

# Harvey Public School District

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**Descriptor Code:**     DA            Personnel  
**Adopted Date:**        8/10/2010  
**Amended Date:**

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**The quality of both the certified and classified staff is of primary importance in achieving the District’s educational objectives. In filling any certified or classified position, the District will seek out and hire the best-qualified person available for the position.**

**The employment of candidates to fill all certified positions will be approved by the Board upon the Superintendent’s recommendation. The Superintendent will employ all classified employees, substitutes, and part-time personnel as needed.**

**Notice of all regular job openings will be available to current staff members. Vacant positions may also be advertised through professional and institutional placement agencies, appropriate employment agencies, and general and specialized media.**

**Applications and/or inquiries concerning job openings will be directed to the Superintendent in the District Office. A standard District application form exists for classified positions. The selection process will be coordinated and supervised by the Superintendent, with the involvement of other appropriate administration and/or supervisors.**

**Each candidate selected for a position with the District must possess or demonstrate eligibility for any applicable license, certificate, or permit required to fill the position. In addition, the individual must submit to a background check and be insurable by the District’s insurance carrier for any position requiring liability insurance coverage or bonding.**

**The Superintendent will establish regulations governing the recruitment, selection, and employment of all personnel, except the Office of the Superintendent, in accordance with this policy.**

Descriptor Code: DBAA Recruitment, Hiring, & Background  
Checks for Classified Personnel

Adopted Date: 8/10/2010

Amended Date:

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The Harvey Public School District's Board of Education is committed to hiring individuals who will best meet the needs of the District consistent with budget limitations, with its goal to ensure student and staff safety, and maintain compliance with state and federal law.

**Definitions:**

For the purposes of this policy:

- **Applicant** is defined as any individual applying for a non-licensed position.
- **Crime** is defined as a felony offense, misdemeanor, a violation of an ordinance, and charges that result from non-sufficient funds or "no account."
- **Immediate family** is defined as the employee's spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, and any member of the employee's household.
- **Misconduct** is defined as any action that caused discharge from previous employment.
- **Sexual offender** is an individual meeting the criteria in NDCC 12.1-32-15 and/or is required to register under NDCC 12.1-32-15.
- **Unsupervised contact** is defined in accordance with NDCC 12-60-24 as being in proximity to one or more students, on school grounds, or at school functions.

**Recruitment and Hiring Authority:**

The Board authorizes the Superintendent to hire non-licensed staff. No action of the Board shall be necessary so long as the Board previously established the position and hiring is within budget limitations.

All classified employees shall be hired on an hourly rate and not on a contract. The employment of classified employees shall be at-will.

All advertising for classified positions shall include a statement that the District is subject to veterans' preference laws and is an equal opportunity employer.

### **Background Checks:**

The Superintendent shall require each applicant to certify in writing that s/he has never been charged with a crime or shall describe in writing the disposition of the charge. Each applicant shall verify residency for the past five years and certify that s/he has not been required to register as a sexual offender in any state. Each applicant applying for positions involving the transportation of students and/or the regular use of District vehicles shall certify, in writing, that s/he has no offenses on his/her driving record or explain, in writing, the nature of these offenses. Each applicant applying for a position involving regular access to District funds must consent to a credit check.

Each final applicant seeking a District position that allows for unsupervised contact with students must give authorization and submit to state and federal criminal history record checks. The Superintendent may check all applicable sexual offender registries for all final applicants. The Superintendent shall conduct a driving record check for all final applicants seeking a position involving the transportation of students and/or regular use of District vehicles. The Superintendent may interview the final applicant's former employer(s) and/or supervisor(s) and may check all references supplied by the applicant. The Superintendent shall develop regulations related to applicant notification and the carrying out of record checks.

The Superintendent shall make all hiring decisions on a case-by-case basis based on the applicant's compatibility with the District's mission statement; his/her short and, when applicable, long-term ability to perform job requirements, protect the integrity of the District, and promote the efficiency of District operations; and the applicant's potential risk to District operations, students, and staff. The Superintendent shall determine risk based on the following factors:

1. The nature and gravity of any known misconduct and/or offense(s);
2. The time that has passed since any known misconduct, criminal conviction, and/or completion of a sentence occurred;
3. The nature of the job sought.

### **Final Applicant Rights:**

Records obtained by the District for background and other record checks will be used solely for purposes that they were requested and will only be disseminated and retained in accordance with the personnel records policy. The Superintendent shall advise applicants that the procedure for obtaining, correcting, or updating federal records is contained in 28 CFR

**16.34. Before making a hiring determination, the Superintendent shall give the applicant a reasonable time to correct and/or complete his/her criminal history record or decline to do so. The Superintendent shall follow the requirements under the Fair Credit Reporting Act if using credit reports to make employment decisions.**

**Disqualifying Factors:**

**Factors that may exclude an applicant from employment include but are not limited to the following:**

- 1. The applicant is a sexual offender or has committed an offense involving a child victim.**
- 2. The employment would create a direct supervisor-subordinate relationship with an immediate family member who is also an employee. Employees who marry or become members of the same household may continue employment; however, a direct supervisor-subordinate relationship between the employees shall be avoided.**
- 3. The falsification or omission of any information on a job application or in a job interview, including but not limited to information concerning criminal convictions or pending criminal charges.**

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**Complementary Document**

- DI                      ~ Personnel Records**

**Descriptor Code:** DBAB Emergency Hires of Classified Personnel  
**Adopted Date:** 8/10/2010  
**Amended Date:**

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The Harvey Public School District authorizes the Superintendent to hire non-licensed, classified personnel on a provisional basis in emergency situations prior to the completion of a criminal history record check provided the Superintendent has taken the following precautionary measures:

1. The applicant has completed and submitted all required application, authorization, and certification forms;
2. A criminal history record check has been initiated;
3. The Superintendent has received and reviewed other applicable records, including but not limited to credit history and/or driving records;
4. The Superintendent has reviewed the items listed in #1 and #3 in accordance with relevant policies and ruled that pending the completion of the criminal history record check the applicant meets the District's employment criteria;
5. The applicant has been advised that s/he is an at-will employee and employment is subject to successful completion of a background check.

Prior to receipt of the federal criminal history record, the new hire will not be permitted to have unsupervised contact with students.



Descriptor Code: DBAC Recruitment, Hiring & Background  
Checks for New Instructional Employees

Adopted Date: 8/10/2010

Amended Date:

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The Harvey Public School District's Board of Education is committed to hiring instructional staff who will best meet the needs of the District consistent with budget limitations and District policy, with its goal to ensure student and staff safety, and in compliance with state and federal law.

For the purposes of this policy:

- Instructional staff members are individuals licensed to teach in North Dakota who are employed primarily as classroom teachers.
- Crime is defined as a felony offense, misdemeanor, a violation of an ordinance, and charges that result from non-sufficient funds or "no account."
- Crime against a child is defined in accordance with NDCC 15.1-13-26.
- Immediate family is defined as the employee's spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, and any member of the employee's household.
- Misconduct is defined as any action that caused discharge from previous employment.
- Sexual offense is defined in accordance with NDCC 15.1-13-26.
- Unsupervised contact is defined in accordance with NDCC 12-60-24 as being in proximity to one or more students, on school grounds, or at school functions.

Recruitment and Hiring Authority:

The Superintendent shall interview and make recommendations to the Board about offering an applicant an instructional staff position.

Background Checks:

All final applicants for instructional staff positions who have not undergone a background check through the Educational Standards and Practices Board in the last 10 years shall be required to give authorization and submit to a state and federal background check. In addition, all

**applicants for instructional positions shall be required to comply with the following requirements:**

- **Certify that s/he has not been required to register as a sexual offender in any state;**
- **Certify in writing that s/he has never been charged with a crime or describe in writing the disposition of the arrest or charge;**
- **Supply verification of licensure.**
- **Consent to a driving record and drug and alcohol screening if applying for a position requiring transportation of students. The Superintendent shall verify all information supplied to the District by the applicant as delineated above. The Superintendent shall serve as the adjudicator for background checks, may check all applicable sexual offender registries, and may interview an applicant's former employer(s) and/or supervisor(s). The Superintendent may check all references supplied by the applicant. The Superintendent shall comply with all applicable laws related to applicant notification and consent when obtaining records.**

**Final Applicant Rights:**

**Records obtained by the District for background and other record checks will be used solely for purposes that they were requested and will only be disseminated and retained in accordance with the personnel records policy.**

**The Superintendent shall advise applicants that the procedure for obtaining, correcting, or updating federal records is contained in 28 CFR 16.34. Before making a hiring recommendation, the Superintendent shall give the applicant a reasonable time to correct and/or complete his/her criminal history record or decline to do so.**

**Selection Process:**

**The Superintendent shall make all hiring recommendations on a case-by-case basis. When making recommendation considerations, the Superintendent shall, at least, consider an applicant's compatibility with the District's mission statement; his/her short and, when applicable, long-term ability to perform job requirements, protect the integrity of the District, and promote the efficiency of District operations; and the applicant's potential risk to district operations, students, and staff. The Superintendent shall determine risk based on the following factors:**

- 1. The nature and gravity of any known misconduct and/or offense(s);**

2. The time that has passed since any known misconduct, criminal conviction, and/or completion of a sentence occurred;
3. The nature of the job sought.

**Disqualifying Factors:**

Factors that may exclude an applicant from employment include, but are not limited to, the following:

- The applicant has committed a felony, sexual offense, crime against a child, or any other offense involving a child victim.
- The employment would create a direct supervisor-subordinate relationship with an immediate family member who is also an employee. Employees who marry or become members of the same household may continue employment; however, a direct supervisor-subordinate relationship between the employees shall be avoided.
- The falsification or omission of any information given to the District by an applicant or made by an applicant during a job interview, including but not limited to information concerning criminal convictions or pending criminal charges.
- The individual has not met ESPB's standards for teaching licensure and/or will not have obtained a teaching license by the start of the school year.

**Issuing Contracts:**

If the Board approves hiring a new instructional staff member contingent upon satisfactory adjudication of criminal history records, the individual's teaching contract shall be issued with language notifying him/her of this contingency. Satisfactory adjudication means that the teacher has not committed a felony, sexual offense, crime against a child, any other offense involving a child victim, or any other crime that the adjudicator has reason to believe poses a safety risk to District students, staff, or operations or could substantially disrupt District operations.

**Orientation:**

Each teacher shall be provided with a handbook containing information required by Department of Public Instruction regulations.

**Descriptor Code:** DBACA HPSD Grow Our Own  
**Adopted Date:** 7/17/2013  
**Amended Date:** 11/16/2016

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**In addition to tuition reimbursement benefits contained in the Negotiated Agreement, the District may select teachers or administrators to complete an advanced degree, certification, or credential to meet present or future staffing needs.**

**The District may reimburse the full amount of tuition and fees associated with degree / certification / credential completion. Reimbursement shall be issued on a semester basis after the employee has provided the Business Manager with evidence of successful course completion. Candidates for this program shall be selected by the Superintendent and approved by the Board based on the following criteria:**

- **The candidate's expressed desire to obtain the degree/certification/ credential.**
- **The candidate's academic record (including credits already earned that may apply to the degree / certification / credential).**
- **The candidate's previous record of professional and academic success.**
- **The candidate must agree to remain with the District at least four (4) years after degree completion. Teachers and administrators subject to nonrenewal or discharge shall be exempt from this provision.**
- **The candidate agrees to complete the degree / certification / credential within the timeframe established by the Superintendent and Board.**

**Failure on the part of the candidate to fulfill any of the above conditions of participation in this program may result in the candidate repaying the District for tuition reimbursement at the following rates:**

- **While the candidate is enrolled in the post-secondary program and one year after completion: 100% of the District's contribution.**
- **Two years after completion: 67% of the District's contribution.**
- **Three years after completion: 33% of the District's contribution.**

Descriptor Code: DBBA Drug & Alcohol Testing for Employees  
Adopted Date: 8/10/2010  
Amended Date:

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**Definitions:**

For the purpose of this policy:

- Drugs and controlled substances are interchangeable and have the same meaning.
- Controlled substance refers to substances covered by the Omnibus Transportation Act, including marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).
- Covered employee/position means an employee/position subject to the Omnibus Transportation Employee Testing Act.
- Safety-sensitive position means a job in which a momentary lapse in the discharge of duties poses a safety threat with potentially severe consequences. In addition to covered positions, the Board recognizes the following as safety sensitive positions: school vehicle drivers as described in NDCC 15.1-07-20.

**Covered Employees:**

The Harvey Public School District is committed to the establishment of a drug and alcohol misuse prevention program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act. All covered employees are prohibited from using controlled substances and are subject to pre-duty, on-duty, and post-accident alcohol use restrictions contained in federal law.

An employee covered by the federal regulations may not refuse to take a required test. Refusal includes submitting an adulterated or substituted specimen for testing. Employees who refuse required testing will, at a minimum, be prohibited from performing safety-sensitive duties.

Pre-employment controlled substance and alcohol testing shall be administered to an applicant offered a covered position in the District prior to the first time the employee performs any safety-sensitive function for the District unless the applicant meets exemption criteria contained in federal regulations. Employment with the District is conditional upon the applicant receiving negative test results.

All covered employees shall be subjected to reasonable suspicion, random, post-accident, return-to-duty, and follow-up alcohol and drug

testing pursuant to procedures set out in the federal regulations. Testing will be performed in accordance with federal drug and alcohol testing regulations.

**Other Safety-Sensitive Positions:**

An individual applying for, transferring to, or being promoted to any safety sensitive position shall initially be subject to controlled substance and alcohol testing. Verified positive test results shall prevent an applicant / employee from moving into a safety-sensitive position. All testing shall be conducted in accordance with the procedure used to test covered employees.

**Confidentiality of Records:**

The District shall maintain records in compliance with law. Drug and alcohol testing records are confidential and shall be maintained in a secured location. With the employee's consent, the District may obtain any information concerning drug and alcohol testing from the employee's previous employer. An employee shall be entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances including information pertaining to alcohol or drug tests. Records shall be made available to a subsequent employer upon receipt of a written request from an employee only as expressly authorized by the terms of the employee's request.

Necessary records and reports shall be maintained and made available to federal and state transportation agencies upon request in accordance with federal regulations.

**Training:**

The District shall take steps to ensure that supervisors receive proper training to administer the drug and alcohol-testing program.

**Violations:**

If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee shall be removed immediately from safety-related functions. Before an employee is reinstated, if at all, the employee shall comply with all applicable return-to-duty requirements. The District will follow treatment referral procedures contained in federal regulations for covered employees.

Employees with verified alcohol concentrations below prohibited amounts shall be removed from safety sensitive positions and may be subject to

the disciplinary consequences contained in the Drug and Alcohol Free Workplace Policy.

The District is not required to provide rehabilitation, pay for substance abuse treatment, or to reinstate the employee. The Board retains the authority consistent with law to discipline or discharge any employee who is an alcoholic or chemically dependent and whose current use of alcohol or drugs affects the qualifications for and performance of his/her job.

**Policy Dissemination:**

The Superintendent shall disseminate this policy and other educational material in accordance with federal law. Each employee subject to this policy shall certify in writing that s/he has received this material upon receipt. The Board designates the Superintendent as the individual responsible for answering questions related to this material.

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**Complementary Documents**

- **DBBA-E**        ~ **Drug & Alcohol Testing for Employees**
- **DEA**            ~ **Drug & Alcohol Free Workplace**
- **DEAA-AR**     ~ **Procedure if Harmful Chemical Use is Suspected**
- **DEAA-E**        ~ **Record of Observable Behavior**
- **DFC**            ~ **Transfer & Reassignment**
- **DI**              ~ **Personnel Records**

**Descriptor Code:** DBCB Classified Staff Job Descriptions  
**Adopted Date:** 8/10/2010  
**Amended Date:**

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The Superintendent shall maintain a comprehensive, up-to-date set of job descriptions for all positions approved by the Board. Job descriptions shall include the purpose and function of the position, title of the immediate supervisor, qualifications, and a list of duties and responsibilities.

All job descriptions shall be approved by the Board of Education.

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**Complementary Document**

- **DBCB-E ~ Classified Staff Job Descriptions Exhibit**



**Descriptor Code:** DCAC Salary Adjustments  
**Adopted Date:** 8/10/2010  
**Amended Date:**

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The Board has the authority to determine appropriate placement on the salary schedule. However, responsibility for accuracy of that placement on the salary schedule rests equally with the employee. Employees are therefore expected to examine the contracted salary before signing their contracts and to notify the Business Manager of any possible error.

Should an error in salary be determined to exist after the contract is signed the Board will adjust the employee's salary for the remainder of the year to compensate for the error. For example, if the employee has been paid less than proper placement on the schedule would indicate, the District will increase the monthly salary to bring the annual salary to the correct amount. If the employee has been paid more than proper placement on the schedule would indicate, the District will decrease the monthly salary to bring the annual salary to the correct amount.

Adjustments will only be made for the current year.

**Descriptor Code:     DCB     Overtime**  
**Adopted Date:         8/10/2010**  
**Amended Date:**

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**Accurate records shall be kept of hours worked by all classified employees. The Business Manager shall institute a system of record keeping using time sheets, time clocks, or other reliable method. All classified employees shall be considered to be subject to the minimum wage and overtime provisions of state and federal law unless specifically shown to be exempt.**

**The Superintendent shall determine whether it is necessary for employees to work overtime hours. Employees shall be required to perform all overtime hours assigned to them by the Superintendent. Employees are restricted from working more that 40 hours in a week without prior written permission from the Superintendent. Employees who work more that 40 hours in a week without authorization are subject to disciplinary action up to and including discharge. Supervisors are charged with ensuring that employees do not work overtime hours except as assigned. Failure to enforce this requirement may result in discipline of the supervisor.**

**Overtime hours will be compensated in accordance with Section 7 of the Fair Labor Standards Act and the North Dakota Department of Labor Regulations for all overtime hours worked.**

**If an employee is employed for two or more different positions which have different rates of pay, the District will pay the employee overtime compensation based upon the weighted hourly rate or may enter into an agreement with the employee, before the work is performed, to pay overtime at the regular overtime rate of pay for the actual work performed after the first forty hours of work in that work week.**

Descriptor Code: DDA Sick Leave  
Adopted Date: 8/10/2010  
Amended Date:

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Employees shall receive paid sick leave per year as determined by the Board in accordance with any applicable law, as well as Board policy and the Negotiated Agreement. This leave may be used for any personal illness or disability.

**Requesting Sick Leave:**

Requests for sick leave must be made to an employees' direct supervisor and include the nature of the disability. The Superintendent has the right to request medical certification as a prerequisite for the awarding of sick leave and the response to the request shall be made in accordance with Board regulations. In the event a second medical opinion is requested by the Superintendent, the Board shall pay the expense.

**Pregnancy Disability Leave:**

Pregnancy disability shall be treated the same as any other disability for the purpose of sick leave and is subject to the limitations of this policy. The employee is free to determine when she will commence her leave. The District will not mandate that pregnancy leave be taken for a prescribed duration of time. Requests for sick leave must include the nature of the disability and shall be made in accordance with Board regulations and may, at the employee's discretion, occur earlier than timeframes contained in regulations in order to allow the District ample time to locate a replacement.

**Long-Term Sick Leave:**

Leave for a serious health condition will be granted in accordance with District's FMLA policy.

Descriptor Code: DDA-BR Sick Leave Regulations  
Adopted Date: 8/10/2010  
Amended Date:

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**Requests for Leave:**

Foreseeable sick leave (e.g., leave for an operation) shall be requested 30 days in advance. If an employee is unsure when leave will commence or requests unforeseeable sick leave, notice shall be given as soon as practicable. Requests for leave shall be made to the immediate supervisor. Requests for foreseeable sick leave should be made in writing and include the reason for leave, anticipated duration, and anticipated commencement date.

**Requests for Medical Certification:**

When medical certification is requested as a pre-requisite for granting sick leave, the employee shall have 15 calendar days to fulfill this request unless this deadline is not practicable despite the employee's good faith effort. Failure to provide medical certification may result in delaying or denying the employee's leave request until certification is received. Medical certification shall contain information indicating the nature of the disabling condition, the exact period of disability, whether the employee will need intermittent leave or a reduced schedule, and a statement from a licensed health care provider verifying that the employee is unable to carry out his/her duties.

Descriptor Code: DDAA Family & Medical Leave  
Adopted Date: 8/10/2010  
Amended Date:

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The Harvey Public School District will comply with the Family and Medical Leave Act.

**Leave Description:**

Eligible employees may request, and upon approval use, unpaid family and medical leave in accordance with and for the applicable duration guaranteed by the federal Family and Medical Leave Act. Unless subject to an exception in law, FMLA shall be made available for up to a combined total of 12 weeks beginning August 1 and ending July 31 of the next year.<sup>1</sup>

**Use of Other Leaves:**<sup>2</sup>

Other available and applicable paid vacation, personal, family, sick, or other paid leave will be substituted for family and medical leave necessitated by birth, adoption/foster care placement, a family member's serious health condition, an employee's own serious health condition, qualifying exigency, or to care for covered service member in accordance with law. Any substitution required by this policy will count against the employee's family and medical leave entitlement. The District will pay family leave or sick leave only under circumstances permitted by the applicable leave plan.<sup>3</sup> Use of family and medical leave shall not preclude the use of other applicable unpaid leave that will extend the employee's leave beyond the duration guaranteed by law, provided that the use of family and medical leave shall not serve to extend such other unpaid leave.

**Medical & Qualifying Exigency Certification:**

The Superintendent may request medical certification for an employee's or his/her spouse's, parent's, child's, or, when applicable, next of kin's serious health condition and shall do so in accordance with federal law and District regulations. The Superintendent may also request qualifying exigency certification when an employee requests such leave.<sup>4</sup>

**Notice of Leave:**

An employee shall provide notice in accordance with regulations. If deemed necessary, the Superintendent may waive notice requirements.<sup>5</sup>

**Return to Work:**

An employee returning from family and medical leave will be given a position equivalent to his or her position before the leave, subject to the

District's reassignment policies, negotiated agreement, and practices.<sup>6</sup> Instructional employees may be required to wait to return to work until the next academic term in certain situations as provided by law.<sup>7</sup>

**Implementing Procedures:**

The Superintendent shall develop procedures to implement this policy consistent with the federal Family and Medical Leave Act.

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<sup>1</sup> 29 U.S.C. 2612, 29 C.F.R. 825.200. The Family and Medical Leave Act (FMLA) permits employers to choose among four methods for determining a 12-month period in which the 12-week entitlement occurs. A district may wish to define a year based on its insurance contribution calendar rather than the fiscal year to avoid having to pay health insurance contributions twice to employees who are on a leave for just one school year.

<sup>2</sup> This section will be modified if proposed FMLA amendments are approved.

<sup>3</sup> This paragraph presents only one of many alternatives available under the FMLA. The FMLA and its implementing regulations permit an employee to choose to substitute paid leave for FMLA leave and an employer to require an employee to substitute paid leave for FMLA leave 29 U.S.C. 2612(d), 29 C.F.R. 825.207. The sample policy, in the interests of clarity and limiting absences, requires this substitution.

<sup>4</sup> This paragraph is optional. Medical certification is allowed by 29 C.F.R. 825.208, 825.302, 825.305, and 825.311.

<sup>5</sup> 29 C.F.R. 825.304. Districts may waive the notice requirements.

<sup>6</sup> 29 C.F.R. 825.214 and 825.604. See definition of equivalent position in FMLA exhibit.

<sup>7</sup> 29 C.F.R. 825.602. See regulations for guidelines.

**Descriptor Code:** DDAA-BR Family & Medial Leave Regulations  
**Adopted Date:** 8/10/2010  
**Amended Date:**

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**Procedure to Request Leave:**

Foreseeable FMLA leave shall be requested 30 days in advance.<sup>1</sup> If 30 days notice is not practicable, the employee shall provide notice as soon as possible. An employee shall at least provide verbal notice of leave to the building principal. Requests for foreseeable FMLA leave should be made in writing and include the reason for the leave, anticipated duration, and anticipated commencement date.

**Request for Medical & Qualifying Exigency Certification:**

When requested, medical or qualifying exigency certification shall be provided in accordance with law (29 CFR 825.305-825.310). Failure to provide certification or adequate certification may result in delaying or denying an employee's leave request. Medical certification must contain all components in 29 CFR 825.306, 825.309, or 825.310.

**Intermittent or Reduced-Leave Requests:**

- The Board limits leave increments to one-hour periods of time.
- An employee should follow the regular notice procedures when requesting an intermittent or reduced-hour leave. If the leave is taken because of the birth or placement of a child, leave may be taken intermittently or on a reduced schedule only if the Superintendent agrees.

**Response to Leave Request:**

Response to leave requests will be made in accordance with 29 CFR 825.300. When applicable, the District will require fitness-for-duty documentation certifying that an employee is able to perform essential job functions as a condition of returning to work. The District shall provide notice of this requirement to employees in accordance with law.

**Posting and Notice to Employees:**

Building principals shall post a notice explaining the FMLA's provisions in a location where it can be readily seen by employees and applicants for employment. The FMLA Fact Sheet, published by the Department of Labor, Wage and Hours Division, shall be incorporated into any employee handbook or provided to employees. (29 C.F.R. 825.300)

**Recordkeeping:**

**The Superintendent shall ensure that records are kept according to the requirements contained in law. (29 C.F.R. 825.500)**



Descriptor Code: DDBA Vacations / Personal Leave  
Adopted Date: 8/10/2010  
Amended Date:

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The Harvey Public School District provides vacation benefits to particular positions in order that employees receive time for rest and renewal.

**Ancillary Employees:**

All twelve-month, full-time employees shall be eligible for paid vacation benefits as delineated in Board regulations and policy.

**Licensed Employees:**

Vacation is subject to the negotiated agreement and Board Policy for all licensed staff.

**Separation:**

Upon separation from District employment, any employee granted paid vacation time shall be entitled to prorated monetary reimbursement for unused vacation days as required by law.

**Descriptor Code:     DDBB     Holidays**  
**Adopted Date:         8/10/2010**  
**Amended Date:**

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**Twelve-month employees shall be granted pay for holidays as established by state law (NDCC 15.1-06-02) that fall on a day(s) that they would otherwise be scheduled to work. All other personnel will be paid for the holidays set by state law that fall within the time of their work year and that fall on a day(s) that they would otherwise be scheduled to work.**

**Descriptor Code: DDBC Bereavement Leave**  
**Adopted Date: 8/10/2010**  
**Amended Date:**

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**Bereavement leave is subject to the negotiated agreement for licensed staff (see Emergency Leave). Bereavement Leave is subtracted from an employee's accumulated sick leave.**

**Classified Staff:**

**Bereavement leave without loss of pay, not to exceed the number of sick days available to a given staff member, may be granted to classified staff only in the event of death in the immediate family at the sole discretion of the Superintendent. For the purpose of this policy, immediate family is defined as spouse, parents, spouse's parents, children, grandparents, grandchildren, brothers, sisters, brothers-in-law, or sisters-in-law. Other requests may be granted at the discretion of administration.**

**Upon request, where the days of bereavement leave are expended, the principal may recommend an extension of the bereavement leave to the Superintendent. In concert, they shall have authority to grant unpaid bereavement leave.**

**Bereavement leave is not accumulative.**

**Descriptor Code:** DDBD Military Leave  
**Adopted Date:** 8/10/2010  
**Amended Date:**

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**Military leave shall be granted pursuant to current state and federal law.**

Descriptor Code: DDCA Political Activities & Leave  
Adopted Date: 8/10/2010  
Amended Date:

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**LEGISLATIVE LEAVE:**

A full-time employee seeking election to the North Dakota Legislature may be granted a leave of absence for the purpose of serving during any regular or special session of the legislative assembly if the leave has been requested and acted upon prior to the candidate filing for election. The leave would be subject to the employee being elected. A person granted such leave shall not be entitled to receive any salary or fringe benefits during the entire term of the leave. If the leave is not granted, the Board may grant a request for release from contract, if requested, without imposing liquidated damages otherwise provided.

Any employee who has been granted legislative leave shall be subject to District Reduction in Force Policy the same as if the employee were not on leave.

Any person who has been granted a legislative leave may take unpaid leave for legislative duties in the succeeding year, in which case the District will provide the substitute. The employee is responsible for the organization and coordination of their regular school responsibilities. No request for leave will be necessary when such activity does not interfere with the performance of the employee's duties.

**OTHER ELECTIVE OFFICE:**

A full-time employee who has been elected to office other than the North Dakota Legislature may be granted an unpaid leave of absence if such a leave is necessary to fulfill the duties of the office. Such leave will be at the sole discretion of the Board and may be for an extended period or for parts of days as necessary. Pay and benefits will be pro-rated according to the duration of the leave. At the sole discretion of the Board, employees who request periodic short-term leaves under this policy may receive their regular pay and benefits minus the cost of the substitute teacher. In either case, the employee is responsible for the organization and coordination of their regular school responsibilities.

Descriptor Code: DDEA Jury & Witness Duty  
Adopted Date: 8/10/2010  
Amended Date:

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The Superintendent shall have the authority to request that an employee be excused from service or the service delayed provided the special nature of the employee's qualifications would make it difficult to secure an adequate substitute or if the timing of the proposed jury service might be detrimental to the welfare of the school or the children concerned.

**Hourly Employees:**

During jury duty or when subpoenaed as a witness, hourly employees shall be paid regular wages based on the number of hours typically worked but not to exceed 40 hours, but shall remit any compensation for jury duty.

**Salaried Employees:**

Salaried employees shall be paid regular wages, but shall remit any compensation for jury duty to the District.

**Expert Testimony:**

Employees shall not voluntarily serve as an expert witness when such activity is in conflict of interest with the District.

**Descriptor Code:** DE Staff Conduct  
**Adopted Date:** 8/10/2010  
**Amended Date:**

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All staff members have a responsibility to make themselves familiar with, and abide by, the laws of the state as these affect their work, the policies of the Board, and the regulations designed to implement them.

Since the realization of District goals is dependent upon the professional behavior of all staff, the following specific responsibilities will be required:

1. Faithfulness and promptness in attendance at work.
2. Support and enforcement of policies of the Board and regulations of School Administration.
3. Diligence in submitting required reports at the time specified.
4. Care and protection of school property.
5. Concern and attention for their own and the school system's legal responsibility for the safety and welfare of students, including the need to ensure that students are under proper supervision at all times.

**Licensed Staff:**

Licensed staff shall adhere to professional conduct standards developed by the Education Standards and Practices Board and, in the case of school administrators, the Administrator's Professional Practices Board.

**Descriptor Code:** DEAA Drug & Alcohol Free Workplace  
**Adopted Date:** 8/10/2010  
**Amended Date:**

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The Harvey Public School District enforces the Drug-Free Workplace Act. The District prohibits employees from unlawfully manufacturing, distributing, dispensing, possessing or using a controlled substance or alcohol on District property and grounds, in any vehicle belonging to the District, and at any school-related activity.

**Awareness Program:**

The Superintendent shall create an employee drug-free awareness program in accordance with federal law.

**Policy Dissemination:**

The Superintendent shall give a copy of this policy to each employee and maintain documentation of receipt of this information.

**Violation Reporting:**

As a condition of employment, each employee shall agree to abide by this policy and notify the Superintendent of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. The Superintendent, in accordance with law, will notify the appropriate federal agency after receiving any notice of a conviction for a violation occurring in the workplace. An employee is also required to inform his/her immediate supervisor when the employee's ability to perform job duties is impaired due to on or off-duty controlled substance use.

**Violations:**

Violations of this policy may result in the following:

- Unpaid leave or suspension.
- Termination of employment. Due process procedures shall be followed prior to termination, if applicable.
- Notification of proper law enforcement authorities.

**Assistance:**

The Board recognizes that alcohol and drug addiction is a treatable disease and that early intervention and support improve the success of rehabilitation. Treatment for alcohol and/or drug addiction may be covered by the employee benefit plan; however, the ultimate financial responsibility for this treatment belongs to the employee.



**Confidentiality:**

All information received by the District as a result of this policy is confidential. Access to this information is limited to those who have a legitimate need to know.

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**Complementary Documents**

- DEAA-AR ~ Procedure if Harmful Chemical Use is Suspected
- DEAA-E ~ Record of Observable Behavior

**Descriptor Code:** DEAA-AR Procedure if Chemical Use is Suspected  
**Adopted Date:** 8/10/2010  
**Amended Date:**

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**A supervisor will complete a "Record of Behavioral Data" when behavior that may indicate misuse of alcohol or drugs is observed. The supervisor will not attempt to make allegations or diagnose behavior beyond observed and reported behavior.**

**If accumulated information appears to indicate a high probability that the employee's job performance is endangered, the supervisor will either conduct an interview with the employee or turn the information over to the Superintendent who will conduct the interview. At the interview, the employee will be asked to comment on his/her use of alcohol or drugs.**

**A formal chemical dependency diagnostic interview (and treatment, if the report of the diagnostician indicates a need for treatment) may be made a condition of continued employment if the employee's job performance is adversely affected. Violators of the District's Drug-Free Workplace policy may be subject to the disciplinary consequences contained therein.**

**The school will make every effort to provide supportive assistance to those employees who return after completing a therapeutic regime.**

Descriptor Code: DEAD Staff Use of Electronic Devices  
Adopted Date: 8/10/2010  
Amended Date:

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**Personal Communication Devices:**

A personal communication device is defined as a cellular phone, pager, or beeper. Employees may carry cellular telephones, pagers, and/or beepers while on duty. These devices shall not be used during the employee's duty time unless either specifically related to the employees work or the employee is in attendance as an active member of a volunteer firefighting organization or a volunteer emergency medical service organization.

**Other Electronic Devices:**

Employee use of enhanced features on cellular phones and other electronic devices, including but not limited to text messaging, audio devices, image-recording devices, devices that allow for an unfiltered connection to the Internet, portable games, and other devices that transmit a signal are prohibited during the instructional day and during on-duty hours, except when specifically related to classroom instruction. This prohibition does not apply to authorized use of District-owned electronic devices.

Possession and/or use of any electronic device in an area where there is a reasonable expectation of privacy is strictly prohibited.

**Use of Electronic Devices While Driving:**

All employees are prohibited from conducting District business through the use of electronic devices while driving. School bus/vehicle drivers are prohibited from operating a bus/vehicle while using an electronic device. These prohibitions do not apply to the use of either the bus radio or cellular phones in the following instances:

1. To send or receive a message on the bus radio from the school regarding student ridership or directions;
2. During an emergency situation;
3. To call for assistance related to a mechanical problem or breakdown. In such instances, the driver shall only use a cellular phone if the bus/vehicle is parked.

**District-Issued Cellular Phones:**

District-owned cellular telephones shall be used for authorized District business purposes consistent with the District's mission and goals. Personal use of such equipment is prohibited except in emergency

**situations. Any expense incurred for such personal use shall be reimbursed to the District.**

**Emergency Use:**

**Staff members are encouraged to use any available cellular telephone in the event of an emergency that threatens the safety of students, staff, or other individuals.**

**Inappropriate Use:**

**Inappropriate use of any electronic devices by staff is subject to disciplinary action up to and including revocation of the privileges granted in this policy, dismissal, and referral to law enforcement officials, as appropriate.**

**Descriptor Code:** DEAF Occupational Safety  
**Adopted Date:** 8/10/2010  
**Amended Date:**

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The policy of the Harvey Public School District is to protect the safety and health of our students, employees, visitors, and those present on District property or at school-sponsored events.

The Superintendent is responsible for developing a District-wide program that emphasizes safety on school property during the normal school day, at School District sponsored extracurricular activities on school property, and at school functions scheduled away from school property. This will include a safety plan that includes policies on supervision, accidents, weapons, traffic, and other safety precautions. In developing the safety plan, the Superintendent shall pro-actively address the implementation of corrective actions that would be necessary to meet the requirements of the Department of Public Instruction when a school is designated a persistently dangerous school. The Superintendent shall consult with local and state officials when determining procedures to respond to the various levels of national alert.

Each principal shall be responsible for the supervision of a safety program for his/her school. The Superintendent shall see that appropriate staff members are kept informed of current state and local requirements relating to fire prevention, civil defense, sanitation, public health, and occupational safety. This shall include in-service in the location and use of fire extinguishers and location of shutoff valves in science classrooms and laboratories.

**Employees:**

The District expects each employee, regardless of his/her position within the organization, to cooperate in every respect with the District's safety program. Some of the major points of our safety program require that:

- All injuries and accidents be reported immediately to your supervisor and you obtain medical aid without delay.
- Personal protection equipment, where required, must be worn by all employees. There will be no exceptions to this requirement.
- Machine guards will be used and maintained in good condition. Machines without adequate guards or guards in questionable condition will not be used (for example: mowers, disposal units, shop equipment etc.).

**Teachers of laboratory sciences and all custodians shall receive training in lab safety. This will require attendance at a workshop approved by the Department of Public Instruction if not included in pre-service training. Substitute teachers shall not be permitted to conduct lab experiments**

**The practice of safety shall also be considered an aspect of the instructional program of the District's schools, and instruction in accident prevention as well as fire prevention; emergency procedures; traffic, bicycle, and pedestrian safety; and driver education shall be provided in the appropriate classes.**

**Teachers shall be assigned hall, lunchroom, and recess duty as well as playground duty for the supervision and safety of students.**

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## **Complementary Documents**

- **DEAF-AR ~ Hazardous Substance Communications Program**



**Descriptor Code: DEBA Confidentiality**  
**Adopted Date: 8/10/2010**  
**Amended Date:**

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**Any person working for or providing services to the District has a responsibility to protect the privacy of students and their parents. This responsibility applies to time spent at school as well as away from school. Questions from the general public concerning students or staff should be referred to an administrator.**

**Federal Requirements:**

**District employees and service providers must follow confidentiality requirements under the Family Education Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA). Information considered harmful, an invasion of privacy, or that is personally identifiable shall not be released without appropriate consent and then only by an administrator. Before disseminating directory information, employees and service providers shall consult with administration to ensure the information is directory information and that it does not contain information about students who have opted out of directory information dissemination.**

**Violations:**

**Employees that violate this policy may be subject to disciplinary action up to and including termination of employment in accordance with District policy and the negotiated agreement.**



Descriptor Code: DEBD Staff-Student Relations  
Adopted Date: 8/10/2010  
Amended Date:

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The Harvey Public School District's Board of Education requires employees, volunteers, and students to treat one another with respect and professionalism. All employers and volunteers are expected to exercise good judgment and maintain professional boundaries when interacting with students at all times, on and off school property.

**Prohibited Behavior:**

Any behavior of a harassing or sexual nature towards students is strictly prohibited. Such behavior includes but is not limited to the following:

- Insults, disparaging remarks/names, and/or sarcasm, used to force compliance with an employee's or volunteer's requirements or expectations.
- Any conduct that would amount to sexual harassment, discrimination, or retaliation under Title IX of federal education amendments.
- Any activity that may lead to a sexual relationship such as dating, sending intimate correspondence, and/or engaging in sexualized dialogue.
- Any sexual relationship between an employee or volunteer and a current student, regardless of his/her age, or a former student under the age of 18.
- Any conduct by and employee or volunteer that would constitute a sexual offense as defined in state law.

Individuals aware of any of these prohibited behaviors are expected to report such action to a building administrator or the Superintendent.

All reported prohibited behavior shall be investigated. If disciplinary action is deemed warranted at the completion of the investigation, the District shall take appropriate action up to and including termination of employment in accordance with law and/or reporting such activity to appropriate state licensing and law enforcement officials.

**Descriptor Code:      DEBF      Employee Speech**  
**Adopted Date:         8/10/2010**  
**Amended Date:**

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**For the purposes of this policy, speech includes statements made orally, in writing/print, electronically (e.g., online, through video, text message, etc.) and/or visual mediums (e.g., photographs, videos, etc.).**

**Speech Made as an Employee:**

**Speech made as a School District employee is not constitutionally protected. The District requires that when staff are acting in their official capacity as School District employees, they shall use sound judgment when making statements pursuant to their official responsibilities and only to the extent that they possess accurate information. Speech made by staff in their official capacity as School District employees shall furthermore be in keeping with the District's mission statement.**

**Speech made pursuant to official District responsibilities that is knowingly false or inaccurate; made with reckless disregard for the truth; that violates the District's mission statement; that causes or leads to substantial disruption of the educational environment; poses a safety threat to District students, staff, or operations; violates District policies; or impedes on the School District's interest, including, but not limited to, delivery of public services, may be grounds for disciplinary action in accordance with law, District policy, and, if applicable, the negotiated agreement.**

**Speech Made as a Private Citizen:**

**When School District employees make statements as a private citizen about matters of public concern, the District may take disciplinary action if such statements substantially disrupt the educational environment. Prior to taking disciplinary action, the District should document the manner in which the speech at issue disrupted the educational environment and may consult with legal counsel to determine if the speech is indeed a matter of public concern and meets the substantial disruption standard.**

**When School District employees make statements as a private citizen about matters that are not of public concern, the District may take disciplinary action for reasons such as, but not limited to, the speech substantially disrupts the educational environment; poses a safety threat to District students, staff, or operations; violates District policies on off-duty conduct; contains content unbecoming to a teacher; or impedes on**

the School District's interest, including, but not limited to, delivery of public services. Prior to taking disciplinary action, the District may consult with legal counsel to determine if the speech is unprotected (i.e., does not address a matter of public concern).

**Other Provisions:**

In addition to the requirements established by this policy, the District has a policy on confidentiality that governs on- and off-duty speech of District employees. The District also prohibits use of District owned or created material such as, but not limited to, the District's logo or copy trademark without first obtaining the permission of the Superintendent. Failure to obtain such permission may result in disciplinary action in accordance with the District's copyright policy.

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**Complementary Documents**

- **ABCA ~ Copyrighted Material & Intellectual Property**
- **DEBA ~ Confidentiality**
- **DEBD ~ Student-Staff Relations**
- **GBA ~ Academic Freedom**
- **KBA ~ Relations with the News Media**

Descriptor Code: **DECC** **Off-Duty Electronic Communications With Students**

Adopted Date: 8/10/2010

Amended Date:

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**Definitions:**

For the purposes of this policy

- ***Electronic communication*** includes, but is not limited to, use of social networking sites (e.g., Facebook, MySpace), instant messaging, private email accounts (e.g., Gmail, Yahoo), chatting (including, but not limited to, video and voice chat), online forums, online games, short messaging services (including, but not limited to, texting), and blogs/web feeds.
- ***Student*** is defined as any individual currently enrolled in district schools or any individual formerly enrolled in district schools who is under the age of 18.

**Restrictions Contained in Other District Policies:**

The District has created policies governing student-staff relations, confidentiality, and employee speech. These policies govern on- and off-duty conduct, including when engaged in electronic communications. The District has also established policies governing staff's on-duty use of the Internet and electronic devices. In addition, teachers are governed by the ND Code of Professional Conduct for Educators.

**Purpose of this Policy:**

This policy is created because the Board believes that staff access to students in an unmonitored environment has a detrimental impact on the professional relationship between students and staff; because the District strives to preserve the privacy of students; and because electronic correspondence of District employees may be subject to open record laws and/or District record retention requirements.

**Restrictions:**

The District prohibits staff from corresponding electronically with students when off-duty except through use of District email accounts, on Blackboard, through a district-administered social network, and/or through other school-sponsored applications. A violation of this policy may result in disciplinary action up to and including termination/discharge in accordance with District policy, law, and, if applicable, the negotiated agreement.

**This policy does not apply to off-duty electronic communication with a student who is an employee's family member.**

**Enforcement:**

**The District will not actively monitor websites to ensure employee compliance with this policy but shall investigate any suspected or alleged violation of this policy.**

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**Complementary Documents**

- **ACDA ~ Acceptable Use**
- **DEAD ~ Employee Use of Electronic Devices**
- **DEBA ~ Confidentiality**
- **DEBD ~ Student Staff Relations**
- **DEBF ~ Employee Speech**

**Descriptor Code:**     DFA            Supervision & Evaluation  
**Adopted Date:**        8/10/2010  
**Amended Date:**

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**The professional staff shall be evaluated by their immediate supervisors by use of instruments adopted by the School Board. The evaluation process will be based on the supervisory process. These evaluations shall be conducted in conformance with North Dakota law, including the dates specified in the law. The evaluation shall become a part of the employee's personnel file. The employee shall have the right to review the evaluation and may attach a statement of disagreement if he/she so wishes.**

Descriptor Code: DFAA Teacher Evaluation  
Adopted Date: 8/10/2010  
Amended Date:

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The basis of sound evaluation is the observation of teachers both within and outside the classroom settings in which the total teaching climate contributes to the teacher's effectiveness. Evaluators, primarily building principals, should be well acquainted with all of the factors which relate to the teacher's assignment, class composition, environmental elements, and other contributing ingredients. A teacher's performance should be observed and evaluated under as widely varying circumstances as may prevail in the assignment. A goal of evaluation is to document and strengthen teaching performance and instructional programs. The evaluator's reports are to be designed to support these purposes.

Observations of teaching performance are of various sorts in a regular school atmosphere. For the purposes of good procedures and as defined in these regulations, periodic formal classroom observations are to be made by principals of the teachers in each school. Following every formal classroom observation, there shall be a personal discussion between the evaluator and the teacher. In instances where additional follow-up observations are indicated, these shall be noted so that every teacher has opportunities to develop a strong professional standard of teaching competence.

Activities of teachers which benefit the school in addition to classroom work may be included in the evaluation report. Evaluation shall be analytic and it shall seek to establish the degree to which a teacher is meeting established criteria for professional performance.

Each school principal shall be primarily responsible for the evaluation of the teachers in the school. It is the evaluator's responsibility to maintain a written report and record of formal classroom observations and such other relevant observations about the teacher as are appropriate. Three copies of the evaluation instrument are to be made following each classroom observation. One copy of the report is to be placed in the teacher's personnel file, one kept by the principal, and one is to be given to the teacher. Additional copies of the evaluation reports may be required by the District office. Following each evaluation conference, both the teacher and the principal shall sign the reports and certify any alterations according to the format of the report itself. The signature of a teacher on a report does not necessarily indicate that the teacher agrees with the report, only that it has been read and a copy received. When a

**teacher does not agree with the judgment or the substance of an evaluation by the principal, or other evaluators, the teacher may include or attach a statement or comment to that effect to the evaluation report.**



Descriptor Code: DFC Transfer & Reassignment  
Adopted Date: 8/10/2010  
Amended Date:

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**Transfers:**

Staff who are interested in transferring to an open position in the District for which they are qualified shall submit a request to the Superintendent.

**Reassignments:**

Reassignment may occur due to an instructional or other District need. The Superintendent will consider the following when making any reassignment decisions:

1. The needs of the District;
2. Qualifications of the employee;
3. The employees' expressed desire.

Reassignment shall not alter or violate the terms of a teacher's contract.

Descriptor Code: DGA Employee Grievance Procedure  
Adopted Date: 8/10/2010  
Amended Date:

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The purpose of this policy is to provide a step-by-step procedure that guarantees the right of employees to administrative "due process," to assure fairness and equity. No employee or administrator shall discriminate against, coerce or interfere with any employee, administrator, witness, or representative, for his/her involvement in the presentation or adjudication of any grievance.

No action taken under this procedure shall in any way be construed as forfeiting the right to seek redress through the courts.

If any provision of this procedure is or shall at any time become contrary to law, then such provision shall not be applicable or performed or enforced, except to the extent permitted by law.

**Definitions:**

- *Grievance* is an allegation by an employee that s/he has been subject to an unjust or unfair act, injury, inconvenience, or any distressful situation which negatively impacts the work environment.
- *Day* as used herein shall be considered a school day and the time limits set shall be considered a maximum.
- *Administrator or supervisor* named in this policy (e.g., Superintendent) assumes that his/her designate or deputy may serve in his/her place.

**Time Limit:**

A grievance must be initiated within 30 days after the employee knew or should have known the term or condition giving rise to the grievance existed. Failure to timely present the grievance in writing shall be deemed a waiver of the grievance.

**Conditions:**

Failure of the employee to meet any of the deadlines contained in this procedure shall terminate the grievance. Failure of a school supervisor/administrator to respond to the grievance within specified deadlines shall be deemed a denial of the grievance and shall allow the employee to advance the grievance to the next step.

## **Procedure:**

**Meetings held under this procedure shall generally be conducted on non-school time at a place that will afford a fair and reasonable opportunity for all persons proper to be present. Each step in this procedure is intended to give bona fide consideration to the grievance and is to be a separate review of the facts. Each official to whom the grievance is presented shall issue a decision.**

- 1. Informal Process: The Board encourages the resolution of grievances as near the point of origin as possible. Therefore, a teacher with a grievance shall first discuss it with his/her immediate supervisor. However, should such informal process fail to satisfy the employee, then a grievance may be processed as follows.**
- 2. Formal Process: An employee may be represented and accompanied by a representative of his/her choosing at any step in this process. The employee filing the grievance must be present at each step in this procedure.**
  - a. The employee who is filing the grievance shall prepare a written statement containing his/her name, address, and telephone number; school building, address, telephone number, and name of principal; the specific contract provision being grieved and why; and the requested remedy. The written grievance must be signed and dated by the grievant.**
  - b. An employee may present the written grievance to his/her immediate supervisor by the deadline contained in the "Time Limit" section of this procedure. The supervisor shall make every effort to resolve the grievance and shall, within ten (10) days of the filing of the grievance, render a written answer on the grievance.**
  - c. If no agreement is reached or the time limit outlined above elapses without answer, the aggrieved employee may present the written grievance to the Superintendent. This step must be initiated within four (4) days of the supervisor's written decision or within fourteen (14) days of the filing of the grievance in the event the supervisor fails to provide a written answer. The Superintendent shall either refer the grievance to a designated representative or shall personally work with the aggrieved to seek an equitable solution within ten (10) days. A written response shall be made to the grievant within the same ten (10) days. The Superintendent's decision is final, subject to court review if the employee files suit.**

**Descriptor Code:** DGB Employee Assistance Program  
**Adopted Date:** October 14, 2015  
**Amended Date:**

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**Purpose & Goals:**

The Harvey Public School District provides an Employee Assistance Program to assist employees in obtaining help to resolve problems such as physical illness, mental or emotional illness, alcohol abuse or alcoholism, drug abuse or dependency, or personal problems such as those of a marital, family, or financial nature in an effective and confidential manner. This service will provide information for counseling and treatment referral in a confidential manner, and its intent is to motivate employees to seek help at an early stage and follow through with prescribed treatment.

This program recognizes that the primary obligation to seek assistance and to resolve the problem rests with the employee. Use of the program shall have no impact on the employee's job security or promotional opportunities.

**Enforcement & Training:**

The Board instructs the Superintendent to develop procedures and regulations to implement this policy.

Supervisors and/or colleagues will implement this policy in such a manner that no employee will have his/her job security or promotional opportunity affected by the use of the Employee Assistance Program.

This policy, and any related procedures, will not alter or supersede the normal employment rules, policies, regulations, corrective disciplinary procedures, performance evaluation, guidelines, and/or provisions of collective bargaining agreements. The employee's right to confidentiality will be protected.

**Descriptor Code:** DHA Licensure  
**Adopted Date:** 8/10/2010  
**Amended Date:**

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**Every licensed employee shall hold a valid teaching license, issued by the North Dakota Education Standards and Practices Board (ESPB), or a valid temporary or provisional license. No employee can be paid for services prior to the date of issuance of the license.**

**All licensed personnel shall have their teaching license duly recorded with the Business Manager who will record the number and kind of license and date of expiration in the teacher's individual file.**

**Failure to properly register the teaching license as outlined in the above paragraph will result in withholding the paycheck until this requirement is fulfilled.**

**Renewal:**

**Employees are required to meet licensure renewal requirements, renew before the date of expiration, and file renewal with the Business Manager.**

**Descriptor Code: DHBA Professional Development**  
**Adopted Date: 8/10/2010**  
**Amended Date:**

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**The Board requires all licensed personnel to participate in professional development.**

**Professional Development Plan:**

**The Superintendent shall develop a professional development plan that contains all the components required by law and is based on a District needs assessment, which will be conducted through methods such as, but not limited to, surveys and/or input from instructional staff. The Superintendent shall establish professional development goals based on the findings of the needs assessment. Professional development activities will be aligned with these goals and may include in-service workshops, a professional library, short-term professional leave, and assistance from consultants. All professional development activities shall be within District budgetary perimeters.**

**The professional development plan shall be evaluated in accordance with law, and the Superintendent shall establish specific plan evaluation criteria. Student achievement and performance shall be one factor used in evaluating the plan.**

**Descriptor Code:      DHBB      Instructional Staff Work Load**  
**Adopted Date:         8/10/2010**  
**Amended Date:**

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**All teachers, other than part time, are expected to work a full workday, which includes but is not limited to attendance at parent/teacher conferences, IEP meetings, staff meetings, and school improvement activities. This may include any combination of classes and study hall or other duty assignments. In addition, staff members may be required to attend other meetings for purposes which include, but are not limited to, IEP planning, curriculum development, or other meetings before school, after school, or in the evening.**

**The Board will be the final authority regarding the equitable distribution of work among the staff. Salary will not be dependent on the workload.**

**Descriptor Code:      DHBC      Instructional Staff Extra Duty**  
**Adopted Date:         8/10/2010**  
**Amended Date:**

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**Teachers will be expected to assume reasonable duties over and above their regular teaching responsibilities. These will include but not be limited to assisting with discipline and supervision within the building and on school grounds and advising school related organizations and activities.**

**Activities and services that make minor demands on the teacher's time shall be part of each teacher's basic assignment. Administrators will strive to equalize such duties among teachers.**

**Extra responsibilities that make major demands on a teacher's time shall be rewarded with extra compensation. The Board shall approve any such positions and their compensation.**



Descriptor Code: DI Personnel Records  
Adopted Date: 8/10/2010  
Amended Date:

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The building principal shall keep a personnel folder for each employee, licensed and classified. The folder shall contain such information as is required by law and shall include performance evaluations, the Business Manager's record of the license held for all licensed personnel, an itemized list of all documents in the file, and a record of access including the date of review and identity of persons reviewing the file if they choose to identify themselves.

**Location:**

Personnel records shall be maintained in the following areas:

1. The Business Manager shall maintain records:
  - a. Required for payroll purposes, for record keeping under the Fair Labor Standards Act, and other laws pertaining to payroll recordkeeping.
  - b. Containing all personal information as defined by law, including but not limited to records of medical treatment and use of employee assistance programs.
2. The Superintendent shall seal and mark confidential all state and federal criminal history records and, if applicable, credit history records and motor vehicle records. These records shall be stored in a secured area.
3. Records relating to alcohol and controlled substance use/testing shall be maintained in accordance with federal regulations. Statistical records and reports shall be maintained and made available to the Federal Highway Administration for inspection or audit in accordance with federal regulations.
4. The Superintendent's Office shall maintain all other personnel records, excluding the Superintendent's file.
5. The Business Manager shall maintain the Superintendent's personnel record. The Superintendent shall maintain each building principal's personnel record.

Only employees who have a need to know in order to perform their duties will have access to information listed in section one, two, and three above.

**Former Employees:**

A file shall be kept for all resigned, terminated, or retired employees, including such essential information as shall seem appropriate to the administration at least six years.

**Pre-Employment Records:**

Transcripts used in the process of hiring will be returned to the employee. Licensed staff will be required to have them available for accreditation purposes as needed.

**Record Review:**

The Board shall establish and approve a procedure for handling requests to review personnel records. The Superintendent and Business Manager may seek legal advice on matters pertaining to review requests but access to open public records will not be unreasonably delayed.

**Removal of Material:**

Removal of material from a teacher's personnel file will be handled in accordance with state law.

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**Complementary Documents**

- DI-BR ~ Personnel Records Review Procedure

**Descriptor Code:** DI-BR Personnel Records Review Procedure  
**Adopted Date:** 8/10/2010  
**Amended Date:**

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**Personnel records subject to open records laws shall be available during school hours for review by members of the public under the following procedures:**

- 1. The request to view an employee's record may be made in writing, in person, or by phone. Written requests shall become a part of the file.**
- 2. The file may be viewed in the administrative office or a copy may be mailed to the person requesting to view the file if that person so chooses. A School District employee other than the employee whose file is being reviewed shall be present during the review of the file to maintain the security of the file's contents.**
- 3. Copies of any documents in the file will be made upon request and at reasonable charge in accordance with law to the person requesting them. The charge may include the cost of materials, use of equipment, and labor for making the copies, and time spent in locating the file. The cost of mailing may also be included in the charge if the copy is to be mailed. This charge shall be applied uniformly and without discrimination.**
- 4. The employee may be notified that the file will be reviewed or has been reviewed.**

**Review of the Superintendent's folder shall follow the same procedures. The Board President, or other Board member, may serve as the school employee who is present during the viewing of the file.**



**Descriptor Code:** DJC Teachers' Aides  
**Adopted Date:** 8/10/2010  
**Amended Date:**

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The Superintendent may employ teachers' aides for supplementary instructional and non-instructional duties in the education program in positions authorized by the Board. Teacher's aide means an adult school employee who works under the direction of the licensed administrative and teaching staff in performing, within the limitations of training and competency, certain instructional and non-instructional functions in the school program. Teacher's aide will also assist teachers in such duties as:

- Managing and maintaining records, materials, and equipment.
- Attending to the physical needs of children.
- Performing other limited services to support teaching duties when such duties are determined and directed by a teacher or administrator.

In compliance with applicable legal requirements, the Board shall require all teachers' aides with instructional duties that are newly hired in a Title I school-wide program to have a secondary school diploma or its recognized equivalent and to have:

- Completed at least two years of study at an institution of higher education;
- Obtained an Associate's or higher degree; or
- Met a rigorous standard of quality through a formal state and local academic assessment.

The District will not hire instructional teachers' aides who do not meet these standards.

Exception to these requirements may be made with regard to aides whose sole duties are to act as translators, coordinate parent involvement activities, perform clerical tasks, physically assist a special needs child, or act as playground or lunchroom supervisors.

Teachers' aides shall be under the direct supervision of licensed teachers and the building principal. Each teacher's aide shall have a job description that limits assigned duties to the scope of the individual's competencies.

**The Superintendent shall develop and implement procedures for an annual evaluation of teachers' aides. Evaluation result shall be a factor in future employment decisions.**

**Descriptor Code:** DKA Reduction In Force (RIF)  
**Adopted Date:** 11/12/1991  
**Amended Date:** 10/8/2002

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The Harvey Public School District's Board of Education has the right to determine the necessity for and scope of a reduction in force for reasons including, but not limited to, lack of or uncertainty of funds, enrollment decline, program elimination or curtailment, staff transfer or consolidation, or other reasons of necessity. Reduction in staff, as they become necessary, will be made on the basis of what has the least detrimental effect on children, and shall not be arbitrary or capricious.

Recommendations for staff reductions and the positions or personnel to be terminated will be made by the Building Principal or Supervisor of Schools for review, concurrence, and recommendation to the School Board for action according to procedures defined by the North Dakota Century Code.

Prior to recommendations to the School Board, a conference will be held with the teacher and/or teacher's representative.

It is recommended that the administration use all of the following when developing reduction-in-force recommendations:

- A. Affirmative action practices and needs of the District
- B. Class size
- C. Academic performance of the teacher in the classroom
- D. Contributions made to the teaching profession and the School District
- E. Adaptability of teacher in terms of multi-area certification
- F. Adaptability of teacher in terms of extracurricular assistance
- G. Grade level and subject taught
- H. Evidence of professional growth

When, in the judgment of the Building Principal or Supervisor, the above do not enable a distinction among considered staff, seniority will be used as the determining factor.

Staff members who have lost their positions because of this policy will be notified by the Superintendent or Superintendent's designate of any

**teaching openings in the school for a period of two years from the date of termination. Terminated staff may request and be given consideration for reemployment if a vacancy for which they are qualified should occur. It is the sole responsibility of terminated personnel to keep the district informed of current address. Terminated personnel who, if offered similar reemployment refuse a position offered will be removed from the recall list. Terminated personnel, if returned to service, will be placed on the salary/benefit schedule at the level they held when terminated unless additional training and experience attained subsequent to nonrenewal justifies a change.**



**Descriptor Code:** DKBA Separation of At-Will Employees  
**Adopted Date:** 8/10/2010  
**Amended Date:**

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Whenever possible, support personnel are requested to give notice of intention to terminate employment two weeks prior to resignation. Written notice of resignation should be addressed to the Superintendent and presented to the employee's immediate supervisor.

The Superintendent is authorized to discharge ancillary employees. The employee may be suspended during any investigation of which the employee is the subject. The Superintendent shall give the employee notice of the reason(s) and an opportunity to respond prior to discharge. The Board shall be notified of any suspension and/or discharge.

The District may terminate at-will employees at any time, with or without cause.

Descriptor Code: **DKBB Instructional Staff Resignations & Request for Release From Contract**

Adopted Date: **8/10/2010**

Amended Date:

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All professional staff members under contract with the District are expected to fulfill the entire term of the contract.

**Release from Contract:**

However, when a member of the professional staff requests a release from contract, the Board may exercise one of three options:

- Grant an unconditional release from contract.
- Deny temporarily or table the request with the understanding that the administration will be directed to facilitate the granting of the request by seeking an adequately qualified replacement.
- Deny the request.

Any such release from contract is subject to a payment of liquidated damages to the District.

No release shall be deemed granted until the Board has unconditionally approved it. Any teacher who has not been granted a release by the Board and who fails to fulfill a teaching contract with the District will be reported to the Education Standards and Practices Board.

**Resignation:**

Professional staff members who decide to leave the employment of the District at the end of their current contract are requested to submit a written resignation to the Superintendent immediately upon making the decision. The resignation shall indicate clearly the date upon which it is intended to be effective. No resignation shall be deemed effective until the Board has approved it.

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**Complementary Documents**

- DKBB-BR ~ Granting a Release from Contract

**Descriptor Code:** DKBB-BR Granting a Release From Contract  
**Adopted Date:** 8/10/2010  
**Amended Date:**

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**The Board may grant a release from contract for the following reasons:**

- **Reasons of personal health where a physician's statement supports the request.**
- **Serious illness or death in the immediate family that requires the teacher's absence for an extended period of time.**
- **The Board may, in its sole discretion, grant release from contract for other reasons.**

Descriptor Code: DKDA Early Retirement  
Adopted Date: 8/5/1996  
Amended Date: July 2017

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Certified, professional staff members, hereafter called staff members, who have a minimum twenty (20) years of continuous full-time service in the Harvey Public School District #38 prior to the date of their actual retirement, and who have reached the Rule of 85 as defined by North Dakota TFFR, are eligible for certain District-provided retirement benefits.

Early retirement is a fully voluntary option and no staff member shall be required or coerced to retire early under the provisions of this policy. All staff members who desire early retirement, and are eligible, may make an application. The Board of Education may approve a maximum of two requests per year and, thereafter, reserves the exclusive right to grant any additional early retirement requests. If more than two applications are received and/or an application request cannot be granted in a particular school year, the benefit the employee is entitled to shall not be reduced by ND TFFR Rule circumstances if the application request is reconsidered the following school year.

Early Retirement is a plan whereby staff members may receive a cash payment and a health insurance benefit if they choose to retire early. The cash payment is related to both accumulated sick leave at the conclusion of the school year in which an eligible application is made and the employee's length of service to the School District (see table 1), but in no circumstances may the employee be in excess of the Rule of 93 and receive any cash payment. Likewise, the health insurance benefit amount is related to the ND TFFR Rule at which the employee is situated and is based upon the actual Family or SPD Health Insurance benefit provided in the corresponding year's negotiated contractual agreement.

Staff members who elect this policy are personally responsible for determining what effect early retirement will have on their coverage under the North Dakota Teachers' Fund for Retirement, Social Security, and any other program for which they may be eligible for benefits.

A completed application and subsequent approval by the Board of Education of an early retirement request shall constitute a legally binding resignation and a waiver of both the applicant's continuing contract and non-renewal rights when all terms and conditions are agreed upon.

**On the effective date of early retirement, the staff member electing early retirement is no longer considered an employee of Harvey Public School District and, therefore, is not entitled to any of the benefits or privileges provided employees of Harvey Public School District except as provided through this policy.**

**All fringe benefits provided by the Harvey Public School District to staff members, with the exception of any provided through this policy, are discontinued at the conclusion of full-time employment, except that the determination date of fringe benefits may be extended to comply with provisions of the various group plans and companies providing coverage, so long as there is no additional expense incurred by the District.**

**Early retirees may be allowed to convert group benefit programs to individual plans if the District's insurance carriers writing such coverage approve such participation for retirees, provided there is no expense incurred by the District. However, no insurance carrier will be required to provide conversion programs for retirees unless this is already a condition of the contract with such carrier.**

**The Superintendent, or the Superintendent's designate, will provide information to interested staff members on the various aspects of the early retirement program upon request. The administration (Superintendent and/or Business Manager) shall compute the retirement benefits as per Table 1.**

**Approved applicants will receive medical insurance coverage based on Table 1. The payments will be made until the sum is used up or until the retiree reaches age 65, whichever ever comes first. After any medical coverage is exhausted, the retiree may remain in the group until age 65 provided the retiree pays the full monthly premium in advance. Once a retiree has withdrawn from the medical group coverage, the retiree may not re-enter the group coverage.**

**The early retirement application form "Application for Early Retirement" and the procedures outlined shall be followed in all early retirement requests.**

**This Early Retirement Policy / Program will be re-evaluated annually at the July School Board Meeting.**

**Should any portion of this policy either be discontinued by the District insurance provider or be declared illegal by a court of competent**

jurisdiction, said portion shall be automatically deleted from this policy to the extent that it is either discontinued or in violation of the law. The remaining portions shall remain in full force and effect until amended by the Harvey Public School Board of Directors.

**Table 1: Early Retirement Benefits Chart**

<u>ND TFFR</u> Rule	<u>Payment / Sick Day (1 Time Payment)</u>			<u>Insurance**</u> Benefit \$'s
	<u>20-24 Yrs. *</u>	<u>25-29 Yrs. *</u>	<u>30+ Yrs. *</u>	
Rule of 85-88 (2.0xBenefit)	\$75	\$90	\$105	\$19,800
Rule of 89-92 (1.5xBenefit)	\$25	\$30	\$35	\$14,850
Rule of 93+ (1.0xBenefit)	\$0	\$0	\$0	\$9,900

\* Years of Continuous Full-Time Service to the District  
 \*\* Based on 2017-18 Negotiated Agreement

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**Complementary Documents**

- DKDA-E ~ Early Retirement Application

**Descriptor Code: DKDAA Early Retirement ~ Administrative Staff**  
**Adopted Date: 11/24/2009**  
**Amended Date: July 2017**

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**Certified, professional administrative staff members, hereafter called administrative staff members, who have a minimum of 720 weeks or 3,600 days of continuous, full-time, contractual service in the Harvey Public School District #38 prior to the date of their actual retirement, and who have reached the Rule of 85 as defined by North Dakota TFFR, are eligible for certain District-provided retirement benefits.**

**Early retirement is a fully voluntary option and no administrative staff member shall be required or coerced to retire early under the provisions of this policy. All administrative staff members who desire early retirement, and are eligible, may make an application. The Board of Education may approve a maximum of two requests per year and, thereafter, reserves the exclusive right to grant any additional early retirement requests. If more than two applications are received and/or an application request cannot be granted in a particular school year, the benefit the employee is entitled to shall not be reduced by ND TFFR Rule circumstances if the application request is reconsidered the following school year.**

**Early Retirement is a plan whereby administrative staff members may receive a cash payment and a health insurance benefit if they choose to retire early. The cash payment is related to both accumulated sick leave at the conclusion of the school year in which an eligible application is made and the employee's length of service to the School District (see table 1). Likewise, the health insurance benefit amount is related to the ND TFFR Rule at which the employee is situated and is based upon the actual Family or SPD Health Insurance benefit provided in the current year's negotiated contractual agreement.**

**Administrative staff members who elect this policy are personally responsible for determining what effect early retirement will have on their coverage under the North Dakota Teachers' Fund for Retirement, Social Security, and any other program for which they may be eligible for benefits.**

**A completed application and subsequent approval by the Board of Education of an early retirement request shall constitute a legally binding resignation and a waiver of both the applicant's continuing contract and non-renewal rights when all terms and conditions are agreed upon.**

**On the effective date of early retirement, the administrative staff member electing early retirement is no longer considered an employee of Harvey Public School District and, therefore, is not entitled to any of the benefits or privileges provided employees of Harvey Public School District except as provided through this policy.**

**All fringe benefits provided by the Harvey Public School District to administrative staff members, with the exception of any provided through this policy, are discontinued at the conclusion of full-time employment, except that the determination date of fringe benefits may be extended to comply with provisions of the various group plans and companies providing coverage, so long as there is no additional expense incurred by the District.**

**Early retirees may be allowed to convert group benefit programs to individual plans if the District's insurance carriers writing such coverage approve such participation for retirees, provided there is no expense incurred by the District. However, no insurance carrier will be required to provide conversion programs for retirees unless this is already a condition of the contract with such carrier.**

**The Superintendent, or the Superintendent's designate, will provide information to interested administrative staff members on the various aspects of the early retirement program upon request. The administration (Superintendent and/or Business Manager) shall compute the retirement benefits as per Table 1.**

**Approved applicants will receive medical insurance coverage based on Table 1. The payments will be made until the sum is used up or until the retiree reaches age 65, which ever comes first. After any medical coverage is exhausted, the retiree may remain in the group until age 65 provided the retiree pays the full monthly premium in advance. Once a retiree has withdrawn from the medical group coverage, the retiree may not re-enter the group coverage.**

**The early retirement application form, the Early Retirement Benefits Chart (Table 1), and the procedures outlined shall be followed in all early retirement requests.**

**This Early Retirement Policy / Program will be re-evaluated annually at the July School Board Meeting beginning in July 2010.**



Should any portion of this policy either be discontinued by the District insurance provider or be declared illegal by a court of competent jurisdiction, said portion shall be automatically deleted from this policy to the extent that it is either discontinued or in violation of the law. The remaining portions shall remain in full force and effect until amended by the Harvey Public School Board of Directors.

**Table 1: Administrative Staff Early Retirement Benefits Chart**

<u>ND TFFR</u>  <u>Rule</u>	<u>Payment / Sick Day (1 Time Payment)</u>			<u>Insurance**</u>
	<u>720-899</u> <u>Weeks *</u> (3,600-4,499 Days)	<u>900-1079</u> <u>Weeks *</u> (4,500-5,399 Days)	<u>1080+</u> <u>Weeks *</u> (5,400+ Days)	<u>Benefit \$'s</u>
<b>Rule of 85-88 (2.5xBenefit)</b>	\$100	\$115	\$130	\$24,750
<b>Rule of 89-92 (2.0xBenefit)</b>	\$75	\$90	\$105	\$19,800
<b>Rule of 93+ (1.5xBenefit)</b>	\$25	\$30	\$35	\$14,850

\* Weeks of Continuous, Full-Time, Contractual Service to the District  
 \*\* Based on 2017-18 Contract

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**Complementary Documents**

- DKDAA-E ~ Early Retirement Application