

MASON COUNTY SCHOOLS



**EMPLOYEE HANDBOOK
2014-2015**

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THIS PAGE IS TO REMAIN IN THE HANDBOOK

All employees are provided a copy to sign and return in the handbook folder.

MASON COUNTY SCHOOLS

Employee Handbook Statement of Acceptance

2014-15 School Year

I understand and agree that the contents of this Handbook are presented as a matter of information only. The information contained in this Handbook is merely a summary of the present policies, rules and benefits of the Mason County Board of Education (“School Board”), and the Handbook is not intended to be or create an employment contract, either expressed or implied. To the extent that any written employment contract contradicts any term of this Handbook, the written employment contract controls.

While the School Board offers and intends to apply the policies, procedures, rules and benefits described herein, they are not an offer of employment, and are not intended to guarantee me employment or job security.

I understand that the School Board also reserves the right in its sole discretion to at any time modify, interpret, revoke, suspend, terminate or change any or all plans, policies or procedures, in whole or in part, with or without advance notice. In addition, I understand that no supervisor, representative or officer of the School Board has any authority to make any agreement contrary to the policies stated herein with any employee, without the express written authority of the School Board.

I have received my personal copy of the Mason County School Board’s Employee Handbook, and I understand it is my responsibility to read the contents of this handbook and ask questions, if needed.

Employee’s Signature

Date

This page to remain in Handbook

INTRODUCTION

This Handbook has been prepared as a general reference guide so that employees may better understand their privileges and responsibilities as employees of the School Board and the rules and practices governing employment with the School Board. This Handbook supersedes any and all prior policies and practices of the School Board, oral or written, and any policies, procedures, handbooks and/or School Board rules previously in effect.

This information, procedures and policies set forth in this Handbook are not a consideration of employment and the language is not intended to be or create a contract between the School Board and its employees. Also, the general information pertaining to the various benefit plans is based upon official texts, which are controlling in case of question or inconsistency. To the extent that any written employment contract or collective bargaining agreement contradicts any term of this Handbook, the written employment contract or collective bargaining agreement controls.

THIS HANDBOOK IS NOT INTENDED TO BE OR TO CREATE A CONTRACT OF EMPLOYMENT.

Employees are required to read this Handbook and keep it in a convenient place for future reference. It is to remain in the employee's possession as long as he/she is employed by the School Board. From time to time, employees may receive notices regarding updates, as needed. The Office of Human Resources website will have available the updated version for employee access.

Employees should direct any questions on any part of this Handbook, or any subject not covered in it, to the Director of Human Resources.

The use of the male pronoun "he" within this Handbook shall include the neuter and feminine, and use of the pronoun is not in any way intended as an act of discrimination against any party.

DEFINITIONS

As used in this Handbook, the following terms are defined as set forth below:

- A. Employees: All persons employed by the Mason County Board of Education
- B. The School Board: The Board of Education of the County of Mason

MISSION

The mission statement of Mason County Schools is "Working Together as a Professional Community to Ensure Life-Long Learning for all in the 21st Century."

BELIEFS

In order to build a high performing school system, Mason County Schools believes the following:

- 21st Century learning skills are essential to live, learn, and thrive in a digital society.
- Collaboration, reflection, and change are critical in an effort to continually improve.
- Highly qualified personnel are essential for an effective school system.
- High expectations, positive climate, and lifelong learning are nurtured by example.

NOTICE OF NON-DISCRIMINATION (EEO): POLICY 2260

The Board of Education of the County of Mason does not discriminate on the basis of race, color, national origin, sex, creed or religion, genetic information, disability, marital status, citizenship status, veteran status, military service, ancestry, or any other characteristic protected by law or on the basis of transgender status, change of sex or gender identity. The following person has been designated to handle inquiries regarding the non-discrimination policies:

Title: Director of Student Services Address: 1200 Main Street Point Pleasant, WV 25550 Telephone No.: 304.675.4540

The School Board is dedicated to maintaining a nondiscriminatory climate in which the following policy of affirmative action is administered equitably:

- To administer all personnel policies and benefits without regard to any of the above stated criteria.
- To base employment decisions solely upon an individual's qualifications for the position being filled.
- To base decisions on an employee's development with the School Board on an individual's experience, abilities, skills and interests.
- As required by law, to provide reasonable accommodations for known disabilities of qualified employees that does not pose an undue hardship.

The School Board's EEO policy is intended to apply to recruiting, hiring, promotion, transfer, upgrading, layoffs, retention, compensation, benefits, termination, and all other privileges, terms and conditions of employment. Responsibilities for administering and monitoring the School Board's compliance with its EEO policy is assigned to the Director of Human Resources. These policies continue to stress the need to employ and promote the best qualified person to perform any particular job. All inquiries about this EEO policy or requests for reasonable accommodation should be directed to the Director of Human Resources.

It is the stated policy of the School Board that all of its employees have the right to work in an environment free from all forms of unlawful discrimination and conduct which may be considered harassment, coercive or disruptive. No employee should be subjected to uncalled for and unwelcome conduct of a discriminatory nature based upon any of the above-stated criteria. Discriminatory conduct, whether committed by supervisory or nonsupervisory personnel, is strictly prohibited and will not be tolerated. Any such conduct should be reported immediately to an employee's supervisor or the Director of Human Resources when it occurs. Any supervisory employee who receives notice of a complaint or who learns of an incident of alleged discrimination is required to promptly report the incident to the Director of Human Resources to allow the complaint to be properly and promptly investigated. In the event that an employee feels, for any reason, that he/she cannot deal directly with his/her supervisor in reporting potential discrimination problems, he/she should see the Superintendent of Mason County Schools in order to allow for investigation of the complaint.

Under no circumstances shall an employee's job security or promotional opportunities be jeopardized because of making a complaint under this section or because of his or her willingness otherwise to assist in the identification of employees in violation of this section. The School Board shall not tolerate retaliation or reprisal against an employee based upon the employee making a good faith complaint of conduct in violation of this section or based upon the employee cooperating in an investigation of any such complaint.

When an investigation is complete the matter will be resolved by the Superintendent of the Mason County Schools. Such investigations shall be confidential to the extent practicable. Individuals who are found to have engaged in conduct in violation of this EEO policy will be disciplined, up to and including discharge where the facts warrant.

RACIAL, SEXUAL, RELIGIOUS/ETHNIC HARASSMENT AND VIOLENCE: POLICY 3362; 4362

The purpose of these regulations is to prevent racial, sexual or religious/ethnic harassment or violence, towards students and staff, to protect the academic environment and to assure that Mason County Schools respond to harassment and/or violence incidents when they occur in a manner that effectively deters future incidents and affirms respect for individuals.

Harassment or violence on the basis of race, sex, religion or ethnicity occurring in the work place or the educational environment is strictly prohibited and illegal. All employees are responsible for assuring that the workplace and educational environment is free from racial, sexual, religious/ethnic harassment or violence. Because of the District's strong disapproval of offensive or inappropriate sexual behavior at work and at school, all employees must avoid any action or conduct which could be viewed as sexual harassment.

Definitions and Examples

For the purposes of this section, and in compliance with West Virginia's regulations, the following terms are defined as such: Sexual Harassment - Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when: submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education;

- submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
- that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education; or creating an intimidating, hostile or offensive employment or educational environment.
- Sexual Harassment may include but is not limited to:
 - unwelcome verbal harassment of a sexual nature or abuse;
 - unwelcome pressure for sexual activity;
 - unwelcome, sexually motivated or inappropriate patting, pinching or physical contact;
 - unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
 - unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
 - unwelcome behavior, verbal or written words or symbols directed at an individual because of gender.
 - the use of authority to emphasize the sexuality of a student in a manner that prevents or impairs that student's full enjoyment of educational benefits, climate or opportunities.
- Racial Harassment - Racial harassment consists of physical, verbal or written conduct relating to an individual's race when the conduct:
 - has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
 - has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
 - otherwise adversely affects an individual's employment or academic opportunities.
- Religious/Ethnic Harassment - Religious/ethnic harassment consists of physical, verbal or written conduct which is related to an individual's religion or ethnic background when the conduct:
 - has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
 - has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
 - otherwise adversely affects an individual's employment or academic opportunities.
- Sexual Violence - Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts include the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing

covering these areas:

- sexual violence may include, but is not limited to:
 - touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
 - coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
 - coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another;
 - threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another; or,
 - threatening or forcing exposure of intimate apparel or body parts by removal of clothing.
- Racial Violence - Racial violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.
- Religious/Ethnic Violence - Religious/ethnic violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion or ethnicity.
- Assault - Assault is: (1) an act done with intent to cause fear in another of immediate bodily harm or death or (2) the threat to do bodily harm to another with present ability to carry out the threat.

Reporting Procedures

In each school building, the building principal is the person responsible for receiving oral or written reports of racial, sexual or religious/ethnic harassment or violence at the building level. Upon receipt of a report of student conduct, the principal must notify the Human Rights Officer promptly, and shall commence investigation of the complaint. Upon completing the investigation, and in most cases, not later than ten (10) working days of receiving the complaint, a written report will be forwarded to the Human Rights Officer and to the Superintendent.

If the report alleges employee misconduct, the building principal must promptly notify the Human Rights Officer who will initiate, or direct, an investigation of the complaint. This investigation may be conducted by school officials or third parties designated by the Superintendent. Within ten (10) working days of receiving the complaint, the investigating party shall provide a written status report to the Superintendent.

Anytime the report is given to the building principal verbally, the principal shall reduce it to written form before the close of the next working day. If the complaint involves the building principal, the complaint shall be made directly to the Human Rights Officer.

For school buildings/facilities which do not have a building principal, such as the transportation and maintenance departments, the Director of such building or facility will be the person responsible for receiving oral or written reports of racial, sexual or religious/ethnic harassment or violence. All other provisions of the paragraph above apply to such situations, except that the term "Director" shall be substituted for the term "building principal."

For the entire county, the School Board designates its Title IX Coordinator as the Human Rights Officer to receive reports or complaints of racial, sexual, or religious/ethnic harassment or violence from any individual, employee, or victim of racial, sexual, or religious/ethnic harassment or violence and also from the building principals as outlined above. If the complaint involves the Human Rights Officer, the complaint or report shall be filed directly with the Superintendent, who shall then be responsible for the investigation and recommendation described in the Investigation section of this policy. The name of the Human Rights Officer, including a mailing address and telephone number, shall be conspicuously posted in the office of each school building and in other buildings to which employees of the School Board are assigned to work.

Submission of a complaint or report of racial, sexual, or religious/ethnic harassment or violence will not affect the future employment, grades, or work assignments of the person who submits the complaint or report.

Use of formal reporting forms is not mandatory.

All alleged incidents of harassment or violence observed by faculty, staff, or other employees of the School Board must report the incident to either the building principal or the Human Rights Officer within twenty-four (24) hours of observing the incident.

The School Board's investigation of racial, sexual or religious/ethnic harassment or violence complaints will be conducted with maximum effort to protect the confidentiality of all those involved in the complaint or investigative process and to facilitate prompt resolution of the complaint. School officials may, in their discretion, take immediate steps to protect individual privacy and safety pending resolution.

Investigation and Recommendation

The individual(s) designated by this policy to investigate, shall, upon receipt of a report or complaint alleging racial, sexual, or religious/ethnic harassment or violence, immediately undertake to authorize an investigation. The investigation may be conducted by school officials or by a third party designated by the school officials if necessary. The investigating party shall provide a written report of the result of the investigation and a recommendation of discipline within ten (10) working days to the Superintendent and to the Human Rights Officer. If the Superintendent is the subject of the complaint, the report shall be submitted to the Human Rights Officer and to the President of the School Board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

In determining whether alleged conduct constitutes racial, sexual or religious/ethnic harassment or violence, consideration shall be given to the surrounding circumstances, the nature of the conduct involved, relationships between the parties involved, and the context in which the alleged incidents occurred.

The investigation must, at a minimum, consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstance(s) giving rise to the complaint. The investigation may also consist of any other methods, documents, and review of circumstances deemed pertinent by the investigator(s).

Confidentiality

Confidentiality of the filing of complaints, the identity of subjects and witnesses of any complaint, and of any action taken as a result of such complaints is essential to the effectiveness of this policy. Only those individuals necessary for the investigation and resolution of the complaint shall be given information about it. Therefore, the right of confidentiality of complainants, subjects, witnesses, and investigators will be vigorously protected and violations of such confidentiality may, itself, be grounds for disciplinary action.

Results of the Investigation

The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant and his/her legal guardian by the Superintendent, or, if the Superintendent is the subject of the complaint, by the President of the School Board.

Discipline and Other Actions

In determining the appropriate response and/or punishment, the School Board shall consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incident occurred.

- a) Upon receipt of a recommendation that the complaint is valid, the School Board will take such action as appropriate based on the results of the investigation. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, termination, and revocation of license.
- b) The School Board shall also initiate such other action as is appropriate to ease tensions and affirm the values of respect and understanding in accordance with this policy.

- c) The Superintendent shall immediately file a report with the West Virginia Department of Education of all reports of harassment or violence when an investigation shows that harassment or violence did occur and all actions taken in response to the incident.
- d) If a faculty or staff person is accused of a violation of this policy, the disciplinary procedures found in the regulations regarding disciplinary action shall apply.

Reprisal

The School Board will discipline, as appropriate, any individual who retaliates against any person who reports allegations of racial, sexual or religious/ethnic harassment or violence, or any person who cooperates, testifies, assists, or participates in any racial, sexual or religious/ethnic harassment or violence investigation, proceeding, or hearing. "Retaliation" includes, but is not limited to, any form of retaliation or intimidation, reprisal, coercion, provocation, or harassment. The School Board will also discipline, as appropriate, any person who falsely reports religious/ethnic, racial or sexual harassment.

Student-Employee Relationships Prohibited

Amorous relationships between employees of the School Board and students are prohibited, and staff members found to have violated this prohibition shall be subject to the penalties and disciplinary action defined herein.

Non-Harassment

The School Board recognizes that not every advance, conduct, or interaction of a racial, sexual or religious/ethnic or violent nature constitutes harassment. Whether a particular act, conduct, interaction, or incident is a personal, consensual, welcome interaction or social relationship without discriminatory motivation or effect on employment or education status will be determined based upon consideration of all facts and surrounding circumstances.

The School Board recognizes that not all reports of allegations of sexual, racial, and/or religious/ethnic harassment will result in findings that such an incident has occurred. However, the School Board encourages all persons who believe that they are a victim of such harassment to come forward and affirms its policy that no adverse action will be taken upon the filing of a complaint under this policy, unless it is shown, through investigation, that the complaint is patently false.

Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include the filing of charges with the West Virginia Human Rights Commission, filing an employee grievance under W. Va. Code § 18-29-1, *et seq.*, filing a Title IX grievance under the appropriate procedures, filing charges with the Federal Equal Employment Opportunity Commission, or initiating civil or criminal action under State and/or Federal law.

Sexual Harassment as Abuse

Under certain circumstances, sexual harassment may constitute child and/or sexual abuse under Chapter 49 of the West Virginia Code. In such situations, the School District and its employees shall comply with the provisions of law for reporting such abuse.

ACCOMMODATING EMPLOYEES WITH DISABILITIES: POLICY 1623; 2260.01; 3123; 4123

The School Board will make a reasonable accommodation to the known physical or mental impairment of a qualified individual with a disability, when necessary, to enable the qualified individual with a disability to perform the essential functions of the job. An individual with a disability has the responsibility to request an accommodation.

EMPLOYEE CODE OF CONDUCT: POLICY 3210; 4210

All employees must comply with the Mason County Board of Education's "Employee Code of Conduct," which establishes appropriate standards of conduct for all Mason County personnel.

Pursuant to the Mason County Board of Education's Employee Code of Conduct, all employees must respond immediately and consistently to incidents of bullying, harassment, intimidation, substance abuse, and/or violence or any other code of conduct violation that impacts negatively on students in a manner that effectively addresses incidents deters future incidents, and affirms respect for individuals.

All Mason County employees must also:

1. exhibit professional behavior by showing positive examples of preparedness, communication, fairness, punctuality, attendance, language, and appearance;
2. contribute, cooperate, and participate in creating an environment in which all employee/students are accepted and are provided the opportunity to achieve at the highest levels in all areas of development;
3. maintain a safe and healthy environment, free from harassment, intimidation, bullying, substance abuse, and/or violence, and free from bias and discrimination;
4. create a culture of caring through understanding and support;
5. immediately intervene in any code of conduct violation, that has a negative impact on students, in a manner that preserves confidentiality and the dignity of each person;
6. demonstrate responsible citizenship by maintaining a high standard of conduct, self-control, and moral/ethical behavior;
7. comply with all Federal, West Virginia and Mason County laws, policies, regulations and procedures.

CHANGE OF STATUS: POLICY 3124; 4124

Employees are required to notify the Director of Human Resources and Payroll Supervisor in writing when there is a change in any of the following:

Name
Telephone number
Address
Person to notify in case of emergency
Marital status
Number of dependents for W-4
Change of beneficiary

PERSONNEL FILES: POLICY 1230.01; 3122.01; 4122.01; 7540.04

The School Board shall maintain a confidential personnel file for each employee. Documents and data relating to each employee's employment with the School Board, including but not limited to the Handbook Statement of Acceptance, Drug Free Workplace, Internet Use Agreement Form, and documents relating to hiring, rate of pay, promotions, licensing and disciplinary actions, shall be kept in the personnel file. Any and all documents constituting or relating to medical records or information shall be kept in a separate, confidential file in compliance with applicable local, state and federal law. Any and all documents constituting or relating to grievance activity shall be kept in a separate, confidential file in compliance with applicable state law.

REFERENCE AND INFORMATION REQUESTS: POLICY 8310

The School Board will respond only to written requests for information about current, retired or terminated employees.

All such requests must be referred to the Director of Human Resources who will provide the following information: Dates of employment, Title(s) of position(s), Wage or salary level(s), and Work location(s).

Without a release and authorization from the individual involved, no opinion or assessment of job performance will be provided, including any Verification of Employment (VOE) requests. Only **authorized** persons shall provide information of any kind to inquiries made on or about a current or past employee of the Mason County School system. Authorized individuals include the Director of Human Resources and members of the Human Resources Department.

CONDITIONS OF EMPLOYMENT: POLICY 3120; 3124; 3124.01; 3124.02; 4120; 4124; 4124.01; 4124.02

All employees are expected to follow all rules, regulations, policies, and procedures established by School Board management, including but not limited to those set forth in this Handbook, to be eligible for continued employment. The conditions of employment described herein are not a guarantee of employment, or job security and may be altered at any time, with or without notice, at the Board's discretion.

SCHOOL BOARD-STAFF COMMUNICATION: POLICY 3112; 4112

The School Board desires to maintain open channels of communication between itself and the staff. The basic line of communication, will, however, be through the Superintendent.

Staff Communications to the School Board

All communications regarding the official business of the County from staff members to the Board or its committees should be preferably submitted through the Superintendent. The Superintendent shall forward such communications received from staff members to the Board no later than seven (7) days following receipt. If a staff member chooses to communicate directly with the Board regarding County business, then that communication should be sent to all members of the Board and the Superintendent should be copied as well. This procedure is not intended to deny any staff member his/her constitutional right of free speech or the right to appeal to or otherwise address the School Board on important matters through established procedures.

School Board Communications to Staff

All official communications, policies, and directives of the School Board that would be of interest and concern to the staff will generally be communicated through the Superintendent. The Superintendent shall also keep staff members informed of the School Board's concerns, and actions.

Social Interaction

Both staff and School Board members share an interest in the schools and in education generally, and it is to be expected that when they interact at social affairs and other functions, they will informally discuss such matters as educational trends, issues, and innovations, and general activities of the County. However, since School Board members are not authorized to act on behalf of the School Board unless by quorum, in open public session, or when specifically vested with such authority, School Board members and members of the staff should not discuss any matter which may result in the individual School Board member(s) making some decision and giving the staff member a directive as a result. In particular, School Board members should not discuss individual personalities, personnel grievances, or other complaints with staff members or others outside the appropriate setting. Instead, such matters should be addressed in accordance with the procedures established in the School Board policies.

For purposes of the Fair Labor Standards Act, the workweek for all employees of the School Board is defined as beginning at 12:00 a.m. Monday and ending at 11:59 p.m. Sunday.

WORK YEAR: POLICY 8210

A full-time staff member is employed for a specified number of work days during a school year. The number of days of employment is usually between 200 to 261 depending upon the scope and extent of an employee's responsibilities. The number of days of employment is approved by the School Board when an employee is initially hired. The number of days of employment runs between July 1 to June 30 of the following year.

An employee usually works the number of days of employment in accordance with a school calendar. The school calendar is developed by education staff at Mason County Schools in collaboration with the State Superintendent of Schools and the State Board of Education. The school calendar normally consists of a 200-day regular term and an extended school term of up to 40 days. The work schedule for staff employed on a 261-day basis includes all weekdays of the year with the exception of holidays observed in the school calendar and vacation periods.

An employee's number of days of employment may be reduced as a result of lack of funding, lack of need, or changes in the scope and delivery of the education program.

WORK WEEK: POLICY 6700

All employees of the School Board are expected to work a forty (40) hour workweek each week. Employees may regularly and routinely be scheduled to work less than a forty (40) hour workweek, however, the School Board retains the right to request an employee to perform his/her regular duties up to forty (40) hours during a workweek without additional compensation.

WORK DAY: POLICY 6700

The length of the school day for licensed and professional staff will be a minimum of eight hours and will continue until professional responsibilities to students are completed. Administrative meetings, curriculum development, student supervision, assigned duties, parent conferences, group or individual planning and extra-curricular activities may require hours beyond the stated minimum.

Work schedules for all other employees will be defined by the Superintendent or, his/her designee, and will be consistent with the Fair Labor Standards Act, West Virginia statutes, and provisions of this policy.

Working hours for all non-exempt employees of the School Board, including paraprofessionals, aides, secretaries, bus operators, and cafeteria, custodial and maintenance personnel, will conform to Federal and State laws and regulations including the Fair Labor Standards Act and County policy.

Exempt employees are individuals who are exempt from the FLSA minimum wage and overtime provisions. These employees include persons employed in bona fide executive, administrative, and professional positions. The salary requirement does not apply to teachers.

Working hours for all non-exempt employees of the School Board, including paraprofessionals, aides, secretaries, bus operators, and cafeteria, custodial and maintenance personnel, will conform to Federal and State laws and regulations including the Fair Labor Standards Act and County policy.

Non-exempt employees are not permitted to volunteer to perform services for or on behalf of the school system if the volunteer duties involve the same types of duties that the employees normally perform as a part of their regular duties for the school district

WORK SCHEDULES: POLICY 3251; 3255; 4255

The principal, with the approval of the Superintendent of Mason County Schools, establishes the school schedule and the work schedules for staff. Employees are responsible for reporting to work at the prescribed time and location. In the event of an emergency or other unusual circumstance, work hours may be changed to meet the demands of the job and to serve the public interest.

DAILY PLANNING PERIOD: POLICY 3270

Teaching staff who are regularly employed for a period of time more than one-half the class periods of the regular school days are provided at least one (1) paid planning period within each school instructional day to be used to complete necessary preparations for the instruction of students. A teacher shall not be assigned any responsibilities during this period, and the County shall not increase the number of hours to be worked by a teacher as a result of such teacher being granted a planning period.

Substitute teachers may be utilized to assist with classroom responsibilities in cases where the regular teacher is unavailable for teaching purposes as a result of this policy; however any substitute teacher who is employed to teach a minimum of two (2) consecutive days in the same position shall be granted a planning period.

A teacher may exchange his/her planning period for any compensation or benefit mutually agreed upon by the employee and the Superintendent of Schools or his/her agent. A teacher and the Superintendent or his/her agent may not agree to terms which are different from those available to any other teacher within the individual school or to terms which in any way discriminate among such teachers within the individual school. This shall be a written agreement, dated and signed by the employee/teacher and the Superintendent or his/her agent.

TIME AND ATTENDANCE REPORTS: POLICY 6700

Every employee classified as non-exempt employee is required to complete a time sheet for each week worked during the employee's employment term, reflecting the actual starting and ending times for each day worked and the total time worked. This time sheet shall include the employee's verification that the time sheet is an accurate statement of hours worked. The employee and the employee's immediate supervisor will each sign the time sheet prior to its submittal in a timely manner to the payroll office.

Employees classified as exempt employees are not required to file weekly time sheets, but must indicate days present and absent on the payroll report and initial the report.

ATTENDANCE AND PUNCTUALITY: POLICY 6700

All employees are expected to be present during their scheduled working hours. Absence without prior approval, chronic absences, habitual tardiness or abuses of designated working hours are all considered neglect of duty and will result in disciplinary actions, up to and including dismissal, unless otherwise required by State or Federal law.

Non-exempt employees who have not been granted prior approval by appropriate authority to work overtime may not arrive at their workstations or begin working earlier than their scheduled starting time and must leave their workstations and stop working at their scheduled ending time. Taking work home without prior approval shall not be permitted. Failure to comply with these requirements may result in disciplinary actions, up to and including dismissal.

ALL employees (including administrators) are required to use the Smartfind Absence Reporting System to report absences. *Even if your position does not require a substitute, you must report ALL absences through SmartFind.*

Failure to report an absence will be subject to the following disciplinary action:

- | | |
|----------------------------|------------------------------|
| A. 1 st Offense | Written Reprimand |
| B. 2 nd Offense | 1 day suspension without pay |
| C. 3 rd Offense | 2 day suspension without pay |
| D. 4 th Offense | Termination |

SCHOOL CLOSURE DUE TO INCLEMENT WEATHER AND SPECIAL CIRCUMSTANCES: POLICY 3431; 4431; 8210

Weather conditions or emergency circumstances may necessitate the closure of school or impose a delay in the opening of school. If required by law or a direction from the State Superintendent of Schools or designee, a make-up date for instruction shall be designated within the school calendar by converting a remaining non-instructional day to an instructional day.

If school remains open, staff who missed work must use Personal Leave for Illness and Other Causes (sick leave).

PAY PERIODS AND PAYDAYS: POLICY 6510.01

Pay Dates: 2014 – 2015

July 10, 2014	July 25, 2014
August 11, 2014	August 25, 2014
September 11, 2014	September 25, 2014
October 10, 2014	October 24, 2014
November 10, 2014	November 21, 2014
December 10, 2014	December 23, 2014
January 9, 2015	January 26, 2015
February 10, 2015	February 25, 2015
March 10, 2015	March 25, 2015
April 10, 2015	April 23, 2015
May 11, 2015	May 22, 2015
June 9, 2015	June 25, 2015

COMPUTATION OF OVERTIME PAY: POLICY 6700

Overtime compensation will be paid or compensatory time awarded for actual hours worked in excess of forty (40) during a given workweek. In computing the total number of overtime hours worked, time worked will be rounded to the nearest fifteen (15) minute increment. For example, one hour and five minutes will be rounded to one (1.0 hour) and one (1) hour and ten (10) minutes will be rounded to 1 hour and fifteen minutes (1 and ¼ hour).

Overtime compensation will be paid at the rate of one and one-half (1 1/2) times the employee's regular rate of pay for each hour worked in excess of forty (40) during a workweek. Generally, the regular rate will include all compensation earned by the employee during the workweek divided by the total number of hours worked.

In situations where an employee performs two (2) or more different duties during the workweek with differing regular compensation rates, such as his/her regular duty and an extra-curricular and/or extra-duty assignment, overtime compensation will be computed using one of the following methods:

(a) Weighted average method – This involves calculating the employee's regular rate of pay for the workweek by taking the weighted average of all jobs performed during the workweek. To find the weighted average, determine the employee's total earnings for the week and divide this total by the total number of hours worked on all jobs. Once the weighted average has been determined, overtime will be calculated at one and one-half (1 1/2) times this average.

(b) Separate rates method – This involves calculating the employee's regular rate of pay for the workweek by computing the rate for each job separately. The overtime rate is based on the regular rate that applies to the type of work performed during the hours in excess of forty (40). This method is available for hourly workers only and before it can be used, the employer and employee must agree (prior to the additional work being performed).

Violations of Overtime Policy

Any exempt or non-exempt employee who violates any provision of the Board's overtime policy, or any regulations or procedures related thereto, may be subject to disciplinary actions, up to and including dismissal.

PAYROLL DEDUCTIONS: POLICY 6520

An earnings statement is attached to each paycheck indicating gross wages, itemized deductions, and net pay. It is your responsibility to review your earnings statement each payday. Any errors or unexplained discrepancies should be reported to the Department's payroll office immediately.

Mandatory deductions from your paycheck are Federal Income Withholding Tax, State Income Withholding Tax, Social Security Withholding Tax (FICA), Medicare, and Teachers Retirement System Contribution. Other payroll deductions may be made based on authorization by the employee including: Insurance Premiums (Basic Health, Optional Life, Dependent Life); Credit Union; U.S. Savings Bonds; Combined Campaign for Charitable Organizations; Employee Association Dues; and other miscellaneous items.

HEALTH BENEFITS: POLICY 3419; 3419.02; 3420; 4419; 4419.02; 4420

The State of West Virginia, through the Public Employees Insurance Agency (PEIA) offers a flexible benefits program, and all employees shall have the opportunity to enroll in hospitalization, surgical, prescription drug, and other medical care benefits. For exclusions, information on pre-certification and applicable premium costs, employees should contact Public Employees Insurance Agency.

LIFE INSURANCE: POLICY 3419; 3419.02; 3420; 4419; 4419.02; 4420

A basic \$10,000 decreasing term life insurance policy is provided at no additional cost if enrolled for health benefits. If an employee is not enrolled for health benefits, she or he may enroll for basic life insurance at no cost. Optional life insurance is available up to \$500,000 with the cost based upon age. If an employee enrolls for more than \$100,000, a statement of health must be completed and approved. Dependent life insurance is available for an employee's spouse in amounts of \$5,000 to \$20,000 and child(ren) in amounts of \$2,000 to \$10,000.

FLEXIBLE BENEFITS: POLICY 3419; 3419.02; 3420; 4419; 4419.02; 4420

A Flexible Benefits Plan offered by American Fidelity Assurance Company enables employees to choose from among several options for dental, vision, and short-term and long-term disability insurance, as well as medical care and dependent care flexible spending accounts, and to pay for these benefits on a pre-tax basis. A Legal Plan is also available as a post-tax benefit option.

TUITION REIMBURSEMENT: POLICY 3242.01

Tuition reimbursement is available through the West Virginia Department of Education for professional personnel who hold a continuing contract, are required to renew his or her certificate, and are taking courses required and approved for renewal of certificate.

JOB-RELATED EXPENSES: POLICY 3440; 4440

The School Board will provide for the payment of the actual and necessary expenses, including traveling expenses, of any staff member incurred in the course of performing services for the Mason County School system, whether within or outside the County, under the direction of the School Board and in accordance with the Superintendent's administrative guidelines. The School Board shall pay the expenses of staff members when they attend professional meetings approved in accordance with the policy of this School Board and in accordance with the administrative guidelines of the Superintendent.

The validity of payments for job-related expenses shall be determined by the Treasurer/Chief School Business Official. Whenever a staff member is unable to provide required receipts for appropriate expenses, she or he will not be reimbursed.

CONTINUING EDUCATION (CE): POLICY 3242; 3243

Professional Staff

The purpose of CE is to improve the employee's knowledge as it relates to his/her job. All employees are required to receive 18 hours of CE each year and professionals may receive their 18 hours in one the following manner:

- County Provided CE
 1. The four days designated as CE Days in the school calendar (August 11, August 12, October 17, and March 19)
 2. August 11 and August 12 are mandatory CE day for all Mason County employees
 3. Any other county provided CE offered on a non-contract day
- School Provided CE
 1. Any pre-approved school provided CE
 2. School related CE must be based on needs as identified in the school strategic plan
- Conferences
 1. Conferences the professional attends may be used for CE
 2. The conference must relate to the professional's daily classroom responsibilities
 3. In order to receive CE credit for attendance at a conference, the professional must submit a completed Professional Meeting Request form and be approved prior to attending the conference
- CE is credited from July 1, 2014 through June 30, 2015
- All professionals are required to submit a record of their eighteen hours of CE annually.
- The record must be submitted prior to June 1, 2015 to the superintendent's CE designee
- Employees are expected to retain a copy for their records

Service Staff: POLICY 4242

The purpose of CE is to improve the employee's knowledge as it relates to his/her job and all employees are required to receive 18 hours of CE each year.

- If a service personnel employee cannot attend CE on the day(s) scheduled due to some type of catastrophic occurrence, they will be responsible to complete the following
 1. Notify their supervisor as far in advance as possible that they are unable to attend and enter their absence in SmartFind as appropriate (sick or personal day), Find appropriate replacement CE that they will take on their own time (not during contracted work days/hours)
 2. Write a request prior to taking the replacement CE that must be submitted to their direct supervisor, the superintendent, and the superintendent's CE designee for their approval
 3. Submit documentation/verification to their direct supervisor, the superintendent, and the superintendent's CE designee after completion of the required CE hours
- All service personnel are required to submit a record of their eighteen hours of CE annually
- Requests for funding must be pre-approved by the Service Personnel Staff Development Council
- CE hours must be related to the area on which you work. Meetings are not considered to be CE
- The form must be submitted prior to June 1, 2015 to the superintendent's CE designee
- Employees are expected to retain a copy for their records

EARLY NOTIFICATION OF RETIREMENT: POLICY 3140; 4140.01

Any professional or service employee who gives written notice to the School Board on or before the fifteenth day of January of the school year of their retirement from employment with the School Board at the conclusion of the school year shall be paid \$500 from the “Early Notification of Retirement” line item established for the Department of Education for this purpose, subject to appropriation by the Legislature.

If the appropriations to the Department of Education for this purpose are insufficient to compensate all applicable teachers, the Department of Education shall request a supplemental appropriation in an amount sufficient to compensate all such teachers. Additionally, if funds are still insufficient to compensate all applicable teachers, the priority of payment is for teachers who give written notice the earliest. This payment shall not be counted as part of the final average salary for the purpose of calculating retirement.

LIABILITY COVERAGE: POLICY 3420; 4420

The State Board of Risk and Insurance Management (BRIM) provides appropriate professional or other liability insurance for the School Board, teachers, supervisory and administrative staff members, service personnel, County Superintendent of Schools and School Board members.

The insurance covers any claim, demand, action, suit, or judgment by reason of alleged negligence or other acts resulting in bodily injury or property damage to any person within or without any school building, if, at the time of the alleged injury, the teacher, supervisor, administrator, service personnel employee, County Superintendent, School Board member, or employee was acting in the discharge of his/her duties, within the scope of his/her office, position of employment, under the direction of the Board of Education or in an official capacity as a County Superintendent or as a School Board member.

The insurance coverage amount is determined by the BRIM, but in no event is it less than \$1,000,000 for each occurrence

EXCESS LIABILITY COVERAGE: POLICY 3420; 4420

In addition to the liability insurance provided by the State, the School Board shall purchase, through the Board of Risk and Insurance Management, excess coverage of at least \$5,000,000 for each occurrence. The Mason County Board of Education pays for the cost of this excess coverage.

Any insurance purchased under this section shall be obtained from a company licensed to do business in this State. The insurance policy shall include comprehensive coverage, personal injury coverage, malpractice coverage, corporal punishment coverage, legal liability coverage as well as a provision for the payment of the cost of attorney’s fees in connection with any claim, demand, action, suit or judgment arising from such alleged negligence or other act resulting in bodily injury under the conditions specified in this policy.

The Superintendent and other school personnel shall be defended by the School Board or an insurer in the case of suit, unless the act or omission shall not have been within the course or scope of employment or official responsibility or was motivated by malicious or criminal intent.

FAMILY AND MEDICAL LEAVE POLICY AND NOTICE OF EMPLOYEE RIGHTS AND RESPONSIBILITIES: POLICY 3430.01; 4430.01

The School Board shall consider employees to be entitled to FMLA leave according to the definitions, criteria and notice procedure set forth in the FMLA and School Board Regulations. No policy, procedure or action by the School Board shall constitute a waiver of the requirements of the FMLA. The explanation of the FMLA is provided for general information and in compliance with the written notice requirement of the FMLA. Any specific questions or requests for FMLA should be directed to the Director of Human Resources. This Policy can be found in its entirety at the Mason County Schools website and is also available upon request to the Office of Human Resources.

WEST VIRGINIA PARENTAL LEAVE ACT: POLICY 3430.03; 4430.03

The West Virginia Parental Leave Act (PLA) provides that an employee hired for permanent employment, who has worked for at least twelve (12) consecutive weeks performing services for remuneration, shall be entitled to a total of at least twelve (12) calendar weeks of unpaid family leave following the exhaustion of all his/her annual and personal leave during any twelve (12) month period for the following reasons:

1. Birth of a son or daughter of the employee;
2. Placement of a son or daughter with the employee for adoption; or,
3. To care for the employee's son, daughter, spouse, parent or dependent who has a serious health condition.

In the case of a son, daughter, spouse, parent or dependent who has a serious health condition, such family leave may be taken intermittently when medically necessary. A serious health condition is defined as any physical or mental illness, injury or impairment which involves (1) in patient care in a hospital, hospice, or residential health care facilities, or (2) continuing treatment, health care, or continuing supervision by a health care provider.

If an employee requests family leave to care for a designated family member with a serious health condition, the employer may require the employee to provide certification by a health care provider of the family member's serious health condition.

If a leave under this section is foreseeable because of planned medical treatment or supervision, the employee shall (1) make a reasonable effort to schedule the treatment or supervision so as to not unduly disrupt the operations of the employer, subject to the approval of the health care provider of the employee's son, daughter, parent or dependent; and (2) provide the employer with two weeks written notice of the treatment or supervision.

The position held by the employee immediately before the leave is commenced shall be held by the employee and the employee shall be returned to that position provided that such leave does not exceed twelve (12) calendar weeks.

COBRA (CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT): POLICY 3420; 4420

Federal law entitles employees and covered dependents to continue medical coverage when coverage would otherwise terminate, provided the employees and/or dependents pay the full group premiums. Additional and more specific information may be attained from the Public Employees Insurance Agency.

RETIREMENT: POLICY 3420; 4420

All regular employees are required to join the West Virginia Consolidated Public Retirement Board. Individuals employed prior to July 1, 1991, become members of the Teachers' Defined Benefit Plan referred to as Retire I. Six percent (6%) of their salary is dedicated as the employee's contribution to their retirement plan and is matched by the employer.

Individuals employed on or after July 1, 1991, become members of the Teachers' Defined Contribution Plan referred to as Retire II. Four and one-half percent (4 1/2%) of their salary is dedicated as the employee's contribution and matched with seven and one-half percent (7 1/2%) by the employer.

HOLIDAYS: POLICY 3420; 4420

Employees are granted paid time off in observance of official school holidays if the days are within their contract period, these days are identified in the school calendar and explained in the calendar narrative.

OUTSIDE OF SCHOOL ENVIRONMENT DAYS: POLICY 3420; 4420

Six (6) paid non-instructional days are designated and scheduled within the regular term of the school calendar to be used by employees outside the school environment.

VACATION POLICY: POLICY 3433; 4433

Employees who obtain 261 day contracts after the first day of a month shall be entitled annually to 1.25 days vacation leave for each employment month.

- Employees may accumulate up to 45 days of vacation leave. Accumulated vacation leave in excess of 45 days as of August 31 of each year shall be lost. However, any unused vacation leave may be used to extend PEIA coverage or increase retirement benefits as provided by law.
- All vacation requests must be submitted in advance. All vacation must be approved by the employee's immediate supervisor and the Superintendent.

PERSONAL LEAVE FOR ILLNESS AND OTHER CAUSES (SICK LEAVE): POLICY 3431; 4431

The Mason County Board of Education shall abide by State law regarding personal leave established by the West Virginia State Legislature. It shall be the responsibility of the Superintendent to establish administrative regulations that provide for the use of personal leave and other forms of leave.

At the beginning of his / her employment term, each full-time employee of the Mason County Board of Education shall be entitled annually to one and one-half days personal leave for each employment month or major fraction thereof during his/her employment term. Personnel employed for a full-time equivalency (F.T.E.) of .5 or less shall receive personal days on a prorated basis. Unused leave shall be accumulative and shall be transferable within the state. A change in job assignment during the school year shall no way affect the employee's rights or benefits.

Personal Use Utilization

An employee shall qualify to use personal leave and be paid the full salary from his/her regular budgeted salary appropriation during the period which the employee is absent, as follows:

A. Personal Leave with Cause:

1. Personal injury due to an accident.
2. Personal sickness
3. Death in the immediate family is limited to the number of personal days an employee has accumulated.
4. Life threatening illness of the employee's spouse, parents, or child.

B. Personal Leave without Cause:

All regular full-time employees shall be permitted to take up to three (3) days of their personal leave days annually, without regard to the cause for the absence, except that personal leave without cause may not be taken on consecutive work days unless authorized or approved by the employee's principal or immediate supervisor. Notice of such leave day shall be given to the employee's principal or immediate supervisor at least twenty-four (24) hours in advance, except that in the case of sudden and unexpected circumstances, such notice shall be given as soon as reasonably practicable. The use of such day may be denied if, at the time notice is given, either fifteen percent (15%) of the employees or three (3) employees, whichever is greater, under the supervision of the principal or immediate supervisor have previously notified the principal or immediate supervisor of their intention to use that day for such leave. Personal Leave without cause shall not be used in connection with a concerted work stoppage or strike.

A maximum of two (2) Personal Leave without Cause days may be carried over to the next fiscal year for an annual maximum total of five (5) Personal Leave without Cause days.

Any employee taking leave in violation of the above stated reasons for granting personal leave shall be subject to disciplinary action up to and including termination.

Eligibility Requirements/Procedures

- Employees are expected to follow leave procedures (requests/approval/etc.), as directed by their supervisor.
- All claims for personal leave must be on the form(s) provided by the employer, signed by the employee, and submitted immediately upon return to work and presented to the employee's immediate supervisor for approval.
- A physician's written verification is required to be supplied by the employee to the employee's immediate supervisor after three (3) consecutive days of absence.
- The Board reserves the right at any time to have a physician of its choice to examine a personal leave claimant at the Board's expense.
- If an employee should use personal leave which the employee has not yet accumulated on a monthly basis and subsequently leave the employment, the employee shall be required to reimburse the Board for the salary or wages paid to him/her for such accumulated leave.

If any error in reporting absences should occur, the Board shall have authority to make necessary salary adjustments in the next pay after the employee has returned to duty or in the final pay if the absence should occur during the last month of the employment term.

If an employee is awarded workers' compensation benefits, such employee shall receive personal leave compensation only to the extent such compensation is required, when added to the workers' compensation benefit, to equal the amount of compensation regularly paid such employee. If personal leave compensation equal to the employee's regular pay is paid prior to the award of the workers' compensation benefit, such amount which, when added to the benefit, is in excess of the employee's regular pay shall be deducted from the employee's subsequent pay. The employee's accrued personal leave days shall be charged only for such days as equal the amount of personal leave compensation required to compensate the employee at the employee's regular rate of pay.

PERSONAL LEAVE BANK: POLICY 3432; 4432

The purpose of the Personal Leave Bank is to relieve Mason County School employees from undue financial burdens due to absence from work on a long-term basis due to suffering from a catastrophic medical emergency. Catastrophic medical emergency means a medical or physical condition that incapacitates an employee that is likely to require a prolonged absence of the employee from duty.

Membership

There are two separate personal leave banks administered by one committee, one bank for professional personnel and one for service personnel. All full-time employees or half-day (part time) employees of the Mason County Board of Education are eligible for membership on a voluntary basis.

Employees may join by signing a Personal Leave Bank Enrollment Form during the first month of employment with the two days being deducted for full time employees or one day for half day (part time) employees after six months of full employment for new employees.

Any employee who has donated the maximum of two days in a year for full time employees or one day for half time will remain an active member for the entire school year, unless they voluntarily withdraw or terminate employment.

An employee's membership and any claim for Personal Leave Bank days shall cease immediately upon the termination of their employment with the Mason County Board of Education. A member may withdraw his/her

membership from the Personal Leave Bank at any time upon written notice to the Personal Leave Bank Committee Chairperson.

If a part time employee is made full time, the employee must donate one additional day, to equal the full time donation requirements.

Establishment of Bank

For all employees who sign a sick leave bank enrollment form for the first time, two (2) days will be taken from the employee's allotment of personal leave days. The total days volunteered from all professional members and all service members will comprise the respective personal leave banks.

After the initial year of enrollment, when a bank is depleted below twenty-five (25) days, the members of that bank will be notified that they must donate at least one day to remain a member. However, a member may contribute more than one day not to exceed two personal leave days per school year. Enrollment forms must be returned to committee members within ten (10) working days of the date of official request for days.

By donating the personal days, the employee relinquished all claim to those days. For new member enrollees, a Personal Leave Bank Enrollment Form must be completed and submitted to the county office during the first month of employment of a fiscal year (i.e., July for twelve (12) month employees, September for 200-day employees.) This opportunity to join the Bank will be available to all eligible employees each year. Any employee who fails to enroll during the first month of employment may not become a member until the following July for twelve (12) month employees or the following September for all others.

Eligibility for Use of Personal Leave Bank

Personal Leave Bank days may only be used by members who have donated days since or during the most recent contribution of days into the bank. Personal Leave Bank days may be used only by an active member who has exhausted all accumulated sick leave, personal leave, and vacation days. A Personal Leave Bank Request for Days Form must be filled out and submitted to the Personal Leave Bank Committee Chairperson to apply for days from the bank.

A detailed letter from the employee's physician is required to document need before the committee will consider the request to use bank days. In case a member has been incapacitated, his/her application may be submitted to the committee on their behalf by an agent or member of the family. The employee must be on BOE approved medical leave prior to making a request to the sick leave bank.

Operation of Sick Leave Bank

Upon approval by the above committee, a maximum of one hundred and twenty (120) days will be deposited in the members account, subject to review by the committee. The Personal Leave Bank Committee must approve all requests for donations before they are forwarded to the payroll department. Unused bank days deposited in the members account will revert to the bank at the end of each fiscal year (June 30) or at such time that the employee is able to return to regular employment. The member may appeal to the committee in the event an initial request or a renewal request is denied. The appeal will be considered if sufficient new data is provided.

No member who is receiving payments from the West Virginia Worker's Compensation Fund, or have settled claims related to the same injury or illness shall be permitted to receive days from the sick leave bank. Alleged abuse of the bank shall be investigated by the Superintendent or his/her designee. Upon finding of such abuse by the Superintendent, the employee shall be required to repay all of the personal leave days drawn from the bank and shall be subject to disciplinary action up to and including termination. A member may appeal the committee's decision to the Superintendent who has the authority to overturn the committee's decision according to all of the rules herein.

The committee will make every effort to respond to a request for days to be awarded to a member within five (5) working days.

Limitations

The use of such days with the extension of insurance coverage pursuant to West Virginia State Code (section 12, article sixteen, chapter five) is prohibited. Therefore, the employee's insurance coverage will continue for one calendar year after the expiration of the employee's personal leave days (sick days), and bank days may not be used to extend insurance coverage.

An employee is not required to reimburse the bank for the days used by him/her, unless abuse is found by the Superintendent or the committee. Normal pregnancies shall not be considered as eligibility for Personal Leave Bank days.

Bank days will not be available for occasional cold, flu, elective surgery, etc. If the committee determines by a majority vote, that revisions to this policy are necessary and in order, a recommendation shall be made to the Mason County Board of Education for its consideration and subsequent approval.

LEAVE DONATION BANK: POLICY 3432.02; 4432.02

Employees (donor employees) are authorized to transfer accrued personal leave days to designated employees (recipient employees) under the following conditions:

1. A donor employee may transfer an unlimited number of accrued personal leave days to a spouse.
2. A donor employee may transfer up to five (5) days of accumulated personal leave days per year to a recipient employee who is not the spouse of the donor employee.
3. All decisions to transfer accrued personal leave must be voluntary.
4. A donor employee must designate the recipient employee.
5. The recipient employee must be currently experiencing a "catastrophic medical emergency" (medical condition that incapacitates an employee or a member of the employee's immediate family for whom the employee will provide care, which medical condition is likely to require the prolonged absence of the employee from duty, and which will result in a substantial loss of income to the employee because the employee has exhausted all accrued personnel leave, including leave awarded by a leave bank, or who has exhausted all accrued personal leave and who is ineligible for an award of additional leave from a leave bank). The Superintendent, or the Superintendent's designee, shall be the sole judge upon the question of whether an employee is experiencing a "catastrophic medical emergency."
6. The recipient employee must require additional personal leave as a result of a catastrophic medical emergency.
7. Donated leave may not be used to qualify for or add to service for any retirement system administered by the State or to extend health insurance coverage provided by PEIA.
8. Donated leave shall be deducted from a donor employee's accrued personal leave, but shall not be deducted from personal leave available for use without cause if sufficient general personal leave days are available for donation.
9. Donated leave transferred to a recipient employee shall be credited on a day for day basis without regard to the hourly wage value of the leave.
10. Donated leave transferred to a recipient employee that is unused following the end of a catastrophic medical emergency (the end of a catastrophic medical emergency may be occasioned by the death of a recipient employee) shall be returned to the donor employee. The Superintendent, or the Superintendent's designee, shall be the sole judge upon the question of whether a catastrophic medical emergency has ended. In the event the donor employee is no longer employed upon a determination that a catastrophic medical emergency has ended, any unused donated leave shall be deducted from the recipient employee's accumulated personal leave.
11. An employee may not be coerced or compelled to contribute accumulated personal leave under the terms of this program.
12. A recipient employee is not eligible to receive donations of personal leave from other donor employee until the exhaustion of all donated personal leave.
13. A request to donate leave under this program must be submitted by completion of a form published for this purpose.

JURY DUTY: POLICY 3235; 4235

The School Board believes that jury duty is a matter of civic obligation. Upon request in writing, an employee will be granted leave with pay when he or she is summoned to serve on a jury. The Board shall pay the difference between that allowed for such jury service and the amount of salary due the person for such period of time. Leave requests must be accompanied by a copy of the summons and sent to the Director of Human Resources.

COURT APPEARANCE: POLICY 3236; 4236

Any employee who is subpoenaed to appear as a witness but not as a defendant in any criminal proceeding in any court of law may make such appearance without any loss of pay. Absent proof that a child custody proceeding is criminal, an employee who is subpoenaed to testify in the proceeding is not entitled to do so without loss of pay or personal leave. The Board of Education will pay the employee the difference between the witness fee, exclusive of travel allowances, payable for such appearance by the court and the amount of salary due to the person for the time such employee is absent from his or her employment by reason of answering such subpoena.

MILITARY LEAVE: POLICY 3437; 4437

An employee who is a member of the national guard or armed forces reserves, shall be entitled to a military leave of absence from the Board without loss of pay, status or efficiency rating, on the days during which they are ordered, by properly designated authority, to be engaged in drills, parades or other duty, field training or active service of the State, for a maximum period of thirty (30) working days in any one (1) calendar year.

An employee called to active duty by the properly designated Federal authority shall be entitled to military leave of absence from the Board without loss of pay, status or efficiency rating for a maximum period of thirty (30) working days for a single call to active duty. If the employee called to active duty has not used all or some portion of the thirty (30) working days of military leave of absence granted by the first paragraph of this policy, he or she shall be entitled to add the number of unused days from that calendar year to the thirty (30) working days granted by this paragraph, up to a maximum of sixty (60) days for a single call to active duty. However, none of the unused days of military leave of absence granted by the first paragraph may be carried over and used in the next calendar year. Employees returning from such active duty shall be re-employed in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994.

The term "without loss of pay" means that the employee shall continue to receive his/her normal salary or compensation, notwithstanding the fact that such employee may have received other compensation from Federal or State sources during the same period.

UNAPPROVED LEAVE: POLICY 3430; 4430

All employees are expected to work the number of days listed on their contract or use approved leave from one of the categories listed in this handbook. Leave without pay or "dock days" are not permitted. It is the employee's responsibility to ensure all absences fall within approved types of leave. The use of unapproved leave, either purposeful or inadvertent, may be subject to suspension without pay and/or termination.

REPORTING ACCIDENTS: POLICY 8442

Employees are expected to follow safety instructions and to comply with procedures established to prevent accidents. An employee has the responsibility to immediately report all health and safety problems to his or her immediate supervisor.

Employees are expected to follow county procedure to report accidents and personal injuries that involve school students, employees, and/or school vehicles.

REPORTING INJURIES: POLICY 8442

The Occupational Safety and Health Act of 1970 requires the School Board to record and report all occupational accidents resulting in injury to an employee connected with his work. Additionally, the workers' compensation laws of the State of West Virginia require reporting of all occupational accidents within 24 hours following the occurrence. In view of the above reporting responsibility, all accidents resulting in injury to an employee during the course of employment are to be immediately reported to the employee's supervisor or the Director of Human Resources.. Even if the injury is minor and it appears that there will be no for time off for treatment or recovery, the report must still be made.

WORKERS' COMPENSATION: POLICY 8442.01

West Virginia State law requires workers' compensation to be provided to all employees of the School Board. An employee who sustains an on-the-job injury must notify his/her supervisor immediately and complete all required forms in order for a workers' compensation claim to be made.

CONFLICTS OF INTEREST: POLICY 3113; 4113

The proper performance of school business is dependent upon the maintenance of unquestionably high standards of honesty, integrity, impartiality, and professional conduct by Board of Education employees. Therefore, the following prohibitions and guidelines are not all inclusive. The employees must continue to exercise sound judgment to assure that conflicts of interest do not occur.

No employee shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the school system.

Employees shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment with the County.

Included, by way of illustration rather than limitation are the following:

- a. the provision of any private lessons or services for a fee; provided, however, that tutorial services may be offered by appropriate teaching personnel at a fee negotiated between the student or client, their parent or parents, and the professional, with prior approval of the Superintendent;
- b. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's employment or through his/her access to County records;
- c. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals;
- d. the requirement of students or clients to purchase any private goods or services provided by an employee or any business or professional practitioner with whom any employee has a financial relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations.

Employees shall not make use of materials, equipment, or facilities of the County in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.

Exceptions to this policy shall be approved by the Mason County Superintendent of Schools before entering into any private relationship.

STAFF GIFTS: POLICY 3214;4214

Staff members may accept gifts of nominal value from students or parents. The Superintendent may approve acts of generosity to individual staff members in unusual situations.

Upon the recommendation of the Superintendent, the School Board shall consider, as appropriate, the presentation of token gifts to retiring members of the staff who have rendered service for a period of time.

Staff members shall not accept any form of compensation from vendors that might influence their recommendations on the eventual purchase of equipment, supplies, or services. Furthermore, staff members shall not accept any compensation from a vendor after a decision has been made to purchase equipment, supplies, or services from said vendor. In addition, staff members who recommend purchases shall not enter into a contractual arrangement with a vendor seeking to do business with the School Board, or a vendor with whom the School Board is doing business, whereby an individual staff member receives compensation in any form for services rendered. Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that a staff member receives such compensation, albeit unsolicited, from a vendor, the staff member shall notify the Treasurer, in writing, that he or she received such compensation and shall thereafter promptly transmit said compensation to the Treasurer.

CONFIDENTIALITY: POLICY 8350

In accordance with WVDE Policy 4350 and the Family Educational Rights and Privacy Act of 1974 (FERPA), all employees have an absolute duty to maintain the confidentiality of records as required by law. Employees, by the nature of their occupation, are exposed to confidential information which should not be repeated or discussed except with those recognized by law as having the “right to know” the information. Any employee who is not sure whether particular information may be protected by state or federal confidentiality policies/laws should seek clarification from his or her immediate supervisor or the Director of Student Services. Where violations occur, appropriate disciplinary action will be taken.

COPYRIGHT INFRINGEMENT: POLICY 2531

Infringement of copyright is prohibited by law and is addressed by West Virginia Board of Education Policy 5711. Employees must adhere to the copyright law in regard to the reproduction of print and non-print materials. This includes books, periodicals, videodiscs, compact discs, videotapes, 16 mm films, filmstrips, software, videoconferences, television programs, and any other media affected by copyright laws.

ACCEPTABLE USE PROCEDURES: POLICY 7530.01; 7530.02; 7540; 7540.01; 7540.04; 7542

Statement of Objective

The Mason County School District embraces the use of technology to promote educational excellence, resource sharing and communication, innovative instruction and provide electronic access to a wide range of information. Use of our technology must be in support of education and/or research or for school business. Use must also support West Virginia Content Standards and Objectives, and be in accordance with all West Virginia Board of Education Policies.

As the use of telecommunication networks by students increase, there is a need to clarify acceptable use and safety of those networks and to include federal regulations from the Children's Online Privacy Protection Act (COPPA) and the Children's Internet Protection Act (CIP A).

Privileges

The use of the Internet as part of an educational program is a privilege, not a right. Inappropriate or unauthorized use or safety violations could result in revocation or suspension of that privilege.

Each employee who utilizes internet and electronic telecommunication systems will also receive training and have a signed acceptable use agreement on file.

Education and Monitoring

The use of telecommunications and or access to the Internet is an extension of the educator's responsibility in his/her classroom. Therefore, it is the educator's responsibility to ensure classroom activities that utilize Internet-related technologies that focus on appropriate and specific learning goals and objectives. Educators are also responsible for providing instruction on Internet safety issues including but not limited to: security of personal information, cyber-bullying, manners, and social networking. The WVDE on-line curriculum will be used by educators to fulfill the safety education requirements. To avoid duplication of effort at the district/school levels, the WVDE will provide a method and instructional modules that allow districts/schools to certify compliance with the new FCC regulations regarding Internet safety policies. The policies must provide for educating students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyber bullying awareness and response. Instructional information regarding the WVDE method and curriculum content for certifying that students have been educated about appropriate online behavior can be found at <http://wvde.state.wv.us/technology/cipa-compliance.php>. This WVDE method will provide documentation that districts have met the annual E-rate compliance requirements of educating students regarding appropriate use. The districts and schools are encouraged to go beyond this basic compliance if so desired.

Accountability and Responsibility

All student use of Internet-related applications must be authorized by the educator. Specific examples of unauthorized use include, but are not limited to the following:

- Executing non-educational gaming.
- Creating, storing, sending, or viewing pornographic material.
- Downloading executable files, uploading, storing, or saving any games, music, utilities, screen savers, zip files, and/or executing viruses,
- Using e-mail user ID's other than one's own ID.
- Corrupting, destroying, deleting, or manipulating system data with malicious intent.
- Violating safety and/or security measures when using e-mail, chat rooms, and other forms of direct electronic communications. Chat rooms and/or use of instant messaging programs are prohibited unless they are needed for educational use only and under the supervision of the instructor.
- "Hacking" or any other unlawful online activity.
- Disclosing, using, or disseminating personal information regarding minors.
- Users will respect the rights of copyright owners.
- Mason County Schools(MCS)/school equipment that is used off site is subject to the same rules as when used on site.
- Students and staff are expected to use MCS and school-owned technology in a responsible, efficient, ethical, and legal manner in accordance with the educational mission of the state, district, and school. The

use of such technologies may be restricted or revoked for inappropriate behavior or use.

- Students and staff are encouraged to use MCS and school equipment whenever possible.
- Keep educational files and e-mail messages stored on servers to a minimum. Users should responsibly back up their data and files. MCS may set individual storage limits.

Unauthorized or unacceptable use of personal technology devices by students may result in suspension or revocation of personal device privileges. These uses include, but are not limited to, the following:

- Using personal devices to gain or give an advantage in a testing situation.
- Using personal devices during class that are not approved by the school or the individual teacher (e.g. cell phones, smart phones, tablets, digital cameras, MP3 players, and laptops).
- Downloading and installing MCS licensed software on personal devices unless specifically allowed by the licensing agreement.
- Using personal devices to bypass filtering, circumvent network security, or in violation of the acceptable use standards which normally apply to district-owned technology.
- Using personal devices for violations related to cyber bullying and harassment.

Penalties for Improper Use:

- In the event that there is an allegation that a student or employee has violated the Acceptable Use Policy, his/her student service account will be disabled cutting off access to the school's internal network and all internet websites until an administrative investigation may be conducted.
- As a part of the administrative investigation, the student or employee will be provided with a written notice of the alleged violation and an opportunity to present an explanation of the alleged violation of computer protocol.

E-mail Accounts

- The WVDE and WVNET can only monitor those e-mail accounts issued to the "k12.wv.us" Microsoft365 server, which is administered by WVDE and Mason County Office of Technology.
- The privacy of electronic email cannot be guaranteed

Web Publishing

- The county/school's web page(s) will adhere to the WVDE State Policy 2460. Every effort will be made to provide links relating to the county and school curriculum.
- Student pictures and names may be published on the school/county web site at the discretion of the school/county. Parental permission will be obtained. Student's last names, home address, home telephone, credit card information, mother's maiden name, and other personal information will not be published.

Network Etiquette

Users are expected to abide by the accepted rules of network etiquette. These include, but are not limited to the following:

- Be polite. Do not write or send abusive messages to others.
- Use appropriate language. Do not swear, use vulgarities or any other inappropriate language.
- Do not reveal the personal home address or phone number of students or colleagues. Messages related, to or in support of illegal activities may be reported to the authorities.
- Do not use the Internet in a way that would disrupt the use of the Internet by others (e.g., downloading large files during prime time; sending mass e-mail messages).

Security

Users who identify a security problem on the system must notify a system administrator. Users must not demonstrate the problem to others.

Plagiarism and Copyright Infringement:

- Users will not plagiarize works that they find on the Internet. Plagiarism is taking the ideas of writings of others and presenting them as if they were original to the user.
- Users will respect the rights of copyright owners. Copyright infringement occurs when an individual inappropriately reproduces a work that is protected by a copyright.

Vandalism

Vandalism will result in revocation of user privileges. Vandalism is defined as an attempt to harm or destroy data of another user or any connections that are part of the Internet.

Safety

- Safety measures must be enforced to carry out policies at the state, county, and school to implement the intent of CIPA, COPPA and E-rate guidelines.
- The WVDE, county school systems and schools, in partnership with WVNET will organize technical protection measures to guard against visual depictions that are "inappropriate to minors." Filtering will be installed at the state and county level for Internet access.
- The county school system will add other electronic filters at the local level.

Protecting the School's Computer Network

- Any attempt to disrupt the school's computer network through viruses, modification or deletion of files is strictly prohibited.
- Routine maintenance and monitoring of the system will be conducted to assure proper use of this electronic network.

Federal Children's Internet Protection Act (CIPA) 2009

Federal Children's Online Privacy Protection Act (COPPA) 1998

West Virginia Board of Education Policies 2460 and 2470

West Virginia Code §126-41-1

SOCIAL NETWORKING GUIDELINES: POLICY 7540

Please keep in mind that all employees have a professional image to uphold and how we conduct ourselves online impacts this image. Online identities are very public and can cause serious repercussions if behavior is careless.

One of the hallmarks of online networks, both social and educational, is the ability to "friend" or "follow" others – creating a group of others that share interests and personal news. The district does not recommend accepting invitations to *friend or follow* students within social networking sites. When students gain access into a network of friends and acquaintances and are able to view personal photos and communications, the student-employee dynamic is altered. It is important to maintain a professional relationship with students to avoid relationships that could cause bias in the classroom or other school setting.

For the protection of your reputation the district recommends the following practices:

- Do not accept students as friends on social networking sites. Decline any student-initiated friend requests.
- Do not initiate friendships with students.
- Remember people classified as "friends" or "followers" have the ability to download and share your information with others.
- Post only what you want the world to see. Imagine students, their parents, your administrator, visiting your site. Once you post something it may be available even after it is removed from the site.
- Do not discuss students, or coworkers.
- Visit your profile's security and privacy settings to ensure online security.
- Do not use commentary deemed to be defamatory, obscene, proprietary, or libelous. Exercise caution with regards to exaggeration, colorful language, guesswork, obscenity, copyrighted materials, legal conclusions, and derogatory remarks or characterizations.
- Weigh whether a particular posting puts your effectiveness as an employee at risk.
- If a staff member learns of information, on the social networking site that falls under the mandatory reporting guidelines, they must report it as required by law.

TELEPHONE CALLS: POLICY 7530.01; 7530.02

All telephones are for the purpose of conducting official business. The School Board recognizes that employees have an occasional need to make a local call or receive a personal call. These calls shall be held to a minimum. Excessive use of a PCD and/or cell phone for personal business during work hours shall be considered willful neglect of duty and may result in disciplinary action.

SOLICITATION: POLICY 3231.01; 4231.01

Direct or indirect political solicitation on state property or at any state work site is prohibited. Nonpolitical solicitation, sales, and/or distribution of literature or merchandise by state employees and/or non-state employees is prohibited on state property or at any work site without the written permission of the Superintendent of Mason County Schools.

USE OF MASON COUNTY SCHOOLS' PROPERTY: POLICY 7510

Employees have the responsibility to use Mason County Schools' property in accordance with the following:

1. An employee is prohibited from using, for other than officially approved activities, Mason County Schools' property of any kind, including property leased to Mason County Schools.
2. An employee has an obligation to protect and conserve Mason County Schools' property, including equipment and supplies.
3. Any owned or leased property of Mason County Schools that is lost or misplaced must be reported to the employee's immediate supervisor within twenty-four (24) hours of discovery of the loss.

DRESS CODE: POLICY 3216; 4216

Staff members must be physically clean, neat, and well groomed and dress in a manner consistent with their professional responsibilities, that communicates to students a pride in personal appearance, and that does not cause damage to County property. Staff members must be groomed in such a way that their hair style or dress does not disrupt the educational process nor cause a health or safety hazard.

Repeated violations of the dress code will subject the employee to disciplinary action which, depending on the severity, may result in termination of employment.

SAFE SCHOOLS: POLICY 8400; 8402; 9900

It is the responsibility of every staff member to report all violations of the Student Code of Conduct (Policy 5500) to the principal/lead teacher. All staff have a personal responsibility for reducing the risk of violence and must take steps to maintain order, demonstrate mutual respect for one another and ensure that students receive the help they need. Staff shall not carry or possess a deadly weapon in the workplace or on the grounds of a school.

**PREVENTION AND CONTROL OF COMMUNICABLE AND OTHER INFECTIOUS DISEASES:
POLICY 3160.01; 4160.01; 5320; 5321; 8405; 8450; 8453**

Any teacher having information concerning any person who attempts to enter school for the first time without having been immunized against diphtheria, polio, rubeola, rubella, tetanus and whooping cough shall report the names of all such persons to the county health officer.

PHYSICAL/MENTAL EXAMINATION: POLICY 3160; 3160.01; 4160; 4160.01; 4160.02

The School Board or Superintendent reserves the right to require, after a conditional offer of employment, that the candidate submit to an examination in order to determine the physical and/or mental capacity to perform the essential functions of the position. Examinations will be done in accordance with the Superintendent's guidelines.

Reports of all such examinations or evaluations will be delivered to the Superintendent, who will protect their confidentiality. Reports will be made a part of a confidential medical file. Upon receipt of the medical report, the Superintendent shall base any non-employment recommendation upon a conference with a physician and substantiation that the job candidate cannot perform the essential functions of the job, with or without reasonable accommodation. The School Board shall assume any costs for required examinations.

REPORTING OF CHILD ABUSE AND NEGLECT (MANDATORY REPORTING): POLICY 1613; 8462

When any staff member has reasonable cause to suspect that a child is neglected or abused or observes a child being subjected to conditions that are likely to result in neglect or abuse, the staff member shall immediately, and not more than 48 hours after suspecting this abuse, report the circumstances. Compliance with these reporting procedures is required by state law (W. Va. Code § 49-6A-2). Failure to report suspected child abuse or neglect may result in a fine or incarceration, or both.

TOBACCO USE AND DISTRIBUTION: POLICY 2414; 3215; 3170.01; 4170.01; 4215; 7434

For purposes of this policy, "use of tobacco" shall mean all uses of tobacco, including a cigar, cigarette, pipe, snuff, chewing, or any other matter or substances that contain tobacco.

In order to protect students and staff who choose not to use tobacco from an environment noxious to them, and because the School Board cannot, even by indirection, condone the use of tobacco, the School Board prohibits the use and the distribution of tobacco by staff members:

- on any property owned, leased or operated by the West Virginia Department of Education, West Virginia Board of Education, a county board of education or a Regional Education Service Agency (hereinafter RESA);
- at any education-sponsored event;
- on a school bus or other vehicle used for a school related event or other school/county or RESA function;
- at any school-sponsored activity or event, whether the activity or event is held on school grounds, in a building or other property used or operated by a county board of education, RESA or the West Virginia Department of Education, West Virginia Board of Education.

Individuals supervising students off school grounds are prohibited from using tobacco products in the presence of students and/or at any time while engaged in activities directly involving students.

Enforcement provisions for staff may include, but are not limited to: referral to an Employee Assistance Program, conference with supervisor and disciplinary actions up to and including dismissal.

WEAPONS: POLICY 3217; 4217; 7217

Unless otherwise authorized by law, pursuant to West Virginia Code §§ 61-7-2; 61-7-11; 61-7-1a, no person shall possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance into any school or school buildings, school premises or school buses, or on any grounds or premises in or upon which any school activities are taking place.

FIRE EVACUATION: POLICY 8405; 8420

There are some basics to fire evacuation which are as follows:

- If an employee spots a fire, he/she must report it immediately by pulling the nearest fire alarm, usually located near exits. The Fire Department should be called and the location reported.
- Never use elevators during a fire.
- Don't panic. Move quickly, but orderly, towards the nearest exit and leave the building.

UNAUTHORIZED WORK STOPPAGE: POLICY 3531; 4531

Staff members who fail to perform their normal duties when so required as part of a concerted, unauthorized work stoppage will be subject to disciplinary action, up to and including termination of employment.

DISCIPLINARY RULES: POLICY 3139; 3139.01; 3141; 4139; 4139.01; 4140

Discipline and discharge of employees is and must remain solely within the discretion of the School Board. In determining the appropriate action to be taken, the School Board, based on recommendation of the Superintendent, may consider the nature of the offense, the circumstances and the employee's previous record. This list below is not all inclusive or complete, but is provided as examples of some of the most common infractions found in an employment setting. The School Board retains the right to discipline or discharge any employee at any time with or without notice, cause, or compensation.

Some examples of offenses that could result in an oral warning for the first offense, a written warning for the second offense, and suspension or discharge for a third offense:

1. Chronic tardiness; poor attendance
2. Unauthorized absence from job or work area
3. Use of foul, abusive, offensive, threatening, indecent or discourteous language
4. Inefficiency or negligence in the performance of duties
5. Inability or unwillingness to work with others
6. Insubordination

Some examples of offenses that could result in immediate suspension with or without pay or immediate discharge:

1. Careless or improper use or neglect of School Board property and equipment
2. Sleeping on the job
3. Absence without notification
4. Excessive absenteeism
5. Committing, participating in, and/or failing to report illegal discrimination or sexual or other unlawful harassment
6. Unlawfully using, manufacturing, selling, distributing, dispensing, possessing, transporting, trafficking in, or being under the influence of any alcoholic beverages, drugs or controlled substances during the course of employment, including but not limited to while on School Board property, while in School Board vehicles, or as part of or in connection with any School Board activities, or otherwise violating the Alcohol, Drugs, and Controlled Substances Policy set forth in this Handbook
7. Assault of a fellow employee, representative of management, customer or member of the general public while at work or representing the School Board.
8. Refusal to perform assigned lawful tasks or performing in an insubordinate manner
9. Destruction or unauthorized use of School Board property
10. Unauthorized possession of firearm on School Board property
11. Gross insubordination, defined as:
 - (a) Failure to follow School Board rules, regulations, policies or procedures including but not limited to those set forth in this Handbook;
 - (b) Willfully disobeying the instructions of a supervisor and/or member of management;
 - (c) Using abusive, threatening, or profane language in speaking with a supervisor and/or member of management; or
 - (d) Assaulting a representative of management

12. Deliberate or careless conduct
13. Unethical conduct
14. Violation of School Board, rules, regulations, policies and procedures, including but not limited to those set forth in this Handbook
15. Violation of any State or Federal criminal statutes

Some examples of offenses that could result in immediate discharge:

1. Theft
2. Sabotage
3. Unauthorized releases or disclosure of any confidential information
4. Misappropriation of School Board property
5. Falsification of records or reports of any kind, including but not limited to records of time worked, records of work performed, reports required by regulatory agencies, or reports of injury
6. Assault
7. Violation of School Board rules, regulations, policies or procedures including but not limited to those set forth in this Handbook

GRIEVANCE PROCEDURE: POLICY 3340; 4340

The purpose of this procedure is to provide a procedure for employees of Mason County Schools to reach solutions to problems which arise between them within the scope of their respective employment relationships to the end that good morale may be maintained, effective job performance may be enhanced and the citizens of the community may be better served.

A grievance may be resolved informally by stipulation or settlement agreed to in writing by the parties. Nothing in this procedure shall prohibit the exercise of any hearing right provided in W.Va. Code Chapters 18 and 18A. Parties to grievances shall at all times act in good faith and make every possible effort to resolve disputes at the lowest level of the grievance procedure. This procedure can be found in its entirety on the Mason County Schools website and is available upon request of the Office of Human Resources.

OFFICE FOR CIVIL RIGHTS: POLICY 3122; 4122

The Office for Civil Rights (OCR) in the United States Department of Education (Department) is responsible for enforcing Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, or age by recipients of Federal financial assistance (recipient(s)) from the Department.¹ Although a significant portion of the complaints filed with OCR in recent years have included retaliation claims, OCR has never before issued public guidance on this important subject. The purpose of this letter is to remind school districts, postsecondary institutions, and other recipients that retaliation is also a violation of Federal law. This letter seeks to clarify the basic principles of retaliation law and to describe OCR's methods of enforcement.

The ability of individuals to oppose discriminatory practices, and to participate in OCR investigations and other proceedings, is critical to ensuring equal educational opportunity in accordance with Federal civil rights laws. Discriminatory practices are often only raised and remedied when students, parents, teachers, coaches, and others can report such practices to school administrators without the fear of retaliation. Individuals should be commended when they raise concerns about compliance with the Federal civil rights laws, not punished for doing so.

The Federal civil rights laws make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws. If, for example, an individual brings concerns about possible civil rights problems to a school's attention, it is unlawful for the school to retaliate against that individual for doing so. It is also unlawful to retaliate against an individual because he or she made a complaint, testified, or participated in any manner in an OCR investigation or proceeding. Thus, once a student, parent, teacher, coach, or other individual complains formally or informally to a school about a potential civil rights violation or participates in an OCR investigation or proceeding, the recipient is prohibited from retaliating (including intimidating, threatening, coercing, or in any way discriminating against the individual) because of the individual's complaint or participation. OCR will continue to vigorously enforce this prohibition against retaliation.

If OCR finds that a recipient retaliated in violation of the civil rights laws, OCR will seek the recipient's voluntary commitments through a resolution agreement to take specific measures to remedy the identified noncompliance.⁴ Such a resolution agreement must be designed both to ensure that the individual who was retaliated against receives redress and to ensure that the recipient complies with the prohibition against retaliation in the future. OCR will determine which remedies, including monetary relief, are appropriate based on the facts presented in each specific case.

Steps OCR could require a recipient to take to ensure compliance in the future include, but are not limited to:

- training for employees about the prohibition against retaliation and ways to avoid engaging in retaliation;
- adopting a communications strategy for ensuring that information concerning retaliation is continually being conveyed to employees, which may include incorporating the prohibition against retaliation into relevant policies and procedures; and
- implementing a public outreach strategy to reassure the public that the recipient is committed to complying with the prohibition against retaliation.

If OCR finds that a recipient engaged in retaliation and the recipient refuses to voluntarily resolve the identified area(s) of noncompliance or fails to live up to its commitments in a resolution agreement, OCR will take appropriate enforcement action. The enforcement actions available to OCR include initiating administrative proceedings to suspend, terminate, or refuse to grant or continue financial assistance made available through the Department to the recipient; or referring the case to the U.S. Department of Justice for judicial proceedings. OCR is available to provide technical assistance to entities that request assistance in complying with the prohibition against retaliation or any other aspect of the civil rights laws OCR enforces. Please visit <http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm> to contact the OCR regional office that serves your state or territory.

RESIGNATION: POLICY 3140.01

Any teacher who fails to fulfill his or her contract with the School Board, unless prevented from so doing by personal illness or other just cause or unless released from such contract by the Board, or who violates any lawful provision thereof, shall be disqualified to teach in any other public school in the State for a period of the next ensuing school year and the State Department of Education or Board may hold all papers and credentials of such teacher on file for a period of one (1) year for such violation. The marriage of a teacher is not considered a failure to fulfill, or violation of, the contract.

Any classroom teacher, as defined in W. Va. Code § 18A-1-1, who desires to resign employment with the Board, with such resignation to become effective on or before the fifteenth (15th) day of July of the same year and after completion of the employment term, may do so at any time during the school year by written notification and any such notification received by a Board shall automatically extend such teacher's public employee insurance coverage until the thirty-first (31st) day of August of the same year.]

TERMINATION: POLICY 3141; 4140

The Superintendent has the authority to recommend dismissal of any personnel to the School Board.

The School Board may dismiss any person in its employment at any time for: immorality, incompetency, cruelty, insubordination, intemperance, willful neglect of duty, unsatisfactory performance, and/or the conviction of a felony or a guilty plea or a plea of *nolo contendere* to a felony charge.

A charge of unsatisfactory performance shall not be made except as the result of an employee performance evaluation.

The charges shall be stated in writing served upon the employee within two (2) days of presentation of said charges to the School Board. The employee so affected shall be given an opportunity, within five (5) days of receiving such written notice, to request, in writing, a level four (4) hearing and appeals pursuant to W. Va. Code § 18-29-1 et seq., except that dismissal for the conviction of a felony or guilty plea or plea of *nolo contendere* to a felony charge is not by itself a grievable dismissal. An employee charged with the commission of a felony may be reassigned to duties which do not involve direct interaction with students pending final disposition of the charges.

The continuing contract of any teacher shall remain in full force and effect except as modified by mutual consent of the School Board and the teacher, unless and until terminated: (1) by a majority vote of the full membership of the School Board on or before the first Monday of April of the then current year, after written notice, served upon the teacher, return receipt requested, stating cause or causes and an opportunity to be heard at a meeting of the Board prior to the Board's action thereon; or (2) by written resignation of the teacher before that date, to initiate termination of a continuing contract. Such termination shall take effect at the close of the school year in which the contract is so terminated.

A continuing contract does not prevent a teacher's dismissal based upon the lack of need for the teacher's services pursuant to the provisions of law relating to the allocation to teachers and student-teacher ratios. The written notification of teachers being considered for dismissal for lack of need shall be limited to only those teachers whose consideration for dismissal is based upon known or expected circumstances which will require dismissal for lack of need. An employee who was not provided notice and an opportunity for a hearing pursuant to the provisions in the preceding paragraph may not be included on the list. In case of such dismissal, the teachers so dismissed shall be placed upon a preferred list in the order of their length of service with that School Board, and no teacher shall be employed by the Board until each qualified teacher upon the preferred list, in order, shall have been offered the opportunity for reemployment in a position for which they are qualified provided that s/he has not accepted a teaching position elsewhere. Such reemployment shall be upon a teacher's preexisting continuing contract and shall have the same effect as though the contract had been suspended during the time the teacher was not employed.

DRUG FREE WORKPLACE: POLICY 3122.01; 3170; 3170.01; 4122.01; 4162; 4170; 4170.01

The School Board's drug free workplace policy applies to all of its employees. The School Board implements this policy to provide for a Drug-Free Workplace for all persons in Mason County's public schools. This policy aims to ensure that the Mason County BOE's workplaces are free of illegal drugs and controlled substances by prohibiting the unlawful manufacture, distribution, possession or use, without medical authorization, illegal or controlled substances and/or alcohol; the reporting to work under the influence of a non-medically prescribed controlled substance or alcohol; or possession of non-medically prescribed paraphernalia. The policy's primary goal is to ensure that alcohol and illegal drug and/or controlled substance use is eliminated in the workplace and that the workplace is safe, healthful, productive, and secure for its employees and citizens.

The policy is applicable while employees are engaged in any work-related activity which includes performance of agency business during regularly scheduled work days, meal breaks, and/or occasions having a connection with the job or the agency.

Possession and/or distribution of a controlled substance will be dealt with promptly in accordance with legal and administrative disciplinary procedures.

Employees who are in violation of the provisions of the Drug-Free Workplace Act shall be subject to disciplinary action up to and including termination and/or may be required to satisfactorily participate in a drug rehabilitation or assistance program. Rehabilitation will be provided according to the guidelines of the Public Employees Insurance Agency.

The School Board will take appropriate personnel action for any employees that violate this policy.

AS A CONDITION OF EMPLOYMENT WITH THE MASON COUNTY BOE, EMPLOYEES SHALL:

- **ABIDE BY THE TERMS OF THIS POLICY; COMPLIANCE IS MANDATORY.**
- **NOTIFY THEIR SUPERVISOR OR DEPARTMENT HEAD OF ANY CRIMINAL DRUG STATUTE CONVICTION FOR A VIOLATION OCCURRING IN THE WORKPLACE, NO LATER THAN 5 DAYS AFTER SUCH CONVICTION; AND**
- **SIGN THE "DRUG-FREE WORKPLACE VERIFICATION STATEMENT," WHICH STATES THAT THE EMPLOYEE IS AWARE OF THE POLICY AND SHALL ABIDE BY ITS TERMS.**

This policy is in compliance with W. Va. Code R. §126-8-1, State Board of Education Policy 1461.

For the purposes of this section, and in compliance with West Virginia's regulations, the following terms are defined as such:

- Alcohol: Alcoholic beverages and any other intoxicating liquid which contains alcohol.
- Controlled Substance: A federally regulated substance listed in Exhibit A and/or Schedule I through V of Section 202 of the Control Substance Act (21U.S.C. 812) and W. Va. Code § 60A-2-201, et seq., (which may be amended from time to time), when taken into the body, may impair one's mental faculties and/or physical performance.
- Conviction: A finding of guilty (including a plea of *nolo contendere*) or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State Criminal Drug Statutes.
- Criminal Drug Statute: A criminal statute involving the manufacture, distribution, dispensation, use, or possession of any controlled substance.
- Drug-Free Workplace: A worksite where work is performed in connection with the employee's Department of Education employment. The workplace shall include facilities, property, buildings, offices, structures, automobiles, trucks, trailers, other vehicles, and parking areas, whether owned or leased by the agency or entity.
- Employee: Any person who works full-time, part-time, or under contract, including management or temporary staff who are directly engaged in the performance of work pursuant to the mission of the Department of Education.
- Federal Agency: An agency as that term is defined in section 552(f) of Title IV, United States Code.
- Grantee: Any department, division, unit, or any person responsible for the performance of work under the provisions of a federal grant.
- Illegal Drug: Any drug which is not legally obtainable and is being used in a manner or for a purpose other than as prescribed.
- Legal Drug: Prescribed drugs and over-the-counter drugs which have been legally obtained and are being used solely for the purpose for which they were manufactured or as prescribed by a physician.

STUDENT SUPERVISION AND WELFARE: POLICY 3213; 4213

Professional staff shall maintain a standard of care for the supervision, control, and protection of students commensurate with their certification, classification, assigned duties and/or responsibilities and are expected to establish and maintain professional staff/student boundaries that are consistent with their legal, professional and ethical duties of care for students.

The Superintendent shall maintain and enforce the following standards:

- A. A professional staff member who transports students in a private vehicle shall do so in accordance with Policy [8660](#).
- B. A professional staff member shall report to a building administrator any accident, safety hazard, or other potentially harmful condition or situation s/he detects in a reasonably prompt manner.
- C. A professional staff member shall provide proper instruction in safety matters as presented in assigned course guides.
- D. Each professional staff member shall immediately report to a building administrator knowledge of threats of violence by students in a reasonably prompt manner.
- E. A professional staff member shall not send students on any personal errands for the benefit of the staff member or other school employees.
- F. A professional staff member shall not associate or fraternize with students at any time in any manner that may give the appearance of impropriety, including, but not limited to, the creation of, instigation,

encouragement of, or participation in any situation or activity that could reasonably be considered abusive or sexually suggestive or involve harmful substances such as illegal drugs, alcohol or tobacco. Any romantic, sexual or other inappropriate conduct, including mere communication of such nature, with a student by any staff member will subject the offender disciplinary action by the Board, up to and including termination of employment.

- G. If a student approaches a staff member to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc., the staff member may attempt to assist the student by facilitating contact with certified or licensed individuals in the County or community who specialize in the assessment, diagnosis, and treatment of the student's stated problem. However, under no circumstances should a staff member attempt, unless properly licensed and authorized to do so, to assess, diagnose, or treat the student's problem or behavior, nor should such staff member inappropriately disclose personally identifiable information concerning the student to third persons unless specifically authorized to do so by law. A report of the staff member's actions with regard to the student shall be made to the school principal or other appropriate supervisory person no later than the end of the following school day.
- H. A student shall not be required to perform work or services that may be detrimental to his/her health.
- I. Professional staff members are strongly discouraged from engaging students on interactive media sites, such as Facebook, Twitter, MySpace, YouTube, Skype, blogs, etc., except when such communication is directly related to curricular matters or co-curricular/extracurricular events or activities with prior approval of the principal.
- J. Professional staff members are prohibited from electronically transmitting any personally identifiable image of a student(s), including video, photographs, streaming video, etc. via email, text message, or through the use of social media and/or online networking media, such as Facebook, Twitter, YouTube, MySpace, Skype, blogs, etc., unless such transmission has been made in connection with a pre-approved curricular matter or co-curricular/extracurricular event or activity such as a school-sponsored publication or production in accordance with Policy [5722](#).

Since most information concerning a child in school, other than directory information described in West Virginia Board of Education Policy 4350 and in Policy [8330](#), is confidential under Federal and State laws, any staff member who shares confidential information with another person not authorized to receive the information may be subject to discipline. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse.

A professional staff member who has reasonable cause to suspect that a student is neglected or abused or observes the student being subjected to conditions that are likely to result in abuse or neglect, shall immediately, and not more than forty-eight (48) hours after suspecting this abuse, report the circumstances or cause a report to be made to the West Virginia Department of Health and Human Resources. (Policy 8462)

CORPORAL PUNISHMENT: POLICY 5630

While recognizing that students may require disciplinary action in various forms, the Board of Education cannot condone the use of unreasonable force and fear as an appropriate procedure in student discipline.

Professional staff should not find it necessary to resort to physical force or violence to compel obedience. If all other means fail, staff members may always resort to removal of the student from the classroom or school through suspension or expulsion procedures.

No physical punishment of any kind can be inflicted upon a student. This includes:

- A. hitting or striking a student on their physical person;
- B. requiring physical activity as a punishment (this does not apply to physical activity within the structure and context of extracurricular activities);
- C. use of noxious stimuli (e.g. pepper spray), denial of food or water or other negative physical actions to control behavior; and
- D. seclusion – a removal in which a student is left unsupervised in a dark area or in any space as an intervention or consequence to inappropriate behavior. (See Policy 5630.01 – Seclusion and Restraint for appropriate methods of seclusion.)

Professional staff as well as service personnel staff, within the scope of their employment, may use and apply reasonable force and restraint to quell a disturbance threatening physical injury to others, to obtain possession of weapons or other dangerous objects upon or within the control of the student, in self-defense, or for the protection of persons or property. Staff shall be trained to utilize restraint methods.

SECLUSION AND RESTRAINT: POLICY 5630.01

Restraint - the use of physical force to significantly restrict the free movement of all or a portion of a student's body.

Seclusion - a removal in which a student is left unsupervised in a dark area or in any space as an intervention or consequence to inappropriate behavior.

Emergency - a situation in which a student's behavior poses a threat of imminent, serious physical harm to the student or others or serious property destruction.

It is the policy of the Board of Education to allow reasonable force to be used to restrain a student from hurting himself/herself or any other person or property. All students, including students with disabilities, must be treated with dignity and respect. Behavior interventions and support practices must be implemented in such a way as to protect the health and safety of the students and others. When the use of physical restraint is necessary, a school employee and/or independent contractor may use restraint in an emergency as defined above with the following limitations:

- A. Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency. Procedures and maneuvers that restrict breathing (e.g. prone restraint), place pressure or weight on the chest, lungs, sternum, diaphragm, back, neck or throat, or may cause physical harm are prohibited.
- B. Restraint shall be discontinued at the point at which the emergency no longer exists.
- C. Restraint shall be implemented in such a way as to protect the health and safety of the student and others.
- D. Restraint shall not deprive the student of basic human necessities.

Use of Physical or Mechanical Restraints

Appropriate (intended use) utilization of mechanical restraints such as seat belts or feeding tables when applied for their intended purpose is not prohibited; however, the application of mechanical restraint is prohibited as an intervention or consequence for inappropriate behavior.

Mandatory Training for Staff

School employees and/or independent contractors who, as determined by the principal, may need to use restraint shall be provided training according to the following requirements:

- A. A core team of personnel in each school must be trained annually in the use of a nationally recognized restraint process. The team must include an administrator or designee and any general or special education personnel likely to use restraint.
- B. Personnel called upon to use restraint in an emergency and who have not received prior training must receive training within thirty (30) days following the use of restraint if the principal determines that there is a reasonable likelihood that the situation leading to the use of restraint will reoccur.
- C. Training on use of restraint must include prevention and de-escalation techniques and provide alternatives to the use of restraint.
- D. All trained personnel shall also receive instruction in current professionally accepted practices and standards regarding behavior interventions and supports.

Documentation and Reporting

Comprehensive documentation and immediate notification on use of restraint is required. In a case in which restraint is used, school employees, volunteers and/or independent contractors shall implement the following documentation requirements:

A. Time Requirement

Immediately following the use of restraint (within one (1) hour)

Documentation/Notification

The principal or designee must be provided verbal and written notification that restraint was used on a given student with a description of the restraint process used.

B. Time Requirement

Same Day

Documentation/Notification

A good faith effort shall be made to verbally notify the parents/guardians regarding the use of restraint.

C. Time Requirement

Within one (1) school day

Documentation/Notification

Written notification of the use of restraint must be placed in the mail or otherwise provided to the parent/guardian.

D. Time Requirement

Within one (1) school day

Documentation/Notification

Written documentation regarding the use of restraint must be placed in the student's official school record. The information must be available to determine the relationship of a student's behavior as it impacts the student's learning and/or the creation or revision of a behavior intervention plan.

Written notification to the parents/guardian and documentation to the student official school record shall include the following:

- A. name of the student;
- B. name of the staff member(s) administering the restraint;
- C. date of the restraint and the time of the restraint began and ended;
- D. location of the restraint;
- E. narrative that describes antecedents, triggers, problem behavior(s), rationale for application of the restraint and the efforts made to de-escalate the situation and alternatives to restraint that were attempted; and
- F. documentation of all parental contact and notification efforts.

Disciplinary Action for a Violation of This Policy

In addition to any penalty prescribed by law, the Superintendent is directed by this policy to see that a Board employee who intentionally, knowingly or recklessly violates this policy is subject to disciplinary action up to and including dismissal. A Board employee engages in conduct "intentionally" if, when s/he engages in the conduct, it is his/her conscious objective to do so. A Board employee engages in conduct "knowingly" if, when s/he engages in the conduct, s/he is aware of a high probability of a violation of this policy. A Board employee engages in conduct "recklessly" if s/he engages in conduct in violation of this policy in a plain, conscious, and unjustifiable disregard of harm that might result to a student and the disregard involves a substantial deviation from acceptable standards of conduct established by this policy.

Retaliation for Fully Implementing or Reporting Violations

No Board employee shall be permitted to retaliate against a person for reporting or objecting to actions in violation of this policy or providing information regarding a violation of this policy.

WHISTLEBLOWER PROTECTION: POLICY 1411; 3211; 4211

The Board of Education expects all its employees to be honest and ethical in their conduct, and to comply with applicable State laws, Federal laws, and Board policies. The Board encourages staff to report possible violations of these Board expectations to their immediate supervisors.

If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, the employee may report to the Superintendent. If the reported conduct relates to the Superintendent, the report may be filed directly with the Board President.

Definitions

The following words and phrases when used in this policy have the meanings as established in West Virginia law, unless the context clearly indicates otherwise:

- A. "Appropriate authority" means a federal, state, county or municipal government body, agency or organization having jurisdiction over criminal law enforcement, regulatory violations, professional conduct or ethics, or waste; or a member, officer, agent, representative or supervisory employee of the body, agency or organization. The term includes, but is not limited to, the office of the attorney general, the office of the state auditor, the commission on special investigations, the Legislature and committees of the Legislature having the power and duty to investigate criminal law enforcement, regulatory violations, professional conduct or ethics, or waste.

- B. "Employee" means a person who performs a full or part-time service for wages, salary, or other remuneration under a contract of hire, written or oral, express or implied, for the Board.
- C. "Employer" means a person supervising one or more employees, including the employee in question, a superior of that supervisor, or an agent of the Board.
- D. "Good faith report" means a report of conduct defined in this article as wrongdoing or waste which is made without malice or consideration of personal benefit and which the person making the report has reasonable cause to believe is true.
- E. "Waste" means an employer or employee's conduct or omissions which result in substantial abuse, misuse, destruction or loss of funds or resources belonging to or derived from federal, state or political subdivision sources.
- F. "Whistle-blower" means a person who witnesses or has evidence of wrongdoing or waste while employed with the Board and who makes a good faith report of, or testifies to, the wrongdoing or waste, verbally or in writing, to one of the employee's superiors, to an agent of the employer or to an appropriate authority.
- G. "Wrongdoing" means a violation which is not of a merely technical or minimal nature of a federal or state statute or regulation, of a political subdivision ordinance or regulation or of a code of conduct or ethics designed to protect the interest of the public or the employer.

The Board may not discharge, threaten or otherwise discriminate or retaliate against an employee by changing the employee's compensation, terms, conditions, location or privileges of employment because the employee, acting on his own volition, or a person acting on behalf of or under the direction of the employee, makes a good faith report or is about to report, verbally or in writing, to the employer or appropriate authority an instance of wrongdoing or waste.

The Board may not discharge, threaten or otherwise discriminate or retaliate against an employee by changing the employee's compensation, terms, conditions, location or privileges of employment because the employee is requested or subpoenaed by an appropriate authority to participate in an investigation, hearing or inquiry held by an appropriate authority or in a court action.

An employee alleging a violation of this article must show by a preponderance of the evidence that, prior to the alleged reprisal, the employee, or a person acting on behalf of or under the direction of the employee, had reported or was about to report in good faith, verbally or in writing, an instance of wrongdoing or waste to the employer or an appropriate authority.

Employees are subject to disciplinary action, up to and including termination, for purposely, knowingly, or recklessly making a false report under this policy.

The Board shall post notices and use other appropriate means to notify employees and keep them informed of protections and obligations set forth in the provisions of WV Code 6C-1.

STUDENT DISCIPLINE: POLICY 5600

The Board of Education recognizes the need for students, teachers, administrators, and other school personnel to have a safe and supportive educational environment that is conducive to learning. The Board believes further, that schools should undertake proactive, preventive approaches to ensure a positive school climate/culture that fosters learning and personal-social development. Schools must create, encourage, and maintain a safe, drug-free, and fear-free school environment in the classroom, on the playground, and at school-sponsored activities. Assuring such an educational environment requires a comprehensive plan supported by everyone in the school organization, as well as parents/guardians and the community.

This policy sets forth unacceptable behaviors that undermine a school's efforts to create a positive school climate/culture. These unacceptable behaviors are prohibited on all school property and school sponsored events. The school system must respond quickly and consistently, in accordance with these regulations, to incidents of these prohibited behaviors in a manner that effectively deters future incidents and affirms respect for individuals.

All school employees are responsible for providing a safe and supportive school climate/culture. When incidents of inappropriate behavior are witnessed by or reported to school staff and substantiated, the behavior shall be addressed consistently in accordance with the Interventions and Consequences outlined in this policy and with the school implementation plan.

The expectations outlined in this policy apply during any education-sponsored event, whether in a classroom, elsewhere on school premises, on a school bus or other vehicle used for a school related event, or at a school-sponsored activity or event, whether or not it is held on school premises, in a building or other property used or operated by the Board, Regional Education Service Agency (RESA), West Virginia Department of Education (WVDE), or in another facility or upon any other property being used by any of these agencies.

These expectations apply to students, staff and public guests respectively as noted within the policy. The consequences of violating these expectations are as follows:

- A. Students will be subject to the interventions and consequences in this policy.
- B. School staff will be subject to disciplinary and/or licensure action in accordance with WV Code 18A-2-8, 18A-3-2a, 18A-3-3 and 18A-3-6 and in Board Policy [3139](#) - Staff Discipline and Policy [4130](#) – Staff Discipline.
- C. Public guests in the schools will be subject to removal from school property/events and appropriate notification of local authorities as warranted.
- D. This policy does not supersede any rights granted to special education students by Federal or State law or other West Virginia State Board of Education policies.

Students, parents and spectators will be informed by public address systems that this policy remains in force on evenings, weekends and any other time that school is not in session.