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The goals of the personnel policies set forth in this policy and rule section are to create the best possible educational climate for the students of the district. To this end, these personnel policies are designed to prevent misunderstanding by district personnel about their duties and privileges. In order to further develop a climate of trust and understanding, the board earnestly seeks the involvement of all personnel in the development of policies affecting their positions.

The board recognizes its obligation under the Public Employee Relations Act<sup>1</sup> and all negotiated master contracts. The policies contained in this section are not intended to supersede any negotiated provision found in any master contract or to circumvent the board's obligation to bargain under the Public Employee Relations Act.

**Adopted April 5, 2002**

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<sup>1</sup> MCL 423.201 et. seq.

The board shall be an equal opportunity employer.<sup>2</sup> The objective of the board is to attract and retain individuals qualified and/or trainable for the positions in the system by virtue of job-related standards of education, training, experience, and personal qualifications.

The **superintendent** is responsible for ensuring compliance and continued implementation of this policy.

LEGAL REF: Civil Rights Act of 1964, as amended in 1972, Section 100.4(a & b), Title VI, Title VII; Executive Order 11246, 1986 as amended by Executive Order 11375; Equal Employment Opportunity Act of 1972, Title VII; Education Amendments of 1972, Title IX (P.L. 92.318), Section 106.4; 45 CFR, Parts 81, 86 (Federal Register June 4, 1975, August 11, 1975); Michigan Civil Rights Act, P.A. 453 or 1976, Section 101 through 211; Michigan Compiled Laws, 37.1101-37.1303 (Handicapper Civil Rights Act); Section 110.23 of the Age Discrimination Act of 1975

**Adopted April 15, 2002**

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<sup>2</sup> The board must comply with several Federal statutes, including: The Civil Rights Act of 1964, specifically Title VII codified at 42 USC 2000e. Title VII prohibits discrimination in employment based on race, color, religion, sex, or national origin. In addition, Title VI, codified at 42 USC 2000d prohibits discrimination in all federally funded programs and activities. More Federal statutes in this area include: Equal Employment Opportunity Act, codified at 42 USC 1981; Education Amendments of 1972, Title IX, codified at 20 USC 1681 et. seq.; Rehabilitation Act of 1973, Section 504, codified at 29 USC 794; The Americans with Disabilities Act, Title I is codified at 42 USC 12111-12117, Title II is codified at 42 USC 12131-12165, and Title III is codified at 42 USC 12181-12189.

The board shall not discriminate in its policies and practices with respect to compensation, terms or conditions of employment because of such individual's race, color, religion, sex, sexual preference, age, national origin, height, weight, marital status, political belief, disability, or handicap which does not impair an individual's ability to perform adequately in that individual's particular position or activity.<sup>3</sup>

The **superintendent** shall have in place all appropriate procedures relative to the Americans with Disabilities Act.<sup>4</sup> This statement of non-discrimination shall be published and disseminated to all students, parents, employees, applicants and the general public in a manner determined by the **superintendent**.

**HOLLY AREA SCHOOLS**

**PUBLIC NOTICE**

**EOUAL OPPORTUNITY EMPLOYMENT**

**POLICY 5030**

**The Holly Area Schools Board of Education complies with all Federal laws and regulations prohibiting discrimination and with all requirements and regulations of the U.S. Department of Education. It is the policy of the Holly Area Schools Board of Education that no person on the basis of race, color, religion, national origin or ancestry, age, sex, marital status or disability be discriminated against, excluded from participation in, denied the benefits of, or otherwise be subjected to, discrimination in any program or activity for which it is responsible or for which it receives financial assistance from the U. S. Department of Education.**

LEGAL REF: Civil Rights Act of 1964, Section 100.4(a & b), as amended, 1972, Title VI, Title VII. Executive Order 11246, 1965, as amended by Executive Order 11375. Equal Employment Opportunity Act of 1972, Title VII. Education Amendments of 1972, Title IX 45CFR, Parts 81, 86, Sections 106.4 and 106.8(a), (Federal Register, June 4, 1975, August 11, 1975). Act No. 453 of the Public Acts of 1976 (Michigan Civil Rights Act). Section 504 of the Rehabilitation Act of 1973, Subparts 104.5 and 104.7(a); MCL 37.2402; Title II of the Americans with Disabilities Act, P.L. 101-336 of 1990, Section 35.130; Age Discrimination Act of 1975, Section 110.23

**Adopted April 15, 2002**

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<sup>3</sup> MCL 37.2402 (a) ("An educational institution shall not do any of the following: (a) Discriminate against an individual in the full utilization of or benefit from the institution, or the services, activities, or programs provided by the institution because of religion, race, color, national origin, or sex.")

<sup>4</sup> 42 USC 12131-12165 (Title II of the Americans with Disabilities Act)

No district employee or student, on the basis of sex, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.

A grievance procedure for responding to claims of discrimination based upon sex by an employee or student of the district has been developed and is available in the **superintendent's** office.

LEGAL REF: Title IX of the Education Amendments of 1972, Section 106.4; MCL 37.2101-2804  
(Michigan Civil Rights Act)

**Adopted April 15, 2002**

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<sup>5</sup> MCL 37.2101-2804

This statement and information about complaints about Title IX<sup>7</sup> compliance shall be disseminated to students, parents, employees, applicants, and the general public in a manner as determined by the **superintendent**.

**HOLLY AREA SCHOOLS**  
**PUBLIC NOTICE GRIEVANCE PROCEDURES**  
**FOR**  
**TITLE VI OF THE EDUCATION AMENDMENT ACT OF 1972**  
**TITLE IX OF THE EDUCATION AMENDMENT ACT OF 1972**  
**SECTION 504 OF THE REHABILITATION ACT OF 1973**  
**POLICY 5040**

Section I

If any person believes that the Holly Area School District or any part of the school organization has inadequately applied the principles and/or written statement to regulations of (1) Title VI of the Education Amendment Act of 1972, (2) Title IX of the Education Amendment Act of 1972, and (3) Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, he/she may bring forward a complaint, which shall be referred to as a grievance, to the local Coordinators.

**Title VI & IX**

Mrs. Margaret Hazlett  
Administration Building  
111 College Street  
Holly, Michigan 48442  
248-328-3121

**Section 504 and ADA**

Mrs. Janet Stack- Miller  
Special Services  
920 E. Baird Street  
Holly, Michigan 48442  
248-328-3073

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<sup>6</sup> MCL 37.2101-2804

<sup>7</sup> 20 USC 1681 et. seq.

Section II

The person who believes he/she has a valid basis for grievance shall discuss the grievance informally and on a verbal basis with the local Coordinator, who shall in turn investigate the complaint and reply to the complaint in writing within two (2) days. If this reply is not acceptable to the complainant, he/she may initiate formal procedures according to the following steps:

Step 1

A written statement of the grievance signed by the complainant shall be submitted to the Coordinator within five (5) business days of receipt of answers to the informal complaint. The Coordinator shall further investigate the matter of grievance and reply in writing to the complainant within five (5) business days.

Step 2

If the complainant wishes to appeal the decision of the Coordinator, he/she may submit a signed statement of appeal to the **superintendent** within five (5) business days after the receipt of the Coordinator's response. The **superintendent** shall meet with all parties involved, formulate a conclusion, and respond in writing to the complainant within ten (10) business days.

Step 3

If the complainant remains unsatisfied, he/she may appeal through a signed, written statement to the board within five (5) business days of his receipt of the **superintendent's** response in Step 2. In an attempt to resolve to grievance the board shall meet with the concerned parties and their representative within forty (40) days of the receipt of such an appeal. A copy of the board's disposition of the appeal shall be sent to each concerned party with ten (10) business days of this meeting.

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<sup>8</sup> MCL 37.2101-2804

Step 4

If at this point the grievance has not been satisfactorily settled, further appeal may be made to the Office of Civil Rights, Department of Education, Washington D.C. 20201. The local Coordinator, on request, will provide a copy of the district's grievance procedure and investigate all complaints in accordance with this procedure. A copy of each of the Acts and the regulations on which this notice is based may be found in the **Superintendent's** Office.

**NOTE: Though this procedure was originally designated and designed as a Title IX complaint procedure, it could be used for all cases of discrimination complaints.**

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<sup>9</sup> MCL 37.2101-2804

It is the policy of this district to maintain a learning and working environment that is free from sexual harassment. No board member, staff member or student of this district shall be subjected to any form of sexual harassment or intimidation.<sup>10</sup>.

It shall be a violation of this policy for any board member, employee, or student to harass any member of the board, staff or student body through conduct or communications of a sexual nature as defined in this policy.

Each administrator shall be responsible for promoting understanding and acceptance of, and assuring compliance with, state and federal laws, and board policy and procedures governing sexual harassment within his/her building or office.

Definition

Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a. submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or advancement or of a student's participation in school programs or activities; or
- b. submission to or rejection of such conduct by a board member, employee, or student is used as the basis for decisions affecting the employee or student; or
- c. such conduct has the purpose or effect of unreasonably interfering with a board member's, employee's or student's performance or creating a hostile work or learning environment.

Sexual harassment, may include, but is not limited to, the following:

- verbal harassment or abuse;
- pressure for sexual activity;
- repeated remarks with sexual or demeaning implications;
- unwelcome touching;

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<sup>10</sup> All school districts are required under Michigan law to adopt and implement a written sexual harassment policy that prohibits, at a minimum, sexual harassment by school district employees, board members, and pupils directed toward other employees or pupils. MCL 380.1300a

- suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades, safety, job, or performance of public duties.
- in addition, any form of retaliation against the complainant or witness is in itself a form of sexual harassment.

Notification<sup>11</sup>

Notice of this policy will be periodically circulated to all school buildings and departments within the district, and incorporated in teacher, student and parent handbooks. All new hires of the district will be required to review and sign off on this policy and its related complaint procedure.

Training sessions on this policy and the prevention of sexual harassment shall be held for all board members, administrators, teachers and employees of the district. In addition, students will have available as part of their curriculum and instructional program, sessions on this policy and the prevention of student to student sexual harassment.

LEGAL REF: MCL 37.2101 *et seq.*, MCL 380.11a, Title IX of the Education Amendments of 1972.

**Adopted April 15, 2002**

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<sup>11</sup> An employer is subject to vicarious liability to a victimized employee for an actionable hostile environment created by a supervisor with immediate (or successfully higher) authority over the employee. When no tangible employment action is taken, a defending employer may raise an affirmative defense to liability or damages, subject to proof by a preponderance of the evidence.

The defense comprises two necessary elements: (a) that the employer exercised reasonable care to prevent and correct promptly any sexually harassing behavior and (b) that the plaintiff employee unreasonably failed to take advantage of preventive or corrective opportunities provided by the employer or to avoid harm otherwise. *Burlington Industries, Inc. v Ellerth*, 118 S Ct 2257 (1998); *Faragher v City of Boca Raton*, 118 S Ct 2275 (1998).

Any person who alleges sexual harassment by a board member, staff member or student in this district may use the procedure detailed in the appropriate current negotiated agreement, faculty handbook, or student handbook, or may complain directly to the building **principal**, school counselor, **superintendent**, district Title IX coordinator or grievance officer. Filing a grievance or otherwise reporting sexual harassment will not reflect upon the individual's status, nor will it affect future employment, grades, or work assignments.

The right to confidentiality, for both the accuser and the accused, will be respected consistent with the district's legal obligations and with the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

#### Grievance Procedure

Any board member, employee, or student in the district who believes that he/she has been subjected to discriminatory and/or sexual harassment shall report the incident(s), in the case of an employee, to the **superintendent**, immediate supervisor, Title IX coordinator, or grievance officer; in the case of a student,<sup>12</sup> to the building **principal**, guidance counselor; Title IX coordinator or grievance officer; in the case of a board member, to the **superintendent**, Title IX coordinator, or grievance officer.

Should a building or central office administrator be the subject of the immediate complaint or have an apparent conflict of interest in relation to it, he or she will not participate in any way in the investigation of or the decision regarding the complaint.

Upon the filing of a complaint, the grievance officer shall conduct a prompt and complete investigation. The officer shall attempt to resolve the problem through the following steps:

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<sup>12</sup> School districts do not have to pay damages to students sexually harassed by teachers unless school officials actually knew about the misconduct and did not try to stop it. *Gebser v Largo Vista Independent School District, No. 96-1866 (1998)*.

1. Interview the complainant and document the interview.
  - a. Request that the complaint be put in writing, if possible.
  - b. Obtain the names of witnesses who can be contacted to substantiate the charges being made and secure permission of the complainant to interview them.
2. Interview the accused and document the interview.
  - a. Re-emphasize the board's policy regarding insult, intimidation and harassment without making judgments at this stage.
  - b. Keep the identity of the complainant confidential, if possible.
3. Interview all witnesses identified by the parties and document the interview.
4. Review the personnel files or student records/files of the complainant and the accused for any history of problems.
5. Make a determination on the merits of the complaint.

■ **If the investigation shows that the complaint is without merit, the following action will be taken:**

1. The investigation will be closed.
2. The grievance officer's findings and reasons for them will be discussed with the complainant.
3. Consideration will be given to disseminating the results of the investigation to employees or students who have knowledge of it.
4. All references to the complaint will be removed from the accused party's personnel file.
5. The board's policy regarding discriminatory and/or harassment and the mechanism for complaint resolution will be reiterated to all employees or students involved in the investigation.
6. All documentation regarding the complaint and the investigation will be maintained in a separate confidential file in the event that litigation is commenced or a charge is filed with the Equal Employment Opportunity Commission or the Michigan Department of Civil Rights.

- **If the investigation shows that the complaint has merit, the following action will be taken:**
1. The investigation will be closed.
  2. The grievance officer will confer with the board and **superintendent** to determine what action is necessary to resolve the complaint and prevent recurrence.
    - a. The complainant should be made whole: in the case of an employee, for any lost earnings, employment opportunities, personnel records should be corrected; in the case of a student, lost educational opportunities, extracurricular opportunities, student records updated; in the case of a board member; lost opportunities of public service, such as chair of special committees, appointments or professional development opportunities.
    - b. The potential for continuing problems should be alleviated by reassignment where possible.
  3. The parties will be advised of the results of the investigation and the actions to be taken.
  4. Appropriate discipline will be imposed, as required by the strength of the evidence, the severity of the incident, and the position and prior record of the offender.
  5. All actions will be documented and a record placed in the offender's permanent personnel file or student discipline records.
  6. The board's policy regarding discriminatory and/or sexual harassment and the mechanism for complaint resolution will be reiterated to all board members, employees, or students involved in the investigation.
  7. All documentation regarding the complaint and the investigation will be maintained in a separate confidential file in the event that litigation is commenced or a charge is filed with the Equal Employment Opportunity Commission or the Michigan Department of Civil Rights.

All complaints, interviews and investigations will be treated with the strictest confidentiality and utmost discretion. Only those board members, employees, or students whose participation in the investigation of a complaint was essential to its resolution will be informed of it.

The board reserves the right to contact outside investigators for sensitive and/or extensive complaints of harassment.

Sanctions<sup>13</sup>

- a. A substantiated charge against a staff member in the district shall subject that staff member to disciplinary action, up to and including discharge.
- b. A substantiated charge against a student in the district shall subject that student to disciplinary action, which may include suspension or expulsion, consistent with the student discipline code.
- c. A substantiated charge against a board member in the district shall subject that board member to any legal and disciplinary action allowed under current law.

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<sup>13</sup> MCL 380.1300a requires districts to specify penalties for violating the district's sexual harassment policy.

Federally funded programs are a vital and necessary adjunct to the educational program of the district's schools.

Title I Programs

The board shall ensure that the district's Title I programs operate in accordance with federal laws and conditions. The **superintendent** is responsible for administering the district's Title I programs; assessing the educational needs of all students, particularly the needs of educationally deprived students, developing appropriate communication channels between all parties, developing in-service training for parents and staff, and developing appropriate evaluation procedures.

LEGAL REF: P.L. 103-382 (Improving America's Schools Act)

**Adopted April 15, 2002**

A job description for each classification of employees shall be developed by the **superintendent**. Such job description shall be on file in the central office and not incorporated within the board policy handbook.

**Adopted April 15, 2002**

The **superintendent** shall have the authority to establish a procedure for the recruitment of well-qualified personnel to staff the schools. The **superintendent** may request building **principals** or other staff members to assist in this effort.

Identity and Employment Status

All potential employees of the district shall verify their identity and employment status to the **superintendent**.

The **superintendent** shall maintain a file on all of the district's employees hired after November 6, 1986, proving that each employee has verified their identity, employment status, U.S. citizenship, or legal alien status to the **superintendent's** satisfaction. Evidence to be used to verify identity, employment status, U.S. citizenship, or legal alien status should include at least two of the following documents, one of which contains a current photo of the employee: U.S. birth certificate, social security card, and a current driver's license; a state or military identification card; or one of the following: U.S. passport, certificate of U.S. citizenship, certificate of naturalization, unexpired foreign passport, or resident alien card.

Non-Discrimination

The board shall not discriminate in its policies and practices with respect to compensation, terms or conditions of employment because of such individual's race, color, religion, sex, sexual preference, national origin, height, weight, marital status, political belief, disability, or handicap which does not impair an individual's ability to perform adequately in that individual's particular position or activity.<sup>14</sup>

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<sup>14</sup> MCL 37.2101 et seq. ; Civil Rights Act of 1964; 42 USC 2000a et seq.; Equal Employment Opportunity Act of 1972, Title VII.

The **superintendent** shall have in place all appropriate procedures relative to the Americans with Disabilities Act.<sup>15</sup> This statement of non-discrimination shall be published and disseminated to all students, parents, employees, applicants and the general public in a manner determined by the **superintendent**.

LEGAL REF: Civil Rights Act of 1964, as amended, 1972, Title VI, Title VII. Executive Order 11246, 1965, as amended by Executive Order 11375. Equal Employment Opportunity Act of 1972, Title VII. Education Amendments of 1972, Title IX 45CFR, Parts 81, 86, Section 106.8(a), (Federal Register, June 4, 1975, August 11, 1975). Act No. 453 of the Public Acts of 1976 (Michigan Civil Rights Act). Section 504 of the Rehabilitation Act of 1973, Subpart 104.7(a); MCL 37.2402; Americans with Disabilities Act, P.L. 101-336

**Adopted April 15, 2002**

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<sup>15</sup> 42 USC 12111 et. seq.

Criminal History Checks

Upon an offer of initial employment by the board, all persons in either certified or support positions shall have undergone a criminal history check.<sup>16</sup> A staff person may be hired prior to the results of a criminal history check following the guidelines in current law.<sup>17</sup>

Only those persons who have been offered a position or contract by the board and/or **superintendent** must undergo a criminal history check, not all applicants.<sup>18</sup>

The board shall bear the full cost of the criminal history check for all staff members with the exception of substitute teachers.

Background Checks

Upon an offer of initial employment by the board, all persons shall have undergone an unprofessional conduct background check.<sup>19</sup> A staff person may be hired prior to the results of the unprofessional conduct background check following the guidelines in current law.

Authorization of Release of Personnel Records - Unprofessional Conduct

All prospective employees for full or part-time positions with the Holly Area Schools are required to sign an authorization and release permitting the applicant's current or former employer or employers to disclose any unprofessional conduct; information contained within the employee/applicant's personnel file; and waiving written notice by the school district releasing

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<sup>16</sup> MCL 380.1230 (1); MCL 380. 1230a

<sup>17</sup> MCL 380.1230 (2) (a) (b)

<sup>18</sup> MCL 380. 1230

<sup>19</sup> MCL 380. 1230b ("Before hiring an applicant for employment, a school district, local act school district, public school academy, intermediate school district, or nonpublic school shall request the applicant for employment to sign a statement that does both of the following: (a) Authorizes the applicant's current or former employer or employers to disclose to the school district, local act school district, public school academy, intermediate school district, or nonpublic school any unprofessional conduct by the applicant and to make available to the school district, local act school district, public school academy, intermediate school district, or nonpublic school copies of all documents in the employee's personnel record maintained by the current or former employer relating to that unprofessional conduct. (b) Releases the current or former

the information within the employee/applicant's personnel file regarding unprofessional conduct, as required by the Bullard-Plawecki Employee Right To Know Act, MCL 423.506.

Holly Area Schools will not hire an applicant for employment who does not sign a statement permitting a school district to access his/her personnel record relative to unprofessional conduct by the applicant, and a release of liability of the employer supplying the personnel record information.

Furthermore, Holly Area Schools will not enter into any agreement, collective bargaining agreement, individual employment contract or resignation or severance agreement that has the effect of suppressing information about unprofessional conduct of an employee or former employee or of expunging information about that substantiated unprofessional conduct from personnel records.

Information received in this matter shall be used by Holly Area Schools only for the purpose of evaluating an applicant's qualifications for employment in the position for which he/she applied. Board members and employees of Holly Area Schools are prohibited from disclosing the personnel record information to any person, other than the applicant, who is not directly involved in the process of evaluating the applicant's qualifications for employment.

LEGAL REF: MCL 380.1230; 380.1260; 380.1539a(6)

**Adopted April 15, 2002**

**Public Employer Request**

**REQUEST FOR EMPLOYMENT RECORDS\***  
(Public Employer)

DATE:

TO:

RE:

SS#:

Dear Employer:

The individual named above is being considered for employment with our district. Pursuant to the **1996 Public Act 189\* - Mandatory School District Request for and Disclosure of Certain Applicant Employment Records Relating to "Unprofessional Conduct"** - we are requesting that you advise this office of any unprofessional conduct by the applicant and that you provide this office with copies of records contained within the applicant's personnel file that relate to unprofessional conduct. **"Unprofessional conduct" is defined in the statute as "one or more acts of misconduct; one or more acts of immorality, moral turpitude or inappropriate behavior involving a minor; or commission of a crime involving a minor."**

I am enclosing a copy of the individual's signed **Authorization and Release of Information** to secure this information. Please accept this request as one pursuant to the **Michigan Freedom of Information Act** and provide at least the above information.

\_\_\_\_\_ We have no record of unprofessional conduct on the part of this person.

\_\_\_\_\_ We have record of unprofessional conduct on the part of this person. Please attach an explanation of the unprofessional conduct and forward copies of any personnel records relating to the unprofessional conduct to:

Employer's signature: \_\_\_\_\_

Date: \_\_\_\_\_

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

MAIL RESPONSES TO:

**Margaret Hazlett, Director of Human Resources**  
**Holly Area Schools**  
**111 College Street**  
**Holly, Michigan 48442**  
**248/328-3104**

**Non-Public Employer Request**

**REQUEST FOR EMPLOYMENT RECORDS\***  
(Non-Public Employer)

DATE:

TO:

RE:

SS#:

Dear Employer:

A provision in the Michigan School Code, **Public Act 189 - Mandatory School District Request for and Disclosure of Certain Applicant Employment Records Relating to Unprofessional Conduct,** requires an applicant for any position in a public school to sign a statement permitting the potential school district employer to obtain all information relative to any unprofessional conduct.

The individual named above is being considered for employment with our district. Pursuant to the Public Act 189, we are requesting that you advise this office of any unprofessional conduct by the applicant and that you provide this office with copies of records contained within the applicant's personnel file that relate to unprofessional conduct. **Unprofessional conduct is defined in the statute as one or more acts of misconduct; one or more acts of immorality, moral turpitude or inappropriate behavior involving a minor; or commission of a crime involving a minor.**

I am enclosing a copy of the individual's signed **Authorization and Release of Information** to secure this information. Please respond, in accordance with Public Act 189, to the undersigned within twenty (20) business days.

\_\_\_\_\_ We have no record of unprofessional conduct on the part of this person.

\_\_\_\_\_ We have record of unprofessional conduct on the part of this person. Please attach an explanation of the unprofessional conduct and forward copies of any personnel records relating to the unprofessional conduct to:

Employer's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

MAIL RESPONSES TO:

**Margaret Hazlett, Director of Human Resources  
Holly Area Schools  
111 College Street  
Holly, Michigan 48442  
248/328-3104**

**HOLLY AREA SCHOOLS**

**APPLICANT AUTHORIZATION AND RELEASE OF INFORMATION**

The undersigned applicant for employment with the Holly Area Schools hereby authorizes his/her current and former employer(s) to disclose to the Holly Area Schools any unprofessional conduct by the undersigned applicant and to make available to the Holly Area Schools copies of all documents in the undersigned applicant’s personnel record(s) maintained by the current or former employer(s) relating to that unprofessional conduct.

“Unprofessional conduct”, as defined in MCL380.1230(b), means one or more acts of misconduct, one or more acts of immorality, moral turpitude, or inappropriate behavior involving a minor; or commission of a crime involving a minor.

I further authorize the school district to obtain disciplinary reports; letters of reprimand; records of disciplinary action; performance evaluations; placement on any program of improvement; and any other documents, records or information contained within my personnel file.

Also, I authorize and consent to the employees or agents of Holly Area Schools to contact any child protection agencies or registries, law enforcement authorities, and/or judicial authorities and to make pre-employment inquires and to obtain any information and/or records related to me to determine if I have committed or have been convicted of any crimes and if there are any felony charges pending against me, including the nature of the crimes committed and/or the pending felony charges.

The undersigned applicant, on behalf of himself/herself and his/her heirs and successors, hereby releases his/her current or former employer(s) and employees acting on behalf of his/her current or former employer(s) from any and all liability, claims, demands or causes of action for providing information described in this Authorization and Release.

Further, the undersigned applicant for employment hereby waives any right to receive written notice from his/her current and former employer(s) regarding disclosure to Holly Area Schools of the aforementioned information from his/her personnel record(s) maintained by his/her current or former employer(s). This waiver shall be inclusive of a waiver of rights under Section 6(3) of the Bullard-Plawecki Employee Right to Know Act.

Pursuant to MCL 380.1230(b), I understand and agree that if I refuse to sign this Authorization and Release authorizing release of information regarding any unprofessional conduct by me in my current and/or former employment, the school district is prohibited by law from hiring me.

I further understand that any offer of employment I may receive is contingent upon the review and evaluation of a criminal background check and investigation into unprofessional conduct. The school district has the sole authority and discretion to determine if a position shall be denied.

\_\_\_\_\_  
Present/Previous Employer

\_\_\_\_\_  
Print Full Name, Applicant

\_\_\_\_\_  
Dates of Employment

\_\_\_\_\_  
Signature, Applicant

\_\_\_\_\_  
Street Address of Employer

\_\_\_\_\_  
Dated

\_\_\_\_\_  
City / State / Zip Code of Employer

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

\_\_\_\_\_  
Area Code and Phone Number of Employer

\_\_\_\_\_  
Applicant Phone Number

\_\_\_\_\_  
Applicant’s Current Address

Pursuant to both state and federal law, it is the policy of this School District to protect the confidentiality of social security numbers. No person shall knowingly disclose, transfer, or unlawfully use the social security number of any employee, student, or other individual.

The Superintendent shall establish rules and regulations to implement this policy. The Superintendent shall ensure that:

1. The confidentiality of social security numbers is maintained to the extent practicable;
2. The unlawful disclosure of social security numbers is prohibited;
3. Access to information or documents containing social security numbers is limited; and
4. Documents containing social security numbers are disposed of properly.

This policy and its rules shall be published in the appropriate handbooks, manuals, and other similar documents. The published document(s) may also be made available electronically.

Persons who violate this policy, or the rules that implement it, may be subject to disciplinary action up to and including suspension or expulsion for students and termination for employees.

#### Public Records

Where a social security number is contained within a document subject to FOIA release, the social security number shall be redacted.

LEGAL REF: MCL 445.81 *et seq.*; 18 USC 1028; 5 USC 552a (The Privacy Act of 1974)

**Adopted: June 20, 2005**

**Information Collected**

Social security numbers should only be collected where required by federal or state law. If a unique personal identifier is needed, then a substitute for the social security number shall be used such as a District-created student identification number not using the social security number.

Whenever the District collects a social security number, the District shall inform the individual of the purpose for the collection, the intended use, whether the law requires the number to be provided, and the consequences of not providing the number.

**Public Display**

Social security numbers shall not be placed on identification cards, badges, time cards, employee rosters, bulletin boards, or any other materials or documents seen by others widely.

Documents, materials, or computer screens that display social security numbers or other sensitive information shall be kept out of public view at all times.

Social security numbers shall not be required for a District employee, student, or staff member to gain access to the Internet or network.

**Mailed or Transmitted Documents**

Documents containing social security numbers shall only be sent where permitted by state law.<sup>20</sup> Documents containing social security numbers, that are sent through the mail, shall not reveal the number through the envelope window or otherwise be visible from outside the envelope or package.

Social security numbers shall not be sent through email unless the connection is secure or the number is encrypted.

No individual shall be required to send his or her social security number through email unless the connection is secure or the number is encrypted.

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<sup>20</sup> A social security number may be included in a mailed document where: 1) It is sent as part of an application or enrollment process initiated by the individual. 2) It is sent to establish, confirm the status of, service, amend, or terminate an account, contract, employee, or health insurance benefit - or to confirm the accuracy of a social security number of an individual who has a account, contract, policy, or employee or health insurance benefit. 3) It is contained in a public record and is mailed in compliance with the freedom of information act. 4) It is a copy of a vital record, which was recorded according to law, and is mailed to a person entitled to receive that record. 5) It is mailed by, or at the request of, an individual whose social security number appears in the document or information or his or her parent or legal guardian.

Telephonic Communications

District employees shall not disclose any social security number over the telephone or leave a voice mail message disclosing any social security number. If a social security number must be faxed, the Fax message shall be accompanied by a transmittal sheet, which includes the District's name, a "Confidential Notice" stating that the information included is intended to be privileged and confidential, and that it is only intended for the use of the individual or entity named on the transmittal sheet.<sup>21</sup>

Access to Social Security Numbers

Only those persons authorized by the Superintendent or building Principal shall have access to social security numbers or other sensitive information. Under no circumstances will any student have access to social security number information for either students or staff.

Storage and Disposal

All documents or files that contain social security numbers or other sensitive material shall be stored in a physically secure manner.

Social security numbers shall not be stored on computers or other electronic devices that are not secured against unauthorized access.

Documents or other materials that contain social security numbers or other sensitive information shall not be thrown away in the trash; they shall be discarded or destroyed only in a manner that protects their confidentiality, such as shredding.

When erasing social security numbers or sensitive information from computers, it shall be ensured that the information is erased completely.

The Superintendent shall establish regular intervals when unneeded sensitive information is disposed of properly.

Improper Disclosures

Any individual who suspects that an improper disclosure of a social security number has been made shall inform the Superintendent.

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<sup>21</sup> Cf. 4260

If the Superintendent suspects that an improper disclosure has been made, he/she shall contact the appropriate authorities.

Policy Availability

All current and future District employees shall be given a copy of the above rules. The District Privacy Policy shall be published in an employee handbook, procedural manual, or another similar document, that may be made available electronically.

Accountability

Any person who fails to comply with the District's Privacy Policy shall be subject to appropriate discipline as determined by the Superintendent.

The board supports and encourages the concept of personal development for the staff and to this end, shall authorize funding for various activities in its budget. The ultimate responsibility for personal development is with the employee.

Personal development opportunities shall follow any guidelines found in the current negotiated master contract(s).

**In-Service Education**

The **superintendent**, in consultation with various groups of the district's staff, shall develop programs of in-service education which will promote the continuous development, improvement and on-the-job performance of its personnel.

**Technology**

The board requires that any staff member who uses a computer or an advanced piece of technological hardware or software be provided in-service training in its utilization. The board shall appropriate funds to this end.<sup>22</sup>

LEGAL REF: MCL 380.1254; 380.1525; 380.1526; 388.1695

**Adopted April 15, 2002**

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<sup>22</sup> MCL 380.1525; MCL 380.1254

All staff members have the responsibility to make themselves familiar with, and abide by, the laws of the state of Michigan<sup>23</sup> as they affect their work, the policies of the board, and the administrative regulations designed to implement them. All staff members shall be expected to carry out their assigned duties, support and enforce board policies and administrative regulations, submit required reports, protect district property, oversight of students and contribute to the education and development of the district's students.

The **superintendent** and building **principals** shall assume the major responsibility for interpreting this policy.

**Adopted April 15, 2002**

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<sup>23</sup> The Revised School Code, Act 451 of 1976 MCL 380.1 et seq.

## **5205 Possessing, Transporting or Transmitting Dangerous Weapons (Cf. 8300)**

### **5205**

No person shall possess, transport or transmit a dangerous weapon on school District property, property used by the school District for a school-related purpose, or in a motor vehicle used for a school District-related purpose unless: (a) Prior permission has been granted by the Superintendent, (b) The person is an on-duty law enforcement officer or, if off duty, the officer is otherwise required by the law enforcement agency to carry a weapon; or (c) as otherwise allowed by law.<sup>24</sup>

A dangerous weapon, within the meaning of this policy, shall include but not be limited to, by way of description, such things as a firearm, knife, black jack, baton, iron bar, brass knuckles, martial arts devices, and incendiary and/or explosive devices. Pursuant to federal law, the term firearm includes, but is not limited to, any weapon designed to expel a projectile by the action of an explosive, the frame, or receiver of any such weapon, a muffler or silencer for such a weapon, or destructive device.<sup>25</sup> Any person, including a student, who violates this policy, will be reported to law enforcement authorities. Employees who violate this policy will be severely disciplined, up to and including discharge.

The administrative rules prohibiting students from possessing dangerous weapons is contained in the Student Code of Conduct. The District, pursuant to state law, shall expel students who violate the weapons laws and rules unless one

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<sup>24</sup> **28.425o. added Premises on which carrying concealed weapon prohibited; violation.** Sec. 5o. (1) An individual licensed under this act to carry a concealed pistol, or who is exempt from licensure under section 12a(f), shall not carry a concealed pistol on the premises of any of the following: (a) A school or school property except that a parent or legal guardian of a student of the school is not precluded from carrying a concealed pistol while in a vehicle on school property, if he or she is dropping the student off at the school or picking up the child from the school. As used in this section, "school" and "school property" mean those terms as defined in section 237a of the Michigan penal code, [1931 PA 328](#), MCL [750.237a](#).

<sup>25</sup> Pursuant to federal law, the term destructive device means: any explosive, incendiary, or poison gas: bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or device similar to any or the devices described in the preceding clauses.

of the statutory exceptions is established.<sup>26</sup> To comply with federal law, any such exception shall be reduced to writing.

Facsimile Weapons

The Board will not tolerate employee possession of any facsimile or “look alike” weapon on school property at any time. Facsimile or “look alike” will be treated the same as a real or actual weapon for the purpose of this policy.

Any employee in possession of a replica or facsimile of a dangerous weapon, in violation of this policy will be placed under immediate suspension, pending an investigation of the incident by the appropriate school or legal authorities. In accordance with applicable law and collective bargaining agreements, the Superintendent is authorized to discipline any employee who violates this policy.

LEGAL REF: MCL 380.1311; 750.237a; 18 USCA 921; 20 USCA 7151 (No Child Left Behind Act)

**Adopted August 18, 2008**

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<sup>26</sup> To establish a statutory exception, state law requires clear and convincing evidence that: 1) The object or instrument possessed by the pupil was not possessed by the pupil for use as a weapon, or for direct or indirect delivery to another person for use as a weapon, or 2) the weapon was not knowingly possessed by the pupil, or 3) the pupil did not know or have reason to know that the object or instrument possessed by the pupil constituted a dangerous weapon, or 4) the weapon was possessed by the pupil at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

The board recognizes the need to provide for the orderly resolution of disagreements or complaints arising out of alleged misapplication of a board policy. Such disagreements or complaints should be resolved at the lowest possible administrative level. The **superintendent** shall assure the procedures may be utilized without fear of reprisal.

The procedure established for resolution of grievances in the master contracts negotiated with recognized employee organizations shall apply only to grievances as defined by the particular agreement.

This policy covers any item not covered by a negotiated master contract or subject to negotiations under the Public Employee Relations Act<sup>27</sup> and does not apply to any complaints based upon alleged discriminatory practices.

**Adopted April 15, 2002**

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<sup>27</sup> MCL 423.201

Complaints by staff members concerning board policies relating to employment or their implementation, shall be resolved by the following procedures:

1. The complaint or grievance shall be discussed informally with the employee's immediate supervisor within 14 calendar days in an attempt to resolve the problem;
2. If the problem is not solved at the informal session, the employee shall formally file the complaint in writing with their immediate supervisor who shall answer in writing within five school days;
3. If the employee is not satisfied with the proposed solution he shall, within five school days, file the complaint in writing with the **superintendent**. The **superintendent** shall investigate the problem and arrange to meet with the employee (and if deemed advisable, a joint meeting with the employee and immediate supervisor), in an attempt to bring about a satisfactory solution. The **superintendent** shall answer the employee in writing within ten school days.
4. If the employee is still not satisfied, he may, within five school days, request the **superintendent** to arrange for a meeting with the board at which time he may present the complaint or concern to the board. The **superintendent** shall schedule a meeting with the board within ten school days; and
5. The board shall answer the employee, in writing, not later than the board's next regularly scheduled meeting, and the board's decision shall be final. The board reserves the right to extend the time for a written response as its needs dictate.

All district employees are expected to maintain relationships with members of the student body which are conducive to an effective educational environment. All district employees are responsible for the regulation of student conduct.

Threats to Students

Any district employee who threatens to inflict, inflicts, or causes to be inflicted, deliberate physical pain by any means to any student, may be disciplined according to provisions which may be found in the current negotiated master contract or as prescribed by the board.<sup>28</sup>

Employees found to be in violation of this policy by the board may be subject to: a letter of reprimand, probation, suspension, and/or termination of employment.<sup>29</sup>

LEGAL REF: MCL 380.1312

**Adopted April 15, 2002**

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<sup>28</sup> MCL 380. 1312 (1) (2) (4) (“As used in this section, ‘corporal punishment’ means the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline.”) (2) (“Corporal punishment does not include physical pain caused by reasonable physical activities associated with athletic training.”) (4) (“A person employed by or engaged as a volunteer or contractor by a local or intermediate school board or public school academy may use reasonable physical force upon a pupil as necessary to maintain order and control in a school or school – related setting for the purpose of providing an environment conducive to safety and learning. In maintaining that order and control, the person may use physical force upon a pupil as may be necessary:

- (a) To restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of school district or public school academy functions within a school or at a school – related activity, if that pupil has refused to comply with a request to refrain from further disruptive acts.
- (b) For self-defense or the defense of another.
- (c) To prevent a pupil from inflicting harm on himself or herself.
- (d) To quell a disturbance that threatens physical injury to any person.
- (e) To obtain possession of a weapon or other dangerous object upon or within the control of a pupil.
- (f) To protect property.

<sup>29</sup> MCL 380. 1535a (2) (b)

District employees are prohibited from engaging in activities which may be construed as a conflict of interest and detract from the effective performance of their duties. No employee shall attempt, during the school day or on school property, to sell or endeavor to influence any student to buy any product, article, instrument, service or other such item which would directly or indirectly benefit said school employee.

Any district employee shall report alleged violations of the conflict of interest policy to the **superintendent**. The **superintendent** shall make an initial investigation to determine whether said policy has been violated.

**Adopted April 15, 2002**

The Board shall not employ any teacher or other employee over 18 years of age, if such person is a member of the immediate family of the Superintendent or any member of the Board, except that the spouse of the Superintendent or a Board member may not be denied employment for the sole reason of marital status. Members of the immediate family of the Superintendent or a Board member who are under 18 years of age, may not be denied employment solely on the basis of their familial status.

No District employee shall be placed in a position in which he/she would be in a direct supervisory relationship with a member of his/her immediate family.

Members of the immediate family shall be defined as father, mother, brother, sister, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law and, for purposes of supervision, husband and wife.

**MASB Note: Refusal to hire a candidate on the sole basis of marital status COULD invite a challenge under the Elliott-Larsen Civil Rights Act (MCL 37.2102) which prohibits discrimination in hiring on the basis of marital status. HOWEVER, the District would be well within its rights to insist that a husband/wife not be in a supervisory capacity over one another. Prior to the age of 18, members of the "immediate family" cannot be denied employment solely on the basis of their "familial" status.**

LEGAL REF: MCL 37.2102

**Adopted April 15, 2002**

A personnel file shall be maintained by the district for each employee. Personnel files kept by the district concerning employees shall be kept in a secured location and be under the custodianship of the appropriate district or building supervisor. Personnel files of employees who have left the district shall be similarly kept, but in an inactive file.

LEGAL REF: MCL 423.501-512; 15.231 *et seq.*

**Adopted April 15, 2002**

Employee files shall include, but not be limited to: application, recommendations, college or educational credentials, transcripts, correspondence, anecdotal notes, and evaluation reports.

The board may have access to personnel files of employees when such access is deemed necessary by the board in the employee-employer relationship. Individual board members shall not have access to personnel files or records.

Administrators or supervisors in the course of conducting their duties shall have access to the personnel files of employees.

Additional provisions regarding employee personnel files<sup>30</sup> may be found in a current copy of the negotiated master contract.

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<sup>30</sup> *Bradley v Board of Education of Saranac Community Schools*, 455 Mich. 285; 565 N.W. 2d 650 (1997) (Personnel documents of teacher and principal were not exempt from disclosure under exemptions to the Freedom of Information Act.)

The board shall attempt to ensure staff health, safety, and protection during working hours.

The board shall comply with the provisions of the federal<sup>31</sup> and Michigan Occupational Safety and Health Act<sup>32</sup> as they apply regarding the employee's right to know of hazardous conditions or materials. The **superintendent** shall develop appropriate procedures for informing staff.

Provisions relating to this policy may be found in a current copy of the negotiated master contract.

All new full-time employees, except substitutes, shall have a physical examination by a physician designated by the **superintendent**, as part of the employment process. Results shall be placed on file.

All employees shall at any time at the request of the board or its designee have a physical and/or psychiatric evaluation by a physician or psychiatrist designated by the **superintendent**. The cost of all examinations required by the board, or its designee, shall be paid by the Holly Area Schools.

LEGAL REF: MCL Secs. 6 and 8, Occupational Safety and Health Act (Sec. 1910.1030)

**Adopted April 15, 2002**

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<sup>31</sup> 29 USC 651 et. seq.

<sup>32</sup> MCL 408.1001-408.1094

District employees shall not smoke or use tobacco products in any building or on school grounds except as otherwise allowed by current law.<sup>33</sup>

District employees shall not smoke or use tobacco products when they are with students or when students are present.

LEGAL REF: MCL 750.473

**Adopted April 15, 2002**

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<sup>33</sup> MCL 750.473 (1) ("Except as otherwise provided in subsection (4), a person shall not use a tobacco product on school property.") (2) ("A person who violates subsection (1) is guilty of a misdemeanor, punishable by a fine of not more than \$50.00.") (4) ("Subsection (1) does not apply to that part of school property consisting of outdoor areas including, but not limited to, an open-air stadium, during either of the following time periods: (a) Saturdays, Sundays, and other days on which there are no regularly scheduled school hours. (b) After 6 p.m. on days during which there are regularly scheduled school hours.")

The use, distribution, dispensation and/or manufacturing of alcohol or controlled substances, as defined by state and federal law, by district employees on district grounds, in district buildings and/or in connection with any district activity, is prohibited.

Any district employee who violates the above policy may be subject to disciplinary action, up to and including termination of employment. In addition, the employee may be required to satisfactorily participate in a drug assistance or rehabilitation program approved by the board.

Any district employee who has been found guilty of violating a criminal drug statute in the workplace shall notify the **superintendent** within five days after a conviction relating to the drug offense.

The **superintendent** shall notify the appropriate federal agency within ten days after receiving notice of a workplace related drug conviction on the part of the employee.

The **superintendent** shall develop a drug-free awareness program for district employees. District employees who request assistance for drug counseling and/or rehabilitation shall direct their request to the **superintendent**. Annually, the board shall allocate funds to support the drug-free awareness program.

The **superintendent** shall include in the district's employee in-service program a drug-free awareness program which shall include the following information:

- a. the dangers of drug abuse in the workplace;
- b. the employer's policy of maintaining a drug-free workplace;
- c. available drug counseling, rehabilitation and employee assistance programs; and
- d. the penalties the board may inflict upon employees for drug abuse violations.

In developing the in-service program, the **superintendent** may utilize the services and assistance of the district's insurance carrier, local or county health departments, local or regional medical health center or other substance abuse agencies in the immediate area.

This policy shall be published annually in the district's faculty and staff handbooks.

LEGAL REF: U.S. House Resolution 5210, Anti-Substance Abuse Act, 1988

**Adopted April 15, 2002**

The board shall comply with the 1993 Family and Medical Leave Act.<sup>34</sup>

Employees with at least one full year of service and at least 1,250 hours of work in the last 12 months are entitled to unpaid leave of up to 12 weeks, or as otherwise provided in the collective bargaining agreement of the various bargaining units, in any one year period for the birth/adoption of a child or for serious personal or family health reasons.

Leaves may be continuous or intermittent with the agreement of the employee and the **superintendent**. Benefits shall continue during the leave upon payment of appropriate contributions.

Upon conclusion of the leave, the employee shall be returned to the same position or an equivalent position. If the employee does not return as scheduled, termination from the position may result.

The **superintendent** reserves all rights to require proper documentation of all leaves under the Act and this policy.

LEGAL REF: MCL 380.1230; 380.1539(b)

**Adopted April 15, 2002**

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<sup>34</sup> Family and Medical Leave Act of 1993, Public Law 103-3, 107 Stat. 6; 29 USC 2601 et seq., 5 USC 6381 et seq.

**HOLLY AREA SCHOOL DISTRICT  
ALCOHOL AND CONTROLLED SUBSTANCES TESTING POLICY  
FOR SAFETY-SENSITIVE WORKERS**

In fulfilling its commitment to ensure public safety and trust, the Board of Education is committed to providing a safe educational environment and workplace for its students and employees. Substance abuse by employees, most particularly by those who perform safety-sensitive functions, constitutes a grave threat to their physical and mental well-being, significantly impedes their work objectives and job performance, and interferes with their ability to maintain a safe educational environment and workplace. The Board of Education further believes that the safety of students while being transported to and from school or school activities is of paramount importance and is the primary responsibility of those persons who operate or maintain school vehicles. To fulfill that responsibility, each person who operates or maintains school vehicles must be mentally and physically alert at all times while on duty. Accordingly, it is the policy of the Board of Education to establish and implement an alcohol and controlled substances testing program for its employees (both regular and substitute) who perform safety-sensitive functions as mandated by the Omnibus Transportation Employee Testing Act of 1991 and its promulgated regulations.

The Board of Education directs the Superintendent or his/her designee to establish and implement an alcohol and controlled substances testing program (including the provision of educational materials and appropriate training) for its employees (both regular and substitute) who perform safety-sensitive functions as mandated by the Omnibus Transportation Employee Testing Act of 1991 and its promulgated regulations.

**Contracts to Implement Policy**

The Superintendent shall submit, for Board of Education approval, contracts with the following entities/individuals to the services outlined herein:

1. Certified laboratory to provide:
  - a. Testing of all first and second test urine samples.
  - b. Clear and consistent communication with the School District's medical review officer (MRO), who shall be employed by an outside contractor regarding all appropriate matters.
  - c. Methodology and procedures for conducting random tests for alcohol and controlled substances.
  - d. Preparation and submission of all required reports to the School District, the medical review officer, and to federal and state agencies.
  
2. Agencies/persons to:
  - a. Conduct the alcohol breathalyzer tests.
  - b. Supervise urine specimen collection.
  - c. Perform medical review officer duties.
  - d. Conduct training for covered employees and supervisors.

Each aforementioned contract is incorporated into this policy by reference, and will be renewed on a mutually agreed basis.

Standards of Conduct

All employees, including those who perform safety-sensitive functions, are expected to comply with the Board of Education's Drug-Free Schools policy and Drug-Free Workplace policy, which, in part, strictly prohibit the possession, use, distribution or being under the influence of illicit drugs and alcohol by all employees on school premises or as part of any school business, activity or function. In addition, a covered employee shall not report to duty or remain on duty requiring the performance of a safety-sensitive function:

1. While having an alcohol concentration of 0.40 or greater as indicated by alcohol breath test;
2. Within four hours after using alcohol;
3. While possessing alcohol or any controlled substances;
4. While using alcohol or any controlled substances;
5. While the use of alcohol or any controlled substances affects the employee's ability to safely perform his/her duties.
6. While using a prescription or over-the-counter medication which may impair his or her physical or mental ability, without first reporting the use of such medication to the Transportation Supervisor.

Compliance with the standards of conduct as well as with the alcohol and controlled substances testing procedures in this policy is mandatory and shall not be construed to be voluntary. Disciplinary sanctions, up to and including termination of employment, shall be imposed on a covered employee who violates these standards of conduct or who fails to comply with the alcohol and controlled substances testing procedures. Failure to comply with testing procedures includes, but is not limited to:

1. Refusing to take a test;
2. Refusing to provide a specimen;
3. Refusing to sign a test consent form;
4. Refusing to refrain from ingesting alcohol or controlled substances after an accident or when requested to be tested on a reasonable suspicion basis;
5. Engaging in evasive testing actions intended to compromise the validity of the test results, including but not limited to switching or adulterating test samples.

Authorized Use of Prescription and Over-the-Counter Medication

Covered employees using prescription or over-the-counter medication are responsible for being aware of any potential affects such medications may have on their ability to safely perform their duties. If a covered employee uses a controlled substance pursuant to a doctor's prescription, the employee must immediately inform the Transportation Supervisor of this medication, as well as the doctor's opinion as to whether the medication will adversely affect the employee's ability to perform a safety-sensitive function.

The School District reserves its right to obtain an independent medical opinion to determine if the medication produces hazardous effects to impede the employee's ability to safely perform his/her duties. If such a determination is made, the employee's duties may be temporarily subject to restriction or reassignment, as appropriate, during the period of medication.

Consequences for Violating Standards of Conduct

Following a determination that a covered employee has violated one or more of the standards of conduct relative to alcohol and controlled substances, the covered employee shall be:

1. Immediately removed from any duty which involves the performance of a safety-sensitive function;
2. Subject to disciplinary action, up to and including discharge;
3. Advised of available resources (including any employee assistance program) for evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances.
4. Returned to duty involving the performance of a safety-sensitive function only if the employee's conduct does not result in discharge, and if the employee submits a negative test in compliance with the Omnibus Transportation Employee Testing Act of 1991 and its promulgated regulations.
5. Required to undergo return-to-duty testing as well as unannounced follow-up tests after the employee's return to duty as directed by the substance abuse professional and in compliance with the Omnibus Transportation Employee Testing Act of 1991 and its promulgated regulations. Subsequent positive tests will result in further disciplinary action, including the employee's discharge.

Voluntary Requests for Alcohol or Substance Abuse Counseling/Treatment

Any covered employee who voluntarily requests alcohol or substance abuse counseling or treatment through the School District *before* being tested or being requested to be tested shall be referred to a substance abuse professional to determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and/or controlled substances use. The covered employee will not be disciplined but must:

1. Immediately be removed from all duties involving the performance of a safety-sensitive function;
2. Immediately cease alcohol misuse and/or controlled substances use;
3. Consent to unannounced testing in compliance with the Omnibus Transportation Employee Testing Act of 1991 and its promulgated regulations.
4. Comply with all other conditions of the alcohol or substance abuse counseling or treatment program.

Referral, Evaluation and Treatment

Through the applicable employee assistance plan, covered employees will be provided with an opportunity for treatment. The availability of such treatment, however, does not require the School District to provide or pay for rehabilitation.

Testing for Alcohol and Controlled Substances

Covered employees will be required to submit to testing for alcohol and/or controlled substances. All alcohol and/or controlled substances testing will follow the protocols and requirements mandated by the Omnibus Transportation Employee Testing Act of 1991 and its promulgated regulations.

Alcohol and/or controlled substances testing will only be administered under the following circumstances:

1. Pre-employment/Pre-duty testing: Prior to employment or prior to the first time an employee performs a safety-sensitive function, the employee shall receive from a medical review officer a controlled substances test result verified as negative. If a pre-employment controlled substances test is positive or the pre-employment alcohol test result indicates an alcohol content of 0.02 or greater, the applicant will not be hired. This testing is not required if it is determined that:
  - a. The covered employee has participated in a testing program that satisfies the requirements of the Omnibus Transportation Employee Testing Act of 1991 and its promulgated regulations within the previous 30 days; and
  - b. While participating in that program, the covered employee was tested within the past six months (from the date of application for employment) or participated in random controlled substances testing program for the previous 12 months (from the date of application for employment); and
  - c. No prior employer has knowledge or records of a violation of the Omnibus Transportation Employee Testing Act of 1991 and its promulgated regulations or the controlled substances use rule of another Department of Transportation agency within the previous six months.
2. Post-accident testing: As soon as practicable following an accident, but no later than 8 hours (alcohol test) or 32 hours (controlled substances tests), testing is conducted to each covered employee if the accident involved loss of human life or a citation is issued for a moving traffic violation arising from the accident. The School District will provide all covered employees with necessary post-accident information, procedures and instructions, prior to the employee performing a safety-sensitive function. A covered employee who is subject to post-accident

testing shall remain readily available for such testing or shall be deemed to have refused to submit to testing.

3. Return-to-duty testing: A covered employee shall undergo testing with a verified negative result prior to returning to duty that requires the performance of a safety-sensitive function, any time after the employee engaged in prohibited conduct relative to alcohol and/or controlled substances.
4. Follow-up testing: A covered employee identified by a substance abuse professional as needing assistance associated with alcohol misuse and/or use of controlled substances, and who has returned to duty involving the performance of a safety-sensitive function, is subject to unannounced testing (consisting of at least six tests) 'over the first 12 months' following his/her return to duty as directed by a substance abuse professional.
5. Reasonable suspicion testing: A covered employee shall undergo testing as a result of reasonable suspicion that the employee has violated the standards of conduct relative to alcohol and/or controlled substances based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the covered employee while, just before or just after performing a safety-sensitive function.
  - a. The supervisor or person who makes the reasonable suspicion determination should not conduct the test on the employee.
  - b. A written record of the observations leading to a reasonable suspicion test must be made and signed by the supervisor or person who made the observations. This record must be made within 24 hours of the observed behavior or before the results of the test are released, whichever is earlier.
6. Random Testing: Each year, random testing will be used at the rate of 25% (alcohol) and 50% (controlled substances) of the average number of active covered employees subject to testing.
  - a. Covered employees shall be selected for testing through use of a scientifically valid method provided by the School District's testing facility and each covered employee shall have an equal chance of being tested each time selections are made.
  - b. Random testing dates shall be unannounced and distributed throughout the calendar year.
  - c. Each covered employee selected for random testing shall be relieved of any job responsibilities as soon as possible and shall proceed to the test site immediately.

Recordkeeping

Pursuant to the procedures articulated by the Omnibus Transportation Employee Testing Act of 1991 and its promulgated regulations, the Holly Area School District will maintain all records related to the testing program in a secure location with restricted access, including:

1. Records of negative controlled substances tests and alcohol tests of less than .02 alcohol concentration must be maintained for at least one year.
2. Records relating to training and the alcohol and controlled substances collection process must be maintained for two years.
3. Equipment calibration documents, employee evaluations and referrals, documentation of refusals to take required tests, records of positive tests, and records indicating an alcohol level of 0.02 or greater must be kept for five years.
4. An annual summary of the results of the School District's testing program will be submitted to the U.S. Department of Transportation by March 15 of each year.

Training

On an annual basis, all covered employees will receive educational materials that explain the requirements of the alcohol and controlled substances testing rules, as well as the Board of Education's policy and procedures with respect to meeting those requirements. Each covered employee shall be required to sign a statement verifying receipt of the educational materials. The School District shall maintain the original of the signed statement. Those materials, minimally, will include the following information:

1. The identity of the designated person to answer driver questions about the materials;
2. The categories of employees who are subject to the alcohol and controlled substances testing rules;
3. Sufficient information about the safety-sensitive functions performed by those employees to make clear what period of the work day the employee is required to be in compliance with the rules;
4. Specific information about prohibited conduct;
5. The circumstances under which a covered employee will be tested for alcohol and/or controlled substances;
6. The procedures that will be used to test for the presence of alcohol and controlled substances, protect the employee and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct employee;
7. The requirement that a covered employee will submit to alcohol and controlled substances tests administered according to this policy;
8. An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences;
9. The consequences for covered employees found to have violated the standards of conduct, including the requirement that the employee be removed immediately from safety sensitive functions and the procedures for such removal;

10. The consequences for covered employees found to have an alcohol concentration of 0.02 or greater but less than 0.04;
11. Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem; and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to an employee assistance program and/or referral to supervisory personnel.
12. Information concerning additional Board policies regarding the use or possession of alcohol or controlled substances, including any consequences for a covered employee found to have a specified alcohol or controlled substances level.

In addition to training for covered employees, the School District will ensure that education and training programs for supervisors will minimally include:

- a. At least 60 minutes of training on alcohol misuse;
- b. At least an additional 60 minutes of training on controlled substances use;
- c. The physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

#### **Confidentiality**

Except as expressly authorized by law, neither the School District nor any person or agency contracting with the School District for alcohol and/or substance abuse testing services shall release information regarding an employee's test results without the employee's written consent. The medical review officer will also communicate all information to the School District as required by the Omnibus Transportation Employee testing Act of 1991 and its promulgated regulations.

#### **Definitions**

For purposes of this policy and any administrative regulations associated with this policy, the following definitions shall apply:

**Controlled Substances:** Any illegal drug and any drug that is being used illegally (e.g., a prescription drug that was not legally obtained or not used for its intended purposes or in its prescribed quantity).

**Covered Employee:** An employee (including a substitute) who operates or maintains a commercial motor vehicle in interstate or intrastate commerce and is subject to the commercial driver's license requirements.

**Illegal Drug:** Any drug or substance, the possession or use of which is unlawful pursuant to federal, state and local statute, regulation and/or ordinance.

**Omnibus Transportation Employee Testing Act of 1991:** The Omnibus Transportation Employee Testing Act of 1991, as signed into law on October 28, 1991, and its promulgated regulations,

and as may be amended from time to time or may be superseded or replaced by legislation having a substantially comparable purpose.

Safety-Sensitive Function: All tasks associated with the operation or maintenance of school vehicles.

While on Duty: The time from which the covered employee begins to work or is required to be in readiness for work until the time the covered employee is relieved from work and all responsibility for performing work.

Implementation and Compliance

Because the Board of Education, as of March 17, 1994, employs over 50 covered employees who perform safety-sensitive functions, implementation of this policy will be effective January 1, 1995.

LEGAL REF: Omnibus Transportation Employee Testing Act, 1991

**Adopted April 15, 2002**

The Holly Area School District is committed to providing educational opportunities to all students in a safe environment. It is the policy of the district to work cooperatively with the Oakland County Health Division to enforce and adhere to the Michigan Public Health Code (Act 368 of 1978, as amended) and the Revised School Code for prevention, control and containment of communicable diseases in schools. This policy is established to ensure that proper procedures are exercised to assure both the rights of the individual having the Serious Communicable Disease (SCD) as well as the rights of other students and staff. The district will ensure that individuals are protected and the concerns of the community are addressed. The SCD's to which these guidelines apply are: AIDS (Acquired Immune Deficiency Syndrome, ARC (AIDS Related Complex), Hepatitis B, persons infected with HTLV-IH (Human T-Cell Lymphotropic Virus/Lymphadenopathy Associated Virus, Tuberculosis, Blood-Borne Pathogens and other potentially serious diseases that may be transmitted and which may present potentially serious health problems for those who come in contact with the disease and/or the disease carrier.

It is the district's intent to assure that staff members who have contracted a communicable disease which is serious in nature will be able to have their individual situation reviewed by a panel and have that panel recommend whether they may continue to be involved in the public school setting. The provisions of this policy have been formulated with careful consideration to the positions and recommendations of the Center for Disease Control (CDC) and the Michigan Department of Education. In keeping with these recommendations, confidentiality and universal precautions are considered to be matters of the highest priority.

Confidentiality

Confidentiality will be of primary consideration at all times. All staff will adhere to state and federal laws when in possession of any personal information regarding an employee who may be infected with a SCD.

LEGAL REF: MCL 333.5131; 353.5111; Family Educational Rights and Privacy Act of 1974

**Adopted April 15, 2002**

Whenever an employee has been diagnosed by a physician as having a communicable disease, such employee should report the diagnosis and nature of the disease to the **superintendent**. An employee afflicted with a communicable disease dangerous to the public health may be required to withdraw from active employment for the duration of the illness in order to give maximum health protection to other district employees and to students. All district employees shall maintain the confidentiality of afflicted persons insofar as the health and safety of other persons in the district are not compromised and in compliance with state and federal laws.<sup>35</sup>

The employee shall be allowed to return to his duties upon termination or remission of the communicable illness, as authorized by a physician, or as authorized by a district health assessment team.

The board reserves the right to require a written statement from the employee's physician indicating that the employee is free from all symptoms of a communicable disease. Communicable disease as defined in board policy shall refer to any infectious or contagious disease as determined by the State Department of Health and Environment or the United States Centers for Disease Control.

#### Procedures for Sanitation & Hygiene - Handling Body Fluids

Routine and standard procedures which are recommended by the Oakland County Health Division will immediately be implemented and used to ensure proper sanitation and hygiene. These procedures will be used irrespective of any knowledge of disease presence. Current State and Federal laws protect the privacy and confidentiality of an individual with a Serious Communicable Disease (SCD).

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<sup>35</sup> MCL 333.5111

As a result of current laws and District policy, school employees will not necessarily be informed of the presence of an individual who is infected with a Serious Communicable Disease. In recognition of the district's responsibility to protect the health of staff and student's health as well as the privacy and confidentiality of an individual who is infected with a SCD, all employees will adhere strictly to proper procedures regarding the handling of blood or body fluid spills:

- A. Blood and body fluid spills will include: vomitus, urine, fecal material or fluid from oozing lesions.
- B. Gloves will be made readily available to all employees by all District building **principals** and immediate supervisors. All employees will be fully inserviced in procedures and informed of the location of gloves, bleach and proper sanitation facilities. An intermediate level disinfectant which is registered by the U.S. Environmental Protection Agency for use as a medical facility disinfectant should be used to clean surfaces contaminated with body fluids.
- C. The following procedures will be strictly adhered to by all school employees:
  - 1. Gloves will be worn when cleaning up blood or body fluid spills.
  - 2. Any area in which spills occur will be disinfected with bleach or other appropriate disinfectant.
  - 3. Persons will wash their hands after coming in contact with any blood or body fluid spills, regardless of the use of gloves.
  - 4. All materials, including gloves and cleaning equipment, will be contained in leak proof bags for cleaning or further disposition.
  - 5. Cleaning equipment will be properly disposed of or rinsed in a disinfectant.
  - 6. Disinfectant solutions will be promptly disposed of in an appropriate manner.

The employment of teachers shall be secured through written contracts according to their status as a probationary or tenured teacher.<sup>36</sup>

The **superintendent** is authorized to sign teacher contracts on behalf of the board.<sup>37</sup> All provisions of individual contracts shall be in compliance with the negotiated master agreement.

Official transcripts of credits and copies of certificates required by law for a specific job performance shall be placed on file in the Board Office. The provision of these and other appropriate records shall be the responsibility of the employee.

**Compensation and Benefits** (Cf. 2400)

Provisions of this section are generally covered in the negotiated master agreement and/or staff contract.

LEGAL REF: MCL 380.471; 380.1224; 380.1231

**Adopted April 15, 2002**

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<sup>36</sup> MCL 380.1231 (1) ("The board of a school district shall hire and contract with qualified teachers. Contracts with teachers shall be in writing and signed by a majority of the board in behalf of the district, or by the president and secretary, or by the superintendent of schools or an authorized representative of the board. The contracts shall specify the wages agreed upon.")

<sup>37</sup> MCL 380.1231 (1)

Teacher Selection

The board has the legal responsibility of approving the employment of all teaching personnel. While this responsibility cannot be waived, the board delegates to the **superintendent** the authority to recruit staff members. In carrying out this responsibility, the **superintendent** shall involve appropriate administrative and/or non-certified staff members.

**Adopted April 15, 2002**

All teachers during the first four full school years of employment shall be on probation, unless he or she has previously received tenure at another school district.

During this probationary period, the board will ensure that the teacher is provided with an individualized development plan and given an annual year-end performance evaluation, as provided for under current law. Additional performance evaluations or classroom observations, in addition to those required under the Teachers' Tenure Act, may be required as noted in the current negotiated agreement.

Tenure

Teachers shall be placed on continuing tenure after the satisfactory completion of their probationary period. Once tenure has been attained, the teacher shall remain on continuing tenure as provided for under current law.

The board may discharge or demote a continuing tenure teacher only for reasonable and just cause and only as provided for under current law.

Continuing tenure will not be granted to any annual assignment of extra duty for extra pay.

Administrative Tenure

Administrators or teachers employed in assignments other than that of classroom teacher, shall be employed without continuing tenure in their other position, but will retain continuing tenure status in their teaching position.

Administration of Tenure

Provisions for evaluation of administrators and teachers is a priority of the board. The **superintendent** is responsible for developing procedures in agreement with the current negotiated agreement for meeting these priorities.

LEGAL REF: MCL 38.71 *et seq.*

**Adopted April 15, 2002**

Unless specified elsewhere in these policies, or in a recognized and approved bargaining unit contract, all employees of the Holly Area Schools shall be evaluated at least annually. The evaluations shall be completed by the employee's immediate supervisor in a manner prescribed by the **superintendent**. Evaluation shall be based on the achievement of results specified in the employee's position description and on specific goals and objectives.

Unless specified elsewhere in these policies, or in a recognized and approved bargaining unit contract, all probationary employees of the Holly Area Schools shall be evaluated at least twice during their probationary period.

Recommendations on probationary teachers shall be made to the board by the **superintendent**, on/or before the first board meeting in April.

Recommendations on administrators shall be made to the board by the **superintendent**, on/or before the first board meeting in April.

#### Availability of Evaluation Documents

Board policy provides that the evaluation instrument shall be available to the **superintendent**, evaluating administrator, or supervisor under whose direct supervision the teacher will work and others authorized by law.

LEGAL REF: MCL 38.71 *et seq.*; 15.268

**Adopted April 15, 2002**

The board may discipline, dismiss or demote any probationary or tenured teacher upon recommendation by the **superintendent** in accordance with the Michigan Tenure Act and/or within the provisions of the current negotiated master contract.

The **superintendent** or building **principal** shall make written recommendations to the board concerning an employee on tenure or probation who, in his judgment, should be considered for dismissal.

The **superintendent** is authorized by the board to suspend from active duty a teacher against whom formal charges are anticipated being filed or have already been filed, until a decision is rendered or until the board acts to reinstate said teacher.

LEGAL REF: MCL 38.71-121

**Adopted April 15, 2002**

**Resignation**

The board authorizes the **superintendent** and assistant superintendent to accept the resignation and/or retirement of an employee on behalf of, and without further action by, the board.

Teachers may resign by giving written notice to the **superintendent** at least 60 days prior to September 1 of the ensuing school year, unless other arrangements are mutually agreed upon.

In instances where an employee wishes to leave on shorter notice, the board may permit an earlier release on condition that satisfactory arrangements can be made for replacement. The board reserves unto itself the right to make the final decision on such requests.

Once a resignation is tendered to the board through its **superintendent**, and has been accepted by the **superintendent**, that resignation shall be considered final unless its withdrawal is approved by the board. The **superintendent** shall immediately accept the resignation in writing and shall, in the letter of acceptance, include a copy of the Michigan Teacher Tenure Act.

Any teacher discontinuing his service in any other manner shall forfeit rights to continuing tenure previously acquired, and such action shall become part of the personnel record of said teacher.

LEGAL REF: MCL 38.71-121

**Adopted April 15, 2002**

Certified employees shall not be permitted to engage in outside employment which, by its nature or duration, will impair the effectiveness of their instructional service, adversely affect their professional status, affect detrimentally on the district, raise a question of conflict of interest or require or imply the use of any district facilities or equipment.

**Adopted April 15, 2002**

Teaching employees may be excused from work by the **superintendent** to perform technical or instructional services as consultants to other districts, government agencies or private industry.

**Adopted April 15, 2002**

Substitute teachers<sup>38</sup> shall be obtained to provide for a level of instruction commensurate with the regular teacher's performance as nearly as practicable. The board shall establish annually a daily compensation rate. The substitute teacher wage rate shall be determined as part of the three year nonbargaining employees handbook as approved by the Board of Education.

Substitute teachers shall be employed, if available, to provide instruction in the absence of regularly contracted teachers. The process for acquiring substitute teachers shall be the responsibility of the **superintendent**.

Substitute teachers in one (1) specific position, after twenty (20) continuous teaching days of service in that position, shall be granted a per them salary equal to the minimum BA salary rate for regular teachers.

LEGAL REF: MCL 380.1236; 421.42; 421.50; AG Opinion #6360

**Adopted April 15, 2002**

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<sup>38</sup> MCL 380. 1236 ("If a teacher is employed as a substitute teacher with an assignment to 1 specific teaching position, then after 60 days of service in that assignment the teacher shall be granted for the duration of that assignment leave time and other privileges granted to regular teachers by the school district, including a salary not less than the minimum salary on the current salary schedule for that district.") 1986 Mich. Op. Atty. Gen. No. 6360 (If a substitute teacher serves the last 30 days of a school year and the first 30 days of the next school year in the same teaching position that substitute teacher is entitled to the benefits provided in MCL 380. 1236.)

A job description for each classification of non-certified employees shall be developed by the district's administration in cooperation with the district's employees. Job descriptions shall not be included in these policies/rules but will be filed and published in the appropriate handbook.

**Adopted April 15, 2002**

The **superintendent** will recruit non-certified personnel to fill existing or proposed vacancies and recommend that the board hire the best qualified person available.

In recruitment or filling vacancies there shall be compliance with the provisions of the current negotiated master contract.

**Adopted April 15, 2002**

The **superintendent** is authorized to employ part-time and/or substitute non-certified personnel under the provisions of the current negotiated master contract(s).

The **superintendent** shall be responsible to establish procedures for arranging substitutes in case of non-certified absences.

Salary for support staff substitutes shall be according to rates established annually by the board upon recommendation of the **superintendent** or as may be provided in the current negotiated master contract(s).

**Adopted April 15, 2002**

The **superintendent** and authorized administrative personnel are authorized to assign, reassign or transfer all non-certified employees.

All reassignments and transfers shall be made in complete adherence to the provisions of the current negotiated master contract.

**Adopted April 15, 2002**

All non-certified staff shall be considered to be on probation during the first 60 working days of employment. The **superintendent** shall provide for adequate supervision and evaluation of the employee prior to the end of said period. If a person other than the **superintendent** performs the evaluation, he shall make a recommendation to the **superintendent** as to the continued employment of the probationary staff member.

Employees assigned to a new or different position shall be considered to be on probation in said position according to their respective collective bargaining agreement.

**Adopted April 15, 2002**

Evaluation shall be based on the achievement of results specified in the employee's position description and on specific goals and objectives.

Employees shall be evaluated during the probationary period, with a report submitted to the **superintendent** at least two weeks prior to the end of the probationary period with a recommendation as to continued employment.

Support staff employees shall be evaluated, as agreed upon in the collective bargaining agreement, after serving the probationary period regardless of whether the employee is new to the district or serving in a new position within the district.

The process of evaluation shall be developed cooperatively by the administrative staff and each of the support staff employee groups and shall comply in all respects with provisions in the negotiated master contracts applicable to each employee group.

LEGAL REF: MCL 15.268

**Adopted April 15, 2002**

The **superintendent**, is authorized to suspend, discipline or dismiss non-certified staff. Prior to taking action, the **superintendent** shall give the employee an opportunity to present his/her side of the issue.

In suspending, disciplining or dismissing non-certified personnel, administrative staff shall adhere to any relevant provisions contained in the negotiated master contract with the employee's collective bargaining unit.

**Adopted April 15, 2002**

**DIRECTOR**

Holly Area Schools personnel policies should dictate the policies and procedures for hiring at all levels of positions as well as the policies and procedures for terminations. The (Head Start) policy committee should be kept informed as soon as there is word of a resignation/opening and/or if there is a plan to terminate the services of the Head Start Director.

The (Head Start) policy committee should be informed of any hiring or terminating process for the Head Start Director. The (Head Start) policy committee approves any potential candidate for Head Start Director, and forwards their recommendation to the school board for final approval.

**Adopted: December 13, 2004**

Any non-certified staff member desiring to resign from his position with the district shall submit a written resignation to the board at least ten working days prior to the effective date of the resignation.

The **superintendent** is authorized to accept resignations of support staff personnel on behalf of the board and they become final upon his acceptance. The **superintendent** shall present all resignations to the board for information.

**Adopted April 15, 2002**

Whenever provisions for reduction of non-certified staff are included in the current negotiated master contract with an employee group, it shall be followed.

When reduction in staff is necessary for employees where provisions are not covered in contracts, the administration shall make recommendations which in its judgment will be beneficial to the district. Though length of service may be considered as a criterion for making such recommendations, it shall not be the sole determining factor considered.

**Adopted April 15, 2002**