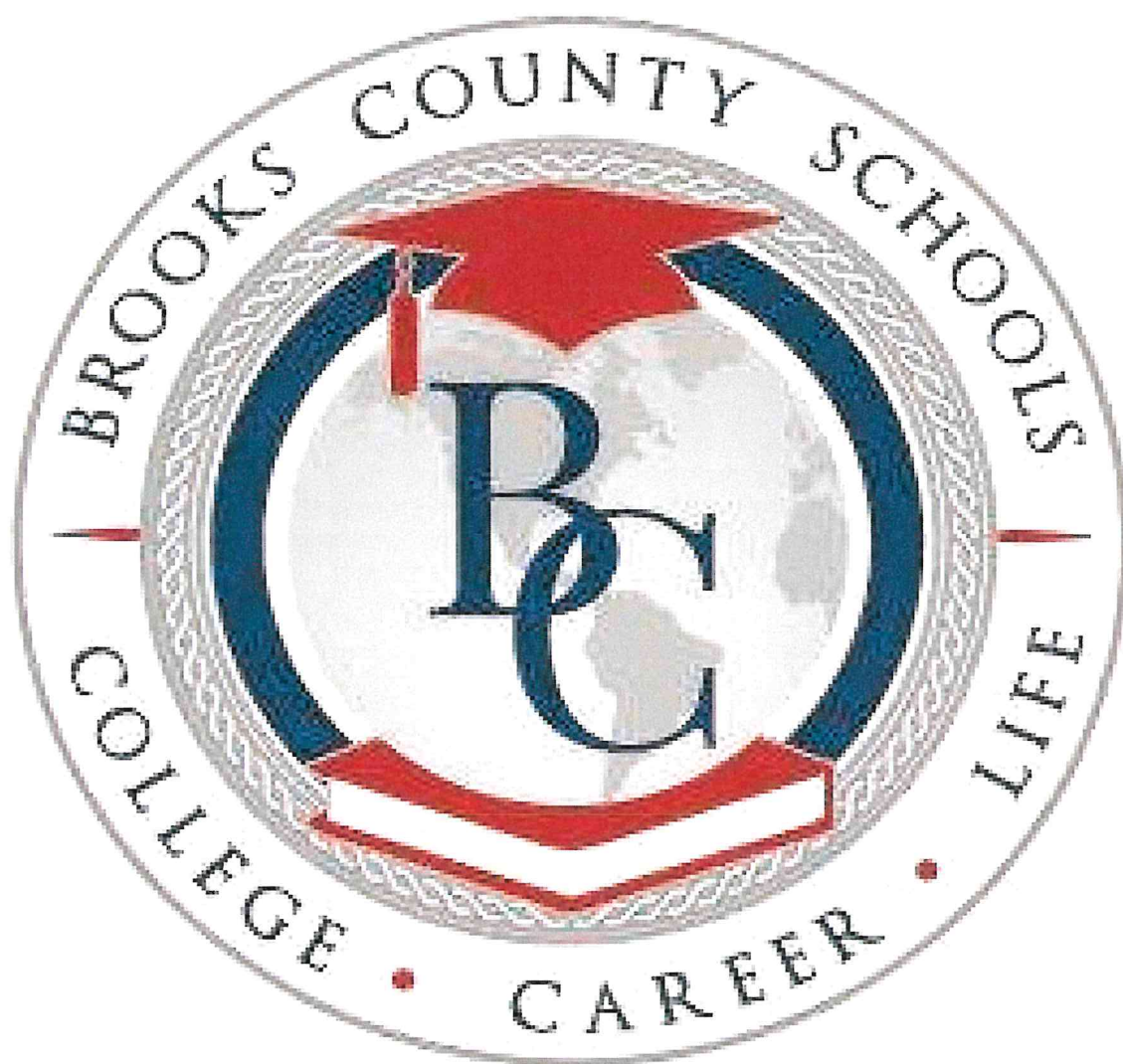


PERSONNEL HANDBOOK



**Brooks County Board of Education
P. O. Box 511
1081 Barwick Rd.
Quitman, Georgia 31643**

Pledge to Inspire and Educate Every Student

Table of Contents

ATTENDANCE	3
BACKGROUND CHECKS	3
BENEFITS	3
BOARD OF EDUCATION	4
CERTIFICATION / LICENSING	4
CHILD ABUSE AND NEGLECT REPORTING	5
COMPUTER AND INTERNET USE BY EMPLOYEES	5
DIRECTORY INFORMATION	6
DRESS CODE FOR EMPLOYEES	6
DRUG – FREE WORKPLACE	6
DRUG FREE PUBLIC WORK FORCE ACT OF 1990	8
DRUG FREE SCHOOL ZONE	8
EMERGENCY SCHOOL CLOSINGS	8
EMPLOYEE IMPROVEMENT AND DISCIPLINARY ACTIONS	8
ETHICS	9
EVALUATION	9
GRIEVANCES AND COMPLAINTS	9
HEALTH CERTIFICATION AND FITNESS FOR DUTY	9
LEAVE	10
EARNING, ACCUMULATION, AND USE OF LEAVE	10
TYPES OF ALLOWABLE PAID LEAVE	11
OVERTIME FOR NON-EXEMPT EMPLOYEES	13
PAY DAY	13
PERFORMANCE EXPECTATIONS	14
PERSONNEL RECORDS	14
RECRUITMENT	14
RESIGNATION	15
RETIREMENT	15
SALARY	15
SEXUAL HARASSMENT AND SEXUAL VIOLENCE	15
STATEMENT OF NON-DISCRIMINATION	17
STAFF-STUDENT RELATIONS	17
TOBACCO USE BY EMPLOYEES	17
TRANSFERS	17
CERTIFICATE UPGRADE INSTRUCTIONS	18
WEAPONS	18
WORKER'S COMPENSATION	18
505-6-.01 THE CODE OF ETHICS FOR EDUCATORS	19
Appendix	23
Paid Parental Leave (PPL), Family Medical Leave Act (FMLA)	

HANDBOOK INFORMATION AND DEFINITIONS

The information in this booklet summarizes Brooks County Board of Education policies and system procedures. This personnel handbook is a guideline to CURRENT policies, procedures, practices, etc. and is subject to change. It must not be considered a contract, or part of a contract.

Employees who do not have a written contract are at-will employees. At-will means either the employee or the employer can terminate the employment relationship at any time with or without cause.

The handbook is organized by topic alphabetically.

The term **Certified Personnel** shall apply to all employees of the school system who fill positions requiring valid certificates issued by the Professional Standards Commission (PSC) and are under contract with the Brooks County Board of Education. Certified personnel may also be referred to as Teacher, Educator, Administrator, Director, and/or Professional.

For the purposes of this handbook, the term **Classified Personnel** shall apply to all employees of the school system who fill positions other than those who are certified and under contract. Licensed personnel (paraprofessionals, school bus drivers) will be considered classified personnel. Classified personnel are at-will employees. At-will means either the employee or the employer can terminate the employment relationship at any time with or without cause.

ATTENDANCE

In order for our organization to achieve its desired goals, good attendance and punctuality are necessary. Regular and prompt attendance is expected and required of our employees. If it is absolutely necessary to be absent or late to work, employees must notify their supervisor at least one day in advance when possible. In case of emergency or other circumstances when it is impossible to give advance notice, employees must personally call the supervisor or his/her designee before time to report to work. Failure to call in if you are going to be absent can be grounds for dismissal. The system reserves the right to request documentation from a health care provider for any absences. Failure to maintain regular and prompt attendance may result in disciplinary action and/or termination. Exceeding allotted sick leave days may be grounds for dismissal. See also "Leave."

BACKGROUND CHECKS

All individuals selected for hiring are subject to background and reference checks, including fingerprinting. Refusal to submit to the background check, being intentionally untruthful or misleading on the application, or failing to disclose any arrests or convictions will result in invalidation of any contract or employment agreement. All employees are subject to a criminal background check at least every five (5) years.

BENEFITS

Benefits are a large part of the total compensation package for employees and are designed to meet the most important needs of a majority of employees. The employee's benefit package is reviewed periodically and improved whenever possible and appropriate. Any and all employment benefits, with the exception of those benefits mandated by State Statute, are contingent and conditioned upon those benefits being

funded and budgeted by the Board of Education. All benefits are based on the availability of funding compared to overall system goals and needs. Any and all benefits, which are funded and/or controlled by the local Board of Education, may be modified, suspended or terminated by the Brooks County Board of Education at any time. Benefits should not be considered vested rights of employees. Open enrollment is held each year when employees may enroll or change options or coverage, subject to the described conditions in the plan. Employees will be notified of dates and procedures for open enrollment. For information regarding specific benefits you may contact the Payroll/Benefits Department.

BOARD OF EDUCATION

The Brooks County Board of Education sets its schedule each year at the January meeting. Please refer to the Brooks County Schools website, www.brooks.k12.ga.us, for more specific information. All official meetings of the Board of Education are open to the public.

All Board of Education policies and other information may be found by clicking the appropriate link on the Brooks County School System webpage.

Initial employment, promotions, and certain other personnel actions require Board of Education approval. Failure to obtain Board of Education approval may invalidate any arrangement, and may require payback of any money expended by the Brooks County School System.

It shall be the policy of the Brooks County Board of Education to maintain open lines of communication with regard to any problems, which may arise in the school system. However, it is expected that employees will approach problems in a professional manner, following the established chain-of-command, and will seek solutions, which will be in keeping with the interests of the children whom they serve. Such an approach made in good faith by both the Board of Education and the employee(s) should render unnecessary any demonstrations, adverse publicity, or other activities, which are detrimental to the educational process.

CERTIFICATION / LICENSING

It is the responsibility of all certified employees to obtain and maintain required certification. Georgia law requires that teachers in Georgia Public Schools have a certificate issued by the Georgia Professional Standards Commission.

Information Hotline: 1-800-869-7775

Status Line: (404) 232-2510

PSC Website: www.gapsc.com

E-mail: mail@gapsc.com

Certified employees and paraprofessionals can go to www.gapsc.com to view their certificate/license. Click on "check certification status", then enter the name or certificate identification number. The name entered must be exactly as it appears on the certificate. This will bring the certificate up for viewing. Note that use of the social security number will no longer allow access.

A teaching certificate reflecting a higher level of certification must be received by the Personnel Department no later than May 15 in order to receive any salary adjustment for the current academic year. A teaching certificate received after May 15 will not be recognized for salary purposes until the next school year. Upon receipt of a teaching certificate on or before May 15, the salary will be adjusted to the proper level and full compensation will be paid retroactively to the effective date of the new level, but will not be paid retroactively into the previous fiscal year. For more information see "Upgrade Instructions."

Salaries will be established on the highest valid certificate level pursuant to state law and rules set by the Professional Standards Commission.

Contracts are issued contingent upon the teacher's securing and continuing to hold a valid certificate issued by the State of Georgia. If the teacher is unable to be properly certified, as required by the Every Student Succeeds Act (ESSA), the system may take the following actions:

- The educator's contract may be nullified or non-renewed, and/or
- The educator may be re-assigned, and/or
- The daily rate of pay may be adjusted to that of a substitute teacher from the date of employment or the date the certificate became invalid, whichever is more recent.

All Brooks County paraprofessionals must hold a valid state Paraprofessional certificate issued by the Professional Standards Commission. Brooks County paraprofessionals follow the guidelines established by the Professional Standards Commission as well as local regulations.

To renew any certificates issued by the Professional Standards Commission, the employee must have a criminal record check made and prove legal presence. Professional development requirements, currently suspended by the legislature, are being revised. It is the responsibility of the employee to maintain and continue to hold certification.

All bus drivers must have a valid Commercial Driver's License (CDL) with P and S endorsements and must successfully complete the training course prescribed by the State of Georgia.

Other staff may be required to hold the Support Staff License issued by the Georgia Professional Standards Commission.

In certain cases, other licenses may be required (e.g. LPN or RN licenses for nurses, etc.) Certain other specified positions may also require licensing.

CHILD ABUSE AND NEGLECT REPORTING

Georgia educators are required to report suspected child abuse and neglect to the appropriate authorities.

"Any child under 18 years of age who is believed to have had physical injury or injuries inflicted upon him or her, other than by accidental means, by a parent or caretaker or has been neglected or exploited by a parent or caretaker or has been sexually assaulted shall be identified to a child welfare agency providing protective services where the child lives and having been designated to the county's Department of Family and Children Services by state law and the Georgia Department of Human Resources."

Any employee who suspects, or has reason to suspect that a child under the age of 18 years of age has been the victim of physical or sexual abuse **MUST** report that suspected abuse to the school social worker and/or building principal as soon as possible. If the report is made to the building principal, the principal shall immediately contact the school social worker. The school social worker shall be responsible for making contact with either the Brooks County Department of Family and Children's Services or the Brooks County Sheriff's office so that an appropriate investigation can be conducted.

COMPUTER AND INTERNET USE BY EMPLOYEES

Employees are to utilize the school system's computers, networks, e-mail, and Internet

services for school system-related purposes and in the performance of their job duties. Incidental personal use of the school system technology is permitted as long as such use does not interfere with the employee's job duties and performance, with system operations, or other system users. Personal use must comply with the "Computer and Internet Use" policy and all other applicable policies, procedures, and rules. Unacceptable uses of computers and the internet can be found in local board policy IFBGC. These include, but are not limited to:

- Any use that is illegal or in violation of other BOE policies
- Any use involving material that could be considered obscene, pornographic, or sexually explicit
- Any inappropriate communications with students or other minors
- Any use for private financial gain or commercial advertising or solicitation
- Downloading or loading software applications without permission
- Social networking other than for professional purposes
- Advocating or campaigning for a particular candidate in a local, state, or national election

Note: Access to Brooks County Schools networks, emails, etc. will be terminated immediately upon resignation of an employee.

DIRECTORY INFORMATION

The Brooks County Board of Education, in compliance with privacy laws concerning personnel files, will release as directory information without the consent of the employee the following information:

1. Name of employee
2. If and where employed

Lists of pupils or teachers may not be distributed to persons or organizations without the approval of the Superintendent or his/her designee.

DRESS CODE FOR EMPLOYEES

The Brooks County Board of Education recognizes that the dress and grooming of employees are significant factors in the educational process of students. Furthermore, creating an exemplary model for students is desirable. In keeping with this understanding, every employee of the Brooks County School District will be requested to maintain a level of personal hygiene necessary to ensure an appropriate educational environment and to refrain from any mode of dress which is not exemplary for students. Every employee of the Brooks County District System is required to observe a standard which exceeds those standards required in the policies and regulations for student dress and grooming. (Refer to the student handbook.) Employees will be expected to adhere to administrative regulations related to appropriate dress/equipment for safety purposes. The school principal or supervisor will determine, in his or her sole judgment, whether a particular style of dress or grooming is appropriate for his/her employees.

DRUG – FREE WORKPLACE BCBOE POLICY - GAMA

The Brooks County Board of Education declares that the manufacture, distribution, sale or possession of controlled substances, marijuana and other dangerous drugs in an unlawful manner or being at work under the influence of alcohol, controlled substances, marijuana or other dangerous drugs is a serious threat to the public health, safety and welfare. With this in mind, the Board declares that its work force must be absolutely free of any person who would knowingly manufacture, distribute, sell or possess a controlled substance, marijuana or a dangerous drug in an unlawful manner. This prohibition specifically includes, but is not limited to, the unlawful

manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol in the employee's workplace. This prohibition also includes, but is not limited to, an employee being under the influence of alcohol or controlled substances while on duty.

Any employee who is convicted for the first time, under the laws of this state, the United States, or any other state, of any criminal offense involving the manufacture, distribution, sale or possession of a controlled substance, marijuana or a dangerous drug shall be subject to disciplinary action. At a minimum, such an employee shall be suspended for a period of not less than two months and shall be required to complete, at his or her own expense, a drug abuse treatment and education program licensed under Chapter 5 of Title 26 of the Official Code of Georgia and approved by the board. At a maximum, such an employee may be terminated from his employment with the school system. Any employee who is convicted for a second or subsequent time under the laws of this state, the United States, or any other state, of any criminal offense involving the manufacture, distribution, sale or possession of a controlled substance, marijuana or a dangerous drug shall be terminated from his or her employment and shall be ineligible for employment for a period of five years from the most recent date of conviction.

If, prior to an arrest, indictment or charge for an offense involving a controlled substance, marijuana or a dangerous drug, an employee notifies the Superintendent or the Superintendent's designee that the employee illegally uses a controlled substance, marijuana or a dangerous drug and is receiving or agrees to receive treatment under a drug abuse treatment and education program licensed under Chapter 5 of Title 26 of the Official Code of Georgia and approved by the Board, the employee shall be entitled to maintain his or her employment for up to one year as long as the employee follows the treatment plan. During this period, the employee shall not be separated from employment solely on the basis of the employee's drug dependence, but the employee's work activities may be restructured if practicable to protect persons or property. No statement made by an employee to the Superintendent or the Superintendent's designee in order to comply with this code section shall be admissible in any civil, administrative or criminal proceeding as evidence against the public employee. The rights granted by this policy shall be available to an employee only once during a five-year period and are intended to be and shall be interpreted as being the same as those minimum rights granted pursuant to the Georgia Drug-Free Work Force Act and any subsequent amendments thereof.

As a condition of employment, each employee must abide by the terms of this policy and must notify the Board within five days after any arrest on any drug-related criminal charge and further notify the board within five days of any conviction of a drug-related offense.

A copy of this policy shall be disseminated to all employees either directly or through employee handbooks.

The Brooks County Board of Education shall not consider for employment any applicant who has been convicted for the first time of any drug offense as described above for a three month period from the date of conviction nor shall the Board of Education consider any applicant for employment who has been convicted for the second time of any drug offense as described above for a five year period from the most recent date of conviction.

For purposes of this policy, "conviction" refers to any final conviction in a court of competent jurisdiction, specifically including acceptance of a plea of guilty, nolo contendere, or any plea entered under the First Offenders Act of Georgia or any comparable state or federal legislation.

No certified employee or employee with a contract for a definite term shall be subject to suspension or termination pursuant to this policy except in compliance with the provisions of the Fair Dismissal Act of Georgia, Official Code of Georgia Annotated § 20-2-940 through 947. This policy is not intended and shall not be interpreted as prohibiting the school system from taking appropriate disciplinary action against any employee where there exists evidence that an employee uses, distributes or sells illegal drugs even though the employee has not been convicted of any criminal offense or where there exists evidence that an employee is under the influence of alcohol while on duty, except that the school system may not use the statement of any employee to the superintendent requesting treatment as described in this policy.

The School District shall provide such staff development as required by state or federal law to inform employees of the dangers of drug abuse, the availability of employee assistance and drug counseling and treatment and the terms of this policy.

DRUG FREE PUBLIC WORK FORCE ACT OF 1990

The following penalties result from the conviction of any school system employee who is convicted of a criminal offense involving drugs. This applies only to criminal drug offenses committed on or after July 1, 1990.

- First Offense: Job suspension for a minimum of two months and completion of a licensed drug abuse treatment and education program.
- Second or Subsequent offense: Job termination and ineligibility for public employment for a five-year period.

The following penalties result from conviction of a criminal offense involving drugs for any person who is seeking employment with the school system:

- First Offense: Ineligibility for any type of employment with the school system for a three-month period from the date of conviction.
- Second or Subsequent Offense: Ineligibility for any type of employment with the school system for a five-year period from the most recent date of conviction.

The following provisions apply to school system employees who notify their employer of their illegal use of drugs:

- Employees are allowed to maintain their jobs for a one-year period as long as they follow an approved drug treatment program.
- Employers cannot separate the employees from their jobs during this one-year period solely on the basis of the employee's drug dependence.
- Employers may restructure the employee's work activities to protect persons or property.
- Employers cannot use statements made to them by employees concerning their drug problems in any civil, administrative or criminal proceeding as evidence against the employees.
- These four provisions stated above are available to a school system employee only once during a five-year period; however, these provisions do not apply if the employee has refused to be tested or has tested positive to illegal drugs.

DRUG FREE SCHOOL ZONE

It is illegal for a person to engage in illegal drug activity in, on, or within 1,000 feet of any real property owned or leased by a public or private elementary or secondary school. Violation of this policy will result in immediate termination of employment.

EMERGENCY SCHOOL CLOSINGS

The Superintendent or his designee shall determine and announce to the public when emergency closings are deemed necessary. Such decisions relating to hazardous weather conditions or other emergencies, which present threats to the safety of students, school staff members or school property shall be at the direction of the Superintendent.

EMPLOYEE IMPROVEMENT AND DISCIPLINARY ACTIONS

Employees are expected to adhere to basic rules of conduct, attendance, and standards

of performance. In the event that improvement in any area is indicated, it shall be the responsibility of the supervisor/principal to discuss and/or document the situation with the employee and make reasonable efforts to assist the employee in making improvements. Written or verbal corrections, directives, warnings, Professional Development Plans, etc. may be issued to identify the area the employee was deficient in and establish a corrective action plan. Failure to correct identified problems could result in disciplinary action and/or termination of employment. Additionally, employees are expected to maintain an exemplary reputation in the community. Actions which could discredit the employee in the eyes of the community or that have the potential to reduce the employee's ability to function adequately in his/her assigned role may give cause for an adverse employment action.

ETHICS

The Code of Ethics for Educators is included as an appendix in the back of this booklet. While it addresses only those educators with a certificate or license issued by the Professional Standards Commission, ALL employees of the Brooks County School System will be expected to be familiar with and adhere to its provisions. In addition, each employee is expected to observe standards of personal and professional conduct, which will reflect favorably on him or herself and on the school system. Forms and instructions to report a suspected ethics violation may be found at www.gapsc.com or the Brooks County School System Personnel Department. Failure to report a violation is considered a violation in and of itself.

EVALUATION

The Brooks County Public Schools conduct performance appraisal of all employees. Current state law requires that all employees be evaluated annually. The primary purposes of performance appraisal are to identify strengths and weaknesses, improve communication and develop priorities for employment and to improve the quality of education. The Brooks County Board of Education authorizes the system Superintendent to select and implement the evaluation method to be used to evaluate its certificated personnel.

Classified employees shall be evaluated annually by their immediate supervisor. The supervisor will complete the evaluation by June 1 of each school year. The supervisor will meet with the employee to review and discuss the performance appraisal. The employee will acknowledge receipt of the performance appraisal by his or her signature. A copy of the performance appraisal will be given to the employee. One copy will be kept on file in their personnel file.

GRIEVANCES AND COMPLAINTS

Please see Brooks County BOE Policy GAE.

HEALTH CERTIFICATION AND FITNESS FOR DUTY

Bus drivers must pass a physical examination as a condition of employment. Bus drivers are also required to have a physical exam and file a medical report each year as a condition of continual employment. Cafeteria workers must pass a tuberculin skin test and/or x-ray, as a condition of employment.

Upon return from sick leave, any employee may be required to provide a "Fitness for Duty" form completed by their health care provider. These forms may be found in the back of this handbook. If an employee is unable to perform the essential function of his/her job due to impaired health, disability, or a dangerous communicable disease, the school system will consider whether any reasonable accommodation would enable the employee to continue employment. Accommodation is not reasonable if it imposes an undue financial or administrative burden on the system or requires a change in the nature of the employee's job. If a reasonable accommodation is not available, or if the employee

cannot perform the essential functions of his/her job even with reasonable accommodation, appropriate steps will be taken to terminate his/her employment.

LEAVE (BC BOE Policy GARH)

This policy shall apply to all benefits-eligible employees of the Board of Education ("the Board"). All employees are required to follow the appropriate work calendar established by the Superintendent or designee for their positions and may take leave from work only in accordance with this policy or other leave policies enacted by the Board. Unless otherwise provided by the Superintendent, principals and other supervisors are not authorized to rearrange the work calendars of employees. Deductions in pay will be made for absences not covered by this policy.

Regular and prompt attendance is expected and required of all employees. Failure to maintain regular and prompt attendance may result in disciplinary action and/or dismissal. Exceeding allotted leave days may be grounds for dismissal. Failure to follow procedures for calling in prior to an absence may be grounds for dismissal. Employees will be expected to notify their supervisor that they will be tardy or absent as early as possible, but before time to report to work. Each school and/or department shall establish procedures and document that employees have received those procedures.

Nothing in this policy shall be construed as condoning any tardiness or absence from work without good and justifiable cause.

EARNING, ACCUMULATION, AND USE OF LEAVE

Each benefits-eligible employee of the Board shall be allowed to earn aggregate leave (regardless of type), with full pay, as provided below for each employee category: Teachers and other certificated employees shall earn leave computed on the basis of one and one-fourth (1 1/4) days for each completed contract month of service. Leave accumulated by a certificated employee is transferable from one school system to another, up to a maximum of 45 days. Certificated employees may accumulate unused leave from one fiscal year to the next, up to a maximum of 60 days, although the Teacher Retirement System of Georgia allows participating employees to accumulate an unlimited number of unused leave days for credit toward retirement. Accumulated leave will be forfeited if the employee withdraws from service for twelve or more consecutive months, but such forfeited leave may be reinstated in accordance with the provisions of O.C.G.A. § 20-2-850.

Bus drivers and bus monitors shall earn leave computed on the basis of one and one-fourth (1 1/4) working days for each completed month of service (20 days equates to one month.) Leave accumulated by a bus driver is transferable from one school system to another, up to a maximum of 45 days. The system reserves the right to compensate bus drivers and bus monitors in advance at their daily rate for their earned leave each month as part of their salary.

Full-time (32 or more hours per week) school food service employees shall earn (12.5) days of leave per school year which may be accumulated from one school year to the next.

Other full-time non-certificated employees shall earn leave computed on the basis of one and one-fourth (1 1/4) days for each completed month of service. Other non-certificated employees may accumulate unused leave from one fiscal year to the next up to a maximum of 60 days, which is not transferable from one school system to another.

The system reserves the right, but is in no way obligated, to advance up to fifteen (15) days of leave provided said employee has accumulated sufficient deferred salary (summer pay) to cover the days advanced.

TYPES OF ALLOWABLE PAID LEAVE

SICK LEAVE

Accumulated leave may be used as sick leave upon the approval of the Superintendent or designee for absence due to personal illness or injury, exposure to contagious diseases, or for absences necessitated by illness or death in the employee's immediate family. For any absence in which leave is used, the Superintendent or designee may require a physician's certificate stating that the employee is ill and is unable to perform his or her duties. In the event that sick leave is used to care for a member of the immediate family, the Superintendent or designee may require a physician's certificate stating that the employee is needed to care for the sick family member.

For the purposes of absences for medical and related reasons, members of the immediate family are defined as spouse, children, parents, siblings, in-law equivalents of the same, grandparents, grandchildren or relatives living in the employee's household.

PERSONAL LEAVE

Employees may use up to (3) days of accumulated leave per school year for personal leave if the procedures for requesting the personal leave specified by the supervisor have been followed and if the presence of the employee requesting absence is not essential for effective school operation as determined by the employee's supervisor. Unused personal leave will be carried forward to the next school year as unused leave. A Personal Leave form must be filed and approved by the Superintendent or designee prior to Personal Leave. Unless otherwise approved by the Superintendent or designee, personal leave will not be granted during pre-planning, post-planning, in-service days or on the day before or day after holidays. In addition, personal leave will not be granted during the first week of the student school year or during the last week of the student school year, unless the Superintendent or designee, in his or her discretion, determines that such leave should be granted. The Superintendent or designee may refuse to allow an employee to take personal leave if the employee's responsibilities cannot be covered in-house. Employees are not required to disclose the purpose for which such absence is sought but will be required to state that the absence is for "personal" reasons.

If an employee desires to take leave for the observance of recognized religious holidays in excess of the days allowed for personal leave, the employee may take unpaid leave for such purposes, provided that such leave is not excessive and does not interfere with fulfilling the obligations of his or her job.

PROFESSIONAL LEAVE

Professional leave may only be taken at the request of the school district or when required in conjunction with the district's routine professional development or training activities and will not be charged against the employee's accumulated leave. System and school procedures and timelines must be followed for requesting professional leave. The Board must approve all out-of-state professional leaves.

JURY AND WITNESS LEAVE

Each employee shall be allowed leave with pay for the purposes of serving as a juror in any court or when attending a judicial proceeding in response to a subpoena or other

court order or process that requires the employee's attendance at the judicial proceeding in a work-related matter. Jury and/or witness leave shall not be deducted from an individual's accumulated personal, professional or sick leave. No employee utilizing jury or witness leave shall be required to pay the cost of employing a substitute to serve during his or her absence for such leave. Employees who serve on juries or who are subpoenaed to attend a judicial proceeding in a work-related matter may keep any jury/witness pay they receive.

MILITARY LEAVE

All employees are entitled to paid leave not to exceed eighteen days in any one federal fiscal year for the purpose of complying with ordered military duty with the armed forces of the United States or State of Georgia, including duty as a voluntary member of the National Guard or any reserve component of the United States or State of Georgia. In the event the Governor declares an emergency that results in an employee being ordered to military duty as a member of the National Guard, the employee is entitled to leave not exceeding thirty days in any one federal fiscal year. Employees who have military commitments shall inform the Superintendent or designee annually, provide a copy of the official military orders, and cooperate to the extent possible in scheduling such leave so as to minimize the disruption in those employees' duties and the mission of the Board of Education.

BEREAVEMENT LEAVE

When employees are absent due to a death in the immediate family (immediate family are defined as spouse, children, parents, siblings, in-laws and equivalents of the same, grandparents or grandchildren) of an employee of the Brooks County School District, a leave of absences will be granted to a maximum of three days in accordance with the rules and regulations of the Board, and such leave will not be charged against sick leave. Absence in excess of the maximum approved days due to death in the immediate family will be charged against sick leave.

LEAVE FOR STUDENT TEACHING

Employees that are not under contract who are completing student teaching for initial teacher certification must request unpaid leave for the term of their student teaching assignment – even if the student teaching assignment is in their current school or classroom.

SICK LEAVE DONATIONS BETWEEN EMPLOYED STAFF

An employee may donate up to ten (10) days of sick leave to any employee of the school district for purposes of maternity leave, illness, or illness or death of a family member.

FAMILY AND MEDICAL LEAVE ACT (FMLA) PAID PARENTAL LEAVE ACT (PPL)

See board Policy GBRIG. All information, guides, and procedures Family and Medical Leave as well as the Paid Professional Leave Act will be listed in the appendix

VACATION LEAVE

Persons employed by the Board of Education on a twelve-month basis are entitled to (10 working days) annual leave, to be scheduled between July 1 and June 30 with the

approval of the Superintendent or designee. Vacation days can not be carried over from one fiscal year to the next, nor will an employee be compensated for unused vacation days.

CONSOLIDATION

This policy GAHR consolidates, replaces and supersedes Policies GBRH, GBRI, GCRG, GCRGA and GCRGB, all of which are hereby repealed upon adoption of this Policy.

OVERTIME FOR NON-EXEMPT EMPLOYEES

Overtime for non-exempt employees paid monthly shall be defined as those hours or major fraction of hours beyond 40 in a seven-day work week beginning at 12:01 a.m. on Monday and ending at 12:00 midnight on Sunday. **All overtime shall be approved, in advance, by the superintendent of schools or his/her designee.** This regulation shall apply to all employees defined as non-exempt under FLSA. Employees defined as exempt under FLSA (teachers, administrators, and classified supervisory staff) are compensated at a professional/supervisory level and are not eligible for additional compensation since it is anticipated that their positions may require overtime.

All overtime hours worked will be compensated at the rate of 1 and 1/2 times the employee's regular rate of pay. Compensatory time may be substituted for cash payment at the rate of 1 and 1/2 times the number of hours worked over 40 hours per week pursuant to an understanding arrived at between the employer and employee prior to performance of the work. The appropriate administrator or his/her designee must approve compensation (comp) time in advance. All approved compensation (comp) time **must be used in the pay period** in which said compensation (comp) time was earned.

Commensurate with records required by the FLSA, a daily time record for non-exempt employees must be maintained by the supervisory administrator as an audit record for all regular and overtime hours worked. At the end of each payroll period the supervising administrator must provide a written certified record of all performed overtime. Such information shall be entered in the permanent overtime record maintained in the finance department. For positions in which regular overtime is required, pay scales will be created to reflect this.

PAY DAY

In most instances, salaries are paid monthly over a twelve-month period of time and **checks go out on the last working day of the month.** Payroll deductions are made from the employee's gross pay for mandatory requirements such as federal income tax, state income tax, Medicare tax, retirement and for other purposes that benefit the employee such as insurance, credit union, etc. Each employee must provide the Finance Office with pertinent information relative to withholding tax exemption and an authorization for other payroll deduction at the time of employment. Employees are required to use direct deposit.

PERFORMANCE EXPECTATIONS

All employees are expected to perform assigned duties in a courteous, professional, conscientious, and timely manner. All employees are expected to maintain good

attendance. All employees are expected to follow any applicable law, statutes, and ordinances while in the performance of their duties. Failure to perform assigned duties or significant deviation from the expected performance standard may result in disciplinary action or termination.

PERSONNEL RECORDS

The Brooks County School district shall maintain a personnel file for each employee. The personnel file shall contain all documents necessary for the administration of personnel employed by the school system, excluding medical records relating to the American Disabilities Act, Family and Medical Leave Act, Omnibus Transportation Employee Testing Act of 1991, and Workers' Compensation. Personnel records of employees are legally defined as confidential. In order to protect confidentiality rights of employees, administrators, and teachers, no employee shall release any document, documents or information, which would not be construed to be an open record pursuant to O.C.G.A. Section 50-18-70. The following personnel information shall not be disclosed unless otherwise excepted by law or the written consent of the subject has been obtained: home address, home telephone number, social security number, insurance information, medical information, mother's maiden name, day and month of birth, credit card or debit card numbers, bank account information and financial data or information. When responding to requests for information, the above items shall be redacted from the materials provided.

Personnel information requested by government agencies, school systems, public colleges, and public universities may be provided within the parameters of this policy. Employee name, employment date, position title, duty station, record of performance, and salary or wage data may be disclosed to businesses at the request of the employee. Personnel records shall be produced upon receipt of appropriate court orders or subpoena.

It is the responsibility of the employee to inform the Central Office when there are changes in the home address, phone number and number of dependents. It is important to be aware of the person named as beneficiary of the employee's life insurance and retirement plans and to notify the State Benefit's Department should a change of beneficiary be desired.

RECRUITMENT

The Brooks County School System secures the personnel it needs by an effective recruitment program based on alertness to good candidates, initiatives that results in prompt action, and good personnel practices in dealing with applicants. The Brooks County School System is an equal opportunity employer. No person shall be denied employment, re-employment or advancement nor shall be evaluated on the basis of sex, marital status, race, color, creed, age, disability or national origin.

Certified applicants should apply on-line by following instructions given on the Brooks County Schools website, www.Brooks.k12.ga.us. Classified applicants may pick up an application at the board office, 1081 Barwick Rd..

RESIGNATION

Employees are requested to complete the "Form for Reporting Intention to Resign or Retire" or write a letter as soon as the decision for resignation is made. Employees under contract must be released from their contractual obligations by the Brooks County Board of Education. In certain instances, an employee may be required to complete their contract.

RETIREMENT

All employees of the Brooks County School System who are employed one-half time or more are required to be members of the Teachers Retirement System of Georgia (TRS) or the Public-School Employees Retirement System (PSERS). Retirement under both of these retirement systems is governed by Georgia Law. All employees shall have deductions made according to the rules and regulations of the appropriate retirement system.

Public School positions covered by TRS include teachers, administrators, supervisors, clerks, teacher aides, secretaries, and paraprofessionals. Other public-school personnel eligible for TRS membership include classified managers and supervisors in the food service, maintenance, transportation, and technology departments.

Membership in PSERS consists of all employees of public-school systems who are not eligible for membership in the TRS. These employees are eligible to participate in Social Security.

Employees intending to retire should complete the "Form for Reporting Intention to Resign or Retire" or write a formal letter. Retirement application forms are available from the Payroll and Benefits Office.

Addresses:

Teacher Retirement System of Georgia (TRS) Two Northside 75, Suite 400 Atlanta, GA 30381 (404) 352-6500

Public School Employees Retirement System (PSERS) Two Northside 75, Suite 300 Atlanta, GA 30318 (404) 352-6400

SALARY

Non-certified personnel employed by the Brooks County Board of Education will be compensated based upon the salary schedules approved annually during the Board of Education budget approval process.

Certified employee salaries shall be determined by the State of Georgia salary schedule, which is based on degree and years of experience. Pay may further be modified by local supplement and/or the number of days employed. Certified employee salaries are subject to modification by action of the Georgia General Assembly and/or the Brooks County Board of Education.

SEXUAL HARASSMENT AND SEXUAL VIOLENCE

Sexual harassment and sexual violence is a form of sex discrimination. It is the policy of the Brooks County School System to maintain an environment that is free from sexual harassment and sexual violence is prohibited. It shall be a violation of this policy for any student or employee of the school system to harass a student or an employee through conduct or communication of a sexual nature as defined by policy, GAEB/JGIA. The school system will act to investigate all complaints of sexual harassment and sexual violence, either formal or, oral or written, and to discipline any student or employee who sexually harasses a student or employee of the school system. Sexual harassment and sexual violence consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining education;
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education;
3. That conduct or communication has the purpose or effect of substantially or

unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or education environment.

Any person who alleges sexual harassment by any staff member or student in the school system may use the Sexual Harassment Complaint Form or may complain directly to an immediate supervisor, building principal, Director of Personnel, or School Social Worker. (Complaint forms are available with each of these individuals) The immediate supervisor, principal, Director of Personnel or School Social Worker shall promptly implement the investigatory protocol. If the situation is not susceptible to resolution pursuant to established protocols, the Superintendent of Schools shall be contacted and shall attempt to resolve the matter in compliance with applicable laws and policies. In the case of employees, the Superintendent of Schools or designees shall be authorized to request investigations by appropriate local, state, and federal agencies and to terminate or discipline employees found guilty of sexual harassment provided required procedural safeguards are followed. Filing a grievance or otherwise reporting sexual harassment will not reflect upon the individual's status nor will it affect future employment, grades, or work assignments. Under certain circumstances, sexual harassment and sexual violence may constitute sexual abuse as defined by state and federal statutes. In such cases the appropriate authorities will be notified. Nothing in this policy will prohibit the school from taking immediate action to protect victims of alleged sexual abuse

STATEMENT OF NON-DISCRIMINATION

Federal law prohibits discrimination on the basis of race, color or national origin (Title VI, of the Civil Rights Act of 1964); sex (Title IX of the Educational Amendments 1972 and the Carl

D. Perkins Vocational and Applied Technology Education Act of 1990); or disability (Section 504 of the Rehabilitation Act of 1973 and the American with Disabilities Act of 1990) in educational programs or activities receiving federal financial assistance.

Employees, students and the general public are hereby notified that the Brooks County School System does not discriminate in any educational programs or activities or in employment policies.

Inquiries concerning the application of the Perkins Act, Title IX or Section 504 and ADA to the policies and practices of the school system may be addressed to the Superintendent of Schools Office; to the Georgia Department of Education, Twin Towers East, Atlanta, 30334; to the Regional Office for Civil Rights, Atlanta, 30323; or the Director, Office for Civil Rights, Educational Department, Washington, DC 20201.

STAFF-STUDENT RELATIONS

The Board of Education requires all employees to conduct themselves in a manner which will maintain the authority and respect necessary in the educational setting. Therefore, any dating relationships or other social relationships which may reasonably be perceived to be dating between any staff member and any student of this school district is expressly prohibited. Employees shall not entertain students, socialize with students, or communicate with students using any means of electronic communication in such a manner as to reasonably create to students, parents, or the public the perception that a dating or other non-professional relationship exists. While this Board encourages employees to be warm and supporting of students, personnel may not allow students to regard them as peers. (Policy GAF)

TOBACCO USE BY EMPLOYEES

The use of tobacco or tobacco products on the property of the Brooks County School District by employees is prohibited during working hours. Violations will result in the following disciplinary measures:

- First Offense - 3-day suspension without pay.
- Second Offense - 10-day suspension without pay or 3-day suspension without pay with documented completion of a stop smoking workshop.
- Third Offense - Termination of employment for insubordination.

TRANSFERS

Individuals wishing to transfer from one school to another shall follow this procedure:

1. Discuss the proposed transfer with your present principal/supervisor.
2. Contact the principal of the school to which he/she wishes to transfer to discuss the position.
3. Await notice of the disposition of the request from the principal/supervisor.

When a transfer of an employee from one school to another is initiated other than by the employee, the following procedure shall be used:

1. Discussion of the proposed transfer shall be held with the principals (or supervisors) involved, the Director of Personnel, and the Superintendent.
2. Discussion of the proposed transfer shall be held with the employee, when applicable.
3. Recommendations shall be made to the Superintendent.
4. Notice of the decision shall be given to the employee.

CERTIFICATE UPGRADE INSTRUCTIONS

Obtain an official transcript. Make certain your degree statement has been posted to your transcript. Bring or send this material to the personnel office for electronic transmittal to the PSC. When the new certificate is issued the Personnel Director will fill out a "Payroll Status Change" sheet and submit it to the Payroll Manager. Your raise will be pro-rated from the effective date listed on your new certificate and spread out over your remaining paychecks. (Note that your pay is based on your teaching certificate rather than your degree.) A teaching certificate received by the personnel department after May 15 will not be recognized for salary purposes until the next school year. If you are adding a new field to your certificate (in addition to the upgrade) you must print the Approved Program Recommendation and have your college complete it. You should also obtain a copy of your GACE scores. This material should be brought to the Personnel Office as well.

WEAPONS

It is unlawful for any person to carry, possess, or have under control any weapon at a school building, school function, or on school property, or on a bus or other transportation furnished by the school.

WORKER'S COMPENSATION

The Brooks County Board of Education provides worker's compensation to its employees. If a worker is injured at work the employer shall pay medical and rehabilitation expenses within the limits of the law.

Procedures:

- An accident or injury shall be reported immediately (or as soon as is practical thereafter) to the employee's supervisor and the Central Office at (229) 263-7531. IT IS IMPERATIVE THAT BOTH BE NOTIFIED ON THE DATE THAT THE ACCIDENT OCCURS. With few exceptions, employees shall not be entitled to worker's compensation benefits unless such notice is given within 30 days after the occurrence of an accident. In the case of a death resulting from a work-related injury notification must be made within 30 days by the employee's next of kin or legal representative.
- If an injury requires immediate emergency treatment the superintendent's secretary must be notified by the employee or the employee's supervisor at 229-263-8606 ext. 2003. If there is no answer leave a message then call 229-263-7531. If it is necessary to leave a message at either or both numbers include the employee's name, work location, nature of the injury, and the name of the facility where the employee is being taken.
- Unless the injury requires immediate emergency, treatment employees must report to the Central Office to file a Worker's Compensation First Report prior to seeking professional treatment.
- A drug/alcohol screening WILL be administered to anyone who reports a work-related injury or seeks medical attention due to a work-related injury.
- If professional medical care or treatment is required the employee must select one of the health care providers listed on the school system's panel. An official notice of this panel is posted in the administrative office of each building and the Central Office. (This is the pink worker's compensation poster.) Employees that choose not to use a health care provider listed on the school system's panel or who choose to get medication from an unauthorized pharmacy do so at their own personal expense.

The person in the Central Office designated to complete the "First Report of Injury" form should do so immediately and the report should be submitted to the system's worker's compensation insurer within 8 hours so that the follow-up investigation can be completed within 1-2 days of the accident.

505-6-.01 THE CODE OF ETHICS FOR EDUCATORS

(1) **Introduction.**

The Code of Ethics for Educators defines the professional behavior of educators in Georgia and serves as a guide to ethical conduct. The Georgia Professional Standards Commission has adopted standards that represent the conduct generally accepted by the education profession. The code defines unethical conduct justifying disciplinary sanction and provides guidance for protecting the health, safety and general welfare of students and educators, and assuring the citizens of Georgia a degree of accountability within the education profession.

(2) **Definitions**

- (a) "Certificate" refers to any teaching, service, or leadership certificate, license, or permit issued by authority of the Georgia Professional Standards Commission.
- (b) "Child endangerment" occurs when an educator disregards a substantial and/or unjustifiable risk of bodily harm to the student.
- (c) "Educator" is a teacher, school or school system administrator, or other education personnel who holds a certificate issued by the Georgia Professional Standards Commission and persons who have applied for but have not yet received a certificate. For the purposes of the Code of Ethics for Educators, "educator" also refers to paraprofessionals, aides, and substitute teachers.
- (d) "Student" is any individual enrolled in the state's public or private schools from preschool through grade 12 or any individual between and including the ages of 3 and 17 under the age of 18. For the purposes of the Code of Ethics and Standards of Professional Conduct for Educators, the enrollment period for a graduating student ends on August 31 of the year of graduation.
- (e) "Complaint" is any written and signed statement from a local board, the state board, or one or more individual residents of this state filed with the Georgia Professional Standards Commission alleging that an educator has breached one or more of the standards in the Code of Ethics for Educators. A "complaint" will be deemed a request to investigate.
- (f) "Revocation" is the invalidation of any certificate held by the educator.
- (g) "Denial" is the refusal to grant initial certification to an applicant for a certificate.
- (h) "Suspension" is the temporary invalidation of any certificate for a period of time specified by the Georgia Professional Standards Commission.
- (i) "Reprimand" admonishes the certificate holder for his or her conduct. The reprimand cautions that further unethical conduct will lead to a more severe action.
- (j) "Warning" warns the certificate holder that his or her conduct is unethical. The warning cautions that further unethical conduct will lead to a more severe action.
- (k) "Monitoring" is the quarterly appraisal of the educator's conduct by the Georgia Professional Standards Commission through contact with the educator and his or her employer. As a condition of monitoring, an educator may be required to submit a criminal background check (GCIC). The Commission specifies the length of the monitoring period.

505-6-.01 Page 2

- (l) "No Probable Cause" is a determination by the Georgia Professional Standards Commission that, after a preliminary investigation, either no further action need be taken or no cause exists to recommend disciplinary action.

(3) **Standards**

- (a) **Standard 1: Legal Compliance** - An educator shall abide by federal, state, and local laws and statutes. Unethical conduct includes but is not limited to the Commission or conviction of a felony or of any crime involving moral turpitude; of any other criminal offense involving the manufacture, distribution, trafficking, sale, or possession of a controlled substance or marijuana as provided for in Chapter 13 of Title 16; or of any other sexual offense as provided for in Code Section 16-6-1 through 16-6-17, 16-6-20, 16-6-22.2, or 16-12-100; or any other laws applicable to the profession. As used herein, conviction includes a finding or verdict of guilty, or a plea of nolo contendere, regardless of whether an appeal of the conviction has been sought; a situation where first offender treatment without adjudication of guilt pursuant to the charge was granted; and a situation where an adjudication of guilt or sentence was otherwise withheld or not entered on the charge or the charge was otherwise disposed of in a similar manner in any jurisdiction.
- (b) **Standard 2: Conduct with Students** - An educator shall always maintain a professional relationship with all students, both in and outside the classroom. Unethical conduct includes but is not limited to:
1. committing any act of child abuse, including physical and verbal abuse;
 2. committing any act of cruelty to children or any act of child endangerment;
 3. committing any sexual act with a student or soliciting such from a student;
 4. engaging in or permitting harassment of or misconduct toward a student that would violate a state or federal law;
 5. soliciting, encouraging, or consummating an inappropriate written, verbal, electronic, or physical relationship with a student;
 6. furnishing tobacco, alcohol, or illegal/unauthorized drugs to any student; or
 7. failing to prevent the use of alcohol or illegal or unauthorized drugs by students who are under the educator's supervision (including but not limited to at the educator's residence or any other private setting).
- (c) **Standard 3: Alcohol or Drugs** - An educator shall refrain from the use of alcohol or illegal or unauthorized drugs during the course of professional practice. Unethical conduct includes but is not limited to:
1. being on school or Local Unit of Administration (LUA)/school district premises or at a school or a LUA/school district-related activity while under the influence of, possessing, using, or consuming illegal or unauthorized drugs; and
 2. being on school or LUA/school district premises or at a school-related activity involving students while under the influence of, possessing, or consuming alcohol. A school-related activity includes, but is not limited to, any activity sponsored by the school or school system (booster clubs, parent-teacher organizations, or any activity designed to enhance the school curriculum i.e. Foreign Language trips, etc).
- (d) **Standard 4: Honesty** - An educator shall exemplify honesty and integrity in the course of professional practice. Unethical conduct includes but is not limited to, falsifying, misrepresenting or omitting:
1. professional qualifications, criminal history, college or staff development credit and/or degrees, academic award, and employment history;
 2. information submitted to federal, state, local school districts and other governmental agencies;
 3. information regarding the evaluation of students and/or personnel;
 4. reasons for absences or leaves;
 5. information submitted in the course of an official inquiry/investigation; and
 6. information submitted in the course of professional practice.
- (e) **Standard 5: Public Funds and Property** - An educator entrusted with public funds and property shall honor that trust with a high level of honesty, accuracy, and responsibility. Unethical conduct includes but is not limited to:
1. misusing public or school-related funds;
 2. failing to account for funds collected from students or parents;
 3. submitting fraudulent requests or documentation for reimbursement of expenses or for pay (including fraudulent or purchased degrees, documents, or coursework);
 4. co-mingling public or school-related funds with personal funds or checking accounts; and
 5. using school or school district property without the approval of the local board of education/governing board or authorized designee.

(f) **Standard 6: Remunerative Conduct** - An educator shall maintain integrity with students, colleagues, parents, patrons, or businesses when accepting gifts, gratuities, favors, and additional compensation. Unethical conduct includes but is not limited to:

1. soliciting students or parents of students, or school and/or LUA/school district personnel, to purchase equipment, supplies, or services from the educator or to participate in activities that financially benefit the educator unless approved by the local board of education/governing board or authorized designee;
2. accepting gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest;
3. tutoring students assigned to the educator for remuneration unless approved by the local board of education/governing board or authorized designee; and
4. coaching, instructing, promoting athletic camps, summer leagues, etc. that involves students in an educator's school system and from whom the educator receives remuneration unless approved by the local board of education/governing board or authorized designee. These types of activities must be in compliance with all rules and regulations of the Georgia High School Association.

(g) **Standard 7: Confidential Information** - An educator shall comply with state and federal laws and state school board policies relating to the confidentiality of student and personnel records, standardized test material and other information. Unethical conduct includes but is not limited to:

1. sharing of confidential information concerning student academic and disciplinary records, health and medical information, family status and/or income, and assessment/testing results unless disclosure is required or permitted by law;
2. sharing of confidential information restricted by state or federal law;
3. violation of confidentiality agreements related to standardized testing including copying or teaching identified test items, publishing or distributing test items or answers, discussing test items, violating local school system or state directions for the use of tests or test items, etc.; and
4. violation of other confidentiality agreements required by state or local policy.

(h) **Standard 8: Abandonment of Contract** - An educator shall fulfill all of the terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract. Unethical conduct includes but is not limited to:

1. abandoning the contract for professional services without prior release from the contract by the employer, and
2. willfully refusing to perform the services required by a contract.

(i) **Standard 9: Required Reports** - An educator shall file reports of a breach of one or more of the standards in the Code of Ethics for Educators, child abuse (O.C.G.A. §19-7-5), or any other required report. Unethical conduct includes but is not limited to:

1. failure to report all requested information on documents required by the Commission when applying for or renewing any certificate with the Commission;
2. failure to make a required report of a violation of one or more standards of the Code of Ethics for educators of which they have personal knowledge as soon as possible but no later than ninety (90) days from the date the educator became aware of an alleged breach unless the law or local procedures require reporting sooner; and
3. failure to make a required report of any violation of state or federal law soon as possible but no later than ninety (90) days from the date the educator became aware of an alleged breach unless the law or local procedures require reporting sooner. These reports include but are not limited to: murder, voluntary manslaughter, aggravated assault, aggravated battery, kidnapping, any sexual offense, any sexual exploitation of a minor, any offense involving a controlled substance and any abuse of a child if an educator has reasonable cause to believe that a child has been abused.

(j) **Standard 10: Professional Conduct** - An educator shall demonstrate conduct that follows generally recognized professional standards and preserves the dignity and integrity of the education profession. Unethical conduct includes but is not limited to any conduct that impairs and/or diminishes the certificate holder's ability to function professionally in his or her employment position, or behavior or conduct that is detrimental to the health, welfare, discipline, or morals of students.

(k) **Standard 11: Testing** - An educator shall administer state-mandated assessments fairly and ethically. Unethical conduct includes but is not limited to:

1. Committing any act that breaches Test Security; and
2. Compromising the integrity of the assessment.

(4) **Reporting**

- (a) Educators are required to report a breach of one or more of the Standards in the Code of Ethics for Educators as soon as possible but no later than ninety (90) days from the date the educator became aware of an alleged breach unless the law or local procedures require reporting sooner. Educators should be aware of legal requirements and local policies and procedures for reporting unethical conduct. Complaints filed with the Georgia Professional Standards Commission must be in writing and must be signed by the complainant (parent, educator, or other LUA/school district employee, etc.).
- (b) The Commission notifies local and state officials of all disciplinary actions. In addition, suspensions and revocations are reported to national officials, including the NASDTEC Clearinghouse.

(5) **Disciplinary Action**

- (a) The Georgia Professional Standards Commission is authorized to suspend, revoke, or deny certificates, to issue a reprimand or warning, or to monitor the educator's conduct and performance after an investigation is held and notice and opportunity for a hearing are provided to the certificate holder. Any of the following grounds shall be considered cause for disciplinary action against the holder of a certificate:
 - 1. Unethical conduct as outlined in The Code of Ethics for Educators, **Standards 1-11 (GaPSC Rule 505-6-.01)**;
 - 2. disciplinary action against a certificate in another state on grounds consistent with those specified in the Code of Ethics for Educators, Standards 1-11 (GaPSC Rule 505-6-.01);
 - 3. order from a court of competent jurisdiction or a request from the Department of Human Resources that the certificate should be suspended or the application for certification should be denied for non-payment of child support (O.C.G.A. §19-6-28.1 and §19-11-9.3);
 - 4. notification from the Georgia Higher Education Assistance Corporation that the educator is in default and not in satisfactory repayment status on a student loan guaranteed by the Georgia Higher Education Assistance Corporation (O.C.G.A. §20-3-295);
 - 5. Suspension or revocation of any professional license or certificate;
 - 6. Violation of any other laws and rules applicable to the profession; and
 - 7. Any other good and sufficient cause that renders an educator unfit for employment as an educator.
- (b) An individual whose certificate has been revoked, denied, or suspended may not serve as a volunteer or be employed as an educator, paraprofessional, aide, substitute teacher or in any other position during the period of his or her revocation, suspension or denial for a violation of The Code of Ethics. The superintendent and the educator designated by the superintendent/Local Board of Education shall be responsible for assuring that an individual whose certificate has been revoked, denied, or 505-6-.01 Page 6 suspended is not employed or serving in any capacity in their district. Both the superintendent and the superintendent's designee must hold GaPSC certification. Should the superintendent's certificate be revoked, suspended, or denied, the Board of Education shall be responsible for assuring that the superintendent whose certificate has been revoked, suspended, or denied is not employed or serving in any capacity in their district.

Authority O.C.G.A. § 20-2-200; 20-2-981 through 20-2-984.5

Paul Shaw, Director Georgia Professional Standards Commission Educator Ethics Division
Two Peachtree Street, Suite 6000
Atlanta, GA 30303-3141
800-537-5996
Fax: 404-232-2720
www.gapsc.com

APPENDIX

PAID PARENTAL LEAVE (PPL)

The Board of Education shall make paid parental leave equally available to all eligible employees of the Board of Education under the following terms:

1. An employee of the Board of Education shall be eligible for paid parental leave for qualifying life events upon satisfying the following criteria:
 - a. The employee is classified as full-time by the District and is eligible to participate in the TRS (Teacher Retirement System of Georgia) or PSERS (Public School Employees System); and
 - b. The employee has six continuous months of employment with the Board, regardless of whether he or she is eligible for paid or unpaid leave under federal law. An employee paid on an hourly basis must have worked a minimum of 700 hours over the six-month period immediately preceding the requested paid parental leave date.
2. A qualifying life event means:
 - a. The birth of a child of an eligible employee;
 - b. The placement of a minor child for adoption with an eligible employee;
 - c. The placement of a minor child for foster care with an eligible employee.
3. The maximum amount of paid parental leave that may be taken by an eligible employee during a rolling 12 month period is 120 hours, regardless of the number of qualifying life events that occur during such period.
 - a. The rolling 12 month period shall be measured backward from the date an eligible employee first uses parental leave.
 - b. Parental leave may be taken as needed and may be taken in increments of less than eight hours. The smallest increment of parental leave that may be taken is 2(two) hours.
 - c. Unpaid parental leave shall have no cash value at any time of the eligible employee's separation from employment with the Board of Education.
4. Paid parental leave under state law shall run concurrently with any leave provided under federal law.
5. Eligible employee requesting paid parental leave must submit the district's designated form to the Superintendent or designee at least 10(ten) school days in advance of the requested leave start date.
6. The Superintendent or designee shall develop paperwork needed to administer paid parental leave.

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

BENEFITS & PROTECTIONS

ELIGIBILITY REQUIREMENTS

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

*Special "hours of service" requirements apply to airline flight crew employees.

REQUESTING LEAVE

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30 days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

EMPLOYER RESPONSIBILITIES

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

ENFORCEMENT

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.



For additional information or to file a complaint:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

U.S. Department of Labor | Wage and Hour Division



DERECHOS DEL EMPLEADO SEGÚN LA LEY DE AUSENCIA FAMILIAR Y MÉDICA

DIVISIÓN DE HORAS Y SALARIOS DEL DEPARTAMENTO DE EE. UU.

DE LOS DERECHOS DE LA LICENCIA

Los empleados elegibles que trabajan para un empleador sujeto a esta ley pueden tomarse hasta 12 semanas de licencia sin sueldo sin perder su empleo por las siguientes razones:

- El nacimiento de un hijo o la colocación de un hijo en adopción o en hogar de crianza;
- Para establecer lazos afectivos con un niño (la licencia debe ser tomada dentro del primer año del nacimiento o la colocación del niño);
- Para cuidar al cónyuge del empleado, al hijo, o al padre que tenga un problema de salud serio que califique;
- Debido a un problema de salud serio del mismo empleado que califique y que resulte en que el empleado no pueda realizar su trabajo;
- Por exigencias que califiquen relacionadas con el despliegue de un miembro de las fuerzas armadas que sea cónyuge del empleado, hijo o padre.

Un empleado elegible que es cónyuge, hijo, padre o familiar más cercano del miembro de las fuerzas armadas que está cubierto, puede tomarse hasta 26 semanas de licencia bajo la Ley de Ausencia Familiar y Médica (FMLA), por sus siglas en inglés) en un periodo de 12 meses para cuidar al miembro de las fuerzas armadas que tenga una lesión o enfermedad seria.

Un empleado no tiene que tomarse la licencia de una sola vez. Cuando es médicamente necesario o de otra manera permitido, los empleados pueden tomarse la licencia de forma intermitente o en una jornada reducida.

Los empleados pueden elegir, o un empleador puede exigir, el uso de licencias pagadas acumuladas mientras se toman la licencia bajo la FMLA. Si un empleado sustituye la licencia pagada acumulada por la licencia bajo la FMLA, el empleado tiene que respetar las políticas de pago de licencias normales del empleador.

BENEFICIOS Y PROTECCIONES

Mientras los empleados estén de licencia bajo la FMLA, los empleadores tienen que continuar con la cobertura del seguro de salud como si los empleados no estuvieran de licencia.

Después de regresar de la licencia bajo la FMLA, a la mayoría de los empleados se les tiene que restablecer el mismo trabajo o uno casi idéntico, con el pago, los beneficios y otros términos y otras condiciones de empleo equivalentes.

Un empleador no puede interferir con los derechos de la FMLA de un individuo o tomar represalias contra alguien por usar o tratar de usar la licencia bajo la FMLA, oponerse a cualquier práctica ilegal hecha por la FMLA, o estar involucrado en un procedimiento según o relacionada con la FMLA.

REQUISITOS DE ELEGIBILIDAD

Un empleado que trabaja para un empleador cubierto tiene que cumplir con tres criterios para poder ser elegible para una licencia bajo la FMLA. El empleado tiene que:

- Haber trabajado para el empleador por lo menos 12 meses;
- Tener por lo menos 1,250 horas de servicio en los 12 meses previos a tomar la licencia*; y
- Trabajar en el lugar donde el empleador tiene al menos 50 empleados dentro de 75 millas del lugar de trabajo del empleado.

*Requisitos especiales de "horas de servicio" se aplican a empleados de una tripulación de una aeronave.

PEDIDO DE LA LICENCIA

En general, los empleados tienen que pedir la licencia necesaria bajo la FMLA con 30 días de anticipación. Si no es posible avisar con 30 días de anticipación, un empleado tiene que notificar al empleador lo más pronto posible y, generalmente, seguir los procedimientos usuales del empleador.

Los empleados no tienen que informar un diagnóstico médico, pero tienen que proporcionar información suficiente para que el empleador pueda determinar si la ausencia califica bajo la protección de la FMLA. La información suficiente podría incluir informarle al empleador que el empleado está o estará incapacitado para realizar sus funciones laborales, que un miembro de la familia no puede realizar las actividades diarias, o que una hospitalización o un tratamiento médico es necesario. Los empleados tienen que informar al empleador si la necesidad de la ausencia es por una razón por la cual la licencia bajo la FMLA fue previamente tomada o certificada.

Los empleadores pueden exigir un certificado o una recertificación periódica que respalde la necesidad de la licencia. Si el empleado determina que la certificación está incompleta, tiene que proporcionar un aviso por escrito indicando que información adicional se requiere.

RESPONSABILIDADES DEL EMPLEADOR

Una vez que el empleador tome conocimiento que la necesidad de la ausencia del empleado es por una razón que puede calificar bajo la FMLA, el empleador tiene que notificar al empleado si él o ella es elegible para una licencia bajo FMLA y, si es elegible, también tiene que proporcionar un aviso de los derechos y las responsabilidades según la FMLA. Si el empleado no es elegible, el empleador tiene que brindar una razón por la cual no es elegible.

Los empleadores tienen que notificar a sus empleados si la ausencia será designada como licencia bajo la FMLA, y de ser así, cuánta ausencia será designada como licencia bajo la FMLA.

CUMPLIMIENTO

Los empleados pueden presentar un reclamo ante el Departamento de los Empleados de los EE. UU. Los empleados pueden presentar un reclamo ante el Departamento de Trabajo de EE. UU., la División de Horas y Salarios, o pueden presentar una demanda privada contra un empleador.

La FMLA no afecta a ninguna ley federal o estatal que prohíba la discriminación ni sustituye a ninguna ley estatal o local o convenio colectivo de negociación que proporcione mayores derechos de ausencias familiares o médicas.

Para información adicional o para presentar un reclamo:



1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

Departamento de Trabajo de los EE.UU. | División de Horas y Salarios

