

**Employee Policies Series 200**  
**Piedmont Community Charter School**  
**2016 Edition**

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## 200. PERSONNEL – POLICIES AND PROCEDURES

### 201. OVERVIEW

The hiring, developing, and retention of outstanding faculty and staff is the most effective way for the School to insure educational excellence. The following policies shall be interpreted and implemented to uphold our mission, core values, and portrait of a graduate.

### 202. LEGAL COMPLIANCE

The Board and its employees shall strive to comply with and to enforce all policies, procedures, and practices consistent with all laws and regulations governing the School.

#### *202.1. Equal Employment Opportunity*

The School shall provide equal opportunities for employment and compensation for all persons without regard to race, color, sex, age, religion, national origin, disability, veteran status or other protected legal classifications. All applicants for employment and employees will be evaluated, respectively, based on their qualifications and performance.

#### *202.2 Reasonable Accommodation*

The School shall comply with federal and state duties not to discriminate against qualified individuals with a disability or because of a sincerely held religious belief. The School shall strive to reasonably accommodate any individual applicant for employment or employee who is entitled to such accommodation, provided such accommodation does not impose an undue burden or risk to the safety or health of any other person in the School community.

#### *202.3. Fair Labor Standards Act Compliance*

The School shall comply with the wage and hour requirements of Fair Labor Standards laws, including minimum wage and overtime requirements for covered non-professional staff.

##### **202.3.1. Workweek**

For purposes of such compliance the employee workweek shall be from 12:00 a.m. Sunday to 11:59 p.m. the following Saturday.

##### **202.3.2. Time and a Half for Overtime**

Covered employees (typically non-professional and non-instructional staff) shall be entitled to time and a half pay for all hours worked beyond forty in a given work week except as provided in this policy regarding compensatory time. No covered employee shall engage in overtime

except when approved in writing by an authorized supervisor or in emergency or other extraordinary circumstances when it is necessary for safety or other compelling reasons; in such instances the employee shall promptly notify the authorized supervisor. Violations of this policy may result in disciplinary action, including dismissal. Supervisors shall make every attempt to modify employee schedules to avoid their working more than forty hours in a given week.

### 202.3.3. Record-Keeping

Covered employees shall maintain specific and accurate daily records of their hours worked on forms provided by the School. Such records shall use specific, not approximate, times worked.

### 202.3.4. Compensatory Time

#### 202.3.4. Overtime Pay and Compensatory Time

State and federal laws require the School to compensate certain employees at time-and-a-half pay if they work over 40 hours in a week. Such employees are referred to as “non-exempt” (from overtime pay rules). Other employees are not legally entitled to overtime pay or to compensatory time (“comp time”) if they fall into one or more classifications such as teachers and certain administrative, executive and professional roles. Such employees are referred to as “exempt” (from overtime pay rules).

**Non-exempt** employees may work overtime only with advanced written authorization from the Head of School and such authorization identifies the specific time period and number or range of hours authorized. Such employees are not entitled to comp time in lieu of overtime pay.

**Exempt employees** are not legally entitled to overtime pay (or comp time), but the School nevertheless offers limited comp time for some types of special duties to be identified by the Head of School. Comp time is accrued on an hour-for-hour basis – one hour of comp time for every hour of special duty performed. The following rules apply.

#### Comp time

- a. must be approved in advance and in writing by the Head of School.
- b. may not cumulatively exceed 40 hours per fiscal year.
- c. shall not carry over to the next fiscal year, unless authorized in writing by the Head of School in special circumstances.
- d. shall not be paid as compensation due when employment ends.
- e. must be used by the next pay period, or at least attempted to be used.
- f. must be used prior to using other accumulated paid leave, to the extent allowed by law.

### 202.3.5. Volunteer Work

Non-exempt employees may volunteer to work at School-related activities, subject to their supervisors’ written approval, provided the work is entirely voluntary, is without coercion, and is

in an entirely different capacity from the employee's regularly assigned duties. Employees may not volunteer to perform the same or similar types of services that they are employed to perform for the School. Such work will be treated as regular work and be subject to hourly compensation and overtime rules. In instances where volunteer work should be approved or constitutes similar work, the supervisor should consult with the School attorney or other informed persons.

#### ***202.3.6. State and Federal Employee Rights Notices***

The School provides notice herein and in a prominent place at the School to employees of their various rights under state and federal law. Copies of these notices may be found online at <http://www.nclabor.com/posters/posters.htm>. They include the following:

- N.C. Labor Laws Notice
- Workers' Compensation Notice
- Equal Opportunity is the Law Notice
- Fair Labor Standards Act Minimum Wage Notice
- Employee Polygraph Protection Act (EPPA)
- Family Medical Leave Act (FMLA)
- Workers With Disabilities Paid at a Special Minimum Wage
- Employees Working on Government Contracts
- Uniformed Services Employment and Re-employment Rights Act (USERRA)

### **203. EMPLOYEE CLASSIFICATIONS, TERMS, AND DISTINCTIONS**

#### ***203.1. Classifications and Distinctions***

The Board employs various types of employees, each with a unique and important role that helps fulfill the School's mission. Students benefit when each employee performs his or her role well and in coordination with others.

Employee classification depends on such factors as job responsibilities, extent and term of employment, contractual considerations, and extent of work performed.

The various classifications and combinations of classifications may dictate the legal or contractual rights and duties of each individual employee. Classifications and distinctions include the following:

- Instructional, administrative, and non-instructional staff
- Full-time, part-time, permanent, and temporary staff
- Salaried, hourly, and volunteer staff
- At-will and specific-term contracted staff

#### ***203.2. Instructional, Administrative, and Support Staff***

Instructional and administrative employees are sometimes referred to, collectively, as professional staff because they often require and possess specialized professional training,



experience, and skill. Such employees are typically (but not necessarily) paid as salaried employees exempt from overtime laws.

### **203.2.1 Instructional Staff Members**

Instructional staff members are those whose primary function directly or indirectly involves classroom teaching or the supervision thereof.

### **203.2.2 Administrative Staff Members**

Administrative staff members oversee and manage the various operations of the School and/or supervision of instruction and are typically involved in School-wide decision-making. Such staff members have discretionary authority to make decisions. Administrative employees include the Head of School, Principals, Assistant Principals and others appointed for similar oversight and discretionary roles.

### **203.2.3 Non-instructional Staff Members**

Non-instructional staff members support the instructional and administrative functions and are essential to effective delivery of instruction and to School operations. Such employees often do not require advanced education to perform their work and are typically (though not always) paid as hourly employees subject to overtime laws.

When circumstances require, the Head of School or his or her designee shall, with necessary assistance from legal counsel or other qualified professional, formally designate an employee as instructional, administrative, or non-instructional staff and identify which of these employees are exempt and which are covered employees regarding wage and hour laws.

## ***203.3. Types of Employment Duration***

### **203.3.1. Full-Time Employment**

Full-time Employment involves a regular workweek of thirty or more hours of work.

### **203.3.2. Part-Time Employment**

Part-time Employment involves a regular or occasional workweek of less than thirty hours of work. These employees are not eligible for any leave, but may qualify for retirement benefits when they meet the special eligibility requirements outlined in the School's retirement plan.

### **203.3.3. Permanent Employment**

Permanent Employment staff members are employed to work on an ongoing basis.

### **203.3.4. Temporary Employment**

Temporary Employment staff members are employed for an interim, short-term, or occasional period of time.

#### ***203.4. Types of Employee Compensation: Salaried, Hourly, Contractor, Volunteer Staff***

Typically, full-time professional staff members are paid a regular salary, while full-time and part-time non-instructional staff members are paid an hourly wage usually subject to overtime laws. The Board or the Head of School may pay professional staff as salaried or as hourly employees, depending on whether they are part-time or temporary employees. Independently contracted staff members are self-employed or employed by another organization and provide services as required by the School; they are paid pursuant to the contract terms with the contracting agent or organization. Volunteer staff members provide services to the School on an unpaid basis.

#### ***203.5. Types of Employment Protection: At-Will and Specific-Term Contracted Staff***

The type of employment contracts under which staff members are hired, shall be primarily distinguished either as at-will or by specific-term contracts that determine the rights and duration of staff employment. At-will and specific-term employees may be part-time or full-time, permanent or temporary, and professional or non-instructional staff employees, depending on the terms of their respective contracts.

Staff members who are employed at will serve at the pleasure of the Board and have no guaranteed duration of employment. Generally, non-instructional staff and in some cases interim, temporary or part-time instructional and administrative staff members are employed at will. Permanent, full-time professional staff may be employed pursuant to specific-term employment contracts that specify the duration of employment and/or the grounds and process by which the employment is to be carried out, modified, and/or terminated.

The rights, duties, and procedures by which the School binds itself contractually are contained strictly in the employment contracts. No School policies are considered part of the School's contractual obligations unless they are incorporated explicitly within specific employment contracts.

### **204. EMPLOYMENT PROCEDURES: HIRING, EVALUATION, AND SEPARATION**

#### ***204.1 Hiring of Employees***

The Board is responsible for hiring or approving the hiring of competent and well-qualified staff based on the School's greatest needs. It shall do so, normally, upon the recommendation of and in coordination with the Head of School. The Board may also delegate to the Head of School the authority to make final employment decisions and to inform the Board of such decisions. In all instances, staff involved in hiring and supervision shall make every reasonable effort to conduct their duties in a responsible manner, to act only in the best interests of the School, to be able to explain and justify their decisions, and to document their efforts.

##### ***204.1.1. Job Postings***

All permanent job positions should normally be posted at least two weeks before filling such positions except in extraordinary circumstances necessitating a shorter period or no posting, as determined by the Head of School.

### 204.1.2. Employment Applications and Files

The School shall maintain a separate file for all pre-employment job applications. Such files are confidential and shall not be disclosed to employees or past employees.

### 204.1.3. Review and Interview Process

Staff responsible for processing applications and conducting interviews shall do so in a fair and expeditious manner, keeping a reasonable documented record of their efforts, interview questions, and related efforts that help to demonstrate how and why specific employment decisions are made.

### 204.1.4. Candidate Evaluation

The following components will be considered, as applicable, when evaluating candidates for employment:

- Application
- Academic qualifications
- Skill-based qualifications
- Record of experience, including background information, performance reviews, and references
- State licensure (for teaching positions for which licensure is required or desirable).  
*(The School strives to have all of its professional instructional employees licensed by the State of North Carolina in the area of employment for which application is sought. State law minimally requires at least 50% of instructional staff to be so licensed. Teachers are responsible for maintaining current licensure with the North Carolina Department of Public Instruction. If a provisional or expired license is held, the employee must meet all requirements for certificate extension or renewal. Failure to establish or maintain a current licensure may be grounds for dismissal.)*
- Student teaching experience (for teaching positions)
- Personal interviews
- Other relevant information
- Criminal background check
- Pre-Employment Drug Testing

### 204.1.5. Reference Check

When a person is considered a viable finalist for a position, the hiring personnel should check prior employment references. A reasonable number of such references should be completed before offering a job to an applicant. References may (and for some key positions should be) contacted beyond those provided by the applicant. The hiring staff should normally communicate to such applicants the possibility of such reference checks. Information obtained from such reference checks should be reasonably documented in the confidential pre-employment file. The applicant may also be required to sign an acknowledgment and release of liability for obtaining such information.

### 204.1.6. Criminal Background Check

All prospective employees, including substitutes, must successfully pass a criminal records checks. Applicants shall answer completely and accurately all questions on their employment application with regard to previous criminal history. Failure to do so may preclude the applicant from being hired and subject a current employee to dismissal. Applicants shall consent in writing to a preliminary criminal record check and post-employment criminal record check and to provide fingerprints and other identifying information required to complete such checks. Failure to consent or to provide relevant information may result in rejection of an applicant or dismissal of current employee.

State law requires the School to adhere to criminal record check policy adopted by the LEA in which the school is located. At the time this policy was adopted, the Gaston County Schools' criminal background check policy was as follows:

A criminal history check and a check of sex offender registries must be conducted on all final candidates for employment with the school system. Criminal history checks are conducted in accordance with state law and any procedures established by the [Head of School]. School officials shall not require candidates to disclose expunged arrests, charges, or convictions and shall not ask candidates to voluntarily disclose such information without first advising that disclosure is not required.

The Head of School or designee shall report to the State Board of Education any Licensed individual who is found to have a criminal history, as required by State Board policy. A final candidate for employment or for hiring as an independent contractor will be excluded from hiring on the basis of criminal conduct only when doing so is job related and consistent with business necessity.

If a final candidate is found to have been convicted of a criminal offense, other than a minor traffic violation, the [Head of School] shall determine whether the individual is qualified for employment despite the criminal history by considering, among other things, whether the individual poses a threat to the safety of students or personnel or has demonstrated that he or she does not have the integrity or honesty to fulfill the duties of the position. The following factors will be considered in making this determination:

- (1) the nature and gravity of the offense or conduct;
- (2) the time that has passed since the offense or conduct and/or completion of the sentence; and
- (3) the nature of the job sought.

Before the [Head of School] may exclude a final candidate based on his or her past criminal convictions, the Head of School] must give the candidate the opportunity to demonstrate that the exclusion does not properly apply to him or her.

In addition, the following state rules shall apply with respect to criminal record checks:

1. Federal and state record checks will be performed for all applicants or conditional employees, in all states where the applicant or conditional employee has resided and worked.
2. The applicant or conditional employee will not be permanently employed if the criminal record check and supporting records, upon confirmation, reveal a “criminal history,” defined as the conviction of a crime, whether a misdemeanor or felony, that indicates the employee (1) poses a threat to the physical safety of students or personnel, or (2) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as a School employee.
3. Conviction of a crime, as used in this policy, includes the entry of (1) a plea of guilty, no contest, or the equivalent, (2) a verdict or finding of guilt in a court of law or military tribunal or (3) a prayer for judgment.
4. The School shall consult with legal counsel or obtain a certified copy of an applicant’s or conditional employee’s conviction notice prior to making any final employment decision based on the criminal history.
5. If the School considers criminal history in rejecting an applicant or dismissing a conditional employee, the Head of School or his designee shall prepare written findings with regard to how such information was used.
6. The Head of School or his designee shall provide to the State Board of Education information on where to obtain the record of conviction, including the person’s name, criminal case number, and the county of conviction for a person who is certified or licensed by the State Board of Education.
7. If a criminal record check reveals that an applicant or conditional employee was charged with but not convicted of a crime, whether misdemeanor or felony, and such charge indicates that the employee may not meet the Board’s employment standards, the Head of School may conduct further investigations into the person’s conduct and the circumstances surrounding the charge.
8. Applicants and current employees shall notify the School if they are charged with or convicted of a criminal offense (including entering a plea of guilt or no contest) except for minor traffic violations.
9. Information obtained as a result of a criminal record check shall be kept confidential as required by state law and regulations. The School shall retain only hard copy records from a criminal history check conducted through the North Carolina Department of Justice. These records shall be kept in a locked, secure place, separate from the individual’s personnel file.
10. If the School conducts criminal record checks that are subject to the Fair Credit Reporting Act, it shall provide employees or applicants with all required notices and disclosures before conducting the record check or taking adverse employment action against the employee or applicant.

#### **204.1.7. Nepotism and Conflicts of Interest**

The hiring of direct relatives of current employees and Board members should be avoided if reasonably feasible, and is subject to state rules restricting such practices under specific circumstances.

As required by 115C-218.15(b)(2), before any immediate family, as defined in G.S. 115C-12.2, of any member of the board of directors or a charter school employee with supervisory authority shall be employed or engaged as an employee, independent contractor, or otherwise by the board of directors in any capacity, such proposed employment or engagement shall be disclosed to the board of directors and approved by the board of directors in a duly called open-session meeting.

The burden of disclosure of such a conflict of interest shall be on the applicable board member or employee with supervisory authority. If the requirements of this subsection are complied with, the charter school may employ immediate family of any member of the board of directors or a charter school employee with supervisory authority.

As required by State Board Policy TC-U-006 (2016)

1. No school employee may be “immediate family” of the school director, unless such employment is disclosed and approved by the Board as provided for in subsection 1 above;
2. No employee hired by the School or any school management contractor may be a “voting” director on the Board;
3. No teacher or staff member may be “immediate family” to the School’s chief administrator without evaluation by the Board of that person’s credentials, and compliance with established nepotism and conflict of interest procedures.

#### **204.1.8. Applicant Selection**

Applicants recommended for hire by the Board may be notified of such recommendations. Such persons should be informed that recommendations require the approval of the Board (or its designee) and shall be followed by formal job offers and terms of agreement. Employment agreements shall normally be in writing and shall specify the basic terms and conditions of employment, including whether the employment relationship is at-will or, instead, governed by specific terms of duration and job security.

All such agreements shall be approved by the Board, signed by the Head of School (or designee) and the applicant, and filed in the applicant’s personnel file. A person recommended for hire may, on the discretion of the Board or its designee, begin employment on a conditional basis pending the outcome of a criminal history check and final approval by the Board or its designee.

#### **204.1.9. Contracts for Employment**

Unless otherwise stated by agreement, employees must sign and return their employment agreements to the office of the Head of School within three working days from the date the agreements are presented, or their offers are deemed withdrawn.

Agreements requiring licensure will be valid only after such licensure has been secured or as dictated by the respective employment contract. It is the responsibility of employees to provide any documentation or licensure to the appropriate division of the North Carolina Department of Public Instruction or licensing agency.

#### **204.1.10. Extra Duty Contracts**

Instructional staff members assigned extra duty responsibilities who contract to perform extra duties may be required to continue to fulfill such duties and responsibilities as a condition of continued employment. Failure to do so may be considered grounds for dismissal.

#### **204.1.11. Health Certificate**

New employees and reinstated employees separated for more than one year must file a completed health certificate with the Head of School upon initial employment or reemployment. The certificate must indicate that the employee does not have any physical or mental condition, including a communicable disease, which unavoidably threatens the safety or health of any person in the School community

Employees who have one of the above mentioned conditions must take a leave of absence. Before returning to work, such employees must file a physician's certificate with the Head of School indicating that they are free from any such condition or disease that unavoidably threatens the safety or health of any person in the School community. The Board may require employees to take a physical examination when necessary.

#### **204.2. New Employee Orientation**

The School will normally provide all new permanent professional employees with initial training regarding the School's mission, objectives, performance standards and expectations, policies, procedures, and best practices. Such training should also be made available and tailored to support staff and other employees as feasible.

#### **204.3. Student Teachers**

The Board authorizes the Head of School or a designee to enter into agreements with accredited colleges and universities that establish student teaching opportunities. The Head of School or a designee may remove a student teacher if that teacher's presence is determined to be detrimental to student welfare or school operations.

#### **204.4. Substitute Teachers**

Substitute teachers are employed to take the place of teachers who are temporarily absent or unable to fulfill their responsibilities. Individuals seeking employment as substitute teachers must apply to the School. All substitute teachers shall be approved by the Head of School and shall be assigned by the Head of School or his designee.

### **204.5. Personnel Files**

The Head of School shall keep a personnel file for each employee. Not all files shall be available for employee review; only those required by state law. Separate sub-files shall be maintained, including the following:

1. Pre-employment file: containing application documents, references, background information, interviewing and hiring notes, and other similar data.
2. Primary personnel file: containing most formal employee information and data, including, but not limited to, attendance, leave, dates of employment, formal performance evaluations, complaints, commendations, employment status, salary, and benefits data.
3. Informal Anecdotal file(s): containing informal notes and records including, performance and attendance notes, and other data collected by an employee's supervisor or other administrator
4. Medical and health file: containing any employee information pertaining to medical and health matters.

Personnel information available for public disclosure, subject to state disclosure laws, includes the following: employee name, age (but not date of birth), date of original employment, current classification title, current salary, date and amount of most recent change in salary, and date of most recent promotion, demotion, transfer, suspension, separation, or other changes in position classification.

### **204.6. Professional Development**

Professional development is important for employee growth and effectiveness. The goal of professional development is to improve the skills and knowledge needed by all staff to carry out their duties related to instruction and all School programs. The Head of School will promote opportunities for staff development. Licensed personnel seeking to sustain their licenses shall request of the Head of School, in advance, approval for credit to be received and applied towards meeting licensure renewal requirements.

### **204.7. Evaluation and Advancement**

#### **204.7.1. Overview**

Effective personnel evaluation is essential to foster effective professional growth, performance, and operations. All employees will normally be evaluated and supported in their work based on a process developed and implemented by the Head of School. The Head of School or his designee is responsible for clearly communicating the process to all employees.

Exceptional employee performance may warrant the award of performance bonuses and salary increases based on the Head of School's recommendations. The Board will make similar determinations for the Head of School based on a performance review process adopted by the Board.



### 204.7.2. Performance Evaluation

The goals for evaluation are:

- to assure understanding of effective performance and professional expectations;
- to assure effective and efficient operation of the School;
- to support professional improvement and advancement; and
- to determine continued employment, promotion, and compensation.

The evaluation provides a written record of the employee's service to the School, and provides a tool for growth and improvement for the employee. The evaluation must be fair and equitable and be conducted in a confidential manner. A copy of the evaluation will be placed in the employee's personnel file. The evaluation shall be done in cooperation with the employee's immediate supervisor. Upon completion of the evaluation process the supervisor will review the evaluation with the employee. Written assessment will be completed and provided to the employee at least twenty-four hours prior to such meeting.

Both parties will sign the evaluation, a copy will be given to the employee, and the original shall be placed in the employee's personnel file. Employees may attach written comments to the original signed evaluation. An employee's signature is not meant to indicate agreement with the evaluation, but to show the he has seen and reviewed the evaluation with the evaluator.

Staff requiring special oversight and support may be subject to action plans.

### 204.7.3. Action Plans

An employee who receives unsatisfactory ratings on an evaluation may be placed on an action plan to improve the employee's performance, unless the employee is recommended for dismissal, demotion or nonrenewal. An action plan may also be used whenever appropriate to address performance concerns.

The action plan will contain a statement of the employee's performance concern(s) and list specific expectations for improvement. The Head of School or his designee may consider input from the employee in developing the plan.

While on the action plan, the employee's performance will be periodically reviewed to determine compliance with the objectives of the action plan. If the employee's performance fails to meet expectations stated in the plan, the Head of School will decide whether to recommend that the employee be dismissed or demoted. An action plan constitutes a warning to the employee that the employee must improve his performance in order to continue working for the School.

This policy does not limit the Head of School's authority to recommend dismissal for any reason allowed by law.

#### **204.7.4. Head of School Evaluation**

The Board will establish a process and evaluate the Head of School(s) on an annual basis. The evaluation results will be discussed in a closed session of a board meeting. The Board will note areas for improvement and areas of strength in the Head of School's performance. This policy does not create any independent contractual obligation or right on behalf of the Head of School.

#### **204.8. Employment Separation and Procedures**

These provisions apply when an employee's relationship to the School is terminated for any reason, including retirement, resignation, disability, long-term leave, reduction in force, nonrenewal, or dismissal.

##### **204.8.1. Resignation**

An employee who wishes to voluntarily resign a position should provide advanced written notice of such resignation, particularly as required by the employee's contract. State ethics rules require licensed educators to provide at least 30 days advanced notice. The Head of School is authorized by the Board to negotiate and accept resignations and such acceptance shall be final and binding. The Head of School may waive the requirement for advanced notice of resignation. The requirement of advanced notice of resignation does not negate any contractual obligation owed by an employee to complete the term of his employment contract.

##### **204.8.2. Disability**

The School is committed to complying with all disability laws and regulations and to reasonably accommodate any disabled employees to enable them to perform their essential job functions. In accordance with the law, employees may need to be placed on a non-active status and/or be separated for reasons of disability when they are unable to perform their essential functions with or without an accommodation.

Employees and job applicants who are or become disabled and require a reasonable accommodation are encouraged to communicate their needs and discuss options with an appropriate School supervisor to address issues related to the need for accommodation or a necessary change in job or application status. Disabled employees, by law, may be held to the same performance standards as non-disabled employees.

##### **204.8.3. Retirement**

Eligible employees receive retirement benefits offered by the School, which may be subject to change from time to time. The School will make available any necessary information to such employees regarding the type and nature of the School's retirement plan and benefits and other information to enable eligible employees to participate fully and in an informed manner.

##### **204.8.4. Reduction in the Force (RIF)**

A RIF is any employee reduction in pay, suspension, or termination based on unavoidable financial contingencies.

#### 204.8.4.1. Grounds for RIF

The following may necessitate a reduction in force:

1. School Reorganization: closure, suspension, elimination, curtailment, or reorganization of the School, facilities, programs or curriculum offerings.
2. Decreased Enrollment: a substantial decline in actual or projected enrollment for the next succeeding year at the School or for a particular School offering which requires a decrease in personnel positions funded by the School.
3. Decreased Funding: any substantial decline in the availability of the School's financial resources available for its operation or for a particular program.

#### 204.8.4.2. Preliminary Determination

When the Head of School believes that grounds exist for a RIF, he shall present written recommendations to the Board. The recommendations shall include:

1. The grounds for the RIF;
2. The number or estimated number and type of positions to be reduced; and
3. Other information the Head of School deems helpful to the Board in deciding upon his recommendation.

The Board shall review the Head of School's recommendations and information, and shall determine whether to authorize a RIF and whether to do so according to the Head of School's recommendations or otherwise.

#### 204.8.4.3. Criteria and Procedures

The primary consideration in any RIF of specific employees shall be the maintenance of a sound and balanced educational program that is consistent with the purposes and priorities of the School. If the Board authorizes a RIF, the Head of School shall recommend to the Board the specific employees to be suspended, demoted, or dismissed, considering the criteria set forth below.

1. The impact on the instruction program and effectiveness of the School;
2. The individual's job performance and attendance history;
3. The financial impact or benefit to the School;
4. Type of employee (e.g., term-contract, at-will, part-time, permanent)
5. The employee's service and performance history regarding extra duties and his or her continued commitment to fulfill such duties;
6. Other factors the Head of School or Board deem important under the circumstances.

Prior to submitting to the Board the recommendations regarding specific employees subject to a RIF, the Head of School shall notify each affected employee of the Head of School's recommendation, subject to any employee grievance proceeding available to the employee. The

Board reserves the right to carry out a RIF prior to hearing any employee grievance when the Board determines that circumstances require such action. Any employee who is reinstated following and because of such a hearing shall be entitled to any loss of pay caused by the RIF prior to the Board hearing.

#### **204.8.5. Nonrenewal**

The Board acknowledges that an important aspect of attaining excellence in education is the quality of the teaching and administrative staff. The Board strives for excellence and to employ only those employees who exhibit the necessary skills and commitment to excellence in their work. Separation may result when the Board, upon the Head of School's recommendation, chooses not to renew the contract of an employee at the end of the contract term.

#### **204.8.6. Termination**

Separation may result when an employee is dismissed for any reason allowed by law or contract. Unless otherwise required, the Head of School may, in his discretion, provide reasonable advanced notice to an employee when the Head of School becomes aware that he is likely to recommend such dismissal. The dismissal process shall be governed by any applicable contract terms.

#### **204.8.7. Separation Procedures**

When an employee separation occurs, the employee shall promptly turn in to the Head of School or his designee all keys, employee identification, and other School property or records, including any files or other information of a confidential nature belonging to the School. The employee shall receive, in a timely fashion, all compensation and other benefits to which he is entitled at the time of separation. The Head of School or his designee may establish other procedures for employee separation.

#### **204.8.8. Exit Conferences**

Employees who leave employment with the Board may request an exit conference in order to ask questions and discuss procedures for separation. Exit conferences may be conducted with all employees leaving the School in order to identify practices or policies that may affect the planning and future achievement of the School and the employee.

### **205. COMPENSATION, BENEFITS, AND LEAVE**

The School shall compensate employees according to the terms of their respective employment contracts and in compliance with governing laws and state benefits. The School offers certain benefits to all of its eligible employees pertaining to leave, health care, and retirement. The School's personnel staff will provide information and assistance regarding these benefits to employees and applicants to enable them to be properly informed and to receive such benefits. Employees should contact the personnel staff regarding any questions they have or assistance they require.

### **205.1. Compensation**

The School shall compensate employees in accordance with the law and its contractual obligations for salaried, contract, and hourly employees. The School reserves the right to award special compensation such as bonuses and incentive pay as it deems appropriate. Hourly employees shall be strictly paid according to precisely kept hourly time sheets that must be completed in an accurate and timely fashion by such employees. Employees will be paid on a regular schedule as established by the School.

### **205.2. Benefits**

Eligible employees shall be entitled to health care and retirement benefits as established from time to time by the School. In addition, the School may provide other benefits such as supplemental health, dental, vision, and disability coverage or insurance as dictated by Board decision and procedures. The School's personnel staff shall provide all necessary information regarding such benefits so that employees are properly informed regarding these benefits.

### **205.3. Leave**

#### **205.3.1. Overview and Eligibility**

Eligible employees shall be entitled to various employee benefits as established from time to time by the School. The School's personnel staff shall provide all necessary information regarding such benefits so that employees are properly informed regarding these benefits.

#### **205.3.2. Annual Leave – School Days**

The School shall establish employee annual leave benefits and shall communicate the availability of these benefits to School employees.

Should an employee use all leave, any subsequent time off shall be without compensation. An employee entitled to and requiring the use of leave shall notify a supervisor reasonably in advance whenever possible. When advance notice is not feasible the employee shall provide prompt notice as soon as possible.

#### **205.3.3. Family, Medical and Other Unpaid Extended Leave**

The Board authorizes the Head of School to grant leave without pay for the following circumstances and as otherwise required by law:

1. Military service;
2. Birth or adoption of a child;
3. Professional advancement for instructional personnel; and
4. Personal and family medical leave in excess of regular sick leave.

Such leave may be approved by the principal for a period for up to one calendar year and, where required by law, for periods exceeding one year. Any leave to which an employee is entitled

under state or federal law may be counted toward the leave authorized by this section. Leave taken for birth or adoption of a child may be extended to the remainder of the School year when the leave would otherwise end in the latter half of the School year. Leave will normally not be granted to take vacation trips, engage in non-School related business, or to accept other employment.

Whenever possible, an employee shall notify his immediate supervisor thirty calendar days in advance of the time for which leave is sought.

The following procedures shall normally apply in such instances:

1. The employee's immediate supervisor and the Head of School shall, with the employee, decide on the specific details of a request for leave.
2. For any request for leave up to and including thirty days, the Head of School shall have the authority to grant the request.
3. If the leave is more than thirty days, the Head of School, may approve the leave but shall notify the Board at its next meeting. In such cases, the terms of the leave shall be contained in a written agreement between the employee and the School.
4. The employee shall use all available leave benefits (i.e., sick leave and annual leave) as appropriate and in compliance with the State Board Policy before taking any leave without pay.
5. In instances when an employee's return to work is uncertain, the employee shall provide advanced written notice at the earliest possible time to the Head of School of the intent to return to work.
6. In granting any leave of absence, consideration shall be given to the welfare of the School, students, and the employee.

Upon returning to service, the employee shall be assigned, to the extent feasible, to duties similar to those performed prior to the beginning of the leave. The School is not required, however, to guarantee reinstatement to the same position or duties held before leave is taken if such position or duties are no longer needed and not contractually required.

#### **205.3.4. Religious Leave**

Employees may take leave for up to two days each School year for a personal religious holiday that is not a vacation day or holiday recognized on the School calendar. Leave for such religious holidays under this provision must be approved in writing in advance by the Head of School or a designee. Religious leave must be made up at a mutually agreed upon time or the employee may use earned annual leave.

#### **205.3.5. Parental Leave**

Permanent employees who are parents or guardians of a School-aged child may take up to four hours of paid leave per calendar year to attend or be involved with their child's School. Leave not taken within the calendar year is forfeited. Leave must be approved by an employee's

immediate supervisor and, barring exceptional circumstances, must be requested at least one day prior to the date of the leave.

#### **205.3.6. Military Leave**

Employees are granted military leave in accordance with state and federal regulations. Employees seeking military leave are responsible for requesting such leave at the earliest possible time and must provide a copy of military orders or appropriate documentation evidencing performance of required (not voluntary) military duty to the Board.

#### **205.3.7. Jury Duty**

Permanent employees will be granted paid jury duty leave for up to 5 days. Additional leave will be determined according to the discretion of the Head of School.

#### **205.3.8. Temporary Disability and Reinstatement**

Employees may be authorized to take a temporary leave of absence due to temporary disability. At the termination of the period of temporary disability, the employee shall be reinstated in his position whenever feasible. Where the period of temporary disability exceeds thirty working days, the employee's immediate supervisor and Head of School shall confer with the employee. The Head of School shall determine when the employee is to be reinstated, taking into consideration the welfare of students and the continuity of instruction.

#### **205.3.9. Workers Compensation**

All employees are protected from workplace injuries under the North Carolina's Workers' Compensation laws. Employees seeking Workers' Compensation benefits must immediately report the workplace injury to the immediate supervisor or Head of School; and complete, as soon as feasible, an Employee Statement, describing the injury, causes and related details. [

#### **205.3.10 Voluntary Shared Leave**

Voluntary shared leave provides economic relief for any permanent full-time employee who is likely to suffer financial hardship because of a prolonged absence resulting from a serious medical condition. A request to donate leave by an employee shall be made by a form signed and dated by the donating employee and then approved by the Head of School, after consultation or review by the school's legal counsel as deemed necessary by the Head of School.

Participation in this policy is strictly voluntary. Leave donations are subject to the following limitations:

1. The donating employee may not receive compensation in any form for the donation of leave.
2. The donating employee may donate no more than half of his or her existing and available paid leave days.
3. Leave days may only be donated to full time employees who have used all their leave days for a serious medical condition and have an immediate need for additional leave days.

## **206. DUTIES, SCHEDULES, AND RESPONSIBILITIES**

### ***206.1. General Job Duties***

All employees shall familiarize themselves and comply with the policies and procedures of the School. Employees shall serve as positive role models for students and shall be responsible to support and assist, to the extent feasible, with:

1. The safe and efficient operation of the School;
2. The growth and development of students;
3. Compliance with applicable state and federal laws; and
4. All efforts necessary to promote an excellent education.

### ***206.2. Extra Duties for Professional Staff***

Instructional and Administrative staff members are expected to perform certain non-curricular and extra-curricular duties as assigned by their supervisor(s). These may include, but are not limited to, attending parent or other after-School meetings, supervising extracurricular activities, attending workshops or planning sessions, supervising carpool lines or other student activities. Such duties, depending on their scope, may involve additional compensation. No employee, however, has any legal right to perform such compensated extra duties unless otherwise provided for in an employment contract.

### ***206.3. Job Descriptions***

Employees shall be responsible for carrying out all of the stated responsibilities as outlined in the job description for the position for which they were hired, as well as any additional implied and assigned duties for their positions.

### ***206.4. Work Schedules***

#### ***206.4.1. Instructional Staff***

The regular workday for instructional staff will normally be seven and a half hours as specified by the Head of School. The workday may be altered at the discretion of the Board or Head of School provided that the workday shall continue until the teacher has completed professional responsibilities to the students and the School. Examples of the kinds of activities which might require the continuation of professional service beyond the normal School day, defined by the time of the departure of students, include, but are not limited to, program development, professional development activities, faculty meetings, bus duty, parent conferences, additional help for individual students, and care of School property and equipment.

#### ***206.4.2. Non-Instructional Staff***

The normal workday for most full-time support staff employees will be eight hours with exceptions made for particular job assignments on a case-by-case basis.



### ***206.5. Arrival and Punctuality***

All staff members shall be punctual in arriving for work and attending to their job duties. Hourly employees shall keep detailed and specific time sheets, recording their exact time of arrival and departure (e.g., rounding off minutes is not permitted). Instructional staff members are normally required to be at School at least thirty minutes before the beginning of the instructional day and at least thirty minutes after the end of the instructional day for the benefit of planning, meeting and working with pupils or parents, or engaging in other collaborative work. Other arrival and departure times may apply depending on particular needs of the day.

Professional staff will work a regular workday and be present during hours established by the Head of School.

### ***206.6. Lesson Plans***

Teachers are required to prepare daily lesson plans and to have detailed plans available for their substitutes. The likelihood of improved instruction is enhanced when all teachers are given a reasonable amount of time during each day of instruction to plan lessons. Instructional staff shall normally be given time for planning during most regular School days.

### ***206.7. Teacher Workdays***

All instructional and other required staff members are expected to report for work on non-instructional days, including teacher workdays, unless they have been granted advance approval not to attend on such days. In such a situation, a leave day will be used for a workday absence. If a leave day is unavailable, leave will be granted without compensation.

### ***206.8. Travel***

Employees must submit a written request for travel prior to undertaking job-related reimbursable travel not part of the employee's regular responsibilities. Reimbursement for approved travel expenses shall be at established rates approved by the School. The Head of School must approve in writing excess per diem expenses in advance of the travel.

## **207. PRACTICES, CONDUCT, AND DISCIPLINE**

### ***207.1. General Standards of Conduct***

School employees, especially professional staff, are privileged to hold positions of influence with students and in the School community. They must conduct themselves as role models, upholding high standards of integrity, trust, and professionalism. Employees must always aspire to perform their job duties, written and unwritten, in a highly competent, respectful, ethical and legal manner, regardless of whether there is a specific governing policy or rule.

All professional educators licensed in North Carolina are also duty-bound to know, comply with, and report violations of the state's Standards of Professional Conduct for North Carolina Educators. Other professional staff should also be familiar with and strive to uphold the Code's

values. The Code is available online at <http://www.ncpublicschools.org/docs/effectiveness-model/ncees/standards/code-of-ethics.pdf>

A staff that models such behaviors and attitudes can profoundly shape students' behavior for good, thus promoting a long-term impact that benefits our students, our School community, School families, and other communities in which students eventually live.

### *207.2. Honor Code Policy*

All employees shall conduct themselves truthfully; consistent with high standards of academic integrity. This precludes making any false or misleading statements in applying for or during employment; plagiarism; or other acts of academic dishonesty.

### *207.3. Outside Employment*

Employees shall not accept any other employment while they are employed at the School, regardless of the time of year, including summer months, when such employment

1. conflicts with the effective performance of employee School duties;
2. disrupts, discredits, or otherwise undermines the Schools' educational program or reputation;
3. involves work that, actually or is likely, to compete with the educational offerings or financial development of the School;
4. involves work for or compensation from School students or their parents without prior advanced approval from the Head of School; or
5. conflicts with the employee's duty to be a role model to students.

### *207.4. Dress Code*

All employees shall dress and groom themselves in a professional manner consistent with their job duties. The Head of School or his designee may establish specific rules and procedures consistent with this policy in order to promote a professional environment. Any employee in violation of this policy may be asked by his supervisor to change his grooming practices.

### *207.5. Confidential Information and Nondisclosure*

Employees shall protect all confidential and sensitive information regarding students, personnel, and other School information from improper disclosure. All student and employee performance information shall be communicated only with and to, respectively, employees or parents who have a legal right and need to know such information.

### *207.6. Political and Other Controversial Expression*

The impartial teaching of political or controversial issues, where such teaching or information reasonably and directly relates to course or curriculum content, is acceptable, subject to proper discretion and applicable approval from a supervisor. The Head of School may establish guidelines and procedures for such instruction. However, employees are prohibited from expressing support of or opposition to political candidates or positions during class time or at

other times in their capacity as a teacher or employee. They are not to encourage students to take a particular position in political, religious, or other matters of a personal nature.

### *207.7. Conflict of Interest and Undue Influence*

Employees shall not use their positions to act in a manner that compromises the School's integrity or conflicts with their duties. This includes, but is not limited to the following:

Employees shall not enter into business negotiations or transactions with the School on their own behalf or on behalf of another. Specifically, employees or their family members may not derive any monetary benefit in providing merchandise or services to the School unless such benefit has been fully disclosed in advance and approved by the Board.

Employees shall not use their positions or assignments to unfairly or unduly influence students in the following ways:

1. Receiving fees from educational institutions for the recruitment of students;
2. Recruiting students to participate in private business activities that benefit employees or their family, colleagues, business associates, or friends;
3. Requiring or requesting students to participate in activities or events which require more than nominal costs; or
4. Receiving fees or other remuneration of more than a nominal amount for the recruitment, enlistment, or chaperoning of students for private promotions. (Employees may, with the Head of School's permission, announce educational trips for which the employee may receive remuneration if it does not interfere with class time for such announcements.)

### *207.8. Relationships with Students*

Employees are prohibited from dating, courting, or entering into a romantic or sexual relationship with any student enrolled in the School, regardless of the student's age. Any employee who has reason to believe that another employee is inappropriately involved with a student, as described above, shall report this information to the Head of School. An employee who violates this policy may be subject to disciplinary, civil and/or criminal sanction.

### *207.9. Gifts*

School employees may not accept gifts of more than nominal value from students, parents, vendors, and other patrons of the School community. Students are encouraged to express gratitude to employees by letter or other appropriate form. This policy may be waived by the Head of School or Board in special circumstances (e.g., special gifts from students or parents for retiring teacher).

### *207.10. Tutoring*

The School strives to offer a flexible, varied instructional program in order to minimize the need for students to obtain private tutoring. In cases where private tutoring is recommended or necessary, employees may provide this service under the following conditions:

1. The Head of School must approve tutoring by an employee for a fee;
2. Teachers are not permitted to tutor for pay any students currently enrolled in one of their classes;
3. Use of expendable School supplies is prohibited except as approved; and
4. An employee is prohibited from receiving compensation for referring a student to another tutor or agency.

### *207.11. Facility and Property Use*

Employees shall use and support the use of School property in a safe and effective manner, consistent with the intended purposes of such property. Personal use of School facilities or property is generally prohibited except for insubstantial, non-disruptive personal uses of telephones, computers, and other small equipment when such use does not impose more than a nominal cost to the School and has not otherwise been prohibited or restricted by policy or directive.

### *207.12. Harassment*

The Board is committed to providing an environment that is conducive to learning and free from harassment, especially harassment based on race, religion, gender, ethnicity, national origin, disability, or any other form of illegal harassment.

Harassment is an unwelcomed and offensive verbal, nonverbal, or physical conduct that is sufficiently severe, persistent, or pervasive that it significantly affects the conditions of one's employment or a student's learning. Harassment includes, but is not limited to, abusive jokes, insults, slurs, name-calling, threats, bullying or intimidation, unwelcome sexual advances, or the exchange of benefits for performance of sexual or other favors.

Harassment is prohibited at all levels: between students, between employees and students, between co-workers, between supervisors and subordinates, or between non-employees and employees and/or students.

Nothing in this policy precludes the School from taking disciplinary action against an employee where the evidence does not establish harassment but the conduct otherwise fails to satisfy the School's high expectations for appropriate conduct.

### *2017.13. Sexual Harassment*

Because of its particular pervasiveness in the workplace, the School establishes this particular policy regarding sexual harassment. No employee shall engage in sexual harassment against any student, other employee, or another person in the School community.

Sexual harassment includes any unwelcome sexual advance, request for sexual favors, or sexually suggestive comments when:

1. submission to the conduct is made either explicitly or implicitly as a term or condition of an individual's employment or education;
2. submission to or rejection of such conduct by an individual is used as a basis for student or employment decisions affecting such individuals; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive working or educational environment.

Examples of sexual harassment include, but are not limited to

1. deliberate, unwelcome touching;
2. suggestions or demands for sexual involvement accompanied by implied or overt promises or threats; pressure for sexual activity;
3. continued or repeated offensive sexual flirtations, advances or propositions; continued or repeated verbal remarks about an individual's body;
4. sexually degrading words used toward or in the presence of an individual or to describe an individual; or
5. the display of sexually suggestive objects, signals, or pictures.

A hostile environment exists if the conduct of a sexual nature is sufficiently severe, persistent, or pervasive to limit a person's ability to participate in or benefit from the educational program or creates a hostile or abusive educational or work environment.

Romantic or sexual advances toward students by employees or romantic or sexual relationships between School system employees and students are always prohibited in all circumstances.

Employees engaging in inappropriate relationships with students or employees who fail to report such relationships by others to the Head of School shall be subject to disciplinary action, up to and including dismissal.

#### ***207.14. Reporting Harassment Charges***

All complaints of harassment shall be promptly and thoroughly investigated, documented, and monitored, with appropriate follow-up and disciplinary action taken to remedy any act of harassment. The following process shall apply:

All complaints, investigations and follow-up action shall be confidential. Only individuals and employees in a need-to-know position are entitled to receive, report, or provide such information. Any person who is subject to or aware of any harassing behavior may report the matter orally or in writing to a supervisor. Any employee who knows of such behavior shall immediately report such information to a supervisor and the supervisor shall promptly inform the Head of School. If a supervisor is involved, a report may be made directly to the Head of School. If the Head of School is involved, the report may be made to the Board chairperson or vice-chairperson.

Any disciplinary action taken should be reasonably calculated to end any harassment. No employee or student shall be subject to negative or retaliatory action for reporting or assisting in the investigation of an allegation of harassment.

The Head of School or his designee shall coordinate compliance with all applicable laws with respect to sexual harassment, particularly Title IX of the Education Amendments of 1972.

Nothing in this or any other School policy shall be construed to prevent any person from pursuing any other remedies available under state or federal law.

### **207.15. Substances**

The School is committed to being a community, free of unhealthy substances, including illegal controlled substances, tobacco, and alcohol.

#### **207.15.1. Tobacco**

Tobacco products are defined to include cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, smokeless tobacco, and any other items containing or reasonably resembling tobacco. Tobacco use includes smoking, chewing, dipping, or any other similar use.

The use of tobacco products on School property will be regulated as follows:

1. School employees may not, except for legitimate educational purposes, display or use any tobacco product in the presence of or visibility of students on School premises or at School-sponsored events.
2. To the extent legally permitted, the Head of School or his designee may permit a time and an area in which employees may smoke or otherwise use tobacco provided the area is not inside a School-owned or leased building utilized for provision of educational services to children and the area is not generally visible to students.

Nothing in this policy is intended to prohibit the legal use of tobacco by individuals who are merely spectators at outdoor School-sponsored events at which use of tobacco by the general public is otherwise permitted.

#### **207.15.2. Controlled Substances and Alcohol**

The use of illegal controlled substances and alcohol while on any School property, at any School-related activity, or in any other venue where the conduct in question is likely to negatively impact or undermine the operation or well-being of the School or its members, is prohibited. Employees are subject to the following requirements:

1. Employees shall not engage in the unlawful manufacture, distribution, possession or use of any controlled substance or unauthorized, excessive alcohol use.
2. Employees shall not engage in excessive use of prescription or nonprescription drugs or use that impairs their ability to carry out their job duties. (The proper use of a drug

authorized by a valid medical prescription from a legally authorized health care provider shall not be considered a violation of this policy if it does not interfere with the performance of job duties.)

3. Employees may be subjected to a search of their person, locker, desk or other School property under their control in the workplace based on reasonable suspicion of an employee's selling, distributing, possessing or using a controlled substance or alcohol in the workplace.
4. Employees may be subjected to testing for the use of alcohol or controlled substances affecting job performance based on a supervisor's reasonable suspicion of such activity.
5. Any illegal drug activity shall be reported to the appropriate law enforcement authority.
6. Employees who refuse a drug or alcohol-screening test may be disciplined or terminated. Cost of the screening will be borne by the Board.
7. Employees will be provided information concerning available counseling, rehabilitation, re-entry programs and potential discipline for controlled substance violations.
8. Employees shall notify their supervisor of any criminal charge, conviction, guilty plea, or no contest plea pertaining to any drug- or alcohol-related offense immediately following such action.

### **207.15.3 Employee Drug and Alcohol Policy**

Improper alcohol and drug use by school employees poses a serious risk to school safety, effectiveness, and integrity. This policy addresses alcohol and drug-related expectations, requirements, and procedures.

#### **207.15.3.1 Definitions**

1. "Drug" – a non-alcoholic substance ingested or otherwise applied to a person's body having a real or potential, and substantial mind- or behavior-altering effect.
2. "Drug Abuse" - when an employee uses a prescription drug without having a prescription or authorization by a treating licensed medical professional for such use, and where such use substantially affects or alters the employee's behavior or performance to an observable extent.
3. "Controlled substance" - a substance identified under state or federal law as a controlled substance, and illegal when used for non-medical, non-prescribed purposes.
4. "Illegal drug" - any drug or controlled substance (including a prescription drug for which an employee does not have a valid prescription) that is outlawed in its use, possession, sale, or in any other capacity.
5. "Counterfeit Substance" – any substance so defined by state law, including a substance intended to represent a controlled substance or alcoholic beverage.
6. "Over-the-counter (OTC) drug" -- any drug substance whose use, possession and sale is permitted by law without a prescription.
7. "Prescription drug" - a substance prescribed by a licensed medical professional for individual consumption for a specific use.

8. "Under the influence"- a condition (1) in which an employee's mood, mind, or behavior is observably affected by alcohol or drug substance, or (2) when an employee's blood alcohol content level exceeds that allowed for drivers of commercial vehicles under state law, or (3) when an employee tests positive from drug analysis for the prior or current use of any illegal drug or, alternatively, any prescription or OTC drug which is not reported by the employee at the time of such test.

#### **207.15.3.2 Prohibited Conduct**

1. The manufacture, sale, distribution, possession or use of illegal drugs or counterfeit substance, whether on or off duty
2. Driving a vehicle in the course of one's employment duties while under the influence
3. Use of alcohol or drugs, or abuse of prescription or OTC drugs at any time while on duty or in a way that negatively affects or is likely to negatively affect an employee's duties
4. Possession, use or sale of illegal drugs
5. The sale or distribution of drugs, alcohol, or counterfeit substances while on duty
6. Failure to comply with any reasonable request to be tested for the appearance of being under the influence of alcohol or drugs while on duty.
7. Conviction, plea of no contest, or receipt of prayer for judgment related to any alcohol or drug-related criminal charge under state or federal law.

#### **207.15.3.3 Testing Procedures**

1. Pre-employment testing. Prior to beginning employment, the School may require employees to undergo and pass a lawfully administered drug test as a condition of final employment.
2. Random Employee Testing. Employees in high safety-sensitive positions (e.g., bus or van drivers) may be subject to random drug and alcohol testing or other special requirements.
3. Suspicion-based Employee Testing. Any employee, while on duty, reasonably suspected of being under the influence of alcohol or drugs or in possession of any illegal drug or counterfeit may be subject to immediate drug or alcohol testing.
4. Suspicion-based Employee Searches. Any employee, while on duty, reasonably suspected of possessing prohibited substances or other materials involving a violation of law or policy may be subject to immediate and reasonable search of his/her person, possessions, or of any school property under his/her control.

#### **207.15.3.4 Confidentiality**

Any information obtained arising from this policy shall be used solely for legitimate school and safety purposes. All employee drug and alcohol testing results shall be maintained confidentially or as otherwise required by law.



### **207.15.3.5 Disciplinary Sanctions**

Any employee who engages in prohibited activity under this policy may be subject to a range of disciplinary actions, including immediate dismissal.

### **207.16. Weapons**

The School shall be free of all weapons not legally possessed by law enforcement officials or otherwise authorized by the Head of School or the Board. No employee or other agent of the School shall carry or encourage another person to carry, whether openly or concealed, a weapon as defined below, onto School property at any time.

A “Weapon” is any gun, rifle, pistol, or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1, any knife, BB gun, air rifle, air pistol, sling shot, blackjack, metal knuckles, bludgeon, bowie knife, switchblade, dirk, dagger, leaded cane, stun gun or other electronic shock weapon, razors and razor blades (except solely for personal shaving), and any sharp-pointed or edged instrument except for the following: instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance, on School property or otherwise authorized or necessary to support the operations of the School.

Any employee who is aware that an unauthorized weapon has been carried onto School property or possessed at a School function shall immediately notify a supervisor or the Head of School.

### **207.17. Communicable Diseases**

The Board aims to provide a safe and secure environment for all students and employees. To balance the need to protect the rights of students and employees and to control the spread of communicable diseases and conditions, decisions regarding the employment status of employees with communicable diseases or conditions shall be made on a case-by-case basis in accordance with this policy, sound judgment, and applicable legal requirements.

A communicable disease or condition is defined as an illness due to an infectious agent, or its toxic products, which is transmitted directly or indirectly to a person from an infected person or animal.

This policy applies to all legally reportable communicable diseases, including HIV and AIDS, as set forth in state regulations.

In order to preventing the spread of communicable diseases, universal health and safety precautions, which include regulations regarding the cleanup of all bodily fluids (including blood), shall be distributed by the Head of School or his designee and shall be followed by all School employees. Instances of an employee’s failure to follow the universal precautions shall be reported to the Head of School.

In accordance with North Carolina General Statute section 130A-136, the Head of School or other supervisors shall report suspected cases of reportable communicable diseases or conditions to the county health director for investigation and shall provide available factual information to substantiate the report. Such reports shall remain strictly confidential and may be shared only with other staff members as necessary to prepare and file a report. All staff members who are made aware of any such report shall keep the information strictly confidential. Without releasing any information that would identify the affected employee when not required, the Head of School or supervisor shall report suspected cases of reportable communicable diseases or conditions to the Board Chairperson.

Any employee suffering from a communicable disease or condition shall follow all control measures issued by the county health director and shall take all necessary precautions to prevent the transmission of the disease or condition. Any School employee who has reason to believe that a fellow employee is suffering from a reportable communicable disease and that the fellow employee is failing to follow safe practices shall report this to the Head of School, supervisor or health director. Failure to follow control measures may result in sanctions or termination against the offending employee. An employee suffering from a communicable disease is encouraged to inform the Head of School so that appropriate accommodations and precautions can be put in place.

If the county health director notifies the Head of School that an employee with a communicable disease or condition may be posing a threat to public health, this employee shall cooperate with the health director in eliminating the threat.

The Board shall follow all applicable state and federal laws and regulations and this policy in determining when an employee with a communicable disease or condition shall be required to take leave from his position or otherwise be restricted from continuing his employment.

If an employee diagnosed with a communicable disease or condition believes he or she is unable to perform his or her regular duties or risks the transmission of the disease to other members of the School community, he or she may request that his or her duties be altered. The employee seeking alteration in the conditions of employment must apprise the Head of School of his or her condition, submit medical documentation, and suggest and discuss possible workplace accommodations.

#### ***207.18. Blood-borne Pathogens***

The Head of School shall designate a blood-borne pathogens compliance officer who shall develop a plan in accordance with the regulations established by the United States Department of Labor pursuant to the Occupational Safety and Health Act and the North Carolina Occupational Safety and Health Blood-borne Pathogens Standards. The plan shall be designed to eliminate or minimize employee exposure to infectious bodily fluids and secretions and shall include appropriate training and specific precautions that all employees must take when dealing with blood and bodily fluids.

For employees with occupational exposure to blood and bodily fluids, the plan shall include appropriate training, provision of Hepatitis B vaccinations, and specific work practice precautions to minimize contact with potentially infectious bodily fluids. Employees with "occupational exposure" are those employees who can reasonably anticipate coming into contact with blood and bodily fluids in the normal performance of their assigned work duties.

A copy of the Blood-borne Pathogens Exposure Control Plan shall be updated as required by state and federal law and made accessible to all employees. A copy shall be maintained in the School office.

It shall be the duty of each employee to familiarize himself with the provisions of the Blood-borne Pathogens Exposure Control Plan and to comply with all stated provisions. Failure to comply shall be cause for disciplinary action.

The North Carolina Department of Labor's "A Guide to Blood-borne Pathogens in the Workplace" is available at <http://www.nclabor.com/osha/etta/indguide/ig7.pdf>.

#### ***207.19. Legal Defense***

Employees charged with a criminal or civil offense arising directly from good faith performance of their duties with the School may request of the Board legal representation at the Board's expense. In such instances, the Board shall first determine, when feasible, whether a requesting employee has acted in good faith in the performance of his or her duties. The Board shall also communicate with its insurance carrier regarding the matter. The employee must notify the Board of current or potential litigation at the earliest feasible moment.

The Board is not obligated to provide any representation. The Board shall not provide representation if it determines that the employee actions or omissions upon which the civil or criminal action is based were done with malice or intent, or were not within the scope and course of the employee's duties.

#### ***207.20. Reporting Information to Outside Agencies***

##### ***207.20.1. Reports to the State Superintendent of Public Instruction***

If the Head of School "knows or has substantial reason to believe" that a licensed employee has engaged in conduct involving physical or sexual abuse of a student, he shall report such information to the Superintendent of Public Instruction or his designee pursuant to state regulation. Failure to report such information may be grounds for certificate revocation or suspension. For purposes of this requirement, physical abuse means the infliction of serious physical injury other than by accidental means and other than self-defense. The term sexual abuse means the commission of any sexual act upon a student or causing a student to commit a sexual act regardless of the age of the student and regardless of the presence or absence of consent.

### 207.20.2. Reports to Law Enforcement

The Head of School or other supervising administrator who reasonably suspects that an act has occurred on School property involving intentional conduct resulting in serious personal injury to another (or the threat thereof), sexual assault or other sexual offense, kidnapping, possession of a firearm or other weapon in violation of the law, or possession of a controlled substance in violation of the law, shall immediately report the act to the appropriate law enforcement agency

### 207.20.3. Reports to the Department of Social Services

Pursuant to state law, any person who has “cause to suspect” that a child has been abused or neglected by a caretaker must promptly report such suspicion to the local Department of Social Services. Employees are encouraged to confer promptly with the Head of School in determining what measures to take before or following any such report. Under state law, any person who makes such a report in good faith is immune from liability.

At the time this policy was adopted, the law provided, in part, as follows:

§ 7B-301. Duty to report abuse, neglect, dependency, or death due to maltreatment.

*Any person or institution who has cause to suspect that any juvenile is abused, neglected, or dependent, as defined by G.S. 7B-101, or has died as the result of maltreatment, shall report the case of that juvenile to the Head of School of the department of social services in the county where the juvenile resides or is found. The report may be made orally, by telephone, or in writing. The report shall include information as is known to the person making it including the name and address of the juvenile; the name and address of the juvenile's parent, guardian, or caretaker; the age of the juvenile; the names and ages of other juveniles in the home; the present whereabouts of the juvenile if not at the home address; the nature and extent of any injury or condition resulting from abuse, neglect, or dependency; and any other information which the person making the report believes might be helpful in establishing the need for protective services or court intervention. If the report is made orally or by telephone, the person making the report shall give the person's name, address, and telephone number. Refusal of the person making the report to give a name shall not preclude the department's investigation of the alleged abuse, neglect, dependency, or death as a result of maltreatment . . . .”*

### 207.20.4. Reports to the Department of Health

The Head of School shall report suspected cases of reportable communicable diseases or conditions to the County Health Department for investigation. Without releasing information that would identify the employee, the Head of School shall also report suspected cases of reportable communicable diseases or conditions to the Board Chairperson. Any employee who has reason to believe that a fellow employee or a student has a reportable communicable disease and is not following safe practices shall report the situation to the Head of School or a supervisor. The Head of School or supervisor shall report such unsafe conduct to the County Health Department. In the

absence of the Head of School or supervisor, the employee must report the situation to the County Health Director. Confidentiality of reports is protected by law and School officials are immune from liability for such reports when made in good faith.

## **208. EMPLOYEE GRIEVANCES, INVESTIGATIONS, AND DISCIPLINE**

### ***208.1. Employee Grievances***

The School seeks to promote harmony and job satisfaction among employees and to promote equitable solutions to problems affecting employees. Employees are encouraged to communicate and resolve concerns and differences between themselves in an informal, respectful, and civil manner. This often requires communicating directly, promptly, openly, and constructively with others to resolve issues.

Employee Grievances shall be guided by School-wide grievance procedures in effect at the time the grievance arises. These are attached as a Addendum I to this Policy Series.

### ***208.2. Disciplinary Measures and Procedures***

Employees may be subject to disciplinary measures for any violation of School policies, practices, directives, or legal requirements. This policy does not preclude the School's right to discipline or terminate an at-will or other employee for any other basis permitted by law or contract.

The Head of School may subject an employee to any appropriate discipline including, but not limited to, the following:

- Informal reprimand;
- Formal, written reprimand filed in the employee's personnel file;
- Suspension with pay;
- Disciplinary suspension without pay;
- Demotion in position or salary;
- Reduction or deduction in pay;
- Suspension without pay preceding dismissal;
- Dismissal; or
- Other discipline as deemed appropriate by the Head of School

## **209. EMERGENCY PROCEDURES**

### ***209.1. Overview and Notification***

The Head of School may delay the opening of or may close the School when there is an actual or potential safety threat due to inclement weather, mechanical failure, or other circumstance. In such instances, the School will notify members of the School community as promptly as possible via such outlets as the local news media, electronic mail, School Voice Message System, and the School website.

### ***209.2. Delayed Openings***

In cases of delayed School opening, employees normally are expected to report to work in advance of such opening in the same intervals that apply during regular hours, unless they receive notice to the contrary. If an employee does not believe he can report at the appointed time, he should notify the Head of School as soon as possible. In such instances, the staff member shall be required to make up the time missed unless otherwise accepted by the Head of School.

## **210. GRIEVANCE PROCESS AND APPEALS OF ADMINISTRATIVE DECISIONS**

An employee who has a grievance is expected to follow the School's established grievance process.

## **Addendum I: Grievance Process and Appeals of Administrative Decisions**

**A. Introduction and Objectives.** The School seeks to provide a process by which students, parents, and staff can resolve concerns in a timely and effective manner while balancing this with the need for efficient and effective School operations. Toward this end, this policy establishes mechanisms by which grievances should be addressed through informal and, if appropriate, formal means. All references herein to the Principal include any person assigned as the Principal's designee.

**B. Informal Grievance Procedure.** All concerns should first be addressed directly and informally with the persons involved. This includes reasonably notifying those causing and involved in the grievance, allowing them to reasonably respond, and an opportunity to make good faith efforts toward resolution. If necessary, individuals involved are encouraged to seek the assistance of an objective party to assist with informal resolution.

**C. Formal Grievance Procedure.** Persons must seek informal, timely resolution before filing a formal grievance, unless doing so is not reasonably feasible, would be futile, or if formal grievance procedures are legally required. The grievant may then file a formal grievance with the Principal within ten school days after the last informal attempt at resolution; if informal resolution is not required, the grievant shall file the grievance within ten school days of the last instance causing the grievance.

The formal procedure shall be initiated by submitting to the Principal a written request for redress that succinctly states the specific grievance(s), the supporting facts, the basis in Board policy or law (citing specific policies or laws), the requested relief, and the efforts made to resolve the matter informally. The Principal may require submission of an approved form for such grievance filing.

The Principal shall determine whether informal resolution requirements have been satisfied or are not required. If the Principal determines that the grievant is entitled to a formal grievance process, he shall provide a copy of the formal grievance to all other persons implicated by the grievance. The Principal shall reasonably investigate and consider the matter (which may include meeting with the parties involved and holding an informal hearing) and issue a decision within ten school days from the date the grievance is filed; additional time for the Principal's decision shall be allowed when reasonably required by circumstances. All deliberations shall be held in confidence where feasible and involve only persons in a need-to-know position. A decision by the Principal under these grievance procedures shall be considered a "final administrative decision."

**D. Appeals of Right to the School Board.** A person has the right to appeal any final administrative decision affecting a constitutional or other legal interest, and/or an interest of the type listed below:

- a. Suspension or expulsion of a student for more than 10 days (per School suspension and expulsion procedures required by Chapter 115C, Article 27 of the North Carolina General Statutes);
- b. An alleged violation of a specified federal or state law or regulation;
- c. The loss or reduction of salary of a school employee under a specific-term contract who is not employed at will; or
- d. Any other decision that, by law, provides for a right of appeal to the school Board and for which there is no other statutory appeal procedure.

Any person seeking a hearing under this section, within 10 school days after the final administrative decision by the Principal, may request a Board hearing, by submitting to the Board Chairperson a request in writing by certified mail or personal delivery. The person(s) making such request shall also promptly deliver a copy of the hearing request to the Principal.

**E. Discretionary Appeals to the Board.** Any person aggrieved by a decision not involving a matter addressed in Section D, may, within 10 school days after the final administrative decision by the Principal, request a Board hearing, by submitting to the Board Chairperson a request in writing by certified mail or personal delivery. The person making such request shall also promptly deliver a copy of the hearing request to the Principal. In such cases, the Board has the discretion to deny or grant a hearing. The Board shall notify the person making the request and the Principal of its decision, and if a hearing is granted, the time, place, and manner of such hearing.

**F. Board Hearing Procedures.** In all appeals to the Board, the Board shall provide adequate notice of hearing rights and procedures to all parties concerned and keep a record of any hearing conducted. In the case of hearings required by right under Section D, all parties have the right to appear before the entire Board, to be represented by counsel or other representatives, to submit documentation, and to reasonably examine and cross-examine witnesses. Hearings involving student suspensions or expulsions shall conform to the requirements of Article 27 of the North Carolina General. In the case of an employee grievance concerning a loss or reduction of salary, the employee may request and shall be entitled to receive written notice as to the reasons for the final administrative decision; the notice shall be provided to the employee at a time reasonably in advance of any Board hearing.

For all discretionary hearings allowed under Section E, the hearing may be based on the written record or, instead, by personal appearance of the parties. The Board may designate a hearing officer or panel comprised of one or more Board members to act upon such hearing requests on behalf of the Board. The Board reserves the discretion to determine the manner by which it shall conduct such hearing. Board hearings (by right and by discretion under sections D and E, respectively) shall be conducted within ten school days from the date the hearing is requested, unless circumstances reasonably require additional time. A final Board decision shall be rendered and delivered in writing to the respective parties within five school days of concluding the hearing. The decision of the Board shall be final.