

**Henry County
Board of Education**

**Procedure Manual
for
Personnel Policies**



2019 – 2020

Board Approved 6/13/2019

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INTRODUCTION

In July 2013, the Henry County Board of Education adopted a revised policy manual. The Henry County Board of Education Policy Manual reflects updated federal and state laws by which to operate a public school system in the state of Alabama. Any changes in policy require board approval and *Meet and Confer* guidelines established by the state.

The Henry County Board of Education *Procedure Manual for Personnel Policies* addresses procedures that are referenced in the policy manual. These procedures are subject to change based on policy revisions, employee law updates, and recommendations from the Superintendent. The purpose of this manual is to provide clarification on appropriate personnel procedures that address a variety of Human Resources or Payroll/Benefits issues. All forms associated with Human Resources or Payroll/Benefits information can be found online at www.henrycountyboe.org or requested through the Human Resources/Payroll Department. In compliance with the U.S. Department of Homeland Security and Social Security Administration, Henry County Schools participates in E-Verify as specified under federal law.

Personnel related questions and paycheck or benefits' coverage inquiries need addressed to the Human Resources/Payroll Department. To contact, please call 334-585-2206, extension 1228.

EQUAL EMPLOYMENT OPPORTUNITY Board Policy 6.14

The Board is an equal opportunity employer. Personnel actions and decisions will be made without regard to factors or considerations prohibited by federal or state law (as such laws may from time to time be amended), including but not limited to race, gender, age, disability, national origin, citizenship, and religious preference. Subject to the limitations set forth in 3.9 the general complaint (grievance) policy 3.91 may be used to present any complaint alleging unlawful discrimination or harassment. Inquiries regarding compliance and complaint procedures can be directed to:

Jodi Ennis, Human Resources/Payroll Department
Henry County Board of Education
300 North Trawick Street
Abbeville, AL 36310
(334) 585-2206, ext. 1228

PERSONNEL PROCEDURES

WORK SCHEDULES AND TIME CLOCK PROCEDURES 6.1.2

Work Schedules (Teachers) – Supervisory and instructional duties of teachers commence thirty (30) minutes prior to the instructional day and conclude thirty (30) minutes after the departure of students. Except as may otherwise be provided by the Board or required, the instructional day for teachers is seven and a half (7.5) hours. Assignments and duties may extend beyond the instructional day and may include off-campus functions, events, and activities; conferences and meetings with parents; supervision of student arrival and departure; and preparation for the following instructional day. Teachers will be provided a minimum of thirty (30) minutes free of instructional and supervisory responsibilities each instructional day.

Work Schedules (Support Personnel) – The Superintendent is authorized to establish work schedules, including minimum work times, for support personnel. Work schedules are subject to change anytime during the year based on building level needs, such as revisions to summer work hours or adjusting schedules for school sponsored events.

Employees must utilize the sign-in sheets, time clocks and attendance system to certify their attendance. Certified employees must sign-in and out using the provided sign-in sheets or attendance system. Non-exempt employees must clock in and out for lunch a minimum of 30 minutes/day, unless the supervisor and employee mutually agree to a working lunch for special circumstances. Failure to comply with time clock procedures could result in disciplinary action. Employees have an opportunity to review and certify time entries each week. If the entries are incorrect, the inaccuracy has to be reported immediately. A missed time entry by the employee needs to be corrected within that week. **Clock in/out times will be rounded to the nearest quarter hour with a 7-minute grace period.** Deviating from a designated work schedule is prohibited unless approved by a supervisor in advance. Clocking in and out for another employee is strictly prohibited. Failure to adhere to time clock procedures may result in disciplinary action, up to and including termination.

For further questions regarding overtime and compensatory time for non-exempt employees, please refer to the *Henry County Board of Education Schools Wage & Hour Manual* posted on the district website. The Human Resources/Payroll Department may assist with additional questions.

PROFESSIONAL CERTIFICATION AND PROCEDURES 6.1.2

In addition to requirements established by the Alabama State Board of Education and the pertinent job description, professional employees must hold a degree from an accredited college or university and hold a current, valid, and properly endorsed Alabama Teacher's Certificate. A teacher who has completed the certification process but has not received the certificate may be employed on tentative or temporary compensation pending verification of certification from the State Department of Education. Upon receipt of such verification, appropriate adjustments will be made to the teacher's salary. If a teacher earns a higher degree from a regionally accredited institution that merits increased compensation under the approved salary schedule, any salary increase will become effective in the monthly pay period that begins after the State Superintendent recognizes the advanced degree. Official transcripts must be submitted to Human Resources/Payroll Department for verification.

To continue a valid renewable certificate with an expiration date of June 30th:

- Requirements must be met by June 30 of the year of certificate expiration
- All documentation **including fees** must be received in the Teacher Certification Office of the Alabama Department of Education **no later than June 30 of the year of expiration**
- Instructional Leader/Administrative certificate renewal must meet PLU requirements whether an employee is serving in a teaching or administrative position, and include the applicable PLU's approved by ACLD

SUBSTITUTES 6.1.2

Kelly Educational Staffing will provide all substitute teachers and substitute personnel, except for bus drivers and nurses. Substitute bus drivers will be secured by the Transportation Supervisor from a list of approved drivers who are properly licensed by the State of Alabama to drive a school bus and be listed on the current insured drivers list. Substitute nurses will be secured by the Personnel Department and will be properly licensed by the Alabama Board of Nursing. All substitutes will be paid at rates set by the Board of Education.

EMPLOYEE CONFLICTS OF INTEREST 6.6

Employees may only engage in outside employment under the following provisions:

- Employees will not engage in outside business activities or render any service for another employer during such time as duties and responsibilities have been assigned by the Board;
- Employees will not accept outside employment that would interfere with or impair the ability of the employee to perform duties effectively;
- Employees may not accept work that could compromise the employee's independent judgment in the exercise of duties for the Board;
- Employees may not use or disclose confidential or personally identifiable information acquired through Board employment for their personal gain or benefit of a third party;

- Henry County certified personnel should not receive pay or its equivalent for out-of-school tutoring of students currently enrolled in their classes when the out-of-school tutoring is in subject areas taught during the students' regular school day. However, certified personnel may engage in out-of-school tutoring of students in their classes when such tutoring is sponsored, organized, and paid for by the School System or other accredited educational institutions. Tutoring for any form of remuneration shall not be done during the regular school hours. Employees, under no circumstances, shall use the School System's consumable materials or supplies for private tutoring or personal gain. School or system-sponsored tutoring programs, grant-funded or non-profit or community organization student assistance or tutorial programs using school facilities or resources must have the approval of the school principal and/or Superintendent and must comply with system facilities use guidelines.

Bus drivers/CDL personnel must submit to random drug testing as required by law, and engagement in outside employment cannot interfere with drug testing procedures. Failure to comply with this policy could result in further disciplinary action.

EMPLOYEE GIFTS 6.7

Employees may, at their discretion, present gifts to groups of students on special occasions. Employees must exercise good taste and sound professional judgement when giving gifts to students. Gifts provided by employees to students must not be elaborate or expensive. Employees may accept gifts from students or other members of the public if the gifts are in accordance with the Alabama Ethics law and other pertinent state laws. Gifts of a nominal value (less than \$25 per occasion and less than \$50 per year from a single provider) are excluded from this provision.

EVALUATIONS 6.8

Certified employees (other than contract principals) will be evaluated in accordance with an evaluation program approved for use by the Alabama State Department of Education or local board of education. Contract principals will be evaluated in accordance with rules, regulations, and requirements promulgated by the State Department of Education. Non-certified employees will be evaluated with criteria established by the Superintendent. Anyone may be placed on evaluation any given year as recommended by the administrator/supervisor.

WORK VERIFICATION PROCEDURES

Official verification of prior work experience submitted for review to determine placement on the salary schedule must be received within two (2) months of an employee's hire date in order to have this experience paid retroactive from the start date. It is the employee's responsibility to obtain work experience from prior employers. The Human Resources/Payroll Department will notify employees of any work experience received. Employees should compare their salary schedule placement, including years of experience, with their paystub. In the event an employee

has documentation of attempts to verify work experience from other employers that were unsuccessful, the two (2) month deadline may be modified depending on the circumstances. Official verification of prior work experience submitted for review to determine placement on the salary schedule that is received after two (2) months from the employee's hire date will be effective the date verification is received in the Human Resources/Payroll Department. All submission of official verification of prior work experience must meet the Henry County Board of Education guidelines in order to receive credit.

EMPLOYEE ABSENCES PROCEDURES

All employees are required to enter absences by filling out the appropriate leave form. It is the employee's responsibility to register an absence when he/she will not be reporting to work or notify the building administrator/supervisor of the absence in a timely manner. Additional questions can be directed to the Human Resources/Payroll Department.

ON-THE-JOB INJURY LEAVE PROCEDURES 6.10.4

On-the-job injury is defined as any accident or injury to the employee occurring during the performance of duties for the employer, which prevents the employee from working or returning to his/her job. This does not include a serious medical situation or degenerative condition that occurs while working on the job (i.e. heart attack, stroke, arthritis, etc.). The following regulations, procedures and rights are established pertaining to employees who are injured while on the job:

1. Notify your immediate supervisor within 24 hours after the injury occurred. If clinically unable to make notification, another person's reasonable knowledgeable of the incident may make notification of the injury. A Henry County Schools ***Employee Injury Report*** must be completed for all employee injuries and signed by the employee and his/her supervisor. The report must be submitted to the Superintendent for documentation.
2. If medical attention is required due to an injury, the Board requires a ***Physician Certification Form*** to certify the employee's injury would not allow the employee to return to work within five days of filing the On-the-Job Injury Report, unless hospitalization or special circumstances exist and the supervisor is notified. This form must be submitted to your supervisor when completed. Upon determination that an employee has been injured on the job and cannot return to work as a result of the injury, sick days shall be reinstated for a period of up to ninety working days. If an employee is eligible for leave under the Family Medical Leave Act (FMLA), FMLA will run concurrently with days missed associated with the injury. Verify your supervisor submits a written request to reinstate sick days as On-the-Job Injury to the Human Resources/Payroll Department. Recertification may be required for intermittent absences. The ***Employee Injury Report*** and ***Physician Certification Form*** can be obtained from the Human Resources/Payroll website, principal or school nurse.
3. If out of pocket medical expenses are incurred due to an injury, employees of the Henry Board of Education have the right to file a claim to the State Board of Adjustment requesting reimbursement. **This claim must be submitted no later than one year from the date of injury due to the statute of limitations.** If ongoing treatments are necessary beyond the first year, employees must file a claim each year seeking reimbursement. Henry County Schools are not affiliated with the State

Board of Adjustment, therefore, **IT IS THE EMPLOYEE'S RESPONSIBILITY TO FILE A CLAIM.** To review the *Rules of the Alabama Board of Adjustment* and obtain claim forms, go to: www.bdadj.alabama.gov

PERSONAL LEAVE 6.10.5

Personal leave must be requested in accordance with Henry County's Board Policy. It may not be taken immediately before or after a school holiday or in the first or last ten days of a school term unless approved by the immediate supervisor. Full-time certified and classified employees are eligible for two paid personal leave days during one scholastic year. Employees have three additional personal leave days available which result in being charged **\$80/day (certified)** or **\$55/day (classified)**. Approval from an immediate supervisor is required for the additional three days to avoid disruption in school operations. Classified and certified employees may choose to convert unused personal days into sick leave days at the end of the school year.

VACATION 6.10.6

Vacation leave is only applicable to regular 12 month employees. Vacations must be scheduled and approved by the employee's supervisor. For the first year of employment, 12-month employees that receive 10 vacation days will earn 1 day/month. After the first year of employment, 12-month employees will receive vacation days in advance on July 1st for the upcoming year. Twelve-month employees' vacation leave, accrued as of June 30th each year, must not exceed twenty (20) days. Twelve-month employees have the option each year to be paid for five (5) vacation days at their daily rate of pay. Vacation time not utilized during this time will be forfeited (any days exceeding 20 for 12 month). *Upon termination of employment, vacation time is calculated to determine the number of days earned as of the last day employed.* Therefore, an employee may not be paid for all vacation days that were advanced the past July. An employee will be paid for any unused days that have been earned at their current daily rate of pay. If an employee used more than their earned days at the time of termination, their final paycheck will be reduced by the number of unearned vacation days at their current rate of pay.

PROFESSIONAL LEAVE 6.10.7

The Superintendent is authorized to grant professional leave with pay to Board employees to engage in educational activities, which, in the judgment of the Superintendent, serve the needs and interests of the school system. This could include participation in a workshop as either an attendee or presenter, or involvement in district professional growth planning or implementation. All professional leave must be approved by the appropriate administrator and the Superintendent and not exceed five (5) days per academic year. The Superintendent or designee must approve any such leave exceeding five days in a scholastic year.

A professional leave form must be completed and approved by the appropriate administrator and the Superintendent in order to be paid. If an employee is to receive a stipend for attending a

professional growth activity, he/she must sign documentation with the legal name recognized in all payroll/benefits information.

OTHER LEAVE FORM

A Leave Form should be completed when professional duties such as sponsoring and/or coaching responsibilities require teams or clubs to be away from school, or the coach/sponsor must participate in informational meetings pertinent to their responsibilities. Other Leave also covers participation in activities, meetings, or events as representative of Henry County Schools that does not involve professional development.

MILITARY LEAVE 6.10.8

Military leave is available to all eligible employees in accordance with state and federal law under the Family and Medical Leave Act. Eligible employees whose spouse, son, daughter, or parent is on covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. These may include attending certain military events, arranging for alternative childcare, addressing financial and legal arrangements, attending 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 service member during a 12-month period.

COURT LEAVE 6.10.9

Permanent and full-time employees are entitled to regular compensation while performing jury duty or when the employee is summoned under subpoena or other legal requirement (for job-related reasons) to testify at trial in a court of law or in administrative proceedings constituted under the statutory authority of the agency conducting the proceeding. Paid leave is not authorized for employees who are subpoenaed for personal reasons, or to meet with attorneys, to attend depositions, or to otherwise prepare for legal proceedings unless the presence of the employee is requested or required by the Board.

An employee must submit the summons for jury duty prior to the date to appear for this service. This will suffice for the first day of jury duty. If services are required for more than one day, a copy of the jury certificate that an employee receives from the court at the completion of their jury service must be submitted. These documents must be given to the payroll bookkeeper at the employee's work location. Failure to provide this documentation will result in utilizing the employee's accumulated personal, vacation, or compensatory days to cover the absence.

INCLEMENT WEATHER GUIDELINES

Principals/Site Supervisors may choose to allow staff an early departure or late arrival time in collaboration with the Superintendent. Site Supervisors will determine how missed time is

documented and processed for payroll purposes. If a staff member chooses not to report to work due to inclement weather, personal, vacation, comp or being docked a day's pay will be utilized.

LEAVE OF ABSENCE PROCEDURES 6.10 and 6.11

Use of Accumulated Paid Leave - If an employee has available sick, personal, or vacation leave, the employee must utilize those forms of leave before taking unpaid leave.

Medical Leave - If an employee is absent **10 or more consecutive days**, a request in writing must be submitted to the principal/supervisor with the beginning and ending dates of anticipated leave. A physician's statement/medical certification must be attached to the letter requesting the leave of absence. The principal/supervisor will send all appropriate documentation to the Human Resources/Payroll Department who presents leave requests to the Superintendent for approval. If a medical leave extension is needed beyond 12 weeks, the employee must acquire updated medical certification and submit a letter requesting an extension of leave. Additional leave must be approved by the Superintendent and Board, but is not guaranteed. Benefits will be discontinued after 12 weeks of leave under the Family Medical Leave Act, UNLESS benefits accrued by the employee are available such as sick days or catastrophic donations.

Family Medical Leave Act (FMLA) Eligibility - If an employee has worked a minimum of 1,250 hours during the 12 months prior to the start of the leave, he/she may be entitled to 12 weeks of leave for reasons specified under FMLA. For applicable reasons, definition of serious health conditions, and medical certification requirements, please refer to section 6.10 in the Henry County Board of Education Policy Manual. *Henry County Schools' policy requires an employee who has available sick leave, vacation leave, or other applicable paid leave, to utilize those forms of leave before taking unpaid leave. In that instance, the paid leave and FMLA leave will run concurrently from the first absence as long as the need for such leave results from one or more of the qualifying reasons under FMLA.*

The U.S. Department of Labor (Form WH-380-E) allows an employer to request certification from a health care provider for an employee or family member's serious health condition under FMLA regulations. The health care provider may be asked to provide medical facts to approve leave including items listed below:

- Approximate date condition commenced
- Probable duration of condition
- Was patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility and dates of admission?
- Was medication other than over-the-counter medication prescribed?
- Was the patient referred to other health care providers for evaluation or treatment?
- Is the medical condition pregnancy?
- After employer submits the employee's job title and essential job functions, will the employee be unable to perform any of the job functions listed due to medical condition? If so, which job functions apply?
- Amount of time needed for recovery, follow-up visits, adjusted work schedule recommendations, etc.

- A description of other relevant medical facts, if any, related to the condition for which the employee seeks leave (i.e. symptoms, diagnosis, or regimen of continuing treatment such as the use of specialized equipment)

FMLA certification forms can be found on the district website under the Human Resources/Payroll, as well as Employee Rights and Responsibilities under FMLA.

FMLA Intermittent Medical or Reduced Work Schedule Leave is available for individuals with certain medical conditions that may not require an employee to be absent 10 consecutive days or longer, but frequent absences may result from a serious health condition. Intermittent leave should be scheduled to the extent practicable so as not to unduly disrupt the operations of the Board. Intermittent leave may be further limited for teachers in accordance with federal law. This leave permits employers to temporarily transfer employees needing such leave to alternate positions that better accommodate leave or a reduced schedule if applicable. The employee is required to give the employer notice of the foreseeable intermittent leave at least 30 days before the leave is to begin and must be certified by a Physician with the proper FMLA form. If an employee is prescribed light duty or a reduced work schedule from the physician that cannot be accommodated by the school district, Henry County Schools determines whether the employee can return under those restrictions.

To apply for ***Catastrophic Leave***, an employee must be a member of the Sick Bank and they must fill out a loan application to apply for catastrophic leave. All sick bank leave forms can be found under the Human Resources/Payroll Department website tab. The loan application will be reviewed and approved by the Sick Bank Committee. Upon a determination of eligibility, employees will receive approval via email. Employees may request donated days from Alabama public school employees to cover absences. Employees who did not elect to enroll in the Sick Bank at the beginning of employment may enroll in the Sick Bank during the open enrollment period for annual benefits and be actively working (not on a leave of absence). For additional information regarding catastrophic illness procedures, please visit the district website under the Human Resources/Payroll Department for further instructions.

Catastrophic Leave for Maternity Leave Requests - If an employee does not have accumulated sick leave to cover the amount of time the physician certifies the employee will not be able to perform regular job duties, and is a member of the sick bank, a loan application for catastrophic leave must be submitted to the Human Resources/Payroll Department to cover the amount of time the physician states the employee must remain off work for recovery only. Catastrophic donations cannot be applied past the amount of time the physician states is needed for personal recovery. For example, normal deliveries may require a mother to remain off work for 6 – 8 weeks. If the employee is eligible for FMLA, she may take up to 12 weeks of leave, but catastrophic donations only apply to the 6 – 8 weeks the physician certifies is required. The remainder of the leave is unpaid. Catastrophic donations can be applied past this amount of time if the pediatrician certifies there are medical issues that require additional time from the caregiver, or the mother is experiencing post-delivery complications that represent a serious health condition defined under FMLA.

Maternity/Paternity Leaves - Maternity/Paternity leave requests must be made in writing to the principal/supervisor at least 45 days before the beginning of leave or delivery due date. These requests must be accompanied by a physician's form that may be obtained from your district website, or the Human Resources/Payroll Department. Up to 12 weeks of unpaid maternity/paternity leave under the Family Medical Leave Act (FMLA) is available if an employee meets eligibility under the regulations of the law, which is working a minimum of 1,250 hours during the previous 12 months. If an employee has available sick leave, vacation leave, or other applicable paid leave, the employee must utilize those forms of leave before taking unpaid leave under FMLA. The paid leave and FMLA leave will run concurrently from the first absence. Sick leave may only be utilized during the time the physician states the employee should not return to work for personal recovery, as stated in the previous paragraph (regarding catastrophic donations). If 12 weeks of FMLA were approved, the remainder of leave would be unpaid. Employees, who are not eligible for FMLA, can request maternity leave for the amount of time the physician states the employee needs for personal recovery only. If an employee chooses not to return after FMLA leave is exhausted, a letter of resignation must be submitted to the Human Resources/Payroll Department, as other leave is not available. Regarding paternity leave, Henry County Schools will allow three weeks (15 working days) to be paid leave if the employee has accumulated enough sick, personal, or vacation days to cover the absences.

Spouses Employed by the Henry County Board of Education Requesting Maternity and Paternity Leave - Under the FMLA, a combined total of twelve (12) weeks of unpaid leave (or applicable paid leave described previously) for a husband and wife employed by the same board of education is allowed.

One Year Leave of Absence - Permission is granted by the Henry County Board of Education or allowed under its adopted policies for regular full or part-time employees to be absent from duty for a specified period of time with the right to return to employment upon the expiration of leave. Any absence of a member of the staff from duty shall be covered by leave duly authorized and granted. Certain provisions apply that are listed under policy 6.10.10 (a-g) and the request must be submitted no less than one (1) week prior to a monthly board meeting. This leave would not count towards experience in the determination of placement on the salary schedule, nor is the employee guaranteed their original position upon returning and is subject to a transfer or reassignment for which they are certified. Tenure status will be retained. Benefits will be extended if the employee has available leave under FMLA or catastrophic leave. Contact the Human Resources/Payroll Department for additional questions.

Leaves Extending Beyond One Year or After All Paid Leave is Exhausted - If a medical condition continues to exist after extending medical leaves covered under FMLA, the employee is unable to perform the job duties and responsibilities designated in the job description, and all paid leave has been exhausted, the employee may request to extend the leave one additional year upon recommendation of the Superintendent and approval by the Board. If all options have been exhausted, an employee must contemplate separation of employment. A resignation and/or filing for long-term disability should be considered. Questions should be directed to the Human Resources/Payroll Department at 334-585-2206, ext. 1228.

Return to Work Release – The board may require an employee who has taken leave due to employee’s own serious medical condition to provide the healthcare provider’s certification to return to duty. If a 9-month employee was on a leave of absence at the end of the scholastic year, a return to duty release may be required upon returning if the physician certification is inconclusive regarding a return date. Bus drivers are required to submit an Alabama State Department of Education *Physical Examination Report* every two years to continue employment.

Abuse of Sick Leave – Abuse of sick leave may subject an employee to disciplinary action, including possible loss of pay or a recommendation to terminate employment. The Superintendent in conjunction with the Human Resources/Payroll Department may request physician certification for excessive absences.

DRUG AND ALCOHOL TESTING PROCEDURES 6.18

The Board will conduct employee drug and alcohol testing for employees in safety sensitive positions as required by and in accordance with federal law, or in the event there is reasonable suspicion that an employee is under the influence of drugs/alcohol that effect job performance. Any employee may be subject to reasonable suspicion drug testing, as well as follow up drug testing, in accordance with board policy. Failure to comply with drug testing may result in further disciplinary action including, but not limited to termination.

Random drug testing will be required for all employees holding a Commercial Drivers License (CDL) or who occupy a safety sensitive position as designated by the Board. In compliance with the Federal Motor Carrier Safety Administration regulations and U.S. Department of Transportation, all transportation personnel will be randomly drug tested as designated by the Superintendent. In addition, any Operations/Maintenance personnel who occupy safety sensitive positions will also be subject to random drug testing. If an employee holding a CDL tests positive during a random drug screening, he/she will be subject to immediate administrative leave pending board approval of termination. If termination is not recommended by the Superintendent based on information provided, the employee than must meet all requirements specified by federal law to be eligible to return to duty and will be responsible for covering the cost of any evaluations, treatments, and any follow up testing.

EQUAL EMPLOYMENT OPPORTUNITY 6.14 and 6.15

Henry County Schools is an equal opportunity employer. Personnel actions will not be made without regard to factors or considerations prohibited by federal or state law (as such laws may from time to time be amended), including but not limited to race, gender, age, disability, national origin, citizenship, and religious preference. Subject to the limitations set forth in 3.9 the general complaint policy 3.91 may be used present any complaint alleging unlawful discrimination or harassment. Henry County Schools strongly advocates that all employees should be treated fairly and consistently in a work environment free from discrimination. Sexual harassment, as defined by law, is a form of unlawful discrimination and will not be tolerated. An employee has certain rights in reporting such action. Procedures to report sexual harassment are outlined in policy 6.15.

PERSONNEL GRIEVANCE PROCEDURE 3.91

The following information addresses the grievance procedure for employees of the Henry County Board of Education. 3.9 addresses public complaints that should be directed to the Superintendent or immediate supervisor.

Any employee may present to the Board a concern, complaint, grievance, or request for corrective action regarding any aspect of school system operations. Before requesting corrective action from the Superintendent or Board, requests should be presented to the employee, supervisor, or administrator at the lowest administrative level who has the authority and ability to address the problem or to implement the requested action. The general complaint/grievance policy and any procedures adopted that relate to sexual harassment, review of personnel matters under the Students First Act, due process hearings provided under the Individuals with Disabilities Education Act or special factual or legal circumstances, may follow other reporting and resolution procedures as outlined under federal and state laws or Board policy. In such instances, the specific statutory, regulatory, or policy-based process should be applicable.

The general complaint/grievance procedures that are authorized under the terms of this policy may not be invoked for the purpose of challenging or seeking review or reconsideration of adverse personnel decisions that have received final Board approval. A grievance may be based on an alleged misapplication of Board policies, regulations, or procedures, but may not be used to challenge the Board's exercise of its discretion to adopt, approve, modify, or repeal a policy or procedure. Grievances may not be used to bypass statutory mandated prerequisites to approval of board action, including, but not limited to, the recommendation of the Superintendent.

The following grievance procedure is adopted under the authority of Board policy 3.91:

The Henry County Board of Education is committed to the task of maintaining the highest possible level of professional relations among members of the staff of the school system and of maintaining good morale among employees. Grievances and problems, which may arise from time to time, should be resolved at the lowest possible level that provides equitable and satisfactory solutions. The goal is to encourage the best possible relations among employees and to enhance morale. Persons who may become concerned in grievance matters are urged to work together constructively in a sincere effort to resolve their disagreements.

Whenever a Henry County School System employee believes that he/she has a complaint, every effort is to be made to arrive at a satisfactory resolution of the problem on an informal basis. When this cannot be done, employees can resort to the more formal procedures as provided herein.

COMPLAINT PROCEDURE

- I. **Informal Discussion:** If an employee believes there is a basis for complaint, he/she shall discuss the complaint with his/her immediate supervisor (except in cases of

discrimination or harassment involving the supervisor, in which case the complainant shall report to the Equity Coordinator or other person designated by the Superintendent) within five (5) days of the occurrence of the alleged violation except in cases involving harassment or discrimination in which thirty (30) days will be allowed.

- II. **Level One:** If the complainant is not satisfied with the informal resolution, he/she may, within ten (10) days, file a formal complaint in writing and deliver it to his/her immediate supervisor or alternate. The supervisor or alternate shall communicate his/her answer in writing to the complainant within five (5) days. Class complaints involving more than one (1) supervisor and complaints involving an administrator above the building level may be filed by the complainant at level two.
- III. **Level Two:** If the complainant is not satisfied with the resolution at level one, he/she may, within ten (10) days of the answer, file a copy of the complaint with the Superintendent. The Superintendent shall indicate his/her disposition in writing to the complainant within ten (10) days.
- IV. **Board Appeal:** If the complainant is not satisfied with the resolution by the Superintendent, he/she shall have the right to appeal the Superintendent's decision to the Henry County Board of Education, provided request for placement on Board agenda is filed within ten (10) days. The Board shall schedule a hearing within ten (10) days after receiving the notice of appeal. Written notice of the Time, date, and place of the hearing shall be provided to the complainant. After consideration of all arguments, discussions, and related documents, the Board's decision shall be presented in writing to the complainant.

AMERICANS WITH DISABILITIES COMPLAINT PROCEDURES

Persons who believe that they have been discriminated against on the basis of disability in the provision of services, activities, programs, or benefits covered by the Title II of the Americans with Disabilities Act may file a written complaint with the Human Resources/Payroll Department.

COACHING – MISCONDUCT

In the event an employee/coach is fined for Alabama High School Athletic Association violations, he/she will be responsible for paying all fees. Please refer to the Alabama High School Athletic Association Handbook for additional information.

TRANSFER PROCEDURES 6.40

Henry County School employees may be reassigned or transferred to any position for which they are qualified by skill, training, or experience.

A teacher may be transferred within the same school or campus by the Superintendent once per year by the 20th calendar day after school begins, provided the teacher has the appropriate certification for the position to which he/she is transferred. Tenured teachers may be transferred to another school without reduction in compensation to a position for which he/she is certified with the approval of the Board of Education once per year by the 20th calendar day after school begins.

Non-probationary classified employees may be transferred once per year to any position for which they are qualified provided that the transfer is without loss of or reduction in compensation, that written notice of the proposed transfer is issued to the employee not less than (fifteen) 15 calendar days before a final decision is made, and that the transfer is effective not less than (fifteen) 15 calendar days after the date of the final decision to transfer.

Probationary employees (certified or classified) may be transferred to a position for which he/she is certified or qualified that result in a loss of or reduction in compensation. Such transfers must be effective not less than (fifteen) 15 calendar days after the date of the final decision to transfer. Employees must be provided notice of the proposed transfer that contains a written explanation of the effect of the transfer on the employee's compensation and notice that the employee may object in writing to the transfer before a final decision is made. Tenured teachers or non-probationary classified employees involuntarily transferred to a position with less pay shall be provided due process in the same manner as a proposed termination of employment.

All requests for voluntary transfers shall be carefully considered and reviewed in accordance with Board policies concerning prohibited discrimination practices. Hiring recommendations will be submitted from the building administrators or departmental supervisors to the Superintendent for consideration.

An employee requesting an internal transfer must submit a notice of interest principal/supervisor where a vacancy exists.

END OF YEAR EMPLOYMENT INFORMATION 6.50

Employment Renewal/Termination – During the first two years of employment, all non-tenured teachers (excluding One Year Only and End of Year Only Appointments) will be rehired unless given notice by the superintendent before June 15th. However, in the tenure year notice will be given by the last working day for teachers to report to duty. Certified employees must be hired by October 1st of a scholastic year to be counted towards acquisition of tenure.

Probationary classified employees may be terminated at the discretion of the employer upon written recommendation of the superintendent and majority vote of the board. A written notice of termination to the classified employee may occur at any time on or before June 15th. After the employee's third consecutive, complete school year of employment, non-probationary status will be issued. Classified employees must be hired by October 1st of a scholastic year to be counted towards acquisition of non-probationary status. The employee will receive 15 days' notice before ending pay and benefits. Non-probationary status is no longer granted based on original hire date

or 36 months of cumulative service. If any certified or classified employee leaves employment with Henry County Schools, tenure/non-probationary status starts over.

Superintendents, contract principals and chief school financial officers do not earn tenure or protected status as defined by Legislative Act 2011-270 (Students Frist Act). Persons employed as temporary, part-time, substitute, summer school, occasional, seasonal, supplemental, or in positions that are experimental, pilot, or temporary or under projects where the funding and duration are finite do not earn tenure or protected status. Time in service spent under an emergency certificate does not count toward the attainment of tenure.

If an employee is hired as a *One Year Only Appointment* or *End of Year Only Appointment*, his/her employment will automatically expire at the end of the academic school year. Future employment options must be directed to the principal/departmental supervisor. These finite appointments may or may not be counted towards tenure/non-probationary status depending on funding and other employment circumstances relevant to the position. Seek additional clarification from the Human Resources/Payroll Department or supervisor/principal.

Resignations - Teachers must notify the board 30 calendar days in advance of the next scholastic year of the decision not to return. During the scholastic year, teacher resignations require a thirty (30) day written notice to Henry County Schools (effective June 2019). Failure to provide proper notice is considered unprofessional conduct and the State Superintendent of Education may revoke or suspend a teacher's certificate. Employees other than tenured teachers may resign at any time by giving five (5) days' written notice to the immediate Supervisor/Superintendent.

Retirement - If considering retirement, an employee must contact the Teacher Retirement System (TRS) to verify eligibility. The employee must contact the Payroll/Benefits Department to complete necessary paperwork by the deadlines specified by TRS in order to avoid missing a paycheck. A letter indicating the decision to retire/resign must be submitted to the principal/departmental supervisor and Human Resources/Payroll Department. NEW hires appointed after January 1, 2013, will be ineligible to collect retirement pensions until age 62 (Senate Bill 388). For clarification on Tier 1 and Tier 2 employees, please visit the Retirement Systems of Alabama website at: www.rsa-al.gov

Transfer Requests –All requests for transfers will be carefully considered and reviewed in accordance with Board policies concerning prohibited discrimination practices. The principal with the vacancy must make a recommendation to the superintendent for the proposed transfer.

Benefits – If an employee (excluding 12-month personnel) resigns at the end of the scholastic year, PEEHIP benefits will continue through August 31st if the employee worked the entire school year. If an employee was hired after the school year started, resigns or is terminated, contact the Human Resources/Payroll Department to determine when benefits will cease. Employees will receive COBRA notifications from an entity representing Henry County Schools. COBRA notification will come directly from them for medical insurance or supplemental plans.

Mandatory Attendance for Upcoming Teacher Institute Day – As defined in Alabama Code 16-23-8 and 16-23-9, any person employed in a teaching, supervisory, or administrative capacity shall attend Teacher Institute for the upcoming school year. If reasons exist that require these employees to miss Institute, the designated form must be submitted to your principal or supervisor for approval who then submits the request to the Superintendent for final approval.