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## ROLE OF AND GUIDING PRINCIPLES FOREMPLOYEES

This series of the board policy manual is devoted to the board's goals and objectives for employees in the performance of their jobs. Employees 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 employee plays a vital role in providing an equal opportunity for a quality education for students commensurate with the students' individual needs. While the teachers have the most direct impact on the formal instruction of students, all employees have an impact on the school environment by their dedication to their work and their actions. As role models for the students, employees shall promote a cooperative, enthusiastic, and supportive learning environment for the students.

In striving to achieve a quality education program, the board's goal is to obtain and retain qualified and effective employees. 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 certified collective bargaining units.

Board policies in this series relating to general employees shall apply to employees regardless of their position as a licensed employee, classified employee, substitute or administrator. Board policies relating to licensed employees shall apply to positions that require a teaching license or administrator's certificate or other professional license, certificate or endorsement, unless administrative positions are specifically excluded from the policy. Classified employees' policies included in this series shall apply to positions that do not fall within the definition of licensed employee.

Approved: 03/14/2013

Reviewed: 12-4-19

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## Code No. 401.1 EQUAL EMPLOYMENT OPPORTUNITY

The Keota 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.

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 will 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, gender, national origin, religion, age, disability, sexual orientation, or gender identity. 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. If the candidate is a teacher who has received an initial license from the BOEE since October 2000, then the requirement for a background check is waived.

Advertisements and notices for vacancies within the district will contain the following statement: "The Keota Community School District is an EEO/AA 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 in writing to the Affirmative Action Coordinator, Keota Community School District, Keota Iowa 52248, or by telephoning 641-636-2189.

Code No. 401.1, page 2

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 Region VII office of Civil Rights, U.S. Department of Education, 310 W. Wisconsin Ave., Ste. 800, Milwaukee, Wisconsin, 53203-2292, (414) 291-1111 or the Iowa Civil Rights Commission, 211 E. Maple, Des Moines, Iowa, 50309, (515) 281-4121. 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 school district's central administrative office and the administrative office in each attendance center.

Legal Reference: 29 U.S.C. §§ 621-634 (2010).  
42 U.S.C. §§ 2000e et seq.  
(2010).

(2010).

42 U.S.C. §§ 12101 et seq.

Iowa Code §§ 19B; 20; 35C;73; 216; 279.8 (2011).  
281 I.A.C. 12.4; 14.1; 95.

Cross Reference:       102    Equal Educational  
Opportunity  
                              104    Bullying/Harassment  
                              405.2  Licensed Employee  
Qualifications, Recruitment, Selection  
                              411.2  Classified  
EmployeeQualifications, Recruitment, Selection

Approved:

12/10/09Reviewed:

12-04-19

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## Code No. 401.2 EMPLOYEE CONFLICT OF INTEREST

Employees' use of their position with the schooldistrict for financial gain is considered a conflict of interest with their position as employees and may subject employees to disciplinary action.

Employees have access to information and a captive audience that could award the employee personal or financial gain. No 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 days notice, require the employee to cease such solicitations as a condition of continued employment.

An employee shall not act as an agent or dealer for the sale of textbooks or other school supplies. An employee 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 to parents. An employee 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.

It shall also be a conflict of interest for an employee to engage in any 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 supplies or the use of the school 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 money 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 that the employee performs service or work for the school district.

Code. 401.2, page 2

- (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 in (1) or (2) above, the employee must cease the employment or activity. If the activity or employment falls under (3), then the employee must:

1. cease the outside employment or activity; or
2. publicly disclose the existence of the conflict and refrain from taking any 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 the interests of the outside employment or activity.

3. When procurement is supported by Federal Child Nutrition funds, employees will not participate in the selection, award, or administration of a contract if there is a real or apparent conflict of interest in the contract.

Contract, for purposes of this paragraph, includes a contract where the employee, employee's immediate family, partner, or a non-school district employer of these individuals is a party to the contract.

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

Legal Reference: 7 C.F.R. 3016.36(3)  
Iowa Code §§ 20.7; 68B; 279.8; 301.28 (2011).

Cross Reference: 203 Board of Directors' Conflict of Interest  
402.4 Gifts to Employees  
402.7 Employee Outside Employment  
404 Employee Conduct and Appearance

More than one family member may be an employee of the school district. The employment by the board of more than one individual in a family shall be on the basis of their qualifications, credentials and records.

One family member shall not supervise another family member without the expressed written consent of the Superintendent.

Legal Reference: Iowa Code §§ 20; 71; 277.27; 279.8 (2011).

Cross Reference: 405.2 Licensed Employee Qualifications, Recruitment  
Selection

411.2 Classified Employee Qualifications, Recruitment

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Code No. 401.3 NEPOTISM



Approved: 11/23/09 Reviewed: 12-04-19

Revised: 12-12-19

Selection

Code No. 401.4

## EMPLOYEE COMPLAINTS

Complaints of employees against fellow employees should be discussed directly between employees. If necessary, complaints shall be brought directly to the immediate supervisor, principal or superintendent and shall be made in a constructive and professional manner. Complaints shall never be made in the presence of other employees, students or outside persons.

A formal grievance procedure is contained in the employee handbook between the employee's licensed bargaining unit and the board. This policy shall not apply to a complaint that has been or could be filed at the employee's discretion under that formal grievance procedure.

Legal Reference: Iowa Code §§ 20.7,  
.9;279.8 (2011).

Cross Reference: 307  
Communication Channels

Approved: 12/12/19

Reviewed: 12/04/19

Revised: 12-12-19

## Code No. 401.5EMPLOYEE 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.

The records shall include, but not be limited to, records necessary for the daily administration of the school district, salary records, evaluations, application for employment, references, and other items needed to carry out board policy. 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 shall have access to their personnel file, with the exception of letters of reference, and copy items from their personnel files at a time mutually agreed upon between the superintendent and the employee. The school district may charge a reasonable fee for each copy made. However, employees will not be allowed access to the employment references written on behalf of the employee. Board members will generally only have access to employee's files when it is necessary because of an employee related matter before the board.

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

It shall be the responsibility of the superintendent to develop administrative regulations for the implementation of this policy.

Legal Reference: Iowa Code chs. 20; 21; 22;  
91B (2011).

Cross Reference: 402.1 Release of Credit Information  
403 Employees' Health  
and Well-Being  
708 Care, Maintenance and Disposal of School District Records

Approved: 11/23/09 Reviewed: 12-04-19

Revised: 12-12-19

## **Regulation 401.5R1 EMPLOYEE RECORDS**

### Employee Personnel Records Content

1. Employee personnel records may contain the following information:
  - Personal information including, but not limited to, name, address, telephone number, emergency numbers, birth date and spouse.
  - Individual employment contract.
  - Evaluations.
  - Application, resume and references.
  - Salary information.
  - Copy of the employee's license or certificate, if needed for the position.
  - Educational transcripts.
  - Assignment.
  - Records of disciplinary matters.
2. Employee health and medical records are kept in a file separate from the employee's personnel records. Health and medical records may contain, but are not limited to:
  - Medical professional signed physical form.
  - Sick or long-term disability leave days.
  - Worker's compensation claims.
  - Reasonable accommodation made by the school district to accommodate the employee's disability.
  - Employee's medical history.
  - Employee emergency names and numbers.
  - Family and medical leave request forms.

3. The following are considered public personnel records available for inspection:

- The name and compensation of the individual, including any written agreement establishing compensation or any other terms of employment, except for that information that is otherwise protected. "Compensation" includes the value of benefits conferred including, but not limited to: casualty, disability, life or health insurance, other health or wellness benefits, vacation, holiday and sick leave, severance payments, retirement benefits and deferred compensation;
- The dates the individual was employed by the government body;
- The positions the individual holds or has held with the government body;
- The educational institutions attended by the individual, including any diplomas and degrees earned, and the names of the individual's previous employers, positions previously held and dates of previous employment;
- The fact that the individual was discharged as the result of a final disciplinary action upon the exhaustion of all applicable contractual, legal and statutory remedies; and,
- Personal information in confidential personnel records of government bodies relating to student employees shall only be released pursuant to the Family Educational Privacy Rights Act (FERPA.)

#### Applicant File Records Content

Records on applicants for positions with the school district are maintained in the central administration office. The records will include, but not be limited to:

- Application for employment.

- Resume.
- References.
- Evidence of appropriate license or certificate, if necessary for the position for which the individual applied.
- Affirmative action form, if

submitted. Record Access

Only authorized school officials will have access to an employee's records without the written consent of the employee. Authorized school officials may include, but not be 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.

Employee Record Retention

All employee records, except payroll and salary records, are maintained for a minimum of one year after termination of employment with the district. Applicant records are maintained for a minimum of one year after the position was filled. Payroll and salary records are maintained for a minimum of three years after payment.

Approved:          Reviewed:          Revised:  
 \_\_\_\_\_          \_\_\_\_\_          \_\_\_\_\_

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**IASB Policy Reference Manual**



## **Policy 401.6 LIMITATIONS TO EMPLOYMENT REFERENCES**

The district believes in taking appropriate measures to promote the health and welfare of all students. Any school employee, contractor, or agent shall not assist another school employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative personnel files, if the individual or agency knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law.

This limitation does not apply if the matter has been properly reported to law enforcement and any other regulatory authorities required by law, and either:

- the matter has been officially closed by the law enforcement agency;
- the individual is acquitted or otherwise exonerated of the alleged misconduct; or
- more than four years has passed since the case was opened, and no charges or indictment have been filed.

***Note: This is a mandatory policy. The language stated in the policy reflects the standards established for schools receiving funding under the Every Student Succeeds Act.***

Legal References:

[20 U.S.C. §7926](#)

[281 I.A.C. 12.3\(14\)](#)

Cross References:

401.5 Employee Records

402.2 Child Abuse Reporting

402.3 Abuse of Students by School District Employees

405.2 Licensed Employee Qualifications, Recruitment, Selection

411.2 Classified Employee Qualifications, Recruitment, Selection

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_

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## **IASB Policy Reference Manual**

registrations are limited to the actual cost of the registration.

Code No. 401.7



Pre-approved expenses for transportation within threehundred 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 the rate set annually by the Board.

## EMPLOYEE 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.

### 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 the rate set annually by the Board. 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.

Employees who are allowed an in-school district travel allowance will have the amount of the allowance actually received during each calendar year included on the employee's W-2 form as taxable income according to the Internal Revenue Code.

Reimbursement for actual and necessary expenses will be allowed for travel outside the school district 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 a detailed receipt, other than a credit card receipt, indicating the date, purpose and nature of the expense for each claim item. In exceptional circumstances, the



Code No. 401.7

superintendent may allow a claim without proper receipt. Written documentation explaining the exceptional circumstances is maintained as part of the school district's record of the claim.

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 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 the pre-approved expenses. Pre-approved expenses for



Employees and Board members who travel on school business shall be reimbursed for meals as determined by administrative regulation.

The superintendent is responsible for developing administrative regulations regarding actual and necessary expenses, in-school district travel allowances and assignment of school district vehicles. The administrative regulations will include the appropriate forms to be filed for reimbursement to the employee from the school district and the procedures for obtaining approval for travel outside of and within the school district.

Legal Reference: Iowa Constitution, Art. III,  
§31.

(2011).

Iowa Code §§ 70A.9-.111980 Op. Att'y Gen.

512.

Cross Reference:       216.3 Board of  
Directors' Member Compensation and Expenses  
                              401.6 Transporting of  
Students by Employees

in Private Vehicles

401.10 Credit Cards

904.1 Transporting Students

Approved: 11/23/09

Reviewed: 12-04-19

Revised: 12-12-19

Code No. 401.8

RECOGNITION FOR SERVICE  
OF EMPLOYEES

The board recognizes and appreciates the service of its employees. Employees who retire or resign may be honored by the board, administration and staff in an appropriate manner.

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

Legal Reference: Iowa Const. Art. III, § 31.  
Iowa Code § 279.8 (2011).  
1980 Op. Att'y Gen. 102.

Cross Reference: 407 Licensed  
Employee Termination of Employment  
413 Classified  
Employee Termination of Employment

Approved: 11/23/09

Reviewed: 12-04-19

Revised: 12-12-19

Code No. 401.9 EMPLOYEE POLITICAL ACTIVITY

Employees shall not engage in political activity upon property under the jurisdiction of the board. Activities including, but not limited to, posting of political circulars or petitions, the distribution of political circulars or petitions, the collection of 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.

Legal Reference: Iowa Code §§ 55; 279.8(2011).

Cross Reference: 409.5 Licensed Employee Political Leave

Reviewed: 12-04-19

Revised: 12-12-19

414.5 Classified Employee

Political Leave

Approved: 11/23/09



## Code No. 401.10 CREDIT CARDS

Employees may use school district credit cards for the actual and necessary expenses incurred in the performance of work-related duties. Actual and necessary expenses incurred in the performance of work-related duties include, but are not limited to, fuel for school district transportation vehicles used for transporting students to and from school and for school-sponsored events, payment of claims related to professional development of the board and employees, and other expenses required by employees and the board in the performance of their duties.

Employees and officers using a school district credit card must submit a detailed receipt in addition to a credit card receipt indicating the date, purpose and nature of the expense for each claim item. Failure to provide a proper receipt shall make the employee responsible for expenses incurred. Those expenses shall be reimbursed to the school district no later than ten working days following use of the school district's credit card. In exceptional circumstances, the superintendent or board may allow a claim without proper receipt. Written documentation explaining the exceptional circumstances shall be maintained as part of the school district's record of the claim.

The school district may maintain a school district credit card for actual and necessary expenses incurred by employees and officers in the performance of their duties. The superintendent may maintain a school district credit card for actual and necessary expenses incurred in the performance of the superintendent's duties. The transportation director may maintain a school district credit card for fueling school district transportation vehicles in accordance with board policy.

It shall be the responsibility of the superintendent to determine whether the school district credit card use is for appropriate school business. It shall be the responsibility of the board to determine through the audit and approval process of the board whether the school district credit card use by the superintendent and the board is for appropriate school business.

The superintendent shall be responsible for developing administrative regulations regarding actual and necessary expenses and use of a school district credit card. The administrative regulations shall include the

appropriate forms to be filed for obtaining a creditcard.

Legal Reference: Iowa Constitution, Art. III, §31.  
Iowa Code §§ 279.8, .29, .30  
(2011).

281 I.A.C. 12.3(1).

Cross Reference: 216.3 Board of Directors' Member Compensation and Expenses  
401.7 Employee Travel  
Compensation

Approved: 11/23/09

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Policy No. 401.12

#### EMPLOYEE USE OF CELL PHONES

The use of cell phones and other communication devices may be appropriate to provide for the effective and efficient operation of the School district and to help ensure safety and security of people and property while on School district property or engaged in school-sponsored activities.

Employees may possess and use cell phones during the school day as outlined in this policy. Employees should not use cell phones for personal business while on-duty, including staff development times, parent- teacher conferences, etc., except in the case of an emergency or during prep time or break/lunch times.

Employees, except for bus drivers, see below, are prohibited from using cell phones while driving except in the case of an emergency.

Cell phones are not to be used for conversations involving confidential information.

School bus drivers are prohibited from using any communication device while operating the bus except in the case of an emergency, or to call for assistance, after the vehicle has been stopped.

Employees violating the policy will be subject to discipline, up to and including, discharge. It is the responsibility of the superintendent to develop administrative regulations regarding this policy.

Legal References:        Internal Revenue Comment  
Notice, 2009-46, [http://www.irs.gov/irb/2009-23\\_IRB/ar07.html](http://www.irs.gov/irb/2009-23_IRB/ar07.html)  
Iowa Code § 279.8, 321.276

school-sponsored programs, meetings, in-services, or other events where there exists a reasonable expectation of quiet attentiveness unless there is a reason of personal health or safety involved.

2. Cell phones should not be used to transmit confidential information either verbally or written.
3. Employees are prohibited from using a cell phone while driving, unless in the case of an emergency, unless the vehicle has come to a complete stop.

(2011)

Cross References: 406 Licensed Employee  
Compensation and Benefits

412 Classified Employee Compensation and Benefits

707.5 Internal Controls

Approved: 03/14/2013

Reviewed: 12-04-19

Revised: 12-12-19

Policy No. 401.12R1

## Cell Phone Business Procedures

School district employees may be reimbursed for use of privately owned cell phones to conduct school district business in accordance with board policy and this regulation, with prior approval of the superintendent.

1. Requests for reimbursement for authorized use of employee owned cell phones are to be submitted on school district provided forms accompanied by a copy of the billing statement with the school district business related calls highlighted. A notation for each highlighted entry, indicating the nature of the call is required. The employee's immediate supervisor must sign-off on the billing statement verifying the calls were school district business related. School district reimbursement for authorized use of employee owned cell phones will be made in conformance with school district payment procedures. Requests for reimbursement, including the highlighted billing statement must be submitted within thirty (30) days of the end of the time period for which reimbursement is requested. Requests submitted after the reimbursement deadline has passed will be denied.

## EMPLOYEE USE OF CELL PHONES REGULATION

### Cell phone Usage

1. Cell phones shall be used in a manner that does not disrupt instruction and should not be used during

## STAFF TECHNOLOGY USE/SOCIAL NETWORKING

Computers are a powerful and valuable education and research tool and, as such, are an important part of the instructional program. In addition, the school district depends upon computers as an integral part of administering and managing the schools' resources, including the compilation of data and recordkeeping for personnel, students, finances, supplies and materials. This policy outlines the board's expectations in regard to these different aspects of the school district's computer resources. Employees must conduct themselves in a manner that does not disrupt from or disrupt the educational process and failure to do so will result in discipline, up to and including, discharge.

### General Provisions

The superintendent is responsible for designating a Technology Coordinator who will oversee the use of school district computer resources. The Technology Coordinator will prepare in-service programs for the training and development of school district staff in computer skills, appropriate use of computers and for the incorporation of computer use in subject areas.

The superintendent, working with appropriate staff, shall establish regulations governing the use and security of the school district's computer resources. The school district will make every reasonable effort to maintain the security of the system. All users of the school district's computer resources, including students, staff and volunteers, shall comply with this policy and regulation, as well as others impacting the use of school equipment and facilities. Failure to comply may result in disciplinary action, up to and including discharge, as well as suspension and/or revocation of computer access privileges.

Usage of the school district's computer resources is a privilege, not a right, and that use entails

responsibility. All information on the school district's computer system is considered a public record. Whether there is an exception to keep some narrow, specific *content* within the information confidential is determined on a case by case basis. Therefore, users of the school district's computer network must not expect, nor does the school district guarantee, privacy for e-mail or use of the school district's computer network including web sites visited. The school district reserves the right to access and view any material stored on school district equipment or any material used in conjunction with the school district's computer network.

The superintendent, working with the appropriate staff, shall establish procedures governing management of computer records in order to exercise appropriate control over computer records, including financial, personnel and student information. The procedures will address:

- passwords,
- system administration,
- separation of duties,
- remote access,
- data back-up (including archiving of e-mail),
- record retention, and
- disaster recovery plans.

## STAFF TECHNOLOGY USE/SOCIAL NETWORKING

### Social Networking or Other External Web Sites

For purposes of this policy any web site, other than the school district web site or school-school district sanctioned web sites, are considered external web sites. Employees shall not post confidential or proprietary information, including photographic images, about the school district, its employees, students, agents or others on any external web site without consent of the superintendent. The employee shall adhere to all applicable privacy and confidentiality policies adopted by the school district when on external web sites. Employees shall not use the school district logos, images, iconography, etc. on external web sites. Employees shall not use schooldistrict time or property on external sites that are not in direct-relation to the employee's job.

Employees, students and volunteers need to realize

that the Internet is not a closed system and anything posted on an external site may be viewed by others, all over the world. Employees, students and volunteers who don't want school administrators to know their personal information, should refrain from exposing it on the Internet. *[Employees should not connect with students via external web sites without consent of the superintendent.]* Employees, who would like to start a social media site for school district sanctioned activities, should contact the superintendent.

It is the responsibility of the superintendent to develop administrative regulations implementing this policy.



Legal Reference: Iowa Code § 279.8 (2011).  
281 I.A.C. 13.35, .26

Cross Reference: 104 Anti-Bullying/Harassment  
306 Administrator

Code of Ethics  
401.11 Employee

Orientation  
407 Licensed Employee Termination of Employment  
413 Classified Employee Termination of Employment  
605 Instructional

Materials

Approved: 03/14/2013

Reviewed: 12-04-19

Revised: 12-12-19

## STAFF TECHNOLOGY USE REGULATION

### General

The following rules and regulations govern the use of the school district's computer network system, employee access to the Internet, and management of computerized records:

- Employees will be issued a school district e-mail account. Passwords must be changed periodically.
- Each individual in whose name an access account is issued is responsible at all times for its proper use.
- Employees are expected to review their e-mail regularly throughout the day, and shall reply promptly to inquiries with information that the employee can reasonably be expected to provide.
- Communications with parents and/or students must be made on a school district computer, unless in the case of an emergency, and should be saved and the school district will archive the e-mail records according to procedures developed by the [insert title.]
- Employees may access the Internet for education-related and/or work-related activities.
- Employees shall refrain from using computer resources for personal use, including access to social networking sites.
- Use of the school district computers and school e-mail address is a public record. Employees cannot have an expectation of privacy in the use of the school district's computers.
- Use of computer resources in ways that violate the acceptable use and conduct regulation, outlined below, will be subject to discipline, up to and including discharge.
- Use of the school district's computer network is a privilege, not a right.

Inappropriate use may result in the suspension or revocation of that privilege.

- Off-site access to the school district computer network will be determined by the superintendent in conjunction with appropriate personnel.
- All network users are expected to abide by the generally accepted rules of network etiquette. This includes being polite and using only appropriate language. Abusive language, vulgarities and swear words are all inappropriate.
- Network users identifying a security problem on the school district's network must notify appropriate staff. Any network user identified as a security risk or having a history of violations of school district computer use guidelines may be denied access to the school district's network.

### Prohibited Activity and Uses

The following is a list of prohibited activity for all employees concerning use of the school district's computer network. Any violation of these prohibitions may result in discipline, up to and including discharge, or other appropriate penalty, including suspension or revocation of a user's access to the network.

- Using the network for commercial activity, including advertising, or personal gain.
- Infringing on any copyrights or other intellectual property rights, including copying, installing, receiving, transmitting or making available any copyrighted software on the school district computer network. *See Policy 605.7, Use of Information Resources* for more information.
- Using the network to receive, transmit or make available to others obscene, offensive, or sexually explicit material

- Using the network to receive, transmit or make available to others messages that are racist, sexist, and abusive or harassing to others.
- Use of another's account or password.
- Attempting to read, delete, copy or modify the electronic mail (e-mail) of other system users.
- Forging or attempting to forge e-mail messages.
- Engaging in vandalism. Vandalism is defined as any malicious attempt to harm or destroy school district equipment or materials, data of another user of the school district's network or of any of the entities or other networks that are connected to the Internet. This includes, but is not limited to, creating and/or placing a computer virus on the network.
- Using the network to send anonymous messages or files.
- Revealing the personal address, telephone number or other personal information of oneself or another person.
- *[Using the network for sending and/or receiving personal messages.]*
- Intentionally disrupting network traffic or crashing the network and connected systems.
- Installing personal software or using personal disks on the school district's computers and/or network without the permission of the *[insert title.]*
- Using the network in a fashion inconsistent with directions from teachers and other staff and generally accepted network etiquette.

Other Technology Issues

Employees with personal cell phones should not be using the phones for school district business. Employees should contact students and their parents through the school district computer or phone unless in the case of an emergency or with prior consent of the principal. Employees should not release their cell phone number, personal e-mail address, etc. to students or their parents. Employees, who are coaches or sponsors of activities, may create a text list of students and parents in order to communicate more effectively as long as the texts go to all students and the principal is included in the text address list.

RELEASE OF CREDIT INFORMATION

The following information shall be released to an entity with whom an 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 be released to an inquiring creditor with a written authorization from the employee.

It shall be the responsibility of the board secretary or superintendent to respond to inquiries from creditors.

Legal Reference: Iowa Code §§ 22.7;  
279.8(2011).

Cross Reference: 401.5 Employee Records

Approved:

11/23/0

Reviewed: 12-04-

Revised: 12-12-19

## 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 they become aware of within the scope of their professional duties.

When a mandatory reporter suspects a student is the victim of child abuse, the mandatory reporter will 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 will also be notified. Within forty-eight hours of the oral report, the mandatory reporter will file a written report with the Iowa Department of Human Services.

Within six months of their initial employment, mandatory reporters will take a two-hour training course involving the identification and reporting of child abuse, or submit evidence they've taken the course within the previous five years. The course will be re-taken at least every five years.

Legal Reference: Iowa Code §§ 232.67-.77; 232A; 235A; 280.17 (2011).  
441 I.A.C. 9.2; 155; 175.  
1982 Op. Att'y Gen. 390,



Cross Reference: 402.3 Abuse of Students by School District Employees  
502.9 Interviews of Students by Outside Agencies  
507 Student Health and

Well-Being

Approved: 12-10-09

Reviewed: 12-04-19

Revised: 12-12-19

417.

1980 Op. Att'y Gen. 275.

Code No. 402.2R1 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

medical treatment for a child for that reason alone shall not be considered abusing the child . . . .

4. 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 prohibited pursuant to Iowa Code, section 725.1 which deals with prostitution.

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.

"Child abuse" is defined as:

1. Any nonaccidental 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.

2. The commission of a sexual offense with or to a child . . . as a result of the acts or omissions of the person responsible for the child. Sexual offense includes sexual abuse, incest, and sexual exploitation of a minor.

3. 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 welfare when financially able to do so. A parent or guardian legitimately practicing religious beliefs who does not provide specified



family of the child. The DHS is responsible for investigating the incident of alleged abuse.

### Reporting Procedures

Licensed employees, including teachers and school nurses, are required to report, either orally or in writing, within twenty-four hours to the Iowa Department of Human Services (DHS) 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 following information:

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

Board policy states 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

Code No. 402.3 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 those who work for pay but also those who are volunteers in 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 allegations of abuse of a student by school district employees by investigating or arranging for the investigation of an allegation. Allegations of abuse constituting sex discrimination, including sexual harassment will also be referred to the Title IX Coordinator and handled pursuant to Code No 103.R3. The processing of a complaint or allegation will be handled confidentially to the maximum extent possible. Employees may be required to assist in the investigation to provide information and shall 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.

The superintendent is responsible for drafting administrative regulations to implement this policy.

Legal Reference: Iowa Code §§ 232.67,  
.232.70, .232.73, .232.75;  
235A; 272A; 280.17; 709;  
728.12(1) (2011).  
281 I.A.C. 102; 103.  
441 I.A.C. 155; 175.  
1980 Op. Att'y Gen. 275.

Cross Reference: 402.2 Child Abuse Reporting  
403.5 Harassment  
503.5 Corporal Punishment Approved: 11/23/09

Reviewed: 12-04-19 Revised: 8/13/20



## GIFTS TO EMPLOYEES

Employees may receive a gift on behalf of the school district. Employees shall not, either directly or indirectly, solicit, accept or receive any gift, series of gifts or an honorarium unless the donor does not meet the definition of "restricted donor" stated below or the gift or honorarium does not meet the definition of gift or honorarium stated below.

A "restricted 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. Will be directly and substantially affected financially by the performance or nonperformance 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
3. Is a lobbyist or a client of 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, periodicals or other information that is recorded in a written, audio or visual format;
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 general public free of charge without regard to the official status of the employee;
6. Items received from a charitable, professional, educational or business organization to which the employee belongs as a dues paying member if the items are given to all members of the organization without regard to an individual member's status or position held outside of the organization and if the dues paid are not inconsequential when compared to the items received;
7. 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;

Code No. 402.4, page 2

8. Plaques or items of negligible resale value given as recognition for public service;
9. Non-monetary items with a value of less than \$3.00 that are received from any one donor during one calendar day;
10. Items or services solicited or given to a state, national or regional organization in which the state of Iowa or a school district is a member for purposes of a business or educational conference, seminar or other meeting or solicited by or given for the same purposes to state, national or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees for purposes

- of a business or educational conference, seminar or other meeting;
11. Items or services received by members or representatives of members as part of a regularly scheduled event that is part of a business or educational conference, seminar or other meeting that is sponsored and directed by any state, national or regional government organization in which the state of Iowa or a political subdivision of the state of Iowa is a member or received at such an event by members or representatives of members of state, national or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees;
  12. Funeral flowers or memorials to a church or nonprofit organization;
  13. Gifts which are given to an employee for the employee's wedding or twenty-fifth or fiftieth wedding anniversary;
  14. Payment of salary or expenses by the school district for the cost of attending a meeting of a sub-unit of an agency when the employee whose expenses are being paid serves on a board, commission, committee, council or other sub-unit of the agency and the employee is not entitled to receive compensation or reimbursement of expenses from the school district for attending the meeting; or
  15. Gifts other than food, beverages, travel and lodging received by an employee which are received from a person who is a citizen of a country other than the United States and is given during a ceremonial presentation or as a result of a custom of the other country and is of personal value only to the employee.
  16. Actual registration costs for informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions. The costs of food, drink, lodging and travel are not "registration costs" under this paragraph. Meetings or sessions which a public official or public

employee attends for personal or professional licensing purposes are not "informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions" under this paragraph.

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

Code No. 402.4, page 3

1. Actual expenses of an employee for registration, food, beverages, travel or lodging for a meeting, which is given in return for participation in a panel or speaking engagement at a 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, an educational or charitable organization or the Iowa department of general services; or
3. A payment made to an employee for services rendered as part of a 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 of the district, 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.

Legal Reference: Iowa Code ch. 68B (2011).  
1972 Op. Att'y Gen. 276.  
1970 Op. Att'y Gen. 319.

Cross Reference: 217 Gifts to Board  
of Directors

Interest Bequests

401.2 Employee Conflict of

704.4 Gifts-Grants-

Approved: 11/23/09

Reviewed: 12-04-19

Revised: 12-12-19

## PUBLIC COMPLAINTS ABOUT EMPLOYEES

The board recognizes situations may arise in the operation of the school district which are of concern to parents and other members of the school 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 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. Prior to board action however, the following should be completed:

1. Matters concerning an individual student, teacher, or other employee should first be addressed to the teacher or employee.
2. Unsettled matters from (a) above or problems and questions about individual attendance centers should be addressed to the employee's building principal for licensed employees and the classified employees immediate supervisor.
3. Unsettled matters regarding licensed or classified employees from (b) above or problems and questions concerning the school district should be directed to the superintendent.
4. If a matter cannot be settled satisfactorily by the superintendent, it may then be brought to the board. To bring a concern regarding an employee, the individual may notify the board president in writing, who may bring it to the attention of the entire board, or the item may be placed on the board agenda of a regularly scheduled board meeting in accordance with board policy 214.1.

It is within the discretion of the board to address complaints from the members of the school district

community, and the board will only do so if they are in writing, signed, and the complainant has complied with this policy.

Legal Reference: Iowa Code § 279.8 (2011). Cross Reference: 210.8 Board Meeting Agenda  
213 Public Participation in

Board Meetings  
307 Communication

Channels

Approved: 11/23/09

Reviewed: 12-04-19

Revised: 12-12-19

#### Code No. 402.6 EMPLOYEE OUTSIDE EMPLOYMENT

The board believes the primary responsibility of employees is to the duties of their position within the school district as outlined in their job description. The board considers the duties of an employee as part of a regular, full-time position as full-time employment. The board expects such employees to give the responsibilities of their positions in the school district precedence over any other employment.

It shall be the responsibility of the superintendent to counsel employees, whether full-time or part-time, if, in the judgment of the superintendent and the immediate supervisor of the employee, the outside employment of the employee interferes with the performance of the duties of the employee required in the position of the employee within the school district.

The board may request the employee to cease the outside employment as a condition of continued employment with the school district.



Legal Reference: Iowa Code §§ 20.7;  
279.8(2011).

Cross Reference: 401.2 Employee Conflict  
of Interest  
408.3 Licensed Employee  
Tutoring

Approved:

11/23/0

9Reviewed: 12-04-

19

Revised: 12-12-19

## EMPLOYEE PHYSICAL EXAMINATIONS

Good health is important to job performance. Employees will present evidence of good health, in the form of a physical examination report, prior to their employment with the school district.

School bus drivers will present evidence of good health annually in the form of a physical examination report unless otherwise required by law or medical opinion. Employees whose physical or mental health, in the judgment of the administration, may be in doubt will submit to additional examinations, when requested to do so, at the expense of the school district.

The cost of an employee physical will be paid by the school district as stated in the Employee handbook. The form, indicating the employee is able to perform the duties for which the employee was hired and that the employee did not test positive for tuberculosis must be returned prior to payment of salary. The cost of bus driver renewal physicals will be paid by the school district. The school district will provide the standard examination form to be completed by the personal physician of the employee.

Employees identified, as having reasonably anticipated contact with blood or infectious materials will receive the Hepatitis B vaccine or sign a written waiver stating that they will not take the vaccine.

It is the responsibility of the superintendent to write an exposure control plan to eliminate or minimize district occupational exposure to bloodborne pathogens. The plan for designated employees will include, but not be limited to, scope and application, definitions, exposure control, methods of compliance, Hepatitis B vaccination and post-exposure evaluation and follow-up, communication of hazards to employees, and record keeping.

The requirements stated in the Employee Handbook between employees in that certified collective bargaining unit and the board regarding physical examinations of such employees shall be followed.

Legal Reference: 29 C.F.R. Pt. 1910.1030  
(2010).  
Iowa Code §§ 20.9; 279.8  
(2011).  
281 I.A.C. 12.4(14); 43.15  
-.20.

Cross Reference: 403 Employees' Health and Well-Being

Approved: 12-12-19

Reviewed: 12-04-19

Revised: 12-12-19

Code No. 403.2

Reviewed: 12-04-19

EMPLOYEE INJURY ON THE JOB

Revised: 12-12-19

When an employee becomes seriously injured on the job, the employee's supervisor will attempt to notify a member of the family, or an individual of close relationship, as soon as the employee's supervisor becomes aware of the injury.

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

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

It is the responsibility of the Worker's Comp Coordinator to file worker's comp claims.

Legal Reference: Iowa Code §§ 85; 279.40; 613.17  
(2011).  
1972 Op. Att'y Gen. 177.

Cross Reference: 403 Employees' Health  
and Well-Being

Personal Illness Leave Personal Illness Leave

409.2 Licensed Employee

414.2 Classified Employee

Approved: 11/23/09

### Code No. 403.3 COMMUNICABLE DISEASES - EMPLOYEES

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 create a substantial risk of illness or transmission to students or other employees. The term "communicable disease" shall mean an infectious or contagious disease spread from person to person, or animal to person, or as defined by law.

Prevention and control of communicable diseases shall be included in the school district's bloodborne pathogens exposure control plan. The procedures shall 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 shall be reviewed annually by the superintendent and school nurse.

The health risk to immunodepressed employees shall be determined by their personal physician. The health risk to others in the school district environment from the presence of an employee with a communicable disease shall be determined on a case-by-case basis by the employee's personal physician, a physician chosen by the school district or public health officials.

It shall be the responsibility of the superintendent, in conjunction with the school nurse, to develop administrative regulations stating the procedures for dealing with employees with a communicable disease.

Legal Reference: School Board of Nassau County v. Arline, 480 U.S. 273 (1987).  
29 U.S.C. § 794, 1910

(2010).

42 U.S.C. §§ 12101 et seq.

(2010).

45 C.F.R. Pt. 84.3 (2010).  
Iowa Code § 139A; 141A

(2011).

641 I.A.C. 1.2-.7.

Cross Reference: 401.5 Employee Records  
403.1 Employee Physical

Examinations

507.3 Communicable

Diseases - Students Adopted: 12/10/09 Reviewed: 12-04-19

Revised: 12-12-19

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An employee who is at work and who has a

o  
communicable disease which creates a substantial

·  
risk to a student, coworkers, or others at the  
workplace shall report the condition to the

4  
Superintendent any time the employee is aware

0  
that the disease actively creates such risk.

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Health data of an employee is confidential and it

3  
shall not be disclosed to third parties. Employee

E  
medical records shall be kept in a file separate  
*IASB POLICY REFERENCE MANUAL - 2012*

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from their personal file.



## HEPATITIS B VACCINE INFORMATION AND RECORD

### The Disease

Hepatitis B is a viral infection caused by the Hepatitis B virus (HBV) which causes death in 1-2% of those infected. Most people with HBV recover completely, but approximately 5-10% become chronic carriers of the virus. Most of these people have no symptoms, but can continue to transmit the disease to others. Some may develop chronic active hepatitis and cirrhosis.

HBV may be a causative factor in the development of liver cancer. Immunization against HBV can prevent acute hepatitis and its complications.

### The Vaccine

The incidence of side effects is very low. No serious side effects have been reported with the vaccine. Ten to 20 percent of persons experience tenderness and redness at the site of injection and low grade fever. Rash, nausea, joint pain, and mild fatigue have also been reported. The possibility exists that other side effects may be identified with more extensive use.

p. 1 of 4

The HBV vaccine is produced from yeast cells. It has been extensively tested for safety and effectiveness in large scale clinical trials.

Approximately 90 percent of healthy people who receive two doses of the vaccine and a third dose as a booster achieve high levels of surface antibody (anti-HBs) and protection against the virus. The HBV vaccine is recommended for workers with potential for contact with blood or body fluids. Full immunization requires three doses of the vaccine over a six-month period, although some persons may not develop immunity even after three doses.

There is no evidence that the vaccine has ever caused Hepatitis B. However, persons who have been infected with HBV prior to receiving the vaccine may go on to develop clinical hepatitis in spite of immunization.

#### Dosage and Administration

The vaccine is given in three intramuscular doses in the deltoid muscle. Two initial doses are given one month apart and the third dose is given six months after the first.

#### Possible Vaccine Side Effects

## HEPATITIS B VACCINE INFORMATION AND RECORD

### CONSENT OF HEPATITIS B VACCINATION

I have knowledge of Hepatitis B and the Hepatitis B vaccination. I have had an opportunity to ask questions of a qualified nurse or physician and understand the benefits and risks of Hepatitis B vaccination. I understand that I must have three doses of the vaccine to obtain immunity.

However, as with all medical treatment, there is no guarantee that I will become immune or that I will not experience side effects from the vaccine. I give my consent to be vaccinated for Hepatitis B.

p. 2 of 4

\_\_\_\_\_  
Signature of Employee (Consent for Hepatitis B vaccination)                      Date

\_\_\_\_\_  
Signature of Witness                                              Date

#### REFUSAL OF HEPATITIS B VACCINATION

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring the Hepatitis B virus infection. I have been given the opportunity to be vaccinated with Hepatitis B vaccine at no charge to myself. However, I decline the Hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring Hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with the Hepatitis B vaccine, I can receive the vaccination series at no charge to me.

\_\_\_\_\_  
Signature of Employee (refusal for Hepatitis B vaccination)                      Date

HEPATITIS B VACCINE INFORMATION AND RECORD

RELEASE FOR HEPATITIS B MEDICAL INFORMATION

I hereby authorize

\_\_\_\_\_ (individual or organization holding Hepatitis B records and address) to release to the Keota Community School District, my Hepatitis B vaccination records for required employee records.

\_\_\_\_\_

Signature of Witness

Date

I hereby authorize release of my Hepatitis B status to a health care provider, in the event of an exposure incident.

I refuse because I believe I have (check one) \_\_\_\_\_

\_\_\_\_\_ started the series      \_\_\_\_\_ completed the series

Signature of Employee  
Date



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Signature of Witness

Date

Hepatitis B Vaccination Date Lot Number Site Administered by

1 \_\_\_\_\_

2 \_\_\_\_\_

\_\_\_\_\_

3 \_\_\_\_\_

\_\_\_\_\_

Additional Hepatitis B status information:

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

Post-exposure incident: (Date, time, circumstances, route under which exposure occurred)

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

Identification and documentation of source individual:

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

page 3 of 4

Code No. 403.3E1

Source blood testing consent:

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HEPATITIS B VACCINE INFORMATION AND RECORD

**CONFIDENTIAL RECORD**

Description of employee's duties as related to the exposure incident:


Employee Name (last, first, middle)  
Social Security No.

Copy of information provided to health care professional evaluating an employee after an exposure incident:

Job Title: \_\_\_\_\_  
\_\_\_\_\_

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Attach a copy of all results of examinations, medical testing, follow-up procedures, and healthcare professional's written opinion.

Training Record: (date, time, instructor, location of training summary)

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Code No. 403.3R1 UNIVERSAL PRECAUTIONS REGULATION

Universal precautions (UP) 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. UP 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 UP 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.

1. Hands should be washed before physical contact with individuals and after contact is completed.
2. Hands should be washed after contact with any used equipment.
3. If hands (or other skin) come into contact with blood or body fluids, hands should be washed immediately before touching anything else.
4. 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.

### **Disposal of Waste**

Blood, OPIM, OBFW, 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, it 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

403.3R1, page 2

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:

1. Wear gloves.
2. Clean up the spill with paper towels or other absorbent material.
3. 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.
4. Dispose of gloves, soiled towels and other waste in a plastic bag.
5. 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.

1. Always wash the exposed area immediately with soap and water.
2. If a mucous membrane splash (eye or mouth) or exposure of broken skin occurs, irrigate or wash the area thoroughly.
3. 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 is notified, and the person exposed contacts a physician for further health care.

Code No. 403.4 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 employee shall annually review information about hazardous substances in the workplace.

When a new employee is hired or transferred to a new position or work site, the information and training, if necessary, shall be included in the employee's orientation. When an additional hazardous substance enters the workplace, information about it shall be distributed to all employees, and training shall be conducted for the appropriate employees. The superintendent shall maintain a file indicating which hazardous substances are present in the workplace, and when training and information sessions take place.

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

It is the responsibility of the superintendent to develop administrative regulations regarding this program.

Legal Reference: 29 C.F.R. Pt. 1910; 1200 et seq. (2010).

Reviewed: 12-04-12

Revised: 12-12-19

(2011).

Iowa Code chs. 88; 89B347 I.A.C. 120.

Cross Reference:     403 Employees' Health  
and Well-Being  
                          804 Safety Program

Approved: 11/23/09

### Code No. 403.5 SUBSTANCE-FREE WORKPLACE

The board expects the school district and its employees to remain substance free. No employees shall unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance or alcoholic beverage as defined by federal or state law. "Workplace" includes school district facilities, school district premises or school district vehicles. "Workplace" also includes nonschool 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 days of the conviction.

The superintendent will make the determination

It is the responsibility of the superintendent to develop administrative regulations to implement this policy.

Legal Reference: 41 U.S.C. §§ 701-707  
(2010).  
42 U.S.C. §§ 12101 et seq.  
(2010).  
34 C.F.R. Pt. 85 (2004).  
Iowa Code §§ 124; 279.8  
(2011).

Cross Reference: 404 Employee Conduct and Appearance

Approved: 12-12-19

Reviewed: 12-09-19 Revised:

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whether to require the employee to undergo

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substance abuse treatment or to discipline the

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employee. An employee who violates the terms of

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this policy may be subject to discipline up to and  
including termination. An employee who violates  
this policy may be required to successfully

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participate in a substance abuse treatment program  
approved by the board. If the employee fails to

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successfully participate in a program, the  
employee may be subject to discipline up to and

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including termination.

The superintendent is 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.

## SUBSTANCE-FREE WORKPLACE NOTICE TO EMPLOYEES

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 in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance or alcohol, as defined in Schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 C.F.R. 1300.11 through 1300.15 and Iowa Code Chapter 204.

"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 nonschool 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 may be required to successfully participate in a substance abuse treatment program approved by the board. The superintendent retains the discretion to discipline an employee for violation of the Substance-Free Workplace policy. If the employee fails to successfully participate in such a program the employee shall be subject to discipline up to and including termination.

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 statute for a violation committed in the workplace, no later than five days after the conviction.

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**SUBSTANCE-FREE WORKPLACE ACKNOWLEDGMENT FORM**

I, \_\_\_\_\_,  
have read and understand the 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 days of the conviction.

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

Code No. 405.6R1 SUBSTANCE-FREE WORKPLACE \_\_\_\_\_  
REGULATION

A superintendent who suspects an employee has a substance abuse problem 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 a 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 days of the conviction.

## Code No. 403.6 DRUG AND ALCOHOL TESTING PROGRAM

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 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, 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 four 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 school district's contact person, the superintendent, at the district's central office.

Employees who violate the terms of this policy are subject to discipline up to and including termination.

It is the responsibility of the superintendent to develop administrative regulations to implement this policy in compliance with the law. The superintendent will inform applicants of the requirement for drug and alcohol testing in notices or advertisements for employment.

The superintendent will also be responsible for publication and dissemination of the policy and its supporting administrative regulations and

forms to employees operating school vehicles. The superintendent 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.

IASB Drug and Alcohol Testing Program(IDATP) Web site: <http://www.iasb.org/MemberBenefits.aspx?id=304> Legal Reference: American Trucking

Association, Inc., v. Federal Highway Administration, 51 Fed. 3<sup>rd</sup>405 (4<sup>th</sup> Cir. 1995).  
49 U.S.C. §§ 5331 et seq.

(2010).

42 U.S.C. §§ 12101 (2010).

41 U.S.C. §§ 701-707 (2010).

49 C.F.R. Pt. 40; 382; 391.81-123 (2010).

34 C.F.R. Pt. 85 (2002).

Local 301, Internat'l Assoc. of Fire Fighters, AFL-CIO, and City of Burlington, PERB No. 3876 (3-26-

91).

Iowa Code §§ 124; 279.8;

321.375(2); 730.5 (2011).

Cross Reference: 403.5 Substance-Free Workplace  
409.2 Licensed Employee

Personal Illness Leave

414.2 Classified Employee

Personal Illness Leave

Approved: 12-12-19

Reviewed: 12-09-19 Revised:

6 c. Casual, intermittent,  
occasional or substitute drivers; and  
R d. Leased drivers and  
independent owner-operator contractors who  
are either  
directly employed by or under lease to a school  
district  
a or who operate a  
school vehicle at the direction of or with the  
e consent of a school district.

3. 1 Drivers are subject to the drug and  
alcohol testing program and its  
requirements throughout the  
year, including the times when school is not  
in session or when the driver is on

<b>DRUG AND ALCOHOL TESTING  PROGRAM REGULATION</b>
---------------------------------------------------------

This administrative regulation supports the Drug and Alcohol Testing Program policy. It also establishes and explains the requirements of the school district's drug and alcohol testing program required for employees operating school vehicles. Note the Drug and Alcohol Testing Program Definitions, Code No. 403.6-R2.

- A. Questions regarding the drug and alcohol testing program policy, its supporting administrative regulations or the drug and alcohol testing program may be directed to the school district contact person, the superintendent, at Keota Central Office, P.O. Box 88, Keota, IA 52248. (641) 636-2189
- B. Covered Drivers.
  - 1. A driver is covered by the drug and alcohol testing program if the driver:
    - a. Drives a vehicle transporting sixteen or more persons, including the driver, OR drive a vehicle weighing over twenty-six thousand one pounds; and
    - b. Required to hold a commercial driver's license for the driver position.
  - 2. Covered drivers include:
    - a. Applicants seeking a position as a driver;
    - b. Full time, regularly employed drivers;

leave.

C. Prohibited Driver Conduct.

1. Drivers shall not report to duty or remain on duty with a 0.04 alcohol concentration or greater.
2. Drivers shall not report for duty or remain on duty when using any drug except:
  - a. When a licensed medical practitioner has advised the driver that the drug does not adversely affect the driver's ability to safely operate a school vehicle;

and

- b. The school district is informed in writing of the medication and licensed medical

practitioner's opinion.

3. Drivers shall not use alcohol at least four hours prior to, or during the performance of a safety-sensitive

function.

4. Drivers shall not possess alcohol while on duty. This includes possessing prescriptions and over-the-counter medicines containing alcohol unless the packaging seal is unbroken.

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e driver's alcohol  
concentration is less than 0.02.  
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test roesult of less than 0.02  
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alcohol

concentration allows the driver to continue to

4

sensitive function.

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perform a safety-

(2) A screening alcohol

test result of 0.02 alcohol

concentration or

greater requires a confirmation test.

R 3. The confirmation alcohol test is conducted only by an evidentiary breath alcohol testing device to determine whether the driver can continue to perform a safety-sensitive function. (a) A confirmation alcohol test result of less than 0.02 alcohol concentration allows the driver to continue to

5. Drivers required to take a post-

2  
sensitive function.

perform a safety-

(b) A confirmation

accident alcohol test shall not use alcohol

within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever

comes first.

6. Drivers shall not refuse to submit to a drug or alcohol test. A refusal to test is considered a positive test resulting in suspension from duties pending termination of the driver.
7. Drivers shall not report for duty or remain on duty performing a safety-sensitive function if the driver has a positive drug test result.

D. Alcohol Breath Testing Procedures.

1. Driver's breath or saliva is tested for alcohol.
2. The screening alcohol test is conducted with an evidentiary breath testing device or a saliva testing device.
  - a. The screening alcohol breath or saliva test determines whether the

alcohol test result of 0.02 alcohol

concentration but less than 0.04 alcohol concentration  
requires the driver to cease performing a safety-sensitive  
function for twenty

four hours.

- (c) A driver will be terminated for a confirmation alcohol test  
result of 0.04 breath

alcohol or greater.

4. Alcohol testing is conducted at collection sites which provide privacy to  
the driver and contain the necessary equipment, personnel and materials.  
a. Alcohol testing is conducted at a designated collection site unless  
the situation requires

another location.

- b. In the event privacy cannot be assured, privacy will be provided to  
the extent practical.

5. Screening alcohol testing steps.

- a. Once the driver is notified to submit to an alcohol test, the driver must complete the Alcohol/Drug Test Notification Form and proceed immediately to the collection site. Collection site personnel contact the superintendent immediately when a driver does not arrive at the specified time. Failure to arrive at the collection site in a timely manner is considered a refusal to test.

Code No. 403.6-R1, page 3

- b. Upon arrival, the driver must provide a photo identification. Repeated failure of the driver to produce a photo identification is considered insubordination as well as a refusal to test.
- c. The testing procedure is explained to the driver by the collection site person.
- d. The breath alcohol technician (BAT) or saliva testing technician (STT) and the driver complete and sign the appropriate sections of the alcohol testing form.
- e. Evidentiary breath alcohol testing device procedures.
  - (1) The driver forcefully blows into the mouthpiece for at least six seconds or until an adequate amount of breath has been obtained.
  - (2) The screening alcohol test is stopped when the driver fails twice to provide an adequate amount of breath. In that case:
    - (a) A refusal of the driver to try a second time to provide adequate breath is considered a refusal to test.

- breath.
- (b) A physician analyzes the driver's inability to provide adequate
- (c) 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.
- (3) The results of the screening alcohol test are shared with the driver.
- f. Saliva alcohol testing device procedures
- (1) The driver and the SST review the expiration date of the saliva alcohol testing device, and if the date is valid, the packaging is opened.
- (2) The driver or SST places the swab in the driver's mouth until the swab is completely saturated. If the alcohol test is started again, only the SST may place the swab in the driver's mouth.
- (3) The saliva alcohol testing device is activated with the saturated swab in
- place.
- (4) The saliva alcohol test is stopped when the driver fails twice to provide an adequate amount of saliva. In that case:
- a. The school district is informed
- b. The driver must submit to a breath alcohol test immediately.
- (5) The saliva testing device results are read two minutes, and no later than fifteen minutes, after the saliva testing device was activated.



shared with the driver.

(6) The results are

and the driver may continue sensitive function.

confidential mannerto perform a safety-

(2) An alcohol  
testresult of 0.02 alcohol concentration or  
more requires  
aconfirmation alcohol test between fifteen  
the screening test. d

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and thirty minutes of

(3) The breath alcohol

technician provides the superintendent with a copy of the breath alcohol testing form if written communication was not used to report the test results.

i. Potentially incomplete or invalid alcohol tests are repeated with corrected procedures.

6. Confirmation alcohol testing steps.  
a. The driver is instructed not to eat, drink, put any object or substance in his or her mouth, and, to the extent possible, not belch during the fifteen-minute waiting period to avoid accumulation of

a mouth alcohol leading to an artificially high reading.

b. The confirmation alcohol test is done between fifteen and twenty minutes of the screening

g. The driver and breath alcohol technician or saliva test technician must sign the alcohol testing form following completion of the alcohol test. Failure to sign the form after the alcohol test is not considered a refusal to test.

However, in the remarks section of the form, the BAT or SST notes the driver's refusal to sign.

h. Screening alcohol test results.

(1) An alcohol test result of less than 0.02 alcohol concentration is reported to the school district in a

alcohol test whether or not the driver

followed the requirements.

- c. If a different collection site is used, the driver must be under the observation of the collection site person or school district person while in transit to the confirmation alcohol testing site or while waiting for the confirmation

alcohol test.

- d. If a different collection site person conducts the confirmation alcohol test, the driver must again provide photo identification.
- e. The testing procedure is explained to the driver by a BAT.

f. The BAT and driver complete and sign the appropriate sections of the alcohol testing form.

(1) Refusal of the driver

to sign the form prior to the

confirmation alcohol test is considered a refusal to test.

(2) The school district is notified immediately of the refusal to sign.

g. The driver forcefully blows into the evidentiary breath testing device mouthpiece for at least six seconds or until an adequate amount of breath has been obtained.

h. The confirmation alcohol test results, which are the final and official test results, are shared with the driver.

i. The driver and BAT must sign the alcohol testing form following completion of the alcohol test. Failure to sign the form after the alcohol test is not considered a refusal to test. However, in the remarks section of the form, the BAT notes the driver's refusal to sign.

j. The BAT informs the superintendent of the results of the test in a confidential manner.

(1) An alcohol test result of less than 0.02 alcohol concentration is reported to the school district in a confidential manner and the driver may continue to perform a safety-sensitive

function.

(2) The BAT notifies the superintendent immediately of confirmation alcohol

test results of 0.02 alcohol

concentration or

more.

(3) The collection site person provides the superintendent with a copy of the breath

alcohol testing form if written

communication was not used to report the test results. C

o k. Potentially incomplete or invalid breath alcohol tests are repeated with corrected procedures.

e 1. The breath alcohol test is stopped when the driver fails twice to provide an adequate amount of breath. In that case:

(1) A physician analyzes the driver's inability to provide

o adequate breath.

3 (2) Failure to provide adequate breath is considered a refusal to test unless the physician determines a medical condition

6 physician determines a medical condition  
R provide adequate breath.



caused the failure to

- (3) A refusal of the driver to try a second time to provide adequate breath is

considered a refusal to test.

E. Drug Testing Procedures.

1. Driver's urine is tested for marijuana, cocaine, opiates, amphetamines and phencyclidine.
2. A split specimen urine drug test, often called "split sample 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 certified laboratory only 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. The driver will be terminated for a positive drug test result.
3. Drivers taking medication at a licensed medical practitioner's direction may perform a safety-sensitive function if the licensed medical practitioner determines there is not an adverse effect on performing a safety-sensitive function and the school district is informed in writing of the medication and the licensed medical practitioner's opinion.
4. Drug testing is conducted at collection sites which provide privacy to the driver and where the necessary equipment, personnel and materials are located.
  - a. Drug testing is conducted at a designated collection site unless the

situation requires another location. Public restrooms can be used as collection sites in exceptional circumstances.

Code No. 403.6-R1, page 6

- b. In the event privacy cannot be assured, privacy is provided to the extent practical. However, direct observation is allowed if:
    - (1) Reasons exist to believe the driver may alter or substitute the specimen.
    - (2) 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.
    - (3) The last specimen provided by the driver was determined by the laboratory to not meet specific gravity and urine creatinine concentration criteria.
    - (4) The collection site person observes conduct of the driver to adulterate the specimen.
  - c. Direct observation is approved by the supervisor of the collection site person or the designated school district representative. Non-medical personnel performing direct observation must be of the same gender as the driver.
5. Drug testing steps.
- a. The school district contact person makes arrangements with the collection site for the test.
  - b. Once the driver is notified to submit to a drug test, the driver must complete the Alcohol/Drug Test notification Form and proceed

immediately to the collection site. The collection site person contacts the superintendent immediately when a driver does not arrive at the specified time.

Failure to arrive at the collection site in a timely manner is considered a refusal to test.

- c. Upon arrival, the driver must provide a photo identification. Repeated failure of the driver to produce a photo identification is considered insubordination as well as a refusal to test. The driver may require the collection site person to provide proof of identification. If the driver does not have a photo identification with them at the time of the test, a school district representative may identify the driver.
- d. The driver may keep his or her wallet but must remove any unnecessary outer garments, purses, briefcases and similar items at the request of the collection

test unless the physician determines a medical condition caused the failure to

provide adequate urine.

- g. The specimen is kept in view of the driver and the collection site person.

site person.

- e. Immediately prior to providing a urine specimen, the driver must wash his or her hands.

- f. The driver must then provide forty-five milliliters of urine and deliver it immediately to the collection site person.

- (1) Drivers who cannot provide an adequate amount of urine receive instructions for drinking water and trying again.
- (2) The drug test is stopped when the driver fails twice to provide an adequate

amount of urine.

- (3) Failure to provide adequate urine is considered a refusal to

- h. Upon receipt of the specimen, the collection site person immediately, and in no event later than four minutes from the time of urination, measures the temperature of the specimen.
- i. The driver may volunteer to have his or her oral temperature taken to provide evidence against alteration or substitution if there is some question about the temperature of the specimen.

- j. The collection site person inspects the specimen for color and other signs of contaminants and notes any unusual findings in the remarks section of the chain

of custody form.

- k. Another specimen is required as soon as possible under direct observation if adulteration or substitution is suspected by the collection site person.

Specimens suspected of adulteration or substitution are also sent to

laboratory for testing.

- l. The specimen is divided into the primary and the split specimen, sealed and labelled. The label is initiated by the driver.
- m. The driver is required to read and sign the statement on the chain of custody form certifying the specimens are the driver's.
- n. 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.
- o. The collection site person completes the chain of custody form and the driver signs the form indicating the collection is complete. Failure of the driver to sign the form after the drug test is not considered a refusal to test.

However, the collection site person notifies the school district

Human Services (DHHS). Certified laboratories meet the testing procedures, personnel and record keeping requirements of the law.

- b. Upon arrival of the specimens at the laboratory, the split specimen is stored and

the primary specimen is tested.

- (1) A positive drug test result on the initial test of the primary specimen requires a confirmation drug test of the primary specimen.
- (2) The split specimen is discarded if the primary specimen has a negative drug 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 negative drug test results and reports negative drug test results to the school district, usually within two working days.

ode

contact person and notes the driver's

N

failure to sign on the form.

- p. The specimens are packaged for shipping to the laboratory and are shipped immediately or

0

placed in secure storage until they can be shipped.

- 6. Laboratory.
  - a. The laboratory used by the

school district's drug and alcohol

R

testing program is certified by the U.S. Department of Health and

,



medically unqualified status  
or medical leave.

a  
g d. The MRO may verify a positive drug test without talking to the driver if:

8

(1) The driver declines

c. The primary role of the MRO is to review and interpret positive drug test results to determine whether a legitimate explanation exists for the positive drug test result.

(1) After reviewing the chain of custody form and the laboratory drug test results, the MRO contacts the driver to

discuss the positive drug test result prior to notifying the school district and to ask whether the driver requests a drug test of the split sample. The driver's request for a drug test of the split sample must be made within seventy-two hours of talking with the MRO.

(2) Upon request of the driver, the split specimen is sent to a second certified laboratory to test only for the drug found in the primary

specimen.

(3) The MRO contacts the superintendent for assistance if the driver cannot

be reached.

(4) The superintendent must confidentially inform the driver to contact the MRO.

(5) Upon contacting the driver, the superintendent must inform the MRO that the

driver was contacted.

(6) Drivers who cannot be contacted are placed on temporary

the opportunity to discuss the positive  
drug test.

(2) The driver fails to contact the MRO within five days after the  
superintendent has  
contacted the driver.

(3) MRO verification of positive drug 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 drug test result and declare the  
drug test negative.

e. The driver is notified of the drugs found in a positive drug test result  
by the MRO, the superintendent or by certified mail to the driver's  
last known  
address.

f. The school district receives a written report of the negative and  
positive drug test results  
from the MRO.

F. Pre-employment Testing.

1. Drivers shall submit to a drug test if a job offer is made. The job offer is  
contingent upon:

o results; and  
e

C

testN  
o

:

2. Positive drug test

3. Refusals to be

b. The information must be

obtained, or a good faith effort made to  
4 obtain, the information if  
the driver is currently performing and will  
3 continue to perform a  
safety-sensitive function.

6  
= c. The information must be  
obtained or a good faith effort made to  
1 obtain the information if the  
driver performed a safety-sensitive  
function and is no  
longer employed by the school district.

a  
g d. The information does not

and

- a. A negative drug test result;
- b. A signed written statement

need to be obtained if the driver did not perform a safety-sensitive function and is no longer employed by the school district.

- e. The school district may obtain information held by the prior employer for the two-year period authorizing former employers to release all information on the driver related to drugs and alcohol.
2. Prior to allowing a driver to perform a safety-sensitive function, and no later than fourteen days after performing a safety-sensitive function, information must be obtained or a good faith effort must have been made to obtain the information about the driver's drug and alcohol history.
- a. The following information must be obtained about the driver for the two-year period preceding the date of application:
    - 1. Alcohol test result of 0.04 alcohol concentration or greater;

period preceding the date of application

even if the information came from other employers.

- f. A good faith effort requires the school district to request and hopefully receive the information prior to the driver driving and no later than fourteen days after first driving by taking the following steps:

- (1) Obtain the driver's written consent immediately after a conditional

employment offer is made.

- (2) Send a completed consent for Release of Information signed

employers via certified mail.



by the driver to prior

to obtain the information when it is not received or the prior employer refuses to

- (3) Contact the prioremployers' drug and alcohol testing program managersabout the status of the request if no response is received

within reasonable period.

submit the information.

G. Random Testing.

1. Annually, ten percent of the average number of drivers are selected for random alcohol tests and fifty percent of the average number of drivers C are selected for random drug tests.

o  
d 2. The drivers' identification numbers are selected by a scientific method giving each driver an equal chance to be Nselected.

o  
. 3. Random tests are unannounced and spread throughout the year.

4  
0 4. Drivers selected for random alcohol tests 3g are notified just before, during or just after performing a safety-sensitive function. The school district documents why some, if any, drivers 4s were selected but not notified.

1  
. 5. Drivers selected for random drug testing are notified at any time. The p school district must document why some, if any, drivers were selected but g not notified.e

6. Once the driver is notified of being selected for a random test, the driver 0 must proceed immediately to the

- (4) Take appropriate action (i.e. follow-up with SAP, terminate employment) if the information received, whether prior to or after the fourteen

day period requires.

- (5) Document and maintain the documentation of the steps taken

collection site. However, drivers performing a safety-sensitive function must safely stop and proceed to the collection site as soon as possible.

H. Reasonable Suspicion Testing.

1. A driver may be required to submit to a reasonable suspicion drug test at any time.

2. A driver may be required to submit to a reasonable suspicion alcohol test just before, during or just after the driver performs a safety-sensitive function or just before, during or just after the time the driver is required to be in compliance with the drug and alcohol testing program policy, its supporting administrative regulations or the law.
  - a. A reasonable suspicion alcohol test is performed within two hours and no later than eight hours of determining reasonable suspicion.
  - b. If the alcohol test is not given within two hours, the reasons for the delay must be documented.
  - c. If the alcohol test is not given within eight 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 received training to determine reasonable suspicion. The reasons for the reasonable suspicion must be documented within twenty-four 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.

I. Post-accident Testing.

1. Drivers are subject to both post-accident drug and alcohol testing as soon as possible after an accident in which:
  - a. A fatality, other than the driver, occurred.
  - C b. The driver was cited and bodily injury occurred to a person who, d as a result of the injury, required immediate medical treatment away from the scene of the accident; or o

:

c. The driver was cited and

one or more motor vehicles incurred  
4 disabling damage as a result  
of ~~the~~ accident, requiring a motor  
3 vehicle to be transported  
away from the accident scene by a tow  
6  
vehicle.  
R1

truck or other motor

(1) “Disabling damage”

is damage which precludes the departure of a motor vehicle. It includes damage to a motor vehicles that could have been driven but would e damaged if so driven.



have been further

(2) “Disabling damage” excludes damage which can be remedied temporarily at the scene of the accident without special tools or parts.

(a) Tire disablement without other damage even if no spare tire is available. taillight damage.

(b) Headlight or

(c) Damage to  
turn signals, horn, or windshield

make them inoperative.

wipers which

- b. The reasons for administering the test later than two hours after the
- 2. Drivers must remain readily available for post-accident testing.

documented.

accident must be

- c. The reasons for not
  - a. Drivers who leave the scene or who do not remain readily available are deemed to have refused

administering the test within eight hours of the  
accident must be  
documented.  
to test.



b. Necessary medical

d. Drivers are prohibited from consuming alcohol for eight hours after treatment cannot and should not be denied to a driver waiting to complete post-accident drug and alcohol tests.

3. Alcohol testing requirements.

a. The alcohol test is administered within two hours and no later than eight hours of the accident.

the accident or until the alcohol test is completed.

4. Drug testing requirements.

- a. The drug test is administered as soon as possible and no later than 32 hours after the accident.

C b. The reasons for not administering the test must be documented.d

5. e Results of drug or alcohol testing conducted by law enforcement officers or

N other officials on the scene with independent authority to conduct such tests

; are presumed valid if the testing conforms with the law. The school district

use them.

4 must receive a copy of the results to0  
3

J. Return-to-duty/Follow-up Testing.

1. Prior to returning to duty after a positive drug test, a positive alcohol test of 0.04 breath alcohol concentration

N  
or greater, or otherwise violating the drug and alcohol testing program policy, its supporting regulations or the law, the driver bears the personal and financial responsibility to:

Q  
a. Be re-evaluated by a substance abuse professional to

determine that the driver has properly followed any treatment

program prescribed.

R

b. Submit to the tests required by the substance abuse professional. The substance abuse professional may require a return-to-duty test for drugs, alcohol or both.

c. Have a negative drug test result and/or an alcohol test result of less than 0.02 alcohol concentration before the driver can return to duty and perform a safety-sensitive function.

2. After returning to duty, the driver is subject to a minimum of six unannounced follow-up tests within twelve months for alcohol, drugs or both, as determined by the substance abuse professional.

a. The substance abuse professional can terminate the follow-up testing requirement after the first six tests have been completed or continue the follow-up testing for up to sixty months from the date of the driver's return to duty.

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

c. Drug follow-up testing is done any time.

J. School district responsibilities.

1. Provide drivers with information on the drug and alcohol testing requirements of the drug and alcohol testing program policy, its supporting administrative regulations and the law, including the driver's obligations.
2. Supervisors of drivers or employees designated to determine reasonable suspicion must receive sixty minutes of training on alcohol misuse and sixty minutes of training on drug use.

The training must address the physical, behavioral, speech and performance indicators of probable alcohol misuse and drug use. The reasonable suspicion training certificate must be

o

maintained by the school district until the employee leaves employment of the school district or is no longer authorized to make a reasonable suspicion determination.

3. Provide drivers with instructions prior to the driver operating a school vehicle to enable the driver to comply with the drug and alcohol testing requirements.
4. Disallow drivers to report to work or perform a safety-sensitive function when the school district has actual knowledge of a driver's drug use whether or not a drug test was

conducted.

8. Ensure, through the school district's drug and alcohol testing program service provider, that the collection site person using a saliva alcohol testing device is a certified BAT or salivatest technician (STT).

K. Consequences of violating the drug and alcohol testing program policy, its supporting administrative regulations or the law.

ode

5. Disallow drivers to report to work  
N  
or perform a safety-sensitive function  
when the school district has actual  
knowledge of a driver with 0.02  
alcohol concentration or greater  
whether or not an alcohol test was

0  
conducted.

6. Ensure, through the school district's  
drug and alcohol testing program

- service provider, that the quality

R  
assurance plan, developed by the  
manufacturer and approved by the National Highway Traffic Safety  
Administration (NHTSA) for the evidentiary testing device or saliva alcohol  
testing device used for alcohol testing of its drivers, describes the  
inspection, maintenance and calibration requirements and intervals for the  
device.

7. Ensure, through the school district's drug and alcohol testing program  
service provider, that the collection site person using an evidentiary breath  
testing device is a certified breath alcohol technician (BAT).



1

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page

1

4

1. Each violation is dealt with based on the circumstances surrounding the violation. 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.

2. Nothing in the drug and alcohol testing program policy, its supporting documents or the law relating to drug and alcohol testing limits or restricts the right of the board or superintendent to discipline, up to and including termination, a driver for conduct which violates the school district's policies, supporting documents and

d. Drivers refusing to submit to drug and/or alcohol testing are considered insubordinate and are subject to termination.

e. Drivers/applicants who refuse to submit or to cooperate with the drug and/or alcohol testing process and requirements shall be disqualified from further

consideration.

f. Drivers, as a condition of continued employment, bear the personal and financial responsibility for undergoing a substance abuse evaluation to 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 recommended substance abuse treatment program.

g. 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 alcohol testing determined necessary based on the circumstances surrounding

the incident.

h. Drivers refusing to submit to drug and/or alcohol testing are considered insubordinate and are subject to discipline up to and including termination.

procedures.

L. Drug and alcohol testing records.

1. Drug and alcohol testing records are stored in locked files at limited access locations separate and apart from the driver's general personnel records.
2. The records are released only with the written consent of the driver. Only those records specifically authorized for release may be released. However:
  - a. Records may be released to appropriate government agencies without a driver's written

consent.

Code No. 403.6-R1, page

15

- b. Records may be released to appropriate school district employees without a driver's written
- c. School districts may, without a driver's written consent, make a driver's drug and alcohol test records available to a decision maker in a lawsuit, grievance or other proceeding initiated by or on behalf of the driver and arising from the result of an alcohol or drug test under the drug and alcohol testing program policy, its supporting regulations or the law or from the school district's determination that

consent.

the driver violated the drug and alcohol testing program, its supporting regulations, or

the law.

- (5) Driver substance abuse evaluations and referrals; and
- (6) Annual calendar

year summary.

- 3. With a written request, drivers may access and copy their drug and alcohol test records in accordance with the board policy related to employee records. A driver is not denied access to these records for failure to pay fees associated with other records.
- 4. The following records of the school district's drug and alcohol testing programs are maintained for the time period indicated.
  - a. One year:
    - (1) Records of negative and canceled drug test results and alcohol test results of less than 0.02 alcohol concentration.
    - (2) Records related to a

- (7) Records related to the administration of the drug and alcohol testing program.
  - d. Forever or as designated

below.

- (1) Reasonable suspicion training certificates must be retained two years after the employee is no longer authorized to make a reasonable

suspicion determination.

- (2) Records related to the education and training of drivers must be retained two years after the employee ceases to perform a safety sensitive

function.

driver's test results.

- (4) Records related to

other violations of the law.

- (5) Records related

to substance abuse evaluations.

b. Two years:

- (1) Records related

to the alcohol and drug collection process,

except calibration

of evidentiary breath testing devices, and

training.

c. Five years:

- (1) Alcohol test

results of 0.02 alcohol concentration and

greater;

- (2) Verified positive

drug test results;

- (3) Documentation of

refusals to take required alcohol and/or

drug tests;

- (4) Evidentiary

breath testing device calibration documentation;

DRUG AND ALCOHOL TESTING PROGRAM DEFINITIONS
-------------------------------------------------

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

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

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 evidentiary breath alcohol test or saliva alcohol 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 drivers in the alcohol testing process and operates an evidentiary breath testing device.

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. In alcohol testing it is a test that is deemed to be invalid under the law. A canceled test drug or alcohol test is neither a positive nor a negative test.

Chain of Custody - procedures to account for the integrity of each urine 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 form(s) account(s) for the sample or sample aliquots 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 a screening test with a result of 0.02 breath alcohol concentration 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 which is independent of the initial test and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy.

Controlled substances/Drugs - marijuana, cocaine, opiates, amphetamines and phencyclidine.

Code No. 403.6-R2, page 2

Driver - any person who operates a school vehicle. This includes, but is not limited to: full time, 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 school district or who operate a school vehicle at the direction of or with the consent of the school district. For the purposes of pre-employment/pre-duty testing only, the term "driver" includes applicants for drivers of school vehicles 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.

Licensed medical practitioner - a person who is licensed, certified, and/or registered, in accordance with applicable federal, state, local or foreign laws and regulations, to prescribe controlled substance and other drugs.

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 a driver's confirmed positive test result together with the driver's medical history and any other relevant bio-medical information.

Non-suspicion-based post-accident testing - testing of a driver after an accident 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 safety-sensitive function.

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

Reasonable suspicion - when the school district believes the appearance, behavior, speech or body odors of the driver are indicative of the use of drugs or alcohol.

Refusal to test - when a driver (1) fails to provide adequate breath or saliva for alcohol testing without a valid medical explanation after he or she has received notice of the requirement for breath

testing in accordance with the provisions of the law, (2) fails to provide adequate urine for drug testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of the law, or (3) engages in conduct that clearly obstructs the testing process. A refusal to test is treated as a positive drug test result or an alcohol test result of 0.04 alcohol concentration or greater.

Safety-sensitive function - all time from the time 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.

Code No. 403.6-R2, page 3

Saliva test technician (STT) - an individual who has successfully completed U.S. DOT approved training for saliva alcohol testing who instructs and assists drivers in the initial (screening) alcohol testing process and operates a non-evidentiary breath testing or saliva testing device.

School vehicle - a vehicle owned, leased, and/or operated at the direction or with the consent of the school district which transports sixteen or more persons, including the driver, or weighs over twenty-six thousand one pounds and requires the driver to have/possess a commercial driver's license in order to operate the vehicle.

Split specimen/split sample - the division of the urine specimen into thirty milliliters in a specimen bottle (the primary sample) and into at least fifteen milliliters in 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 National Association of Alcoholism and Drug Abuse

Counselors Certification Commission) 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 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.

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, the superintendent.

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 or the law may be subject to discipline up to and including termination. Employees violating this policy, its supporting documents or the law bear the personal and financial responsibility, as a condition of continued employment, to successfully participate in a substance abuse evaluation and a substance abuse treatment program, if recommended by a substance abuse professional. Employees required to participate in and who fail to or refuse to successfully participate in a substance evaluation or recommended substance abuse treatment program may be subject to discipline up to and including termination.

**EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE FURTHER NOTIFIED** that employees violating this policy, its supporting documents or the law may be subject to discipline up to and including termination.

**EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE FURTHER NOTIFIED** it is a condition of their

403.6-E2

**DRUG AND ALCOHOL TESTING  
PROGRAM  
ACKNOWLEDGMENT FORM**

Code No.



I, \_\_\_\_\_,  
have received a copy, read and understand the Drug and Alcohol Testing Program policy and its supporting administrative regulations. I consent to submit to the drug and alcohol testing program as required by the Drug and Alcohol Testing Program policy, its supporting administrative regulations and the law.

I understand that if I violate the Drug and Alcohol Testing Program policy, its supporting administrative regulations 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, if recommended, a substance abuse treatment program. 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. I understand that if I test positive for drugs or have an alcohol test result of 0.04 breath alcohol concentration or greater a second time I will be terminated.

I further understand that drug and alcohol testing records about me are confidential and may be released in accordance with this policy, its supporting administrative regulations or the law.

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

Code No. 403.6-E3  
**CONSENT FOR REQUEST OF INFORMATION**

\_\_\_\_\_      \_\_\_\_\_  
Tested

positive for drugs. If yes, list date(s) and  
type of test.

ATTENTION: **SUBSTANCE ABUSE**

**PROGRA**

COMPANY:

\_\_\_\_\_ Refused  
\_\_\_\_\_ either a drug or alcohol test. If yes, list  
\_\_\_\_\_ date(s) and  
type of test.

FAX:

DATE OF REQUEST:

\_\_\_\_\_ **I certify that the above information is accurate.**

DRIVER \_\_\_\_\_

\_\_\_\_\_  
Substance Abuse Program Coordinator  
Test

SOCIAL SECURITY NUMBER

1. Dates of Employment: From:  
\_\_\_\_\_ To:

.....

.....

I hereby authorize the company listed above to release my alcohol and drug screen information to the following company: **Keota Community School District**

**P.O. Box 88**

\_\_\_\_\_

\_\_\_\_\_ To:

\_\_\_\_\_

\_\_\_\_\_ To:

From:

From:



**Keota, IA 52248**

**FAX: 641-636-**

---

2. In the past two years, has the driver:

Yes

No

Driver Signature



Date

\_\_\_\_\_

Tested positive for alcohol at a level or .04 or greater. If

yes, list date(s) and type of test.

\_\_\_\_\_

**By federal regulations this information must beon file in our office within two weeks of hire. Please fax or return this form to the address listed above at once. Please direct any questions to the Superintendent, address above.**

Code No. 403.6-E3, page 2

RECORDS TO BE RELEASED FROM: \_\_\_\_

related to the U.S. DOT drug and alcohol regulations.

\_\_\_\_\_

Company Name: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Named/Signature/Title  
Date

Telephone/other: \_\_\_\_\_  
\_\_\_\_\_

RECORDS TO BE RELEASED TO: \_\_\_\_\_  
\_\_\_\_\_

School District Contact Person: \_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Requested information enclosed

I certify, to the best of my knowledge, the company named above has a U.S. DOT drug and alcohol testing program conforming to U.S. DOT requirements in place and the above named individual participated in such program from \_\_\_\_\_ to \_\_\_\_\_ and, within the two years preceding this request, had no alcohol test results of 0.04 breath alcohol concentration or greater, no positive drug test results, no refusals to be tested for drugs or alcohol, no substance abuse professional evaluations, no recommended treatment for substance abuse, or other violations

Code No. 403.6-E4

I understand I am to go directly to the collectionsite located at:

---

---

Date \_\_\_\_\_

---

\_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Social Security Number

The above named employee is to have thefollowing test done:

\_\_\_\_\_ Drug    \_\_\_\_\_ Alcohol  
\_\_\_\_\_ Both Drug and Alcohol

Type of Test: \_\_\_\_\_ Random  
\_\_\_\_\_ Pre-employment (drug only)

**DRUG/ALCOHOL TEST NOTIFICATION**

(address of collection site) **FORM**

I understand that a positive drug test or an alcohol test result of .04 alcohol concentration or greater will result in termination of my employment and that an alcohol test result of greater than .02 but less than .04 alcohol concentration requires me to cease performing a safety-sensitive function for twenty-four hours.

I further understand that my drug and alcohol testing results are reported to and maintained by the school district and the Iowa Drug and Alcohol Testing (IDAPT) medical review officer for the purpose of completion of reports including, but not limited to, the Annual Summary/MIS reports required under the federal drug and alcohol testing regulations.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_ Reasonable Suspicion

\_\_\_\_\_ Post Accident

\_\_\_\_\_  
Time Sent by District

Contact Person

School District

Phone

\_\_\_\_\_  
Time Arrived at Collection Site  
Site Person

Collection

\_\_\_\_\_  
Time Test Was Completed  
Site Person

Collection



City/State/Zip \_\_\_\_\_ Code No. 403.

**CERTIFICATION OF PREVIOUS  
EMPLOYERS  
REQUIRING A COMMERCIAL DRIVER'S  
LICENSE**

Company \_\_\_\_\_  
Phone \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

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

Name

---

Social Security Number

City/State/Zip \_\_\_\_\_

\_\_\_\_\_

I certify that I have been employed by the following employers during the two years prior to the date stated below and that I was required to possess a commercial driver's license (CDL) during the term of my employment.

Company \_\_\_\_\_

\_\_\_\_\_ Phone \_\_\_\_\_

Signature

---

---

Date

Address \_\_\_\_\_  
\_\_\_\_\_

City/State/Zip \_\_\_\_\_  
\_\_\_\_\_

Company \_\_\_\_\_  
\_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

City/State/Zip \_\_\_\_\_  
\_\_\_\_\_

Company \_\_\_\_\_  
\_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

**DRUG AND ALCOHOL  
REASONABLE SUSPICION  
OBSERVATION**

---

Employee's Name

Date of Observation

Time of Observation: From \_\_\_\_\_ a.m./p.m. to \_\_\_\_ a.m./p.m.

Reasonable suspicion of current use or impaired by \_\_\_\_\_ alcohol/drugs.

Above behavior witnessed by: \_\_\_\_\_

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

Location: \_\_\_\_\_  
\_\_\_\_\_

Signed



Date

Observed personal behavior: (circle all

appropriate)

Speech:

Incoherent

Confused

Normal

Loud

Whispering

Silent

Slurred

Disruptive

Balance:

Swaying

Staggering

Normal

Falling

Walking and Turning:

Normal

Stumbling

Swaying

Falling

Arms raised for balance

Reaching for support

Awareness:

Confused

Paranoid

Normal

Signed (optional)

Date

This form must be completed by each trained employee observing the driver suspected of drug use and/or misuse by behavior, speech and/or odor while on duty, the earlier of within twenty four hours of the determination of reasonable suspicion or prior to receiving the test results. The observations must be specific, contemporaneous and articulable concerning the appearance, behavior, speech and body odor of the driver.

Code No. 403.6-E7

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

Sleepy or Stupor

Lack of coordination

Odor:

Normal

Alcohol

Burned rope

Appearance

Red Eyes Vomiting

Half Closed Eyes

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I, \_\_\_\_\_,  
have been informed of the requirement to

submit to a drug test prior to being employed by the school district to perform a safety-sensitive function. I consent to submit to the drug and alcohol testing program as required by the Drug and Alcohol Testing Program policy, its supporting administrative regulations and the law.

I understand that the results of my drug test will be shared with the school district. I also

understand that if I have a positive drug test result, I will not be considered further for

employment with the school

district.

I further understand that the drug and alcohol testing records and information about me is

confidential, and may be released at my request in accordance with the law.

---

(Signature of Applicant)

(Date)

Code No. 403.6-E8

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

**RANDOM TESTING  
DRIVER CHANGE LIST FORM  
IOWA DRUG AND ALCOHOL TESTING  
PROGRAM**

\_\_\_\_\_  
School District Contact Person (Supt.)  
Date:

School District: Keota Community Phone: (641 636-2189

Address: P.O. Box 88, Keota, IA 52248

Social Security Number and Name (first and last). Example 111-22-3333, John Doe.

Deletions \_\_\_\_\_ Additions \_\_\_\_\_

SSN                      Name                      SSNName

Please list all qualified drivers who must be tested under the federal regulations. Make copies of this form if you need additional space. Changes must be made in writing. Telephone changes cannot be accepted.

Changes must be received the last business day of the prior quarter to be effective for the quarter. Random selection list updates cannot be data entered for a new month if this form is received on or after the first of the new quarter.

IDAPT participants please fax or mail to: Medical Enterprises  
200

Essex Ct.

Omaha NE 68114

402-393-8946

FAX:

Code No. 403.6-E9

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**POST-ACCIDENT  
DRUG AND ALCOHOL TESTING  
INSTRUCTIONS TO DRIVERS**

The following instructions have been reviewed by the drivers subject to the drug and alcohol testing program. These instructions must be kept in the school vehicle for reference in the event of an accident. The driver operating the school vehicle is responsible to carry out the instructions.

1. Take action to maintain the safety and health of the persons being transported in the school vehicle.
2. Report the accident to the following persons as soon as practicable following the

accident and follow any directions given to the driver.

Superintendent Mark Schnedier Keota Community School district (641) 636-2189 School Dist. Tele.  
(319) 646-5811 Supt. Home Phone  
(319) 461-3717 Tom Woltering Cell

3. Determine whether any of the following have occurred, and if so, post-accident drug and alcohol testing must be done.
  - a. A fatality, other than the driver, occurred
  - b. The driver was cited and bodily injury occurred to a person who, as a result of the injury, required immediate medical treatment away from the scene of the accident.
  - c. The driver was cited and one or more motor vehicles incurred disabling damage as a result of the accident, requiring a vehicle to be transported away from the scene of the accident by a tow truck or other motor vehicle.
    - (1) "Disabling damage" is damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs. It includes damage to motor vehicles that could have been driven, but would have been further damaged if so driven.
    - (2) "Disabling damage" excludes damage which can be remedied temporarily at the scene of the accident without special tools or parts:
      - a. Tire disablement without damage even if no spare tire is available.
      - b. Headlight or taillight
      - c. Damage to turn signals, horn, or windshield wipers which make them

damage.

inoperative.



4. Consume no alcohol for eight hours or prior to submitting to a post-accident alcohol test, whichever occurs first, following an accident meeting the criteria in "3" above.
5. Remain available to submit to a post-accident alcohol test within two hours and no later than eight hours after the accident.

Code No. 403.6-E9, page 2

6. Remain available to submit to a post- accident drug test as soon as possible after the accident and no later than 32 hours after the accident.
7. Failure to remain available for post- accident drug and alcohol testing is considered a refusal to test and will result in termination of the driver.
8. Seek appropriate medical attention despite the need to remain available to submit to a post-accident drug and alcohol tests.
9. Using the Transportation Emergency Assistance Program developed by the Iowa Pupil Transportation Association, contact the nearest school district transportation director for assistance.
10. Obtain the name, badge number and telephone number of the law enforcement officer if the law enforcement officer conducts a post-accident drug and/or alcohol test. If possible, obtain copies of any alcohol and drug test results conducted by the law enforcement officer. Since these test results are generally unacceptable to meet the school district's requirements for post-accident drug and alcohol testing, the driver must remain available for post-accident drug and alcohol testing by a trained collection site person.
11. Complete the School Bus Accident Report form issued by the Iowa Department of

Education as soon as possible.

12. Document failure to submit to a post-accident alcohol test if no alcohol test was

conducted:

a. Document why the driver was not alcohol tested within two hours after the accident.

b. Document why the driver was not alcohol tested within eight hours after the accident.

c. A copy of the documentation must be submitted to the superintendent upon return to the school district.

13. Document failure to submit to a post-accident drug test if no drug test was conducted:

a. Document why the driver was not drug tested within 32 hours after the accident.

b. A copy of the documentation must be submitted to the superintendent upon return to the school district.

E10

**DRUG AND ALCOHOL TESTING  
PROGRAM  
WORKSHEET**

Code No. 403.6-

contact person(s).

\_\_\_\_\_ Draft revised board policy and supporting administrative regulations and forms.

\_\_\_\_\_ Hold meeting to inform drivers about the federal regulations and revised board policy, its supporting administrative regulations and forms.

Section I: General requirements:

\_\_\_\_\_ Determine qualifying drivers in the drug and alcohol testing program. (Driver must meet first and third OR second and third).

\_\_\_\_\_ Drive or may drive a vehicle transporting 16 or more persons, including the driver;

\_\_\_\_\_ Drive or may drive vehicles weighing over 26,001 pounds requiring a commercial driver license; and

\_\_\_\_\_ Drive full time, part-time, occasionally, under a lease or under a contract with an independent contractor or otherwise drive with the consent of the

\_\_\_\_\_ Inform drivers that time involved with drug and alcohol testing is on-duty time and they will be paid.

\_\_\_\_\_ Inform drivers that their records related to drug and alcohol testing are confidential records and will only be released with appropriate authorization.

\_\_\_\_\_ Adopt revised board policy, its supporting administrative regulations and forms.

\_\_\_\_\_ school district.

ode

N

\_\_\_\_\_ Total drivers meeting the qualifications above in the drug and alcohol testing program.

\_\_\_\_\_ Regularly employed drivers

\_\_\_\_\_ Substitute drivers

\_\_\_\_\_ Others who are available to drive.

\_\_\_\_\_ Determine delivery method of drug and alcohol testing program. (Choose one.)

E

1  
\_\_\_\_\_ Iowa Drug and Alcohol Testing Program (IDATP).

\_\_\_\_\_ Other service provider.

p

\_\_\_\_\_ School district will conduct its own program.

\_\_\_\_\_ Identify/Verify the school district contact person(s) and back-up school district

2

\_\_\_\_\_ Hold meeting or meet with drivers individually to inform them about the federal regulations, revised board policy and its supporting administrative regulations and forms.

\_\_\_\_\_ Procedures for transporting drivers with an

\_\_\_\_\_ Drivers complete policy sign off sheet.

alcohol test result of 0.02 alcohol concentration or greater.

Section II. Record keeping.

(403.7-E2)

\_\_\_\_\_ Ensure drug and alcohol testing related materials are retained in limited access

\_\_\_\_\_ Drivers take policy and sign off sheet with them to complete within a limited number of days. (403.7-E2)

\_\_\_\_\_ Compile a list of resources available to provide evaluation and assistance with



secure storage files separate and apart from the drivers' general personnel records.

\_\_\_\_\_ Verify/create individual driver drug and alcohol testing file to contain:

\_\_\_\_\_ Policy sign off sheet. (403.7-E2)  
drug use or alcohol misuse for the drivers.

\_\_\_\_\_ Agreement to participate in the  
program. (403.7-E2)

\_\_\_\_\_ File new policy sign off sheet in each  
driver's drug and alcohol testing personnel file.

\_\_\_\_\_ Pre-employment drug and alcohol

testing related information. (Applicable

only to drivers hired after Jan.1,1996). (403.7-E5)

\_\_\_\_\_ File new unsigned policy sign off sheet in  
the driver's drug and alcohol testing

personnel file with documentation why it is unsigned.

\_\_\_\_\_ Pre-employment release of prior

\_\_\_\_\_ Instruct drivers on revised procedures to follow in the event of an accident. (403.7-  
E9)

\_\_\_\_\_ Place revised summary of post-accident instructions in each school vehicle for  
reference by driver in the event of an

employer drug and alcohol testing related information. (Applicable only to drivers hired after Jan. 1, 1996). (403.7-E3)

ode

accident. (403.7-E9)

N

\_\_\_\_\_ Make arrangements to have a minimum of  
0

two employees receive the reasonable

suspicion training.

\_\_\_\_\_ Contact the collection site and arrange a  
0

meeting to review the following:

\_\_\_\_\_ Procedures for setting up appointments.

\_\_\_\_\_ School district's collection site contact  
E

person.

1

\_\_\_\_\_ Procedures when a driver has no photo  
identification

\_\_\_\_\_ Procedures for receiving alcohol test results.

- \_\_\_\_\_ Pre-employment drug test authorization. (Applicable only to drivers hired after Jan. 1, 1996. (403.7-E7)
- \_\_\_\_\_ Copy of Drug/Alcohol Test

Section III. Release of Drug and Alcohol Testing Related Records.

3

\_\_\_\_\_ Generally, a driver's drug and alcohol testing records are released only with the permission of the driver.

Notification form. (403.7-E4)

\_\_\_\_\_ Driver may have prompt access to and

form.

\_\_\_\_\_ Copy of drug test chain of custody

copies of their drug and alcohol testing records.

\_\_\_\_\_ Copy of alcohol test form.

\_\_\_\_\_ Refusals to test.

\_\_\_\_\_ Substance abuse professional evaluation and treatment records (if any).

driver.

\_\_\_\_\_ Request for access must be in writing.

\_\_\_\_\_ Copying fees for the records must be in accordance with board policy.

\_\_\_\_\_ Other information pertinent to the \_\_\_\_\_ Drug and alcohol testing records are available to subsequent employers with the \_\_\_\_\_ Supervisor and/or driver training sign-off sheets.

- \_\_\_\_\_ Verify/create files for other drug and alcohol testing related information.
  - \_\_\_\_\_ Accident information.
  - \_\_\_\_\_ Random selection lists.
  - \_\_\_\_\_ Positive drug test results.
  - \_\_\_\_\_ Positive alcohol test results.
  - \_\_\_\_\_ Negative drug tests results.
  - \_\_\_\_\_ Negative alcohol tests results.
  - \_\_\_\_\_ Change list of all driver adds/deletes from the drug and alcohol testing program. (403.7-E8)
  - \_\_\_\_\_ Miscellaneous drug and alcohol testing related information.
  - \_\_\_\_\_ Reasonable suspicion training certificates.
  
- \_\_\_\_\_ Records related to the calibration of the



driver's written authorization.

\_\_\_\_\_ Without the driver's written permission, the driver's drug and alcohol test records are made available to a decision-maker in a lawsuit, grievance or other proceeding initiated by or on behalf of the driver, and arising from the results of a drug or alcohol test under the federal regulations or from the school district's determination that the driver violated the federal regulations.

ode

evidentiary breath testing devices, training

N

\_\_\_\_\_ of the collection site personnel and other related information kept by (IDATP/service provider) is available from (IDATP/service) provider within two working days.

0

\_\_\_\_\_ Records related to saliva alcohol testing devices.

\_\_\_\_\_ Records related to the school district serving as a saliva alcohol testing or urine

specimen collection site.

E

0 \_\_\_\_\_ Positive drug test removes the applicant from further consideration for the driver position.

p  
\_\_\_\_\_ a Forward the pre-employment drug test results to the applicant upon the applicant's request.

e

Section IV. Pre-employment testing.

\_\_\_\_\_ Include the requirement of a drug test in any advertising, posting or other notice of the driver position.

4  
\_\_\_\_\_ File all documentation  
\_\_\_\_\_ If not hired, file with the applicant's application.  
\_\_\_\_\_ If hired, file with the applicant's

\_\_\_\_\_ Applicant completes the Pre-employment Drug Test Acknowledgment form.

drug and alcohol related personnel file. Section V: Alcohol Test Results.

(403.7-E7)

\_\_\_\_\_ Applicant completes the Consent for  
Release of Information form. (403.7-E3)

\_\_\_\_\_ Receive alcohol test results from  
collectionsite person.

\_\_\_\_\_ By telephone using a password

system with written results to follow by

\_\_\_\_\_ mail (or other means).

\_\_\_\_\_ Applicant completes Certification of  
means. Previous Employers Requiring a Commercial  
Driver's License. (403.7-E5)

\_\_\_\_\_ By a secure electronic

\_\_\_\_\_ By secure fax.

\_\_\_\_\_ Applicant completes the Drug/Alcohol

\_\_\_\_\_ Alcohol test result is less than 0.02 alcohol concentration.  
Test Notification Form. (403.7-E4)

\_\_\_\_\_ Driver may continue to perform  
a safety-sensitive function.

\_\_\_\_\_ Obtain information required on  
the Consent for Release of Information  
form.  
(403.7-E3)

\_\_\_\_\_ Received prior to the  
applicant performing a safety-sensitive  
function.

\_\_\_\_\_ Received no later than  
fourteen days of the applicant performing a  
safety-  
sensitive function.  
(Recommended only when absolutely necessary.)

\_\_\_\_\_ Applicant obtains the pre-  
employment drug test.

\_\_\_\_\_ Receive pre-employment drug test results.

\_\_\_\_\_ Negative drug test allows the  
applicant to begin to perform a safety-  
sensitive  
function.

\_\_\_\_\_ Drug, test result is negative.  
\_\_\_\_\_ Driver may continue to perform  
a safety-sensitive function.  
\_\_\_\_\_ Drug test result is positive.  
\_\_\_\_\_ Driver may not perform a safety-  
sensitive function.  
\_\_\_\_\_ If necessary.

Make arrangements for substitute,

\_\_\_\_\_ Alcohol test result is 0.02 to 0.0399  
alcohol concentration.

\_\_\_\_\_ Place driver on leave.

\_\_\_\_\_ Take necessary steps after

\_\_\_\_\_ School district transport driver to home or other location.

\_\_\_\_\_ Driver may not perform a safety-sensitive function for twenty-four hours.

\_\_\_\_\_ Make arrangements for substitute,

consulting with the school attorney to  
terminate the driver.

Section VII: Random Drug and Alcohol Testing.  
if necessary.

\_\_\_\_\_ Receive the random selection list from  
\_\_\_\_\_ No action may be taken against the driver under the federal regulations.



IDATP.

\_\_\_\_\_ Repeated offenses must be reported  
to superintendent for disciplinary action  
up to and including termination.  
\_\_\_\_\_ Document incident and file.

\_\_\_\_\_ Determine the date and time a driver or the

random selection list will be notified and  
make appointments at the collection site.

\_\_\_\_\_ Notify selected drivers.

\_\_\_\_\_ Alcohol test result is 0.04 or greater  
alcohol concentration.

\_\_\_\_\_ School district transport driver to

\_\_\_\_\_ Notify the required number of drivers on

the random selection list prior to the end of the quarter.

home or other location.

\_\_\_\_\_ Vary notification each quarter, including

\_\_\_\_\_ Driver may not perform a safety-sensitive function.

\_\_\_\_\_ Make arrangements for substitute, if necessary.

\_\_\_\_\_ Place driver on leave.

\_\_\_\_\_ Take necessary steps after consulting with the school attorney to terminate the driver.

day, week and time of day to

ensure drivers do not know the random testing is completed for the quarter and now they are free to misuse alcohol or use drugs until the next quarter.

Code No. 403.6-E11, page 6

Section VI: Drug Test Results.

\_\_\_\_\_ Receive drug test results from the medical review officer.

\_\_\_\_\_ By telephone using a password system with written results to follow by mail (or other means).

\_\_\_\_\_ By secure electronic means to be printed for filing.

\_\_\_\_\_ By secure fax.

\_\_\_\_\_ Notified drivers sign the Drug/Alcohol Test Notification form. (403.6-E4)

\_\_\_\_\_ Driver proceeds to collection site.

\_\_\_\_\_ Document, if necessary, reasons why any

driver on the random selection list was  
not notified and attach documentation to the random selection list.

\_\_\_\_\_ Go to Section V, Alcohol Test Results, or Section VI, Drug Test Results, for appropriate action based on test results.

Section VIII: Reasonable Suspicion Testing.

\_\_\_\_\_ Driver supervisors who have received occurred reasonable suspicion training documents specific, contemporaneous, articulable observations of the driver's behavior, speech or body odors on the Reasonable Suspicion Observation form. (403.6-E6)

\_\_\_\_\_ Receive notice of accident from driver.

\_\_\_\_\_ Determine whether post-accident testing must be done. (If any of the following are present, post-accident testing must be done.)

\_\_\_\_\_ A fatality, other than the driver,  
\_\_\_\_\_ The driver was cited and bodily

injury occurred to a person who, as a result of the injury, required immediate medical treatment away from the scene of the accident.

\_\_\_\_\_ A second reasonable suspicion trained employee, if at all possible, documents specific, contemporaneous, articulable observations of the driver's behavior, speech or body odors on the Reasonable

N  
Suspicion Observation form. (403.6-E6)

\_\_\_\_\_ Driver is removed from performing a safety-sensitive function pending the drug and/or alcohol test results.

0

\_\_\_\_\_ Driver completes Drug/Alcohol Testing Notification form. (403.6-E4)

\_\_\_\_\_ Driver is transported to the collection site.  
E

\_\_\_\_\_ Complete and file documentation of  
1  
Reasonable Suspicion Observation form

,  
\_\_\_\_\_ immediately and no later than within twenty-four hours or prior to receiving the test results. (403.6-E6)

#### Section IX: Post-Accident Testing.

\_\_\_\_\_ Instruct driver on procedures to follow in the event of an accident.

\_\_\_\_\_ Place summary of instructions in each school vehicle with the Iowa Pupil Transportation Association's Transportation Assistance Manual for reference by driver in the event of an

\_\_\_\_\_ The driver was cited and one or more motor vehicles incurred disabling damage as a result of the accident, requiring a motor vehicle to be transported away from the scene by a tow truck or other motor vehicle accident. (403.6-E10)

\_\_\_\_\_ Remind the driver of the requirement to remain available for drug and



alcohol testing and to **not** consume alcohol for eight hours after the accident.

\_\_\_\_\_ Contact the nearest school district transportation director for the location of

their collection site using the Iowa Pupil Transportation Association's Transportation Emergency Assistance Manual.

\_\_\_\_\_ Make arrangement for the driver to be tested for alcohol within two hours and no later than eight hours after the accident.

\_\_\_\_\_ The reason for failing to have an alcohol test after two hours but prior to eight hours after the accident must be documented and filed.

\_\_\_\_\_ The reason for failing to have an alcohol test prior to eight hours after the accident must be documented and filed.

\_\_\_\_\_ Make arrangement for the driver to be drug tested as soon as possible and no later than thirty-two hours after the accident.

\_\_\_\_\_ The reason for failing to have a drug test after thirty-two hours after the accident must be documented and filed.

\_\_\_\_\_ Medical attention to the driver is not denied in order to conduct the drug and alcohol tests.

\_\_\_\_\_ Alcohol and drug test results conducted by law enforcement in accordance with the federal regulations may be used to meet the post-accident drug and alcohol testing requirements if the school district receives a copy of the test results.

\_\_\_\_\_ Notify insurance company of all accidents whether post-accident drug and alcohol

testing was required and ask  
insurance company to maintain a list of **all**  
accidents  
reported so a list of all accidents may  
be easily complied in the event of a U.S. DOT  
audit.

Code No. 404 EMPLOYEE CONDUCT AND APPEARANCE

Employees are role models for the students who come in contact with them during and after school hours. The board recognizes the positive effect employees can have on students in this capacity. To this end, the board strongly suggests and encourages employees to dress themselves, groom themselves and conduct themselves in a manner appropriate to the educational environment.

Employees shall conduct themselves in a professional manner. Employees shall dress in attire appropriate for their position. Clothing should be neat, clean, and in good taste. Discretion and common sense call for an avoidance of extremes which would interfere with or have an effect on the educational process.

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

Legal Reference: Iowa Code § 279.8 (2011).  
282 I.A.C. 13.

Cross Reference: 307 Administrator Code of Ethics  
401.1 Employee

Code No. 404.R1

## EMPLOYEE CONDUCT REGULATION

### **I. Commitment to the student.**

The educator measures success by the progress of each student toward realization of potential as a worthy and effective citizen. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. In fulfilling obligations to the student, the educator:

- a. Shall not without just cause restrain the student from independent action in a pursuit of learning and shall not without just cause deny the student access to varying points

of view.

- b. Shall not deliberately suppress or distort subject matter for which the educator bears responsibility.

Orientation

Workplace

403.5 Harassment

403.7 Substance-Free

407 Licensed Employee

c. Shall make reasonable effort to protect the student from conditions harmful to learning or to

health and safety.

Termination of Employment

413 Classified Employee Termination of Employment

Approved: 12-12-19

- d. Shall conduct professional business in such a way that the educator does not expose the student to unnecessary embarrassment or disparagement.

- e. Shall not on the ground of race,color, creed, age, gender, physical or mental handicap, marital status, ornational origin exclude any student from participation in or deny thestudent benefits under any program nor grant any discriminatoryconsideration or advantage.
- f. Shall not use professionalrelationships with students for private advantage.
- g. Shall keep in confidence information that has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.
- h. Shall not tutor for remunerationstudents assigned to the educator's classes, unless no other qualified teacher isreasonably available.



principles of our democratic heritage. The educator shares with all other citizens the responsibility for the development of sound public policy and assumes full political and citizenship responsibilities. The educator bears particular

responsibility for the development of policy relating to the extension of educational opportunities for all and for interpreting educational programs and policies to the public. In fulfilling an obligation to the public, the educator:

- a. Shall not misrepresent an institution or organization with which the educator is affiliated and shall take adequate precautions to distinguish between personal and institutional or organizational views.
- b. Shall not knowingly distort or misrepresent the facts concerning educational matters in direct and indirect public expressions.
- c. Shall not interfere with a colleague's exercise of political and citizenship rights and responsibilities.
- d. Shall not sue institutional privileges for monetary or private gain or to promote political candidates or partisan political activities.
- e. Shall accept no gratuities, gifts, or favors that might impair or appear to impair professional judgment, not offer any favor, service, or thing of value to obtain special advantage.

## **II. Commitment to the public.**

The educator believes that patriotism in its highest form requires dedication to the

**III. Comgmitment to the profession.**

e

The educator believes that the quality of the services of the education profession directly influences the nation and its citizens. The educator therefore exerts every effort to raise professional standards, to improve service, to promote a climate in

which the exercise of professional judgment is encouraged, and to achieve conditions which attract persons worthy of the trust to careers in education. In fulfilling an obligation to the profession, the educator:

- a. Shall not discriminate on the ground of race, gender, age, physical handicap, marital status, color, creed or national origin for membership in the profession, nor interfere with the participation or nonparticipation of colleagues in the affairs of their professional association.

404.R1 Page 3

- b. Shall accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities.
- c. Shall not use coercive means or promise special treatment in order to influence professional decisions of  
colleagues.
- d. Shall withhold and safeguard information acquired about colleagues in the course of employment, unless disclosure serves professional purposes.
- e. Shall not refuse to participate in a professional inquiry when requested by the commission board.
- f. Shall provide upon the request of the aggrieved party a written statement of specific reason for recommendations that lead to the denial of increments, significant change in employment or termination of employment.

- g. Shall not misrepresent professional qualifications.
- h. Shall not knowingly distort evaluations of colleagues.

#### **IV. Commitment to professional employment practices.**

The educator regards the employment agreement as a pledge to be executed both in spirit and in fact in a manner consistent with the highest ideals of professional service. The educator believes that sound professional personnel relationships with governing boards are built upon personal integrity, dignity and mutual respect. The administrator discourages the practice of the profession by unqualified persons. In fulfilling the obligation to professional employment practices, the educator:

- a. Shall apply for, accept, offer, or assign a position or responsibility on the basis of professional preparation and legal qualifications.
- b. Should recognize salary schedules and the salary clause of an individual teacher's contract as a binding document on both parties. The educator should not in any way violate the terms of the contract.
- c. Shall not knowingly withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment.
- d. Shall give prompt notice to the employing agency of any change in availability of service, and the employing agent shall give prompt notice of change in availability or

nature of a position.

e. Shall adhere to the terms of a contract or appointment unless these terms have been legally terminated, falsely represented, or substantially altered by unilateral action of the employing agency.

f. Shall not delegate assigned tasks to unqualified personnel.

g. Shall use time or funds granted for the purpose for which they were intended.

## WORK RULES

Code No. 404.1

2) Leaving the work place before the scheduled quitting time without the specific approval of the supervisor.

The following work rules relating to personal conduct are issued by the Keota School District to inform all employees of personal conduct considered unacceptable as a district employee.

These rules are established so the district can fulfill its mission in an orderly and efficient manner and are not intended to restrict the rights of employees, but rather to advise employees of prohibited behavior.

## **I. Work Performance**

1) Intentionally giving any false or misleading information to obtain employment or a leave of absence or sick days.

2) Negligence in performance of assigned duties, or interfering with another employee's performance of duties.

3) Insubordination, including disobedience, or failure or refusal to carry out assignments or instructions.

4) Falsifying records or giving false information to employees and agencies responsible for recordkeeping.

5) Failure to provide accurate and complete information and reports whenever an authorized person requests such information.

6) Unauthorized disclosure of confidential information or records.

7) Loafing, loitering, sleeping or engaging in unauthorized personal business.

8) Failure to comply with health, safety, and sanitation requirements, rules and regulations.

## **II. Attendance and Punctuality**

1) Failure to be at the work place, ready to work, at the scheduled starting time.



- 3) Unexcused or excessive tardiness or absenteeism.
- 4) Failure to observe the time limits and scheduling of lunch, rest, or personal needs periods.
- 5) Failure to notify the supervisor promptly of unanticipated tardiness or absence.

### **III. Use of Property**

- 1) Unauthorized or improper use of district property, tools, or equipment, including vehicles, telephones, computers, or mail service.
- 2) Unauthorized possession or removal of district or another person's private property.
- 3) Willfully damaging, destroying, or stealing property belonging to students, fellow employees or the district.
- 4) Unauthorized posting or removing of notices or signs from bulletin boards.
- 5) Unauthorized use, lending, borrowing, or duplicating of district keys.
- 6) Unauthorized entry to district property, including unauthorized entry outside of assigned hours of work or entry to restricted areas.
- 7) Unauthorized use of a district-owned vehicle for personal use.

### **IV. Personal Actions and Appearance**

- 1) Threatening, attempting or doing bodily harm, fighting, or engaging in horseplay with another person.
- 2) Intimidating, bullying, harassing, interfering

with, or using abusive language towards others.

3) Unauthorized possession of firearms or other weapons.

4) Making false or malicious statements concerning other employees, supervisors, students, or the district.

5) Use or possession of alcoholic beverages or narcotics during working hours, or smoking on district premises, or reporting to work under the influence of alcoholic beverages or illegal drugs.

6) Unauthorized solicitation for any purpose.

7) Inappropriate dress or lack of personal hygiene that adversely affects proper performance of duties or constitutes a health or safety hazard.

8) Unauthorized or improper use or possession of uniforms, identification cards, badges, or permits.

9) Failure to exercise good judgment, or being discourteous, in dealing with parents, students, the general public or fellow employees.

10) Fraternizing with students, including but not limited to touching, excessive conversation, or other non-job related personal contact with students.

11) Use of a cell phone while driving a district-owned vehicle on the road.

## **V. Ethics**

1) Failure to adhere to the district's curriculum and instructional policies, procedures, and guidelines.

2) Furnishing, other than to school personnel, any list of names or addresses of students and failure to limit the use of commercial advertising in the classroom to those items that have the advance approval of the building principal or immediate supervisor.

3) Failure to follow the district's policy on addressing concerns through the proper

administrative communication channels.

4) Personally benefiting from the sale of merchandise to any student.

5) Failure to report all arrests and convictions of a violation of law other than a minor traffic violation. (Exception: Bus Drivers shall report all moving traffic violations.)

6) Failure to comply with Chapter 25 (Code of Professional Conduct and Ethics) or Chapter 26 (Code of Rights and Responsibilities) of the Rules of the Educational Examiners Board (Chapter 282 of the Iowa Administrative Code).

Employees engaging in prohibited behavior risk discipline up to and including a verbal warning, counseling, oral or written reprimands, suspension with or without pay, or termination of employment. Additionally, where warranted, complaints to the Board of Educational Examiners and/or local law enforcement for criminal prosecution may be made where employees engage in prohibited behavior, which violates Rules of the Board of Educational Examiners or criminal laws or ordinances.

Cross Reference: 400 Employees

Approved: 11/23/09 Reviewed: 12-04-19

Revised: 12-12-19

Code No. 405.1 LICENSED EMPLOYEE DEFINED

Licensed employees, including administrators, are those employees required to hold an appropriate license from the Iowa Department of Education for their position as required by the Board of Educational Examiners or others with professional licenses. Licenses required for a position will be considered met if the employee meets the requirements established by the Iowa Department of Education.

It shall be the responsibility of the superintendent to establish job expectations for licensed employees' positions, other than the position of the superintendent. Job expectations may be approved by the board.

Licensed employees must present evidence of current license to the board secretary prior to payment of salary each year.

Legal Reference: Clay v. Independent School District of Cedar Falls, 187 Iowa 89, 174 N.W. 47 (1919).  
Iowa Code §§ 256.7(3); 272.6; 272A; 279.8; 294.1 (2011).  
282 I.A.C. 14.  
281 I.A.C. 12.4; 41.25.  
1940 Op. Att'y Gen. 375.

Cross Reference: 405.2 Licensed Employee Qualifications, Recruitment

Reviewed: 12-04-19 Revised:

Defined

Selection

410.1 Substitute Teachers

411.1 Classified Employee

Approved: 12-12-19

Code No. 405.2 LICENSED EMPLOYEE QUALIFICATIONS,  
RECRUITMENT, SELECTION

Persons interested in a licensed position, other

Code No. 405.3

LICENSED EMPLOYEE INDIVIDUAL CONTRACTS

The board will enter into a written contract with licensed employees, other than administrators, employed on a regular basis. Each contract will be for a period of one year.

It is the responsibility of the superintendent to complete the contracts for licensed employees and present them to the board for approval. The contracts, after being signed by the board president, are returned to the superintendent. The superintendent will obtain the employee's signature. After being signed, the contract is filed with the board secretary.

*NOTE: By law, the board president must sign all employment contracts and must do so prior to the employee signing the contract. Individual teaching contracts cannot exceed one year.*

Legal Reference:

Harris v. Manning independent School District of Manning, 245 Iowa 1295, 66 N.W.2d 438 (1954). Shackelford v. District Township of Beaver, Polk County, 203 Iowa 243, 212 N.W. 467 (1972) Burkhead v. Independent School District of Independence, 107 Iowa 29, 77 N.W.491 (1898). Iowa Code chs, 20; 279.

Cross Reference:

405.2 Licensed Employee Qualification, Recruitment, Selection 405.4 Licensed Employee Continuing Contracts 407 Licensed Employee Termination of Employment

Approved \_\_3-10-22

Reviewed

Revised\_3-10-22\_

(2010).

294.1 (2011).



42 U.S.C. §§ 2000e et seq. Iowa Code §§ 20; 35C; 216;

281 I.A.C. 12.

282 I.A.C. 14.

1980 Op. Att'y Gen. 367.

than administrative positions which will be employed in accordance with board policies in Series 300, "Administration," will have an opportunity to apply and qualify for licensed positions in the school district without regard to age, race, creed, color, gender, national origin, religion, marital status, disability or sexual orientation.

Job applicants for licensed positions shall be considered on the basis of the following:

1. Training, experience, and

Cross Reference: 401.2 Equal Employment Opportunity  
405 Licensed Employees

- General

410.1 Substitute Teachers

Approved: 12-12-19

Reviewed: 12-09-19 Revised:

skill;

and

2. Nature of the occupation;
3. Demonstrated competence;
  
4. Possession of, or ability to obtain, state license if required for the position.

Announcement of the position shall be made publicly and repeatedly in a manner which the superintendent believes will inform a large pool of potential applicants about the position.

Applications for employment may be obtained from and completed applications shall be returned to the school district administrative office.

Whenever possible, the preliminary screening of applicants shall be conducted by the person who will be directly supervising and overseeing the person being hired.

The board will employ licensed employees after receiving a recommendation from the superintendent. However, the superintendent will have the authority to employ a licensed employee on a temporary basis until a recommendation can be made and action can be taken by the board on the position.

Legal Reference: 29 U.S.C. §§ 621-634 (2010).

Code No. 407.1

LICENSED EMPLOYEE RESIGNATION

A licensed employee who wishes to resign must notify the superintendent in writing within the time period set by the board for return of the contract. This applies to regular contracts for the licensed employee's regular duties and for an extracurricular contract for extra duty.

Resignations of this nature shall be accepted by the board.

Approved: 12-12-19

Reviewed: 12-09-19 Revised:

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The board may require an individual who has

o  
resigned from an extracurricular contract to

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accept the resigned position for only the  
subsequent school year when the board has made  
a good faith effort to find a replacement and the

o  
licensed employee is continuing to be employed  
by the school district.

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#### LICENSED EMPLOYEE CONTRACT RELEASE

Licensed employees who wish to be released from an executed contract must give at least twenty-one days notice to the superintendent. 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 will have sole discretion to determine what constitutes unusual and extreme circumstances.

Legal Reference: Iowa Code §§ 91A.2, .3,  
.5; 279.13, .19A (2011).

Cross Reference: 405.3 Licensed Employee Individual Contracts  
405.4 Licensed Employee Continuing Contracts  
407 Licensed Employee Termination of Employment

Release from a contract will be contingent upon finding a suitable replacement. Licensed employees requesting release from a contract after it has been signed and before it expires may be required to pay the board actual expenses incurred to locate and hire a suitable replacement. Upon written mutual agreement between the employee and the superintendent, the costs may be deducted from the employee's salary. Payment of these costs is a condition for release from the contract at the discretion of the board.

Failure of the licensed

employee to pay these expenses may result in a cause of action being filed in small claims court.

The superintendent is authorized to file a complaint with the Board of Educational Examiners against a licensed employee who leaves without proper release from the board.

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Legal Reference: Iowa Code §§ 216;  
272;279.13, .19A, .46 (2011).  
1978 Op. Att'y Gen. 247.  
1974 Op. Att'y Gen. 11,  
322.

Cross Reference: 405.3 Licensed  
Employee Individual Contracts  
405.4 Licensed  
Employee Continuing Contracts  
407.3 Licensed  
Employee Retirement

Approved: 12-12-19

Reviewed: 12-04-

19 Revised:

Code No. 407.3



Cross Reference: 401.14 Recognition for Service of Employees

### LICENSED EMPLOYEE RETIREMENT

Licensed employees who will complete their current contract with the board may apply for retirement. No licensed employee will be required to retire at a specific age.

## 407.6 Licensed Employee Early Retirement

Approved: 12-12-19

Reviewed: 12-04-19

Application for retirement will be considered made when the licensed employee states in writing to the superintendent, no later than the date set by the board for the return of the employee's contract to the board, the intent of the employee to retire.  
The letter must state the employee's desire to retire

Revised:

Code No. 407.4

and be witnessed by another party other than the principal or the superintendent. Applications made after the date set by the board for the return of the employee's contract to the board may be considered by the board if special circumstances exist. It shall be within the discretion of the board to determine whether special circumstances exist.

Board action to approve a licensed employee's application for retirement shall be final and such action constitutes non-renewal of the employee's contract for the next school year.

Licensed employees who retire under this policy may qualify for retirement benefits through the Iowa Public Employees Retirement System.

Licensed employees and their spouse and dependents shall be allowed to continue coverage in the school district's group health insurance program at their own expense by meeting the requirements of the insurer.

Legal Reference: Iowa Code §§ 97B; 216; 279.46 (2011).

## LICENSED EMPLOYEE SUSPENSION

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

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

581 I.A.C. 21.

1978 Op. Att'y Gen. 247.

1974 Op. Att'y Gen. 11, 322

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Legal Reference: Northeast Community Education Association v. Northeast Community School District, 402 N.W.2d765 (Iowa 1987).  
McFarland v. Board of Education of Norwalk Community School District,277 N.W.2d 901 (Iowa 1979).  
Iowa Code §§ 20.7, .24; 279.13, .15-.19, .27 (2011).

Cross Reference: 404 Employee Conduct and Appearance  
407 Licensed Employee Termination of Employment

Approved: 12-12-19

Reviewed: 12-09-19

Revised:

and/or

administrator. o

- b. The last 10 years of service prior to retirement shall be consecutive service to the Keota Community School District. Board approved leave shall not be considered an interruption when calculating consecutive service.

**Licensed Employee Early Separation** The Board of Education of the Keota Community School District may deem it appropriate to provide an early retirement incentive to licensed employees of extended tenure who opt to separate from the district pursuant to this program. The purpose of this program is to provide the district's employees with the option and opportunity for early separation from their employment with the district. This early separation program is designed to show the district's appreciation for the services an employee has rendered to the district and to aid the employee in his or her transition from public service to retirement.

The board has the option to review the feasibility of this program annually. By December 1 of each year, the board will determine the maximum number of employees who will be eligible to receive benefits under this policy's provisions at the end of the current contract year. The board's decision may take into consideration the district's financial needs, staffing considerations, student enrollment and possible contract savings.

1. Eligibility

- c. Submits an application to the superintendent for participation in the plan on or before January 15 of the year in which the licensed employee wishes to retire. Applications submitted after January 15 may be considered at the discretion of the board depending on the circumstances for the late application;
- d. Submits a written resignation. The resignation may be contingent upon approval by the board of participation in the voluntary early retirement plan; and,
- e. Receives board approval of the licensed employee's application for participation in the early retirement plan, of the licensed employee's resignation and of the disbursement of the early retirement incentive to the licensed employee.

Employees will not qualify for this early separation program if:

- a. They are scheduled for layoff or staff reduction;
- b. They have received an official notice of layoff or termination;
- c. They are subject to termination pursuant to Iowa Code Sections §279.15, §279.24, §279.25 or §279.29; or
- d. They are on disability leave.

The school district offers an early retirement plan for full-time licensed employees. Full-time licensed employees are licensed employees who work 40 hours per week and who are currently performing their assigned duties within the school district. A licensed employee is eligible under the early retirement plan when the licensed employee:

- a. Has reached the age of 55 on or before June 30 of the year in which the licensed employee wishes to retire and has 20 years of total experience as a teacher



Approval by the board of the licensed employee's early retirement application shall constitute a voluntary resignation. Failure of the board to approve the licensed employee's early retirement application will make the licensed employee's current contract with the board continue in full force and effect.

2. One lump sum payment

An employee, who applies, qualifies and is accepted for the Keota Community School District Early Separation Program shall receive the benefit as a one lump sum payment in January of the year following the retirement. The amount of the benefit will be determined prior to December 1 of the current contract year.

employee who elects to participate in the district's Early Separation Program, provided, however, that at the sole discretion of the Superintendent, the district may employ persons who elected to participate in the district's Early Separation Program as substitute teachers. Each employee who elects to participate in the district's Early Separation Program must specifically agree to hold the district harmless and indemnify it if the employee attempts to submit an employment application or otherwise attempts to be re-employed with the district. If an individual who elects to participate in the program is subsequently employed by the Keota Community School District as a full time employee (substitute teachers excluded) the benefits of the district's Early Separation Program shall immediately cease.

Legal Reference: 29 U.S.C. §§ 621 et seq.(2010).

### 3. Termination at Death

An employee's right to receive benefits under the Keota Community School District's Early Separation Program shall terminate on the death of the employee and neither his or her estate, heirs, successors or assigns shall be entitled to any further benefits under the Keota Community School District's Early Separation Program notwithstanding the fact the employee may not have received all of the benefits to which he or she would have been entitled had he or she lived

### 4. Additional Conditions

Senate File 2366, 77th General Assembly, 2nd Reg. Sess.(1998).  
Iowa Code §§ 97B; 216;279.46; 509A.13 (2011).  
581 I.A.C. 21.  
1978 Op. Atty Gen. 247.  
1974 Op. Att'y Gen. 11, 322.

Adopted: 12-12-19

Reviewed: 12-09-19

Revised:

The adoption of this program shall not vest any rights in any employee whether or not the employee is currently eligible for early separation. The board shall have the complete discretion to amend or repeal this program at any time when in the judgment of the board the district no longer realizes economic benefit from this program or otherwise determines that the program is not in the best interest of the district. Furthermore, the district shall not be obligated to provide any of the benefits to any employee after the date of such amendment or repeal, except to those employees whose early separation pursuant to this program has commenced prior to the amendment or repeal.

Employees who elect to participate in this program shall be eligible to be re-hired in any capacity with the Keota Community School District; however, the Keota Community School District shall not be required to accept an application for employment from an

LICENSED EMPLOYEE PUBLICATION OR CREATION OF MATERIALS

Materials created by licensed employees and the financial gain there from are the property of the school district if school materials and time were used in their creation and/or such materials were created in the scope of the licensed employee's employment. The licensed employee must seek prior written approval of the superintendent concerning such activities.

Legal Reference: 17 U.S.C. § 101 et al.  
Iowa Code § 279.8 (2011).

Cross Reference: 401.3 Employee Conflict of Interest

Approved: 12-12-19

Reviewed: 12-04-19

Revised:  
606.6 Student  
Production of Materials and Services

LICENSED EMPLOYEE TUTORING

## Employment

Approved: 01-02-20

Every effort will be made by the licensed employees to help students with learning problems before recommending that the parents engage a tutor. Since there are exceptional cases when tutoring will help students overcome learning deficiencies, tutoring by licensed employees may be approved by the superintendent.

Reviewed: 01-09-20

Revised:



Code No. 409.3

Licensed employees may only tutor students other than those for whom the teacher is currently exercising teaching, administrative or supervisory responsibility unless approved by the superintendent.

Tutoring for a fee may not take place within school facilities or during regular school hours unless approved by the superintendent.

Legal Reference: Iowa Code §§ 20.7; 279.8(2011).

## LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE

Unpaid family and medical leave will be granted up to 12 weeks per year to assist employees in balancing family and work life. For purposes of this policy, year is defined as a single 12 month period. Requests for family and medical leave will be made to the superintendent.

Employees may be allowed to substitute paid leave for unpaid family and medical leave by meeting the requirements set out 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. It is the responsibility of the superintendent to develop administrative rules to implement this policy.

The requirements stated in the Master Contract between employees in the certified collective bargaining unit and the board regarding family and medical leave of such employees will be followed.

NOTE: This policy is consistent with federal law regarding family and medical leave. The links below are to applicable forms on the U.S. Department of Labor Web site.

Links: [WH-380-E Certification of Health Care Provider for Employee's Serious Health Condition \(PDF\)](#)

Cross Reference:       401.3 Employee Conflict of Interest  
                          402.7 Employee Outside

[\(PDF\) WH-380-F Certification of Health Care Provider for Family Member's Serious Health Condition](#)  
[WH-381 Notice of Eligibility and Rights & Responsibilities \(PDF\)](#)

[WH-382 Designation Notice \(PDF\)](#)

[WH-384 Certification of Qualifying Exigency  
For Military Family Leave \(PDF\)](#)

[WH-385 Certification for Serious Injury or  
Illness of Covered Servicemember -- for  
Military Family Leave \(PDF\)](#)

Legal Reference:

*Whitney v. Rural Ind. School*  
*. District*, 232 Iowa 61, 4 N.W.2d 394 (1942).  
26 U.S.C. §§ 2601 *et seq.*  
(2010)

29 C.F.R. Pt. 825 (2010).

Iowa Code §§ 20; 85.33, .34,  
.38(3); 216; 279.40 (2011).

1980 Op. Att'y Gen. 605.

1972 Op. Att'y Gen. 177,

353.

1952 Op. Att'y Gen. 91.

Cross Reference: 409.2 Licensed  
Employee Personal Illness Leave

Unpaid Leave

409.8 Licensed Employee

414.3 Classified Employee  
Family and Medical Leave

Approved: 01-09-20

Reviewed : 01-02-20

Revised:



## 2LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE NOTICE TO EMPLOYEES

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

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 or 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 with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation 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 a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

### **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 one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

#### **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

2LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE NOTICE TO EMPLOYEES

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.

#### **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.

### **ENFORCEMENT**

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

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.

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

If you have access to the Internet visit FLMA's website: <http://www.dol.gov/compliance/laws/comp-fmla.htm>

To locate your nearest Wage-Hour Office, phone our toll-free information at 1-866-487-9243 or to the Web site at: <http://www.wagehour.dol.gov>.

For a listing of records that must be kept by employers to comply with FMLA visit the U.S. Dept. of Labor's website: [http://www.dol.gov/dol/allcfr/ESA/Title\\_29/Part\\_825/29CFR825.500.htm](http://www.dol.gov/dol/allcfr/ESA/Title_29/Part_825/29CFR825.500.htm)

*US Dept. of Labor – Revised July, 2009*

LICENSED EMPLOYEE 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:

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

LICENSED EMPLOYEE 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:

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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 interruptions to school district operations.

While on family and medical leave, I agree to pay my regular contributions to employer sponsored benefit plans. My contributions will be deducted from monies owed me during the leave period. If no monies are owed me, I will reimburse the school district by personal check or 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 \_\_\_\_\_

If the employee requesting leave is unable to meet the above criteria, the employee is not eligible for family and medical leave.

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATION

A. School district notice.

1. The school district will post the notice in Exhibit 409.3E1 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 school 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 school 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. (*choose one*)

Option I:

Employees are eligible for family and medical leave if three criteria are met.

1. The school district has more than 50 employees on the payroll at the time leave is requested;
2. The employee has worked for the school district for at least twelve months or 52 weeks (the months and weeks need not be consecutive); and,
3. 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.

Option II:

[School district inserts its own definition which must be broader than the definition under Option I.]

Option III:

The definition in the collective bargaining agreement is incorporated by reference.

If the employee requesting leave is unable to meet the above criteria, the employee is not eligible for family and medical leave.



7LICENSED EMPLOYEE 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 days notice for foreseeable leave. Failure to give the notice may result in the leave beginning thirty 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 school district prior to scheduling planned medical treatment leave to minimize disruption to the school district. The scheduling is subject to the approval of the health care provider.
- d. *[Boards who adopt other requirements or additional collective bargaining provisions can add them here.]*

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. The school district may require the employee giving notice of the need for leave to provide reasonable documentation or a statement of family relationship.

1. Six purposes.

- 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; or
- 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 da

- f. because the employee is the spouse; \_\_\_\_\_ son or daughter; \_\_\_\_\_ parent; nextof kin of a covered service member with a serious injury or illness.
- g. *[Boards who adopt other purposes for which family and medical leave may betaken should add them here.]*

7LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATION

2. Medical certification.
  - a. When required:
    - (1) Employees *[may/shall]* be required to present medical certification of the employee's serious health condition and inability to perform the essential functions of the job.
    - (2) Employees *[may/shall]* 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.
    - (3) Employees *[may/shall]* be required to present certification of the call to active duty when taking military family and medical leave.
  - b. Employee's medical certification responsibilities:
    - (1) The employee must obtain the certification from the health care provider who is treating the individual with the serious health condition.
    - (2) The school district may require the employee to obtain a second certification by a health care provider chosen by and paid for by the school district if the school district has reason to doubt the validity of the certification an employee submits. The second health care provider cannot, however, be employed by the school district on a regular basis.
    - (3) If the second health care provider disagrees with the first health care provider, then the school 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 school district and paid for by the school district. This certification or lack of certification is binding upon both the employee and the school district.
  - c. Medical certification will be required fifteen days after family and medical leave begins unless it is impracticable to do so. The school district may request recertification every thirty days. Recertification must be submitted within fifteen days of the school district's request.
  - d. Employees taking military caregiver family and medical leave to care for a family service member cannot be required to obtain a second opinion or to provide recertification.
  - e. *[Boards who adopt other requirements or have collective bargaining agreements with provisions regarding certification should add them here.]*

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.

E. Entitlement.

1. Employees are entitled to twelve 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 26 weeks of unpaid family and medical leave but only in a single 12 month period.

2. Year is defined as: (*choose one*)

Option I - Fiscal year

Option II - Calendar

year Option III - School

year

Option IV - Rolling: measured forward from the first day leave is used, or  
measured backward from the date leave is used.

Option V - Collective bargaining agreement contract year.

7LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATION

3. If insufficient leave is available, the school district may:
  - a. Deny the leave if entitlement is exhausted
  - b. Award leave available
  - 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:
    - \_\_\_\_\_ 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;
    - \_\_\_\_\_ because I am the \_\_\_\_\_ spouse; \_\_\_\_\_ son or daughter; \_\_\_\_\_ parent; \_\_\_\_\_ next of kin of a covered employee.
  - b. In the case of foreseeable intermittent leave, the employee must schedule the leave to minimize disruption to the school district operation.
  - c. During the period of foreseeable intermittent leave, the school district may move the employee to an alternative position with equivalent pay and benefits. *(For instructional employees, see G below.)*
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:
    - \_\_\_\_\_ 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;

- \_\_\_\_\_ because I am the \_\_\_\_\_ spouse; \_\_\_\_\_ son or daughter; \_\_\_\_\_ parent; \_\_\_\_\_ next of kin of a covered
- b. In the case of foreseeable reduced work schedule leave, the employee must schedule the leave to minimize disruption to the school district operation.
  - c. During the period of foreseeable reduced work schedule leave, the school 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.

7LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATION

2. Instructional employees who request foreseeable medically necessary intermittent or reduced work schedule family and medical leave greater than twenty percent 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.
    - a. If an instructional employee begins family and medical leave for any purpose more than five weeks before the end of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last at least three weeks and the employee would return to work during the last three 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 weeks of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last more than two weeks and the employee would return to work during the last two 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 weeks of the semester and the leave will last more than five working days, the school 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 school district will continue to fulfill the school 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 school district at a time set by the superintendent.
3. An employee who fails to make the health care contribution payments within thirty days after they are due will be notified that their coverage may be canceled if payment is not received within an additional 15 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 days and return the certification within fifteen days of the request.



7LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATION

5. The employee must notify the school district of the employee's intent to return to work at least once each month during their leave and at least two 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 school district, in writing, of the employee's intent not to return. The school district will cease benefits upon receipt of this notification.

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

Option I:

An employee may substitute unpaid family and medical leave with appropriate paid leave available to the employee under board policy, individual contracts or the collective bargaining agreement. Paid leave includes, but is not limited to, sick leave, family illness leave, vacation, personal leave, bereavement leave and professional leave. When the school district determines that paid leave is being taken for an FMLA reason, the school district will notify the employee within two business days that the paid leave will be counted as FMLA leave.

Option II:

1. An employee may substitute unpaid family and medical leave for the serious health condition of the employee with paid sick, vacation and personal leave. Upon the expiration of paid leave, the family and medical leave for the serious health condition of the employee is unpaid.
2. An employee may substitute unpaid family and medical leave for the serious health condition of an employee's family member or to care for a family service member with paid sick, vacation and personal leave. Upon the expiration of paid leave, the family and medical leave for the serious health condition of an employee's family member is unpaid.
3. An employee may substitute unpaid family and medical leave for the birth of a child of the employee and in order to care for that child prior to the first anniversary of the child's birth with sick, vacation and personal leave. Upon the expiration of paid leave, the family and medical leave for the birth of a child of the employee and in order to care for that child prior to the first anniversary of the child's birth is unpaid.
4. An employee may substitute unpaid family and medical leave for the placement of a child with the employee for adoption or foster care and in order to care for that child prior to the first anniversary of the child's placement or adoption with sick, vacation and personal leave. Upon the expiration of paid leave, the family and medical leave for the placement of a child with the employee for adoption or foster care and in order to care for the child prior to the first anniversary of the child's placement or adoption is unpaid.

5. An employee may substitute unpaid family and medical leave when a family servicemember is called to active duty or on call to active duty with sick, vacation and personal leave. Upon expiration of the paid leave, the leave is unpaid.
6. When the school district determines that paid leave is being taken for an FMLA reason, the school district will notify the employee within two business days that the paid leave will be counted as FMLA leave.

7LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATION

Option III:

1. An employee may substitute unpaid family and medical leave for the serious healthcondition of the employee with paid sick leave. Upon the expiration of paid leave, the family and medical leave for the serious health condition of the employee is unpaid.
2. An employee may substitute unpaid family and medical leave for the serious healthcondition of an employee's family member with paid sick leave or to care for a family service member. Upon the expiration of paid leave, the family and medical leave for the serious health condition of an employee's family member is unpaid.
3. An employee may substitute unpaid family and medical leave for the birth of a child of the employee and in order to care for that child prior to the first anniversary of thechild's birth with sick and vacation leave. Upon the expiration of paid leave, the family and medical leave for the birth of a child of the employee and in order to carefor that child prior to the first anniversary of the child's birth is unpaid.
4. An employee may substitute unpaid family and medical leave for the placement of achild with the employee for adoption or foster care and in order to care for that childprior to the first anniversary of the child's placement or adoption with sick and vacation leave. Upon the expiration of paid leave, the family and medical leave for prior to the first anniversary of the placement of a child with the employee for adoption or foster care is unpaid.
5. An employee may substitute unpaid family and medical leave when a family service member is called to active duty or on call to active duty with sick and vacation leave.Upon expiration of the paid leave, the leave is unpaid.
6. When the school district determines that paid leave is being taken for an FMLA reason, the school district will notify the employee within two business days that thepaid leave will be counted as FMLA leave.

Option IV:

1. Family and medical leave is unpaid.

#### 4LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE DEFINITIONS

Active Duty - duty under a call or order to active duty under a provision of law referring to in section 101(a)(13) of title 10, U.S. Code.

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.

Contingency Operation - has the same meaning given such term in section 101(a)(13) of title 10, U.S. Code.

Continuing Treatment - a serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

- A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from) of more than three consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves:
  - treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of healthcare services (e.g., physical therapist) under orders of, or in referral by, a health care provider; or
  - treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of a the health care provider.
- Any period of incapacity due to pregnancy or for prenatal care.
- Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
  - requires periodic visits for treatment by a health care provider or by a nurse or physician's assistant under direct supervision of a health care provider;
  - Continues over an extended period of time (including recurring episodes of a single underlying condition); and
  - May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
- Any period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke or the terminal stages of a disease.
- Any period of absence to receive multiple treatments (including any period of recovery from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

Covered Servicemember - 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.

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.

Code No. 409.3R2

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#### 4LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE DEFINITIONS

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 of 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 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, and clinical social workers 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;
- Any health care provider from whom an employer or a group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits;
- A health care provider as defined above who practices in a country other than the United States who is licensed to practice in accordance with the laws and regulations of that country.

*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 noninstructional 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 or periods from an hour or more to several weeks.

Medically Necessary - certification for medical necessity is the same as certification for serious health condition.

#### 4LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE DEFINITIONS

"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.

Next of Kin - an individual's nearest blood relative

Outpatient Status - the status of a member of the Armed Forces assigned to –

- either a military medical treatment facility as an outpatient; or,
- a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

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 workweek, or hours per workday, of an employee.

Serious Health Condition -

- An illness, injury, impairment, or physical or mental condition that involves:
- Inpatient care (i.e. an overnight stay) in a hospital, hospice or residential medical care facility including any period of incapacity (for purposes of this section, defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from), or any subsequent treatment in connection with such inpatient care; or
- Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes:
  - A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from) of more than three consecutive calendar days, including any subsequent treatment or period of incapacity relating to the same condition, that also involves:
    - Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders or, or on referral by, a health care provider; or
    - Treatment 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.
  - Any period of incapacity due to pregnancy or for prenatal care.

- Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
  - Requires periodic visits for treatment by a health care provider or by a nurse or physician's assistant under direct supervision of a health care provider;
  - Continues over an extended period of time (including recurring episodes of single underlying condition); and,
  - May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).



#### 4LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE DEFINITIONS

- A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's a severe stroke or the terminal stages of a disease.
  - Any period of absence to receive multiple treatments (including any period of recovery from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).
  - Treatment for purposes of this definition includes, but is not limited to, examinations to determine if a serious health condition exists and evaluation of the condition. Treatment does not include routine physical examinations, eye examinations or dental examinations. Under this definition, a regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, ointments; or bed rest, drinking fluids, exercise and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.
  - Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness resulting from stress or allergies may be serious health conditions, but only if all the conditions of this section are met.
  - Substance abuse may be a serious health condition if the conditions of this section are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.
  - Absence attributable to incapacity under this definition qualify for FMLA leave even though the employee or the immediate family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level.
- An

employee who is pregnant may be unable to report to work because of severe morning sickness.

Serious Injury or Illness - an injury or illness incurred by a member of the Armed forces, including the National Guard or Reserves in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

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.

LICENSED EMPLOYEE BEREAVEMENT LEAVE

In the event of a death of a member of a licensed employee's immediate family, bereavement leave may be granted.

Bereavement leave may be granted for the death of a close friend or other relative not listed above with Superintendent permission.

It is within the discretion of the superintendent to determine the number of bereavement leave days to be granted.

The requirements stated in the Master Contract between employees in the certified collective bargaining unit and the board regarding the bereavement leave of such employees is followed.

Legal Reference: Iowa Code §§ 20.9; 279.8 (2011).

Cross Reference: 409 Licensed Employee Vacations and Leaves of Absence

Approved: 01-09-20

Reviewed: 01-02-20

Revised:

LICENSED EMPLOYEE UNPAID LEAVE

Unpaid leave may be used to excuse an involuntary absence not provided for in this or other leave policies of the board. Unpaid leave for licensed employees must be authorized by the superintendent.

The superintendent shall have complete discretion to grant or deny the requested unpaid leave. In making this determination, the superintendent shall consider the effect of the employee's absence on the education program and school district operations, length of service, previous record of absence, the financial condition of the school district, the reason for the requested absence and other factors the superintendent believes are relevant to making this determination.

If unpaid leave is granted, the duration of the leave period shall be coordinated with the scheduling of the education program whenever possible to minimize the disruption of the education program and school district operations.

Whenever possible, licensed employees shall make a written request for unpaid leave 1 day prior to the beginning date of the requested leave. If the leave is granted, the deductions in salary are made unless they are waived specifically by the superintendent.

Legal Reference: Iowa Code §§ 20; 85; 85A; 85B; 279.12; 509; 509A; 509B

(2011). Cross Reference: 409 Licensed Employee Vacations and Leaves of

Absence Approved: 01-09-20

Reviewed: 01-02-20

Revised:

*Code No. 410.1*

## SUBSTITUTE TEACHERS

The board recognizes the need for substitute teachers. Substitute teachers shall be licensed to teach in Iowa.

It shall be the responsibility of the building principal to maintain a list of substitute teachers who may be called upon to replace regular contract licensed employees. Individuals whose names do not appear on this list will not be employed as a substitute without specific approval of the superintendent. It shall be the responsibility of the building principal to fill absences with substitute teachers immediately.

Substitute teachers will be paid a per diem rate. Substitutes employed for 10 or more consecutive days in the same position shall be paid according to the BA lane Step 1 of the prevailing salary schedule. Substitutes employed for 20 or more consecutive days in the same position shall be paid according to the prevailing salary schedule based on qualification and experience, however no more than 8 years of experience for a BA degree and 10 years for a MA degree shall be allowed. Substitute licensed employees are expected to perform the same duties as the licensed employees.

Legal Reference: *Iowa Association of School Boards v. PERB*, 400 N.W.2d 571 (Iowa1987).

Iowa Code §§ 20.1, 4(5), .9; Ch.272 (2011).  
281 I.A.C. 12.4.

Cross Reference: 405.1 Licensed Employee Defined  
405.2 Licensed Employee Qualifications, Recruitment, Selection

Approved: 01-09-20

Reviewed: 01-02-

20Revised:

SUMMER SCHOOL LICENSED EMPLOYEES

It is within the discretion of the board to offer an education program during the summer recess. Licensed employees who volunteer or who are appointed to deliver the summer education program are compensated in addition to their regular duties during the school academic year, unless such arrangements are made prior to determining the employee's compensation for the year.

Should the board determine a summer education program is necessary, licensed employees will be given the opportunity to volunteer for the positions available. If the board determines a course must be offered and no licensed employee volunteers for the position, the board will make the necessary arrangements to fill the position. The board will consider applications from volunteers of current licensed employees in conjunction with other applications.

It is the responsibility of the superintendent to make a recommendation to the board regarding the need for and the delivery of the summer education program.

Legal Reference: Iowa Code §§ 279.8; 280.14 (2011).

Cross Reference: 603.2 Summer School Instruction

Approved: 01-09-20

Reviewed: 01-02-

20Revised:



EDUCATION ASSOCIATE

The board may employ education associates or other instructional support personnel to assist licensed personnel in nonteaching duties, including, but not limited to:

- managing and maintaining records, materials and equipment;
- attending to the physical needs of children; and
- performing other limited services to support teaching duties when such duties are determined and directed by the teacher.

Education associates who hold a teaching certificate are compensated at the rate of pay established for their position as an education associate. It is the responsibility of the principal to supervise education associates.

Legal Reference: Iowa Code §§ 279.8; 280.3, .14 (2011).  
281 I.A.C. 12.4(9); .5(9).

Cross Reference: 411.2 Classified Employee Qualifications, Recruitment, Selection

Approved: 01-09-20

Reviewed: 01-02-

20Revised:

CLASSIFIED EMPLOYEE DEFINED

Classified employees are employees who are not administrators or employees in positions which require an Iowa Department of Education teaching license and who are employed to fulfill the duties listed on their job description on a monthly or hourly basis. Classified employees will include, but not be limited to, teacher and classroom aides, custodial and maintenance employees, clerical employees, food service employees, bus drivers, and temporary help for summer or other maintenance. The position may be full-time or part-time.

It is the responsibility of the superintendent to establish job specifications and job descriptions for classified employee positions. Job descriptions may be approved by the board.

Classified employees required to hold a license for their position must present evidence of their current license to the board secretary prior to payment of wages each year.

Legal Reference: Iowa Code §§ 20; 279.8 (2011).

Cross Reference: 405.1 Licensed Employee Defined  
411.2 Classified Employee Qualifications, Recruitment, Selection  
412.3 Classified Employee Group Insurance Benefits

Approved: 01-09-20

Reviewed: 01-02-

20 Revised:

CLASSIFIED EMPLOYEE - QUALIFICATIONS, RECRUITMENT, SELECTION

Persons interested in a classified employee position will have an opportunity to apply and qualify for classified employee positions in the school district without regard to age, race, creed, color, sex, national origin, religion, sexual orientation, gender identity, disability or marital status. Job applicants for classified employee positions will be considered on the basis of the following:

- Training, experience, and skill;
- Nature of the occupation;
- Demonstrated competence; and
- Possession of, or ability to obtain, state or other license or certificate, if required, for the position.

Announcement of the position will be through means the superintendent believes will inform potential applicants about the position. Applications for employment may be obtained from and completed applications will be returned to the central administration office. Whenever possible, the preliminary screening of applicants will be conducted by the administrator who directly supervises and oversees the position.

The superintendent may authorize the temporary employment of classified employees until board approval is given.

Legal Reference: 29 U.S.C. §§ 621-634 (2010).  
42 U.S.C. §§ 2000e *et seq.* (2010)  
42 U.S.C. §§ 12101 *et seq.* (2010)  
Iowa Code §§ 35C; 216; 279.8; 294.1 (2011).

Cross Reference: 401.1 Equal Employment Opportunity  
411 Classified Employees - General

Approved: 01-09-20

Reviewed: 01-02-

20Revised: \_

CLASSIFIED EMPLOYEE - QUALIFICATIONS, RECRUITMENT, SELECTION

Persons interested in a classified employee position will have an opportunity to apply and qualify for classified employee positions in the school district without regard to age, race, creed, color, sex, national origin, religion, sexual orientation, gender identity or disability. Job applicants for classified employee positions will be considered on the basis of the following:

- Training, experience, and skill;
- Nature of the occupation;
- Demonstrated competence; and
- Possession of, or ability to obtain, state or other license or certificate, if required, for the position.

Announcement of the position will be through means the superintendent believes will inform potential applicants about the position. Applications for employment may be obtained from and completed applications will be returned to the central administration office. Whenever possible, the preliminary screening of applicants will be conducted by the administrator who directly supervises and oversees the position.

The superintendent shall recommend employment of classified employees to the board for approval.

Legal Reference: 29 U.S.C. §§ 621-634 (2012).  
42 U.S.C. §§ 2000e *et seq.* (2012)  
42 U.S.C. §§ 12101 *et seq.* (2012)  
Iowa Code §§ 35C; 216; 279.8; 294.1 (2013).

Cross Reference: 401.1 Equal Employment Opportunity  
411 Classified Employees - General

Approved: 01-09-20

Reviewed: 01-02-20

Revised: \_

## BUS DRIVER CONTRACTS

The board may enter into written contracts with bus drivers employed on a regular basis. The contract will state the terms of employment.

It is the responsibility of the superintendent to draw up and process the bus driver contracts and present them to the board for approval. The contracts, after being signed by the board president, are filed with the board secretary.

Legal Reference: Iowa Code §§ 20; 279.7A; 285.5(9) (2011).

Cross Reference: 411 Classified Employees - General  
412.1 Classified Employee Compensation  
412.2 Classified Employee Wage and Overtime Compensation  
413 Classified Employee Termination of Employment

Approved: 01-09-20

Reviewed: 01-02-

20Revised:

CLASSIFIED EMPLOYEE LICENSING/CERTIFICATION

Classified employees who require a special license or other certification will keep them current at their own expense. Licensing requirements needed for a position will be considered met if the employee meets the requirements established by law for the position.

Legal Reference: Iowa Code §§ 272.6; 285.5(9) (2011).  
281 I.A.C. 12.4(10); 36; 43.12-.24.

Cross Reference: 411.2 Classified Employee Qualifications, Recruitment, Selection

Approved: 01-09-20

Reviewed: 01-02-

20 Revised:

CLASSIFIED EMPLOYEE ASSIGNMENT

Determining the assignment of each classified employee is the responsibility of the superintendent and within the sole discretion of the board. In making such assignments each year the superintendent will consider the qualifications of each classified employee and the needs of the school district.

It is the responsibility of the superintendent to assign classified employees and report such assignments to the board.

Legal Reference: Iowa Code §§ 20; 279.8 (2011).

Cross Reference: 200.2 Powers of the Board of Directors  
411.6 Classified Employee Transfers

Approved: 01-09-20

Reviewed: 01-02-20



Revised:

## CLASSIFIED EMPLOYEE TRANSFERS

Determining the location where a classified employee's assignment will be performed is the responsibility of the superintendent and within the sole discretion of the board. In making such assignments each year the superintendent will consider the qualifications of each classified employee and the needs of the school district.

A transfer may be initiated by the employee, the principal or the superintendent.

It is the responsibility of the superintendent to transfer classified employees and report such transfers to the board.

Legal Reference: 29 U.S.C. §§ 621-634 (2010).  
42 U.S.C. §§ 2000e *et seq.* (2010)  
42 U.S.C. §§ 12101 *et seq.* (2010).  
Iowa Code §§ 20.9; 35C; 216; 279.8; 294.1 (2011).

Cross Reference: 411.2 Classified Employee Qualifications, Recruitment, Selection  
411.5 Classified Employment Assignment

Approved: 01-09-20

Reviewed: 01-02-20

Revised:

CLASSIFIED EMPLOYEE EVALUATION

Evaluation of classified employees on their skills, abilities, and competence is an ongoing process supervised by the superintendent. The goal of the formal evaluation of classified employees is to maintain classified employees who meet or exceed the board's standards of performance, to clarify each classified employee's role, to ascertain the areas in need of improvement, to clarify the immediate priorities of the board, and to develop a working relationship between the administrators and other employees.

It is the responsibility of the superintendent to ensure classified employees are formally evaluated annually. New and probationary classified employees are formally evaluated at least twice a year.

Legal Reference: *Aplington Community School District v. PERB*, 392 N.W.2d 495 (Iowa 1986).

*Saydel Education Association v. PERB*, 333 N.W.2d 486 (Iowa 1983). Iowa Code §§ 20.9; 279.14 (2011).  
281 I.A.C. 12.3(4).

Cross Reference: 411.2 Classified Employee Qualifications, Recruitment, Selection  
411.8 Classified Employee Probationary Status

Approved: 01-09-20

Reviewed: 01-02-

20Revised:

CLASSIFIED EMPLOYEE PROBATIONARY STATUS

The first 90 days of a newly employed classified employee's contract is a probationary period. "Day" is defined as one work day regardless of full-time or part-time status of the employee. New employees, regardless of experience, are subject to this probationary period.

"New" employees includes individuals who are being hired for the first time by the school district and those who may have been employed by the school district in the past, but have not been employed by the board during the school year prior to the one for which contracts are being issued.

Only the board, in its discretion, may waive the probationary period.

Legal Reference: Iowa Code §§ 20; 279.8 (2011).

Cross Reference: 411.3 Classified Employee Contracts  
411.7 Classified Employee Evaluation

Approved: 01-09-20

Reviewed: 01-02-

20Revised:

CLASSIFIED EMPLOYEE COMPENSATION

The board will determine the compensation to be paid for the classified employees' positions, keeping in mind the education and experience of the classified employee, the educational philosophy of the school district, the financial condition of the school district and any other considerations as deemed relevant by the board.

It is the responsibility of the superintendent to make a recommendation to the board annually regarding the compensation of classified employees.

Legal Reference: Iowa Code §§ 20.1, .4, .7, .9; 279.8 (2011).

Cross Reference: 411.3 Classified Employee Contracts  
412.2 Classified Employee Wage and Overtime Compensation

Approved: 01-09-20



Reviewed: 01-02-

20Revised:

CLASSIFIED EMPLOYEE WAGE AND OVERTIME COMPENSATION

Each non-exempt employee compensated on an hour-by-hour basis, whether full-or part-time, permanent or temporary, will be paid no less than the prevailing minimum wage. Whenever a non-exempt employee must work more than forty hours in a given work week, the employee is compensated at one and one-half times their regular hourly wage rate. This compensation is in the form of overtime pay or compensatory time. Overtime will not be permitted without prior authorization of the superintendent.

Each non-exempt employee paid on an hour-by-hour basis must complete, sign, and turn in a daily time record showing the actual number of hours worked. Failure of the employee to maintain, or falsification of, a daily time record will be grounds for disciplinary action.

It is the responsibility of the board secretary to maintain wage records.

Legal Reference: *Garcia v. San Antonio Metropolitan Transit Authority*, 469 U.S. 528(1985).

29 U.S.C. §§ 206 *et seq.* (2010).

29 C.F.R. Pt. 511-800 (2010).

Cross Reference: 411.3 Classified Employee Contracts  
412.1 Classified Employee Compensation

Approved: 01-09-20

Reviewed: 01-02-20

Revised:

## CLASSIFIED EMPLOYEE GROUP INSURANCE BENEFITS

Classified employees may be eligible for group insurance benefits as determined by the board and required by law. The board will select the group insurance program and the insurance company which will provide the program.

Classified employees who work \_\_\_\_ hours per week are eligible to participate in the group health insurance plan. Regular part-time classified employees who wish to purchase insurance coverage may participate in group insurance programs by meeting the requirements of the insurer. Regular classified employees who wish to purchase insurance coverage for their spouse or dependents may do so by meeting the requirements of the insurer.

This policy statement does not guarantee a certain level of benefits. The board will have the authority and right to change or eliminate group insurance programs for its classified employees.

Legal Reference: Iowa Code §§ 20.9; 85; 85B; 279.12; 509; 509A; 509B (2011).

Cross Reference: 411.1 Classified Employee Defined

Approved 01-09-20  
\_\_\_\_\_

Reviewed 01-02-20\_\_\_\_\_

Revised

CLASSIFIED EMPLOYEE GROUP INSURANCE BENEFITS

Classified employees may be eligible for group insurance benefits as determined by the board and required by law. The board will select the group insurance program and the insurance company which will provide the program.

This policy statement does not guarantee a certain level of benefits. The board will have the authority and right to change or eliminate group insurance programs for its classified employees.

Legal Reference: Iowa Code §§ 20.9; 85; 85B; 279.12; 509; 509A; 509B (2011).

Cross Reference: 411.1 Classified Employee Defined

Approved: 01-09-20

Reviewed: 01-02-

20Revised:

CLASSIFIED EMPLOYEE TAX SHELTER PROGRAMS

The board authorizes the administration to make a payroll deduction for licensed employees' tax sheltered annuity premiums purchased from the six state approved providers.

Classified employees wishing to have payroll deductions for tax sheltered annuities will make a written request to the superintendent.

Legal Reference:        Small Business Job Protection Act of 1996, Section 1450(a),  
                              repealing portions of IRS REG § 1.403(b)-1(b)(3).  
                              Iowa Code §§ 20.9; 260C; 273; 294.16 (2011).  
                              1988 Op. Att'y Gen. 38.  
                              1976 Op. Att'y Gen. 462, 602.  
                              1966 Op. Att'y Gen. 211, 220.

Cross Reference:        706     Payroll Procedures

Approved: 01-09-20



Reviewed: 01-02-

20Revised:

CLASSIFIED EMPLOYEE RESIGNATION

Classified employees who wish to resign during the school year will give the board notice of their intent to resign and final date of employment and cancel their contract 14 days prior to their last working day.

Notice of the intent to resign will be in writing to the superintendent.

Legal Reference: Iowa Code §§ 91A.2, .3, .5; 279.19A; 285.5(9) (2011).

Cross Reference: 411.3 Classified Employee Contracts  
413 Classified Employee Termination of Employment

Approved: 01-09-20

Reviewed: 01-02-

20Revised:

CLASSIFIED EMPLOYEE RETIREMENT

Classified employees who will complete their current contract with the board may apply for retirement. No classified employee will be required to retire at any specific age.

Application for retirement will be considered made when the classified employee states in writing to the superintendent, no later than the date set by the board for the return of the employee's contract to the board if applicable, the employee's intent to retire. The letter must state the employee's desire to retire and be witnessed by another party other than the principal or the superintendent.

Board action to approve a classified employee's application for retirement is final, and such action constitutes termination of the employee's contract effective the day of the employee's retirement.

Classified employees and their spouse and dependents who have group insurance coverage through the school district may be allowed to continue coverage of the school district's group health insurance program, at their own expense, by meeting the requirements of the insurer.

Legal Reference: 29 U.S.C. §§ 621 *et seq.* (2010).  
Iowa Code §§ 91A.2, .3, .5; 97B; 216; 279.19A, .46 (2011).  
1978 Op. Att'y Gen. 247.  
1974 Op. Att'y Gen. 11, 322.

Cross Reference: 412 Classified Employee Compensation and Benefits  
413 Classified Employee Termination of Employment

Approved: 01-09-20

Reviewed: 01-02-

20Revised:

CLASSIFIED EMPLOYEE SUSPENSION

Classified employees will perform their assigned job, respect and follow board policy and obey the law. The superintendent is authorized to suspend a classified employee with or without pay pending board action on a discharge or during investigation of charges against the employee or for disciplinary purposes. It is within the discretion of the superintendent to suspend a classified employee with or without pay.

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

Legal Reference: *Northeast Community Education Association v. Northeast Community School District*, 402 N.W.2d 765 (Iowa 1987).  
*McFarland v. Board of Education of Norwalk Community School District*, 277 N.W.2d 901 (Iowa 1979).  
Iowa Code §§ 20.7, .24 (2011).

Cross Reference: 404 Employee Conduct and Appearance  
413 Classified Employee Termination of Employment

Approved: 01-09-20

Reviewed: 01-02-20

Revised:

CLASSIFIED EMPLOYEE DISMISSAL

The board believes classified employees should perform their jobs, respect board policy and obey the law. A classified employee may be dismissed upon thirty days notice or immediately for cause. Due process procedures will be followed.

It is the responsibility of the superintendent to make a recommendation for dismissal to the board. A classified employee may be dismissed for any reason, including, but not limited to, incompetence, willful neglect of duty, reduction in force, willful violation of board policy or administrative regulations, or a violation of the law.

Legal Reference: Iowa Code §§ 20.7, .24 (2011).

Cross Reference: 404 Employee Conduct and Appearance  
413.3 Classified Employee Suspension  
413.5 Classified Employee Reduction in Force

Approved: 01-09-20

Reviewed: 01-02-

20Revised:



CLASSIFIED EMPLOYEE REDUCTION IN FORCE

It is the exclusive power of the board to determine when a reduction in classified employees is necessary. Employees who are terminated due to a reduction in force will be given thirty days notice. Due process will be followed for terminations due to a reduction in force.

It is the responsibility of the superintendent to make a recommendation for termination to the board. The superintendent will consider the relative qualifications, skills, ability and demonstrated performance through evaluation procedures in making the recommendations.

Legal Reference: Iowa Code §§ 20.7, .24 (2011).

Cross Reference: 407.5 Licensed Employee Reduction in Force  
413.3 Classified Employee Suspension  
413.4 Classified Employee Dismissal  
703 Budget

Approved: 01-09-20

Reviewed: 01-02-

20Revised:

CLASSIFIED EMPLOYEE VACATIONS - HOLIDAYS - PERSONAL LEAVE

The board will determine the amount of vacation, holidays and personal leave that will be allowed on an annual basis for classified employees.

Classified employees who work twelve months a year will be allowed paid holidays as identified by the board.

Classified employees will be paid only for the hours they would have been scheduled for the day. Vacation will not be accrued from year to year without a prior arrangement with the superintendent.

It is the responsibility of the superintendent to make a recommendation to the board annually on vacation and personal leave for classified employees.

Legal Reference: Iowa Code §§ 1C.1-.2; 4.1(34); 20.9 (2011).

Cross Reference: 409.1 Licensed Employee Vacations - Holidays - Personal Leave  
601.1 School Calendar

Approved 01-09-20  
\_\_\_\_\_

Reviewed 01-02-20

Revised

Code No. 409.1  
Option II

### CLASSIFIED EMPLOYEE VACATION - HOLIDAYS - PERSONAL LEAVE

The board will determine the amount of vacation, holidays, and personal leave that will be allowed on an annual basis for classified employees.

Vacation for full-time regular classified employees who work \_\_\_\_\_ days a year, unless the employee's individual contract indicates otherwise, will be \_\_\_ days.

The vacation may be taken during the school year provided the vacation will not disrupt the operation of the school district. The employee must submit a vacation request to the superintendent, who will determine whether the request will disrupt the operation of the school district. In the case of the superintendent's request, the board will make the determination.

Full-time regular classified employees who work \_\_\_\_\_ days a year will be allowed a maximum of \_\_\_\_\_ days of personal leave to accomplish personal business that cannot be conducted outside the work day. It is within the discretion of the superintendent to grant personal leave. Application for personal leave must be made at least \_\_\_\_\_ school days prior to the requested leave date.

Regular full-time classified employees who work \_\_\_\_\_ days a year will be allowed \_\_\_\_\_ holidays per year. It is within

Classified employees who work during the school academic year, whether full-time or part-time, will have time off in concert with the school calendar. In addition, such employees may have \_\_\_\_\_ personal leave day to accomplish personal business that cannot be conducted outside the work day. It is within the discretion of the superintendent to grant personal leave.

It is the responsibility of the superintendent to make a recommendation to the board annually on vacations, holidays, and personal leave for licensed employees.

*[The requirements stated in the Master Contract between employees in the certified collective bargaining unit and the board regarding the vacations, holidays and personal leave of such employees is followed.]*

Legal Reference: Iowa Code §§ 1C.1-.2; 4.1(34); 20.9 (2011).

Cross Reference: 414.1 Classified Employee Vacations - Holidays - Personal Leave  
601.1 School Calendar

Approved 01-09-20  
\_\_\_\_\_

Reviewed 01-02-20  
\_\_\_\_\_

Revised

CLASSIFIED EMPLOYEE PERSONAL ILLNESS LEAVE

Classified employees are granted ten days of sick leave in their first year of employment. Each year thereafter, one additional day of sick leave will be granted to the employees up to a maximum of fifteen days. "Day" is defined as one work day regardless of full-time or part-time status of the employee. A new employee will report for work at least one full work day prior to receiving sick leave benefits. A returning employee will be granted the appropriate number of days at the beginning of each fiscal year. Sick leave may be accumulated up to a maximum of 120 days for classified employees.

Evidence may be required regarding the mental or physical health of the employee including, but not limited to, confirmation of the following: the employee's illness, the need for the illnessleave, the employee's ability to return to work, and the employee's capability to perform the duties of the employee's position. It is within the discretion of the board and the superintendentto determine the type and amount of evidence necessary. When an illness leave will be greater than three consecutive days, the employee will comply with board policy regarding family and medical leave.

If an employee is eligible to receive workers' compensation benefits, the employee will contact the board secretary to implement these benefits.

Legal Reference: Whitney v. Rural Ind. School District, 232 Iowa 61, 4 N.W.2d 394(1942).

26 U.S.C. §§ 2601 *et seq.* (2010)

29 C.F.R. Pt. 825 (2010).

Iowa Code §§ 20; 85.33, .34, .38(3); 279.40 (2011).

1980 Op. Att'y Gen. 605.

1972 Op. Att'y Gen. 177, 353.

1952 Op. Att'y Gen. 91.

Cross Reference: 403.2 Employee Injury on the Job  
414.3 Classified Employee Family and Medical Leave  
414.8 Classified Employee Unpaid Leave

Approved: 01-09-20

Reviewed: 01-02-

20Revised:

CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE

Unpaid family and medical leave will be granted up to 12 weeks per year to assist employees inbalancing family and work life. For purposes of this policy, year is defined as a single 12 month period. Requests for family and medical leave will be made to the superintendent.

Employees may be allowed to substitute paid leave for unpaid family and medical leave by meeting the requirements set out 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. It is the responsibility of the superintendent to develop administrative rules to implement this policy.

Links: [WH-380-E Certification of Health Care Provider for Employee's Serious Health Condition \(PDF\)](#)  
[WH-380-F Certification of Health Care Provider for Family Member's Serious Health Condition \(PDF\)](#)  
[WH-381 Notice of Eligibility and Rights & Responsibilities \(PDF\)](#)  
[WH-382 Designation Notice \(PDF\)](#)  
[WH-384 Certification of Qualifying Exigency For Military Family Leave \(PDF\)](#)  
[WH-385 Certification for Serious Injury or Illness of Covered Servicemember -- for Military Family Leave \(PDF\)](#)

Legal Reference: *Whitney v. Rural Ind. School. District*, 232 Iowa 61, 4 N.W.2d 394(1942).

26 U.S.C. §§ 2601 *et seq.* (2010)  
29 C.F.R. Pt. 825 (2010).  
Iowa Code §§ 20; 85.33, .34, .38(3); 216; 279.40 (2011).  
1980 Op. Att'y Gen. 605.  
1972 Op. Att'y Gen. 177, 353.  
1952 Op. Att'y Gen. 91.

Cross Reference: 409.2 Licensed Employee Personal Illness Leave  
409.3 Licensed Employee Family and Medical Leave  
409.8 Licensed Employee Unpaid Leave

Approved: 01-09-20

Reviewed: 01-02-

20Revised:



CLASSIFIED EMPLOYEE BEREAVEMENT LEAVE

In the event of a death of a member of a classified employee's immediate family, bereavement leave may be granted.

Bereavement leave may be granted for the death of a close friend or other relative not listed above with permission from the superintendent.

It is within the discretion of the superintendent to determine the number of bereavement leave days to be granted.

Legal Reference: Iowa Code §§ 20.9; 279.8 (2011).

Cross Reference: 414 Classified Employee Vacations and Leaves of Absence

Approved: 01-09-20

Reviewed: 01-02-20

Revised:

CLASSIFIED EMPLOYEE JURY DUTY LEAVE

The board will allow classified employees to be excused for jury duty unless extraordinary circumstances exist. The superintendent has the discretion to determine when extraordinary circumstances exist.

Employees who are called for jury service will notify the direct supervisor within twenty-four hours after notice of call to jury duty and suitable proof of jury service pay must be presented to the school district. The employee will report to work within one hour on any day when the employee is excused from jury duty during regular working hours.

Classified employees will receive their regular salary. Any payment for jury duty is turned over to the school district.

***NOTE: This policy reflects the practice that the employee sign over checks received for jury duty to the school district. School districts which let employees keep their checks but then deduct the amount from the employee's salary, should reflect that practice in the third paragraph.***

Legal Reference: Iowa Code §§ 20.9; 607A (2011).

Cross Reference: 414 Classified Employee Vacations and Leaves of Absence

Approved: 01-09-20

Reviewed: 01-02-20

Revised:

CLASSIFIED EMPLOYEE MILITARY SERVICE LEAVE

The board recognizes classified employees may be called to participate in the armed forces, including the national guard. If a classified employee is called to serve in the armed forces, the employee will have a leave of absence for military service until the military service is completed.

The leave is without loss of status or efficiency rating and without loss of pay during the first thirty calendar days of the leave.

Legal Reference: *Bewley v. Villisca Community School District*, 299 N.W. 2d 904 (Iowa 1980).

Iowa Code §§ 20; 29A.28 (2011).

Cross Reference: 414 Classified Employee Vacations and Leaves of Absence

Approved: 01-09-20

Reviewed: 01-02-20

Revised:

CLASSIFIED EMPLOYEE UNPAID LEAVE

Unpaid leave may be used to excuse an involuntary absence not provided for in other leave policies. Unpaid leave for classified employees must be authorized by the superintendent. Whenever possible, classified employees will make a written request for unpaid leave ten days prior to the beginning date of the requested leave. If the leave is granted, the deductions in salary are made unless they are waived specifically by the superintendent.

The superintendent will have complete discretion to grant or deny the requested unpaid leave. In making this determination, the superintendent will consider the effect of the employee's absence on the education program and school district operations, the financial condition of the school district, length of service, previous record of absence, the reason for the requested absence and other factors the superintendent believes are relevant in making this determination.

If unpaid leave is granted, the duration of the leave period is coordinated with the scheduling of the education program whenever possible, to minimize the disruption of the education program and school district operations.

Legal Reference: Iowa Code §§ 20.9; 279.8 (2011).

Cross Reference: 414 Classified Employee Vacations and Leaves of Absence

Approved: 01-09-20

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