

Policy

**BOARD OF SCHOOL TRUSTEES
RANDOLPH CENTRAL SCHOOL CORPORATION**

**NON-CERTIFIED STAFF
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CREATING A POSITION

The School Board recognizes the need to establish positions which, when filled by competent, qualified non-certified staff, will assist the Corporation in achieving the education goals set by the Board. The Corporation employs only U.S. Citizens and others lawfully authorized to work in the United States.

The Board reserves the right to fix the compensation and prescribe the duties to be performed by all non-certified staff, to create new positions, and to specify the number of persons within each job category.

In the exercise of its authority to create new positions, the Board shall give primary consideration to:

- A. the number of students enrolled;
- B. the special needs of the Corporation;
- C. the special needs of the students;
- D. the operational services of the Corporation.

The Board may create a new position or increase the number of non-certified staff in an existing position.

The Board shall, upon the advice of the Superintendent, consider the advisability of creating a new non-certified position or of increasing the number of non-certified staff in an existing position.

Immigration Reform and Control Act of 1986
I.C. 20-26-5-4, 20-23-16-41

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EMPLOYMENT OF NON-CERTIFIED STAFF

The School Board recognizes that it is vital to the successful operation of the Corporation that positions created by the Board be filled with qualified and competent staff.

The Board shall approve the employment, and also, establish the term of employment for each non-certified staff member employed by this Corporation.

Individuals employed in the following categories shall be considered members of the non-certified staff:

- A. Bus Drivers
- B. Custodians
- C. Secretaries
- D. Teacher Aides
- E. Transportation Director
- F. Maintenance Director
- G. Bookkeeper

All applications for employment shall be referred to the Superintendent.

Any non-certified staff member's intentional misstatement of fact material to qualifications for employment or the determination of salary shall be considered by this Board to constitute grounds for dismissal.

When appropriate, no candidate for employment as a non-certified staff member shall receive recommendation for such employment without having proffered visual evidence of his/her certification or pending application for certification.

The Superintendent shall prepare administrative guidelines for the recruitment and selection of all non-certified staff.

I.C. 20-26-5-4, 20-26-9-12

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EMPLOYMENT OF SUBSTITUTES

The School Board recognizes its responsibility to procure the services of substitute non-certified staff in order to prevent the interruption of the operation of schools.

The names of potential substitute staff and the positions in which they may substitute shall be maintained by the Bookkeeper.

The employment of substitute non-certified staff prior to approval by the Board is authorized when their employment is required to maintain continuity of services in the Corporation.

Retroactive employment shall be recommended to the Board at the next meeting.

I.C. 20-27-5-20

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VOLUNTEERS

The School Board recognizes that more individualization and greater personal attention to the unique needs of students can be provided through the use of volunteers. Moreover, utilizing volunteers provides an opportunity to generate community interest and contribute to the public relations effort of the Board. Therefore, the Board endorses the concept of utilizing community volunteers who are willing to devote time and talent to expand learning experiences.

The Superintendent shall be responsible for recruiting community volunteers, reviewing the capabilities of each applicant, and making appropriate placements. S/He shall not be obligated to place volunteers whose abilities are not in accord with the Corporation's needs.

The Superintendent may terminate the services of any volunteer whose performance is not satisfactory.

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CRIMINAL HISTORY RECORD CHECK

To help ensure a safe environment and as required by State law, the Randolph Central School Corporation will obtain for each individual hired for employment an expanded criminal history check before the start date of the person's employment and an expanded child protection index check before or not later than thirty (30) days after the start date of the person's employment. The new hire will be responsible for the cost to the School Corporation for obtaining the expanded criminal history check. Such an inquiry will also be made for substitute teachers who are to be employed by the Corporation.

For all current employees, the expanded criminal history check must be updated every five (5) years. The corporation will pay for the expanded criminal history update for all current employees as approved by the Board of School Trustees. At any time the corporation believes an employee has been charged with or convicted of a specified crime or is the subject of a substantiated report of child abuse or child neglect, the corporation may conduct an expanded criminal history check and/or an expanded child protection index check.

For extracurricular positions, if the person has a current expanded criminal history check on file, resigns, and then returns to another extracurricular position a new expanded check will be required since that individual has not been continuously employed by the corporation.

The School Corporation is prohibited from hiring an individual who has been convicted of an offense which requires the revocation of a license under state law, unless the conviction has been reversed, vacated, or set aside on appeal.

School officials must communicate with all of the employment references and the most recent employer (if provided) of the applicant recommended for employment prior to the applicant being hired by the School Corporation.

Each individual hired may be questioned about the individual's expanded criminal history check and the expanded child protection index check. Failure to answer honestly any questions related to the expanded criminal history check or the expanded child protection index check may be cause for termination of the applicant.

Any volunteer, who may have direct, ongoing contact with children when performing services for the school, must provide to the Corporation a limited criminal history check prior to beginning volunteer work for the Corporation. The volunteer will be responsible for any and all costs associated with obtaining the limited criminal history check.

Any entity which has a contract to provide services to the Corporation and whose employees have direct, ongoing contact with children when performing those services for the school, must provide to the Corporation limited criminal histories for such employees. The entity and/or the entity's employees are responsible for all costs associated with obtaining the limited criminal histories. An individual who is working for such an entity may also be required to provide the individual's limited criminal history to the school corporation upon its request to do so or to provide consent to the school corporation for it to

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request an expanded criminal history check of the individual. This provision also applies to an individual who has a contract to provide services to the Corporation.

Any information obtained from any criminal history check and an expanded child protection index check is confidential and shall not be released or disseminated.

All individuals or entities that have contracts for services with the School Corporation are required by state law to report convictions of certain crimes enumerated in state law to the School Corporation. The superintendent or designee is responsible for implementing regulations to notify the individuals, including volunteers, and the entities for contracted services of this duty. In addition to the crimes listed in the state law, the notice shall also include the convictions of the “attempted” crimes listed in the law.

LEGAL REFERENCE: I.C. 20-26-5-10
I.C. 20-26-5-10.5
I.C. 20-26-5-11
I.C. 20-28-5-8(c)

Adopted 8/11/92; Updated 1997, Revised 8/11/2009; Revised 8/09/2016; Revised 1/9/2018

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EQUAL EMPLOYMENT OPPORTUNITY

The School Board shall comply with all Federal laws and administrative guidelines prohibiting discrimination and with all requirements and administrative guidelines of the U.S. Department of Education. It is the policy of the Board that no non-certified staff member or candidate for a position in this Corporation on the basis of race, color, religion, national origin, creed or ancestry, age, sex, marital status, or disability shall be discriminated against, excluded from participation in, denied the benefits of, or otherwise be subjected to, discrimination in any program or activity for which the Board is responsible or for which it receives financial assistance from the U.S. Department of Education.

The Superintendent shall appoint a compliance officer whose responsibility it will be to ensure that Federal and State regulations are complied with and that any complaints are dealt with promptly in accordance with law. S/He shall also ensure that proper notice of nondiscrimination for Title II, Title VI, and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Act is provided to staff members and the general public.

20 U.S.C. 1681 et seq., Title IX

29 U.S.C. 701 et seq., Rehabilitation Act of 1973

42 U.S.C. 1981 et seq.

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990

42 U.S.C. 2000 et seq., Civil Rights Act of 1964

29 U.S.C. 623 et seq., Age Discrimination in Employment Act of 1967

U.S. Constitution, XIV Amendment

Revised 10/8/96

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DRUG-FREE WORKPLACE

The School Board believes that quality education is not possible in an environment affected by drugs. It will seek, therefore, to establish and maintain an educational setting which is not tainted by the use or evidence of use of any controlled substance.

The Board shall not permit the manufacture, possession, use, distribution, or dispensing of any controlled substance, including alcohol by any member of the Corporation's non-certified staff at any time while on Corporation property or while involved in any Corporation-related activity or event. Any staff member who violates this policy shall be subject to disciplinary action in accordance with Corporation guidelines and the terms of collective bargaining agreements.

The Superintendent shall establish administrative guidelines that will best ensure compliance with the intent of this policy and that will provide for appropriate disciplinary actions if and when needed.

P.L. 101-226

Drug-Free Schools and Communities Act as amended, 1989

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NETWORK AND INTERNET FACULTY AND STAFF ACCEPTABLE USE

1.0 Overview

Access to computers and the Internet through the Randolph Central School Corporation computer network comes with the responsibility to use this network in a productive and ethical manner

2.0 Purpose

The purpose of this policy is to outline the acceptable use of computer equipment at Randolph Central School Corporation. These rules are in place to protect the user and Randolph Central School Corporation. Inappropriate use exposes Randolph Central School Corporation to risks including virus attacks, compromise of network systems and services, and legal issues.

3.0 Scope

This policy applies to students, teachers, substitutes, contractors, consultants, temporaries, and other persons at Randolph Central School Corporation , including all personnel affiliated with third parties. This policy applies to all equipment that is owned or leased by Randolph Central School Corporation.

4.0 Policy

4.1 General Use and Ownership

1. Users should be aware that the data they create on the corporate systems remains the property of Randolph Central School Corporation. Because of the need to protect Randolph Central School Corporation 's network, Randolph Central School Corporation does not and will not guarantee the confidentiality of information stored on any network device belonging to Randolph Central School Corporation .
2. For security and network maintenance purposes, authorized individuals within Randolph Central School Corporation may monitor equipment, systems and network traffic at any time, for any reason, without prior notice
3. Randolph Central School Corporation reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy.

4.2 Security and Proprietary Information

1. Keep passwords secure and do not share accounts. Authorized users are responsible for the security of their passwords and accounts. System level passwords should be changed quarterly, user level passwords should be changed every six months.
2. All PCs, laptops and workstations should be logged-off or locked when left unattended.
3. Users must use extreme caution when opening e-mail attachments received from unknown senders, which may contain viruses, e-mail bombs, or Trojan horse code.

4.3. Unacceptable Use

The following activities are, in general, prohibited. Users may be exempted from these restrictions during the course of their legitimate job responsibilities (e.g., systems administration staff may have a need to disable the network access of a host if that host is disrupting production services).

Under no circumstances is a user of Randolph Central School Corporation authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing Randolph Central School Corporation -owned resources.

The lists below are by no means exhaustive, but attempt to provide a framework for activities which fall into the category of unacceptable use.

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System and Network Activities

The following activities are strictly prohibited, with no exceptions:

4. Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by Randolph Central School Corporation .
5. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which Randolph Central School Corporation or the end user does not have an active license is strictly prohibited.
6. Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal.
7. Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).
8. Revealing your account password to others or allowing use of your account by others.
9. Using a Randolph Central School Corporation computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws in the user's local jurisdiction.
10. Making fraudulent offers of products, items, or services originating from any Randolph Central School Corporation account.
11. Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
12. Port scanning or security scanning is expressly prohibited.
13. Executing any form of network monitoring which will intercept data not intended for the user.
14. Circumventing user authentication or security of any host, network or account.
15. Interfering with or denying service to any user (for example, denial of service attack).
16. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's session.

Email and Communications Activities

1. Use of non-corporation issued email accounts is prohibited.
2. Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam).
3. Any form of harassment via email, telephone or paging, whether through language, frequency, or size of messages.
4. Unauthorized use, or forging, of email header information.
5. Solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies.
6. Creating or forwarding "chain letters", "Ponzi" or other "pyramid" schemes of any type that involve money.

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5.0 Enforcement

Any user found to have violated this policy may be subject to disciplinary action.

In consideration for the privileges of using the Corporation and/or Network resources, and in consideration for having access to the information contained on the Network, or by the Network, I hereby release the Corporation, Network and their operators and administration from any and all claims of any nature arising from my use, or inability to use the Corporation and/or Network resources.

I agree to abide by such rules and regulations of system usage as may be further added from time-to-time by the Corporation and/or Network. These rules will be available in hardcopy form in the Principal's office.

(Sign and return to your Principal's Office)

Printed Name _____

Signature of Teacher/Staff Member

Date

For Office Use Only

User name (assigned by Corporate Network Director or designee): _____

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ASSIGNMENT AND TRANSFER

The School Board believes that the careful placement of non-certified staff within the Corporation is vital to the utilization of qualified and competent non-certified staff for the successful functioning of the Corporation.

Responsibility for the assignment and transfer of non-certified staff members shall be vested in the Superintendent.

I.C. 20-26-5-4, 5-10-7-1 et seq.

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LAYOFFS OF NON-CERTIFIED STAFF

It is the responsibility of the School Board to provide the non-certified staff necessary for the operation of the Corporation, consistent with the responsibility of the Board for the judicious allocation of its resources.

The Superintendent shall recommend to the Board the abolishment of existing positions.

The Board reserves the right in accordance with statute to abolish any existing position in whole or in part or to reduce the number of non-certified staff in such positions based on the recommendation of the Superintendent.

All non-certified staff shall be selected for layoff in accordance with:

- A. performance of the job;
- B. past experience and diversified capabilities.

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DISCIPLINARY ACTIONS

In the event of an infraction of Corporation rules by a non-certified staff member, it shall be the policy of the School Board to apply the statutes of the State, these policies, and the guidelines of the Corporation with equal consideration to each non-certified staff member.

The Board reserves the right, within law, to impose penalties for disciplinary reasons. However, where a non-certified staff member fails or refuses to perform contracted work without acceptable reason, the Superintendent may deduct, without further authorization, wages reasonably related to the time not worked.

The Superintendent shall prepare disciplinary rules for situations most often encountered which provide for progressive penalties.

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PHYSICAL EXAMINATION

The School Board or Superintendent reserves the right to require any employee or candidate, after a conditional offer of employment, to submit to an examination in order to determine the physical and/or mental capacity to perform assigned duties. Such examinations shall be done in accordance with the Superintendent's guidelines.

Reports of all such examinations or evaluations shall be delivered to the Superintendent, who shall protect their confidentiality. Reports will be discussed with the employee or candidate and made a part of an employee's personal record. In the event of a report of a condition that could influence job performance, the Superintendent shall base a nonemployment recommendation to the Board upon a conference with a physician and substantiation that the condition is directly correlated to defined job responsibilities, and reasonable accommodation will not allow the employee or prospective employee to adequately fulfill those responsibilities.

The Board shall assume any uninsured fees for required examinations.

Revised 10/27/93

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UNREQUESTED LEAVES OF ABSENCE

It is the policy of the School Board to protect students and employees from the support staff members who are unable to perform essential job functions with or without accommodation.

The Board may place a support staff member on unrequested leave of absence when the staff member is unable to perform assigned duties in conformance with statute and the negotiated, collectively-bargained agreement with or without accommodation.

If the Superintendent believes the staff member is unable to perform essential job functions, the support staff member will be offered the opportunity for a meeting to discuss these issues.

If a support staff member refuses to attend the meeting, the Board may order the support staff member to submit to an appropriate examination by a physician designated and compensated by the Board.

Where the physician designated by the Board disagrees with the physician designated by the support staff member, the two (2) physicians shall agree in good faith on a third impartial physician who shall examine the support staff member and whose medical opinion shall be conclusive and binding on the issue of ability to perform assigned duties with or without accommodation. The expenses of a third examination shall be borne by the Board.

If, as a result of such examination, the support staff member is found to be unable to perform assigned duties with or without accommodation, the support staff member may be placed on leave of absence for a reasonable time to heal or until the staff member is able to perform the essential job function, but only for a period not to exceed one (1) year.

Should a support staff member refuse to submit to the examination requested by the Board and the support staff member has exercised his/her rights under the provisions hereinabove set forth, such refusal shall subject the support staff member to disciplinary action.

Americans with Disabilities Act of 1990
42 U.S.C. 12101 et seq.
29 C.F.R., Part 1630

Revised 10/8/96

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**DRUG AND ALCOHOL TESTING OF CD LICENSE HOLDERS
STATEMENT OF PURPOSE AND POLICY**

It is the purpose of this policy to prevent substance use or abuse from having an adverse effect on our employees, students and community. The Board of School Trustees of Randolph Central School Corporation (hereafter referred to as the Corporation) is concerned about the health and welfare of students and employees when the use of alcohol and other drugs interferes with job performance, mental and physical capacity, and proper behavior. A driver who abuses alcohol or uses drugs will face disciplinary action up to and including termination.

The adverse impact of substance abuse by employees has been recognized by the federal government. The Federal Motor Carrier Safety Administration ("FMCSA") has issued regulations, which require the Corporation to implement a controlled substance testing program. The Corporation will comply with these regulations and is committed to maintaining a drug-free workplace. All employees are advised that remaining drug-free and medically qualified to drive are conditions of continued employment with the Corporation.

Specifically, it is the policy of the Corporation that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance (except medically prescribed drugs) by any employee while on Corporation premises, engaged in Corporation business, while operating Corporation equipment, or while under the authority of the Corporation is strictly prohibited. FMCSA states that mandatory testing must apply to every person who operates a commercial motor vehicle in interstate or intrastate commerce and is subject to the CDL licensing requirement. Off-duty use of drugs and alcohol is prohibited to the extent it affects a driver's attendance or performance and his/her ability to pass required DOT alcohol and controlled substance tests. Any violation of this policy is grounds for termination as a driver for the Corporation and possible legal prosecution.

The execution and enforcement of this policy will follow set procedures to screen body fluids (urinalysis), conduct breath testing, and/or search all employee applicants for alcohol and drug use, and those employees suspected of violating this policy who are involved in a U.S. Department of Transportation ("DOT") reportable accident or who are periodically or randomly selected pursuant to these procedures. These procedures are designed not only to detect violations of this policy, but to ensure fairness to each employee. Every effort will be made to maintain the dignity of employees or applicants involved. Disciplinary action will, however, be taken as necessary.

Neither this policy nor any of its terms are intended to create a contract of employment or to contain the terms of any contract of employment. The Corporation retains the sole right to change, amend or modify any term or provision of this policy without notice. This policy is effective 9-10-02, and will supersede all prior policies and statements relating to alcohol or drugs.

**Administrative Guide to Randolph Central School Corporation
Personnel Alcohol and Drug Testing Procedures**

I. Purpose

The purpose of this administrative guide is to set forth the procedures for the implementation of controlled substance and alcohol use and testing of employee applicants, current employees and employees pursuant to the Randolph Central School Corporation's Alcohol and Drug Abuse Policy. These procedures are intended as a guide only, and are in no way intended to alter any existing relationship between the Corporation and any employee.

Randolph Central School Corporation's alcohol and drug program administrator designated to monitor, facilitate, and answer questions pertaining to these procedures is the Transportation Director.

II. Provisions

A. Application

This policy applies to all Randolph Central School Corporation employees that utilize a Commercial Driver's License (CDL) in the course of their employment. A valid CDL is required to operate the type of equipment listed below:

1. A vehicle having a Gross Vehicle Rating (GVWR) as assigned by the manufacturer of 26,001 pounds or more; or
2. A combination vehicle having a Gross Combination Weight Rating of 26,001 pounds or more.
3. A vehicle that is designed to transport 16 or more passengers, including the driver; or
4. A vehicle requiring a placard to transport hazardous materials.

B. Prohibited Conduct

The following shall be considered “prohibited conduct” for purposes of this policy.

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1. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcoholic concentration of .04 or greater. An employee is considered to be performing a safety-sensitive function if he/she is actually performing, ready to perform, or immediately available to perform any of the following on-duty functions:
 - a. All time inspecting, servicing, or conditioning any commercial motor vehicle at any time;
 - b. All driving time or time spent at the driving controls of a commercial vehicle in operation;
 - c. All time spent loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, including completion of any related paperwork; and remaining in readiness to operate the vehicle;
 - d. All time performing those duties required of an employee involved in a vehicle accident; or
 - e. all time spent repairing, assisting, or attending to a disabled motor vehicle;
2. No employee shall be on duty or operate a commercial vehicle while the employee possesses alcohol.
3. No employee shall use alcohol while performing safety-sensitive functions.
4. No employee shall perform safety-sensitive functions within four (4) hours after using alcohol or have any measurable amount of alcohol in his/her system during working hours whether on or off school property. Working hours include all breaks.
5. No employee required to take a post-accident test shall use alcohol for eight (8) hours following the accident or until he or she undergoes a post-accident test, whichever occurs first.
6. No employee shall refuse to submit to a post-accident, random, reasonable suspicion, return-to-duty, or follow-up alcohol or drug test.

C. Prescription Medication and/or Other Medication Use

1. An employee is prohibited from reporting for duty or remaining on duty when the employee uses any controlled substance, except when the use is pursuant to the written instruction of a physician who has advised the employee that the substance will not adversely affect their ability to safely perform their duties. The employee must provide the Corporation with proof of such medical advice. The Corporation can decide if the employee can remain at work or on the Corporation premises and what work restrictions, if any, are deemed necessary.
2. Any employee who is using a prescribed drug or other medication, which is known or advertised as possibly affecting or impairing judgment, coordination or other senses, (including dizziness or drowsiness), or which may adversely affect the employee's ability to perform work in a safe and productive manner, must notify the Corporation prior to starting work or entering any Corporation's premises. The Corporation will decide if the employee can remain at work or on the Corporation premises and what work restrictions, if any, are deemed necessary. It may be in the best interest of the driver, co-workers, and the School Corporation that the driver takes sick days, or if necessary unpaid leave, within the School Corporation's leave policy.
3. Ingestion of products that contain hemp will not be an acceptable explanation for testing positive for marijuana.

D. Refusal to Test

Refusal to submit to the types of drug and alcohol tests employed by the Corporation will be grounds for refusal to hire employee/applicant(s) and to discipline existing CDL employee(s). A refusal to test would include any of the following situations:

1. Failing to appear for any test within a reasonable time after being directed to do so.
2. Failing to remain at the testing site until the testing process is completed.
3. Failure to provide a breath sample, saliva sample or urine sample as directed.

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4. Failure to permit, if the situation requires, the observation or monitoring of providing a urine specimen.
5. Failure to provide a urine, breath or saliva specimen within required time frames may be considered a refusal. If an employee cannot provide a sufficient quantity of urine or breath, he/she will be directed to be evaluated by a physician of the Corporation's choice. If the physician cannot find a legitimate medical explanation for the inability to provide a specimen (either breath or urine), it will be considered a refusal to test. In that circumstance the employee has violated one of the prohibitions of the regulations.
6. Failure to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of a "shy bladder" or "insufficient breath" situation.
7. Failing or declining to take a second test as required by DOT regulations.
8. Failure to cooperate with any part of the testing process and/or conduct that would obstruct the proper administration of a test, (e.g., refusing to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process)
9. Refusing to sign step two (2) of the alcohol testing form.
10. A report from the MRO that you have a verified adulterated or substituted test result.

E. Types of Tests

Pursuant to regulations promulgated by the Department of Transportation (DOT), the Company has implemented six circumstances for drug and alcohol testing:

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1. Pre-employment (drug testing only);
2. Post-accident testing;
3. Random testing;
4. Reasonable suspicion testing;
5. Return-to-duty testing; and
6. Follow-up testing

F. Pre-employment Testing

As a condition of employment, the employee applicant shall provide the School Corporation with a written authorization for all previous employers within the past two (2) years to release drug and alcohol testing records, as the regulations require. Within thirty (30) days of performing a safety-sensitive function, DOT regulations require that the Company obtain, to the extent available, certain drug and alcohol testing records from the employee's previous employers for the previous two (2) years. All applicants who are required to have or obtain a CDL must submit to a urine drug test and receive a negative result prior to performing any duties for the Corporation unless a qualifying pre-employment exemption can be documented.

G. Random Testing

The School Corporation conducts random drug and alcohol testing. The Corporation will submit all employee's names that hold a CDL license and transport students for the Corporation to a random selection system. The random selection system provides an equal chance for each employee to be selected each time random selection occurs. Random selections will be reasonably spread throughout the year. The Corporation will drug test, at a minimum, fifty (50) percent of the average number of employee positions in each calendar year or at a rate established by the DOT for the given year. The Corporation will select, at a minimum, ten (10) percent of the average number of employee positions in each calendar year for random alcohol testing, or at the rate established by the DOT for the given year. Random selection by its very nature may result in employees being selected in successive selections more than once a calendar year.

If an employee is selected at random, for either drug or alcohol testing, a Corporation official will notify the employee. Once notified, the employee must proceed to the designated collection site immediately. If the employee does not go to the collection site as soon as possible after notification, such conduct may be considered a refusal to test.

H. Post-Accident Testing

Following any accident, the employee must contact Randolph Central School Corporation as soon as possible. The employee must submit to a Federal DOT drug and alcohol test any time he or she is involved in an accident where 1) a fatality is involved; or 2) the employee receives a citation for a moving violation arising from the accident that involved:

- ° injury requiring medical treatment away from the scene, or
- ° one or more vehicles having to be towed from the scene.

The employee shall follow the instructions from the Corporation or its representative to complete required testing.

For other accidents not covered by the DOT definition above, the Corporation may require a non-regulated drug and alcohol test when:

- ° The employee's actions may have contributed or cannot be completely discounted as a contributing factor to an accident.
- ° In this case, an accident shall mean an incident which results in damage over \$1000.00 or personal injury.
- ° An incident results in a lost time injury.

Any time a post-accident drug or alcohol test is required, it must be performed as soon as practical. If no alcohol test can be made within eight (8) hours, attempts to perform an alcohol test shall cease. If no urine collection can be obtained for the purpose of post-accident drug testing within thirty-two hours, attempts to make such collection shall cease. An employee is prohibited from consuming alcohol between the time of the accident and the test.

In the event that federal, state, or local officials conduct breath, blood, and/or urine tests for the use of controlled substances following an accident, employees must comply with law enforcement personnel requests. The Corporation may request testing documentation from such agencies, and may ask the employee to sign a release allowing the Corporation to obtain such test results.

In the event an employee is so seriously injured that the employee cannot provide a sample of urine, breath or saliva at the time of the accident, the employee must provide necessary authorization for the Corporation to obtain hospital records or other documents that would indicate the presence of controlled substances or alcohol in the employee's system at the time of the accident.

I. Reasonable Suspicion Testing

Reasonable suspicion for requiring an employee to submit to drug and/or alcohol testing shall be deemed to exist when an employee manifests physical, behavioral, speech or performance symptoms or reactions commonly attributed to the use of controlled substances or alcohol. Such employee conduct must be witnessed by a supervisor who is trained in compliance with Part 382.603 of the Federal Motor Carrier Safety Regulations.

A supervisor observing such conditions will take the following actions immediately:

1. Confront the employee involved, and keep under direct observation until the situation is resolved.
2. Secure the DER's concurrence to observations. After discussing the circumstances with the DER, arrangements will be made to observe or talk with the employee. If he/she believes, after observing or talking to the employee, that the conduct of performance problem could be due to substance abuse, the employee will be immediately required to submit to a breath test or urinalysis. If the employee refuses to submit to testing for any reason, the employee will be informed that continued refusal would result in disqualification from performing any safety-sensitive function.
3. Employees will be asked to release any evidence relating to the observation for further testing. Failure to comply may subject the employee to subsequent discipline or suspension from driving duties. All confiscated evidence will be receipted for with signatures of both the receiving supervisor, as well as the provider.
4. The DER shall, within 24 hours or before the results of the controlled substance test are released, document in writing the particular facts related to the behavior or performance problems, that led to the reasonable suspicion test and maintain this documentation in appropriate DOT files.
5. The DER shall remove or cause the removal of the employee from the Corporation-owned vehicle and ensure that the employee is transported to an appropriate collection site and thereafter to the employee's residence or, where appropriate, to a place of lodging. Under no circumstance will that employee be allowed to continue to drive a Corporation vehicle or his/her own vehicle until a confirmed negative test result is received.

J. Return to Duty Testing

A return to duty test will be required for all employees who have violated the policy (test positive, have an adulterated or substituted specimen or refuse to test). The employee may not return to duty until he or she passes (tests negative) a drug test and/or tests below a .02 for breath alcohol and the MRO or SAP and the Corporation have determined that the employee may return to duty.

K. Follow-up Testing

Any employee who has returned to work following a violation of this drug and alcohol policy will be subject to follow-up testing. At a minimum six follow-up tests will be required within the first twelve months following an employees return to work, and less frequently during the next 4 years. Employees covered by a DOT agency will be tested in accordance with DOT regulations and the recommendations of the substance abuse professional.

L. Controlled Substance Testing Protocol

Urine Collection Procedures:

1. The testing procedure starts with the collection of a urine specimen.
2. Collection procedures will follow the specific guidelines set forth by the U.S. Department of Transportation as outlined in the published collection procedures guidelines.
3. Employees will be directed to empty their pockets and display the contents to the collector.
4. Employees will be allowed privacy during the collection process except as noted in number 5 below.
5. Observed collections are required by DOT if:
 - a. The specimen is determined invalid and there is no medical explanation.
 - b. The collector observes evidence of an employee's attempt to tamper with the specimen.
 - c. The temperature of the specimen is out of range.
 - d. The specimen appears to have been tampered with.
6. Observed collections may be required on return-to-duty and follow-up tests.
7. As part of the collection process, the specimen provided will be split into two portions; a primary specimen and a secondary (split) specimen.

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8. If the employee is unable to provide 45 ml of urine, the DOT “shy bladder” rule will apply. The employee will have up to 3 hours to provide the required 45 ml, and may consume up to 40 ounces of fluids during this time period. The employee will be required to be monitored during the waiting period.
9. After collection, the specimen will be submitted to a SAMHSA certified laboratory for testing.

Laboratory Procedures:

Drug testing will be performed through urinalysis. Urinalysis will test for the presence of drugs and/or metabolites of the following controlled substances:

1. Marijuana;
2. Cocaine;
3. Opiates
4. Amphetamines; and
5. Phencyclidine (PCP)
6. MDMA (Ecstasy) [added 11/9/2010]
7. Heroin [added 11/9/2010]

The SAMHSA certified laboratory will perform initial screenings on all primary specimens. In the event that the primary specimen tests positive, a confirmation test of that specimen will automatically be performed. If the confirmatory test is positive it will be reported to the Medical Review Officer (MRO) as a positive.

Validity Testing:

The laboratory must also perform validity testing on each specimen received. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted. The following will be measured: creatinine level, specific gravity, and pH. In addition, all specimens will be tested for known adulterants. An initial validity test is performed first, followed by a confirmation test if required.

All laboratory results will be reported by the laboratory to a MRO designated by the Corporation or its agents.

MRO Procedures:

7. All tests results will undergo a review process by the MRO.
8. Negative test results will be reported directly to the Corporation by the MRO.
9. Positive, adulterated or substituted results will be handled in the following manner by the MRO:
 - a. Before reporting a positive, adulterated or substituted test result to the Company, the MRO will attempt to contact the employee to discuss the test result.
 - b. The employee is required to discuss the result with the MRO. The employee will be allowed to explain and present medical documentation to explain any

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- c. permissible use of a drug.
For adulterated or substituted results, the employee must demonstrate that he or she did produce or could have produced urine, through physiological means, a specimen meeting the creatinine and specific gravity criteria of a substituted or adulterated specimen.
 - d. If the MRO is unable to contact the employee directly, the MRO will contact the DER designated in advance by the Company, who shall, in turn, contact the employee and direct the employee to contact the MRO. Upon being so directed, the employee shall contact the MRO immediately or, if the MRO is unavailable, at the start of the MRO's next business day.
 - e. If, after failing to contact the MRO within 72 hours after being instructed to do so by the DER, or if the employee cannot be contacted at all within ten (10) days, or the employee expressly declines the opportunity to discuss the test, the MRO may verify the test as positive or a refusal.
 - f. In the MRO's sole discretion, a determination will be made as to whether a result is verified as positive, negative or considered a refusal.
 - g. After any verified positive or refusal to test determination, the employee may petition the MRO to reopen the case for reconsideration.
17. Diluted Specimens: If the laboratory reports a specimen diluted, the MRO will report this information to the DER. The Corporation policy will require an immediate recollect for another test. The result of this test will stand as the final result.

Medical Information Disclosure:

Pursuant to DOT regulations, if, in the MRO's opinion, any information provided may mean a medical disqualification or represent a safety hazard, such as the use of certain prescription drugs, the MRO must disclose this to the employer. Individual test results for employee applicants and employees will be released to the Corporation and will be kept strictly confidential unless consent for the release of the test result has been obtained. Any individual who has submitted to drug testing in compliance with this procedure is entitled to receive the results of such testing upon written request.

M. Split Specimen Testing Protocol

An employee may request that the "split" portion of his/her specimen be tested at a different SAMHSA laboratory if he/she was notified by the MRO that his/her test result was positive, adulterated or substituted. The request must be made to the MRO within 72 hours of being notified of a verified positive, adulterated or substituted result. The MRO will arrange for all procedures to be done in accordance with split specimen testing procedures.

The cost of a split specimen test will be the responsibility of the employee. The Corporation will withhold the amount of the cost of testing the split from the employee's pay unless other arrangements are acceptable to both the employee and the Corporation. If

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the employee makes a timely request (within 72 hours) to the MRO for the split portion to be tested, the MRO shall immediately make arrangements with the laboratory to initiate the process.

N. Alcohol Testing Protocol

Alcohol tests will be conducted by a trained Breath Alcohol Technician (BAT) or Screening Test Technician (STT). Screening tests may be done using an evidential breath testing device (EBT) or non-evidential screening device approved by the National Highway Traffic Safety Administration. Confirmatory tests will be done by a trained BAT using an evidential breath testing device. The employee shall report to the alcohol testing site as notified by the Company. The employee shall follow all instructions given by the alcohol technician.

If the result of a screening test is a breath alcohol concentration (BAC) of less than 0.02, no further testing is authorized. Any initial test indicating a BAC of .02 or greater will be confirmed on an EBT operated by a BAT. The confirmation test will be performed no sooner than fifteen (15) minutes and no later than thirty (30) minutes following the completion of the initial test. In the event the confirmation test indicates a BAC of .020 to .039, the employee shall be removed from duty for twenty-four (24) hours or until his/her next scheduled on-duty time, whichever is longer. Employees with tests indicating a BAC of .04 or greater are considered to have engaged in prohibited conduct, which may result in disciplinary action up to and including termination. All alcohol tests shall be performed just prior to, during, or just after performing a safety sensitive function.

O. Educational Materials

The Corporation shall provide educational materials that explain the requirements of Part 382.601 of the Federal Motor Carrier Safety Regulations, consequences of violating the regulations, and the Corporation's policies and procedures with respect to meeting these requirements. The materials supplied to the employees may include information on additional Corporation policies with respect to the use or possession of alcohol or controlled substances, for example, the consequences for an employee found to have specified alcohol or controlled substances level based on the Corporation's authority independent of Part 382.601 of the Federal Motor Carriers Regulations. Materials will also be provided concerning the effects of alcohol and controlled substances use on an individual's health, work and personal life.

Employees are required to attend an educational meeting(s) to discuss the Corporation's policies and procedures and to review all materials covered by this procedure. Each employee is required to sign a statement (certificate of receipt) certifying that he or she has received a copy of these materials described in Part 382.601 of the Federal Motor Carrier Regulations. The company shall provide these materials to each employee prior to the

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start of alcohol and controlled substance testing and to each employee subsequently hired or transferred into a position requiring driving a commercial vehicle.

III. Disciplinary Procedures

1. Drivers found in possession of an illegal substance or alcohol on corporation property or while performing their duties will be discharged.
2. Any driver testing positive for alcohol (.04 BAC or greater), or who has a positive controlled substance test, or has refused to test is considered in violation of this policy, and is not qualified to drive a commercial motor vehicle, will be immediately removed from service and will be subject to disciplinary action which may include termination.
3. Drivers who are diagnosed as having a mind-altering substance in their system while at work will be subject to discharge.
4. Drivers who have adulterated or substituted test results could be subject to termination.

The Randolph Central School Corporation reserves the right to terminate any driver who violates the School Drug and Alcohol Policy for CDL drivers. Employees who are convicted for alcohol or drug-related charges may be subject to School Corporation disciplinary action, up to and including termination. The School Corporation will offer the driver (at the driver's expense) the opportunity to receive appropriate treatment.

To be able to be returned to a CDL position the employee must complete the steps outlined in Section IV. below.

IV. Substance Abuse Evaluation, Return To Duty, and Follow Up Testing

Any employee who is removed from service is not qualified to perform safety-sensitive duties requiring a commercial driver's license. Such employee shall be provided with the names, addresses, and telephone numbers of qualified substance abuse professionals (SAPs) who are approved by the Company. To be able to be returned to duty, the following steps must be completed:

1. Complete an evaluation with a SAP
2. Complete any rehabilitation and/or education required by the SAP
3. Be re-evaluated by the SAP and obtain written confirmation of satisfactory completion of all recommendations
4. Complete a return to duty test that is issued with a negative result
5. As a condition of continued employment, the employee will be required to submit to a minimum of six (6) unannounced follow up tests in the next twelve (12) months after returning to work.

Follow-up testing is separate from and in addition to the Corporation's reasonable suspicion, post-accident, and random testing procedures. The schedule for follow-up testing shall be unannounced and in accordance with the instructions of the SAP. Follow-up testing may continue for a period of up to sixty (60) months following the employee's return to duty. No fewer than six (6) tests shall be performed in the first twelve (12) months of the follow-up testing. The cost of any SAP evaluation, prescribed treatment and follow-up testing shall be borne by the employee.

V. Voluntary Disclosure

The Corporation encourages personnel to seek help if they feel they have a problem with drug or alcohol misuse before it becomes a matter of discipline with the Corporation. The Corporation will assist any employee who voluntarily discloses to the company that he/she believes that he/she has a drug or alcohol problem in seeking professional help to address their problem. This voluntary step of self-identification is the responsibility of the individual, and with the exception of certain conditions will alleviate the requirement for disciplinary action if brought to the Corporation's attention prior to any testing conducted by the Corporation. Upon disclosure of a problem to the Corporation personnel, the employee will be removed from all safety-sensitive duties without pay until completion of all steps outlined in Section IV of this policy. The employee will be responsible for all costs associated with this process. If the employee makes no commitment to overcoming the problem and achieving a satisfactory level of performance, attendance, or behavior, then termination of employment will result.

VI. Confidentiality and Release of Information

Under no circumstances, unless required or authorized by law, will alcohol or drug testing information or results for any employee or applicant be release without written request from the applicable employee.

The Corporation may release information as follows:

1. Copies of the results of alcohol or drug testing to an identified person provided the employee has provided written consent.
2. Copies of information requested by the Secretary of Transportation, any DOT agency, or any State or local official with regulatory control over the Corporation or any of its employees.
3. The results of post-accident testing when requested by the National Transportation Safety Board as part of an accident investigation.
4. Legal proceedings to include:
 - °Lawsuits (e.g., wrongful discharge action).
 - °Grievances (e.g., an arbitration concerning disciplinary action taken by the employer).
 - °Administrative proceedings (e.g., an unemployment compensation hearing)

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brought on by, or on behalf of, an employee and resulting from a positive DOT drug test or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test results).

°Criminal or civil actions – to the decision maker in the proceeding (e.g., the court in the lawsuit).

5. Any information concerning a driver’s drug or alcohol abuse will be available only to members of the Board of School Trustees and administrators whom the superintendent believes should be aware of this information. Employees are entitled, upon written request, to obtain copies of any records pertaining to their use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substance tests.

VII. Responsibility

A. Employee-

1. All Corporation employees that hold a valid CDL are responsible for abiding by this policy as a condition of their employment.
2. Drivers and potential drivers are expected to cooperate with the third party administrator directed to conduct any testing.

B. Management Officials and Supervisors

1. All supervisors and Corporation officials are responsible for being alert to employee conduct that raises a reasonable suspicion that an employee is using or is under the influence of alcohol or controlled substances while on duty or otherwise performing Corporation business.
2. The Corporation will provide the appropriate drug and alcohol testing of drivers at no cost to the employee except as noted in this policy.
3. The Corporation will ensure the fairness and accuracy of the testing by contracting with an independent agency properly certified to perform such tests.
4. The Corporation is responsible for ensuring the confidentiality of all employee's medical records in the diagnosis of drug or alcohol abuse. All records concerning alcohol and drug testing are part of that record.

This policy is not intended nor should it be constructed as a contract between the Corporation and the employee. This policy may change at any time at the sole discretion of the Corporation and/or to comply with changes in Federal DOT regulations.

APPENDIX A

Abbreviations and Terms

Abbreviations

BAT	Breath and Alcohol Technician
CDL	Commercial Employee's License
CMV	Commercial Motor Vehicle
DER	Designated Employer Representative
DDHS	Department of Health and Human Services
DOT	Department of Transportation
EAP	Employee Assistance Program
EBT	Evidential Breath Testing Device
MRO	Medical Review Officer
STT	Screen Testing Technician

Definitions

Adulterated Specimen

A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

Alcohol

Intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

Alcohol Concentration (or content)

Alcohol in a volume of breath (shown as grams of alcohol/210 liters of breath) as indicated by an evidential breath test.

Alcohol Use

Consumption of any beverage, mixture, or preparation, including medications, containing alcohol.

Breath Alcohol Technician (BAT)

An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing (EBT) device.

Confirmation Test

In alcohol testing: a second test, following a screening test with a result of 0.02 or greater, that provides a quantitative date of alcohol concentration.

In controlled substances testing: a second test to identify the presence of a specific drug or metabolite.

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In order to ensure reliability and accuracy, this test is separate from and uses a different technique and chemical principle from that of the screening test.

Confirmation Validity Test

A second test performed on a urine specimen to further support a validity test result.

Controlled Substances

In this regulation, the term 'drugs' and 'controlled substances' are interchangeable and have the same meaning. Unless otherwise provided, these terms refer to:

- *marijuana
- *cocaine
- *opiates
- *phencyclidine (PCP)
- *amphetamines, including methamphetamines

Designated Employer Representative (DER)

An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer. Service agents cannot act as DERs.

Dilute Specimen

A specimen with creatinine and specific gravity values that are lower than expected for human urine.

EBT (or evidential breath testing device)

An EBT approved by the National Highway Traffic Association (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL).

Employee

Any person who operates a commercial vehicle (CMV) and holds a valid commercial drivers license, including:

- *full time, regularly employed employees
- *casual, intermittent or occasional employees
- *leased employees
- *independent, owner-operated contractors who are either directly employed by or under lease to an employer or who operates a commercial motor vehicle at the direction of or with the consent of an employer

Evidential Breath Testing (EBT) Device

A device used for alcohol breath testing that has been approved by the National Highway Safety Administration.

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Initial Validity Test

The first test used to determine if a specimen is adulterated, diluted, or substituted.

Initial Drug Test

The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Medical Review Officer (MRO)

A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program. The MRO must have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's confirmed positive test, medical history and other relevant biomedical information.

Performing (a safety sensitive function)

An employee is considered to be performing a safety-sensitive function when he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.

Primary specimen

The urine specimen bottle that is opened and tested first by the laboratory to determine whether the employee has a drug or drug metabolite in his or her system; and for the purpose of validity testing. The primary specimen is distinguished from the split specimen, defined in this section.

Screening Test (initial test)

In alcohol testing: a procedure to determine if an employee has a prohibited concentration of alcohol in his or her system.

In controlled substance testing: a screen to eliminate 'negative' urine specimens from further consideration.

Split Specimen

A part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

Substituted Specimen

A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

Substance Abuse Professional (SAP)

A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional or certified addiction counselor with knowledge of any and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

APPENDIX B

Abbreviations and Terms

Abbreviations

BAT	Breath and Alcohol Technician
CDL	Commercial Driver's License
CMV	Commercial Motor Vehicle
DER	Designated Employer Representative
DHHS	Department of Health and Human Services
DOT	Department of Transportation
EAP	Employee Assistance Program
EBT	Evidential Breath Testing Device
MRO	Medical Review Officer
STT	Screen Testing Technician

Adopted 9/10/2002

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**PREEMPLOYMENT DRUG SCREENING AND DRUG SCREENING WITH REASONABLE
SUSPICION**

GENERAL STATEMENT OF POLICY

The Randolph Central School Corporation's Board of Education desires to establish and maintain a safe, healthy working environment for all employees and students. For these reasons, otherwise qualified job applicants who have been offered a job, or current employees applying for promotion must consent to and pass a post-offer pre-employment drug screen prior to beginning employment. Being under the influence of illegal drugs shall mean testing positive for any of the following: marijuana metabolites, cocaine metabolites, opiate metabolites, phencyclidine, or amphetamines. This screening must be done within 24 hours of the time the applicant is instructed to submit to the drug screen. Drug testing will include the analysis of urine or any other medically accepted testing procedure. The drug test will be at the sole expense of the Corporation.

Consequences of Refusal to Take Test: Job applicants have the right to refuse to submit to a drug test, but such a refusal will result in the withdrawal of the job offer and disqualification from further hiring consideration. Refusal of a current employee applying for a promotion to submit to a drug test will result in a forfeiture of the opportunity of the promotion.

Consequences of Positive Test Results: Each urine sample will be tested for the presence of illegal drugs. A confirmatory test will be conducted on initial positive testing results. The offer of employment will be revoked if the job applicant's confirmatory test is positive, and the applicant will be disqualified from further hiring consideration. Current employees testing positive will no longer be considered an applicant for the promotional position, and may include disciplinary action up to and including termination of employment.

Other Rights of Job Applicants: Prior to administering drug testing, the Corporation will provide the job applicant with a form on which to acknowledge that the person has seen the Corporation's drug testing policy. A form will also be given to the applicant or employee applying for the promotion to indicate any over-the-counter or prescription medications that the individual is currently taking or has recently taken and any other relevant information.

Data Privacy: The Corporation will not disclose the test result reports or other information acquired in the drug testing process to another employer or to a third party individual, governmental agency or private organization without the written consent of the person tested, unless permitted or required by law or court order.

Job applicants are required to submit to a drug screening as a condition of employment.

EMPLOYEE SUBSTANCE ABUSE POLICY

A. Policy. We have no intention of monitoring or regulating the private lives of our employees, but we are strongly committed to maintaining a safe, secure working environment that is free of illegal drugs. Substance abuse is a major concern in today's business environment because of its adverse effects upon job performance, productivity and workplace safety. The Corporation has instituted this policy to address the risk of substance abuse in the workplace.

The possession, use, sale, or being under the influence of illegal drugs or alcohol is prohibited during working time or on Corporation premises and shall result in disciplinary action up to and including discharge. Being under the influence of illegal drugs shall mean testing positive for any of the following: marijuana metabolites, cocaine metabolites, opiate metabolites, phencyclidine, or amphetamines.

The Corporation may, in its sole discretion, utilize drug screening of employees for the illegal use of drugs. Drug screening may be conducted whenever the Corporation prepares to hire applicants, believes reasonable suspicion exists, or there is an on-the-job injury or accident. Failure by any employee to successfully pass a drug screen may result in discipline up to and including termination of employment.

Employees who are required to maintain a CDL license will be provided an alternate policy addressing drug and alcohol screening.

B. Applicants. Otherwise qualified job applicants who have been offered a job, as well as current employees being promoted to a different position with the Corporation must consent to and pass a post-offer pre-employment drug screen prior to beginning employment. This screening must be done within 24 hours of the time the applicant or employee is instructed to submit to the drug screen. Drug testing will include the analysis of urine or any other medically accepted testing procedure. The drug test will be at the sole discretion of the Corporation.

Consequences of Refusal to Take Test: Job applicants have the right to refuse to submit to a drug test, but such a refusal will result in the withdrawal of the job offer and disqualification from further hiring consideration. Refusal of a current employee applying for a promotion to submit to a drug test will result in a forfeiture of the opportunity for the promotion.

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Consequences of Positive Test Results: Each urine sample will be tested for the presence of illegal drugs. A confirmatory test will be conducted on initial positive testing results. The offer of employment will be revoked if the job applicant's confirmatory test is positive, and the applicant will be disqualified from further hiring consideration. Current employees testing positive will no longer be considered an applicant for a promotional position.

C. Reasonable Suspicion.

1. Employees may be required to submit to drug and/or alcohol screening whenever the Corporation believes reasonable suspicion exists. Only the Superintendent, or an individual authorized to act in the absence of the Superintendent, is authorized to make a determination of reasonable suspicion. In making a determination of reasonable suspicion, the Superintendent or his/her designee shall consider extreme behaviors or patterns of behavior. Circumstances where the Corporation may determine reasonable suspicion exists include, but are not limited to:
 - a. Unusual drowsiness and/or sleepiness;
 - b. Slurred incoherent speech;
 - c. Apparent difficulty in comprehending conversation or responding to direction—confusion;
 - d. Difficulty in expressing himself/herself; for example, overly rapid or slow speech, rambling, incoherent sentences even apart from slurred speech;
 - e. Disorientation;
 - f. Unusual swings in emotion or behavior inappropriate for the situation—extreme anger, laughter or depression;

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- g. Hyperactivity and euphoria—continually talking, ‘chattering’;
- h. Unusually aggressive behavior;
- i. Lack of manual dexterity;
- j. Unexplained work errors; unusual difficulty in performing other tasks;
- k. Lack of coordination in walking or performing other tasks;
- l. Unsteady walking, inability to stand relatively motionless, without leaning;
- m. Unexplained excessive absenteeism or tardiness, especially if a pattern is evident; or
- n. Arrest or conviction for possessing, using, selling, distributing or being under the influence of illegal drugs.

2. The Superintendent may be required to submit to drug and/or alcohol screening whenever the Corporation believes reasonable suspicion exists. circumstances where the Corporation may determine reasonable suspicion exists include, but are not limited to:

- a. Observation by an administrator or director, and a subsequent report of such an observation to the School Board President of the Superintendent during working time behaving in a manner which gives the administrator or director reason to suspect the Superintendent is using, consuming, or under the influence of alcohol or illegal drugs. Examples of objective observations influencing work-related behavior include, but are not limited to, those listed above in Section C (1) (a-n).

- D. On-the-Job Injury or Accident.** An employee will be required to submit to a drug and/or alcohol screen if there exists reasonable suspicion that an employee caused or contributed to the cause of: (1) Any work time injury, or injury on Corporation property, to the employee or any Corporation employee; (2) Property damage of \$500 in value to Corporation property; or (3) Any work time injury, or injury on Corporation property, to any person not employed by the Corporation.
- E. Testing –** A form will be given to the employee applying for a promotion to indicate any over-the-counter or prescription medications that the individual is currently taking or has recently taken and any other relevant information.

Testing – Drug Screen

A urine sample will be submitted to the initial testing laboratory. A confirmatory testing laboratory shall confirm initial positive results. If an employee has a positive drug screen, he/she shall be deemed to be under the influence of illegal drugs during working time and may be subject to discipline up to and including immediate termination of employment.

Testing – Alcohol Screen.

- A. In order to test for the presence of alcohol in an employee's system a breath or saliva screen will be conducted at the testing laboratory. If the alcohol concentration is less than 0.04, then the result is deemed negative. If the alcohol concentration level is 0.04 or greater, then the result shall be communicated to the Corporation.
- B. If an employee has an alcohol concentration level of 0.04 or greater, a confirmatory test shall be performed not less than fifteen (15) and not more than twenty (20) minutes after completion of the initial screen. If an employee has a confirmatory screen indicating an alcohol concentration level of 0.04 or greater, the employee is deemed to be under the influence of alcohol during working time and is subject to immediate termination.
- F. Test Results**
1. If an employee refuses a drug test, it may result in discipline up to an including immediate termination.

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2. If an employee tests positive for alcohol or illegal drugs, he or she may be subject to discipline up to and including immediate discharge.
3. An employee tested on the basis of reasonable suspicion is not permitted to return to work until the results of the test are received and evaluated. If an employee test negative, he or she will be permitted to return to work immediately with no loss of pay.
4. An employee tested on the basis of an on-the-job injury or accident is required to return to work immediately after treatment unless the doctor restricts the employee from doing so.

G. Disclosure of Results

Unless required by law, the Corporation will not disclose individual drug testing results to anyone other than the applicant or employee without a written release from the applicant or employee requesting disclosure to certain designated parties.

H. Notification and Test Confirmation.

- A. Notification – Negative. If the drug test and/or alcohol screen results are negative for the presence of drugs and/or alcohol, the Corporation shall give the employee written notification of the results. Test results are considered negative if the confirmatory test is not positive.
- B. Notification – Positive. The Corporation shall provide the employee with written notice that his or her specimen yielded a positive test result for drugs and/or alcohol. All applicants and employees may request a copy of all test result reports from any drug tests to which the applicant or employee is required to submit. Within three working days after notice of a positive test result, the applicant or employee may submit information to the Corporation to explain the result.
- C. Cost. The cost of the initial testing and confirmatory test shall be borne exclusively by the Corporation.

I. Working Time.

Working time shall be defined as any time an employee is performing duties on behalf of the corporation, and shall include but not limited to: the employees regularly scheduled work day, participation by the employee in any corporation sponsored functions or events that involves members of the student body and a responsibility of the employee to provide care for the students.

J. Other Rights of [Employees]/Job Applicants: Prior to administering

drug testing, the Corporation will provide the employee or job applicant with a form on which to acknowledge that the person has seen the Corporation's drug testing policy. A form will also be given to the applicant or employee to indicate any over-the-counter or prescription medications that the individual is currently taking or has recently taken and any other relevant information.

K. Data Privacy: The Corporation will not disclose the test result reports or

other information acquired in the drug testing process for any employee or applicant to another employer or to a third party individual, governmental agency, or private organization without the written consent of the person tested, unless permitted or required by law or court order.

Adopted June 7, 2010

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SUBSTANCE ABUSE

The School Board recognizes alcoholism and drug abuse as treatable illnesses. When such illnesses impair the performance of non-certified staff, the Board recognizes the responsibility to assist in the treatment of those illnesses.

A non-certified staff member having an illness or other problem relating to the use of alcohol or other drugs will receive the same careful consideration and offer of assistance that is presently extended to non-certified staff having any other illness.

The responsibility to correct unsatisfactory job performance or behavior resulting from a suspected health problem rests with the non-certified staff member. Failure to do so, for whatever reason, will result in appropriate corrective or disciplinary action as determined by the Board.

No non-certified staff member will have his/her job security or promotion opportunities jeopardized by his/her request for counseling or referral assistance.

Non-certified staff members who suspect they may have an alcohol or other drug abuse problem are encouraged to seek counseling and information on a confidential basis by contacting resources available for such service.

This policy applies to all non-certified staff.

I.C. 20-26-5-4
29 U.S.C. 794

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USE OF TOBACCO BY NON-CERTIFIED STAFF

The School Board recognizes that the use of tobacco presents a health hazard which can have serious consequences both for the user and the nonuser and is, therefore, of concern to the Board.

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

In order to protect students and staff who choose not to use tobacco from an environment noxious to them, and because the Board cannot, even by indirection, condone the use of tobacco, the Board prohibits the use of tobacco by non-certified staff members in school buildings, on school grounds, on school buses, or at any school-related event except in designated areas and at designated times.

I.C. 13-1-13

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STUDENT WELL-BEING

Non-certified staff members may be confronted with situations which, if handled incorrectly, could result in liability to the Corporation and personal liability to the staff member.

It is the responsibility of the Superintendent to prepare administrative guidelines to ensure the maintenance of the following standards:

- A. Each non-certified staff member shall report immediately to the principal any accident or safety hazard s/he detects.
- B. A non-certified staff member shall not send students on any personal errands.
- C. A non-certified staff member shall not associate with students, particularly those of the opposite sex, at any time in a manner which gives the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve illegal substances such as tobacco, alcohol, or drugs.

This provision should not be construed as precluding a non-certified staff member from associating with students in private for legitimate or proper reasons.
- D. A non-certified staff member shall not transport students in a private vehicle without the approval of the principal.
- E. A student shall not be required to perform work or services that may be detrimental to his/her health.

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STAFF GIFTS

The School Board considers the presentation of gifts to non-certified staff members by students and their parents an undesirable practice because it tends to embarrass students with limited means and gives the appearance of currying favor.

Based on the foregoing premise, it is the policy of the Board that non-certified staff members may accept gifts of nominal value from students and parents.

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

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USE OF TOBACCO BY NON-CERTIFIED STAFF

The School Board recognizes that the use of tobacco presents a health hazard which can have serious consequences both for the user and the nonuser and is, therefore, of concern to the Board.

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

In order to protect students and staff who choose not to use tobacco from an environment noxious to them, and because the Board cannot, even by indirection, condone the use of tobacco, the Board prohibits the use of tobacco by professional staff members in school buildings, on school grounds, on school buses, or at any school-related event.

I.C. 13-1-13
Revised 10/8/2013

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NON-CERTIFIED STAFF DRESS AND GROOMING

The School Board believes that non-certified staff members are an important and integral part of the Corporation. Also, since the non-certified staff is a highly visible staff to the students, the professional staff and the public, the Board believes the non-certified staff should at all times be well dressed and groomed. A non-certified staff member who understands this precept and adheres to it enlarges the importance of their task, presents an image of dignity, and encourages respect.

The Board retains the authority to specify the following dress and grooming guidelines for non-certified staff. All non-certified staff members shall, when assigned to Corporation duty:

- A. be physically clean, neat, and well groomed;
- B. dress in a manner consistent with their non-certified responsibilities;
- C. dress in a manner that communicates to others a pride in personal appearance;
- D. dress in a manner that does not cause damage to Corporation property;
- E. be groomed in such a way that their dress or hair style does not disrupt the educational process or cause a health or safety hazard.

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DANGEROUS WEAPONS

The School Board will not tolerate the possession of weapons or other devices designed to inflict serious bodily harm by any staff member while on duty, while in a school building, while on school property, or while on a school vehicle unless otherwise permitted by law.

Any staff member found possessing a firearm while on duty, while in a school building, while on school property, or while on a school vehicle, may be charged with a felony unless the possession is otherwise permitted by law. This restriction applies to staff members licensed to possess firearms unless serving as a law enforcement officer or a security officer.

The Superintendent shall develop administrative guidelines to ensure immediate reporting to the appropriate law enforcement agency.

A weapon may be brought onto Corporation property for educational purposes under controlled circumstances when authorized by the Superintendent.

Any person who may otherwise may legally possess a firearm who is found to have knowingly, intentionally, or recklessly, left a firearm in plain view in a motor vehicle parked in a school parking lot may be charged with a Class A misdemeanor.

I.C. 35-47-9

Adopted 10/8/96
Revised, 5/13/2014

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EVALUATION OF NON-CERTIFIED STAFF

The School Board recognizes the importance of implementing a program of non-certified staff evaluations for the purpose of promoting individual job performance and improving services to students.

The goals of the Board's evaluation plan for non-certified staff are:

- A. to improve and reinforce the skills, attitudes, and abilities which enable a non-certified staff member to be effective in achieving assigned job goals;
- B. to identify and remediate weaknesses which prevent a non-certified staff member from achieving the goals of assigned duties.

The Superintendent shall prepare administrative guidelines for the conduct of non-certified staff member evaluations.

OUTSIDE ACTIVITIES OF NON-CERTIFIED STAFF

The School Board directs the Superintendent to promulgate the following guidelines so that non-certified staff members may avoid situations in which their personal interests, activities, and associations may conflict with the interests of the Corporation. If nonschool activities threaten an employee's effectiveness within the School Corporation, the Board reserves the right to evaluate the impact of such activity upon the employee's responsibility to the Corporation.

- A. Non-certified staff members should not give school time to outside activities when there is not valid reason to be excused from assigned duties.
- B. Non-certified staff members shall not use school property or school time to solicit or accept customers for private enterprises without written administrative permission.
- C. Non-certified staff members shall not campaign on school property during school time on behalf of any political issue or candidate for local, State, or National office.
- D. Non-certified staff members should avoid conduct and associations outside the school which, if known, could have an adverse or harmful effect upon the school community.
- E. Non-certified staff members should refrain from expressions that would disrupt harmony among their co-workers or interfere with the maintenance of discipline by school officials.

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SEXUAL AND OTHER FORMS OF HARASSMENT

The School Board recognizes that a support staff member has the right to work in an environment untainted by sexual or other forms of harassment or discrimination. Offensive conduct which has the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile, discriminatory, or offensive working environment disrupts the educational process and impedes the legitimate pedagogical concerns of the Corporation.

Sexual harassment includes all unwelcome sexual advances, requests for sexual favors, and verbal or physical contacts of a sexual nature whenever submission to such conduct is made a condition of employment or a basis for an employment decision. Other prohibited conduct includes that which has the purpose or effect of creating an intimidating, hostile, discriminatory, or offensive educational environment on the basis of gender, religion, race, color, ethnicity, age, and/or disability.

The harassment of a staff member or student of this Corporation is strictly forbidden. Any support staff member or agent of this Board who is found to have harassed a support staff member, student, or other employee of this Corporation will be subject to discipline in accordance with law and/or the terms of any applicable collective bargaining agreement.

The Superintendent shall establish administrative guidelines which address the conduct prohibited by this policy and describe a reporting procedure. The Superintendent shall ensure that the policy and administrative guidelines are available to all support staff members and are posted in appropriate places throughout the Corporation.

29 CFR 1604.11
42 USC 2000d et seq.
42 USC 2000e et seq.
29 USC 621 et seq.
29 USC Section 794
42 USC Section 12101 et seq.
20 USC 1681 et seq.

Revised 10/8/96

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THREATENING BEHAVIOR TOWARD STAFF MEMBERS

The School Board believes that a staff member should be able to work in an environment free of threatening speech or actions.

Threatening behavior consisting of any words or deeds that intimidate a staff member or cause anxiety concerning his/her physical well-being is strictly forbidden. Any student, staff member, or agent of this Board who is found to have threatened a member of the staff will be subject to discipline or report to the authorities.

The Superintendent shall implement guidelines whereby students and employees understand this policy and appropriate procedures are established for prompt and effective action on any reported incidents.

Adopted 10/27/93

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SALARY / WAGE SCHEDULES

The School Board intends that all non-certified staff members are properly compensated for services rendered to the Corporation. It also will try to ensure uniformity in the compensation of non-certified staff job classifications.

The School Board will review salary/wage schedules for non-certified staff members periodically and will adjust salaries as it deems prudent and necessary and as financial resources are available.

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COMPENSATION FOR PART-TIME STAFF

The School Board requires that part-time non-certified staff be compensated in an amount equivalent to the portion of time worked, whether it be a fraction of a day or a fraction of a year. The Superintendent shall prepare administrative guidelines to ensure that end.

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OVERTIME

It is the intention of the School Board to compensate non-certified staff members for overtime work when such is previously approved and properly performed.

No overtime shall be worked without the prior approval of the staff member's supervisor, and no overtime will be paid without the prior approval of the Superintendent.

The Superintendent shall prepare administrative guidelines to implement this policy.

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SEVERANCE PAY

All non-certified staff members who present evidence of retirement from active service with the School Board shall be granted severance pay for their accrued but unused sick leave days.

The Board authorizes the payment of a retiring non-certified staff member of his/her unused sick leave days under the conditions established in the Superintendent's administrative guidelines.

For purposes of this policy, "retirement" means retirement under the Public Employees Retirement Fund (P.E.R.F.) and does include disability retirement.

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GROUP INSURANCE PROGRAM

The School Board shall provide payroll deduction services for group insurance programs in the areas of hospitalization and medical, dental, income, and life. Such policies shall be approved by the Board and the Superintendent.

The Board shall pay an approved amount for each employee who may desire to participate in one (1) and/or more of the approved programs.

Suitable guidelines and rulings will be established by the Superintendent.

No part-time personnel shall be eligible for participation in the Corporation approved group program.

Membership in each program shall be opened annually for a definite period of time to be specified by the Superintendent.

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BENEFITS

The School Board realizes the concern of its non-certified staff for the availability of those protective and personally advantageous benefits beyond an individual's basic salary. It is the Board's desire to make available or provide, within the limits of law and sound fiscal management, those which are beneficial to the non-certified staff member and the Corporation.

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LEAVES OF ABSENCE

The School Board delegates to the Superintendent the responsibility to determine whether to grant a leave of absence of up to one (1) year's time. Any request for a leave of absence of one (1) year or more shall be submitted to the Board.

The Board shall grant a leave of absence without loss of pay or time to any staff member who is a member of the Indiana National Guard, a reserve component of the U.S. forces, or a retired member of the naval, air, or ground forces of the United States and is on training duty for the State by order of the Governor or under the order of the reserve-component authority. Such a leave shall also apply to State active duty by order of the Governor. This leave will be paid only if the staff member is not paid by the State. The staff member's vacation benefits, if any, will not be affected by this type of leave.

Any non-certified staff member granted a leave of absence shall be considered to have terminated all work with the Corporation until completion of the leave. Exceptions may be made by the Superintendent in cases where the best interests of the Corporation might be served.

The Superintendent shall prepare appropriate administrative guidelines for this policy.

I.C. 5-9-2-1, 10-2-4-3, 10-5-8-1

Revised 10/8/96

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FAMILY LEAVE OF ABSENCE

In accord with Federal law, the School Board shall provide up to twelve (12) work weeks of unpaid leave to all support staff members working 1250 hours or more during any calendar year for one of the following reasons:

- A. the birth or care of a child
- B. the adoption or foster care of a child
- C. the care of a spouse, son, daughter, or parent if such individual has a serious health conditional
- D. a serious health condition of the staff member which makes him/her unable to perform the functions of his/her position. Such a condition may be an illness, injury, impairment, or physical or mental condition that involves in-patient care in a hospital, hospice, or residential medical facility or requires continuing treatment by a health-care provider (M.D. or D.O.).

Such leave may not be taken intermittently or on a reduced-leave schedule in the event of the birth, adoption, or foster care of a child, unless the Superintendent and the staff member agree. A staff member has the right, however, to take intermittent or reduced-leave schedule (half days) when medically necessary to care for a spouse, child, or parent who has a serious health condition, or if the staff member has a serious health condition. In both cases, the taking of such leave results in the total reduction of the twelve (12) weeks only by the amount of leave actually taken.

The Superintendent may require the staff member whose major duties are instructional to transfer temporarily to an alternative position at the same compensation when the intermittent or reduced-schedule leave is foreseeable and the transfer better accommodates recurring periods of leave. Whenever the leave is necessitated by the serious health condition of the staff member or his/her family member, and is foreseeable based on planned medical treatment, the staff member shall provide the Superintendent with thirty (30) day's notice, except if such treatment requires earlier leave, and shall schedule the treatment so as not to disrupt the regular operation of the Corporation.

The Board shall require that all accrued paid vacation leave, medical/sick leave, or personal leave be used before the employee uses unpaid leave. In the case of leave for the care of a family member (other than birth, adoption, or foster care of a child), the employee shall use only days designated by

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contract for family illness before going into unpaid leave status. In cases in which the Corporation has employed both the husband and the wife, the total amount of family leave is twelve (12) weeks for the couple, except when the leave is due to the serious health condition of either the husband or the wife.

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In the case of a health condition of a family member, the Superintendent is directed to obtain medical certification from the physician of the staff member or his/her family member, including:

- A. the date the serious health condition began
- B. the probable duration
- C. appropriate medical facts regarding the condition
- D. a statement that the staff member is needed to care for the family member
- E. an estimate of the amount of time needed for such care.

In the event of the staff member's own health condition, a statement from his/her physician will be required which states that the staff member is unable to perform the functions of his/her position.

The Board reserves the right to obtain, at its expense, the opinion of a second health provider and, in the event of conflict, the opinion of a third health provider whose decision shall be binding and final.

Prior to returning to work, the staff member shall provide the Corporation with a statement from his/her physician that s/he is able to assume full-time responsibilities for his/her position.

At the end of any leave described in this policy, the Board shall restore the staff member to his/her former position or to one that is equivalent in responsibility and compensation. During a family leave, the Board shall maintain the staff member's current coverage under the Corporation's health insurance program only as specified in an employment contract or employee handbook, but the staff member shall not accrue any sick leave, vacation, or other benefits during the leave period.

Should the staff member elect not to return to work at the end of the leave for reasons other than the continuation, recurrence, or onset of the health condition that gave rise to the leave or for circumstances beyond the control of the staff member, the staff member shall reimburse the Corporation for the health insurance premiums paid by the Corporation during the leave period.

The Board may not restore the position of any staff member whose salary is among the highest ten percent (10%) of those paid by the Board when it deems that such staff member's absence from the Corporation will create a substantial disruption to the Corporation operations.

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The Superintendent shall prepare any guidelines which are appropriate for this policy and ensure the policy is posted properly and that such staff member receives a copy of both the policy and the guidelines. AT all times, the guidelines shall be in accordance with the Family and Medical Leave Act of 1993.

Family and Medical Act of 1993
P.L. 103-03 Section 107 stat. 6 (1993)

Adopted 10/27/93
Revised 3/8/2011

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VACATION

The School Board believes that it is beneficial to the Corporation that non-certified staff members employed to work twelve (12) months per year be given periodic relief from the responsibilities of their job without loss of compensation.

The Board reserves the right to specify the conditions under which vacation time may be taken.

Vacation time will be granted in accordance with the Superintendent's administrative guidelines.

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JOB-RELATED EXPENSES

The School Board may provide for the payment of the actual and necessary expenses, including traveling expenses, of any non-certified staff member incurred in the course of performing authorized services for the Corporation, whether within or outside the premises and in accordance with the Superintendent's administrative guidelines.

The validity of payments for such expenses shall be determined by the Superintendent.

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WORK STOPPAGE

The School Board is obligated and committed to provide certain basic services to students residing in the School Corporation under its jurisdiction and as contracted. Therefore, if the schools are open and students are in attendance, those basic services will be provided.

Non-certified staff members are required at all times to perform their normal duties as assigned by the Superintendent of Schools. Non-certified staff members who fail to perform their duties when so required will be subject to loss of pay and disciplinary measures in accordance with the policies of this Board, the laws of the State, and may be subject to the loss of benefits as well.

Recognizing the fact that a Corporation, for various reasons, could have a work stoppage, the Board remains committed to providing services to the schools and will fulfill its obligations.