alcohol testing form.
    - i. Refusal of the driver to sign the form prior to the initial alcohol test is considered a refusal to test.
    - ii. The district is notified immediately of the driver's refusal to sign.
5. Evidentiary Breath Device Procedures
  - a. The driver forcefully blows into the mouthpiece for at least six (6) seconds or until an adequate amount of breath has been obtained.
  - b. The breath alcohol test is stopped when the driver fails twice to provide an adequate amount of breath. In that case:
    - i. A physician analyzes the driver's inability to provide adequate breath;
    - ii. Failure to provide adequate breath is considered a refusal to test unless the physician determines a medical condition caused the failure to provide adequate breath; and
    - iii. A refusal of the driver to try a second time to provide adequate breath is considered a refusal to test.
  - c. The results of the screening alcohol test are shared with the driver.
6. Saliva Alcohol Testing Device Procedures
  - a. The driver and the collection site person review the expiration date of the saliva alcohol testing device, and if the date is valid, the packaging is opened.
  - b. The driver or collection site person places the swab in the driver's mouth until the swab is completely saturated. If the alcohol test is started again, only the collection site person may place the swab in the driver's mouth.
  - c. The saliva alcohol testing device is activated with the saturated swab in place.

DRUG AND ALCOHOL TESTING PROGRAM REGULATION

- d. The saliva alcohol test is stopped when the driver fails twice to provide an adequate amount of saliva. In that case:
    - i. The district is informed; and
    - ii. The driver must submit to a breath alcohol test immediately.
  - e. The saliva testing device results are read two (2) minutes, and no later than fifteen (15) minutes, after the saliva testing device was activated.
  - f. The results are shared with the driver.
7. Confirmation Alcohol Testing Procedures
- a. The confirmation test is done between fifteen (15) and twenty (20) minutes of the initial test whether or not the driver followed the requirements to not eat, drink, put any object or substance in their mouth and, to the extent possible, not to belch during the fifteen (15) minute waiting period. Not belching will help avoid accumulation of mouth alcohol leading to an artificially high reading.
  - b. If a different collection site or a different collection site person is used for the confirmation alcohol test, the driver must provide photo identification.
  - c. The testing procedure is explained to the driver by the collection site person.
  - d. The BAT and the driver complete and sign the appropriate sections of the alcohol testing form.
    - i. Refusal of the driver to sign the form prior to the confirmation alcohol test is considered a refusal to test.
    - ii. The district is notified immediately of the refusal to sign.
  - e. The driver forcefully blows into the EBT mouthpiece for at least six (6) seconds or until an adequate amount of breath has been obtained.
  - f. The confirmation test results, which are the final and official test result, are shared with the driver.
  - g. The driver and BAT must sign the alcohol testing form following completion of the test. Failure to sign the form after the test is not considered a refusal to test. However, BAT notes the driver's refusal to sign in the remarks section of the form.
  - h. The BAT informs the school nurse, with the superintendent serving as an alternate, of the results of the test in a confidential manner.

## DRUG AND ALCOHOL TESTING PROGRAM REGULATION

- i. The BAT notifies the school nurse, with the superintendent serving as an alternate immediately, either in writing, in person, by telephone, or by electronic means of confirmation alcohol test results of 0.02 BAC or more.
    - ii. If the BAT informs the school nurse, with the superintendent serving as all alternate, by telephone, the district verifies that the BAT is the person on the telephone.
    - iii. The BAT provides the school nurse, with the superintendent serving as an alternate, with a copy of the breath alcohol testing form if written communication was not used to report the test results.
  - i. Potentially incomplete tests or invalid alcohol tests are repeated with corrected procedures.
- E. Drug Testing Procedures
  1. Driver's urine is tested for marijuana, cocaine, opiates, amphetamines and phencyclidine.
  2. A split sample urine test is used to conduct the drug test.
    - a. A negative drug test result allows the driver to continue to perform a safety sensitive function.
    - b. A positive drug test result on the primary sample requires the driver to be removed from performing a safety sensitive function.
    - c. A positive drug test result on the primary sample allows the driver an opportunity to request the split sample be tested by another laboratory at the driver's expense for the specific drug found in the primary sample. A negative drug test result on the split sample results in a negative drug test result.
    - d. A driver's refusal to test is considered a positive drug test result.
    - e. A positive drug test result requires the driver to be evaluated by a SAP.
  3. Drivers taking medication at a doctor's direction may perform a safety sensitive function if the doctor determines there is not an adverse affect on performing a safety sensitive function and the district is informed in writing of the medication and doctor's opinion.
  4. Drug testing is conducted to provide privacy to the driver and where the necessary equipment, personnel and materials are located.
    - a. Drug testing is conducted at a designated non-school district facility.



DRUG AND ALCOHOL TESTING PROGRAM REGULATION

- b. In the event privacy cannot be assured, privacy is provided to the extent possible. However, direct observation is allowed if:
  - i. Reasons exist to believe the driver may alter or substitute the specimen;
  - ii. The driver presents a specimen with a temperature outside the allowed range and does not provide an oral body temperature or the oral body temperature varies from the specimen provided;
  - iii. The last specimen provided by the driver was determined by the laboratory to not meet gravity and creatinine concentration criteria;
  - iv. The collection site person observes conduct to substitute or adulterate the specimen; and/or
  - v. The driver has previously been determined to have used a drug without medical authorization and the particular test is for follow-up testing upon or after return to duty.
- c. Direct observation must be approved in advance by the supervisor of the collection site. Non-medical personnel performing direct observation must be of the same gender as the driver.

5. Drug Testing Steps

- a. Once the driver is required to submit to a drug test, the driver must proceed immediately to the collection site. The collection site person contacts the school nurse, with the superintendent serving as an alternate, immediately when a driver does not arrive at the specified time.
  - b. Upon arrival, the driver must provide photo identification. The driver may require the collection site person to provide proof of identification.
  - c. The driver may keep their wallet, but must remove any unnecessary outer garments, purses, briefcases, and similar items at the request of the collection site person.
  - d. Immediately prior to providing a urine sample, the driver must wash their hands.
  - e. The driver must then provide forty-five (45) milliliters of urine and deliver it immediately to the collection site person.
    - i. Drivers who cannot provide an adequate amount of urine receive instructions for drinking water and repeating the test.
    - ii. The drug test is stopped when the driver fails twice to provide an adequate amount of urine.
- iii. A physician analyzes the driver's inability to provide adequate urine.

## DRUG AND ALCOHOL TESTING PROGRAM REGULATION

- iv. Failure to provide adequate urine is considered a refusal to test unless the physician determines a medical condition caused the failure to provide adequate urine.
  - f. The specimen must be kept in view of the driver and the collection site person.
  - g. Upon receipt of the specimen, the collection site person must immediately, and in no event later than four (4) minutes from the time of urination, measure the temperature of the specimen.
  - h. The driver may volunteer to have their oral temperature taken to provide evidence against alteration or substitution if there is some question about the temperature of the specimen.
  - i. The collection site person also inspects the specimen for color and other signs of contaminant and notes any unusual findings.
  - j. Another specimen is required as soon as possible under direct observation if adulteration or substitution is suspected by the collection site person.
  - k. The specimen is divided into the primary and split specimen, sealed and labeled. The label is initialed by the driver.
  - l. The driver is required to read and sign the statement on the chain of custody form certifying the specimens are the driver's.
  - m. The collection site person is required to note on the chain of custody form any unusual behavior or appearance of the driver and any failure to cooperate.
  - n. The collection site person completes the chain of custody form and the driver signs the form indicating the collection is complete.
  - o. The specimens are packaged for shipping to the laboratory and shipped immediately or placed in secure storage until they can be shipped.
6. Laboratory
- a. The laboratory used by the district's alcohol and drug testing program is certified by the Substance Abuse and Mental Health Services Administration (SAMHSA), a division of the U.S. Department of Health and Human Services (DHHS). Laboratories certified by SAMHSA meet the testing procedures, personnel and record keeping requirements of the law.

DRUG AND ALCOHOL TESTING PROGRAM REGULATION

- b. Upon arrival of the specimen at the laboratory, the split specimen is stored and the primary specimen is tested.
  - i. A positive test result on the initial test of the primary specimen requires a confirmation test, which is a different and more accurate type of test.
  - ii. The split specimen is discarded if the primary specimen has a negative test result.
  
- 7. Medical Review Officer (MRO) reviews drug test results.
  - a. The MRO may release drug testing records of a driver to unauthorized individuals only with the written consent of the driver.
  - b. The MRO keeps a record of the negative test result and reports the negative test result to the district.
  - c. The primary role of the MRO is to review and interpret positive test results to determine whether a legitimate explanation exists for the positive test result.
    - i. After reviewing the chain of custody form and laboratory test results, the MRO contacts the driver to discuss the positive test result with the driver prior to notifying the district and to ask whether the driver requests a test of the split sample at the driver's expense. The driver's request for a test of the split sample must be made within seventy-two (72) hours of talking with the MRO.
    - ii. Upon request of the driver, the split specimen is sent to a second SAMHSA certified laboratory for testing at the driver's expense.
    - iii. The MRO contacts the school nurse, with the superintendent serving as an alternate, for assistance if the driver cannot be reached through reasonable efforts.
    - iv. The school nurse, with the superintendent serving as an alternate, must confidentially inform the driver to contact the MRO.
    - v. Upon contacting the driver, the school nurse, with the superintendent serving as an alternate, must inform the MRO that the driver was contacted.
    - vi. Upon contacting the driver, the school nurse, with the superintendent serving as an alternate, must inform the MRO that the driver was contacted.
    - v. Drivers who cannot be contacted are placed on temporary leave without pay.

DRUG AND ALCOHOL TESTING PROGRAM REGULATION

- d. The MRO may verify a positive test without talking to the driver if:
  - i. The driver declines the opportunity to discuss the drug test;
  - ii. The driver fails to contact the MRO within five (5) days after the school nurse, with the superintendent serving as an alternate, has contacted the driver; or
  - iii. MRO verification of positive test results under these circumstances can be challenged by the driver if the driver presents the MRO with information documenting a serious illness, injury, or other circumstances unavoidably preventing the driver from timely contacting the MRO. The MRO, based on this additional information, may find a legitimate explanation for the positive test result and declare the test negative.
- e. The driver is notified of the drugs found in a positive test result by the MRO, the school nurse, with the superintendent serving as an alternate, or by certified mail to the driver's last known address.
- f. The district receives a written report of the negative and positive test results from the MRO.

F. Substance Abuse Professional

- 1. A Substance Abuse Professional (SAP) evaluation and following his/her recommendations, is required when a driver:
  - a. Has a positive drug test;
  - b. Has a positive alcohol test of 0.04 breath alcohol concentration or greater; or
  - c. Otherwise violated this policy or its supporting procedures or the law.
- 2. The evaluation determines what assistance, if any, the driver needs in resolving problems with alcohol misuse and/or drug use.
- 3. A local SAP will provide assistance to the drivers.

G. Pre-Employment Testing

- 1. Drivers shall submit to an alcohol and drug test if a job offer is made. The job offer is contingent upon:
  - a. A negative alcohol and drug test result; and
  - b. A signed written statement authorizing former employers to release all information on the driver related to alcohol.

DRUG AND ALCOHOL TESTING PROGRAM REGULATION

2. Prior to allowing a driver to perform a safety sensitive function, the following information must be obtained about the driver for the preceding two (2) years from the date of the application:
  - a. Alcohol test results of 0.04 or greater;
  - b. Positive drug test results; and
  - c. Refusals to be tested.
  
- H. Random Testing
  1. Annually, twenty-five percent (25%) of the average number of drivers are selected for random alcohol tests and fifty percent (50%) of the average number of drivers are selected for random drug tests.
  2. The drivers' identification numbers are selected by a scientific method giving drivers an equal chance to be selected.
  3. Random tests are unannounced and performed throughout the year.
  4. Drivers selected for random alcohol testing are informed of a random alcohol test just before, during or just after performing a safety sensitive function.
  5. Drivers selected for random drug testing are informed as soon as possible after the school nurse, with the superintendent serving as an alternate, receives the driver identification numbers. The district must document why some, if any, drivers were selected, but not informed.
  6. The selected driver must proceed immediately to the collection site. However, drivers performing a safety sensitive function must safely stop and proceed to the collection site as soon as possible.
  
- I. Reasonable Suspicion Testing
  1. Drivers who exhibit observable specific, contemporaneous, articulable characteristics concerning the appearance, behavior, speech or body odors as well as indications of the chronic and withdrawal effects of drugs may be required to submit to a reasonable suspicion drug test at any time.
  2. Drivers who exhibit specific, observable, contemporaneous, articulable characteristics concerning the appearance, behavior, speech, or body odors of the driver if the reasonable suspicion was determined just before, during or just after the time in which the driver must be in compliance with this policy, its supporting procedures or the law may be required to submit to a reasonable suspicion alcohol test just before, during, or just after performing a safety sensitive function.

DRUG AND ALCOHOL TESTING PROGRAM REGULATION

- a. A reasonable suspicion alcohol test is performed within two (2) hours and no later than eight (8) hours after determining reasonable suspicion. To meet the two-hour requirement, the school nurse, with the superintendent serving as an alternate, or his/her designee (not a CDL holder) will transport the employee to the collection site.
  - b. If the alcohol test is not given within two (2) hours, the reasons for the delay must be documented.
  - c. If the alcohol test is not given within eight (8) hours, attempts to test are stopped and the reason for not testing must be documented.
3. A reasonable suspicion test request is made by an employee who has received the training to determine reasonable suspicion. The reasons for the reasonable suspicion must be documented within twenty-four (24) hours or prior to the release of the test results. If more than one employee trained to determine reasonable suspicion observes the driver, that employee must also document their reasons. The transportation director and school nurse have received the required Reasonable Suspicion Training.

J. Post-Accident Testing

1. Drivers are subject to both post-accident alcohol and drug tests as soon as possible after an accident in which either of the following occurred:
  - a. A fatality occurred; or
  - b. The driver received a citation and the following occurred:
    - i. Bodily injury to a person who, as a result of the injury, required immediate medical treatment away from the scene of the accident; or
    - ii. A vehicle was towed from the scene irrespective of the value of the damage to the vehicle.
2. Drivers must remain readily available for post-accident testing.
  - a. Drivers who leave the scene or who do not remain readily available are assumed to have refused to test.
  - b. Drivers subject to post-accident testing will be taken to the collection site by the school nurse, superintendent, or his/her designee (could be the transportation director).
  - c. Necessary medical treatment cannot and should not be denied to a driver waiting to complete post-accident alcohol and drug tests.

DRUG AND ALCOHOL TESTING PROGRAM REGULATION

3. Alcohol Testing Requirements
  - a. Administered within two (2) hours and no later than eight (8) hours of the accident;
  - b. Reasons for administering the test later than two (2) hours after the accident must be documented;
  - c. Reasons for not administering the test within eight (8) hours of the accident must be documented; and
  - d. Drivers are prohibited from consuming alcohol for eight (8) hours after the accident or until the alcohol test is completed.
4. Drug Testing Requirements
  - a. Administered as soon as possible and not later than thirty-two (32) hours after the accident; and
  - b. Reasons for not administering the test must be documented.
5. Results of drug or alcohol testing conducted by law enforcement officers or other officials on the scene with independent authority to conduct such tests are presumed valid if the testing conforms with the law. The district must receive a copy of the results to use them.

K. Return-to-Duty/Follow-Up Testing

1. Prior to returning to duty after a positive test or otherwise violating this policy, the following must occur:
  - a. The driver must be re-evaluated by a SAP to determine that the driver has properly followed any treatment program prescribed in the original evaluation by the SAP;
  - b. The driver must submit to the tests required by the SAP. The SAP may require a return-to-duty test for drugs, alcohol or both; and
  - c. The return-to-duty test must be a negative drug test result and/or an alcohol test result of less than 0.02 BAC before the driver can return to duty and perform a safety sensitive function.
2. For individuals changing jobs after a positive drug or alcohol test, a pre-employment test can serve as a return-to-duty test if one is needed based on information from a prior employer.
3. After returning to duty, the driver is subject to six (6) unannounced follow-up tests within twelve (12) months for alcohol, drugs or both, if the SAP determines both are necessary.
  - a. The SAP can terminate the follow-up testing requirement after the first six (6) tests have been completed or continue the follow-up testing for up to sixty (60) months from the date of the driver's return to duty.

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- b. Alcohol follow-up testing is done just before, during or just after performing a safety sensitive function.

L. District's Responsibilities

- 1. Information on the alcohol and drug testing requirements of this policy, its supporting procedures and the law, including the driver's obligations, must be provided to drivers. A summary of the requirements must be included in the employee handbook.
- 2. Supervisors of drivers or personnel designated to determine reasonable suspicion shall receive sixty (60) minutes of training on alcohol misuse and sixty (60) minutes of training on drug use. The training must address the physical, behavioral, speech, and performance indicators of probable alcohol misuse and drug use.
- 3. Prior to operating a school vehicle, drivers must be provided with instructions enabling them to comply with alcohol and drug testing requirements.
- 4. School districts with actual knowledge of a driver's drug use cannot allow the driver to report to or perform a safety sensitive function regardless of whether or not a drug test was conducted.
- 5. School districts with actual knowledge of a driver with a breath alcohol concentration of 0.02 BAC or greater cannot allow the driver to report to or perform a safety sensitive function regardless of whether or not an alcohol test was conducted.
- 6. The district is responsible for ensuring that the quality assurance plan, developed by the manufacturer and approved by the National Highway Traffic Safety Administration (NHTSA) for the evidentiary breath testing device used for alcohol testing of its drivers describes the inspection, maintenance and calibration requirements and intervals for it.
- 7. The district is responsible for ensuring that the collection site person using an evidentiary breath testing device is a certified BAT.

M. Consequences of Violating this Policy, the Supporting Procedures or the Law

- 1. The school nurse may discipline drivers who violate this policy, the supporting procedures or the law relating to alcohol and drug testing. Each incident is dealt with based on the circumstances surrounding the incident. The following consequences may result from a violation:
  - a. Drivers may be disciplined up to and including termination;
  - b. Drivers may not be permitted to perform safety sensitive functions;
  - c. Drivers may be advised of the resources available to them in evaluating and resolving problems associated with the misuse of alcohol or use of drugs;
  - d. Drivers may be required to be evaluated by a SAP who shall determine what assistance, if any, the driver needs in resolving problems associated with the misuse of alcohol or use of drugs and be required to follow any treatment program;



DRUG AND ALCOHOL TESTING PROGRAM REGULATION

- e. Prior to returning to duty, the driver is required to have a negative drug and/or alcohol test result and be subject to the follow-up drug and/or drug testing determined necessary based on the circumstances surrounding the incident;
  - f. Drivers refusing to submit to drug and/or alcohol testing are considered insubordinate and are subject to discipline up to and including termination; and/or
  - g. Applicants for the position of driver who refuse to submit to or cooperate with the drug and/or alcohol testing processes and requirements shall be disqualified from further consideration.
2. Nothing in this policy, the procedures or the law relating to alcohol and drug testing limits restricts the right of the superintendent to discipline a driver, up to and including termination, for conduct which violates the district's policies and procedures.

N. Alcohol and Drug Testing Records

- 1. Alcohol and drug testing records are stored in limited access locations separate and apart from the driver's general personnel documents.
- 2. The records may only be released with the written consent of the driver. Only those records specifically authorized for release may be released. However, the following exceptions apply:
  - a. Records may be released to appropriate government agencies without written consent; and
  - b. Records may be released to appropriate district employees without written consent.
  - c. The district may, without written consent, make a driver's drug and alcohol test records available to a decision maker in a lawsuit, grievance, or other proceedings initiated by or on behalf of the individual, and arising from the results of an alcohol or drug test under this policy, the supporting procedures or the law or from the district's determination that the driver violated this policy, the supporting regulation, or the law.
- 3. Drivers are entitled to make a written request to prompt access to and copies of their alcohol and drug test records without requiring payment of amounts owed for the copying of records other than alcohol and drug testing records. The district may charge for copying these records in accordance with Board policy.
- 4. The district must maintain the following records of its drug and alcohol misuse prevention and testing programs for the following time periods:
  - a. One year:
    - i. Records of negative and canceled drug test results and alcohol test results of less than 0.02 BAC;
    - ii. Records related to the collection process;

DRUG AND ALCOHOL TESTING PROGRAM REGULATION

- iii. Records related to a driver's test results;
  - iv. Records related to other violations of the law;
  - v. Records related to evaluations;
  - vi. Records related to education and training; and
  - vii. Records related to drug testing.
- b. Two years:
- i. Records related to the alcohol and drug collection process, except calibration of evidential breath testing devices, and training.
- c. Five years:
- i. Alcohol test results of 0.02 BAC and greater;
  - ii. Verified positive drug test results;
  - iii. Documentation of refusal to take required alcohol and/or drug tests;
  - iv. EBT calibration documentation;
  - v. Driver evaluation and referrals; and
  - vi. Annual calendar year summary.
- O. Pay for Time Spent Testing.
- 1. For random testing, the time spent traveling to the collection site, the time spent at the collection site, and the time spent traveling back to the bus yard after the completion of the testing will be paid;
  - 2. For reasonable suspicion testing, time will be paid pursuant to (1) above;
  - 3. For post-accident testing, time will be paid pursuant to (1) above;
  - 4. For pre-employment testing, no time will be paid;
  - 5. For time spent in follow-up testing required by the SAP, no time will be paid; and
  - 6. Drivers will be paid for time spent testing at the pay rate for activity and field trip drivers.

DRUG AND ALCOHOL TESTING PROGRAM REGULATION

P. Leave

1. If the employee comes forward and admits to a drug and/or alcohol problem and receives help from and follows the requirements of the SAP, the employee may be granted "unpaid leave" under the Family and Medical Leave Act and Board policy. The employee will not be penalized for exercising this option. If no immediate [within five (5) working days] help is obtained from a SAP, the employee is subject to termination.
2. If the employee tests positive under the provisions of this policy, he/she cannot perform a safety sensitive function and goes on paid sick leave, subject to the following conditions:
  - a. The employee immediately [within five (5) working days] enrolls in the program provided by the SAP;
  - b. Paid days are limited to what the employee has accumulated in sick leave; and
  - c. When sick leave is exhausted, the employee goes on unpaid leave, subject to the SAP's verification that he/she can return to work.

Q. Payment for Services

1. The district pays for all testing services.
2. The district pays for the initial services, not covered by insurance, of the SAP. This applies if the employee comes forward or tests positive. The district also pays for treatment not covered by insurance. The treatment program will be decided upon by the district subject to consultation with the SAP and employee.
3. The employee who makes a request for another lab to test the split sample (usually when the initial drug test is positive) will pay for the test of the split sample.

R. The above payments and leave allowances apply to those who come forward as well as first time offenders. Any driver who becomes a second time offender under this policy, will be subject to immediate termination.

S. Definitions

Accident - an occurrence involving a school vehicle operating on a public road which results in: (a) a fatality, (b) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident or (c) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

Air blank - a reading by an evidentiary breath testing device (EBT) of ambient air containing non alcohol.

## DRUG AND ALCOHOL TESTING PROGRAM REGULATION

Alcohol - the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol concentration (or content) - the alcohol in a volume of breath expressed in terms of grams of alcohol per two hundred ten liters of breath as indicated by an evidential breath test under the law.

Alcohol use- the consumption of any beverage, mixture or preparation, including any medication, containing alcohol.

BAC - breath alcohol concentration.

Breath Alcohol Technician (BAT) - an individual who instructs and assists individuals in the alcohol testing process and operates an EBT.

Canceled or invalid test - in drug testing it is a drug test that has been declared invalid by a Medical Review Officer or a specimen that has been rejected for testing by a laboratory. A canceled test is neither a positive nor a negative test. In alcohol testing, it is a test that is deemed to be invalid under the law. It is neither a positive nor a negative test.

Chain of Custody: - procedures to account for the integrity of each urine or blood specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. With respect to drug testing, these procedures require that an appropriate drug testing custody form be used from time of collection to receipt by the laboratory and that upon receipt by the laboratory an appropriate laboratory chain of custody account(s) for the sample or samples within the laboratory.

Collection Site - a place where drivers present themselves for the purpose of providing body fluid or a tissue sample to be analyzed for specific drugs or breath alcohol concentration.

Confirmation test - for alcohol testing, it is a second test following an initial test with a result of 0.02 BAC or greater, that provides quantitative data of alcohol concentration. For drug testing, it is a second analytical procedure (GC/MS) to identify the presence of a specific drug or metabolite that is independent of the initial test and which uses a different technique and chemical principal from that of the initial test in order to ensure reliability and accuracy.

Controlled Substances/Drugs - marijuana, cocaine, opiates, amphetamines and phencyclidine. Driver - any person who operates a school vehicle. This includes, but is not limited to: fulltime, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to the district or who operate a school vehicle at the direction of or with the consent of the district. For the purposes of pre-employment/pre-duty testing only, the term "driver" includes applicants for driver of school vehicle positions.

Initial test (or screening test) - in drug testing, it is an immunoassay screen to eliminate "negative" urine specimens from further consideration. In alcohol testing it is an analytic procedure to determine whether a driver may have a prohibited concentration of alcohol in a breath or saliva specimen.

Medical Review Officer (MRO) - a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with the individual's medical history and any other relevant bio-medical information.

## DRUG AND ALCOHOL TESTING PROGRAM REGULATION

Non-suspicion-based post-accident testing - testing a driver after a reportable accident if the driver receives a citation for a moving traffic violation arising from the accident and without regard to whether there is any reasonable suspicion of drug usage, reasonable cause to believe the driver has been operating the school vehicle while under the influence of drugs, or reasonable cause to believe the driver was at fault in the accident and drug usage may have been a factor.

Performing a safety sensitive function- a driver is considered to be performing a safety sensitive function during any period in which the driver is actually performing, ready to perform, or immediately available to perform any sensitive functions.

Random Selection Process - when drug tests are unannounced and that every driver has an equal chance of being selected for testing.

Refuse to submit (to an alcohol or drug test) - when a driver (1) fails to provide adequate breath for alcohol testing without a valid medical explanation after he/she has received notice of the requirement for breath testing in accordance with the provisions of this part, (2) fails to provide adequate urine for drug testing without a valid medical explanation after he/she has received notice of the requirement for urine testing in accordance with the provisions of this part, or (3) engages in conduct that clearly obstructs the testing process.

Safety Sensitive Function (SSF) - the period of time commencing when a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work.  
School Vehicle - a vehicle owned, leased, and/or operated at the direction or with the consent of the district which transports sixteen or more persons, including the driver, or weighs over twenty-six thousand pounds and requires the driver to have/possess a commercial driver's license in order to operate the vehicle.

Screening Test Technician (STT) - an individual who instructs and assists drivers in the initial alcohol testing process and operates a non-evidentiary breath testing or saliva testing device.

Split Specimen -- the division of the urine specimen into thirty milliliters in a specimen bottle (the primary sample) and into at least fifteen milliliters in a second specimen bottle (the split sample).

Substance Abuse Professional (SAP)- a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the Iowa Board of Substance Abuse Certification) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

DRUG AND ALCOHOL TESTING PROGRAM NOTICE TO EMPLOYEES

EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE HEREBY NOTIFIED they are subject to the school district's drug and alcohol testing program for pre-employment drug testing and random, reasonable suspicion and post-accident, drug and alcohol testing as outlined in the Drug and Alcohol Testing Program policy, its supporting documents and the law.

Employees who operate school vehicles are subject to drug and alcohol testing if a commercial driver's license is required to operate the school vehicle and the school vehicle transports sixteen (16) or more persons including the driver or the school vehicle weighs twenty-six thousand, one pounds or more. For purposes of the drug and alcohol testing program, "employees" include applicants who have been offered a position to operate a school vehicle. The employees operating a school vehicle shall be subject to the drug and alcohol testing program beginning the first day they operate or are offered a position to operate a school vehicle and continue to be subject to the drug and alcohol testing program until such time employment is terminated or the employee will no longer operate, at any time, a commercial motor vehicle for the school district.

It is the responsibility of the superintendent to inform employees of the drug and alcohol testing program requirements. Employees with questions regarding the drug and alcohol testing requirements shall contact the school district contact person.

EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE FURTHER NOTIFIED it is a condition of their continued employment to comply with the Drug and Alcohol Testing Program policy, its supporting documents and the law. It is a condition of continued employment for employees operating a school vehicle to notify their supervisor of any prescription medication they are using. Drug and alcohol testing records about a driver are confidential and are released in accordance with this policy, its supporting documents or the law.

EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE FURTHER NOTIFIED that employees violating this policy, its supporting documents, regulations or the law may be subject to discipline up to and including termination, or offered the opportunity to participate in counseling as a condition of continued employment. If offered, as a condition of continued employment, employees violating this policy, its supporting documents, regulations or the law bear the personal and financial responsibility to successfully participate in a substance abuse evaluation and, a substance abuse treatment program recommended by the substance abuse professional. Employees who are required to participate in and who fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program will be subject to discipline up to and including termination.

Approved: 11-27-95 Reviewed: 11-13-2017 Revised: 8-11-14

DRUG AND ALCOHOL TESTING PROGRAM  
EMPLOYMENT AND PRE-EMPLOYMENT TESTING ACKNOWLEDGMENT FORM

I, \_\_\_\_\_, have received a copy, read and understand the Drug and Alcohol Testing Program policy of the Garner-Hayfield-Ventura-Ventura Community School District and its supporting documents.

I understand that I must inform my supervisor of any prescription medication I use.

I understand that if I violate the Drug and Alcohol Testing Program policy, its supporting documents, or the law, I may be subject to discipline up to and including termination, or I may be required to successfully participate in a substance abuse evaluation and a substance abuse treatment program, if recommended by the substance abuse professional. If I am required to and fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program, I understand I may be subject to discipline up to and including termination.

In addition, I have received a copy of the U.S. DOT publication, "What Employees Need to Know about DOT Drug & Alcohol Testing," and have read and understand its contents.

Furthermore, I know and understand that I am required to submit to a controlled substance test, the results of which must be received by this employer before being employed by the school district and before being allowed to perform a safety-sensitive function. I also understand that if the results of the pre-employment test are positive, that I will not be considered further for employment with the school district.

I further understand that drug and alcohol testing records and information about me are confidential, and may be released at my request or in accordance with the district's drug and alcohol testing program policy, its supporting documents or the law.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

Approved: 11-27-95 Reviewed: 11-13-2017 Revised: Insert date here

## EMPLOYEE FAMILY AND MEDICAL LEAVE

Unpaid family and medical leave will be granted up to twelve (12) weeks per year to assist employees in balancing family and work life. For purposes of this policy, year is defined as a twelve (12) month period measured backward from the date an employee uses any family and medical leave. Requests for family and medical leave shall be made to the superintendent.

Paid leave available to the employee will run concurrently with the family and medical leave, as outlined in the family and medical leave administrative rules.

Employees eligible for family and medical leave must comply with the family and medical leave administrative rules prior to starting family and medical leave.

Employees shall be required to complete all necessary family and medical leave act documentation in order for any leave to be approved as family and medical leave. The required documentation shall be as outlined in this policy and as required by the Department of Labor. All documentation and forms shall be made available in the administrative offices of each building.

The requirements stated in the master contract between employees in a certified collective bargaining unit and the board regarding family and medical leave of such employees and the requirements stated in any other contract, collective or individual between any employees and the board and/or district regarding family and medical leave of such employees will be followed. This policy provision, as well as all policy provisions, concerning family and medical leave may be applied differently to classified, non-classified, licensed, non-licensed, and other classifications of employees,

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FAMILY AND MEDICAL LEAVE REGULATION

A. District Notice.

1. The school district will post the family and medical leave notice regarding family and medical leave.
2. Information on the Family and Medical Leave Act and the board policy on family and medical leave, including leave provisions and employee obligations will be provided annually. The information will be in the employee handbook.
3. When an employee requests family and medical leave, the district will provide the employee with information listing the employee's obligations and requirements. Such information will include:
  - a. a statement clarifying whether the leave qualifies as family and medical leave and will, therefore, be credited to the employee's annual 12-week entitlement or 26 week entitlement depending on the purpose of the leave;
  - b. a reminder that employees requesting family and medical leave for their serious health condition or for that of an immediate family member must furnish medical certification of the serious health condition and the consequences for failing to do so or proof of call to active duty in the case of military family and medical leave;
  - c. an explanation of the employee's right to substitute paid leave for family and medical leave including a description of when the district requires substitution of paid leave and the conditions related to the substitution; and
  - d. a statement notifying employees that they must pay and must make arrangements for paying any premium or other payments to maintain health or other benefits.

B. Eligible employees.

1. Employees are eligible for family and medical leave if three criteria are met.
  - a. The district has more than fifty (50) employees on the payroll at the time leave is requested;
  - b. The employee has worked for the school district for at least twelve (12) months or fifty-two (52) weeks (the months and weeks need not be consecutive); and
  - c. The employee has worked at least 1,250 hours within the previous year. Full-time professional employees who are exempt from the wage and hour law may be presumed to have worked the minimum hour requirement.
2. If the employee requesting leave is unable to meet the above criteria, the employee is not eligible for family and medical leave.

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FAMILY AND MEDICAL LEAVE REGULATION

C. Employee Requesting Leave (two types of leave)

1. Foreseeable family and medical leave.

- a. Definition - leave is foreseeable for the birth or placement of an adopted or foster child with the employee or for planned medical treatment.
- b. Employee must give at least thirty (30) days' notice for foreseeable leave. Failure to give the notice may result in the leave beginning thirty (30) days after notice was received. For those taking leave due to military family and medical leave, notice should be given as soon as possible.
- c. Employees must consult with the district prior to scheduling planned medical treatment leave to minimize disruption to the district. The scheduling is subject to the approval of the health care provider.

2. Unforeseeable family and medical leave.

- a. Definition - leave is unforeseeable in such situations as emergency medical treatment or premature birth.
- b. Employee must give notice as soon as possible but no later than one to two work days after learning that leave will be necessary.
- c. A spouse or family member may give the notice if the employee is unable to personally give notice.

D. Eligible family and medical leave determination.

1. The following is a list of the acceptable purposes for family or medical leave:

- a. The birth of a son or daughter of the employee and in order to care for that son or daughter prior to the first anniversary of the child's birth;
- b. The placement of a son or daughter with the employee for adoption or foster care and in order to care for that son or daughter prior to the first anniversary of the child's placement;
- c. To care for the spouse, son, daughter or parent of the employee if the spouse, son, daughter or parent has a serious health condition;
- d. Employee's serious health condition that makes the employee unable to perform the essential functions of the employee's position.
- e. Because of a qualifying exigency arising out of the fact that an employee's spouse, son or daughter or parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves; or

FAMILY AND MEDICAL LEAVE REGULATION

- f. Because the employee is the spouse, son or daughter, parent or next of kin of a covered service member with a serious injury or illness.
2. The district may require the employee giving notice of the need for leave to provide reasonable documentation or a statement of family relationship.
  3. Medical certification.
    - a. When required:
      - i. Employees may be required to present medical certification of the employee's serious health condition and inability to perform the essential functions of the job;
      - ii. Employees may be required to present medical certification of the family member's serious health condition and that it is medically necessary for the employee to take leave to care for the family member; and/or
      - iii. Employees may be required to present certification of the call to active duty when taking military family medical leave.
    - b. Employee's medical certification responsibilities:
      - i. The employee must obtain the certification from the health care provider who is treating the individual with the serious health condition.
      - ii. The district may require the employee to obtain a second certification by a health care provider chosen by and paid for by the district if the district has reason to doubt the validity of the certification an employee submits. The second health care provider cannot, however, be employed by the district on a regular basis.
      - iii. If the second health care provider disagrees with the first health care provider, then the district may require a third health care provider to certify the serious health condition. This health care provider must be mutually agreed upon by the employee and the district and paid for by the district. This certification or lack of certification is binding upon both the employee and the district.
    - c. Medical certification will be required fifteen (15) days after family and medical leave begins unless it is impracticable to do so. The district may request recertification every thirty (30) days. Recertification must be submitted within fifteen (15) days of the district's request.
    - d. Employees taking military caregiver and family medical leave to care for a family service member cannot be required to obtain a second opinion or to provide certification.
    - e. Family and medical leave requested for the serious health condition of the employee or to care for a family member with a serious health condition which is not supported by medical certification will be denied until such certification is provided.

## FAMILY AND MEDICAL LEAVE REGULATION

## E. Entitlement.

1. Employees are entitled to twelve (12) weeks unpaid family and medical leave per year. Employees taking military caregiver family and medical leave to care for a family service member are entitled to twenty-six (26) weeks of unpaid family and medical leave but only in a single twelve (12) month period.
2. Year is defined as a rolling twelve (12) month period measured backward from the date an employee uses any family and medical leave.
3. If insufficient leave is available, the school district may:
  - a. Deny the leave if entitlement is exhausted;
  - b. Award leave available; and/or
  - c. Award leave in accordance with other provisions of board policy or the collective bargaining agreement.

## F. Type of Leave Requested.

1. Continuous - employee will not report to work for set number of days or weeks.
2. Intermittent - employee requests family and medical leave for separate periods of time.
  - a. Intermittent leave is available for:
    - i. the birth or adoption of the employee's child or foster care placement subject to agreement by the district;
    - ii. the employee or the employee's parent or child, when medically necessary, is suffering from a serious health condition;
    - iii. a qualifying exigency arising out of the fact that the employee's spouse, the employee's son or daughter or the employee's parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard Reserves; and/or
    - iv. the employee is the spouse, son or daughter, parent or next of kin of a covered service member with a serious injury or illness.
  - b. In the case of foreseeable intermittent leave, the employee must schedule the leave to minimize disruption to the district's operations.
  - c. During the period of foreseeable intermittent leave, the district may move the employee to an alternative position with equivalent pay and benefits. (For instructional employees, see G below.)

FAMILY AND MEDICAL LEAVE REGULATION

3. Reduced work schedule - employee requests a reduction in the employee's regular work schedule.
  - a. Reduced work schedule family and medical leave is available for:
    - i. the birth or adoption of the employee's child or foster care placement subject to agreement by the district;
    - ii. the employee or the employee's parent or child, when medically necessary, is suffering from a serious health condition;
    - iii. a qualifying exigency arising out of the fact that the employee's spouse, the employee's son or daughter or the employee's parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard of Reserves; and/or
    - iv. the employee is the spouse, son or daughter, parent or next of kin of a covered service member with a serious injury or illness
  - b. In the case of foreseeable reduced work schedule leave, the employee must schedule the leave to minimize disruption to the district's operations.
  - c. During the period of foreseeable reduced work schedule leave, the district may move the employee to an alternative position with equivalent pay and benefits. (For instructional employees, see G below.)

G. Special Rules for Instructional Employees.

1. Definition - an instructional employee is one whose principal function is to teach and instruct students in a class, a small group or an individual setting. This includes, but is not limited to, teachers, coaches, driver's education instructors, and special education assistants.
2. Instructional employees who request foreseeable medically necessary intermittent or reduced work schedule family and medical leave greater than twenty percent (20%) of the work days in the leave period may be required to:
  - a. Take leave for the entire period or periods of the planned medical treatment; or
  - b. Move to an available alternative position, with equivalent pay and benefits, but not necessarily equivalent duties, for which the employee is qualified.
3. Instructional employees who request continuous family and medical leave near the end of a semester may be required to extend the family and medical leave through the end of the semester. The number of weeks remaining before the end of a semester does not include scheduled school breaks, such as summer, winter or spring break.

FAMILY AND MEDICAL LEAVE REGULATION

- a. If an instructional employee begins family and medical leave for any purpose more than five (5) weeks before the end of a semester, the district may require that the leave be continued until the end of the semester if the leave will last at least three (3) weeks and the employee would return to work during the last three (3) weeks of the semester if the leave was not continued.
  - b. If the employee begins family and medical leave for a purpose other than the employee's own serious health condition during the last five (5) weeks of a semester, the district may require that the leave be continued until the end of the semester if the leave will last more than (2) two weeks and the employee would return to work during the last two (2) weeks of the semester.
  - c. If the employee begins family and medical leave for a purpose other than the employee's own serious health condition during the last three (3) weeks of the semester and the leave will last more than five (5) working days, the district may require the employee to continue taking leave until the end of the semester.
4. The entire period of leave taken under the special rules is credited as family and medical leave. The district will continue to fulfill the district's family and medical leave responsibilities and obligations, including the obligation to continue the employee's health insurance and other benefits, if an instructional employee's family and medical leave entitlement ends before the involuntary leave period expires.
- H. Employee responsibilities while on family and medical leave.
1. Employee must continue to pay health care benefit contributions or other benefit contributions regularly paid by the employee unless employee elects not to continue the benefits.
  2. The employee contribution payments will be deducted from any money owed to the employee or the employee will reimburse the district at a time set by the superintendent.
  3. An employee who fails to make the health care contribution payments within thirty (30) days after they are due will be notified that their coverage may be canceled if payment is not received within an additional (15) fifteen days.
  4. An employee may be asked to re-certify the medical necessity of family and medical leave for the serious medical condition of an employee or family member once every thirty (30) days and return the certification within fifteen (15) days of the request.
  5. The employee must notify the district of the employee's intent to return to work at least once each month during their leave and at least two (2) weeks prior to the conclusion of the family and medical leave.
  6. If an employee intends not to return to work, the employee must immediately notify the district, in writing, of the employee's intent not to return. The district will cease benefits upon receipt of this notification.

FAMILY AND MEDICAL LEAVE REGULATION

I. Use of paid leave for family and medical leave.

1. An employee may use accrued paid leave which is available to the employee, while taking unpaid family and medical leave. In order to use paid leave, the employee must comply with the School District's policies for taking such paid leave. The paid leave will be substituted for, and run concurrently with, the unpaid family and medical leave. Upon expiration of the paid leave, any remaining family and medical leave will be unpaid.
2. When the district determines that paid leave is being taken for an FMLA reason, the district will notify the employee within two business days that the paid leave will be counted as FMLA leave.

## FAMILY AND MEDICAL LEAVE DEFINITIONS

Common law marriage - according to Iowa law, common law marriages exist when there is a present intent by the two parties to be married, continuous cohabitation, and a public declaration that the parties are husband and wife. There is no time factor that needs to be met in order for there to be a common law marriage.

Continuing treatment by a health care provider - one or more of the following:

- The employee or family member in question is treated two or more times for the injury or illness by a health care provider. Normally this would require visits to the health care provider or to a nurse or physician's assistant under direct supervision of the health care provider.
- The employee or family member is treated for the injury or illness two or more times by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider, or is treated for the injury or illness by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider--for example, a course of medication or therapy--to resolve the health condition.
- The employee or family member is under the continuing supervision of, but not necessarily being actively treated by, a health care provider due to a serious long-term or chronic condition or disability which cannot be cured. Examples include persons with Alzheimer's, persons who have suffered a severe stroke, or persons in the terminal stages of a disease who may not be receiving active medical treatment.

Eligible Employee-the district has more than 50 employees on the payroll at the time leave is requested. The employee has worked for the district for at least twelve months and has worked at least 1250 hours within the previous year.

Essential Functions of the Job-those functions which are fundamental to the performance of the job. It does not include marginal functions.

Employment benefits-all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy or an employer or through an "employee benefit plan."

Family Member--individuals who meet the definition of son, daughter, spouse or parent.

Group health plan-any plan of, or contributed to by, an employer (including a self-insured plan) to provide health care (directly or otherwise) to the employer's employees, former employees, or the families of such employees or former employees.

Health care provider-

- A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; or
- Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the state and performing within the scope of their practice as defined under state law; and
- Nurse practitioners and nurse-midwives who are authorized to practice under state law and who are performing within the scope of their practice as defined under state law; and
- Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts.

Approved 3-11-96

Reviewed 11-13-2017

Revised



## FAMILY AND MEDICAL LEAVE DEFINITIONS

In loco parentis-individuals who had or have day-to-day responsibilities for the care and financial support of a child not their biological child or who had the responsibility for an employee when the employee was a child.

Incapable of self-care-that the individual requires active assistance or supervision to provide daily self-care in several of the "activities of daily living" or "ADLs." Activities of daily living include adaptive activities such as caring appropriately for one's grooming, and hygiene, bathing, dressing, eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

Instructional employee-an employee employed principally in an instructional capacity by an educational agency or school whose principal function is to teach and instruct students in a class, a small group, or an individual setting, and includes athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, nor auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily non-instructional employees.

Intermittent leave-leave taken in separate periods of time due to a single illness or injury, rather than for one continuous period of time, and may include leave for periods from an hour or more to several weeks.

"Needed to Care For"-the medical certification that an employee is "needed to care for" a family member encompasses both physical and psychological care. For example, where, because of a serious health condition, the family member is unable to care for his or her own basic medical, hygienic or nutritional needs or safety or is unable to transport himself or herself to medical treatment. It also includes situations where the employee may be needed to fill in for others who are caring for the family member or to make arrangements for changes in care.

Parent-a biological parent or an individual who stands in loco parentis to a child or stood in loco parentis to an employee when the employee was a child. Parent does not include parent-in-law.

Physical or mental disability-a physical or mental impairment that substantially limits one or more of the major life activities of an individual.

Reduced leave schedule-a leave schedule that reduces the usual number of hours per work week, or hours per workday, of an employee.

Serious health condition-an illness, injury, impairment, or physical or mental condition that involves:

- Any period of incapacity or treatment in connection with or consequent to inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;
- Any period of incapacity requiring absence from work, school, or other regular daily activities, of more than three calendar days, that also involves continuing treatment by (or under the supervision of) a health care provider; or
- Continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; and for prenatal care.
- Voluntary or cosmetic treatments (such as most treatments for orthodontia or acne) which are not medically necessary are not "serious health conditions," unless inpatient hospital care is required. Restorative dental surgery after an accident, or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Treatments for allergies or stress, or for substance abuse, are serious health conditions if all the conditions of the regulation are met. Prenatal care is included as a serious health condition. Routine preventive physical examinations are excluded.

FAMILY AND MEDICAL LEAVE DEFINITIONS

Son or daughter-a biological child, adopted child, foster child, stepchild, legal ward, or a child of a person standing in loco parentis. The child must be under age 18 or, if over 18, incapable of self-care because of a mental or physical disability.

Spouse-a husband or wife recognized by Iowa law including common law marriages.

## FAMILY AND MEDICAL LEAVE NOTICE TO EMPLOYEES

## YOUR RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993

### Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter, or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

### Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter, or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is (1) a current 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\*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.\*

**\*The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".**

### Benefits and Protection

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### Job Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, for 1,250 hours of service in the previous 12 months\*, and if at least 50 employees are employed by the employer within 75 miles.

**\*Special hours of service eligibility requirements apply to airline flight crew employees.**

### Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

### Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use

paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

### **Employee Responsibilities**

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

### **Employer Responsibilities**

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

### **Unlawful Acts by Employers**

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA;
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.**

For additional information:  
1-866-4US-WAGE (1-866-487-9243)  
TTY: 1-877-889-5627  
[WWW.WAGEHOUR.DOL.GOV](http://WWW.WAGEHOUR.DOL.GOV)

U.S. Department of Labor  
Wage and Hour Division  
WHD Publication 1420  
Revised February 2013

### **Enforcement**

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FAMILY AND MEDICAL LEAVE REQUEST FORM

Date:

I, \_\_\_\_\_, request family and medical leave for the following reason: (check all that apply)

- for the birth of my child;
- for the placement of a child for adoption or foster care;
- to care for my child who has a serious health condition;
- to care for my parent who has a serious health condition;
- to care for my spouse who has a serious health condition; or
- because I am seriously ill and unable to perform the essential functions of my position.
- because of a qualifying exigency arising out of the fact that my \_\_\_ spouse; \_\_\_ son or daughter; parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.
- because I am the \_\_\_ spouse; \_\_\_ son or daughter; \_\_\_ parent; \_\_\_ next of kin of a covered service member with a serious injury or illness.

I acknowledge my obligation to provide medical certification of my serious health condition or that of a family member in order to be eligible for family and medical leave within 15 days of the request for certification.

I acknowledge receipt of information regarding my obligations under the family and medical leave policy of the school district.

I request that my family and medical leave begin on \_\_\_\_\_ and I request leave as follows: (check one)

continuous

I anticipate that I will be able to return to work on \_\_\_\_\_.

intermittent leave for the:

- birth of my child or adoption or foster care placement subject to agreement by the district
- serious health condition of myself, parent, or child when medically necessary
- because of a qualifying exigency arising out of the fact that my \_\_\_ spouse; \_\_\_ son or daughter; parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.
- because I am the \_\_\_ spouse; \_\_\_ son or daughter; \_\_\_ parent; \_\_\_ next of kin of a covered service member with a serious injury or illness.

Details of the needed intermittent leave:

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

I anticipate returning to work at my regular schedule on \_\_\_\_\_.

Approved 3-11-96

Reviewed 11-13-2017

Revised 8-11-14

FAMILY AND MEDICAL LEAVE REQUEST FORM

\_\_\_\_\_ reduced work schedule for the:

- \_\_\_\_\_ birth of my child or adoption or foster care placement subject to agreement by the district
- \_\_\_\_\_ serious health condition of myself, parent, or child when medically necessary
- \_\_\_\_\_ because of a qualifying exigency arising out of the fact that my \_\_\_\_\_ spouse; \_\_\_\_\_ son or daughter; parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.
- \_\_\_\_\_ because I am the \_\_\_\_\_ spouse; \_\_\_\_\_ son or daughter; \_\_\_\_\_ parent; \_\_\_\_\_ next of kin of a covered service member with a serious injury or illness.

Details of needed reduction in work schedule as follows:

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

I anticipate returning to work at my regular schedule on \_\_\_\_\_.

I realize I may be moved to an alternative position during the period of the family and medical intermittent or reduced work schedule leave. I also realize that with foreseeable intermittent or reduced work schedule leave, subject to the requirements of my health care provider, I may be required to schedule the leave to minimize school district operations.

While on family and medical leave, I agree to pay my regular contributions to employer sponsored benefit plans. My contributions shall be deducted from moneys owed me during the leave period. If no monies are owed me, I shall reimburse the school district by personal check (cash) for my contributions. I understand that I may be dropped from the employer-sponsored benefit plans for failure to pay my contribution.

I agree to reimburse the school district for any payment of my contributions with deductions from future monies owed to me or the school district may seek reimbursement of payments of my contributions in court.

I acknowledge that the above information is true to the best of my knowledge.

Signed

Date

Approved Date: \_\_\_\_\_ Board President Signature: \_\_\_\_\_

GENERAL PERSONNEL CONDUCT AND APPEARANCE

School district personnel shall strive to set the kind of example in their actions and appearance that not only reflects credit to the school system, but sets forth a model worthy of emulation by the students. Enthusiasm, positive attitude, loyalty, and professionalism shall be the key words describing the goals of school district personnel conduct and appearance.

School district personnel shall conduct themselves in a professional manner. School district personnel shall dress in attire appropriate for their position. Clothing should be neat, clean, and in good taste.

Licensed personnel of the school district shall follow the code of ethics for their profession as established by the Board of Educational Examiners.

It shall be the responsibility of the building principals to counsel employees assigned to their facility on appearance and conduct when the individual appearance may have a negative impact on the learning environment. Employees who do not follow this policy shall be subject to disciplinary action, up to and including termination.

Approved: 5-14-90 Reviewed: 11-13-2017 Revised: 8-11-14

DISTRICT PERSONNEL RESIGNATION

Licensed Employees

A. Resignation Prior to Executing an Individual Contract

A licensed employee who wishes to resign from his/her continuing contract prior to executing an individual contract for the following year shall submit a written resignation to the Superintendent. The resignation shall be in writing and shall state the employee's intent to resign and final date of employment. The licensed employee shall ensure the resignation is filed with the Board Secretary. The resignation must be filed not later than the last day of the current school year or the date specified by the Board for return of the contract, whichever date occurs first.

B. Resignation After Executing an Individual Contract

The Board expects that all signed, fully executed contracts with licensed employees will be performed as stated. Release from a fully executed contract following a resignation request from a licensed employee is at the sole discretion of the Board.

A licensed employee who wishes to resign from his/her continuing contract after executing an individual contract shall give thirty (30) days written days' notice to the Board Secretary. Licensed employees may be released at the discretion of the Board. Only in unusual and extreme circumstances will the Board release a licensed employee from a contract. The Board shall have sole discretion to determine what constitutes unusual and extreme circumstances.

Release from a contract shall be contingent upon finding a suitable replacement. Licensed employees requesting release from a contract after it has been signed will be required to pay the Board the cost of advertising for a suitable replacement. Upon written mutual agreement between the employee and the Superintendent or, in the case of the Superintendent, a designee of the Board, the costs may be deducted from the employee's salary. Payment of these costs shall be a condition for release from the contract at the discretion of the Board. Failure of the licensed employee to pay these expenses will result in the employee not being released from the employee's contract.

The Superintendent is authorized to file a complaint with the Iowa Board of Educational Examiners against any licensed employee who leaves their employment with the District without proper release from their contract from the Board. Should such an instance arise, the resignation of the licensed employee may be accepted under protest so that replacement staff may be hired without jeopardizing the legal rights of the District.

The Board may require a licensed employee who has resigned from an extracurricular contract to accept the resigned position for only the subsequent school year when the Board has made a good faith, but unsuccessful, effort to find a replacement, and the licensed employee is continuing to be employed by the District.

Non-Licensed Employees

A non-licensed employee who wishes to resign shall submit a written resignation to the Superintendent or the Superintendent's designee. The resignation shall be in writing and shall state the employee's intent to resign and the final date of employment. The resignation must be submitted not later than thirty (30) days prior to the final date of employment.

The Superintendent or the Superintendent's designee will refer the resignation to the Board with a recommendation.

Approved: 5-14-90 Reviewed: 11-13-2017 Revised: 8-11-14



DISTRICT PERSONNEL SUSPENSION

Employees shall perform their assigned job, respect board policy and obey the law. The superintendent is authorized to suspend an employee pending board action on a discharge or for investigation of charges against the employee, and for disciplinary purposes. It shall be within the discretion of the superintendent to suspend an employee with or without pay.

In the event of a suspension, appropriate due process shall be followed.

Approved: 6-19-90 Reviewed: 11-13-2017 Revised: 8-11-14

DISTRICT PERSONNEL TERMINATION/DISMISSAL

The superintendent or the superintendent's delegated subordinate shall have the authority to suspend the services of any employee as permitted under state and federal law. At the next following meeting of the board, action shall be taken by the board as to whether or not the employee shall be reinstated or dismissed. The employee shall have all due process rights afforded under state and federal law.

Approved: 6-19-90 Reviewed: 11-13-2017 Revised: 8-11-14

DISTRICT PERSONNEL PUBLICATION OR CREATION OF MATERIALS

Written and other materials created by employees and the financial gain there from shall be the property of the school district if school materials and/or time were used in their creation and/or such materials were created within the scope of the employee's employment for the district. If the work or activity may interfere with the employee's primary responsibility, the licensed employee must seek prior written approval of the superintendent.

Approved: 6-19-90 Reviewed: 11-13-2017 Revised:

## EARLY RETIREMENT POLICY

The Garner-Hayfield-Ventura Board of Education may provide for insurance incentives to contracted certified employees who apply for voluntary early retirement and meet the eligibility and application requirements of this policy. The final decision on the acceptance of the early retirement application rests solely with the Garner-Hayfield-Ventura Board of Education.

### A. Eligibility Requirements:

To be eligible for early retirement benefits the employee must meet the following criteria.

1. Possesses an employment contract with Garner-Hayfield-Ventura Schools.
2. Is age 55 on or before June 30 of the calendar year in which he/she is requesting voluntary early retirement.

All certified employees meeting the age requirement are eligible if they are currently receiving health care benefits or paying into the GHV Health Care Program.

Non-Certified Staff members meeting the age, who have at least 10 years of continuous service, and health care requirements are limited annually to the dollar amount offered by the GHV Board of Education.

3. Employees subject to discharge for cause are not eligible.
4. An employee who is disabled and/or participating in the school district's long-term disability coverage or an approved leave of absence at the time of application for early retirement shall not be eligible for benefits under this policy.
5. Apply for a retirement allowance under IPERS.

### B. Application Requirements

1. Employees wishing to apply for voluntary early retirement must submit the attached application to the Superintendent with a letter of resignation on or before February 1 of the calendar year in which the resignation is to become effective.
2. Approval of the application for Voluntary Early Retirement for teachers, administrators, and non-certified staff shall constitute termination of his/her continuing contract. Non-approval of an early retirement application will void letters of resignation that were submitted to comply with this policy.

Approved: 3-5-92 Reviewed: 1-12-98 Revised: 11-17-2018

EARLY RETIREMENT POLICY

3. Notification of approval or disapproval of the application will be made no later than March 15.

C. Voluntary Early Retirement Benefits

1. The district will pay an early retirement benefit to certified staff are age 55 by June 30, 2019, file for IPERS retirement, and remain on the school health/dental insurance plan or another insurance plan where the premium is paid directly by the school to the insurance company in the amount of \$50,000.00 for those needing family coverage or a full single policy paid until age 65 to be used for health/dental insurance only for certified staff. Non-certified staff with at least 10 years of continuous, are 55 by June 30, 2019, and are currently are on the school health/dental plan are eligible with their dollar amount to be \$10,000.00. Any monies not expended upon reaching the age of 65 will be forfeited.

This dollar amount may be spread out over any period of time mutually agreed upon by employer and employee until the retiree reaches their 65<sup>th</sup> birthday.

D. Medical Insurance Benefit:

1. Employees not eligible for Medical Insurance coverage prior to retirement may not use the insurance premium option in lieu of a cash payment.
3. Employees must arrange a monthly payment schedule for their portion of the medical insurance premium with the District Business Office one month prior to the start of coverage.
4. Nothing herein shall limit the School Districts' ability to change the terms of its existing medical insurance coverage, and this policy in no way guarantees a participating employee any certain level of benefits during the employee participation in the insurance benefits portion of early retirement incentive.
5. The medical insurance benefit of this policy will be terminated if any of the following occur.
  - a. Employee reaches age 65.
  - b. Employee elects coverage under Medicare Parts A & B.
  - c. Death of employee.
6. Any employee desiring to continue to participate in the Group/Health/Major Medical Insurance Program administered by the Garner-Hayfield-Ventura Community School District shall indicate the same by executing the Election of Insurance Option, a copy of which is attached hereto, and shall be bound by all of the provisions of said election and of t

his early retirement policy.

EARLY RETIREMENT POLICY

E. Closure:

If an employee dies before or after applying for early retirement benefits, the employee or his/her estate shall not be entitled to any further benefits under the terms of this policy as of the date of the employee's death.

F. Limit:

The Garner-Hayfield-Ventura Board of Education may limit the number of employees who choose to exercise the provisions of this policy. If the Board of Education needs to limit the number of employees applying for early retirement, the length of service rendered in the District by the affected employees will be given preference in making the selection.

G. Review:

The board has complete discretion to offer or not to offer an early retirement plan for licensed employees. The board may discontinue the school district's early retirement plan at any time. Each year the board will decide if the early retirement policy will be offered at their regular October board meeting.

EARLY RETIREMENT POLICY  
GARNER-HAYFIELD-VENTURA COMMUNITY SCHOOL DISTRICT  
GARNER, IOWA

TO: Superintendent of Schools or Board of Education

FROM:

RE: Application for participation in the voluntary early retirement program

I hereby submit my formal application for participation in the voluntary early retirement program. This action is taken in accordance with all requirements of Board of Education Policy No. 407 (Voluntary Early Retirement Policy).

My resignation from my continuing contract with the District is attached and is made as part of this application. It is my understanding that this application and the request for approval of resignation will be acted upon simultaneously by the Board of Education.

Signature	Date of Birth	Date

\*\*\*\*\*

I understand that:

1. I will pay the District sufficient funds to cover the full costs of participation at the level I select on the appropriate date agreed to with the District.
2. My eligibility to participate in the insurance program terminates on my 65th birthday.
3. This election on my part is final and binding, and no further offers will be made by the District.
4. No interest will be paid by the District on any monies left in escrow for health insurance purposes.
5. This option is subject to the approval of the insurance carrier and is subject to conditions and requirements established by the insurance carrier.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Employee

**Board of Education Action**

\_\_\_\_\_ Approved

\_\_\_\_\_ Not Approved

\_\_\_\_\_  
President, Board of Education

Date \_\_\_\_\_

\_\_\_\_\_  
Superintendent of School