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EQUAL OPPORTUNITY EMPLOYMENT

No person in the Marengo County School System shall, on the basis of race, color, creed, religion, sex, age, handicap, national origin, or similar personal distinction be denied the benefits of, or be subjected to discrimination in regard to employment, retention, promotion, transfer, or dismissal in any educational program or activity which is under the jurisdiction of the Marengo County Board of Education.

The following objective and subjective criteria shall be used in selecting new professional personnel and in transferring, promoting, demoting, and dismissing professional personnel:

I. Objective Considerations

A. Instructional Personnel

1. Type of certificate
2. Number of years of experience:
 - a. In the teaching profession
 - b. In the grade, subject, or position which he currently teaches or occupies, or for which he is applying
 - c. In the system
3. Degree or degrees held (transcript required)
4. Endorsement in subject area
5. Number of hours beyond degree

6. Number of hours of voluntary participation in in-service training, workshops, seminars, etc.

7. Related occupational experience

B. Administrative Personnel

In addition to the criteria listed in I above, the following criteria shall apply to selection of administrative personnel:

1. Number of years of administrative experience:

a. In this system

b. In any other system

2. Classification of school in which experience was attained.

II. Subjective Considerations

A. Past performance

B. Ability

C. Leadership

D. Personality

The Board shall establish procedures by which subjective criteria will be evaluated.

Ref: U.S. Const. amend. XIV, 1; 42 U.S.C. 20003-1 to -17; 20 U.S.C. 1681, et. seq.; 29 U.S.C. 794; 29 U.S.C. 621 et. seq., Singleton v. Jackson Municipal Separate School District, 419 F. 2d 1211 (5th Cir. 1969).

STAFF INVOLVEMENT IN DECISIONMAKING

It is the Policy of the Marengo County Board of Education to encourage employee participation in decisionmaking for the School System and/or integral parts thereof.

In the development of educational policies for the operation of the School System, the Superintendent should include at the planning stage, whenever feasible, representation by those employees who will be affected by such provisions.

The professional staff shall be given full opportunity and encouragement to contribute in curriculum development and in the development of policies pertaining to the instructional program.

Each principal shall maintain channels for conferring with both the professional and support staff in establishing building policies and regulations.

The Superintendent shall develop with employees channels for the ready intercommunication of ideas and feelings regarding the overall operation of the schools. He shall weigh with care the counsel given, especially that given by groups representing large segments of the staff, and shall inform the Board of all such counsel in presenting recommendations for Board action. All involved personnel shall concomitantly recognize that efforts toward discharge of responsibilities in whose determination they shall have participated must denote conscientious and otherwise demonstrable conduct affirming their commitment to placing social and academic development of students ahead of special interests or selfish motives. Student development and

obligations of all personnel in this respect shall always be the primary emphasis of the Marengo County Board of Education and employed personnel.

STAFF INVOLVEMENT IN POLICY DEVELOPMENT

The Marengo County Board of Education shall, upon written recommendation of the Superintendent, determine and establish a written educational policy for the School System and shall also prescribe rules and regulations for the conduct and management of all schools.

The Board recognizes the need for knowledgeable, constructive, and purposeful involvement of personnel affected by respective policy areas. Before adopting written policies, therefore, the Board shall directly or indirectly through the Superintendent consult with the professional organization representing the majority of employees and in addition shall consult with professional assistants, principals, teachers, support employees, parents and other citizens served by respective schools.

Adopted policies, rules, and regulations shall be filed with the State Superintendent of Education and shall be made available to all employees of the Board. Any amendments to policies, rules, or regulations shall be developed as specified above, filed with the State Superintendent and provided to employees.

STAFF INVOLVEMENT IN BUDGET PLANNING

School boards are required to establish a procedure for budget preparation and to maintain a budget system to promote the efficiency and economy of the local school system.

In preparing the annual budget for adoption by the Board, the Superintendent may involve such staff members as deemed appropriate. However, direct input by teachers and principals in the development of their respective schools' budgets for classroom instructional support and expenditures is mandated by law. Furthermore, the development of school budgets for instructional supplies is to be accomplished within each school consistent with the statutory procedures applicable to the adoption of school board policies (Ala. Code § 16-1-30) and with the procedures set out in Alabama Code § 16-36-29.1, including the adoption of the budget by secret ballot.

Ref: Ala. Code 16-8-10, 16-13-140, 16-6B-10(a) and (b), 16-36-29.1.

FILE: GAB
CF: CK, GBRH

PROFESSIONAL DEVELOPMENT OPPORTUNITIES

The Marengo County Board of Education requires the development and implementation of a comprehensive program for the continuing education of professional employees. The program shall be cooperatively developed through the efforts and recommendations of teachers and administrators, and shall be consistent with mandates of the State Department of Education. Attendance of professional personnel at institutes and/or training programs shall be required by the Board of Education. Non-attendance of professional personnel at required institutes and/or training programs shall be cause for the forfeiture of contract with the Board of Education.

Ref: Harrah Independent School District v. Martin, 99 S. Ct. 1062 (1979); Ala. Code 16-26-1, 16-8-8, 16-9-25, 16-23-7 to -16.

COMPLAINTS AND GRIEVANCES

The Marengo County Board of Education recognizes that harmonious relations with its employees can be maintained and improved through effective communications. The interests of all parties can best be served by sincere efforts of all concerned to promote understanding and cooperation. The Board, therefore, has adopted the following grievance procedure as a means to examine and resolve possible problems which relate to the administration of personnel policies of the School System.

I. Definitions

- A. "Grievance" is a claim or dispute concerning the interpretation, application, or claimed violation of the personnel policies of the School System. Other matters for which other means of resolution are provided or foreclosed by statute or administrative procedures shall not be considered grievances. A grievance does not include matters involving the Board's right to establish educational policy and prescribe rules and regulations for the conduct and management of the Schools.
- B. Employees covered by this procedure shall mean permanent employees of the Board.
- C. Immediate Supervisor is that employee possessing administrative authority to direct the activities of the grievant.

II. Procedure. All grievances shall be handled in accordance with the following procedure:

- A. **Step 1.** Any employee shall promptly present to the employee's immediate supervisor the grievance in writing. Such notice shall be presented not later than five (5) working days after the date on which the alleged grievance occurred. The employee and his immediate supervisor shall attempt to resolve the grievance. The immediate supervisor shall make a proper disposition of the grievance and shall reply to the employee in writing within five (5) working days following the date of submission. If the grievance is not submitted within the time prescribed, the employee shall be deemed not to have any further right with respect to said grievance.
- B. **Step 2.** In the event the employee wished to appeal the decision at Step 1, the appeal must be presented in writing to an administrative officer of higher rank than the employee's immediate supervisor. Such appeal shall be presented within five (5) working days of the receipt of the Step 1 decision. Such appeal shall contain a statement of the grievance and specific references to the section of the System's personnel policies which the employee claims to have been violated. The administrative officer shall schedule a meeting with the employee as promptly as is reasonably possible to attempt to resolve the grievance. At this conference, the employee may appear alone or may be accompanied by a fellow employee of his choice. Notice of the conference shall also be given to all parties involved in the alleged grievance. The administrative officer shall issue a written decision to the

employee within five (5) working days after the conference. Unless the grievance shall be so appealed, it shall be deemed to have been settled and the employee shall have no further right with respect to said grievance.

- C. **Step 3.** In the event the employee wished to appeal the decision at Step 2, the appeal must be presented to the Superintendent in writing within five (5) working days of the receipt of the Step 2 decision. A Copy of the Step 3 appeal, together with Step 1 and Step 2 decisions and the name of the accompanying fellow employee, if any, must simultaneously be submitted to the Superintendent. The Superintendent shall schedule a meeting with the employee within ten (10) working days to attempt to resolve the grievance. Notice of the Step 3 conference shall be given to the employee, as well as to the individuals who rendered the Step 1 and Step 2 decisions. The Superintendent shall issue a written decision within ten (10) working days after the conference with the employee. Unless the grievance shall be so appealed, it shall be deemed to have been settled and the employee shall have no further right with respect to said grievance.
- D. **Step 4.** In the event the employee wished to appeal the decision at Step 3, the appeal must be presented to the Superintendent as secretary of the Board within five (5) working days of the receipt of the Step 3 decision. A copy of the Step 4 appeal, together with copies of the grievance, the Step 1, Step 2, and Step 3 decisions, and the name of the representative of the employee, if any, must simultaneously be submitted to the Superintendent. The employee's appearance to present his appeal before the Board will be scheduled in accordance with regular

procedures adopted by the Board. The employee may appear alone at this conference or be accompanied by counsel of his own choice. The Board shall issue a written decision within thirty (30) days after the conference with the employee.

Ref: Pickering v. Board of Education, 88 S. Ct. 1731 (1968); Givhan v. Western Line Consolidated School, 99 S. Ct. 693 (1979); See Ala. Code 16-9-13.

FILE: GAD
CF: GBU

CONFLICT OF INTEREST

The Marengo County Board of Education prohibits School System employees from engaging in additional employment or any other personal pursuits that would affect their efficiency or usefulness as employees in the System; that would make time and/or energy demands upon such individuals which could interfere with their effectiveness in performing their contractual obligations to the Board; that would compromise or embarrass the School System; that would adversely affect their School System employment status or professional standing; or that would in any way conflict with or violate professional ethics.

Employees shall not engage in any other employment or in any private business during the hours required to fulfill assigned educational duties.

The Board prohibits employees from engaging in political activity which materially interferes with or substantially disrupts the educational process in the School System.

Assemblies, school classes, and materials and equipment shall not be used for partisan political purposes.

Ref: Ala. Code 16-8-8, 16-89, 16-9-13, 16-9-34, 36-25-1 (9), 36-25-2(a), (b), (d), 36-25-5(a), 36-25-6, 36-25-8, 16-24-8.

FILE: GAE
ALSO: KDC

SOLICITATIONS

The Marengo County Board of Education prohibits any employee of the School System from directly or indirectly reaping personal profit or reward from the sale or purchase of goods or services to students in the School System or to parents of such students.

Employees are further prohibited from directly or indirectly furnishing or supplying a list or lists or roster of names and addresses of students in the School System or parents of such students to persons, firms, corporations, associations, or organizations or to the salesmen of any such entities who are engaged directly or indirectly in the business of selling school supplies or school-related articles, equipment, or items.

Ref: Ala. Code 36-25-1(9), 36-25-2(a), (b), (d), 36-25-5(a), 36-25-6, 36-25-7, 16-8-9, 16-8-8.

FILE: GAF

PERSONNEL RECORDS

The Marengo County Board of Education shall require complete and current Personnel records on all employees.

All information contained in an employee's records shall be considered confidential and shall not be transmitted to other persons or agencies without written approval by said employee, or as subpoenaed by legal authorities.

It shall be the responsibility of each employee to insure that his Central Office and local school personnel files are complete and current in compliance with established Board procedures.

Each employee shall have a right to review his local school or Central Office personnel file during normal business hours. Each employee may have included in his personnel file a written response to any material contained within the file. Under no circumstance shall an employee request permission to review his personnel file during times when the employee is supposed to be fulfilling employment-related duties.

SALARY DEDUCTIONS

The Marengo County Board of Education will make salary deductions which are required by law, including federal income tax, state income tax, retirement, etc., in accordance with applicable laws and regulations.

The Board may make certain other salary deductions when employees or groups of employees properly request such deductions. The deductions shall be made from salaries earned in at least nine different pay periods and shall be remitted to the appropriate recipient as specified by the employees within 10 days following each deduction.

Deductions made for employee organizations shall be made based upon membership lists and forms provided by the respective organizations. These lists shall be corrected, updated, and returned to the respective organizations not later than November 10 of each school year. Deductions shall be made from the membership lists unless an employee revokes authorization for such deductions by providing a 30-day written notice of revocation.

New authorization for payroll deductions may be added twice per year.

Upon termination, amounts owed under the authorization of an employee shall be deducted from an employee's final pay due.

When amounts have been correctly deducted and remitted by the Board, the Board shall bear no further responsibility or liability for further transactions. The Board shall not be liable for any error while acting in good faith to make the subject deductions.

FILE: GAH

STAFF RIGHTS AND RESPONSIBILITIES

The Marengo County Board of Education recognizes that each employee has the same civil and constitutional rights as any other citizen. Such rights shall be respected at all times but shall be restricted if their exercise materially interferes with the educational process. No other rights and responsibilities shall be accorded staff members unless specifically incorporated in the contracts of employment entered into between the Marengo County Board of Education and the employee.

Ref: U.S. Const. amend. I; U.S. Const. amend. XIV, 1; Curtis Publishing Company v. Butts Associated Press v. Walker, 875 S. Ct. 1975 (1967); Time, Inc. v. Hill, 875 S. Ct. 534, (1967); Pickering v. Board of Education, 391 U.S. 563, (1968); Givhan v. Western Line Consolidation School, 99 S. Ct. 693 (1979); Keyishian v. Board of Regents, 385 U.S. 589 (1967); Board of Regents of State Colleges v. Roth, 408 U.S. 564 (1972); Perry v. Sindermann, 408 U.S. 593 (1972); Ala. Code 16-4-9, 16-8-10.

DRUG-FREE WORKPLACE POLICY STATEMENT

Drug abuse and use at the workplace are subjects of immediate concern in our society. These problems are extremely complex and ones for which there are no easy solutions. From a safety perspective, the users of drugs may impair the well-being of employees, students, and the public at large, and may cause damage to school property. Therefore, it is the policy of the Marengo County Board of Education that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in a school workplace is prohibited. Any employee violating this policy will be subject to disciplinary action up to and including termination of employment and referral for prosecution. The specifics of this policy are as follows:

1. The Marengo County Board of Education does not differentiate between drug users and drug pushers or sellers. Any employee who gives or in any way transfers a controlled substance to another person or sells or manufactures a controlled substance while on the job or on school premises will be subject to disciplinary action up to and including termination of employment and referral for prosecution.
2. The term "controlled substance" means any drug listed in 21 U.S.C. #812 and other federal regulations. Generally, these are drugs which have a high potential for abuse. Such drugs include, but are not limited to, heroin, marijuana, cocaine (including "crack"), and PCP. They also include "legal drugs" which are not prescribed by a licensed physician.

3. Each employee is required by the Drug-Free Workplace Act of 1988 to inform the Superintendent, Marengo County Schools, within, five (5) days after he or she is convicted for a violation of any federal or state criminal drug statute where such violation occurred on school premises. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal or state court.
4. If an employee is convicted of violating any criminal drug statute while in the workplace, he or she will be subject to disciplinary action up to and including termination of employment. Alternatively, the Marengo County Board of Education may require the employee to finish successfully a drug abuse program sponsored by an approved private or governmental institution.
5. As a condition of further employment, the Marengo County Board of Education requires all employees to abide by this policy.

COMMUNICABLE DISEASE CONTROL

The Marengo County School System will cooperate with local and state health agencies to enforce and comply with applicable health codes for the prevention, control, and containment of communicable diseases in schools.

It shall be the responsibility of employees of the system to report to their Principal or the Superintendent any cases or suspected cases of diseases and health conditions designated by the State Board of Health as notifiable (see Code of Alabama, 22-11a-1, et. seq. {1987}).

1. **Certificate of Immunization**

A certificate of immunization against diseases designated by the state health officer shall be required before a student can be enrolled initially in kindergarten or first grade in the Marengo County School System.

2. **Authority to Exclude Student or Staff Member**

The Superintendent shall have the authority to exclude any student or staff member with a communicable disease or parasite known to be spread by any form of casual contact (for a clearer understanding of the phrase “spread by casual contact”, refer to The New England Journal of Medicine, February 6, 1986, p. 346) and is considered a health threat to the school population. Such a student or staff member shall be excluded from schools in the Marengo County School System for

such period of time as may be prescribed by the local Health Department, school nurse, or a physician. In all cases, a statement of clearance from the Department of Health, school nurse, or a physician shall be required before the student or staff member may re-enter school or return to work.

3. **Due Process for Students and Staff Members**

When reliable evidence or information from a qualified source confirms that a student/staff member has a communicable disease or infection that is considered by medical authorities not to be spread by casual contact *, i.e. AIDS, Hepatitis B, and other like diseases, the decision as to whether the affected person will remain in the school setting will be addressed on a case by case basis by a review panel to ensure due process. If the above individual is a student who has been determined to be handicapped pursuant to the administrative rules for special education, or is suspected of being physically or otherwise health impaired, the protocol for special education students will be followed.

4. **Mandatory Screening for Communicable Diseases**

Mandatory screening for communicable diseases that are known not to be spread by casual contact is not warranted as a condition for school entry or for employment or continued employment.

5. **Procedures for Handling Blood or Body Fluids**

Irrespective of the disease presence, routine procedures shall be used and adequate sanitation facilities will be available for handling blood or body fluids within the school setting. School personnel will be trained in the proper procedures for handling blood and body fluids and these procedures will be strictly adhered to by all school personnel.

6. **Confidential Information**

All persons privileged with any medical information that pertains to students or staff members shall be required to treat all proceedings, discussions, and documents as confidential information. Before any medical information is shared with anyone in the school setting, a "Need to Know" review shall be made which includes the parent/guardian, student if over 18, employee, or their representative.

7. **Instructions Regarding Communicable Diseases**

Instruction on the principal modes by which communicable diseases, including, but not limited to, Acquired Immunodeficiency Syndrome (AIDS) are spread and the best methods for the restriction and prevention of these diseases shall be taught to students with in-service education provided to all staff members.

Source: Marengo County Board of Education, Linden, Alabama

Legal Ref.: THE CODE OF ALABAMA, 16-29-1- 16-30; 22-IIa-1, et. seq., State Department of Public Health Guideline, Jan. 3, 1983; State Department of Education Memorandum April 14, 1978; Michigan Department of Education Model Communicable Disease Policy; The New England Journal of Medicine, Feb. 6, 1986, F.-346. 60 ALR 4-th-15 (AIDS Infection as Affecting Right to Attend School.)

**PROTOCOL FOR COMMUNICABLE DISEASES KNOWN NOT TO BE
SPREAD BY CASUAL CONTACT**

Rationale for Protocol Concerning Students or Staff Members Who Have Contracted Acquired Immune Deficiency Syndrome (AIDS); or who have an AIDS-related complex or asymptomatic carriers likely to present a risk of contagion (some courts have found that a distinction between AIDS-infected individuals and carriers with AIDS-related complex or asymptomatic carriers, to be unconstitutional {60 ALR 4th 15}).

In adults and adolescents, current research reflects that the Human Immunodeficiency Virus (HIV) which may eventually cause AIDS is transmitted primarily through sexual contact and direct blood to blood exposure to infected blood or blood products.

All known cases of children who have acquired the AIDS virus have become infected: (1) Perinatally from infected mothers; (2) from receiving a transfusion of blood or blood products that contained the virus; or (3) in older children who have acquired the disease sexually or from contaminated needles during intravenous drug abuse.

None of the identified cases of HIV infection in the United States are known to have been transmitted in the school, daycare, or foster-care setting or through other casual person-to-person contact. Based on current evidence, casual person-to-person contact as would occur among school children is not considered an unusual risk. However, studies of the risk of transmission between preschool-aged children and neurologically handicapped children who lack control of their body secretions are limited. Based on experience with other communicable diseases, a theoretical risk for transmission would exist among these children.

The Centers for Disease Control (CDC), in consultation with several health associations as well as the National Association of Elementary School Principals and the Board of Directors of the National Congress of Parents and Teachers recommend that:

1. For most infected school-age children, the benefits of an unrestricted setting would outweigh the risks of their acquiring potentially harmful infections in the setting and the apparent nonexistent risk of transmission of the Human Immunodeficiency Virus (HIV). These children should be allowed to attend school.
2. Generally school employees, including personal service and food service staff, do not need to be restricted from work if HIV infected unless there is evidence that other infection or illness exists that may be spread by casual contact in the school setting or the illness precludes them from performing the functions of which they were employed. Both Federal and State law require reasonable accommodation.

Decisions concerning the Exclusion of children from public school due to AIDS infection are few in number. Due process procedures, however, as outlined below, are legally acceptable and are to be followed.

A. The Review Panel

1. Communicable diseases that are known not to be spread by casual contact, e.g. AIDS, Hepatitis B, and other like diseases will be addressed on a case by case basis by a review panel.
2. Panel membership:

- a. The physician treating the individual.
 - b. A health official from the Marengo County Health Department who is familiar with the disease.
 - c. A child/employee advocate (e.g., nurse, counselor, child advocate, social worker, employee representative, etc. from in or outside the school setting) approved by the infected person or parent/guardian.
 - d. A School representative familiar with the child's behavior in the school setting or employee's work situation (the building principal or the appropriate work supervisor).
 - e. Either the parent/guardian of child, student if over 18, employee, or their representative.
 - f. A district administrator other than the Superintendent.
3. The Superintendent will assign a stenographer to record the proceedings.
 4. The Superintendent will designate the chair of the panel. The chair is responsible for assuring a due process hearing that is fair and just. The chair shall ensure an impartial hearing for all interests concerned.
 5. The Superintendent will be present during the testimony process but will be excused when the panel is deliberating towards the "Proposal for Decision."
 6. The chair of the review panel will designate the panel member who will write the "Proposal for Decision."

B. Case Review Process

1. Upon learning of a student/staff member within the Marengo County School System who has been identified by a qualified source as having or being the carrier of a communicable disease that is known not to be spread by casual contact, the Superintendent shall:
 - a. Immediately consult with the physician of the student/staff member and/or the health official from the Marengo County Health Department to obtain information as to whether the student/staff member is generally well enough to remain in school during the review panel process. The Superintendent will confirm whether the student/staff member has evidence of a present or temporary condition that could be transmitted by casual contact in the school setting.
 - (1) If the student/staff member's physician or the health department physician indicates the student/staff member is well enough to remain in the school setting and poses no immediate health threat through casual contact to the school population because of their illness, the student/staff member shall be allowed to remain in the school setting while the review panel meets.
 - (2) If the student/staff member's physician or the health official indicates the student/ staff member is currently not well enough to remain in the school setting and/or that the affected individual currently has evidence of an illness or infection that poses a

potential health threat through casual contact to the school population because of their illness, the student/staff member shall be excluded from the school setting while the review panel meets. If the health department health official recommends exclusion because a public health threat exists, the review panel will discuss the conditions under which the individual may return to school.

- b. Immediately contact the review panel members to convene a meeting to explore aspects of the individual's case.
- c. Submit to the parent/guardian or infected person in writing a notice of their rights as a review panel member and the method of appeal.

2. The Review Panel Process

- a. The review panel shall meet within 24 to 48 hours to review the case. The following aspects should be considered in that review:
 - (1) The circumstances in which the disease is contagious to others.
 - (2) Any infections or illnesses the student/staff member could have as a result of the disease that would be contagious through a casual contact in the school situation.
 - (3) The age, behavior, and neurological development of the student.
 - (4) The expected type of interaction with others in the school setting and the implications to the health and safety of those involved.
 - (5) The psychological aspects for both the infected individual and others concerning the infected individual remaining in the school setting.

- (6) Consideration of the existence of contagious diseases occurring within the school population while the infected person is in attendance.
- (7) Consideration of a potential request by the person with the disease-to be excused from attendance in school or on the job.
- (8) The method of protecting the student/staff member's right to privacy, including maintaining confidential records, and who in the school setting "needs to know" the identity of the affected individual.
- (9) Recommendations as to whether the student/ staff member should continue in the school setting, or if currently not attending, under what circumstances he/she may return.
- (10) Recommendations as to whether a restrictive setting or alternative delivery of school programs is advisable.
- (11) Determination of whether an employee would be at risk of infection through casual contact when delivering an alternative educational program.
- (12) Any other relevant information.

b. Proposal for Decision

- (1) Within three (3) business days after convening the panel, the Superintendent shall be provided with a written record of the proceedings and the "Proposal for Decision." The Proposal serves

as a recommendation to the Superintendent. It is based on the information brought out in the review panel process and will include the rationale for the recommendation concerning school attendance for the student or continuance of employment of the staff member. If there is a minority viewpoint by panel members following the review process, that should also be included in the report.

- (2) If the Proposal for Decision is to exclude the affected person from the school setting because of the existence of a temporary or present condition that is known to be spread by casual contact and is considered a health threat to the school community, the Proposal for Decision shall include the conditions under which the exclusion will be reconsidered.
- (3) The parent/guardian or affected person will be given a copy of the proposal. The review panel members will be given the opportunity to review the content of the Proposal for Decision.

c. Superintendent's Decision

- (1) The Superintendent shall either affirm, modify, or take exception to the Proposal for Decision within three (3) business days after receipt of the Proposal for Decision unless a rehearing request on that Proposal has been made. (See Appeal Process, Rehearing Request.)

- (2) In the event the Superintendent takes exception to the Proposal for Decision, he/she shall prepare a written statement that sets forth the reasons for the exceptions and the basis for that decision.
- (3) The parent/guardian or affected person and the Health Department official will be given a copy of the Superintendent's decision. The other review panel members will be given the opportunity to review the content of the Superintendent's decision.

C. **Appeal Process**

1. Rehearing Request

- a. The parent, guardian, or affected person who considers the Proposal for Decision unjust may request a rehearing, in writing, directed to the chair of the review panel within three (3) days of Proposal for Decision. Grounds for requesting a rehearing are limited to: (1) new evidence of information that is important to the decision; or (2) substantial error of fact.
- b. The chair, within three (3) business days from the date of receipt of the request for rehearing shall either grant or deny the request for rehearing. If the request for rehearing is denied, chair shall immediately submit the Proposal to the Superintendent. If the request for rehearing is granted, the chair shall reconvene the same panel that originally heard the matter within five (5) business days of the date the hearing is granted.
- c. Within three (3) business days after the rehearing, the chair shall submit Proposal for Decision to the Superintendent. The parent/guardian or

affected person will be given a copy of the Proposal. The review panel members will be given the opportunity to review the content of the Proposal for Decision.

2. Request for Reconsideration of Superintendent's Decision

- a. The parent/guardian or affected person may request a reconsideration of the Superintendent's decision within three (3) business days of the date the Superintendent's decision was issued. The request shall be in writing and shall allege that the Decision contains a substantial error of fact or the decision is against the great weight of the evidence as set forth in the Proposal for Decision.
- b. An oral presentation by the parent/guardian, affected person, or their representative may be granted by the Superintendent.
- c. The Superintendent shall grant or deny the request for reconsideration within three (3) business days after receipt of the request or within three (3) business days following the oral presentation, whichever is applicable.

3. Request for a Board Decision

The parent/guardian, affected person, or their representative may make a final written appeal to the President of the Board of Education within five (5) school days after the Superintendent's decision. The Board shall meet within three (3) business days and hear the student/staff member's appeal along with the Proposal for Decision and Superintendent's decision. Within two (2) business days of the hearing, the Board shall render its decision in writing with copies sent to the Superintendent, health department health official, and parent/guardian or affected person.

4. Review of Panel Request for Appeal

If the Proposal for Decision or the Superintendent's decision is contrary to the majority opinion of the review panel, a majority of the panel has the right to appeal either decision in the same manner stated in the Appeal Process.

D. General

1. If the student with the disease is not attending school, the district may provide an alternative delivery of school programs.
 - a. If the review panel determines there is a risk of infection through casual contact to the employee while delivering this program, the employee may be allowed the option not to serve in the situation.
 - b. If the panel determines there is no risk of infection to the employee, the employee will be expected to participate in the delivery of the alternative program.
2. The review panel member who is serving as the advocate for the infected individual (or another person designated by the panel and approved by the parent/guardian, or the infected person) will serve as the liaison between the student/staff member, family, and attending physician as it relates to the school setting.
3. The rights of an infected staff member shall fall under the same guidelines concerning any medical illness or condition which are outlined in Marengo County School Board Policy.

4. Employees of the district shall be expected to teach and provide other normal personal contract services in school to a student or to work with a school employee determined to have a disease known not to be communicable by casual contact unless a determination to the contrary has been made by the review panel.

E. Confidentiality

All persons involved in these procedures shall be required to treat all proceedings, deliberations, and documents as confidential information. Records of the proceedings and the decisions will be kept by the Superintendent in a sealed envelope with access limited to only those persons receiving the consent of the parent/guardian or infected person as provided by Act 88-983, and the Family Education Rights and Privacy Act.

Source: Marengo County Board of Education, Linden, Alabama

Legal Ref.: THE CODE OF ALABAMA, 16-29-1; 16-30; State Department of Public Health Guideline, Jan. 3, 1983; State Department of Education Memorandum, April 14, 1978; Michigan Department of Education Model Communicable Disease Policy; The New England Journal of Medicine, Feb. 6, 1986, p. 346.

**PROTOCOL FOR SPECIAL EDUCATION STUDENTS
WHO HAVE CONTRACTED A COMMUNICABLE DISEASE
KNOWN NOT TO BE SPREAD BY
CASUAL CONTACT**

In order to be consistent with both State and Federal law and to protect the rights of handicapped students, the following protocol applies for special education students who have been identified by a qualified source as having a communicable disease that is known not to be spread by casual contact.

A. Procedure

1. If the student has been determined to be handicapped, the individualized education planning committee will serve as the review panel and follow the same procedure outlined on page 7-B of protocol for communicable diseases known not to be spread by casual contact, except as altered herein.
2. The IEP committee shall be convened within 48 hours of learning that the student has been identified as having a communicable disease that is known not to be spread by casual contact.
3. The IEP committee participants shall be expanded to include the following participants:
 - a. The school principal.
 - b. The physician treating the individual.
 - c. A health official from the Marengo County Health Department who is familiar with the disease.

- d. A child advocate (C. g., nurse, counselor, social worker, etc. from in or outside the school setting) approved by the infected person or parent/guardian.

Note: The Superintendent will assign a stenographer to record the proceedings.

B. Other

1. During the pendency of any administrative or judicial proceeding regarding a complaint, unless the public agency and the parents of the child agree otherwise, the child involved in the complaint must remain in his/her present education placement.
2. If the complaint involves an application for initial admission to public school, the child, with the consent of the parents must be placed in the public school program until the completion of all the proceedings.

Source: Marengo County Board of Education, Linden, Alabama

Legal Ref.: THE CODE OF ALABAMA, 16-29-1; 16-30; State Department of Public Health Guideline, Jan. 3, 1983; State Department of Education Memorandum, April 14, 1978; Michigan Department of Education Model Communicable Disease Policy; The New England Journal of Medicine, Feb. 6, 1986, p. 346.

**ROUTINE PROCEDURES
FOR SANITATION AND HYGIENE
WHEN HANDLING BODY FLUIDS**

A. Purpose

To insure that body fluids involving blood, vomitus, urine, feces, semen, saliva, and nasal discharges are handled properly.

B. Those Affected

All school staff should be alerted to dangers of infections (see chart on page 8) from body fluids. School nurses, custodians, and teachers should be particularly alert to the proper techniques in handling and disposal of materials.

C. Equipment Needed

1. Soap
2. Water
3. Paper towels
4. Disposable gloves
5. Disposal bags
6. Dust pans
7. Buckets
8. Mops
9. Disinfectants (should be one of the following classes):
 - a. Phenolic germicidal detergent in a 1% aqueous solution (e.g. Lysol*).
 - b. Sodium hypochlorite solution (household bleach).

- c. Quaternary ammonium germicidal detergent in 2% aqueous solution (e.g., Tri-quat*, Mytar*, or Sage*).
- d. Iodophor germicidal detergent with 500 ppm available iodine (e.g., Wescodyne*).
- e. Sanitary absorbing agent (Chlora Sorb*, X-0 Odor Away*).

D. Procedures

1. General

- a. Wear disposable gloves before making contact with body fluids during care, treatment, and all cleaning procedures.
- b. Discard gloves after each use.
- c. Wash hands after handling fluids and contaminated articles whether or not gloves are worn.
- d. Discard disposal items including tampons, used bandages and dressings in plastic-lined trash container with lid. Close bags and discard daily.
- e. Do not reuse plastic bags.
- f. Use disposable items to handle body fluids whenever possible.
- g. Use paper towels to pick up and discard any solid waste materials such as vomitus or feces.

2. Handwashing

- a. Use soap and running water. Soap suspends easily removable soil and microorganisms allowing them to be washed off.
- b. Rub hands together for approximately 10 seconds to work up a lather.
- c. Scrub between fingers, knuckles, backs of hands, and nails.

- d. Rinse hands under warm running water. Running water is necessary to carry away debris and dirt.
 - e. Use paper towels to thoroughly dry hands.
 - f. Discard paper towels.
3. For washable surfaces
- a. For tables, desks, etc.:
 - (1) Use Lysol or household bleach solution of 1 part bleach to 10 parts water, mixed fresh.
 - (2) Rinse with water if so directed on disinfectant.
 - (3) Allow to air dry.
 - (4) When bleach solution is used, handle carefully.
 - (a) Gloves should be worn since the solution is irritating to skin.
 - (b) Avoid applying on metal since it will corrode most metals.
 - b. For floors:
 - (1) One of the most readily available and effective disinfectants is the bleach solution (1 ½ cups bleach to one (1) gallon water).
 - (2) Use the two bucket system - one bucket to wash the soiled surface and one bucket to rinse as follows:
 - (a) In bucket #1, dip, wring, mop up vomitus, blood.
 - (b) Dip, wring, and mop once more.
 - (c) Dip, wring out mop in bucket #1.

- (d) Put mop into bucket #2 (rinse bucket) that has clean disinfectant (such as Lysol, bleach solution).
 - (e) Mop or rinse area.
 - (f) Return mop to bucket #1 to wring out. This keeps the rinse bucket clean for second spill in the area.
 - (g) After all spills are cleaned up, proceed with (3).
- (3) Soak mop in the disinfectant after use.
 - (4) Disposable cleaning equipment and water should be placed in a toilet or plastic bag as appropriate.
 - (5) Rinse non-disposable cleaning equipment (dustpans, bucket) in disinfectant.
 - (6) Dispose disinfectant solution down a drainpipe.
 - (7) Remove gloves, if worn, and discard in appropriate receptacle.
 - (8) Wash hands as described in 2.
4. For non-washable surfaces (rugs, upholstery)
- a. Apply sanitary absorbing agent, let dry, and vacuum.
 - b. If necessary, use broom and dustpan to remove solid materials.
 - c. Apply rug or upholstery shampoo as directed. Re-vacuum.
 - d. If a sanitizing carpet cleaner only available by water extraction method is used, follow the directions on the label.
 - e. Clean dustpan and broom, if used. Rinse in disinfectant solution.
 - f. Air dry.
 - g. Wash hands as described in 2.

5. For soiled washable materials (clothing, towels, etc.)
 - a. Rinse item under running water using gloved hands if appropriate.
 - b. Place item in plastic bag and seal until item is washed. Plastic bags containing soiled, washable material must be clearly identified if outside laundry service is used.
 - c. Wash hands as described in 2.
 - d. Wipe sink with paper towels, discard towels.
 - e. Wash soiled items separately, washing and drying as usual.
 - f. If material is bleachable, add ½ cup bleach to the wash cycle.
 - g. Discard plastic bag.
 - h. Wash hands as described in 2 after handling soiled items.

**TRANSMISSION CONCERNS IN THE SCHOOL SETTING
BODY FLUIDS SOURCE OF INFECTIOUS AGENTS**

Body Fluid Source	* Organism of Concern	Transmission Concern
Blood Inoculation Cuts & abrasions Abrasions Nosebleeds Menses Contaminated needle	Hepatitis B virus AIDS virus Cytomegalovirus	Bloodstream Through cuts and on hands Direct blood stream Inoculation
** Feces Incontinence	Salmonella bacteria Shigella bacteria Rotavirus Hepatitis A virus	Oral inoculation From contaminated hands
** Urine Mucus Incontinence Hands	Cytomegalovirus	Bloodstream Oral and membrane Inoculation from
** Respiratory secretions Saliva Nasal discharge Inoculation	Mononucleosis virus Common cold virus Influenza virus Hepatitis B virus	Oral inoculation From contaminated hands Bloodstream through bites
** Vomitus	Gastrointestinal viruses e.g. (Norwalk agent, Rotavirus)	Oral inoculation from contaminated hands
Semen	Hepatitis B virus AIDS virus Gonorrhea	Sexual contact

* This is not an all-inclusive list of organisms of concern for transmission in the school setting.

** Possible transmission of AIDS is currently thought to be of little concern from these sources.

Source: Marengo County Board of Education, Linden, Alabama

Legal Ref.: THE CODE OF ALABAMA, 16-29-1; 16-30; State Department of Public Health Guideline, Jan. 3, 1983; State Department of Education Memorandum, April 14, 1978; Michigan Department of Education Model Communicable Disease Policy; The New England Journal of Medicine, Feb. 6, 1986, p. 346.

(Sample notice to parent/guardian of the student, the student if over 18, employee, or a representative designated by such individual.)

The following letter should be sent registered or certified mail, return receipt requested, and should be marked "confidential."

TO: _____ (here name the student if over 18, the parent or guardian if the student is under 18, or the employee, or a representative by one of the above described individuals)

You are hereby notified that _____ (or "you," as the case may be has (have) been identified by a qualified source as having/or being a carrier of a communicable disease that is known not to be spread by casual contact. It is, therefore necessary to institute a review of your case so that a proper decision may be reached in relation to your continued attendance in the school setting.

It has been determined through consultation with your physician and/or the Health Department physician, that you are (are not) well enough to remain in the school setting, and would not (would) pose no (an) immediate health threat through casual contact to the school population because of your illness.

The review panel will convene at _____ (a.m. or p.m.) on the _____ day of _____ at _____.

You are entitled to serve as a member of the review panel, which is charged with the duty of making appropriate findings and submitting a Proposal for Decision to the Superintendent. If you feel that the Proposal for Decision is unjust, you may be entitled to a rehearing and other relief as specified in school policy. For your information, there is attached hereto an excerpt from the school policy, setting out the entire review and appeal process.

You should carefully study the enclosed review and appeal process, and if you have any questions in regard to your rights as outlined therein, please contact the undersigned and further assistance will be given.

TOBACCO USE BY PERSONNEL

PHILOSOPHY

The Marengo County Board of Education believes that all employees have the right to be in a school environment that promotes, enhances, strives to become, and maintains a drug-free school system.

The Board, in recognition of the high degree of evidence available, views the use of prohibited substances as being detrimental to health and as being a significant contributor to mouth, lung, heart, and other diseases. The Board also considers the area of personal health as being a primary objective of education. It is also the belief of the Board that school system employees should, by example, demonstrate to the students they serve their concerns for the dangers inherent in the use of these products.

EMPLOYEE TOBACCO USE POLICY

Smoking, and/or use of tobacco, in any form, by all employees, both certified and support, is hereby prohibited on, or in, all school property at all times, including extracurricular activities. Extracurricular activities are those activities that occur at any time and place that are school related and/or supervised. They include, but are not limited to, all athletic events, proms, field trips, class trips, academic competitions, riding of school buses for any purpose, etc.

DISCIPLINARY ACTIONS

First Offense:

Supervisor and/or principal will inform the Superintendent, in writing, of violation. Superintendent will write a letter of reprimand, with a copy given to the employee and the original to the employee's personnel folder in the Central Office.

Second Offense:

Supervisor and/or principal will inform the Superintendent, in writing, of violation. The employee will be asked to come before the Board in executive or public session (employee's choice) to explain why he/she is unable to comply with the Tobacco Use Policy.

Third Offense:

Supervisor and/or principal will inform the Superintendent, in writing, of violation. The Superintendent will recommend to the board to start termination procedures in compliance with Title 16, The Code of Alabama and Title 36, The Code of Alabama.

Legal Ref.: The Code of Alabama, 16-8-10, 16-9-13, Alabama Administrative Code 290-030-010-.06

DRUG TESTING OF DESIGNATED EMPLOYEES

In compliance with the Omnibus Transportation Employee Testing Act of 1991 and amendments, as a condition of employment, the Marengo County Board of Education reserves the right to require designated employees to sign an Application/Employee Consent Form and to submit at any time to drug tests to determine the presence of prohibited substances.

I. Objectives

- A. To create and maintain a safe, drug-free working environment for all employees.
- B. To encourage any employee with a dependence on, or an addition to, alcohol or other drugs to seek help in overcoming the problem.
- C. To reduce problems of absenteeism, tardiness carelessness and/or unsatisfactory matters related to job performance.
- D. To reduce the likelihood of incidents of accidental personal injury and/or damage to students, or property.
- E. To comply with Federal regulations and requirements of the Omnibus Transportation Employee Testing Act of 1991 with amendments.
- F. To reduce the likelihood that school property will be used for illicit drug activities.
- G. To protect the reputation of the school system and its employees.

II. Enforcement

A. As a condition of employment, the Marengo County Board of Education reserves the right to require all designated employees (defined in its broadest sense as anyone who has a school bus driver's license with the Marengo County School System or anyone who drives a vehicle belonging to the Marengo County Board of Education on a regular basis) to submit at any time to determine the presence of prohibited substances.

B. Pursuant to Board policy and procedures, designated employees will undergo testing:

1. At the time of initial employment.
2. When the Board or its designee has reasonable cause to believe an employee has violated its drug and alcohol policies.
3. On a random basis without advance notice.
4. Following any reportable accident.

C. The Board also reserves the right to search desks, cabinets, tool boxes, vehicles, including personal vehicles brought on the school system's property, bags, or any other property at the school or in their personal vehicles.

D. Violation of these rules, including testing positive, will subject the employee to discipline, including discharge. Refusal to cooperate with the school system's procedures in any test investigation will result in discipline, including discharge.

III. Procedures for implementing the required drug testing will be developed and approved by the Marengo County Board of Education.

- IV. Results of drug testing shall not be released by the Marengo County Board of Education, beyond the MRO, and the school system's management without the individual's written authorization.

In compliance with the Federal Motor Carrier Safety Administration (FMCSA / 49 CRF Part 382), as a condition of employment, the Marengo County Board of Education reserves the right to require designated employees to sign an Application/Employee Consent Form to give the Marengo County Board of Education permission to conduct limited queries of the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse.

- I. Employee must provide consent to the Marengo County Board of Education to conduct limited queries of the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse to determine whether drug or alcohol violation information about the employee exists in the Clearinghouse. Driver consents to multiple limited queries for the duration of employment.
- II. Employee understands that if a limited query conducted by the Marengo County Board of Education indicates that drug or alcohol information about the employee exists in the Clearinghouse, FMCSA will not disclose the information to the Marengo County Board of Education without first obtaining additional specific consent from the employee.
- III. Employee understands that if they refuse to provide consent for the Marengo County Board of Education to conduct limited queries of the Clearinghouse, the Marengo County Board of Education must prohibit employee from performing safety-sensitive functions, including driving a commercial motor vehicle, as required by FMCSA's drug and alcohol program regulations.

POLICY CONSENT/RELEASE FORM

I have read the statement of policy (Drug Testing of Designated Employees - FILE: GAJ) and agree to abide by the Marengo County Board's drug and alcohol rules. I agree to submit to drug or alcohol tests at any time as a condition for my initial or continued employment. I authorize any laboratory or medical provider to release test results to the Board and its Medical Review Officer.

I expressly authorize the Board or its MRO to release any test-related information, including positive results, to the Unemployment Compensation Commission or other government agency investigating my employment or the termination thereof.

I understand that this agreement in no way limits my right to terminate my employment or be terminated in accordance with federal and state law.

I provide consent to the Marengo County Board of Education to conduct limited queries of the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse to determine whether drug or alcohol violation information about me exists in the Clearinghouse. I consent to multiple limited queries for the duration of employment.

Employee

Date

Program Administrator
Marengo County School Board

Date

DRUG AND ALCOHOL PROGRAM PROCEDURES

INTRODUCTION

Experience and research has proven that even small quantities of narcotics, abused prescription drugs, or alcohol can impair judgment and reflexes. Even when not readily apparent, this impairment can have serious results, particularly for employees operating vehicles or potentially dangerous equipment. Drug-using employees are a threat to co-workers, school safety, and themselves- and may make costly errors. For these reasons, the Marengo County Board of Education has adopted a policy that all employees must report to work completely free from the presence of drugs and/or the effects of alcohol.

I. Drug Use/Distribution/Impairment/Possession

All employees are prohibited from using, possessing, distributing, manufacturing, or having controlled substances, abused prescription drugs, or any other mind altering or intoxicating substances present in their system while at work or on duty.

II. Alcohol Use/Possession/Impairment

All employees are prohibited from possessing, drinking, or being impaired or intoxicated by alcohol while at work or on duty. While employees are prohibited from having any alcohol present in their system while on duty, a Blood Alcohol Count (BAC) of .04 will be accepted as presumptive evidence of intoxication.

III. Off-Duty Conduct

Off-the job use of drugs, alcohol, or any other prohibited substances which result in impaired work performance, including, but not limited to, absenteeism, tardiness, poor work product, or harm to the school system's image or relationship with society is prohibited. Employees should realize that these regulations prohibit all illicit drug use - on and off duty.

IV. Prescription Drugs

The proper use of medication prescribed by a physician is not prohibited; however, Marengo County School Board prohibits the misuse of prescribed (or over the counter) medications and requires all employees using drugs at the direction of a physician to notify the Marengo County School Board's Medical Review Officer (MRO), or their supervisor where these drugs may affect their job performance, such as by causing drowsiness.

V. Substance Screening

A. Applicants

Substance screening is required for all designated final applicants, either alone or as part of a pre-employment physical examination. Applicants are required to sign a consent/release form before submitting to screening. Applicants will be disqualified for hire if they test positive, refuse to submit to a test, or refuse to execute the required consent/release form.

B. All Current Designated Employees

1. Reasonable Cause

All designated employees will be tested during the initial implementation of the program. All designated employees will be required to submit to screening whenever a supervisor observes circumstances which he believes indicate an employee has used a controlled substance or otherwise violated the substance abuse rules. Among other things, reasonable cause testing may result from supervisor observation, co-worker complaints, performance decline, attendance or behavior changes, involvement in a workplace or vehicular accident, or other actions which indicate a possible error in judgment or negligence, or other violations of the Marengo County School Board policy.

The supervisor or supervisors requesting testing shall prepare and sign written documents explaining the circumstances and evidence upon which they relied within 24 hours of the testing, or before the results of the tests are released, whichever is earlier. While one supervisor may request a reasonable cause test, when feasible, supervisors are encouraged to obtain a second supervisor as a witness.

2. Random Testing

The Board will conduct random unannounced screening of all designated employees. The Marengo County School Board will administer tests of employees in a number equal to or greater than 50 percent (drug screen) and 25 percent (alcohol) of the work force - without advance notice - in the first 12 months of testing. There will be no maximum number of samples that any one individual will be required to provide during the testing schedule. Subsequent testing will be conducted at levels equal to or greater than the initial testing schedule. Marengo County School Board will provide computerized random sample lists to the Program Administrator. The list of employees in the random pool will be updated on a monthly basis. Employees will be required to report to the Marengo County School Board designated collection site for testing as soon as possible but in no case later than two hours following notification. Annually, the tests will be spread reasonably over the 12 months.

3. Post Accident Testing

Employees are required to immediately notify the Program Administrator of any accident resulting in injury or damage to school system property. This policy requires an employee involved in a reportable accident, defined as an accident resulting in injury requiring more than simple first aid or resulting in damage to property, to undergo substance screening within two hours of the occurrence of the accident (as determined by the supervisor/ administrators).

The Marengo County School Board will discipline, including discharge, any employee who fails to report an accident or submit to substance screening where required by law or this policy. The Program Administrator will complete an Accident Report in compliance with required Marengo County School Board policy.

C. Return to Duty Testing

All employees referred through administrative channels who undergo a counseling or rehabilitation program or who are suspended for abuse of substances covered under this policy will be subject to unannounced testing following return to duty for no less than 12 months and no more than 60 months. Such employees shall be tested at the frequency stipulated in the abeyance contract or as scheduled by the MRO. Testing will be on a daily, weekly, monthly, or longer basis at the discretion of the MRO and will be in addition to the other types of tests provided in this policy.

D. Driver (DOT Regulations)

Re-certification Physical Examinations - All drivers may undergo urinalysis as part of their re-certification physical examination.

E. Testing Procedures

1. General Guidelines

The Marengo County School Board, the Contractor, and its lab shall rely, when practical, on the guidance-of the federal Department of Transportation, Procedures for Transportation Workplace Drug Testing Programs.

2. Substances Tested For All Designated Employees

Designated employees will regularly be tested for: amphetamines, cannabinoids, cocaine, opiates, and phencyclidine, as well as alcohol. Employees may be tested for other substances without advance notice as part of a separate test performed by the Marengo County School Board of safety purposes. Such tests will be coordinated with the Program Administrator.

3. Testing Procedure

The Marengo County School Board reserves the right to utilize blood, hair, breath, saliva, or urinalysis testing procedures. Only urinalysis will be utilized in the pre-employment and random testing. All initial positive urine specimens will be confirmed by gas chromatography/mass spectrometry (GC/MS). All alcohol testing will be done utilizing an approved Evidential Breath Testing Device (EPT).

F. Collection Sites

The Marengo County School Board and/or the Contractor will designate collection sites in areas where it maintains facilities or job sites where individuals may provide specimens.

G. Collection Procedures

The Board, the Contractor, and the laboratory have developed and will maintain a documented procedure for collecting, shipping, and accessing urine specimens. The Board, the Contractor, and the laboratory will utilize a standard Urine Custody and Control Form for all employee testing.

A tamper-proof sealing system, identifying numbers, labels, and sealed shipping containers will also be used. All specimens will be collected utilizing the split-specimen method.

Collection sites will maintain instructions and training emphasizing the responsibility of the collection site personnel to protect the integrity of the specimen and maintain a proper collection procedure. Where the Board has an employee collect the specimen, the Board will provide instruction and training to that employee. All designated employees will also be required to execute the Marengo County School Board Applicant/Employee Consent Form.

H. Occasions When the Collection Personnel Should Directly Observe the Specimen Being Provided

The Board has adopted the direct observation procedures as set out in Section 40.25 or the Department of Transportation regulations. An Employer or Medical representative at the collection site may directly observe the employee provide the specimen where there is reason to believe that an individual may alter or substitute the specimen. Section 40.25 (e) (2) sets out the only four circumstances where direct observation is appropriate:

1. The employee has presented a urine specimen that falls outside the normal temperature range, and the employee declines to provide a measurement of oral body temperature by sterile thermometer, or the oral temperature does not equal or exceed that of the specimen.

2. The last urine specimen provided by the employee (i.e., on a previous occasion) was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below .2 g/L.
3. The collection site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample (e.g., substitute urine in plain view, blue dye in specimen presented, etc.).
4. The employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted as a part of a rehabilitation program or on return to duty basis after any required rehabilitation.

A second specimen should be obtained under direct observation wherever there is reason to believe that the individual may have altered or substituted the specimen.

Where necessary, a Board representative or medical personnel may obtain a specimen outside of a designated collection site (such as, at a public restroom at an accident investigation).

I. Evaluations and Return of Results to the School Board

All Employees - Drug Testing

The laboratory will transmit (by fax, mail, or computer, but not orally over the telephone) the results of all tests to the Board's MRO. The MRO will be responsible for reviewing the quantified test results of employees and confirm that the individuals testing positive have used drugs in violation of Board policy. Prior to making a final decision, the MRO shall give the individuals an opportunity to discuss the result either face to face or over the telephone.

The MRO shall then promptly tell the Drug Program Coordinator which employees or applicants test positive.

Alcohol Testing

(Employees testing > .04 concentration of alcohol)

The employee will be removed from safety-sensitive function. The employee will be evaluated by a Substance Abuse Professional (SAP). The SAP determines if the employee requires rehabilitation and makes the referral as indicated. The employee must undergo return-to-duty and follow-up testing as required by the Act.

(Employees testing between .02 and .039 concentration)

The employee will be removed from safety-sensitive function until they test below .02 or their next duty period, which must be at least 24 hours.

J. Release of Test Results

Test results shall not be released by the Board, beyond the MRO and Board's management without the individual's written authorization.

However, all employees will be required to execute a consent/release form permitting the Board to release test results and related information to the Unemployment Compensation Commission or other relevant government agency.

The MRO shall retain the individual test results for positive specimens, for five (5) years and negative for twelve (12) months.

VI. Discipline

The Board will discipline, including discharge, employees for any violation of the policy, including refusing to submit to screening, to execute a release, or otherwise cooperate with an investigation or search by management.

All current employees who test positive in a confirmative substance test will be subject to discipline up to and including discharge. Rehabilitation, at a pre-approved treatment provider, may be available to individuals who violate the policy. However, unless other provisions are available to the effected individual, assistance will be limited to the degree of treatment provided within the Marengo County School Board's Employee Benefit Plan. The Program Administrator should be contacted for guidance.

No employee may be returned to regular duties after any rehabilitation or testing positive unless certified as safe and not using drugs by the Board MRO. Any employee returned to duty after violating the policy or testing positive will be subject to aftercare and random testing as set out in a written Probation Agreement which he/she will be required to execute.

VII. Employee Assistance Program (EAP)

The Marengo County School Board EAP shall include:

- A. Education and training for supervisors regarding drugs and alcohol;
- B. Education and training for supervisors regarding drugs and alcohol, including:
 - 1. Effects and consequences of substance use on personal health, safety, and work.

2. Manifestations and behavioral causes that may indicate substance use.
 3. Documentation of training provided.
- C. A written statement on file and available at the Board office, outlining the EAP.
- The Program Administrator should be contacted for further guidance.

VIII. Investigation/Searches

Where a supervisor has probable or reasonable cause that an employee has violated the substance policy, he may inspect vehicles (including vehicles which an employee brings on the Board's property), lockers, work areas, desks, purses, briefcases, tool boxes, and other locations, or belongings without prior notice in order to ensure a work environment free of prohibited substances. An employee may be asked to be present and remove a personal lock. Where the employee is not present or refuses to remove a personal lock, the Supervisor will do so for him or her. The Board may release any illegal, or controlled drugs, or paraphernalia to appropriate law enforcement authorities.

All searches should be coordinated with the Program Administrator or his designee.

IX. Note

These procedures should not be construed as contractual in any nature. They represent the Board's current guidelines in dealing with a developing problem under evolving laws and facts, and may be changed without advance notice.

DISABILITIES

ABSENCES DUE TO WORK RELATED INJURIES

An employee injured on the job shall notify the Superintendent or his Principal within 24 hours of such injury or if the employee is clinically unable to make such notice another person may make the required notice on behalf of the injured employee. Also, proper personnel should receive acknowledgement from the injured employee that they know of the one (1) year statute of limitations. Failure to file same with the Alabama State Board of Adjustment in a timely manner will result in the claim being barred.

The employee must provide a written certification from the employee's physician that the employee cannot presently work but that there is a reasonable expectation the employee will be able to return to work. This certification must be provided on the form adopted for such use by the State Board of Education. The Board may at its expense require the certification of the disabled condition of the employee by a second physician.

Upon determination that the employee is temporarily unable to return to work the Board will pay the salary and fringe benefits of the injured employee for a period up to ninety (90) working days.

Any unreimbursed medical expenses and costs which the employee incurs as a result of an on the job injury may be filed for reimbursement with the state Board of Adjustment.

A claimant has one (1) year from the date of cause of action to file a claim with the State Board of Adjustment. A claim that is not filed with the Board of Adjustment within one (1) year from the date of the accident will not be accepted.

Ref: Ala. Code 16-1-20.3, 41-9-65(a).

**IMPLEMENTATION OF THE HIGHLY QUALIFIED COMPONENT
OF NO CHILD LEFT BEHIND**

In order to be in compliance with the No Child Left Behind Act of 2001, the following is hereby established with respect to Alabama's Highly Qualified Teacher Criteria:

- A. The Highly Qualified status of each K – 12 teacher of core academic subjects shall be reviewed based on each individual teacher's assignments, certifications, and transcripts. Core academic subjects include English, reading, language arts, mathematics, science, foreign language, music, civics, government, economics, history, and geography.
- B. The appropriate forms of teachers deemed to be highly qualified according to Alabama's Highly Qualified criteria shall be submitted to the State Department of Education to determine their Highly Qualified status.
- C. Teachers who do not meet Alabama's Highly Qualified criteria according to No Child Left Behind shall receive written notification of any additional coursework needed before the last day of the school year. Teachers lacking the appropriate transcripts shall be reminded that they must have all transcripts submitted before their status may be determined.

D. From the five percent set aside requirement of Title I funds by No Child Left Behind, teachers needing additional courses to become highly qualified according to the No Child Left Behind definition shall be provided financial assistance according to the priorities listed below as long as the funding permits. However, these funds will not pay for the completion of a master's degree, only the hours that a teacher needs for Highly Qualified status.

1. Priority I: Tenured teachers/non-tenured teachers rehired for the next school year – will pay tuition for one course needed to achieve Highly Qualified status or registration fee for taking PRAXIS II test in core academic subject area in which the teacher is certified.
2. Priority II: Tenured teachers/non-tenured teachers rehired for the next school year – will pay tuition for up to three courses needed to achieve Highly Qualified status.
3. Priority III: Tenured teachers/non-tenured teachers rehired for next school year – will pay for one textbook for one to three courses needed to achieve Highly Qualified status.
4. Priority IV: Paraprofessionals – will pay tuition for one course needed to achieve Highly Qualified status or registration fee for taking ACT Work Keys for Paraprofessionals.
5. Priority V: Paraprofessionals – will pay tuition for up to three courses needed to achievement Highly Qualified status.

FILE: GAM
Adopted: April 26, 2005

GUN-FREE SCHOOLS ACT

The Marengo County Board of Education is in compliance with the Federal Gun-Free Schools Act of 1994 and the Code of Alabama Section 13A-11-72(d) 1975. In keeping with state and federal law, all persons other than authorized law enforcement personnel are prohibited from possessing any deadly weapon in the following circumstances:

- A. In any school building;
- B. On or near school grounds or property;
- C. On a school bus traveling to and from school or any school activity, function, or event, or any other school-sanctioned or authorized vehicle for transportation.

For the purpose of this policy, the term "weapon" is a firearm as defined in Section 921 of Title 18 of the United States Code and includes guns and other explosive or incendiary devices.

Sanctions against employees for violation of this policy may include suspension or termination of employment.

FILE: GBA
CF: EGA

COMPENSATION GUIDES AND CONTRACTS

The Marengo County Board of Education and its employees shall enter into contracts for fixed compensation. Such fixed compensation may be changed for any succeeding year in accordance with the Board's salary schedule.

All duties attendant to a position shall be considered inseverable.

POSITIONS

The Board shall post a notice of vacancy for each vacant personnel position. The notice shall be posted in a conspicuous place at each school campus and worksite at least fourteen (14) calendar days before the position is to be filled. The notice shall include, but not necessarily be limited to, all of the following:

- (1) Job description and title.
- (2) Required qualifications.
- (3) Salary schedule.
- (4) Information on where to submit an application.
- (5) Other relevant information.

If a personnel vacancy occurs during the time when the schools are in session, the vacancy notice shall be posted not less than seven (7) calendar days before the position is to be filled. All vacancies involving jobs which are supervisory, managerial, or otherwise newly created positions shall nevertheless require posting notices of at least fourteen (14) calendar days.

The Board may adopt or continue policies which are not inconsistent with this section. The Board may adopt policies to ensure the safety and welfare of its students during dire emergency situations, but the posting of a vacancy notice as required in this section shall not be abridged or delayed except in dire emergency circumstances and then delayed only temporarily in order to reasonably meet the conditions of the emergency.

QUALIFICATIONS AND DUTIES

The Marengo County Board of Education requires that each professional employee in the School System hold a degree from an accredited college or university. *

Each professional employee shall hold a current and valid Alabama Teacher's Certificate, which shall be on file in the office of the Superintendent.

If a teacher subsequently receives a higher certificate during the school year the salary increase shall become effective when recognition of completion of a higher degree is received from the State Department of Education .

A teacher must fulfill the continuing education requirements set forth by the Board during his term of employment.

All vocational employees shall meet requirements of the State Department of Education for certification.

FILE: GBC
CF: GAAA, GBJ

RECRUITMENT

The Marengo County Board of Education recognizes the Superintendent as the chief executive officer of the Board, and places upon him the responsibility for recommending the appointment of personnel. Although the Superintendent may assign to others certain duties respecting the appraisal of the qualifications of candidates, in every case the final decision concerning the recommendation of candidates shall be the responsibility of the Superintendent. All recruitment and hiring practices shall adhere strictly to applicable equal employment opportunity policies and regulations.

FILE: GBD

HIRING

The Marengo County Board of Education shall make the final decisions to employ personnel based upon the Superintendent's recommendations. As a minimum all employment contracts shall comply with the form mandated by the State Superintendent of Education.

Ref: Ala. Code 16-8-23, 16-9-23, 16-9-25, 16-13-143, 16-4-9.

FILE: GBE
CF: CBM, GBMA

ASSIGNMENT

The Marengo County Board of Education authorizes the Superintendent to assign all teachers, professionals, and other employees of the Board to their respective positions upon employment.

FILE: GBF

ORIENTATION

The Marengo County Board of Education recognizes the importance of an organized system-wide orientation program each school year for all teachers new to the School System, and directs the administration to plan and implement an orientation program in accordance with legal and other requirements.

Ref: Ala. Code 16-8-8, 16-8-9, 16-8-7, 16-23-7.

FILE: GBG

PROBATION

The probationary period for a teacher shall be three consecutive years of service as a teacher in the Marengo County School System. Upon re-employment in the school system for the succeeding year the teacher shall attain continuing service status.

The probationary period for a principal and/or supervisor shall be three consecutive years of service in like position in the School System.

FILE: GBH
CF: CCA

SUPERVISION

The Marengo County Board of Education is vested with the general administration and supervision of the School System. Actual supervision, administration, and maintenance of the System is delegated to the Superintendent as the executive officer of the Board.

Ref: Ala. Code 16-8-8, 16-8-9, 16-9-1.

EVALUATION

The Marengo County Board of Education shall establish and maintain a continuous program for the evaluation of the performance of professional personnel of the school system.

This evaluation program shall have the following objectives:

1. To identify both the professional strengths and weaknesses of the employee being evaluated.
2. To identify strategies for increasing the knowledge of the employee in his area of specialization.
3. To identify strategies for improving the employee's instructional and/or administrative skills.
4. To make continued employment contingent upon removal of identified deficiencies.

The Board recognizes that no employee can be effectively and equitably evaluated until the following criteria are met:

1. Responsibilities and performance standards are identified within written position descriptions.
2. Processes and instruments to be used during evaluation are explained to all employees in advance of evaluation.
3. Multiple observations of performance are used as a basis for evaluation.

4. The evaluation of each employee shall be conducted by at least two persons.

The Board also recognizes its obligation for making a good faith effort to assist all employees in removing employment performance deficiencies through the development of individual plans for professional growth.

The Board will afford each employee an opportunity to review the results of each evaluation. The employee will be provided an opportunity to provide a written response to each evaluation and that response shall be included within that employee's personnel file.

ALABAMA PERFORMANCE-BASED CAREER INCENTIVE PROGRAM

The Marengo County Board of Education accepts its responsibilities as specified in State Act #85-541 for the implementation of the Alabama Performance-Based Career Incentive Program in the schools under its jurisdiction.

In recognition that State Act #85-541 is to be implemented in two phases, this policy addresses Phase I, encompassing the 1985-86 and 1986-87 school years.

In order to comply fully with the requirements of the Act, the Board delegates to the Superintendent the responsibility for developing and presenting for the Board's consideration an operational plan for the systematic implementation of the Career Incentive Program in the Marengo County School System. The plan of implementation must include, but not necessarily be limited to, the following provisions and requirements:

1. Definition and description of roles and responsibilities of all personnel to be involved in the implementation of the Career Incentive Program, e.g., C.I.P. coordinators, principals, assistant principals, supervisors, other central office personnel, etc.
2. A listing of all professional personnel subject to the provisions of State Act #85-541 reflecting appropriate classifications of either probationary or professional I status.

3. Recommended ratio of evaluators to evaluatees necessary to comply fully with the personnel evaluation requirements and needs in all schools.
4. A listing of all personnel recommended as potential evaluators with recommended assignments to individual schools.
5. Statement of intent to require all potential evaluators to undergo training as prescribed and required by the State Department of Education.
6. Contingency plans to accommodate the evaluation needs of individual schools in the event that specified evaluators fail to obtain certification as evaluators.
7. Administrative rules and regulations for the implementation of the Career Incentive Program deemed advisable and necessary by the Superintendent.

Ref: State Act #85-541

Repeal entire FILE: GBIA per Act 88-71 of the Alabama Legislature.

STATE-APPROVED EVALUATION PROCESS

The Marengo County Board of Education accepts its responsibilities as specified in State Board of Education Resolution 1-1-f adopted January 11, 1990, for establishing policies and procedures of the State-Approved Evaluation Process in the schools under its jurisdiction. The summative or formative component will be used for tenured teachers.

In order to comply fully with the requirements of the Resolution, the Board delegates to the Superintendent the responsibility for developing and implementing for the Board's consideration and operational plan for the systematic implementation of the State-Approved Evaluation Process in the school system. The plan of implementation must include, but not necessarily be limited, to the following provisions and requirements:

1. A plan to implement the State-Approved Evaluation Process according to state-approved timelines and guidelines.
2. Definition and description of roles and responsibilities of all personnel to be involved in the implementation of the State-Approved Evaluation Process (i.e., Superintendents, Coordinators, Principals, Assistant Principals, Supervisors, other Central Office Personnel, Teachers, Librarians, Psychometrists, Counselors, Speech Therapists, and Special Education II, and other specialty area personnel).

3. A listing of all professional personnel subject to the provisions of State Board Resolution 1-1-f reflecting appropriate classifications of either tenured or non-tenured status.
4. Recommend ratio of evaluators to evaluatees necessary to comply fully with the personnel evaluation requirements and needs in the system/schools.
5. A listing of all personnel recommended as potential evaluators with recommended assignments to individual evaluatees.
6. Statement of intent to require all potential evaluators to undergo training as prescribed and required by the State Department of Education.
7. Contingency plans to accommodate the evaluation needs of the system in the event that specified evaluators fail to obtain certification.
8. Administrative rules and regulations for the implementation of State-Approved Evaluation Process deemed advisable and necessary by the Superintendent.
9. Policies, procedures, and activities to use if the summative component is adopted.

Legal references: State Board of Resolution 1-1-f (January 11, 1990).
Policy was previously Professional Education Personnel Evaluation Program.

FILE: GBJ

PROMOTION

The Marengo County Board of Education shall consider and determine all promotions of employees based upon the recommendations of the Superintendent. All employees considered for promotion must possess the appropriate certification issued by the State Department of Education for said position unless a probationary period is extended by the Board.

Ref: Ala. Code 16-9-23, 16-23-1.

FILE: GBK

SUSPENSION

The Marengo County Board of Education may suspend or dismiss any person in its employment for the following reasons: (1) immorality; (2) incompetency; (3) insubordination; (4) willful neglect of duty; or (5) when the interests of the School System so dictate.

The Superintendent has authority to temporarily suspend school personnel when, in his opinion, the circumstances necessitate immediate action. Such suspension shall be without loss of pay pending a hearing by the Board upon the charges filed by the Superintendent.

Charges shall be stated in writing when required, as in the case of tenured personnel, and the employee so charged shall be given an opportunity to be fully and impartially heard by the Board following not less than ten days' written notice. Notice of the charges against him and the opportunity for a hearing shall be served upon the employee by registered mail within five (5) days of the presentation of the charges to the Board. The hearing may be held at the next regular meeting of the Board or at a special meeting called for that purpose.

Personnel who are subsequently dismissed as a result of a hearing for cancellation of an employment contract after having been suspended, shall not receive compensation for the period of such suspension.

Ref: Ala. Code 16-24-9, 16-4-8 16-8-23, 16-9-23, Robinson v. Brown, 238 So. 2d 291 (1976).

LAY-OFF

Should it be necessary because of financial limitations, declining enrollment, closing of a building, or other serious and legitimate business or legal reasons, or because of a serious natural disaster to decrease the professional personnel, the Marengo County Board of Education shall, individual contracts notwithstanding, have the authority to terminate, demote, or reassign professional personnel to achieve the necessary reduction in staff.

As a prerequisite to all other considerations, the Board shall determine, upon the recommendation of the Superintendent, the type of instructional service within organizational categories in which personnel is to be reduced. (See #1 note at end of this policy).

In accomplishing the necessary reduction, probationary personnel shall be terminated first, but due consideration will be given to level and type of certification and to the subjects taught by such personnel.

Based on the most recent recorded evaluation, probationary personnel in this category shall be ranked from highest to lowest and shall be terminated in inverse order to their ranking.

If two or more such persons are determined to be equally qualified and suited to the assignment or assignments remaining, the one with the least continuous service to the system shall be terminated first.

In the event that tenured personnel must be terminated, all such personnel within the classification to be reduced shall be ranked from highest to lowest based on a composite of the three (3) most recent recorded evaluations and terminated in inverse order.

If two or more such persons are determined to be equally qualified and suited to the assignments remaining, the employees' continuous service in the school system in the targeted classification shall govern. If between two or more employees the length of continuous service is equal, prior teaching experience shall govern, and if prior teaching experience is equal, the position of the respective employees on the salary schedule at the time of the reduction shall govern.

Any reduction in personnel shall procedurally be accomplished in accordance with Ala. Code 16-24-8 to -10.

RECALL

Any employee terminated or demoted pursuant to this policy shall have recall rights to any position for which he is certified, for two (2) calendar years from effective date of his termination or demotion, and shall be recalled to available positions in such professional categories in reverse order of termination or demotion.

If a former employee refuses an offer of employment pursuant to this policy, his rights of recall are forfeited.

NOTE #1: The organizational levels, (elementary, jr. high, and sr. high) are to be considered as distinct categories. The personnel within these levels will be considered separately, i.e., elementary and secondary, physical education, music, counselors, library personnel, etc. Consideration of such factors as certification areas, performance evaluation, and needs of the school system will be included in all reduction in staff actions.

FILE: GBL

CONTINUING SERVICE

The Marengo County Board of Education shall grant professional continuing service status when a full-time employee has held three successive probationary contracts, each of which has been granted for the period of one school year, and has then been re-employed for a fourth year.

Before re-employment for a second or third year or for continuing contract, each probationary status employee shall have received from his principal and/or other supervisor as applicable a recommendation or approval. All recommendations to place personnel on continuing service status shall be made to the Board by the Superintendent. The contracts of continuing service employees shall remain in full force unless superceded by a new contract signed by both parties or cancelled in accordance with applicable laws.

A teacher who has gained continuing service status and who is promoted to principal or supervisor shall serve for three consecutive years in said capacity before gaining continuing service status as a principal or supervisor. The promotion shall in no way jeopardize the employee's original continuing service status as a teacher.

Ref: Ala. Code 16-24-1, 16-24-2(a), (b), 16-24-3, 16-24-8, 16-24-9, 16-24-10 to -13, 16-25-3, 16-25-10.

TRANSFER

VOLUNTARY

The Marengo County Board of Education may grant a requested transfer if the employee so requesting possesses the required qualifications for the desired position and if a vacancy in such position exists. All requests for voluntary transfers shall be carefully considered and reviewed on a nondiscriminatory basis.

INVOLUNTARY

The Marengo County Board of Education may transfer any teacher, including personnel employed as principals and supervisors, upon the recommendation of the Superintendent, for any succeeding year, from one position, school, or grade to another by giving written notice to the teacher of such intention to transfer. Such transfer shall be without loss of status or violation of contract and shall not be for political or personal reasons. The Board may transfer any teacher only in accordance with Chapter 24, of Title 16 of the Code of Alabama.

FILE: GBN

SEPARATION

The Marengo County Board of Education may cancel the employment contract of any employee only in accordance with Chapter 24 of Title 16 of the Code of Alabama. Cancellation of an employment contract of a teacher on continuing service status may be made for incompetency, insubordination, neglect of duty, immorality, justifiable decrease in the number of teaching positions, or any good and just cause, but cancellation may not be made for political or personal reasons.

Ref: Ala. Code 16-4-8, 16-8-8, 16-8-23, 16-9-23, 16-10-9, 16-24-8, 16-24-9, 16-24-10, 16-24-12; Foster v. Blount County Board of Education, 340 So. 2d 751 (1976); Singleton v. Jackson Municipal Separate School District, 419 F. 2d 1211 (5th Cir. 1970); Pickens County Board of Education v. Keasler, 82 So. 2d. 197 (Ala. 1955); Robinson v. Brown, 328 So. 2d 291 (1976).

REDUCTION IN FORCE OF CERTIFIED PERSONNEL

In the event it becomes necessary to reduce the number of certificated staff employed by the School System due to a decrease in student enrollment, financial exigency, changes in curriculum, consolidation, or organization, the following procedure shall be followed to determine staff members to be affected:

PROCEDURE

1. Attrition by resignation, retirement, or voluntary leaves of absence shall be the first method used to reduce the force.
2. Based on the philosophy of maintaining the best educational program possible, the Board, upon recommendation of the Superintendent, shall identify the grade level(s) and discipline area(s) from which staff members are to be reduced in force at respective times. For the purpose of reduction in force the following items as defined by certification and position are:
 - a. Grade Level – Kindergarten teachers, elementary teachers, secondary teachers, central office administrators, principals, assistant principals, supervision, special education, counseling and guidance, athletic director, band director, and vocational teachers.

- b. Discipline Area – Certificate endorsement area(s) and current major teaching or administration/supervisory assignment(s) within the School System.
3. Following the identification of the grade level(s) and discipline area(s), the number of staff to be reduced from each area(s) will be determined by the Board, based on a recommendation by the Superintendent. All staff members within the identified area(s) will be rank ordered from the greatest amount of service time to least amount of service time within the School System. The staff member(s) with the least amount of continuous service time (seniority), based on actual date of employment as reflected in the Board minutes, shall be the first to be reduced in force. In the event two or more staff members have the same amount of continuous service time within the School System based on Board minutes, the following additional criteria will be used to determine the order of reduction in force:
 - a. Degree(s) held by the staff member (the staff member with the lower degree to be reduced first).
 - b. Total years of experience in education (the staff member with the least service time to be reduced first).
4. In order for a staff member selected to be reduced in force by these procedures to displace a staff member in another discipline area with less service time, said staff member must be certified to handle the entire position of the employee they seek to displace. No tenured teacher will be reduced in force when a position is either vacant or occupied by a nontenured teacher for which the tenured teacher is certified.

5. The names of tenured personnel reduced in force shall be place in a School System employment pool and remain on such list for one (1) year from the effective date of termination. Said personnel shall be given the opportunity in reverse order of their lay off to fill the first comparable employment vacancies for which they are qualified. Nontenured personnel may reapply for any employment position for which they are qualified.
6. Provided personnel in the employment pool are recalled, they shall be issued a letter of reappointment by registered mail at least fifteen (15) work days prior to the date of reemployment. Said personnel must accept the offer of reemployment in writing by registered letter within five (5) working days of receipt of offer.
7. It is understood that reduction in force constitutes termination of employment and all benefits provided by the School System cease on the effective date.

Ref: May v. Alabama Tenure Commission, Civ. 480k (1985); Woods v. Board of Walker County, 67 So. 2d 840 (1953); Pickens County Board of Education v. Keasler, 82 So. 2d 197 (1968); Civil Actions 604-E and 2098-N.

FILE: GBO

RESIGNATION

The Marengo County Board of Education prohibits any professional employee, whether on continuing service status or not, from canceling his contract during the school term for which said contract is in effect, or for a period of 45 days previous to the beginning of such school term, unless such cancellation is mutually agreed upon. Any employee shall be permitted to cancel his contract at any other time by giving five (5) days' written notice to the Board. Any such employee canceling his contract in any other manner than herein provided shall be deemed guilty of unprofessional conduct, and the State Superintendent by authority of Section 16-24-11, Code of Alabama, is authorized to revoke or suspend the certificate of the employee.

Ref: Ala. Code 16-24-11, 16-24-12.

FILE: GBP

REEMPLOYMENT

A professional employee not on continuing service status shall be considered re-employed unless he is notified of the non-renewal of his contract on or before the last day of the school term in which he is employed. A professional employee on continuing service status shall be considered re-employed unless he is notified of the Board's intention to cancel his contract, as provided in Title 16, Section 24, Code of Alabama.

Ref: Ala. Code 16-8-23, 16-24-12.

FILE: GBQ
ALSO: GCQ
Revised: March 18, 2004

RETIREMENT

All employees employed for twenty or more hours per week shall be members of the Teachers' Retirement System of Alabama.

The Marengo County Board of Education prohibits any professional employee, whether on continuing serving status or not, from retiring during the school term unless conditions beyond one's control, such as illness, occurs.

FILE: GBRA

HEALTH EXAMINATIONS

The Marengo County Board of Education, in accordance with state statutes, shall require a physical examination for tuberculosis, including adequate laboratory tests and/or x-rays, of all employees of the Board. Such examinations, tests, and/or x-rays shall be made by the area health department, or, the employee may be examined at his own expense by a private physician.

If the results of such examination indicate the presence of tuberculosis in an infectious state, the employee shall be ineligible for further service until satisfactory proof of recovery is furnished.

FILE: GBRB

TIME SCHEDULES

Each professional employee of a school is to report to work at least 15 minutes prior to the opening of school. Said employees shall remain at the school for at least 15 minutes after the close of school each day. This schedule may vary for employees who have been assigned duties by their supervisor that require an adjustment in this schedule.

Each teacher shall be provided a minimum of thirty minutes each day for instructional or supervisory responsibilities.

FILE: GBRC

STAFF MEETINGS

An administrator and/or supervisor may call or schedule staff meetings when he feels such meetings are warranted. Attendance by employees is required. Such compulsory attendance should be stated within the notice announcing the meetings.

Meetings requiring employee attendance should be planned and announced as far in advance as possible in order to allow employees to appropriately plan their individual schedules.

FILE: GBRD

EXTRA DUTY

Employees may be assigned extra duties and responsibilities by their supervisor, the Superintendent, or his designee. The Marengo County Board of Education requires that all duties assigned be reasonable and in support of accomplishing the overall educational objectives of the Board.

FILE: GBRE
CF: DJD
Revised January 30, 1989
Revised March 22, 2018

EXPENSES

The Marengo County Board of Education authorizes the reimbursement of professional personnel travel expenses incurred as a requirement of their jobs. Reimbursement may be made for travel which is at the request of, or has received prior approval from, the Superintendent and said employee's immediate supervisor. Such reimbursement shall not exceed travel and per diem authorized for the Board. Reimbursement for travel costs of employees paid from federal funds will be consistent with the travel costs for board employees paid from state or local funds. Prior approval for all travel shall be obtained before any travel expenses can be incurred.

The Marengo County Board of Education may pay in advance such reasonable sums as may be required for registration and travel expenses for its members and employees to participate in approved meetings and conferences. The member or employee shall submit such itemized statements of expenses as may be required by law immediately upon return of the member or employee. Failure to present and have approved such statement shall render such member or employee personally liable to the Marengo County Board of Education for the sum then or in the future owed by the Marengo County Board of Education to such member or employee.

FILE: GBRF
CF: GAD

PROFESSIONAL LEAVES AND ABSENCES

The Marengo County Board of Education may grant professional leave to an employee wishing to attend any educationally related conference, meeting, or convention, if such attendance is considered to be in the best interest of the School System. The Board may pay all or any part of expenses of any personnel whom it may direct to represent it at any such professional or educational meeting or in visitation to another school system. In all such cases, prior approval for said expenses must be given by the Board.

Application and notification to attend a conference or similar educational meeting shall be made and approved two weeks in advance.

Personnel of the School System shall be permitted to serve on but one accreditation study per year, unless special permission is granted by the Superintendent and Board.

The Board will consider a request for professional leave of absence when such a request is submitted to the Superintendent in writing. A written request for professional leave should clearly identify and describe the reason for requesting the professional leave of absence and demonstrate why the Board should favorably consider the request.

FILE: GBRG
Revised Jan. 30, 1989
Revised March 23, 1995
Revised Feb. 22, 2001
Revised Sept. 27, 2001

PERSONAL LEAVES AND ABSENCES

LEAVES OF ABSENCE

The Marengo County Board of Education may grant leaves of absence for periods of one year for justifiable reasons, which leave may at the Board's discretion, be extended to a second year without loss of continuing service status. Such leaves shall be without pay. An employee for whom a leave of absence is approved may return to the school system in a position comparable in prestige and salary to that held at the time leave was granted.

A teacher wishing to return from leave shall notify the Superintendent, in writing, not later than 180 days before his desired date of return of his desire for a position in the school system at the beginning of the next school term. If notification is not properly made, any obligation on the part of the Board shall cease to exist.

PERSONAL LEAVE

The Board shall permit each professional employee to be absent two days each year to attend to personal or business affairs. Such leave days can be converted to sick leave at the end of the school year. The request for leave as herein provided shall be in writing in advance in accordance with established procedures. Personal leave may not be taken immediately before or after a school holiday.

No more than ten percent (10%) of the staff of any individual school may take personal leave concurrently.

For personal leave days not used, teachers may receive compensation at the same daily rate paid substitute teachers or they may convert the unused personal leave days to sick leave. The number of personal leave days subject to reimbursement shall be limited to the number for which funding is provided in the annual Special Education Trust Fund Budget.

JURY DUTY

A Board employee who is required to serve on a jury shall receive the regular pay to which he is entitled, in addition to any monies he receives for jury duty.

SICK LEAVE

Sick leave is defined as the absence from regular duty by a professional employee because of the following:

- A. Personal illness.
- B. Bodily injury which incapacitates the employee.
- C. Death in the immediate family of the employee (husband, wife, father, mother, son, daughter, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, nephew, niece, granddaughter, grandson, grandfather, grandmother, uncle, and aunt).
- D. Where unusually strong personal ties exist because of an employee's having been supported or educated by a person of some relationship other than those listed, this relationship may be recognized for leave purposes. In such cases the teacher concerned shall file with the Board a written statement of the circumstances which justify an exception to the general rule.

- E. Attendance to an ill member of the immediate family (husband, wife, father, mother, son, daughter, brother, sister) of the employee, or a person standing in loco parentis.

Professional employees may accumulate sick leave at the rate of one (1) day per month. In no cases shall sick leave be used until it has been earned, except as may otherwise be provided by policies governing sick leave banks.

Upon proper verification of the previous employing Board, professional personnel employed by the Marengo County Board of Education may transfer sick leave from another Alabama school system.

The Board, upon request of a minimum of ten percent of its full time certificated personnel, shall establish a sick leave bank for such personnel. The plan, if established, shall allow each employee to deposit into the bank an equal number of his earned sick leave, not to exceed five days. These days shall be available for loan to any other participating professional employee whose sick leave has been exhausted.

The accounting and administration of the sick leave bank shall be the responsibility of the Marengo County Board of Education. Proposed rules and regulations for the operation of the sick leave bank shall be developed by a committee comprised five (5) employees, one (1) representing the Board and four (4) representing the participating members of the sick leave bank who are elected by the participating members each year. Vacancies on the committee shall be filled by the respective parties. No committee member shall serve for more than five years.

The following minimum regulations will apply to the sick leave bank:

- A. No employee shall be allowed to owe more than 15 days to the sick leave bank, unless over 50% of the members of the bank vote to extend the limit.
- B. Application for sick leave loans shall be developed by the committee.
- C. Upon the resignation or other termination of an employee who has an outstanding loan of sick leave days, said value of loan shall be deducted from the final paycheck and at the prevailing rate.
- D. Participation in the sick leave bank shall at all times be voluntary on the part of the employee.
- E. Any alleged abuse of the use of the sick leave bank shall be investigated by the committee and, on a finding of wrongdoing, the employee shall repay all of the sick leave credits drawn from the sick leave bank and be subject to other appropriate disciplinary action as determined by the Board.

Ref: Ala. Code 16-3-36, 16-8-8, 16-8-25, 16-8-26, 16-24-13. Act 94-825

SICK LEAVE BANK

PROCEDURES FOR IMPLEMENTATION OF SICK LEAVE BANK POLICY

PURPOSE OF THE SICK LEAVE BANK

The purpose of the Sick Leave Bank (SLB) shall be to provide a loan of sick leave days for participants to the bank after their accumulated sick leave days have been exhausted. The Bank shall also manage sick leave days as lawfully provided under the Catastrophic enactments.

ESTABLISHMENT OF THE COMMITTEE

- A. The SLB Committee shall be composed of five (5) members. Four (4) members representing the participating members of the sick leave bank and one (1) member to be appointed by the Marengo County Board of Education.
- B. At the beginning of each scholastic year, an election shall be held among the sick leave bank members to determine by secret ballot the four members who are to serve on the sick leave bank committee. The term of office shall be one year. The Superintendent shall be responsible for conducting the election in a fair and equitable manner, ensuring the confidentiality of the secret balloting process. The Superintendent shall also appoint the Board's representative on the committee, subject to board approval.

C. The SLB Committee is charged with the responsibilities as statutorily outlined and with the administration and operation of the Sick Leave Bank. Decisions and actions of the SLB may only occur by a majority vote and when the committee is in session. The attendance of at least three persons is required to constitute a quorum. The committee may make recommendations to the Board for amendments to these procedures.

D. The duties of the Sick Leave Bank Committee shall consist of:

1. The SLB Committee will elect by majority vote, one of its own as Chair.
2. Meetings of the Committee shall be set by the Committee to convene once a month if there is a loan application to be considered for approval. Additional meetings may be called by the Chair or by the request of at least four members of the Committee. Meetings shall not be conducted during the regular instruction time on a school day.
3. The SLB Committee shall write the guidelines and administrative procedures of the sick leave bank, including the catastrophic leave provisions of this section. The guidelines shall be approved by a secret ballot vote of the participating members of the sick leave bank. It shall also be the committee's duty to develop all necessary forms for the orderly operation and administration of the sick leave bank and the catastrophic leave provisions of this section. The State Board of Education shall provide a uniform state form for the transfer of catastrophic sick leave days from one system to another.

Any alleged abuse of the SLB shall be investigated by the Committee. All Due Process rights shall be afforded the employee. A finding of abuse shall require the violator to repay all sick leave credits to the SLB.

The Board may impose additional disciplinary actions upon the recommendation of the Superintendent.

BOARD REQUIREMENT PRIOR TO APPROVAL OF A SICK LEAVE BANK

When the Board of Education has in its possession Authorization for Sick Leave Bank Participation Forms from ten percent of its certificated employees and ten percent of its support employees, the Board shall consider for approval the implementation of a sick leave bank operation.

GENERAL GUIDELINES

- A. The decision whether to have a joint or separate sick leave bank for full-time certificated and full-time support personnel shall be the exclusive decision of the employees, utilizing a secret balloting process. The voting process will be administered by the office of the Superintendent.
- B. Participation in the sick leave bank requires a signed authorization form to be completed by the employee. The signed form authorizes the removal of three days from their personal sick leave account to be placed in the sick leave bank.
- C. Participation in the sick leave bank shall at all times be voluntary on the part of the employee. If a sick leave bank is terminated for lack of participation or for any reason, the Board shall establish procedures for collecting outstanding loans of sick leave days from borrowing employees in order to return them to the fullest degree possible to the employees who originally loaned them to the bank. The existing guidelines will be utilized for such procedural decisions (see item J).

- D. Participating employees shall make equal contributions of three days to join the sick leave bank. After the initial contribution, no further contributions shall be required except as may be necessary to replenish the pool. Any such further contributions shall be equally required of all employees participating in the pool.
- E. The following conditions must be met to withdraw days from the sick leave bank:
1. All accumulated sick leave of the employee must be exhausted.
 2. Application for sick leave days from the sick leave bank must be supported by written documentation to support the absence as qualifying under FILE: GBRG (Sick Leave).
- F. Any sick leave days drawn from the pool by a participating employee must be used for sick leave.
- G. Participating employee shall not be allowed to owe more than 15 days including the three days the employee has on deposit in the sick leave bank, unless over 50% of the bank vote to extend the limit.
- H. Sick leave days owed to the sick leave bank shall be paid back at the rate of one per month beginning with the next sick leave day earned after the loan was granted and continuing until the days loaned have been completely repaid.
- I. If at any time an employee ceases to be employed by the Marengo County Board of Education for any reason, (or if the sick leave bank is terminated for any reason) and has an outstanding loan from the sick leave bank, the value of the loan shall be deducted from the final paycheck. The daily deduction rate shall be computed by dividing the annual contract salary by the number of workdays covered by the contract. It is expected that the

Board shall take such action as is appropriate to recover from any employee or ex-employee those sums of money as would equate the value of sick days advanced or borrowed for which the employee did not earn a sick day or otherwise compensate the Board.

- J. After the initial enrollment for the start up period of the sick leave bank, enrollment shall be open during the months of August and September. Enrollment for new employees shall be the first day of employment or the first day of the month after the first day of employment. Once an employee is enrolled in the sick leave bank, the employee must remain a member until the end of the school year.
- K. Sick leave days deposited to the sick leave bank will automatically be restored to the employee's accumulated sick leave upon service retirement. These days will be credited to the employee's service retirement upon the completion of the required retirement forms.
- L. The payroll department shall maintain all records of all member contributions to the sick leave bank, withdrawals from the sick leave bank, and the status of the sick leave bank. Reports shall be provided on a timely basis and at the request of the sick leave bank committee, Superintendent, or Board.

Source: Marengo County Board of Education, Linden, Alabama

FILE: GBRGB
Adopted: January 26, 2006

USING ACCRUED SICK LEAVE PRIOR TO RETIREMENT

Using the balance of accrued sick leave immediately prior to the time of retirement will not be permitted unless an employee meets the conditions of illness as defined by the Alabama State Board of Education (FILE: GBRG).

In such instances where an employee seeks to use the balance of accrued sick leave days based on an illness claim, not less than two medical opinions as to the health condition of the employee will be required. The employee shall be required to furnish, at his/her expense, a detailed analysis of his/her health condition. This analysis must be in written form and from a licensed medical doctor. The second medical opinion and detailed analysis in written form will be from a licensed medical doctor designated and paid by the Board. If the medical opinions of the employee's medical doctor and the opinions of the medical doctor designated by the Board conflict, the Board at its discretion and expense, may require a third medical opinion by a medical official jointly designed by the Board and the employee. However, an employee who is eligible for a service retirement is entitled to use the unused accrued sick leave toward retirement credits.

FILE: GBRH
CF: IKH, IK

SUBSTITUTE TEACHERS

The Marengo County Board of Education shall approve a list of qualified individuals to serve as substitute teachers within the School System. The Superintendent shall prepare the list, assuring that all those listed are properly qualified. Principals or their designated representatives shall call substitute teachers from the approved list in case of absence of a regular teacher. It shall be the responsibility of the Principal and the regular teacher to ensure that the substitute teacher has the necessary instructions and materials to teach effectively, including textbooks, lesson plans, class rolls, schedules, and an outline of local school procedures. The substitute teacher shall provide the regular teacher with a brief report of the day's activities. Substitute teachers shall be paid at a rate set by the Board.

FILE: GBRI
Revised: June 28, 2001
Revised: Nov. 26, 2002
Revised: May 17, 2012

VACATIONS

The Board shall allow all twelve-month professional employees to take a two-week vacation each summer (10 working days). If requested and approved by the Superintendent, up to five (5) of these days may be used during the school term. The two-week entitlement assumes continuous employment for the preceding contract year. Professional employees employed less than twelve months do not earn paid vacations.

FAMILY AND MEDICAL LEAVE ACT

The Marengo County Board of Education complies with the federal Family and Medical Leave Act (P. L. 103-3), herein referred to as the Act.

The Act applies to all Board employees who have been employed by the Marengo County Board of Education for at least twelve months and who worked for at least 1,250 hours during that twelve month period. Under the Act, an eligible employee is entitled to twelve weeks of unpaid leave during a twelve month period for the following reasons:

1. The birth and first-year care of a child.
2. The adoption or foster placement of a child.
3. The care of a "serious health condition." (See Note # 1)

The Board requires that paid leave be taken before granting unpaid leave. Unpaid leave granted in compliance with the Act, when combined with paid leave available to an employee, shall not exceed a combined total of twelve weeks.

In the instance of birth, adoption, and foster placement, the entitlement to leave for childcare expires at the end of the twelve-month period beginning on the date of birth or placement. Entitlement for leave associated with illness of a child occurs only where the child is under 18 years of age or incapable of self-care due to mental or physical disability.

In cases where both spouses are employed by the Board, the combined amount of leave for childbirth, adoption, foster placement, or to care for a sick parent is limited to 12 weeks.

INTERMITTENT LEAVE

If medically necessary for a serious health condition of the employee or the employee's spouse, child, or parent, leave may be taken on an intermittent or reduced leave schedule subject to certain conditions which pertain to instructional employees. (See Note # 2) The Board may require the employee to transfer temporarily to an alternative position which better accommodates recurring periods of absence or a part-time schedule provided the position has equivalent pay and benefits. When instructional employees seek intermittent leave in connection with a family or personal illness and when such leave would constitute at least 20 percent of the total number of working days in the period during which the leave would extend, the Board may require the employee to take leave in a block (not intermittently) for the entire period or to transfer to an available alternative position with the school system, that is equivalent in pay, for which the employee is qualified and which better accommodates the intermittent situation.

NOTIFICATION

Except where circumstances are such that reasonable advance planning is not possible, employees must provide the Superintendent at least 30 days written notice of the date when leave is to begin. With respect to foreseeable family or employee illness, the employee shall make reasonable effort to schedule treatment including intermittent and reduced hour leave -- so as not to disrupt unduly the operations of the school district.

CERTIFICATION

The Board requires that a request for leave based on the serious health condition of the employee, the employee's son, daughter, spouse, or parent be supported by a certification issued by the appropriate health care provider. The certification shall state (1) the date the serious health condition began, (2) the probable duration of the condition, (3) the necessity for the employee's leave, and (4) that the employee is unable to perform the employee's job functions. The Board reserves the right, at its own expense, to designate a second health care provider (other than a school district employee) to provide a second opinion. If the first and second opinion conflict, the Board can require, at its own expense, a third opinion by a health care provider approved by the Board and the employee. This opinion shall be binding. Upon the employee's return to work, the Board may require the employee to provide certification by the employee's health care provider that the employee is able to resume work.

BENEFITS

Benefits accrued by the employee before leave is taken will not be altered by the employee's absence under this policy. The employee is entitled to continuation of health benefits during the leave period under the same conditions these benefits would have been provided if no leave had been taken. If an employee fails to return to work after the leave period expires, the Board may recover the health benefits premiums paid by the employer for the employee's benefit during the leave period.

RESTORATION

Upon return, the employee is entitled to restoration to an equivalent position with equivalent pay, benefits, and conditions of employment. The Board may deny position restoration to an employee whose salary is in the highest 10% of the employees employed by the Board if such denial is necessary to prevent substantial and grievous economic injury to the Board's operations.

Because the end of the semester is a critical time for both teachers and students, the following conditions apply to requests from instructional employees seeking to return from leave within the last three weeks of the semester:

1. If the employee begins any category of family and medical leave five or more weeks prior to the end of the semester and the leave is for more than three weeks, the district may require the employee seeking to return within the last three weeks to wait until the next semester.
2. If the employee begins any category of family and medical leave except personal sick leave less than five weeks before the end of the semester and the period of leave is greater than two weeks, the district may require the employee seeking to return within the last two weeks to wait until the next semester.
3. If the employee begins any category of family and medical leave except personal sick leave three or fewer weeks before the end of the semester and the period of leave is greater than five working days, the district may require the employee to wait until the next semester.

When an instructional employee's leave falls within one of the three categories above, the required additional leave (for example, the last two weeks of the semester in category 1) is considered part of the available twelve week unpaid leave period per year.

Note # 1: A "serious health condition means an illness, injury, impairment, or physical or mental condition that involves (1) inpatient care in a hospital, hospice, or residential medical care facility or (2) continuing treatment by a health care provider.

Note # 2: Instructional employees are those whose principal function is to teach and instruct students in a class, a small group, or an individual setting.

SEXUAL HARASSMENT

PROHIBITED CONDUCT

Employees shall not engage in conduct constituting sexual harassment. Sexual harassment is illegal and will not be tolerated. The Marengo County Board of Education shall investigate all allegations of sexual harassment and take appropriate action against employees who engage in sexual harassment. Sanctions against employees for violation of this policy may include verbal or written warning, transfer, suspension, or termination of employment.

DEFINITION

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

1. The advances, requests, or conduct have the effect of interfering with performance of duties or creating an intimidating, hostile, or otherwise offensive work environment.
2. Submission to such advances, requests, or conduct is explicitly or implicitly a term or condition of employment.
3. Submission to or rejection of such advances, requests, or conduct is used as a basis for employment decisions affecting the employee.

COMPLAINT PROCEDURE

An employee who believes he or she has been or is being subjected to any form of sexual harassment shall report the matter to his or her immediate supervisor, Principal, or the Superintendent. An employee may request the right to make his or her report of sexual harassment to a supervisor of the same sex as the employee.

No employee alleging sexual harassment shall be required to present the matter to the person who is the subject of the complaint.

The supervisor receiving a complaint of sexual harassment shall start an immediate investigation into the matter. The completed investigation shall be reviewed by the Superintendent or his designee and legal counsel for prompt and appropriate action, if warranted. A written response to the employee's complaint will be provided to the employee within 45 days of the date the employee first registered the complaint. The employee may appeal the decision within 10 days of receipt of the decision by filing a written notice of appeal with the Superintendent. The Superintendent shall present the decision and notice of appeal to the Board at the next scheduled meeting of the Board. The Board shall make a final decision and notify the employee in writing of the Board's decision.

PROTECTION OF COMPLAINANT

No employee shall be subject to adverse employment action in retaliation for any good faith report of sexual harassment under this policy. To the fullest extent practical, all reports of sexual harassment will be kept confidential.

FRIVOLOUS/VINDICTIVE CLAIMS

Employees who file frivolous or vindictive claims without merit will be subject to disciplinary action.

FILE: GBRL
Adopted August 10, 2000
Revised: Sept. 27, 2001
Revised: January 26, 2012

INTERNET SAFETY AND
INTERNET ACCEPTABLE USE PRACTICES (AUP) FOR THE USE OF
TECHNOLOGY FOR EMPLOYEES

INTRODUCTION

This policy has been adopted in compliance with the Children’s Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l).

It is the policy of the Marengo County School Board (Board) to provide technology resources, including Internet access, to its students and employees in order to more fully support the system’s mission statement and to meet educational and instructional goals set by the system and the state. It is the intention of the Board that all technology resources will be used in accordance with any and all school/system policies and procedures as well as local, state, and federal laws and/or guidelines governing the usage of technology and its component parts. This policy applies to all technology resources, regardless of purchase date, location, or funding source.

All users, in the process of logging onto the system’s network, will agree to abide by all school and system policies. Students and staff must have the appropriate Acceptable Use Policy on file with the system prior to use. Visitors to the system must have the permission of school administration in order to access the Internet. Such permission may not be shared or transferred.

This Internet Safety Policy will be displayed in each school's media center and computer lab. A copy of the policy will also be available in each school's office. Any questions about this policy, its interpretation, or specific circumstances shall be directed to the System Technology Coordinator before proceeding. Violators of this policy will be handled in a manner consistent with comparable situations requiring disciplinary and/or legal action. The administrators of each school will be responsible for establishing specific practices to enforce this policy at individual schools.

TECHNOLOGY PROTECTION MEASURES

A. Filtering and Blocking

The Board will make every reasonable effort to filter and block access to "visual depictions" that are obscene, contain child pornography, are harmful to minors, or that the Board determines is "inappropriate for minors." The software will filter all incoming Internet sites based on both URL (website name) and IP address. URLs and IP addresses may be added to the filtered list in cases where the filtering system may not have accurately identified inappropriate sites as defined above.

All users are required to report any sites that contain inappropriate materials or materials harmful to minors. Students must report this information to their teacher. Teachers or staff members must report this information to the System Technology Coordinator. This includes any text, audio segment, picture, image, graphic image file, or other visual depiction that:

1. Taken as a whole, appears to a prurient interest in nudity, sex, or excretion.

2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals.
3. Taken as a whole lacks serious literary, artistic, political or scientific value as to minors.

Adult staff members may request a review of filtered sites. Adults who are engaged in bona fide research or need access to blocked sites for other lawful purposes, may request a temporary release of the specific sites at specific workstations to complete their work. Such requests should be directed to the System Technology Coordinator.

B. Monitoring

It is the responsibility of all teachers and employees to properly inform students/staff under their charge of this policy and to see that the policy is strictly enforced. Students using the Internet and World Wide Web will be under the direct supervision of the instructor. In addition, the system may use software to monitor Internet activity, as needed.

Teachers who will be presenting Internet sites to students as part of the instructional process, should preview the sites they plan to incorporate to ensure their safety and suitability. If students are to independently access the Internet on a computer, the teacher must ensure that they have a signed Acceptable Use Policy on file. In addition, any student under the age of 17 must also have a signed Parent Permission Form on file. Finally, teachers must give students specific permission to independently access the Internet and monitor their activity while they are online.

C. Communicating Electronically

The Board permits students to engage in electronic communications on a limited basis for educational purposes under the direct supervision of their teacher. All such communications are subject to school rules, the Student Acceptable Use Policy, any applicable laws, and the following safety and security measures.

In compliance with the Children's Internet Protection Act, electronic communications (including, but not limited to e-mail, chat, and instant messaging) may not be used for:

1. Unsafe practices such as:
 - Contacting strangers or communicating with unknown individuals or organizations.
 - Posting or forwarding other user's personal communication without the author's consent.
 - Sending mass e-mails without the consent of the Principal or System Technology Coordinator.
 - Disclosing, using, or disseminating unauthorized personal information regarding minors including, but not limited to the following: home and/or school address; work, home, school, or cellular phone numbers; full name, social security number, etc. without authorization.
2. Harmful, malicious, or unlawful practices such as: spreading viruses, spamming, hacking of any type, copyright infringement; or engaging in any other unlawful activities.
3. Commercial practices such as selling or advertising products or services or purchasing products or services.

D. Posting to the Web

All users wishing to post pages or information on the System's website must obtain prior permission and comply with *Marengo County Board of Education Web Page Design Requirements*. Students may not use technology resources operated by the school system to post information or graphics to personal web pages on the Internet.

The Board prohibits posting of the following to school or system websites:

1. Pictures of employees without their written consent.
2. Pictures and other personally identifiable information without the permission in writing from the parent/guardian of the student involved.
3. Pictures of students along with their full names. Only first name and last initial of students may be used.
4. Personal information of any kind including, but not limited to: home, school, or work address; home and/or school phone numbers; full name; or social security number.
5. Materials that infringe on any copyright held by others with permission and acknowledgement.
6. Any obscene, harassing, or threatening materials.

The Board does not permit the posting of faculty/staff listings with their school contact information (phone extension, e-mail address, etc.). In addition, webmasters may link to other websites provided the content on the linked site(s) meet the safety and professional standards set out in system policies and the linking page contains a disclaimer for the downstream website content and links.

E. Downloading from the Internet

Students may not download files of any type without the specific permission of their supervising teacher. Under no circumstances will students be permitted to download graphic, video, or audio files in any format that violates the letter or intention of this or any other school/system policy. No user may download any files which violate copyright laws.

ONLINE BEHAVIOR EDUCATION

All students will receive education about appropriate online behavior, including cyberbullying awareness and response and interacting with other individuals on social networking sites and in chat rooms. This education will be provided through the implementation of the Technology Course of Study, through Internet safety awareness and education programs at each school, and through additional efforts made by the Student Services and other departments. In addition, educational materials and links regarding cyberbullying as well as safe and appropriate behavior will be placed on the System's website for access by parents and students.

LIMITATIONS OF LIABILITY

The Board and its employees make no guarantee that the functions or services provide by or through the System's network will be error-free or without defect. The Marengo County School System will not be responsible for any damage suffered by the user, including but not limited to, loss of data or interruptions of service. The Board will not be responsible for any financial obligations arising from the unauthorized or inappropriate use of system technology.

NOTICE OF RIGHT TO CHANGE

This policy may be changed by Board approval as deemed necessary to continue to ensure the safety of students and compliance with any and all laws and regulations.

ADDITIONAL RESTRICTIONS

This policy is intended to work in concert with other System policies, procedures, and guidelines in order to ensure the safe, ethical, and educational use of all technology within the system.

ACCEPTABLE USE PRACTICES (AUP) FOR THE USE OF TECHNOLOGY

The term “technology” is intended to have a broad interpretation. “Technology” as used herein, means the computer itself along with, but not limited to, hardware, associated network devices, software, peripherals, and accessories.

All use of technology must be consistent with the mission of Marengo County Board of Education. All users of the system’s technology resources will conduct themselves in accordance with any and all school/system guidelines, policies, and procures as well as local, state, and federal laws governing the usage of technology and its component parts. Additionally, it is implied that all employees of the Board will use the provided technology resources so as not to waste them, abuse them, interfere with or cause harm to other individuals, institutions, or companies. Employees are responsible for their behavior while using system technology and shall comply with district standards and policies. Administrators, the System Technology Supervisor, and other designees will make determinations as to whether specific uses of computers are consistent with acceptable use policies.

Employees should use all system-owned computers or other technology with the understanding that the Board retains the right to inspect system-owned computer storage areas for any reason at any time without notice, without consent, and without a search warrant. The network administrators or designees reserve the right to remove users' files without warning. Authorized system personnel may review files and communications to maintain system integrity and insure that users are using the system responsibly. Therefore, users should not expect that files and electronic communications stored on computers would always remain private.

GENERAL USE

Employees shall:

- A. Adhere to all copyright regulations. The illegal installation or use of copyrighted software is prohibited and subject to criminal prosecution. The illegal installation of system-owned software on personal computers is also subject to criminal prosecution. Individual schools or the school system must possess appropriate license(s) before copyrighted software may be installed or used. It is the responsibility of the user to determine that a license is available prior to attempting any software or data installation.
- B. Use their accounts only as authorized by the system.
- C. Set unique passwords on all password-protected programs.
- D. Protect their password and login I.D. from others and will be held responsible for activity on their account while logged into the network.
- E. Use only their authorized network account. Unauthorized attempts to login as any other individual are prohibited.
- F. Close programs and log out of unattended computers.

- G. Notify their administrator whenever they come across information, messages, or email attachments that are dangerous or inappropriate.

Employees shall not:

- A. Use technology in violation of local, state, or federal laws and statutes.
- B. Give students their network login and password at any time.
- C. Intentionally view, seek, obtain, or modify information, other data, or passwords belonging to other users.
- D. Trespass in other users' folders of files.
- E. Use technology for any non-educational, commercial, or "for-profit" purposes.
- F. Use technology to disrupt the computer use of others.
- G. Use technology maliciously to develop programs or process files (e.g. viruses or hacking) that harass other users, infiltrate computers, and/or damage the software components on or off school campus.
- H. Use technology for illegal, offensive, or antisocial behaviors (harassment, discriminatory remarks, etc.).
- I. Waste or monopolize system resources (i.e. non-instructional use of gaming software, audio, video, locally or across the Internet).
- J. Modify computers in any way without the express permission of administrators.
- K. Attempt to disable or circumvent security measures including Internet filtering software.
- L. Commit the Board to any unauthorized financial obligation through the use of technology. Any resulting financial burden will remain with the user originating such obligations.

- M. Intentionally harm, destroy, disable, or remove parts from any system-owned technology. In such cases, employees may be held financially responsible for the repair, replacement, or reconfiguration of affected equipment.
- N. Move or dispose of system equipment without following proper equipment transfer procedures.

ELECTRONIC COMMUNICATIONS

Access to the Internet is provided for the purpose of supporting the curriculum. E-mail accounts will be assigned to employees for professional and instructional use. The following restrictions apply to the use of electronic communications. Employees shall not:

- A. Give out personal information regarding students, such as names, addresses, social security numbers, or phone numbers without parental authorization.
- B. Send or willfully solicit information including but not limited to hoaxes, chain letters, jokes, etc.
- C. Send or willfully solicit e-mail containing offensive, obscene, insulting, or harassing language or graphics.
- D. Send or intentionally receive e-mail for political or personal gain.
- E. Send or intentionally receive files dangerous to the integrity of the network.
- F. Forge or attempt to forge e-mail messages.
- G. Attempt to read, delete, copy, or modify e-mail of other users.
- H. View, store, or forward any e-mail attachments that would be classified as inappropriate for the school environment.

DISCLAIMER AND OWNERSHIP

All e-mail content is implicitly understood to be representative of the author's individual point of view and not that of the school or school system. However, all e-mail generated on system-owned equipment or originating from a system-assigned e-mail account remains the property of the Board and may be reviewed and deleted as needed to ensure network integrity, confidentiality, and student safety.

WEB PUBLISHING

Employees may be granted permission to post material to system websites for educational purposes. Employees are prohibited from posting information or graphics to personal websites from system computers.

In addition, employees shall not provide information about the Marengo County School System to parties that claim to represent the Marengo County School System for web publication purposes on external servers.

When posting materials to the system's website or any individual school website, employees must adhere to established design requirements. The Board or its designees reserve the right to remove unacceptable files or links from any Marengo County School System website without warning. In addition, the Marengo County School System website may not be used for:

- A. Profit-making, commercial, or political purposes.
- B. Linking to external websites considered inappropriate by Board standards as identified in the system's Internet Safety Policy.
- C. Posting photographs, names, or intellectual property of others without the written consent of the individual, or in the case of minors, the parent/guardian.

CHILDREN'S INTERNET PROTECTION ACT RESPONSIBILITIES

All employees are expected to read and comply with the Board Internet Safety Policy in order to ensure the safety of all minor students. As part of this policy, all teachers are required to closely monitor student use of the Internet and any electronic communications. No teacher shall direct or permit a student without a signed Student Acceptable Use Policy to browse or communicate over the Internet independently (student operates the computer).

FILE: GCA
CF: EGA

SALARY SCHEDULES AND CONTRACTS

The Superintendent shall prepare or cause to be prepared salary or hourly wage schedules for all nonprofessional personnel employed by the Marengo County School System. The salary and hourly wage schedules shall be presented to the Board for review and approval.

All salaries shall be based upon objectively determined criteria. In all aspects of nonprofessional personnel management, the following shall be observed:

"No person shall be denied employment, be excluded from participation in, be denied the benefits of, or subjected to discrimination in any program or activity, on the basis of sex, race, religion, belief, national origin, or ethnic group."

Any nonprofessional personnel who feel aggrieved concerning the above shall have a right to have their allegation reviewed.

Ref: Ala. Code, Title VII of Civil Rights Act of 1964 as amended; Title IX of Education Amendments of 1972, see citations under GAAA.

FILE: GCB

ASSIGNMENT

Support personnel may be assigned to job responsibilities by the Superintendent or his designee, by the school principal or other appropriate administrator. Such assignments will be made in an attempt to accomplish the objectives of the Marengo County Board of Education.

FILE: GCC

ORIENTATION

All new employees will be given an orientation session prior to assignment of specific job responsibilities. The orientation session shall include, but not necessarily be limited to, an explanation of pertinent Marengo County Board of Education policies and System administrative regulations, job expectations, and safety instruction.

No employee will be assigned to perform any task or operate any equipment for which the employee is not appropriately trained and for which the employee has not received adequate orientation.

FILE: GCD

HIRING

The Marengo County Board of Education is the legal hiring authority for the System.
The Board will hire support personnel based upon the recommendation of the Superintendent.

FILE: GCE

PROBATION

Support personnel who are employed full-time in the Marengo County School System are required to serve a probationary period of three years from the date of original employment. Upon successfully completing the period of probation said employees shall be employed on a non-probationary status. (See Policy GCI).

FILE: GCF

SUPERVISION

The Superintendent is ultimately responsible for the supervision of all persons employed by the Marengo County Board of Education. The Superintendent may delegate authority for supervising selected employees to others within the System.

Authority for supervision shall be delegated to the lowest level of management possible.

EVALUATION

The Marengo County Board of Education shall establish and maintain a continuous program for the evaluation of the performance of support personnel of the school system. This evaluation program shall have the following objectives:

1. To identify both the job-related strengths and weaknesses of the employee being evaluated.
2. To identify strategies for improving the work-related skills of the employee.
3. To make continued employment contingent upon removal of identified deficiencies.

The Board recognizes that no employee can be effectively and equitably evaluated until the following criteria are met:

1. Responsibilities or performance standards are identified within written position descriptions.
2. Processes and instruments to be used during evaluation are explained to all employees in advance of evaluation.
3. Multiple observations of performance are used as a basis for evaluation.

The Board also recognizes its obligation for making a good faith effort to assist all employees to remove employment performance deficiencies through the development of individual plans for improving job performance.

The Board will afford each employee an opportunity to review the results of each evaluation. The employee will be provided an opportunity to offer a written response to each evaluation and that response shall be included within that employee's personnel file.

ALABAMA PROFESSIONAL EDUCATION PERSONNEL
EVALUATION PROGRAM

The Marengo County Board of Education accepts its responsibilities as specified in State Board Resolution I-1-f and Alabama Education Improvement Act 91-323 for establishing policies and procedures of the Alabama Professional Education Personnel Evaluation Program in the schools under its jurisdiction. In order to comply fully with the requirements of the Resolution, the Board delegates to the Superintendent the responsibility for developing and implementing for the Board's consideration an operational plan for the systematic implementation of the Professional Education Personnel Evaluation Program in the Marengo County School System. The plan of implementation should include, but not necessarily limited to, the following provisions and requirements:

1. A plan to implement the Professional Education Personnel Evaluation Program according to established time lines and guidelines.
2. Definition and description of roles and responsibilities of all personnel to be involved in the implementation of the Professional Education Personnel Evaluation Program, (i.e., coordinator, principals, assistant principals, supervisors, other central office personnel).

3. A listing of all professional personnel subject to the provisions of State Board Resolution I-1-f and Alabama Education Improvement Act 91-323 reflecting appropriate classifications of either tenured or non-tenured status.
4. A listing of personnel recommended as primary and contributing evaluators with recommended assignments to individual evaluatees.
5. Guidelines which require all evaluators to be trained and meet reliability standards for certification as an evaluator of designated positions.
6. Contingency plans to accommodate the evaluation needs of the system in the event that specified evaluators cannot complete evaluation responsibilities.
7. Local administrative rules and regulations for the implementation of the Professional Education Personnel Evaluation Program deemed advisable and necessary by the Superintendent.

Legal Reference: Board Resolution I-1-f; Alabama Education Improvement Act 91-323,

FILE: GCH

PROMOTION

Selected individual support employees in the Marengo County School System will be considered for promotion based upon job performance as documented by evaluation reports. No person can be promoted until a vacancy and/or need exists for an employee in a higher-level employment position.

FILE: GCI

NON-PROBATIONARY STATUS

The Marengo County Board of Education shall grant non-probationary status to bus drivers, cafeteria workers, custodians, secretaries, and all other persons not certified by the State Board of Education who are employed full-time by the Board and who have successfully served a probationary term of three years from the date of initial employment. The Board may remove an employee during the employee's probationary period by furnishing the employee written notification at least fifteen (15) days prior to the effective date of termination. Said notification shall be sent by certified or registered mail, return receipt requested to the employee's current address as listed in the Board's personnel file. It shall be the responsibility of the employee to assure currency of an employee's address.

Upon successfully completing the probationary period, said employee shall be deemed to be employed on a non-probationary status. Termination of an employee on a non-probationary status shall only be undertaken for the reasons and in accordance with the procedures outlined in state statutes.

Ref: Act 83-644, 1983 Alabama Legislature.

FILE: GCJ

TRANSFER

Support personnel may request a transfer to another position by submitting a request for transfer to their immediate supervisor and superintendent. Decisions relative to transfer request will be made based upon the most effective strategies for accomplishing the objectives of the Marengo County Board of Education.

A support employee may be transferred within the System when such a transfer is in the best interest of the System. Whenever possible the work related preferences of the employee to be transferred will be taken into consideration.

FILE: GCK

SEPARATION

Probationary support employees may be terminated any time the employee's supervisor, the Superintendent, and the Board deem it to be in the best interest of the Marengo County School System. A fifteen-day written notice of termination will be given probationary support employees.

Non-probationary support employees may only be terminated according to provisions authorized within state statutes.

A support employee who wishes to terminate his services with the Board shall at least two weeks prior to date of termination notify his immediate supervisor in writing who shall notify in writing the Superintendent or his designated representative.

All required records and reports shall be completed and duly filed and all School System property appropriately accounted for before final checks will be paid to personnel separating from the School System.

REDUCTION IN FORCE OF NONCERTIFIED PERSONNEL

In the event it becomes necessary to reduce the number of noncertified staff employed by the School System due to a decrease in student enrollment, financial exigency, changes in curriculum, consolidation, or reorganization, the following procedure shall be followed to determine staff members to be affected:

PROCEDURE

1. Attrition by resignation, retirement, or voluntary leaves of absence shall be the first method to reduce the force.
2. Based on the philosophy of maintaining the best educational program possible, the Board, upon recommendation of the Superintendent, shall identify the work area(s) and work site(s) from which staff members are to be reduced in force at respective times. For the purpose of reduction in force, the following items are defined:
 - a. Work Areas – Child Nutrition personnel, Child Nutrition managers, custodians and maids, secretaries/bookkeepers, building maintenance, teacher aides, custodian of school funds, bus drivers, maintenance supervisor, mechanics, transportation supervisor, nurse, and clerks.

- b. Work Site – Central office to include: custodian of school funds, clerks, administrative secretary, mechanics, transportation supervisor, building maintenance, maintenance supervisor, nurse, and bus drivers.
 - c. Work Site – Local schools to include: Child Nutrition personnel, custodians and maids, secretaries/bookkeepers, teacher aides, and bus drivers.
3. Following the identification of the work area(s) and work site(s), the number of staff to be reduced from each area(s) and site(s) will be determined by the Board, based on a recommendation by the Superintendent. All staff members within the identified work area(s) and site(s) will be rank ordered from greatest amount of service time to least amount of service time within the School System. The staff member(s) with the least amount of continuous service time (seniority), based on actual date of employment as reflected in the Board minutes, shall be the first to be reduced in force. In the event two or more staff members have the same amount of continuous service time within the School System based on Board minutes, the following additional criteria will be used to determine the order of reduction in force:
- a. Formal education attained by the staff member (the staff member with the least amount of formal education to be reduced first).
 - b. Total years of work-related experience (the staff member with the least number of years experience to be reduced first).
4. In order for a staff member selected to be reduced in force by these procedures to displace a staff member in the same work area at another work site with less service time, said staff member must be capable of handling the entire position of the employee they seek to displace and must submit a written request for such transfer within five (5) days after receipt of the notice of reduction in force.

5. The names of permanent noncertified personnel reduced in force shall be placed in a School System employment pool and remain on such list for one (1) year from the effective date of termination. Said personnel shall be given the opportunity in reverse order of their lay off to fill the first comparable vacancies for which they are qualified in their work site area. Nonprobationary personnel may reapply for any position for which they are qualified.
6. Provided personnel in the employment pool are recalled, they shall be issued a letter of reappointment by registered mail at least fifteen (15) work days prior to the date of reemployment. Said personnel must accept the offer of reemployment in writing by registered letter within five (5) days of receipt of the offer.
7. It is understood that reduction in force constitutes termination of employment and all benefits provided by the School system ceases on the effective date.

FILE: GCQ
ALSO: GBQ
Revised: March 18, 2004

RETIREMENT

All support employees employed for twenty or more hours per week shall be members of the Teachers' Retirement System of Alabama. Employees covered include maids, custodians, bus drivers, lunchroom or cafeteria workers, secretaries, clerks, clerical assistants, maintenance workers, and other qualified non-certificated employees.

The Marengo County Board of Education prohibits any support employee, whether on continuing serving status or not, from retiring during the school term unless conditions beyond one's control, such as illness, occurs.

LEAVES AND ABSENCES

SICK LEAVE

Sick leave is defined as the absence from regular duty by a support employee because of the following:

- A. Personal illness.
- B. Bodily injury which incapacitates the employee.
- C. Death in the immediate family of the employee (husband, wife, father, mother, son, daughter, brother, sister, father-in-law, mother-in law, son-in-law, daughter-in-law, nephew, niece, granddaughter, grandson, grandfather, grandmother, uncle, and aunt).
- D. Where unusually strong personal ties exist because of an employee's having been supported or educated by a person of some relationship other than those listed, this relationship may be recognized for leave purposes. In such cases the employee concerned shall file with the Board of Education a written statement of the circumstances which justify an exception to the general rule.
- E. Attendance to an ill member of the immediate family (husband, wife, father, mother, son, daughter, brother, sister) of the employee, or a person standing in loco parentis.

Support personnel may accumulate sick leave at the rate of one (1) day per month. In no cases shall sick leave be used until it has been earned, except as may otherwise be provided by policies governing sick leave banks.

Upon proper verification of the previous employing Board of Education nonprofessional personnel employed by the Marengo County Board of Education may transfer sick leave from another Alabama School District.

The Marengo County Board of Education, upon request of a minimum of ten percent of its full time support personnel, shall establish a sick leave bank for such personnel. The plan, if established, shall allow each employee to deposit into the bank an equal number of his earned sick leave, not to exceed five days. These days shall be available for loan to any other participating support employee whose sick leave has been exhausted.

The accounting and administration of the sick leave bank shall be the responsibility of the Board. Proposed rules and regulations for the operation of the sick leave bank shall be developed by a committee comprised of five (5) employees, one (1) representing the Board and four (4) representing the participating members of the sick leave bank who are elected by the participating members each year. Vacancies on the committee shall be filled by the respective parties. No committee member shall serve for more than five years.

The following minimum regulations will apply to the sick leave bank:

- A. No employee shall be allowed to owe more than 15 to the sick leave bank, unless over 50 percent of the members of the bank vote to extend said limit.
- B. Application for sick leave loans shall be developed by the committee.

- C. Upon the resignation or other termination of an employee who has an outstanding loan of sick leave days, said value of loan shall be deducted from the final paycheck and at the prevailing rate.
- D. Participation in the sick leave bank shall at all times be voluntary on the part of the employee.
- E. Any alleged abuse of the use of the sick leave bank shall be investigated by the committee and, on a finding of wrongdoing, the employee shall repay all of the sick leave credits drawn from the sick leave bank and be subject to other appropriate disciplinary action as determined by the Board.

Ref: Ala. Code 16-3-36, 16-8-25, 16-8-26, Act 88-261 of 1988 Alabama Legislature.

OVERTIME PAY

The Board will comply with the Fair Labor Standards Act relative to minimum hourly wages and overtime pay for support employees.

The Board may under an agreement with an employee covered by the provisions of the Fair Labor Standards Act award compensatory time instead of overtime pay. Such agreement or understanding relative to compensatory time must be reached between the Board and an affected employee before performance of any work subject to overtime pay or compensatory time.

Applicable Provisions

As authorized by the Board, the Superintendent shall determine the need for overtime work, discuss with supervisors and employees the amount and timing of overtime work, and compensate the employees for that overtime work. All employees eligible for overtime pay shall be compensated by:

- A. Payment to the employee for additional hours beyond the forty- (40) hour workweek at the rate of 1.50 of regular pay, or
- B. Released time in the form of “comp time” for additional hours beyond the forty- (40) hour workweek at the rate of 1.5 hours for each hour worked.

Eligibility

In accordance with Title 29, part 541 of The Code of Federal Regulations, revised June, 1983, certain employment categories/positions are defined as being “exempt.” Exempt positions are not entitled to overtime pay or compensatory release time. As outlined in The Code, exempt employees are those that meet one or more of the following criteria:

- A. Executive, administrative, and certified employees including teachers and academic administrative positions (e.g., “director” or “supervisor”).
- B. Non-certified employees:
 - 1. Where primary duties consist of the management of the enterprise, in which they are employed.
 - 2. Who customarily direct the work of two or more employees.
 - 3. Who have the authority to hire or fire or whose suggestions and recommendations as to the hiring, firing, or other change of status decision(s) for other employees will be given particular weight.
 - 4. Who customary and regularly exercise discretionary powers.

Employees not meeting one of the above criteria are defined as “nonexempt” and subject to the provisions of the FLSA and as such are eligible for additional compensation or compensatory time at the individual employee’s discretion for work performed in excess of forty (40) hours per week. As to school employees, no more than 240 hours of compensatory time may be accrued.

Approval to Work Overtime

The Superintendent, Assistant Superintendent, or Principal are given the authority to approve emergency work-related tasks that require overtime compensation. All other work requiring overtime by employees must be approved in advance. All overtime pay must be initialed by the Principal/work site supervisor on the monthly payroll form. Any such approval shall be based on emergency situations only; in all cases, work requiring overtime wages shall be kept to a minimum.

Responsibility

All Principals/work site supervisors are expected to give due consideration to employee work loads and effective scheduling of the workday. The responsibility to see that guidelines are followed and that locally approved overtime requests are essential rests with Principals/work site supervisors.

Legal Reference:

Ref. 29 U.S. C. 301 et. Seq., Garcia v San Antonio Metropolitan Transit Authority, 469 US. 528, 83 L. Ed. 2d 1016 (1983).

Fair Labor Standards Act of 1938, as amended.

VACATIONS

All support personnel employed on twelve-month contracts earn an annual paid vacation of two (2) weeks. One week of such vacation will be taken during the summer months and one week will be taken some other time at the discretion of the Supervisor and Superintendent of Education.

Personnel employed less than 12 months do not earn paid vacations.

FILE: GCRD
Adopted: July 19, 2012

DEPARTMENT OF TRANSPORTATION PHYSICAL EXAMINATION
FOR BUS DRIVERS

The Marengo County Board of Education requires all employees of the School District that hold a School Bus Certification to submit proof of an up-to-date Department of Transportation (DOT) physical examination by a licensed medical examiner. It is the responsibility of the said employee to keep proof of a DOT physical updated and on file in the Marengo County Board of Education Central Office.

The Board reserves the right to place on administrative leave, suspend (with or without pay), and/or terminate the employment of any person whose condition of health, as disclosed by such examination, if in the opinion of the Board and physicians makes further retention of such employee detrimental to the best interest of the School District. The Board reserves the right to deny a second DOT physical exam presented by an employee detrimental to the best interest of the School District.

FILE: GD
Adopted Nov. 26, 2002

EMPLOYEE PURCHASES IN THE NAME OF THE SCHOOL

Employees shall make no purchases of items that are intended for personal use, by using the name or credit of the school or school system. The exception to this rule will occur when the item or items are required or expected for use in the performance of school or school system duties.