

**FENTRESS COUNTY
BOARD OF EDUCATION**

**MIKE JONES
DIRECTOR OF SCHOOLS**

PERSONNEL POLICIES

**Adopted
July 1, 2008**

FENTRESS COUNTY BOARD OF EDUCATION PERSONNEL POLICIES

All classified employees shall be employed under a uniform yearly contract.

EMPLOYEES: All Full-Time Classified Personnel

A full-time employee is one working 35 hours per week.

LEAVE POLICY:

PAID VACATION:

Any 12-month employee shall earn 1 day of paid vacation per month employed. These days are eligible to be taken at the employee's discretion with their supervisor's approval.

ANNUAL LEAVE:

No annual leave days are earned by any employee.

SICK LEAVE:

12-month employees shall earn 8 sick day leave days per fiscal year. These days may be accumulated up to 19 days. Upon leaving the system, employees shall be paid.

All other full-time classified employees shall earn 6 sick days per employment contract.

USE OF SICK LEAVE:

Sick leave may be taken due to sickness of self as well as sickness to immediate family. A notice is required for absences beyond two days.

MATERNITY LEAVE:

Any available vacation days may be used for maternity leave days. Accumulated sick leave days may be used for maternity leave. If the above days are not utilized for maternity leave, the leave shall be unpaid and shall fall under the FM Leave Policy and state stature (TCA 4-21-408) (see FML statement).

MILITARY LEAVE:

Military leave without pay shall be granted to employees for the time necessary when the employee is on active duty or when the reserve unit has been called to active duty.

JURY DUTY:

Any employee called for jury duty during work hours will be provided such time with no loss in pay or benefits. Any fees or remuneration the employee receives during such leave shall be turned over to the Fentress County School System.

FAMILY AND MEDICAL LEAVE POLICY:

See Attached

FAMILY AND MEDICAL LEAVE POLICY

Under the federal Family and Medical Leave Act of 1993 (FMLA), eligible county employees are entitled to up to twelve (12) work weeks of unpaid leave during each 12-month period beginning July 1, for the birth of a child, the placement of a child for adoption or foster care, a serious health condition of the employee that makes the employee unable to perform the functions of his or her job, or the serious health condition of spouse, son, daughter or parent which requires the employee's presence. Both male and female employees are eligible for leave in connection with the birth or placement of a child or a family illness, but special rules may apply if both husband and wife are county employees. Subject to certain conditions, accrued paid leave may be substituted for unpaid FMLA leave.

Eligible employees are those who have been employed by the county for at least 12-months, and who have worked at least 1,250 hours during the 12-month period immediately before leave is requested.

An employee must provide a least thirty (30) days advance notice of the need to take FMLA leave under normal circumstances. Medical certification also may be required.

It is the policy of Fentress County to grant its employee leave in accordance with the requirements of the Family and Medical Leave Act. All employees should have a copy of the FMLA Fact Sheet, and employees may obtain additional copies of the publication as well as additional information about the FMLA and their rights and obligations under that law from their supervisor, or by contacting the County Attorney.

In addition to the FMLA, Tennessee has a maternity leave law (T.C.A. 4-21-408) which applies to all employers who employ 100 or more full-time employees at a job site or location. This state law allows employees who have been employed for twelve (12) months to take up to four (4) months of unpaid leave for pregnancy, childbirth and nursing the infant. To be eligible for this leave, the employee must give at least three (3) months advance notice, except in cases of medical emergency. This leave will run concurrently with any leave to which the employee may be entitled under the FMLA or otherwise. Subject to certain conditions, accrued paid leave may be substituted for the unpaid maternity leave. Employees may obtain a copy of the Tennessee maternity leave statute by contacting the County Attorney.

RECORD KEEPING:

Employees shall sign and indicate daily on forms provided from the director's office the type of leave taken and the duration. On the 1st and 15th of each month, this form shall be forwarded to the payroll clerk for record keeping and storage. The payroll clerk shall keep an individual record for each employee's leave days accumulated or used. On the first pay period of the fiscal year, each employee shall receive notice of accumulated leave available to them. No time sheet means no pay check.

WAGE ND HOUR POLICY

The work week for all employees shall be Monday through Friday unless otherwise designated by the supervisor.

The salary paid to these employees shall be compensation for all hours worked up to 40 hours per week. The actual work schedule for each employee will be arranged by that employee's supervisor.

The following full-time job categories shall work a 7-hour day: Teacher assistants, and cooks. This 7-hour day shall include a half hour paid lunch period. The salary paid to these employees shall be compensation for all hours worked up to 35-hours per week. The actual work schedule for each employee shall be arranged by that employee's supervisor.

The base work year for classified employees shall be 167 days unless otherwise noted. Any additional days shall be paid at the employee's hourly wage.

All wages paid shall reflect time sheets submitted.

OVERTIME:

Overtime is defined as time worked in excess of 40-hours per week. Non-exempt employees, as described herein, who work over 40-hours in a work week are entitled to either of the following at the board's discretion: (A) Pay in the amount of 1.5 times their regular hourly rate, or (B) compensation at 1.5 times the hours worked. This comp. time shall be utilized by the end of the next pay period, unless otherwise approved by the director. Time sheets shall reflect when comp. time is utilized. According to C.T.A.S. (page 6) the maximum accumulation of overtime hours is 240. Supervisors will verify these hours with hours listed on the employee's time report before signing this report. Falsifying these records is a crime under T.C.A. Section 39-16-504.

TIME RECORDS:

Employees are required to record their hours worked on forms provided by the director's office. All classified employees are required to fill out the time sheets daily. Time sheets shall be signed and submitted to the supervisor on the 1st and 15th of each month or as designated by the director. Supervisors shall verify hours with their signature and forward to the central office. The payroll clerk shall compile for pay purposes and file for future reference.

NON-DISCRIMINATION

Fentress County is an equal opportunity employer and does not discriminate as to race, color, religion, sex, national origin, age, disability or status in any other group protected by law. This policy extends to all terms and conditions of employment, including, but not limited to hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training. It is the policy of the Fentress County Board of Education to make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in undue hardship. Employees or applicants with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of the immediate supervisor or department head. Employees can raise concerns and make complaints without fear of reprisal and with the assurance of protection from harassment or retaliation. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

DRUG AND ALCOHOL TESTING FOR EMPLOYEES:

See Attached

SEXUAL HARASSMENT POLICY:

See Attached

FENTRESS COUNTY SCHOOL SYSTEM

DRUG AND ALCOHOL TESTING POLICY

The Fentress County School System is dedicated to providing safe and efficient service to our students and employees. The goal of the Fentress County School System is, therefore, to provide our employees and students with an environment which promotes health and safety.

In order to meet this goal, we hereby endorse the Federal Highway Administration's anti-drug and alcohol policy and regulations. The Fentress County School System will not tolerate unauthorized use, abuse, possession or sale of controlled substances by its employees. Drug and alcohol testing will be an integral part of our program. The Fentress County School System will provide training and education to its employees to achieve an alcohol and drug-free environment.

POLICY OBJECTIVES

To create and maintain a safe, drug free environment for all employees and students.

To reduce the likelihood of incidents of accidental personal injury or damage to property.

To comply with Federal Laws, specifically the requirements of the Omnibus Transportation Testing Act of 1991.

SUBSTANCE SCREENING

APPLICANTS:

Substance screening is required for all final applicants applying for a position for which drug or alcohol testing is required by the provisions of the Omnibus Transportation Act of 1991.

Applications will be disqualified for hire if they test positive, refuse to submit to a test, or refuse to execute the required consent/release form.

ALL CURRENT EMPLOYEES:

Reasonable Cause – All employees will be required to submit to screening whenever a supervisor observes a circumstance which provides reasonable cause to believe any employee has used a controlled substance or has otherwise violated the substance abuse rule. Examples of circumstances that may establish reasonable cause to warrant testing include: supervisor observation, co-worker complaints, performance

decline, attendance or behavior changes, involvement in a workplace or vehicular accident or actions which indicate a possible error in judgment or negligence or other Fentress County School System policies.

Random Testing – Fentress County School System will conduct random unannounced screening of all employees and volunteers in safety conscious positions. Tests of employees for illicit drugs will be conducted in a number equal to or greater than 50 percent of the effected workforce, without advance notice in any given 12-month period. Tests of employees for alcohol will be conducted in a number equal to or greater than 50 percent of the effected work force, without advance notice in any given 12-month period. There ill be no maximum number of samples that any one individual will be required to provide during the testing period.

Employees will be required to report to the Fentress County School System designated collection site for testing as soon as possible, but in no case later than 4 hours following notification.

Post Accident Testing – Employees are required to notify his/her supervisor immediately of any accident resulting in injury or damage of Fentress County School System property.

Any employee involved in a reportable accident, defined as an accident resulting in injuries, or a fatality, and/or related accidents involving company property or an accident where the driver has been cited for a moving violation is required to undergo drug screening within 32 hours of the occurrence and alcohol screening within 2 hours of the occurrence. Any employee who fails to report an accident or to submit to substance screening where required by law or this policy will be disciplined according to Board policy.

TESTING PROCEDURES

General Guidelines: The Fentress County School System shall rely upon the Federal Department of Transportation Procedure for Transportation Workplace Drug Testing Programs. 49 C.F. Parts 30.1 through 30, 39 and on the future guidance of the Omnibus Transportation Employee Act provided in 49-C.F. 382, 391, 392, 395.

Substance Tested For: Employees will regularly be tested for: amphetamines, cocaine, marijuana, opiates and phencylidine. Testing for alcohol will also be conducted.

Testing Procedures: Fentress County School System will utilize urinalysis in completing all drug testing. Evidential breath testing (EBT) will be utilized for alcohol testing.

Collection Site: Fentress County School System has designated a collection site where individuals may provide specimens for all random testing.

Collection Procedures for Alcohol Testing: Fentress County School System will maintain a documented procedure that ensures accuracy, reliability and confidentiality of test results. All tests will be performed using evidential breath testing (EBT) devices approved by Department of Transportation. Two breath tests are required if a person has a positive alcohol concentration.

Collection Procedures for Drug Testing: Fentress County School System and the laboratory will maintain a documented procedure for collection, shipping and accessing urine specimens. A tamper-proof sealing system, labels and sealed shipping containers will be used to safeguard the specimen in a transit status. Collection site will protect the integrity of the specimen.

Transmitting Test Results: The laboratory will transmit by fax or mail, but not orally by phone; the results of tests to the collection site. The collection site will be responsible for reviewing the tests results of employees and of confirming that individuals testing (+) positive have used drugs in violation of the Fentress County School System policy. The collection site shall then notify the appropriate school system personnel of the drug test findings.

There will be no maximum number of samples that any one individual will be required to provide during the testing period.

Employees will be required to report to the Fentress County School System designated collection site for testing as soon as possible, but in no case later than four (4) hours following notification.

Release of Test Results: Test results shall not be released by the Fentress County School System beyond the collection site without the employee's individual written authorization.

Fentress County School System shall retain the individual test results for positive specimen for (5) years and negative for (12) months.

Enforcement: Refusal to cooperate with the Fentress County School System in any investigation will result in discipline, including discharge under the applicable federal and state laws.

POLICY AGAINST SEXUAL HARASSMENT

GENERAL STATEMENT OF POLICY

The Fentress County Board of Education is committed to safeguarding the right of all students and employees within the school system to learn and work in an environment that is free from all forms of sexual harassment.

It is the policy of the Fentress County School system to maintain a learning and working environment that is free from sexual harassment. This school system prohibits any form of sexual harassment.

It shall be a violation of this policy for any student or employee of the school system to harass another student or an employee through conduct or communication of a sexual nature as defined by this policy.

Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973 require school districts to have officially adopted policy statements of non-discrimination on the basis of sex, disability, national origin and race.

It is the policy of the Fentress County Board of Education not to discriminate on the basis of sex, race, national origin, creed, age, marital status, or disability in its educational programs, activities, or employment policies as required by the above referenced federal statutes.

SEXUAL HARASSMENT DEFINED

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 that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or

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 education environment. Any sexual harassment as defined when perpetrated on any student or employee will be treated as sexual harassment under this policy.

Sexual harassment may include, but is not limited to:

sexual advances;

verbal harassment or abuse;

subtle pressure for sexual activity;

touching of a sexual nature including inappropriate patting or pinching;

intentional brushing against a student's or an employee's body;

demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;

demanding sexual favors especially when accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status;

graffiti of a sexual nature;

displaying or distributing sexually explicit drawings, pictures or other written materials including making and playing sexual explicit audio/video tapes;

sexual gestures including touching oneself sexually or talking about one's sexual activities in front of others;

sexual or "dirty" jokes; or

spreading rumors about or rating other students as to sexual activity or performance.

REPORTING PROCEDURES

Any person who believes he or she has been the victim of sexual harassment by a student or an employee of the school system, or any third person with knowledge or belief of conduct which may constitute sexual harassment should report the alleged acts immediately to an appropriate school system official as designated by this policy. The school system encourages the reporting party or complainant to use the report form available from the principal of each school or available from the school system office.

In Each School. The school principal is the person responsible for receiving oral or written reports of sexual harassment at the school level. Upon receipt of a report, the principal must notify the Director of Student and Employee Relations immediately without screening or investigating the report. A written report will be forwarded

simultaneously to the Director of Student and Employee Relations. If the report was given verbally, the principal shall reduce it to written form within 24 hours and forward it to the Director of Student and Employee Relations. Failure to forward any sexual harassment report or complaint as provided herein will result in disciplinary action. If the complaint involves the school principal, the complaint shall be filed directly with the Director of Student and Employee Relations.

System-Wide. The school board hereby designates Randy Clark and Kristi Hall as the Directors of Student and Employee Relations and Title IX coordinators to receive reports or complaints of sexual harassment from any individual, employee or victim of sexual harassment and also from the school principals as outlined above. If the complaint involves the Directors of Student and Employee Relations, the complaint shall be filed directly with the Director of Schools. The school system shall conspicuously post the name of the Directors of Student and Employee Relations, including a mailing address and telephone number.

Submission of a complaint or report of sexual harassment will not affect the reporting individual's future employment, grades or work assignments.

Use of formal reporting forms is not mandatory; however, a sample of the reporting form currently used in this system is attached to this policy.

The school system will respect the confidentiality of the complainant and individual(s) against whom the complaint is filed as much as possible, consistent with the school system's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action when the conduct has occurred.

INVESTIGATION AND RECOMMENDATION

By authority of the school system, the Director of Student and Employee Relations, upon receipt of a report or complaint alleging sexual harassment, shall immediately authorize an investigation. This investigation shall be conducted by school system officials or by a third party designated by the Board of Education.

The party making the investigation shall provide a written report of the status of the investigation within 10 working days to the Director of Schools and the Director of Student and Employee Relations.

**Fentress County Schools
Official Complaint Form**

Your concerns are important to us, and we want to resolve them in a timely manner. Please complete the following information to ensure we know the nature of your concern. Thank you!

Name _____ **Date** _____

Address

Phone Number where you can be reached _____

Is your complaint on behalf of a student? Yes No
***** If Yes please give the name of the student.** _____

Please explain the nature of the complaint and any facts that you feel we should be aware of to address this issue. If more space is needed attach additional sheets to this page.

Signature of person filing complaint

Date _____

This side is to be completed by the school or system.

Please indicate in the space below any and all actions taken to resolve this issue. Include all follow up actions, conversations, and parties involved.

Date	Action/ Resolution

Signature of person following up on complaint _____