



# **Martin County Schools Employee Handbook**

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*Working Together... Making a Difference*

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## **Introduction to the MCS Employee Handbook**

NOTE: The information found in the printed version of the Handbook may not be as current as the online version at [www.martin.k12.nc.us](http://www.martin.k12.nc.us). Please check the on-line version or call the personnel director.

Additionally, policies and procedures are continually revised to reflect policy changes by the Martin County Board of Education, the State Board of Education, the Department of Public Instruction and new laws enacted by the State and Federal Legislature.

The Employee Handbook is designed to provide information and address questions regarding Board of Education policies and procedures so that every Martin County Schools employee is able to perform his or her job more effectively.

It is important to note that the Employee Handbook is both selective and general in its coverage of school policies and procedures. It is the responsibility of each employee to know and comply with the policies of the Martin County Board of Education. Copies of Martin County Board of Education policies are available online at [www.martin.k12.nc.us](http://www.martin.k12.nc.us) or at the Central Office. Since this Handbook only summarizes many detailed provisions about employment, benefits and other matters, the official policies, regulations, and procedures will always govern when questions arise. Nothing in this Handbook is intended to create or imply any contract rights.

It is the policy of the Martin County Board of Education to comply with the benefits and employment policies promulgated by the North Carolina State Board of Education and the Department of Public Instruction in the most current edition of the *North Carolina Public Schools Benefits and Employment Policy Manual* which may be found at <http://www.ncpublicschools.org/docs/humanresources/district-personnel/key-information/policymanual.pdf>.

## **Martin County Board of Education Overview**

### **Vision**

The Martin County Board of Education will provide students the educational skill sets as determined by the North Carolina State Board of Education to be college and/or career ready by graduation so that they may be successful in their chosen post-secondary endeavors.

### **Mission**

The Martin County Board of Education is committed to ensuring that all students will be provided with a quality academic, technological and challenging education in a safe, orderly and productive environment in order that they may become a contributing member in the 21st century global society.

### **Goals**

1. Students in Grades 3-8 will be at 80% proficient on their North Carolina End of Grade Reading tests.
2. Students in Grades 3-8 will be at 90% proficient on their North Carolina End of Grade Math tests.
3. Students in Grade 5 will be at 70% proficient on the North Carolina End of Grade Science test.
4. Students in Grade 8 will be at 75% proficient on the North Carolina End of Grade Science test.
5. Students in Grades 9-12 will be 85% proficient on all North Carolina End of Course tests.
6. Students in Grade 10 will be 75% proficient on the North Carolina Writing test.
7. Students in Grade 8 will be 100% proficient on the technology competency skills assessment.
8. Increase the four-year cohort graduation rate to 85%.
9. Each school makes individual Expected Growth in the North Carolina ABC model.
10. Each school makes AYP in No Child Left Behind.
11. All subgroups of 9-12th grade students at 70% in Reading/Language Arts.
12. All subgroups of 9-12th grade students at 85% in Math.
13. All subgroups of 3-8th grade students at 72% in Reading.
14. All subgroups of 3-8th grade students at 90% in Math.
15. Initiate and implement a system-wide Writing program K-12.
16. Initiate and implement an ACT program for our high school and middle school students.
17. Initiate and implement a WorkKeys testing program for all high school students.
18. Initiate and implement a remedial/enrichment period schedule during the day at each school.
19. Initiate and implement an End-Of-Grade test conversion grade scale for middle school students.

20. Initiate and implement a Comprehensive Guidance program.
21. Initiate and implement a Technology plan to expand infrastructure and bandwidth, as well as increase hardware, software, and online web-based programs throughout the school district.
22. Initiate professional development for administrators and teachers to address the new Common Core curriculum and assessments.
23. Initiate Global Schools of Technology for 21st Century learners.

## TYPES OF EMPLOYEES

### Employee Classifications for Benefits Purposes

This section defines the classification of school system employees to determine certain benefits afforded when employed.

- **Permanent Employee**

A permanent employee is an employee who is employed to fill a position that is to be permanent if needs and funds continue or is employed for at least six full consecutive months either to replace one or more employees who are on an approved leave of absence without pay or to fill a vacancy until a qualified replacement is employed. A person employed for at least six full consecutive months is eligible to receive full or pro-rata benefits. Therefore, the eligibility for benefits must be determined at the time of the initial assignment, or when the assignment status changes.

Permanent employees may be employed full-time or part-time. The regular workweek of a permanent employee must be at least 20 hours per week. Permanent employees who work at least 30 hours per week must be enrolled in the Teachers' and State Employees' Retirement System and must receive employer-paid medical insurance for self.

Permanent employees do not lose permanent status during any period of temporary or interim assignment to another position in the same school system when it is anticipated that the employee will be returned to the permanent position.

- **Part-time Employee**

A part-time employee is an employee who regularly works at least 20 hours per week, but less than the number of hours set as full time for that class of work. Any permanent employee who works at least 30 hours per week must be enrolled in the Retirement System and receive employer-paid medical insurance for self.

- **Full-time Employee**

A full-time employee is an employee whose regular workweek is the number of hours established as full-time for the class of work assigned, but not less than 30 hours per week. Two or more part-time assignments with the same LEA may be combined to satisfy requirements to become a full-time employee. An employee working in two or more positions may not earn more benefits than those allowed for a single, full-time position.

- **Temporary Employee**

A temporary employee is a person who is either employed to fill a vacancy whose work week is less than 20 hours per week, or is employed to fill a vacancy for less than six full consecutive months of employment. Temporary employees may be classified as full-time or part-time. They are not eligible to earn paid leave and do not participate in the retirement system. They do not receive nor can they purchase health benefits through the State Health Plan. Temporary employees may not use leave earned during any previous employment.

- **Interim Employee**

An interim employee is a person employed for less than six full months to replace an employee who is on an approved leave of absence and is expected to return.



- **Instructional Personnel**

Instructional employees have responsibility for students in a classroom. Teachers, teacher assistants or media coordinators who require a substitute cannot take annual leave on student days or required workdays. All other personnel are considered non-instructional.

- **Substitute Employee**

A substitute employee is a person employed to fill in for a permanent employee who is using paid leave. Substitute employees are considered temporary employees and are not eligible to earn leave; do not participate in the retirement system; do not receive nor can they purchase health benefits; and may not use leave earned during any previous employment while assigned as a temporary employee.

- **At-Will Employee**

Employees who are not required to be employed under contracts or who are not offered contracts by the Board's prerogative are at-will employees. Examples include most non-certified personnel such as custodians, bus drivers, teacher assistants, clerical staff, maintenance supervisors, and transportation coordinators. Administrators not required by statute to be employed under contract are also at-will employees (unless the Board has chosen to offer contracts). At-will employees serve at the pleasure of the Board of Education. An at-will employee may not be dismissed or demoted for illegal reasons. Appeals of dismissals are available for at-will employees through the personnel director.

## **WORK ENVIRONMENT**

### **Alcoholic Beverage Prohibition**

The Board prohibits the possession or consumption of alcoholic beverages, including beer, malt liquor and wine, on property owned or occupied by the school system. Any person who violates this policy will be asked to leave the school property immediately and, if he or she fails to do so, will be arrested and prosecuted for criminal trespass, disorderly conduct or any other charge that may be appropriate. See Board Policies 7240 and 5025.

### **Assignments and Transfers**

All assignments and transfers to schools are the responsibility of the superintendent. In-school transfers are the responsibility of the principal. The Board must be promptly notified of all transfers authorized by the principal. The superintendent may assign school personnel in any manner that he or she deems appropriate, consistent with legal requirements. In assigning professional staff to the alternative school, the superintendent shall consider the experience and evaluation ratings of professional staff as provided in policy 3470/4305, Alternative Schools. Voluntary and involuntary transfers will be made in accordance with course requirements, fluctuating enrollments, allotment, efforts to improve student performance, and the general welfare of the school district. The interest and aspirations of employees will be considered in making assignments and transfer decisions; however, such interest must be weighed against what is in the best interest of the students, school(s) or school district. Employees will be informed of transfer decisions as soon as reasonably feasible. Employees may initiate transfer requests via the Intent of Employment form which is distributed to employees each year, usually in February, or at other times by informing the personnel director. See Board Policy 7440.

### **Blood borne Pathogens Exposure**

In accordance with the regulations established by the United States Department of Labor pursuant to the Occupational Safety and Health Act and the North Carolina Occupational Safety and Health Blood borne Pathogens Standard, MCS has in effect a Blood borne Pathogens Exposure Control Plan. The plan is designed to eliminate or minimize employee exposure to potentially infectious bodily fluids and bodily secretions.

For employees with occupational exposure to blood and bodily fluids, the plan includes appropriate training, provision of Hepatitis B vaccinations, testing after exposure at the school system's expense, and specific work practice precautions to minimize contact with potentially infectious bodily fluids.

The terminology "occupational exposure" shall refer to those employees who are reasonably anticipated to come into contact with blood and bodily fluids in the normal performance of their assigned work duties. Employees who perform "good Samaritan" acts at work that are not within their required job duties shall not be considered to have occupational exposure.

A copy of the Blood borne Pathogens Exposure Control Plan is available at the Central Office. Failure to comply with the plan shall be cause for disciplinary action.

### **Child Abuse Reporting Requirements**

North Carolina General Statute §7B-301 requires all school system personnel who suspect child abuse to report it. The Board supports all employees who make a report of child abuse or neglect in good faith. Any school employee who has knowledge of or cause to suspect child abuse or neglect is legally required to report the case to the Director of Social Services. The employee will also report the case immediately to the principal. Any doubt about reporting a suspected situation should be resolved in favor of reporting and the report made immediately. A school employee is immune by statute from any civil and/or criminal liability when reporting in good faith. Failure on the part of any employee to report may result in disciplinary action by the school district or civil action under the law. All employees will cooperate fully with Department of Social Services in their investigation. See Board Policy 4240.

### **Code of Ethics and Standards of Conduct**

Employees shall perform their jobs in a competent and ethical manner without violating the public trust or applicable laws, policies, and regulations. It is not practical or possible to enumerate all of the situations that might fall under the guidelines of this policy. In addition to other policies, regulations, and approved practices that have been established covering specific areas of activity (such as purchasing), the absence of a law, policy, or regulation covering a particular situation does not relieve an employee from the responsibility to exercise the highest ethical standards at all times. It shall be the employee's responsibility to familiarize him/herself with the rules and procedures associated with this Policy. See Board Policies 7300/7730.

**Conflict of Interest:** The following acts are deemed by state law and/or the Board of Education to be in conflict with the interests of the Martin County School System.

1. An employee shall not, for personal financial gain, solicit or sell or have any pecuniary (financial) interest in the supplying of any goods, wares, merchandise materials, supplies, services, or equipment to the Martin County School System. Approved extended employment shall not be a violation of this.

2. An employee shall not, for personal financial gain, solicit or sell or have any pecuniary (financial) interest in the sale of any goods, wares, merchandise, materials, supplies, equipment, or services to students or employees of this school system at school, on school premises, or any Martin County School System facility.
3. An employee shall not act as an agent for any manufacturer, merchant, dealer, publisher, or author seeking to sell any goods, wares, merchandise, materials, supplies, services, or equipment to the Martin County School System.
4. An employee shall not receive or accept any gift, reward, gratuity, or other compensation from any manufacturer, merchant, dealer, publisher, or author for influencing or recommending to the school system or any school the use of a particular seller's goods, wares, merchandise, materials, supplies, services, or equipment.
5. An employee shall not use for personal financial gain, any school facilities, supplies, equipment, technology or network resources, or student labor (student labor during regular school hours), in the manufacture, creation, or repair of any goods, wares, or merchandise for sale, or for the providing of services to the general public. However, this provision shall not prohibit the renting of school facilities to school employees in accordance with Community Schools' policies and regulations.
6. Except as allowed by state law (N.C.G.S. §§14-234, 143-58.1), no employee shall use the powers, policies, and procedures of the State's Division of Purchase and Contract or the school system's Purchasing Division to purchase or procure any property or service for private use or benefit.

**Nepotism:** No employee shall approve any contract with or purchase any goods or services from any immediate family member without disclosure to and approval of the Finance Officer. In addition, no employee shall recommend the employment of or directly supervise or evaluate any immediate family member without disclosure to and approval of the Superintendent. "Immediate family" means spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. In addition, for the purpose of this regulation, anyone living in the same household with the employee is considered a member of the immediate family. See Board Policy 7100.

**Accounting Records: School System and Individual School Funds:** Employees will not use any school system assets, including cash funds, materials, supplies, equipment, or vehicles for any personal, unlawful or improper purpose. No unauthorized or unrecorded funds will be established. No false or artificial entries shall be made in the financial or non-financial records for any reason whatsoever. No purchase or payment shall be approved or made with the intent that it or any part of it will be used for any purpose other than that described in the supporting documentation. Policy prescribes that all financial and non-financial books, records, and accounts accurately or fairly reflect the transactions and disposition of its assets and other similar activities.

**Requests for Information:** No employee is to withhold or conceal any appropriate information requested by, or to furnish misleading information to the Board, Superintendent, cabinet, legal counsel, internal auditors, external audit firm (contracted to perform the annual audit), or any persons authorized by the Superintendent or the Finance Officer to receive it. Employees must weigh information that they are knowledgeable of and determine if and when to initiate the submission of additional information that may assist the Martin County School System in information gathering.

**Testing Code of Ethics:** All testing personnel, teachers, and school administrators shall be familiar with the testing code of ethics regarding the statewide testing programs and shall adhere to it in all aspects of

the testing programs. Any employee who violates the Testing Code of Ethics is subject to appropriate disciplinary action. The Superintendent shall report testing irregularities that affect the validity of the test results to the Board of Education.

<http://www.ncpublicschools.org/docs/accountability/testing/policies/testcode080100.pdf>

**Recruiting (Athletics):** No employee shall recruit a student to transfer to or attend another school for athletic purposes. Recruiting includes communication by any means that suggests a student should transfer to or attend another school to participate in athletics. Staff members who violate this Policy will be subject to disciplinary actions up to and including termination of employment.

**Code of Ethics for North Carolina Educators:** All professional educators shall be familiar with and comply with the State's Code of Ethics for North Carolina Educators.

See <http://sbepolicy.dpi.state.nc.us/policies/TCP-C-014.asp?pri=02&cat=C&pol=014&acr=TCP>

**Code of Professional Practice and Conduct for North Carolina Educators:** All professional educators shall be familiar with and comply with the State's Code of Professional Practice and Conduct for North Carolina Educators.

See

<http://www.ncmcs.org/19061012613291337/lib/19061012613291337/Policies%20Codes%20and%20Handbooks/Code%20of%20Prof%20Practice%20and%20Conduct%20-%20PDF.pdf>

**Application of this Policy:** While all aspects or implications of the Standards of Conduct Policy cannot be enumerated, it is the school system's intent that the spirit of the Policy be followed by every employee. If there are any questions or doubts as to what to do or how to handle a particular situation that relates to this Policy, an employee should consult with the next appropriate level of management until the question is satisfactorily resolved.

**Responsibility:** It is the responsibility of every employee to be thoroughly knowledgeable of Board Policy and to initiate resolution of any potential concern. While the Martin County School System monitors employee activity, the responsibility for compliance with Board Policy rests directly on the employee. Failure to comply with Policy could result in disciplinary action, suspension, termination, and/or legal action.

### **Confidential Information**

Employees have an absolute duty to maintain the confidentiality of records as required by law. Employees, by the nature of their occupation, are exposed to confidential information which should not be repeated or discussed except with those recognized by law as having a right to the information. Any employee who is not sure whether particular information may be protected by state or federal confidentiality laws should seek clarification from his or her immediate supervisor or the personnel director. Where violations occur, appropriate disciplinary action will be taken. See Board Policies 7315/4230/5070.

### **Contagious Diseases**

An employee suffering from a communicable disease or condition is encouraged to inform his or her principal so that appropriate accommodations may be made and precautions taken. When a director of a county health department, in order to control the spread of contagious disease or to protect the health of an employee, orders an employee to leave his or her work environment, the superintendent shall reassign the employee to a safe work environment under conditions agreed to by the director of the county health department, or place the employee on leave for the period of time set by the medical director. Any employee suffering from a communicable disease or condition will follow all control measures given by

the county health director and will take all necessary precautions to prevent transmission. See Board Policy 7262.

### **Copyright Compliance**

The Board recognizes and supports the limitations on unauthorized duplication and use of copyrighted material. The Board does not condone any infringement on the property right of copyright owners. Employees, students and visitors are prohibited from use or duplication of any copyright material not allowed by copyright law, fair use guidelines sanctioned by Congress, licenses or contractual agreements. Willful or serious violations also are considered to be in violation of expected standards of behavior for employees and students and may result in disciplinary action. Unless allowed as “fair use” under federal law, permission must be acquired from the copyright owner prior to using copyrighted material. The budget recommended by the superintendent to the Board will include sufficient funds for purchasing copyrighted material as a necessary budget expense. See Board Policy 7330.

### **Corporal Punishment**

Martin County Board of Education prohibits the use of corporal punishment. No principal, assistant principal, teacher, substitute teacher, any other school employee, or volunteer may use corporal punishment to discipline any student. Corporal punishment includes as all forms of physical punishment including, but not limited to, spanking, paddling or slapping.

### **Criminal Charges and/or Records**

The Martin County Board of Education believes that a safe and secure learning and working environment should be provided for all students and staff. The Board further believes that employees should be role models for students and should positively represent Martin County Schools in the community. These beliefs reflect the fundamental principle that anyone who directly or indirectly has contact with children is in a unique position of trust in this society. Criminal charges and/or records against an applicant or employee may have an impact upon these goals and will be considered in employment decisions.

Consequently, applicants and current employees shall notify the personnel director or designee and a supervisor immediately if they are charged with or convicted of a criminal offense (including entering a plea of guilty or *nolo contendere*) except minor traffic violations. Applicants and current employees who have been charged or convicted with driving while impaired or driving with a revoked license must immediately notify the personnel director. See Board Policy 7100.

### **Dress & Appearance of Staff**

All Martin County Schools employees serve as role models for the students with whom they work. The Board expects all employees to dress professionally and appropriately relative to their specific job duties. Supervisors and school-level administrators are authorized to interpret and enforce this policy. Repeated problems with an employee’s inappropriate dress/appearance may result in disciplinary action, up to and including termination. Reasonable accommodation will be made for religious beliefs, cultural heritage or medical reasons. Uniforms, if required, shall be provided to employees in food service, plant operations, custodial services and transportation support. Instructional personnel are considered professional employees and should appear neat, clean and dressed for a business or professional environment at all times. An employee’s dress may not be so unusual, inappropriate or lacking in cleanliness that it is disruptive. Examples include, but are not limited to, clothing that is revealing, indecent or obscene; clothing which promotes alcohol, tobacco or controlled substances; clothing that contains profanity or nudity, depicts violence or is sexual in nature; flip flops; undergarments worn as outer garments or see-

through clothing; hats, sweatbands, bandannas, or sunglasses inside the school buildings; jewelry affixed to an employee's nose, tongue, cheek, lip or eyebrow. See Board Policy 7242

### **Drug-Free Workplace Environment**

It is the policy of the Martin County Board of Education that a drug-free workplace shall be maintained. This policy will govern each employee while on any property owned by the Board, at any time during which an individual employee is acting within the course and scope of his/her employment with the Board, or at any other time that the employee's violation of this Policy has a direct and adverse effect upon the performance of his/her job.

The Board prohibits the unlawful manufacture, transmission, conspiring to transmit, possession, use, or being under the influence of any alcoholic or other intoxicating beverage, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroids, counterfeit drugs, other intoxicants of any kind, or other controlled substance as defined in schedules I through V of Section 202 of the Controlled Substances Act. In addition, no employee shall exude the odor of any alcoholic beverage or controlled substance while acting within the course and scope of his/her employment. The Board prohibits the possession, use, transmission, or conspiring to transmit drug paraphernalia.

No employee shall be impaired by the excessive use of prescription or nonprescription drugs in the workplace. The proper use of a drug authorized by valid medical prescription from a legally authorized health care provider shall not be considered a violation of this Policy when the drug is taken by the person for whom the drug was prescribed. Any employee with prior knowledge that the use of a prescribed medication under a doctor's direction or an over-the-counter medication could alter the employees' ability to perform the duties and responsibilities of his/her position must notify the appropriate supervisory person. An employee is responsible for finding out from a health care professional the effects of any prescribed drug being taken. Failure to obtain such information will not preclude disciplinary action under this Policy.

If, in the opinion of the employee's supervisor, an employee's action and/or behavior are considered unsafe as a result of the proper use of medication, the employee may be sent home. A conference shall be conducted with the employee prior to the employee's resuming his/her duties. Prior to the employee's returning to work, the employee must provide written assurance that the medication's use has been terminated or the medication has been adjusted/modified to avoid impairment.

Any employee having reasonable grounds to believe that another employee is using or in possession of any illegal drug, or is under the influence of or in possession of alcohol while in the workplace shall immediately report the facts and circumstances to a supervisor/principal. Any employee who has been convicted of violating any criminal drug statute for activities occurring in the workplace shall notify his/her supervisor within five (5) calendar days of such conviction.

Violation of this policy shall subject an individual to disciplinary action up to, and including, termination of employment and referral for criminal prosecution.

The Board has a strong commitment to assist any employee who voluntarily asks for help. Employees shall be provided information concerning available counseling, rehabilitation, and re-entry programs. It is the employee's responsibility to seek help for drug and alcohol problems before they must be addressed at the workplace or otherwise become apparent as unsatisfactory job performance and/or work habits.

When there are reasonable grounds to believe that an employee is in violation of the Board's Drug-Free Workplace Environment Policy, the Superintendent may require that the employee submit to a medical examination, including a drug or alcohol assessment. If the drug or alcohol assessment is positive and there

is no legitimate medical explanation for the results, the employee may be subject to disciplinary action, including termination of employment. Any employee who refuses or fails to report for a drug or alcohol-screening test may be terminated. Any drug testing shall conform to state law governing administration or controlled substance examinations. The administration shall carry out pre-employment testing for drugs, and post-accident, random, reasonable suspicion, return-to-duty and follow-up drug testing for drug and alcohol. See Board Policy 7240.

### **Drug and Alcohol Testing of Commercial Motor Vehicle Operators**

The purpose of this policy is to help ensure safe operation of school vehicles and to comply with federal law and regulations by establishing a comprehensive program of drug and alcohol testing for school bus drivers and all other commercial motor vehicle operators who volunteer or are employed by the Board of Education. Anyone operating a commercial motor vehicle for Martin County Schools is not to be under the influence of alcohol and/or prescription or non-prescription drugs. All commercial motor vehicle operators will be subject to random, post-accident, reasonable suspicion, return-to-duty, and follow-up testing for drugs and alcohol. Refusal of any test shall be cause for dismissal. See Board Policy 7241.

### **Duty to Drive a School Bus**

All full-time school-based classified employees, in order to be employed, must obtain a license to drive a school bus and must maintain that license to maintain their employment. The full-time classified school-based employees, as part of their duties, will be placed on the countywide bus substitute list. See Board Policy 7923.

### **Electronically Stored Information Retention**

Public record-keeping requirements and federal and state law require that the school system properly manage its electronically stored information (“ESI”). As set forth below, the school system will retain and destroy ESI in accordance with this policy and/or the approved Records Retention and Disposition Schedule for local education agencies adopted by the North Carolina Department of Cultural Resources. See Board Policy 7351.

### **Equal Employment Opportunities**

It is the policy of the Martin County Board of Education to provide all applicants for employment with equal employment opportunities and to provide current employees with training, compensation, promotion, and other attributes of employment without regard to race, color, religion, national origin, sex, age, disability, or citizenship status, except where sex, age, or physical requirements are essential occupational qualifications. All candidates will be evaluated on their merits and qualifications for positions.

The Martin County Board of Education also recognizes the educational and professional advantages of racial, sexual, and cultural diversity in the make-up of the employees who serve the students enrolled in the Martin County School System. Therefore, the Board is also committed to an employee recruitment program that will result in a staff that reflects the racial, sexual, and cultural diversity of the Martin County community and the students who attend the Martin County School System. Further, the school district shall make positive efforts to recruit qualified disabled individuals. See Board Policies 7100 and 7231.

### **Extracurricular and Non-Instructional Duties**

Instructing students is the primary mission of the school system; however, in order to carry out the responsibilities of the school system, teachers and other staff members may be required to perform certain non-instructional and extracurricular duties. Assigned additional duties are considered part of all employees’ responsibilities. Assignment of additional duties to teachers should be minimized to allow

time for teachers to plan, collaborate with colleagues, conference with parents, tutor students and perform any other activities that have a direct impact on student achievement. The principal of each school has the authority to assign extracurricular and non-instructional duties as necessary to conduct the business of the school, with the following exception: initially licensed teachers (exempt teachers) may not be assigned extracurricular duties unless they request the assignments in writing. See Board Policy 7405.

### **Grievance Procedure for Employees**

It is the policy of the Board, in keeping with the ultimate goal of serving the educational welfare of children, to develop and practice reasonable and effective methods of resolving difficulties that may arise among employees. The intent is to reduce potential areas of grievances and to establish and maintain recognized channels of communications between staff and administration. The purpose of this procedure is to secure, at the lowest possible level, equitable solutions to the problems that arise from time to time and affect employees.

It is desirable for an employee and his or her immediate supervisor to resolve problems through free and informal communications. When this is not possible, the employee must file a written grievance with the supervisor, personnel director or superintendent within 30 days after disclosure or discovery of the facts giving rise to the grievance. Consideration will be given to the facts surrounding a late grievance; however, employees should recognize that delays in filing a grievance may impair the school system's ability to investigate. See Board Policy 7220.

### **Harassment/Bullying**

The Board acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring and inviting school environment to facilitate student learning and achievement. The Board will not tolerate any form of unlawful discrimination, harassment or bullying in any of its educational or employment activities. To this end, the Board specifically prohibits harassing or bullying behavior at all levels: between students, between employees and students, between peers or coworkers, between supervisors and subordinates, or between non-employees/volunteers and employees and/or students. This policy is in addition to Board Policy 7237/7236 - Sexual Harassment.

Employees are expected to comply with MCS Board Policy 7230 and school system regulations and are required to report any violations of this policy to a school official. Volunteers and visitors on school property are also expected to comply with Board Policy and established school rules and procedures.

The Board specifically prohibits reprisal or retaliation against any individual who makes a complaint or reports an incident of harassing or bullying behavior or who participates in an investigation or grievance proceeding initiated under this policy.

Harassing or bullying behavior is any repeated, systematic pattern of gestures or written, electronic, or verbal communications, or any threatening physical act or communication on school property, at any school sponsored function, on a school bus, or as otherwise stated in Board Policy 7230. Violations of this policy should be reported to the immediate supervisor or the personnel director for investigation. The superintendent shall ensure periodic training of staff and students on this policy. Violations of this policy may result in disciplinary action, including termination of employment. See Board Policies 7235 and 7270.

### **Identification Badges**

All employees will be supplied with a picture identification badge. These identification badges are required to be worn and displayed at all times when on MCS properties. For replacement badges or questions, contact Human Resources at 792-1575.



**Instructional Planning**

The likelihood of improved instruction is enhanced when all teachers are given a reasonable amount of time during each student day to plan lessons. Each school improvement plan shall include a plan to provide duty-free instructional planning. All full-time assigned classroom teachers shall be provided duty-free instructional planning time, with the goal of providing at least five hours of planning time per week to the maximum extent that the safety and proper supervision of children may allow during regular student contact hours and insofar as funds are provided for this purpose by the General Assembly. Teachers are required to prepare detailed daily lesson plans and to have detailed plans available for substitutes.

When teachers are on medical or other approved long-term leave, they cannot be required to perform work (i.e. lesson plans, interim reports, grades, IEP meetings, etc.). For long-term situations, if the teacher has not left adequate information for the substitute, the responsibility falls upon the individual teams, department chairs and other staff members to provide the necessary lesson plans. See Board Policy 7405.

**Personnel Files Maintenance and Contents**

A personnel file is maintained in Human Resources for each employee as provided by law. An employee's personnel file shall be open for his/her inspection and closed to all others without employee consent except as provided by law and Board Policy. Every employee may have access to his/her own personnel file at all reasonable times at the Human Resources office.

Unless otherwise provided in Board Policy, the personnel file shall include, but not be limited to, records and documents collected and retained by the school system relating to an individual's application, selection or non-selection, promotion, demotion, transfer, leave, salary, suspension, performance evaluation, disciplinary action, or termination of employment.

Employees may offer a denial or explanation of any evaluation, commendation, complaint, or suggestion placed in the employee's personnel file; and any such denial or explanation shall become part of the employee's personnel file provided it is signed and dated.

No evaluation, commendation, complaint, or suggestion may be placed in an employee's personnel file unless it is signed by the person who makes it and dated, and a written copy of the document is provided to the employee at least five (5) days before it is placed in the employee's personnel file. If the document itself indicates that a copy is to be placed in the personnel file, no separate notice to the teacher shall be necessary and the document may be placed in the personnel file five (5) days after it is issued to the teacher.

All information provided to the Human Resources office by a current employee must be true, accurate, and complete. Employees are required to continuously update their application with current and correct information. Violation of this Policy is grounds for dismissal. See Board Policy 7820.

**Personnel File Removal of Information**

An employee may petition the superintendent in writing to remove any information from the employee's personnel file that the employee deems invalid, irrelevant, or outdated. The request shall set forth the material in question; the basis of the request, including reasons supporting why the material is invalid, irrelevant, or outdated; and any supporting documents or additional information that may be helpful.

The superintendent may elect not to place all letters of complaint in an employee's personnel file if a letter of complaint contains invalid, irrelevant, outdated or false information or when a letter of complaint does not document attempts to resolve the issue. The superintendent will refer a questionable letter of

complaint to the personnel director for investigation prior to determining whether the letter of complaint should be placed in the employee's personnel file.

Notwithstanding any contrary provisions of the Board's Grievance Policy, the sole means by which an employee may seek removal of information from his/her personnel file is through a petition to the superintendent. See Board Policy 7821.

### **Prohibition Against Retaliation**

The Board prohibits and will not tolerate any form of reprisal, retaliation or discrimination against any employee who (1) in good faith, has made or intends to make a report that there has been a violation of federal, state or local law, regulation or public policy due to a practice, policy, act or omission of the Board of education, of a school system employee or of an entity/person with whom the school system has a business relationship; or (2) has refused to carry out a directive which may constitute a violation of state or federal law, rule or regulation or poses a substantial or specific danger to public health and safety. An employee who reasonably believes that any such violation exists may file a grievance in accordance with Board policy 7220, Grievance Procedure for Employees, or a complaint in accordance with Board policy 7225, Discrimination, Harassment and Bullying Complaint Procedure. The provisions of this policy apply only to employees who have brought allegations to the attention of school officials or the Board with a reasonable opportunity to investigate and correct the activity. See Board Policy 7280.

### **Reporting Information to the Principal and External Agencies**

It is the policy of the Board, in serious matters relating to the safety and welfare of students and employees, that certain actions and information be reported to external agencies as required by law or regulation. All school employees, including substitute teachers, student teachers, and volunteers, must immediately report any act of violence or inappropriate use of seclusion and restraint in school, on school property, or at school-sponsored events to the principal or his/her designee. Acts that should be reported are all those known or believed to be violent and/or in violation of corporal punishment or appropriate restraint guidelines. Reporting obligations are outlined in N.C.G.S. §391.1. See Board Policy 7270.

### **Seclusion and Restraint**

Martin County Board of Education Policy promotes the safety of all students, staff, and visitors in its schools. To further this Policy, school personnel may, in compliance with N.C.G.S. §115C-391.1 and state and local policies and procedures, employ reasonable restraint or seclusion techniques with students. Copies of this Policy and the law will be provided to school personnel at the beginning of each school year. In accordance with the Policy and procedures, school personnel shall promptly notify the principal or principal's designee of any use of aversive procedures, prohibited use of mechanical restraint, use of physical restraint resulting in observable physical injury to a student, and/or any prohibited use of seclusion or seclusion that exceeds 10 minutes or the amount of time specified on a student's behavior intervention plan. Notification should be by the end of the work day, but must be no later than the end of the next work day. No employee of the Martin County School System shall retaliate against another employee for making a report alleging a prohibited use of seclusion, restraint, or aversive techniques, provided, however, an employee may be disciplined for making such a report if the employee knew or should have known that the report was false.

### **Sexual Harassment**

The Martin County Board of Education believes that all employees and students are entitled to work and study in school-related environments that are free of sexual harassment. To this end, the Board prohibits employees and students from engaging in sexual harassment and advises employees and students that when evidence of sexual harassment is established, disciplinary action may be taken, up to and including, dismissal (for employees) and suspension or expulsion (for students). Independent contractors and

volunteers are likewise prohibited from engaging in sexual harassment and are subject to removal from their duties or activities with the school district for violations of this Policy.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic progress, or completion of a school-related activity; or
2. Submission to or rejection of such conduct is used as the basis for employment decisions affecting such an individual, or, in the case of a student, submission to or rejection of such conduct is used in evaluating the individual's performance within a course of study or other school-related activity; or
3. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or a student's educational performance, or creating an intimidating, hostile, or offensive environment.

Examples of sexual harassment include, but are not limited to, deliberate, unwelcome touching; suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats; pressure for sexual activity; continued or repeated offensive sexual flirtations, advances or propositions; continued or repeated verbal remarks about an individual's body; sexually degrading words used toward an individual or to describe an individual; or the display in the work place or school setting of sexually suggestive objects or pictures.

It is possible for sexual harassment to occur at various levels: between peers or coworkers, between supervisors and subordinates, between employees and students, between students, or imposed by non-employees on employees and/or students. Sexual harassment may be committed by members of the same sex or by members of the opposite sex.

The Board takes seriously all complaints of sexual harassment. Any employee who believes he/she has been sexually harassed may make a complaint orally or in writing to a school official. An investigation will then commence according to the procedures set forth in MCS Board Policy 7237. See Board Policies 7235, 7236 and 7237.

### **Staff Responsibilities**

For students to succeed, all staff members must approach their responsibilities conscientiously, always remembering that the ultimate responsibility of the school district is to create the opportunity and environment where students can learn. All personnel are required to be familiar with, support and enforce Board policies, school rules, administrative procedures and applicable laws; attend to the safety and welfare of students, ensuring that they are supervised at all times; demonstrate integrity, respect and commitment to the truth through attitudes, behavior and dress; appropriately direct any complaints; support and encourage good community relations; faithfully and promptly attend work; diligently and promptly submit required reports; take care of and protect school property. See Board Policy 7300.

### **Staff-Student Relations**

All employees of the Martin County Board of Education, student teachers, and contractors hired to perform instructional or professional services are prohibited from dating, courting, or entering into a romantic or sexual relationship with any student enrolled in the Martin County School System, regardless of the student's age. Employees engaging in such inappropriate conduct will be subject to disciplinary action up to, and including, dismissal.

Any employee who has reason to believe that another employee is inappropriately involved with a student, as described above, shall report this information to the personnel director, superintendent or Board official. An employee who fails to inform the personnel director or other school official of a reported or suspected inappropriate relationship between an employee and a student may be subject to disciplinary action. See Board Policy 4040/7310.

### **Substitute Procedures**

In addition to following the procedures for notification set forth by an employee's school or work site, these are the procedures for using the automated substitute system. Please note that registering an absence with the automated substitute placement service does not excuse an employee from also contacting his/her school or work site to report an absence. It is the employee's responsibility to make sure that he/she follows all procedures established by the school or work site when calling in an absence.

### **AESOP Automated Substitute System**

Martin County Schools uses a web and phone based automated substitute placement service (AESOP) to fill all teacher and special program teacher assistant absences. Users register their absences at any time, either by logging onto the web or by calling a toll-free number. Substitutes can search for available assignments in real time either by logging onto the web or by calling a toll-free number. AESOP will also call substitutes based on preference lists established by our schools. AESOP provides advantages for teachers, site administrators, and substitutes. Teachers can register absences and leave messages for substitutes 24 hours a day, 7 days a week. Teachers and special program teacher assistants can register their absences for the entire school year in advance of their absence. By logging on to <http://www.aesopeducation.com> or by calling 1-800-942-3767, teachers can find out if their absence is still open or, if filled, who has been assigned. Principals can create preferred lists of substitutes based on need and staff preference. Site administrators and support personnel can find out who will be absent from their building and who will be filling the position. Principals can also run absence reports for their school as needed. Substitutes can log on to the web or call a toll free number at any time to check for open jobs and indicate their availability by day of the week.

**All absences requiring a substitute must be entered into the AESOP system. Never use a substitute that is not in the AESOP system.**

### **Substitute Teacher Folders**

To enable substitute teachers to provide better services to students during planned and/or emergency teacher absences, all regular teachers must prepare a substitute teacher folder. This folder must be submitted to the principal (or designee) at the beginning of each school semester. **The folder must be updated periodically as necessary.**

As applicable, the folder should include the following information for each class/group:

- Attendance Procedures
- Roll(s)
- Seating chart(s)
- Appropriate, easy-to-implement plans/back-up plans
- Texts, guides, manuals, answer sheets, equipment, etc.
- Necessary forms for students and teachers
- Emergency routes/procedures
- Daily schedule for students and teacher (pull-out programs, etc.)
- Faculty handbook (map, school goals, etc.)
- Discipline/management procedures (group and/or individual plans)

- Names of designated student helpers
- Names of designated teachers, assistants, and administrators who can assist
- Medical or physical problems/procedures
- Keys, security of room
- Hall passes for the bathroom, phone, etc.
- Instructions on where to leave students' work
- Lunch procedures, money, etc.
- Accident procedures, reports
- Duties, expectations for assistant, student teacher, and substitute teacher, including extra duties
- Phone number of absent teacher
- Substitute teacher report/evaluation form (to be completed by the school substitute)
- Name of substitute designee in the office with whom substitute is to check in/out

Please note: For short term absences, if an effective Substitute Teacher Folder is not available, other school personnel will need to provide the lesson plans and other information necessary to maintain the integrity of the instructional curriculum.

Employees, including teachers, who are on medical or other approved long-term leave cannot be required to perform work (i.e. lesson plans, interim reports, grades, IEP meetings, etc.). For long-term situations, if the teacher has not left adequate information for the substitute, the responsibility falls upon the individual teams, department chairs and other staff members to provide the necessary lesson plans.

### **Substitute “Do Not Use” Requests**

In the event that a substitute does not work out at a particular school, the school administrator, **after informing the substitute**, may submit a “Do Not Use” request to the Human Resources office requesting that the substitute’s name be removed from the list of available substitutes for their school. Martin County School System procedures call for the dismissal of any substitute teacher who receives more than two “Do Not Use” requests from any school in the system. “Do Not Use” requests are cumulative and are carried from year to year.

Following the receipt of the first “Do Not Use” request, Human Resources will send a letter to the substitute informing him/her of the request. If a second “Do Not Use” request is submitted to Human Resources, the letter will inform the substitute that his/her continued status as a substitute is in jeopardy and that his/her services as a substitute will be terminated if one more “Do Not Use” notice is received. Prior to submitting the “Do Not Use” request, the school administrator will inform the substitute of the action that is about to take place. The substitute may submit a letter of rebuttal to the school administrator. Any concerns regarding the school administrator’s decision need to be directed to the personnel director.

### **Technology Acceptable Use Policy for Employees**

Technological resources are made available to employees to enhance and facilitate the performance of school related duties and responsibilities. Employees should be aware that the information and materials available on the Internet contain items that are illegal, defamatory, inaccurate, indecent or profane, and that on such a global network it is impossible to control all materials. Employees will be given the privilege to use technological resources along with the responsibility of using them properly. Martin County Schools’ Internet access is coordinated through a complex association of government agencies as well as regional and state networks. The smooth operation of the network relies upon the proper conduct of those who use it. In general, this requires efficient, ethical and legal utilization of the network resources as well as adherence to school and Board of Education policies

Additionally, employees should be aware that any files stored in network directories or on the local hard drive(s) and any Internet activity, including emails, may be screened, supervised or viewed by school and system staff. Employees should not expect any privacy in these activities.

It is an employee's decision to participate in blogs, wikis, online social networks or any other form of electronic online publishing or discussion, however, material that employees post online that is available to the school community must reflect the professional image applicable to the employee's position and not impair the employee's capacity to maintain the respect of students and parents/guardians or impair the employee's ability to serve as a role model for children. It is inappropriate to use email, texting, IMs, or social networking tools, cell phones or any other forms of electronic communication to discuss with a student a matter that does not pertain to curriculum related activities. Personal websites, cell phones and any other form of personal electronic publishing by employees must not use photos or movies taken at school or contain pictures of students or staff. Employees are prohibited from using electronic communications to establish personal relationships with students that are unprofessional and inappropriate. Employees must not use personal electronic communications or personal social networking tools to share confidential info about students or any special info that would violate the Family Educational Rights and Privacy Act.

Volunteers in the schools are to maintain appropriate relations with students at all times. Volunteers are encouraged to block students from viewing their personal information online so as to prevent students from viewing material that is not age appropriate. An individual volunteer's relationship with the school system may be terminated if the volunteer engages in inappropriate online interaction with students.

Any activities that violate this policy will make the user subject to disciplinary actions including revocation of the employee's network account and, depending upon the severity of the offense, could result in termination of employment. See Board Policy 7320.

### **Tobacco Free Environment**

The Board promotes the health and safety of all students and staff and the cleanliness of all school facilities. The Board believes that the use of tobacco products on school grounds, in school buildings and facilities, on school property or at school-related or school-sponsored events is detrimental to the health and safety of students, staff and school visitors. To this end, the Board adopts a 100 percent tobacco free policy and prohibits or restricts smoking and the use of tobacco products. "Tobacco product" means any product that contains or that is made or derived from tobacco and is intended for human consumption, including all lighted and smokeless tobacco products, as well as electronic cigarettes, vaporizers, and other electronic smoking devices, even if they do not contain tobacco or nicotine. See Board Policy 4320.

### **Visitors to the Schools**

The Board encourages the community and parents to be involved in and support the schools and their education programs subject to reasonable rules developed by school administrators. Visitors are encouraged to use school facilities made available to the public as provided in Board policy 5030, Community Use of Facilities. Visitors are encouraged to attend school events that are open to the public, such as athletic events, musical programs and dramatic productions. If a school employee becomes aware that a visitor is unauthorized, disruptive or dangerous, or a registered sex offender, the employee must notify the principal or school resource officer immediately. The principal or designee has the authority to order such individuals off school property, notify law enforcement or take other appropriate action. See Board Policy 5020.

### **Volunteers in the Schools**

Volunteers make valuable contributions to the learning process and educational goals of the school system. The superintendent shall ensure parents are notified of their right to take four hours of unpaid leave from their jobs each year in order to volunteer in their child's school as stated in G.S. 95-28.3. School administrators will ensure that volunteers are adequately screened based upon the amount of time they will spend with students, that volunteers comply with Board policy 5020, Visitors to the Schools, that volunteers are supervised and have adequate training to include applicable laws, Board policies, administrative procedures and Board rules. See Board Policies 5015 and 7320.

### **Weapons Prohibited on School Property**

It is the policy of the Martin County Board of Education that all schools and places of employment within the Martin County School System shall be free of all unauthorized weapons. No employee or other person shall carry, or encourage another person to carry, whether openly or concealed, an unauthorized weapon as defined below, onto school property at any time. A weapon is defined as any gun, rifle, pistol, or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife (a knife containing a blade that opens automatically by the release of a spring or a similar contrivance), blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), and any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance, on school property.

School property is defined as any public or private school building or bus, public or private school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by the Martin County Board of Education.

This policy shall not apply to:

1. A weapon used solely for educational or school-sanctioned ceremonial purposes, or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority, or
2. Firefighters, emergency service personnel, North Carolina Forest Service personnel, and any private police employed by Martin County Board of Education when acting in the discharge of their official duties, law enforcement officers, or any of those persons specifically exempted by G.S. § 14-269 (b).

Any employee who is aware that an unauthorized weapon has been carried onto school property must immediately notify the school principal or superintendent. Violation of this policy may subject the employee to dismissal. The principal shall immediately report violations of this policy to law enforcement. See Board Policy 7275.

### **PROFESSIONAL GROWTH**

The Board is committed to employing the most competent professional personnel available and, once employed, assisting them in their professional growth and development throughout their careers. The primary purpose of professional growth is to improve the instructional program for all students. Staff development is provided at the district and school level. The superintendent will authorize a budget for

professional development to pay for reasonable costs associated with courses, workshops, conferences, in-service training and seminars which employees are required to attend by local administration; however, the district will not bear the cost of training taken solely for the purposes of licensure renewal. See Board Policy 7800.

### **Beginning Teacher Support Program**

Martin County Schools will support all beginning teachers (those classified by DPI licensure as being BT1, BT2, or BT3) in accordance with State Board of Education policy TCP-A-004. The support provided to beginning teachers will include (but may not be limited to) the following:

- The Beginning Teacher Support program shall be managed by the staff of the Martin County Schools personnel department.
- The licensure specialist shall verify that beginning teachers will be eligible for a continuing license.
- The beginning teacher's orientation / sign-up session with Martin County Schools and at their assigned school shall include: a description of the goals and mission of Martin County Schools and the State Board of Education; testing and accountability; an overview of policies, procedures, and available services; training opportunities; proper use of seclusion/restraint; the teacher evaluation process; and the process for achieving a continuing license.
- Beginning teachers must be given "optimal working conditions" as defined by State Board policy, to include: 1) no extra-curricular assignments unless requested and signed by the beginning teacher; 2) no more non-instructional duty assignments than any other regular teacher; 3) a limited amount of curricular preparations; and 4) to the extent possible, a limited amount of exceptional or difficult students.
- Mentors shall be provided for all beginning teachers. Mentors will be selected, trained, and assigned in accordance with State Board guidelines.
- The principal or the principal's designee shall support the beginning teacher in the evaluation and professional growth process. First-year teachers are required to attend professional development sessions designed specifically for their needs. Beginning teachers should be provided time to work with their mentors and observe their peers to the extent possible.
- Beginning teachers shall be observed a minimum of four times per year, with these observations spaced as evenly as possible throughout the school year. All observations and the summative evaluation should be completed by April 15 of each year.
- The principal (or the principal's designee) and mentor shall collaborate with the beginning teacher in preparing a Professional Development Plan for the beginning teacher each year.
- First-year teachers shall be required to attend six to eight sessions designed for professional development and technical assistance to meet their needs. Other beginning teachers shall be supported by their mentor and principal or designee to provide technical assistance and identify needs for professional development.
- The personnel office shall maintain a beginning teacher file that contains the beginning teacher's PDP, evaluation reports, and mentor reports. This file, at the request of the beginning teacher, shall be transmitted to any other North Carolina LEA, charter school, or non-public institution that employs the beginning teacher before they receive a continuing license.
- The Beginning Teacher Support Plan shall be evaluated annually by surveys of the beginning teachers, principal input, beginning teacher turnover, and personnel office observations, and shall be strengthened as needed to assure program quality, effectiveness, and efficient management.



## **Evaluations**

### **Classified Personnel Evaluations**

Classified personnel shall be evaluated two times per year. Exemplary performance as well as deficiencies should be identified. Employees who are unclear about how performance is being assessed or who desire additional evaluation opportunities should address these issues with the immediate supervisor. A copy of the evaluation shall be placed in the employee's personnel file. Evaluation data may be used in making employment decisions, including transfers, promotions, demotions and dismissal of employees. See Board Policies 7815, 7820 and 7940.

### **Support Personnel Evaluations**

Support personnel may be evaluated at any time, including at the end of the first three months of employment and annually. Evaluation data will be used in making employment decisions including professional development, contracts, suspension, demotion and dismissal. A copy of the evaluation shall be placed in the employee's personnel file. See Board Policy 7820 and 7810.

### **Teacher Evaluations**

The Rubric for Evaluating North Carolina Teachers, State Board Policy TCP-C-004 which describes the new teacher evaluation process, and a schedule for completing all the components of the evaluation process are provided to all classroom teachers by the principal at the beginning of each school year within ten workdays. Evaluation data will be used in making employment decisions including professional development, suspension, demotion and dismissal.

See Board Policies 7410, 7810, 7800 and 7811

<http://www.ncpublicschools.org/docs/profdev/training/teacher/teacher-evaluation.pdf>

### **Action Plans for Certified Employees**

Any certified employee who receives a developing, not demonstrated, below standard or unsatisfactory rating on an evaluation will be placed on an action plan to improve the employee's performance, unless the employee is recommended for dismissal, demotion, or non-renewal. An action plan also may be used whenever appropriate to address performance concerns. The action plan contains a statement of the employee's performance problem(s) and lists specific expectations for improvement. The supervisor may consider input from the certified employee in developing the plan. If the employee's performance fails to meet expectations stated in the plan, the superintendent and the employee's supervisor will decide whether to recommend that the employee be dismissed, demoted, or non-renewed. An employee's compliance with the action plan is mandatory.

An action plan constitutes a warning to the employee that the employee must improve his or her performance in order to continue to work for the school system. Please note that a Monitored Growth Plan and Directed Growth Plan meet the definition of an action plan. See Board Policy 7811.

### **Certified Employees in Low-Performing Schools**

Certified employees in low-performing schools who are rated developing, not demonstrated, below standard or unsatisfactory on any function of the evaluation that relates to instructional duties shall be placed on an action plan that meets the requirements as defined in Board Policy 7811.

### **National Board Certification**

The state is no longer paying the candidacy fees for teachers pursuing National Board Certification. There is a loan program now available if needed. Details on the loan can be found on the DPI website: <http://www.ncpublicschools.org/recruitment/nationalboardcertification/>. Teachers are eligible to receive 7.5 teacher license renewal credits for completing the process, whether certification is achieved or not. As funding permits, Martin County Schools offers financial support with a National Board Certified

Teacher coordinating the program. The coordinator offers information sessions and organizes certificate specific cohorts led by NBCT coaches. There are also Saturday workdays where candidates come for a quiet place to work, to collaborate with other NBCTs, and to meet one-on-one with NBCT coaches for feedback on their work.

For information on the National Board for Professional Teaching Standards, visit their website at <http://www.nbpts.org/>. Guidelines for application information, eligibility for a state loan for National Board candidacy, and details on the 12% National Board pay differential are available at [www.ncpublicschools.org/recruitment/nationalboardcertification/application](http://www.ncpublicschools.org/recruitment/nationalboardcertification/application). For additional information on National Board certification, National Board certification renewal, or North Carolina teaching license renewal credits from National Board participation, contact the Human Resources office at 252-792-1575.

### **Praxis Reimbursement**

Funds are sometimes available to reimburse MCS employees who have taken the Praxis II tests in order to become highly qualified in a license area. Employees wishing to add another license area may also be eligible for reimbursement if funding is available. To check on availability of funds, contact the personnel director.

## **LICENSURE**

The Board intends to comply fully with all licensure requirements of the No Child Left Behind Act of 2001 (NCLB), state law and State Board of Education policies. A professional employee must hold at all times a valid North Carolina license appropriate to the position in which he or she is employed. To the extent possible, all professional teaching assignments will be in the area of the professional employee's license except as may be allowed by state or federal law or State Board policy. All classroom teachers of core academic subjects must be "highly qualified" as required by NCLB. Core subjects are English, reading or language arts, mathematics, science foreign languages, civics and government, economics, arts history and geography.

Licensure renewal is the responsibility of the individual, not of the school system. The position of any employee, who allows a license to expire, where that position requires a license, will be declared vacant and appropriately licensed applicants will be sought to fill the vacancy. The school system may offer staff development activities appropriate to license renewal credits. Individuals pursuing renewal credits outside the school system should contact the licensure specialist to determine if the activity is consistent with local and state policies. See Board Policy 7130.

### **Assistance with Licensure Issues**

Teachers with questions pertaining to their licensure requirements and status should contact the Human Resources licensure specialist at 252-792-1575. **It is strongly advised that lateral entry teachers and provisionally licensed teachers maintain regular contact with the licensure specialist to ensure that state licensure requirements are met.**

### **Probationary Teachers**

A beginning teacher with less than five years of teaching experience in the same school system is designated as probationary. An experienced teacher who is newly hired by a school system may be designated as probationary for one year.

### **Teacher Contracts**

For the purposes of this policy, the term “teacher” is defined as a person who meets the requirements of G.S. 115C-325.1(6). The board expects teachers to meet all performance standards established by the board, the superintendent or designee, state law, and State Board of Education policy. Employment contracts for teaching will be granted or renewed only for individuals of proven ability who strive for excellence.

The board will employ teachers upon the recommendation of the superintendent. The superintendent’s recommendation for a new or renewed contract must include the length of the term of the contract. A new or renewed contract will be for a term of one school year for teachers who have been employed by the board as a teacher for less than three years. For teachers who have been employed by the board as a teacher for three or more years and who are in good standing, a new or renewed contract shall be of four years. A teacher who has previously worked for Martin County Schools for three or more years and has returned to the school system must be employed for at least one year and be considered in good standing before he/she can be considered for a four-year contract. A contract for a teacher who is not in good standing may be for a term of one year only, if the teacher’s contract is renewed.

A teacher will be considered in good standing for purposes of this policy if:

1. The teacher received a rating of at least “proficient” on all standards of the teacher evaluation instrument on the most recent summative evaluation.
2. The teacher has successfully completed a growth, improvement, or corrective action plan if placed on one while employed by Martin County Schools.
3. The teacher has not received letters of reprimand or other relevant documented disciplinary action during the current contract term.
4. The teacher has not received a demotion or suspension without pay during the current contract term.
5. There is no other relevant performance or conduct information in the personnel file that would support a decision to disqualify the teacher for a multi-year contract.

### **School Administrators and Administrator Contracts**

School administrator contracts will be granted, extended or renewed only for individuals of proven ability. School administrators (supervisors or directors) and school-based administrators (principals or assistant principals), whose major function includes the direct or indirect supervision of teaching or of any other part of the instructional program, must be employed on contracts. The initial contract between the local Board of education and a school administrator or school-based administrator must be for two to four years ending on June 30<sup>th</sup> of the final 12 months of the contract. In the case of a subsequent contract between a principal or assistant principal and the local Board of education, the contract shall be for a term of four years. In the case of an initial contract between a school administrator with a provisional principal license and the local Board of education, the first year of the contract may be for a period of less than 12 months provided the contract becomes effective on or before September 1. Nothing in the statute shall be construed to prohibit the filling of an administrative position on an interim or temporary basis.

During the term of the contract, the school administrator cannot be dismissed or demoted except for the grounds and by the procedures in N.C.G.S. §115C-325 for which a career teacher may be dismissed or demoted. Extensions or renewals of the contract may be offered for a period of up to four years.

This policy does not apply to the superintendent, any assistant or associate superintendent, or any administrator whose major function does not include the direct or indirect supervision of teaching or of any other part of the instructional program. An employee who has a school administrator contract with

the school district is expected to continue to strive for excellence, meet all performance standards established by the Board, and pursue professional development as provided in Board policy 1610/7800. See Board Policy 7425.

## **ENDING EMPLOYMENT WITH MCS**

### **Retirement**

There is no mandatory retirement age for school system employees. Retirement policies and procedures are in accordance with statutes establishing and empowering the function of the Teachers' and State Employees' Retirement System of North Carolina. Unless specified otherwise in a written contract, any employee who anticipates retirement should notify the Human Resources – Employee Relations Department in writing at least 30 calendar days, but no more than 120 days, prior to his or her intended retirement date, except in those cases where conditions of health or other extenuating circumstances make shorter notices necessary. Additional information regarding retirement is available in the booklet *Your Retirement Benefits*, State Retirement System's website at <http://www.myncretirement.com>. See Board Policy 7910.

### **Resignation**

Unless specified otherwise in a written contract, certified instructional personnel desiring to resign from employment with the school system must give not less than a 30 calendar day written notice to the Human Resources Department. If an earlier release is desired by the person resigning, and if his/her release on an established earlier date would not be considered to result in undue inconvenience or hardship to the school system, the superintendent or designee may authorize such earlier release.

The superintendent will inform the Board and may request revocation of an employee's North Carolina teaching license if 30 calendar days' written notice is not provided or an earlier release is not granted. If a certified employee who has been recommended for dismissal under G.S. 115C-325(1) resigns without the written consent of the superintendent, then the superintendent shall report the matter to the State Board of Education and the employee will be deemed to have consented to the notice of the intention of dismissal to be placed in his/her personnel file and release of the information to prospective employers upon request and to have voluntarily surrendered his/her teacher license pending investigation by the State Board of Education.

Non-certified and support personnel desiring to terminate employment must give the Human Resources Department no fewer than 14 calendar days written notice. Failure to give at least 14 calendar days written notice will be documented in the employee's personnel file and may affect the employee's eligibility for rehire. The notice requirement may be shortened or waived by the employee's immediate supervisor with the prior approval of the superintendent or designee. See Board Policy 7900.

### **Reduction in Force**

In the unfortunate event that economic trends force the school system to reduce its number of employees, policies are in place that provide an orderly procedure for reduction in employment of licensed, professional employees and full-time non-certified employees of the school system. For certified employees these factors include work performance and evaluation ratings; areas of licensure; highly qualified status; program enrollment; service in extra duty positions and ability to fill such positions; length of service, with higher priority given to service in the school system; and degree level. For classified employees these factors include performance, length of service, stability of existing operations, service in an area where there is a limited pool of qualified personnel, etc. This procedure does not apply

to probationary teachers whose contracts are not renewed. Nothing in this policy is intended to (nor does it) alter the “at will” employment status of classified employees. Refer to policies: 7920 and 7921

### **Dismissal**

The Board recognizes that an effective staff is critical to the smooth operation of the school district and to creating a learning environment where students can succeed. When an employee is unable or unwilling to meet performance expectations, the supervisor and superintendent should consider whether dismissal or demotion is appropriate. Evaluators of certified employees should provide the superintendent with carefully documented evidence concerning a person’s inadequacies and lack of competence and the ways in which the evaluator has attempted to help the employee become a more effective professional. All actions for dismissal shall be conducted in accordance with state law G.S. 115C-325. Classified (support) employees are considered at-will employees. The Superintendent or designee is authorized to dismiss classified employees and shall notify the Board of Education of such action. Refer Board Policies 7810, 7811, 7815, 7930 and 7940

### **Employment after Retirement**

Often after retiring, employees are interested in returning to the school system either on a part-time or full-time basis. State law addresses the provisions and limitations afforded to retirees who wish to return to work. To learn how re-employment could affect retirement benefits, it is advisable that retirees contact the Teacher’s and State Employee’s Retirement System prior to returning to work.

## **VACATION, SICK, AND MISCELLANEOUS LEAVES**

### **Annual Vacation Leave**

All full-time and part-time permanent employees who work or are on paid leave (including paid holidays and workers' compensation) for one-half or more of the workdays in a monthly pay period are entitled to earn annual vacation leave at the same rate provided for state employees. Leave for a part-time employee is computed on a pro rata basis of the amount earned by a full-time employee in that class of work. A single employee working in more than one position may not earn more than the benefits allowed for one full-time position, regardless of whether the separate positions the employee holds are part-time or full-time.

The rate of earning is based on the length of total State service as follows:

<u>Years of State Service</u>	<u>Days of Leave Earned per Month of Employment</u>
Less than 5 years	1.17
5, but less than 10 years	1.42
10, but less than 15 years	1.67
15, but less than 20 years	1.92
20 years or more	2.17

Bus drivers who work less than 20 hours per week and who are not otherwise entitled to earn vacation as described above are entitled to earn one day per year (equal in length to one regular workday for each driver) if they are employed to drive a regular daily route (i.e., they are not substitute drivers) and they were employed as regular drivers the entire previous school year.

A bus driver who is terminated or resigns before taking the leave day is not entitled to compensation for the annual vacation leave day.

## **Use of Annual Vacation Leave**

- The superintendent or designee has the authority to approve the vacation schedules of all personnel.
- ***Restrictions on use by instructional personnel and bus drivers*** - classroom teachers who require a substitute, school media coordinators who require a substitute, teacher assistants and child nutrition staff who require a substitute, and bus drivers may not take annual vacation leave at any time that students are scheduled to be in attendance. Within any given year, instructional personnel who do not require a substitute may be granted a maximum of five vacation days when students are in attendance. Such days will not be consecutive. Leave will not be granted on days immediately before and after days when students are out of school. Leave will not be granted on mandatory teacher workdays. An exception may be made in the case of catastrophic illness when the employee has exhausted all sick leave.

Annual vacation leave may be used in lieu of sick leave; however, instructional personnel who require substitutes and bus drivers are subject to the restrictions set forth above.

Employees may elect to use annual vacation leave for absences due to adverse weather conditions only on days when students are not required to attend school due to the adverse weather conditions. See Board Policy 7550.

- ***Disability*** - Employees may elect to exhaust annual vacation leave during the 60-day waiting period or in lieu of short-term disability benefits. Instructional personnel who require substitutes and bus drivers may use this leave only on days that students are not scheduled to be in regular session. This election does not extend the 365-day duration of short-term disability.
- ***Vocational and technical education teachers*** who are employed for 11 or 12 months may, with prior approval of the principal, work on annual vacation leave days designated in the school calendar and may use those annual vacation days during the eleventh or twelfth month of employment.

Annual vacation leave may be accumulated without any applicable maximum until June 30<sup>th</sup> of each calendar year. On June 30<sup>th</sup> or upon retirement, accumulated annual vacation leave in excess of 30 days will be converted to sick leave so that only 30 workdays of annual vacation leave are carried forward. Upon separation in order to retire, annual vacation leave over 30 days may be converted to sick leave for creditable service toward retirement. Upon separation from service due to service retirement, resignation, dismissal, reduction in force, or death, an employee shall be paid in a lump sum for accumulated annual vacation leave not to exceed a maximum of 30 days. Employees going onto disability may exhaust annual vacation leave rather than be paid in a lump sum.

## **Bonus Vacation Leave**

The purpose of the bonus vacation leave is to provide a leave benefit to employees whom the General Assembly designated in the 2002-2003, 2003-2004, and/or 2004-2005 fiscal years. Bonus vacation leave was received in three special distributions. For the 2002-2003 fiscal year, only full-time and part-time permanent employees who were eligible to earn leave on September 30, 2002, were eligible to receive bonus vacation leave. School employees who received salary increases based on the salary schedules approved in the 2001 modified budget (S.B. 1115) were not eligible for bonus vacation leave. For the 2003-2004 and 2004-2005 years, additional bonus vacation leave was awarded to certain employees (those eligible to earn paid leave that were not paid from a teacher or administrator salary schedule).

The bonus vacation leave balance is tracked separately and carries forward each year until used or paid out at retirement or separation. (It is not included in the 30-day limit of the annual vacation leave, which can be carried forward on June 30 each year and does not roll into sick leave.) For the purposes of Voluntary Shared Leave, bonus vacation leave is treated the same as annual vacation leave and may be donated accordingly. An employee who transfers between local administrative units or to or from a state agency must have all unused bonus vacation leave transferred to the new school system or state agency, providing that the new agency accepts the bonus vacation leave.

Restrictions on use of Bonus leave are determined by state regulations and may change from time to time. <http://www.ncpublicschools.org/docs/humanresources/district-personnel/key-information/information/policymanual.pdf>

### **Holiday Leave**

Permanent public school employees receive pay for the same number of legal holidays occurring within the period of employment as those designated by the State Personnel Commission for State employees. Permanent part-time employees are entitled to paid holidays on a pro rata basis. Temporary employees are not entitled to paid holidays. Paid holidays are granted only to employees who are in pay status through the day on which the holiday is scheduled, or in pay status for one-half or more of the workdays in the month. This includes Independence Day for summer employment. Employees do not earn holidays scheduled before their date of employment or after their date of separation or when the employee is on leave without pay for more than half of the workdays and holidays in the month

With the exception of Veteran's Day which must be observed as a holiday for students and staff, the local Board of education determines when holidays are scheduled in the school calendar. Some examples include:

- New Year's Day
- Martin Luther King, Jr.'s Birthday
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving - Two days
- Christmas - Two days when Christmas falls on Friday, Saturday, Sunday, or Monday. Three days when Christmas falls on Tuesday, Wednesday, or Thursday.

<http://www.ncpublicschools.org/docs/humanresources/district-personnel/key-information/information/policymanual.pdf>

### **Bona Fide Religious Holidays**

Absence from school for bona fide religious holidays may be allowed for a maximum of two days within any one school year with prior approval from the superintendent. Days designated may not be already scheduled as vacation or other holidays in the school calendar. Absence for these religious holidays will be with full pay.

The employee must agree to make up the amount of time for which his or her absence has been excused. The time must be made up at a time agreed upon by the employee and his or her immediate supervisor or principal.

<http://www.ncpublicschools.org/docs/humanresources/district-personnel/key-information/information/policymanual.pdf>

### **Civic Responsibility Leave** **Community Responsibility**

Upon approval of the supervisor, full-time or part-time public school employees may be granted leave to represent the school or administrative unit at community functions such as the funeral of a school child or his parent. Employees absent for these reasons shall retain full salary during the days absent.

Proper provision shall be made for the continuation of the employee's regular work by making satisfactory arrangements within the system or by employment of a substitute. Substitutes employed for these absences shall not be paid from state funds.

### **Jury Duty**

Full-time or part-time employees retain full salary when absent from work to serve on a jury. Employees are entitled to their regular compensation plus any fees received for jury duty.

### **Court Attendance**

If court attendance is for school business, the employee receives full salary.

If court attendance is for civic responsibility for which the employee is a disinterested third party, such as an eyewitness to a crime, and is compelled to be there (e.g. by subpoena), the employee receives full salary.

If court attendance is for personal reasons for which the employee has a personal stake in the outcome, then the employee will not receive full salary, even if subpoenaed. An employee may take appropriate earned leave or leave without pay.

Any fees except travel reimbursement received by a school employee serving in an official capacity as a witness shall be returned to the school system to be credited to the same fund from which the employee is paid.

<http://www.ncpublicschools.org/docs/humanresources/district-personnel/key-information/information/policymanual.pdf>

### **Educational Leave**

An employee who otherwise meets eligibility criteria is eligible to request educational leave after successful completion of four consecutive years of service in the Martin County School System. Earlier consideration for educational leave may be given if the education or credential sought is related to an area of critical need in the system. Educational leave may not exceed one year in duration. A person granted educational leave must be responsible for obtaining information and making necessary individual arrangements for continuation of retirement, hospitalization and benefits during the leave of absence. The school system will continue to make monthly matching contributions to the State Retirement System for an employee on approved leave under this Policy, but only if the employee makes a request in writing to the superintendent before the leave begins.

**Notification and Reinstatement:** Application for educational leave must be approved by the immediate supervisor and submitted to Human Resources prior to May 15 of the school year preceding the proposed leave. By May 15th of the year in which leave is taken, the employee must notify Human Resources of his/her intent to return.

Employees enrolled in the Principal Fellows Program must notify Human Resources of their continued enrollment in the Principal Fellows Program by May 15th. Additionally, by May 15th of their second year, they must notify Human Resources of their intent to return to the school system.



Educational leaves of shorter duration require thirty (30) calendar days written notice of the employee's interest to return. If appropriate written notification is received, reemployment will be assured following the leave. However, while employment is guaranteed upon the employee's return, it may not necessarily be the same position, school or grade level.

<http://www.ncpublicschools.org/docs/humanresources/district-personnel/key-information/information/policymanual.pdf>

## **Military Leave**

### **Short-term military leave with pay**

This leave is granted to members of reserve components of the U.S. Armed Forces for certain periods of active duty training and for state military duty. Leave with pay is extended to full- or part-time permanent school employees, for up to exceed 15 days each federal fiscal year (October 1 to September 30), for annual training and military maneuvers. If paid leave is not available, and the military pay is less than the LEA school pay, then the employee is eligible for differential pay.

### **Military leave for extended active duty**

This leave can be granted without pay, not to exceed five years plus any period of additional service imposed by law. An employee may not use paid military leave for extended active duty. There are specific regulations related to differential pay and requirements that must be met by those employees eligible for differential pay. Contact the personnel director for more information. See Board Policy 7530.

<http://www.ncpublicschools.org/docs/humanresources/district-personnel/key-information/information/policymanual.pdf>

## **Other Leaves Without Pay**

An employee may be granted a leave of absence without pay at the discretion of the superintendent and subject to rules and regulations adopted by the local Board of education. With the exception of military leave, the local Board of education may determine the beginning and/or ending date of such leaves based on a consideration of the welfare of the students and the need for continuity of service.

### **Continuation of Health Insurance**

If an eligible employee goes on approved, non-paid leave of absence, the employee may retain medical insurance provided the employee pays both the employer's and the employee's portions of the insurance premium. **Notification must be given to the payroll department in advance of starting leave.**

<http://www.ncpublicschools.org/docs/humanresources/district-personnel/key-information/information/policymanual.pdf>

## **Compensatory Leave (FLSA)**

As indicated in the section referring to Fair Labor Standards Act Compliance, employees who are not exempt from the provisions of the FLSA are entitled to earn compensatory time. An employee may be required to use earned compensatory leave prior to taking other paid leave where consistent with law and Board Policy. Please refer to the Fair Labor Standards Act compliance section of this Handbook for further details.

### **Parental Involvement in Schools Leave**

In accordance with G.S. 95-28.3, any employee who is a parent, guardian or person in loco parentis may take up to four hours per fiscal year to attend or otherwise be involved at his or her child's school. There is no requirement that the employer pay an employee while taking this leave.

Employees wishing to take parental involvement leave must provide a written request at least 48 hours in advance. The employee may be required to furnish written verification from the child's school of his/her participation in a school function or other involvement at school.

<http://www.ncpublicschools.org/docs/humanresources/district-personnel/key-information/information/policymanual.pdf>

### **Leaves for Teachers Only**

#### **Personal Leave**

Personal leave is earned by classroom teachers and school media specialists who require substitutes. In order to be eligible, the employee must be in a permanent full- or part-time position. It is earned at the rate of .20 days for each full month of employment not to exceed two days per year. Part-time personnel earn a pro rata share of the rate for full-time employees. Unused personal leave may be carried forward from one year to another and may be accumulated without any applicable maximum until June 30 of each year. A teacher may carry forward to July 1 a maximum of five days of leave; the remainder of the teacher's personal leave shall be converted to sick leave on June 30. At the time of retirement, a teacher may also convert accumulated personal leave to sick leave for creditable service towards retirement.

#### **Use of Personal Leave**

Personal leave may be used only upon the authorization of the immediate supervisor and only in one-half or whole day units. Personal leave may be used on any instructional day or workday except for the first day teachers are required to report for the school year, required teacher workdays, days scheduled for state testing, or on the last working day before or the next working day after holidays or annual vacation days scheduled in the calendar, unless approved by the principal.

A teacher who requests personal leave at least five days in advance shall be automatically granted his/her request, subject to the availability of a substitute teacher, and cannot be required to provide a reason for the request. Personal leave must be transferred between local administrative units.

A teacher must be credited with all personal leave accumulated up to the time of reassignment or separation provided that the teacher is reinstated as an eligible permanent full-time or part-time employee within 60 calendar months from the date of separation or reassignment.

#### **Limitations on Personal Leave**

Personal leave should be used with due and proper consideration given to the welfare of the students and teachers alike and shall not be advanced. Personal leave may not be used during summer employment. When a teacher is no longer eligible to earn personal leave, that teacher may not use previously accumulated personal leave. When a teacher resigns or separates from service, personal leave cannot be paid out in lump sum, but may be used towards retirement as provided above.

#### **Salary Deduction for Personal Leave**

Teachers using personal leave receive full salary less the required substitute deduction unless the personal leave is approved for a non-protected work-day. The standard deduction is \$50 per day.

<http://www.ncpublicschools.org/docs/humanresources/district-personnel/key-information/information/policymanual.pdf>

## Extended Sick Leave

### **Eligibility and Rate of Earning Extended Sick Leave**

Extended sick leave is available to classroom teachers and media specialists who require substitutes if they are absent due to their own personal illness or injury in excess of their accumulated sick leave and available vacation leave. In order to be eligible, the teacher must be in a permanent full- or part-time position. Those qualifying are allowed extended sick leave of up to 20 workdays throughout the regular term of employment.

### **Use of Extended Sick Leave**

Extended sick leave must be requested (it is not extended automatically), and the request must be accompanied by a physician's statement verifying the medical necessity. Unlike sick leave, extended sick leave cannot be used to attend to a child's or spouse's illness, etc., nor can it be used during a leave for adoption. Accumulated sick leave must be exhausted before extended sick leave is granted. Extended sick leave days do not have to be used consecutively. Unused extended sick leave days do not carry forward to succeeding school years.

Teachers on extended sick leave receive full salary less the required substitute deduction. The deduction is mandatory whether or not a substitute is employed. The standard deduction is \$50 per day.

Central Services personnel, including centrally based teachers, are not eligible for extended sick leave or personal leave.

## **Sick Leave**

### **Eligibility and Rate of Earning**

- ***Full-time employees*** - all permanent, full-time employees working or on paid leave (including paid holidays and workers' compensation) for one-half or more of the workdays in any monthly pay period earn one sick day per month or the number of hours worked daily by a full-time employee in that class of work up to a maximum of eight hours.
- ***Part-time employees*** - all permanent, part-time employees working or on paid leave (including paid holidays and workers' compensation) for one-half or more of the workdays in any monthly pay period earn sick leave computed on a pro rata basis of the amount earned by a full-time employee in that class of work. Permanent, part-time employees previously employed in a full-time position retain the balance of sick leave earned in the prior position upon transferring to a part-time position.
- ***Units*** - Sick leave must be used in one-half or whole day units. An employee who is absent less than one-half day shall be charged with the use of one-half day of leave; if an absence is more than one-half day but less than one full day, one day of leave shall be charged. Only sick leave taken on an employee's workday shall be deducted from the employee's sick leave balance.
- ***Accumulation*** - Sick leave may be accumulated indefinitely.

### **Purposes for Which Sick Leave May Be Used**

1. Any actual period of temporary disability caused by or contributed to by personal illness or injury that prevents an employee from performing his or her usual duties. Sick leave may be used during the 60-day waiting period for short-term disability, in lieu of short-term disability benefits, or in lieu of worker's compensation benefits to maintain 100% salary.

Sick leave due to pregnancy, miscarriage, abortion, childbirth, or postnatal recovery must be treated in the same manner as any other temporary disability. Up to 30 days of earned sick leave

may also be used to care for a child placed with the employee for adoption. (These days should be consecutive and within the immediate 12 months following the adoption, unless otherwise agreed upon between the employee and administration).

When teachers are on medical long-term leave, they cannot be required to perform work (i.e. lesson plans, interim reports, grades, IEP meetings, etc.). For long-term situations, if the teacher has not left adequate information for the substitute, the responsibility falls upon the individual teams, department chairs and other staff members to provide the necessary lesson plans.

2. Medical appointments of the employee.
3. Illness in the immediate family and medical appointments related to the illness that necessitates the employee's attendance. Immediate family defined for using sick leave includes the employee's spouse, children, parents, siblings, grandparents, grandchildren, and dependents living in the employee's household. Step, half, and in-law relationships are also included.
4. Death in the immediate family. See #3 above for list of immediate family members.
5. The length of leave granted for illness or death in the immediate family is normally from three (3) to five (5) days; however, individual circumstances may dictate shorter or longer leaves for this purpose. It is the responsibility of the employee to communicate with his/her supervisor regarding the need for this leave and its length.
6. Whenever possible, employees should give 30 days advance notice of plans to take sick leave for elective medical or surgical procedures or for childbirth and/or adoption.

#### **Verification of Need for Sick Leave**

The superintendent or designee may, at any time, require a statement from a medical doctor or other acceptable proof that the employee was unable to work due to personal illness, medical appointment, illness or death in the family or adoption. Unless waived by the employee's supervisor, absences of more than three (3) days duration must be supported by a physician's statement or other acceptable proof that the employee was unable to work due to personal illness, medical appointment, or illness or death in the employee's immediate family.

#### **Procedure for Reporting Absences for Sick Leave**

An employee should follow his/her supervisor's instructions for reporting absences and should submit a written leave form immediately upon returning to work. If the sick leave is for a scheduled appointment, it should be requested by a Request for Leave Form as far in advance as possible. Whenever possible, employees should give thirty (30) days advance notice of plans to take sick leave for purpose of elective medical or surgical procedures, including childbirth and/or adoption.

When an employee calls in or otherwise reports his/her absence, the supervisor should ascertain whether the absence is for an FMLA-qualifying reason. If it is, the supervisor shall immediately advise the employee to contact the Human Resources office to complete the required leave of absence and medical certification forms.

#### **Limitations on Sick Leave**

Sick leave may not be used while on leave without pay or on holidays and annual vacation leave days scheduled in the school calendar. An absence covered by workers' compensation is not considered to be a

leave without pay. Sick leave may not be used on inclement weather days, in lieu of vacation, or for anything other than those reasons outlined above.

Sick leave may be used on any workday or student day including the first day employees in permanent positions report to work.

An employee who had previously earned sick leave may not use this leave while employed in an interim position of less than six months, a temporary position or a position of less than 20 hours per week.

#### **Advancement of Sick Leave**

The local superintendent shall assume full responsibility for the decision to advance sick leave to an employee. An employee may have advanced to his or her credit at the beginning of each year the number of days or hours of sick leave to which he or she is entitled for that school year.

#### **Reinstatement Following Sick Leave**

When the period of temporary disability does not exceed 30 working days, the employee shall be reinstated to his or her position at the termination of the period of temporary disability.

When the period of temporary disability exceeds 30 working days, the local superintendent shall determine when the employee is to be reinstated based on a consideration of the welfare of the students and the need for continuity of instruction.

#### **Sick Leave Upon Separation**

In the event an employee separates from service before earning sick leave, which has been advanced, a deduction will be made from the final salary check for the total unearned sick leave used. Pay for unused leave is not permitted, except when an employee has been approved for long-term disability.

Accumulated sick leave counts as creditable service towards retirement. One month of credit is allowed for each 20 days of unused sick leave upon retirement. One more month is allowed for any part of 20 days left over. Sick leave converted from excess annual vacation leave is also considered creditable service time.

From the date an employee resigns or moves to a temporary position, the sick leave balance is retained for 60 or 63 months. If the person is re-employed in a full-time or part-time permanent position, or retires within this 60 or 63 months, the sick leave balance is reinstated. After this point, the sick leave balance cannot be reinstated.

#### **Transfer of Sick Leave**

Unused sick leave must be transferred between local school administrative units. Sick leave may be transferred in whole or in part to and from a state agency, institution, community college, technical institute, or position covered by the State Personnel Act in county agencies of mental health, public health, social services, or emergency management if the receiving agency is willing to accept the leave. If the government agency refuses to accept sick leave earned by a school system employee, there is no lump-sum payout to the employee.

#### **Reinstatement of Accumulated Sick Leave**

*Within or between LEAs* – A former employee must be credited with all sick leave accumulated up to the time of separation from an LEA provided the employee is reinstated as a permanent employee within 60 or 63 calendar months from the date of separation.

*From other state agencies* – Sick leave may be reinstated from a state agency or institution, community college, technical institute or position covered by the State Personnel Act in county agencies of mental

health, public health, social services or emergency management when an individual is employed within 60 or 63 calendar months of separation from one of these. Leave to be accepted by the school system must not result in leave being accrued at a greater rate than the rate at which the school system employees earn leave.

### **Payout of Sick Leave**

There is only one payout of sick leave allowed. Prior to receiving long-term disability benefits, an employee approved for long-term disability must be paid in lump sum for any accumulated, unused sick leave.

No other payout of sick leave is allowed. At retirement, unused sick leave is credited to retirement service but there is no payment.

<http://www.ncpublicschools.org/docs/humanresources/district-personnel/key-information/information/policymanual.pdf>

### **Voluntary Shared Leave**

The purpose of voluntary shared leave is to provide economic relief for employees who are likely to suffer financial hardship because of a prolonged absence or frequent short-term absences caused by a serious medical condition. Only permanent employees who have exhausted all compensatory time and available accumulated paid leave (sick leave, annual vacation leave, and bonus leave, if applicable) are eligible to receive donated leave from employees of the same LEA, a different LEA, a community college, or a state agency as defined in section 4.3.4. An employee need not exhaust personal leave and the 20 days of extended sick leave to be eligible for voluntary shared leave.

An employee who is receiving benefits or is eligible to receive benefits from the Disability Income Plan is not eligible to receive donated leave. Voluntary shared leave may be used only during the required waiting period. Similarly, an employee who has exhausted accumulated leave and is eligible for voluntary shared leave may use donated leave during the required waiting period for workers' compensation. At the end of the waiting period, should there still be a balance of voluntary shared leave, only 40 hours of the remaining balance may be applied to supplement the workers' compensation benefit. Any unused donated leave must be returned pro-rata to the donors as noted below.

### **Application for Voluntary Shared Leave**

An employee who, due to a serious medical condition of self or of his or her immediate family, faces prolonged or frequent absences from work may apply to Human Resources for donated leave. A third person acting on the employee's behalf if the employee is unable to make application may also make application.

Unless FMLA provisions apply, immediate family includes spouse, children, parents, siblings, grandchildren, grandparents, and dependents living in the employee's household. Also included are step, half, and in-law relationships.

An employee may make application for shared leave at such time as medical evidence is available to support the need for leave beyond the employee's available accumulated leave.

The superintendent or designee shall approve or disapprove all requests for receipt of donated leave.

The following items must be included in the application: a doctor's statement and an authorization for release of medical information signed by the person who is suffering the medical condition (or parent or guardian of a minor). Any legally authorized party may also sign this release.

### **Length of Leave**

The superintendent or designee will determine the length of the leave. The leave granted may not exceed 130 workdays unless specifically extended by the superintendent or designee on a month-to-month basis until the maximum number of working days occurring between the first day of use of donated leave and twelve months have been used. Under no circumstances may the use of voluntary shared leave exceed the employee's period of treatment and recovery.

### **Earning Leave While Using Voluntary Shared Leave**

Holidays occurring while the employee is using donated leave will be paid. Annual vacation and sick leave will continue to be earned by the employee while he or she is using donated leave. Available earned leave accrued during this period must be used by the employee prior to continued use of any voluntary shared leave.

### **Unused Leave**

At the expiration of the period approved for voluntary shared leave as determined by the superintendent, any unused donated leave must be returned on a pro rata basis to the donors.

### **Family and Medical Leave Act (FMLA)**

The Family and Medical Leave Act of 1993 (FMLA) allows eligible employees to take 12 workweeks of unpaid, job-protected leave for their own serious medical condition or that of an immediate family member. In addition the FMLA allows eligible employees to take the same job-protected leave for the birth of a child or the placement of a child with the employee through adoption or foster care. Employers must maintain any employer-paid health benefits while the employee is on FMLA leave. FMLA may be applied retroactively.

### **Eligibility for FMLA Leave**

To be eligible for FMLA benefits, an individual must be employed by Martin County Schools for at least 12 months (not necessarily consecutive), and work at least 1,250 hours during the 12-month period immediately preceding the commencement of FMLA leave.

1. If an employee is eligible for FMLA leave, he/she may take a total of 12 weeks of FMLA leave during any 12-month period for the following reasons:
  - the birth and care of a newborn child,
  - the placement with the employee of a child for adoption or foster care,
  - to care for the employee's spouse, son, daughter, or parent with a serious health condition,
  - the employee's own serious health condition that makes the employee unable to perform the functions of his/her job, or
  - a qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is on active duty in the armed forces (or has been notified of an impending call or order to active duty).

If an employee is eligible, he/she may take up to 12 weeks of FMLA leave during any 12-month period for any one or more of the previously listed eligible reasons. The 12-month period is measured forward from the date the first FMLA leave begins. Leave may be taken intermittently

or on a reduced-leave schedule when medically necessary for treatment related to a serious health condition or when related to a qualifying exigency arising out of active duty service.

2. Additionally, if an employee is eligible for FMLA leave, he/she may take up to 26 weeks of FMLA leave during a single 12-month period to care for a spouse, son, daughter, parent or next of kin who is a service member suffering from serious injury or illness incurred while on active duty. During the single 12-month period, an eligible employee is entitled to a combined total of 26 weeks of FMLA leave.

### **Exhausting Other Leave**

To the extent permitted under Board Policy, the employee must use, and if necessary, exhaust earned compensatory time, sick leave, including extended sick leave or shared leave (if eligible), available vacation leave, and personal leave before going on unpaid FMLA leave. Instructional personnel must take earned vacation leave in lieu of other paid or non-paid leave on days in the school calendar as vacation days.

A non-exempt employee who has accrued compensatory leave time must use any such paid leave time before taking paid or unpaid FMLA leave. The use of accrued compensatory leave will automatically be granted to an employee who requests FMLA leave unless the employee notifies Human Resources in writing that he/she does not wish to use such accrued compensatory time. Use of compensatory time will not count against FMLA.

### **Notice of Need for FMLA Leave**

The employee must provide at least 30 days advanced notice before FMLA leave is to begin, if the need for leave is foreseeable. Notice should be given to the employee's immediate supervisor. If 30 days notice is not practical under the circumstances, or the need for leave is not foreseeable, the employee must give notice as soon as practicable. The employee must tell his/her supervisor whether he/she needs continuous or intermittent leave, or a reduced schedule. Failure to provide proper notice may result in the delay or denial of FMLA leave. When planning medical treatment, the employee must consult with his/her supervisor and make a reasonable effort to schedule leave so as not to disrupt school operations, subject to the approval of the health care provider.

In the event the employee's FMLA qualifying illness or event is unforeseen, after four (4) consecutive days of absence the employee will be placed preliminarily on FMLA pending proper receipt of medical certification and leave forms. It is the employee's responsibility to provide the appropriate medical certification within fifteen (15) days of the absence. The employee should work with Human Resources personnel who will facilitate the placement of an employee on FMLA immediately upon notification of the employee's medical situation.

### **Medical Certification**

The employee will be required to furnish medical certification of a serious health condition from a licensed health care provider and may be required to provide recertification every 30 days while remaining on FMLA leave. The employee will also be required to furnish a fitness for duty certificate prior to being restored to employment if FMLA leave is taken for personal serious illness. The employee may also be asked to report periodically on his/her status and intent to return to work while on FMLA leave.

While on FMLA leave, the school system must maintain any employer-paid health benefits during any period of unpaid leave under the same conditions as if the employee continued to work. During any period of unpaid FMLA leave, the employee is responsible for any premium payments normally deducted



from their paycheck for extended benefits. It is the employee's responsibility to make necessary arrangements through the compensation services department to continue these benefits.

### **Reinstatement following FMLA Leave**

The employee is entitled to be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on his/her return from leave. This does not mean that the employee will be restored to the same job position held before the leave, nor to a position at the same worksite. Instructional employees who begin leave near the end of an academic term may be required to continue taking leave until the end of the term.

The school district is not required to reinstate employees following FMLA leave if any of the following apply:

1. Employee fails to provide a requested fitness-for-duty certification to return to work. If this happens, the school system may delay reinstating the employee until a certificate is submitted.
2. Employee fails to report periodically on his/her status and intent to return to work when asked to do so.
3. Employee fraudulently obtains FMLA leave.

If the employee does not return to work following FMLA leave for a reason other than the continuation, recurrence, or onset of a serious health condition which would entitle him/her to FMLA leave, or other circumstances beyond the employee's control, he/she may be required to reimburse the school system for their share of health insurance premiums paid on the employee's behalf during his/her FMLA leave.

### **Confirmation of FMLA Leave**

The school system will provide the employee with written confirmation when it is counting leave as FMLA leave.

### **Additional Description of FMLA Rights**

This statement is an overview of the employee's rights and responsibilities under FMLA. See Board Policy 7520 for a complete description or consult with the MCS Human Resources department.

<http://www.ncpublicschools.org/docs/humanresources/district-personnel/key-information/information/policymanual.pdf>

## **PAY AND BENEFITS**

### **Fair Labor Standards Act Compliance**

(Applies to classified, non-exempt personnel only)

It is the policy of the Martin County Board of Education to comply with the wage and hour requirements of the Fair Labor Standards Act (FLSA) for all non-exempt employees. For purposes of compliance with the FLSA the employee workweek shall be from Sunday to Saturday. **In accordance with FLSA, employees are required to report on their timesheets the exact hour and minute that work starts and ends at any point during the workday.**

### **Overtime**

Employees classified as nonexempt under the provisions of the FLSA shall be entitled to time and a half pay for all hours worked beyond forty (40) in a given work week except as provided in Policy (compensatory time). Overtime should not be worked by non-exempt employees except in emergency or extraordinary circumstances and upon prior approval by the superintendent or designee and the

employee's immediate supervisor. Violations of this policy may result in disciplinary action up to and including dismissal. Supervisors shall make every attempt to modify an employee's schedule to avoid his/her working more than forty (40) hours in a given week. Employees shall maintain accurate daily records of their hours worked on forms provided by the school system. Any employee who falsifies work records will be subject to termination. Teacher Assistants may not be assigned coaching responsibilities without the written approval of the principal and the personnel director.

### **Compensatory Time**

Employees classified as nonexempt under the provisions of the FLSA may accrue compensatory time (comp time) at a rate of 1.5 hours for every one hour worked in lieu of receiving overtime pay for hours worked beyond forty (40) in a given work week. **As it is the practice and Policy of Martin County Schools to substitute compensatory time for overtime, comp time will be the first option for compensating an employee for overtime.** Supervisors shall arrange for employees to take comp time within one pay period following the time it is earned if possible. Only with appropriate authorization will a non-exempt employee be compensated for overtime worked at a rate of one and one-half times their regular hourly rate.

An employee may earn a maximum of 240 total comp time hours. Employees must obtain approval from their immediate supervisors before taking comp time. An employee will be required to use earned compensatory time prior to taking other paid leave where consistent with law and Board Policy. The superintendent may exempt certain employees or categories of employees from this comp time provision when deemed necessary for the proper administration of the school system. See Board Policy 7500.

### **Time Sheets**

Time sheets are provided for classified employees who are paid on an hourly basis and may be obtained at the employee's work site location. ***The time sheet should be completed on a daily basis. In accordance with FLSA (Fair Labor Standards Act), employees are required to report on their time sheets the exact hour and minute that work starts and ends at any point during the workday.*** For additional information regarding the proper completion of time sheets contact the Payroll Department at 252-792-1575.

Reporting time not actually worked on a timesheet is considered fraud and theft. This is a violation of the law and Board Policy and may subject an employee to disciplinary action up to and including dismissal. To report incidents where you suspect that someone is falsely reporting time on time sheets for personal gain, call the personnel director at 252-792-1575.

### **Workday**

The length of the school day for licensed staff will be a minimum of seven hours and thirty minutes and will continue until professional responsibilities to the student and school are completed. Administrative meetings, curriculum development, pupil supervision, assigned duties, parent conferences, group or individual planning and extra-curricular activities may require hours beyond the stated minimum. All employees are expected to be present during all working hours. Absences without prior approval, chronic absences, habitual tardiness or abuses of designated working hours are all considered neglect of duty and will result in disciplinary action up to and including dismissal. See Board Policy 7500.

### **Pay Dates**

Paychecks and direct deposit statements are released on the last workday of each month. December payroll will be released prior to the Winter break.

Employee work calendars are available:

- <http://www.martin.k12.nc.us>

- All employees are encouraged to print these calendars so that they are aware of their pay dates and the associated work days.

### **Direct Deposit**

MCS requires direct deposit for all employees:

- Enrolling for the first time
- Changing financial institutions
- Changing bank accounts
- Canceling direct deposit
- Direct Deposit Form is available at [www.martin.k12.nc.us](http://www.martin.k12.nc.us)

Employees should send the completed original form directly to the Payroll Department. Questions regarding direct deposit should be addressed to the Payroll Department.

### **IMPORTANT REMINDER:**

Do not close a direct deposit bank account until you have made arrangements to change or cancel your direct deposit enrollment first. *Closing your account without contacting payroll will cause your payroll to be delayed.*

### **Payroll Records & Withholding Forms**

Copies of earnings statements and W-2 tax forms may be requested from the Payroll Department. Employees may submit updated NC-4 and W-4 to the Payroll Department at any time a change is desired. NC-4 and W-4 forms are available for download at [www.martin.k12.nc.us](http://www.martin.k12.nc.us)

### **Payroll Deductions**

Payroll deductions are allowed only with vendors approved by the Board of Education:

- Voluntary deductions are arranged directly with the financial institution or organization
- Involuntary deductions are taken whenever there are earned wages

### **NC State Retirement Deductions**

NC State Retirement deductions are withheld at a rate of 6 percent of gross wages for all full-time permanent employees.

### **Travel Procedures**

Any employee who incurs expenses expected to be reimbursed by Martin County Schools must submit and get *prior* approval on an SD-1 form. Upon completion of the travel or activity, the employee must submit an expense reimbursement form with required receipts to the Finance Office within 30 days of the travel.

### **Longevity Pay**

All permanent full-time or part-time (20 hours per week or more) classified (not licensed; such as Teacher Assistants, Custodians, Education Office Personnel, etc.) employees who have at least 10 years of qualifying North Carolina state service are eligible for annual longevity payments.

Longevity pay is received during the month following the monthly pay period during which the employee has satisfied eligibility requirements. The amount of annual longevity pay is a percentage of the employee's annual rate of pay on the employee's anniversary date. The annual rate of pay does not include bonuses, pay for extra duty/extended employment, or overtime. The longevity percentage is determined by the length of state service as follows:

<b>Years of State Service</b>	<b>Longevity Pay Rate</b>
10 but less than 15 years	1.50 percent
15 but less than 20 years	2.25 percent
20 but less than 25 years	3.25 percent
25 or more years	4.50 percent

### **Leave Without Pay and Longevity Pay**

Employees on short-term disability or military leave are paid a pro rata amount of longevity earned at the beginning of the leave. An employee on workers' compensation is paid longevity as if he or she is actively working. All other employees on leave without pay receive longevity upon return and after they have completed a full year of eligibility. Please note that leave without pay often causes a change in the employee's anniversary month.

An employee separating from employment shall be paid the amount of longevity pay earned up to termination of employment. Employees taking a leave of absence to work in a charter school may be paid their accumulated longevity at the time they leave the school system.

### **New Employees Longevity Credit**

New MCS employees who have previous service with a creditable North Carolina state government agency must have their most recent NC state government employer complete a *Transfer of State Service and Leave Balances* form so that this service is counted toward longevity pay credit.

### **State Employees' Credit Union**

The credit union is available to all employees. The Board of Education has authorized MCS to allow voluntary payroll deductions for financial arrangements made with the credit union. This may include a payroll deduction for a checking account, savings accounts, or loan account.

### **Employee Insurance Benefits**

#### **Health Insurance**

All permanent employees employed for 30 or more hours per week are eligible for health insurance through the NC State Health Plan. Links to more specific information, including PPO plan coverage and rate comparisons, can be found at the State Health Plan's website, <http://www.shpnc.org>. At that site, employees can also locate doctors and access employee wellness information. Call the State Plan at 1-800-422-4658 for more information. Changes to health insurance coverage may be made during the annual enrollment period or within 30 days of a qualifying event.

#### **Optional Insurance**

Other optional benefits include cancer, disability, dental, vision, and other supplemental insurance plans. Information is disseminated at employee orientation and at annual enrollment.

Complete plan descriptions are available at <http://www.piercегroupbenefits.com/>

### **COBRA Benefits**

COBRA offers an employee and their dependents an opportunity to continue participating in the following insurance plans at group rates:

- State Health Plan
- Sun Life TPA Dental Plan
- Superior Vision Plan

Qualifying Event	COBRA Eligibility	Coverage Continuation
Separation of employment	Employee and dependents	18 months
Legal separation or divorce	Spouse	36 months
Age limitation	Dependent children	36 months
Student Eligibility	Dependent Children	36 months
Medicare Eligibility	Dependent w/Medicare as primary insurance	36 months
Death of Employee	Dependents	36 months

### **Disability Income Plan**

The Disability Income Plan of North Carolina provides short-term disability, extended short-term disability, and long-term disability benefits at the employer's expense for permanent full-time employees of MCS who meet certain state service requirements.

To be eligible for short-term benefits, employees must have one year of contributing service to the Retirement System when the disability begins and must be disabled more than 60 consecutive calendar days. The plan provides 50 percent of the employee's basic salary, up to \$3,000 a month, for one year. Employees with five or more years of service with the school system are eligible for long-term benefits after the short-term benefits expire. Long-term benefits are 65 percent of the employee's basic monthly salary, up to \$3,900, reduced by the benefits received from other plans. Benefits are payable until the disability ceases or the employee is eligible for full retirement benefits.

After working with the personnel director regarding the medical leave situation, and providing the necessary medical documentation, an employee may choose to go out on short-term disability if eligible and approved.

The North Carolina Department of the State Treasurer and the Board of Trustees of the Teachers' and State Employees' Retirement System administer the Disability Income Plan of North Carolina within the terms and conditions of the Plan as set forth in the North Carolina General Statutes.

Detailed information on the Disability Income Plan is available in the booklet *Your Retirement Benefits* published by the State Retirement System. [www.myncretirement.com](http://www.myncretirement.com)

### **Workers' Compensation Leave**

**Employees must immediately report any occupational injuries or illnesses to their supervisor.** All public school employees are entitled to receive workers' compensation under the North Carolina Workers' Compensation Act. Employees must have suffered an accidental injury or contracted an occupational disease in the course of employment to be eligible for medical payments, compensation for lost salary or death benefits under this program. Employees who suffer lost time as a result of a workers' compensation claim receive a weekly compensation benefit equal to 66 2/3% of the employee's average earnings up to a maximum established by the North Carolina Industrial Commission each year.

### **Process for Filing a Workers' Compensation Claim**

An employee who has been injured while on the job performing work functions is responsible for reporting his/her injury immediately to the principal or immediate supervisor.

If the employee will be out of work for a period of time as a result of the injury, the employee or the work site must complete a leave form to indicate that the employee is out of work on workers' compensation leave and submit it to the Workers' Compensation Office. There is a seven (7) day waiting period during which the employee can elect to use appropriate accumulated leave, voluntary shared leave, or elect to go on leave without pay. All medical documentation must be turned into the Workers' Compensation Office, including, but not limited to, return to work release notices, and any restrictions pertaining to the ability to perform one's job.

If the injury requires immediate medical treatment, the Workers Compensation Officer will make an appointment with an authorized medical provider. If an employee does not attend one of the approved medical providers without permission from the Workers' Compensation Officer, it may affect the insurance carrier's ability to process the claim in a timely fashion thus delaying payments to the employee and/or medical provider.

Once the employee's claim has been approved, the insurance carrier will be in contact with the employee regarding the payment of medical bills and lost time wages.

Employees may choose to supplement their Workers' Compensation benefit with leave accumulated **prior** to going out on Workers' Compensation approved leave. Use of sick and annual leave for this purpose shall not result in compensation greater than the usual full salary. Use of voluntary shared leave as a supplement to Workers' Compensation is available **only** if there is a **balance of 40 hours or less remaining at the end of the seven day waiting period**. Any balance over 40 hours must be returned pro-rata to the donors in accordance with Board Policy.

<http://www.ncpublicschools.org/docs/humanresources/district-personnel/key-information/information/policymanual.pdf>

### **Return to Work Program**

The primary goal of this program is to return the employee to his/her job as soon as possible with or without reasonable restrictions when the employee is released to return to work by the treating physician. If the personnel director determines that the employee cannot return to his/her existing position, then other return to work options in the best interests of the school system may be explored.

### **Medical Records and/or Information**

All medical records and/or information will be safeguarded and treated as confidential information. Access to this material will be limited to appropriate personnel.

### **Rights**

This return to work program and its accompanying policy are not intended to, and do not, create any additional employment rights on behalf of employees.

### **Episode of Violence**

Any permanent full-time employee who suffers an injury or disability while engaged in the course of his or her employment shall receive full salary if the injury or disability arose from an episode of violence and the employee did not participate in or provoke the violence.

The salary shall continue for one year, the continuation of the disability, or the time during which the employee is unable to engage in his or her employment because of the injury, whichever period is shortest. While receiving regular salary under this provision, the employee is not eligible to receive weekly salary benefits under workers' compensation. However, the employee may receive medical,

hospital, drug and related expense payments from workers' compensation, if applicable. The employee is not required to use any paid leave (sick, annual, personal, etc.) if absence is due to an episode of violence.

Employees who are injured or who suffer a disability arising from an episode of violence must provide written notice of the injury or disability to Human Resources as soon as possible, but not later than one year following the event or occurrence that caused the injury or disability.

<http://www.ncpublicschools.org/docs/humanresources/district-personnel/key-information/information/policymanual.pdf>