

Support Staff Handbook



2023-24

Equal Opportunity Statement/Notice of Nondiscrimination

Bixby Public Schools, as an equal opportunity educational provider and employer, prohibits discrimination on the basis of race, color, religion, sex, gender, (including pregnancy), national origin, disability, military status and/or age in educational programs or activities that it operates or in employment decisions. The district provides equal access to the Boy Scouts and other designated youth groups. The District is required by Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and the Age Discrimination Act of 1975, as amended, not to discriminate in such a manner. (Not all prohibited bases apply to all programs.)

Additionally, BPS is committed to establishing and sustaining a school community that shares the collective responsibility to address, eliminate, and prevent actions, decisions, and outcomes that result from and/or perpetuate racism. BPS will maintain a zero-tolerance policy relative to racism or discrimination of any kind.

Related BOE Policies:

[2100: Sexual Harassment of Students](#)

[4100: Sexual Harassment](#)

[4102: Grievance Procedure for Filing, Processing and Resolving Complaints Alleging Discrimination](#)

If you suspect discrimination please contact one of our Title IX Team Coordinators:

Employment Issues	Lydia Wilson	Associate Superintendent	lwilson@bixbyps.org	918-366-2240
Student Issues	Jamie Milligan	Assistant Superintendent	jmilligan@bixbyps.org	918-366-2298
Additional Issues	Rob Miller	Superintendent	rmiller@bixbyps.org	918-366-2200

General questions about the District should be directed to 918-366-2200.

Bixby Public Schools
109 N Armstrong
Bixby, OK 74008

2020-2025 Strategic Focus

Ensuring that each student is able to thrive and pursue individual excellence is an exciting challenge for our school staff and community. Our community is on the precipice of the future, as expanding opportunities, new technologies, and innovations in teaching and learning push us to think differently about how to best prepare our children for success beyond graduation.

Our District Strategic Planning Team embraced the challenge to build on Bixby's long tradition of excellence by identifying critical opportunities for focus over the next five years. This strategic plan provides direction for achieving consistent, sustained excellence throughout our schools, while also promoting innovation and organizational agility to ensure we continue to meet the rapidly-changing needs of our students and community into the future.

IT BEGINS WITH OUR VALUES

Bixby Schools will provide opportunities for students to explore and develop the skills, capacities, and dispositions that support life-long learning, high achievement, and global citizenship. Our high expectations for all students are embedded in the district-wide focus areas, goals, and strategies of this plan.

Our value statements drive our aspirational culture because they act as reminders of the how, why, and what -- and our shared vision.

- A strong public education system benefits the entire community, teaches positive citizenship, and is a shared responsibility of all.
- Everyone is entitled to a safe, caring, and respectful learning environment.
- Education addresses the development of the whole child - academic, social-emotional, personal health and well-being, and prepares each student for life's transitions.
- Today's instruction must embrace a child's natural curiosity and creativity while developing critical thinking and problem solving skills for successful global citizenship. High expectations promote higher achievement in academics, athletics, and the arts.
- Education should be tailored to meet the needs of every child.
- Every student should take ownership of his or her education.
- Education should guide the student's development of positive and ethical behavior which is reflected in their actions and attitudes.
- Our schools should be adaptive, innovative, and forward-thinking to ensure our graduates possess the skills necessary for success in a diverse and changing world.





Strategic Focus Overview 2020-2025

OUR MOTTO:
encapsulates the beliefs or ideals
which guide our district.

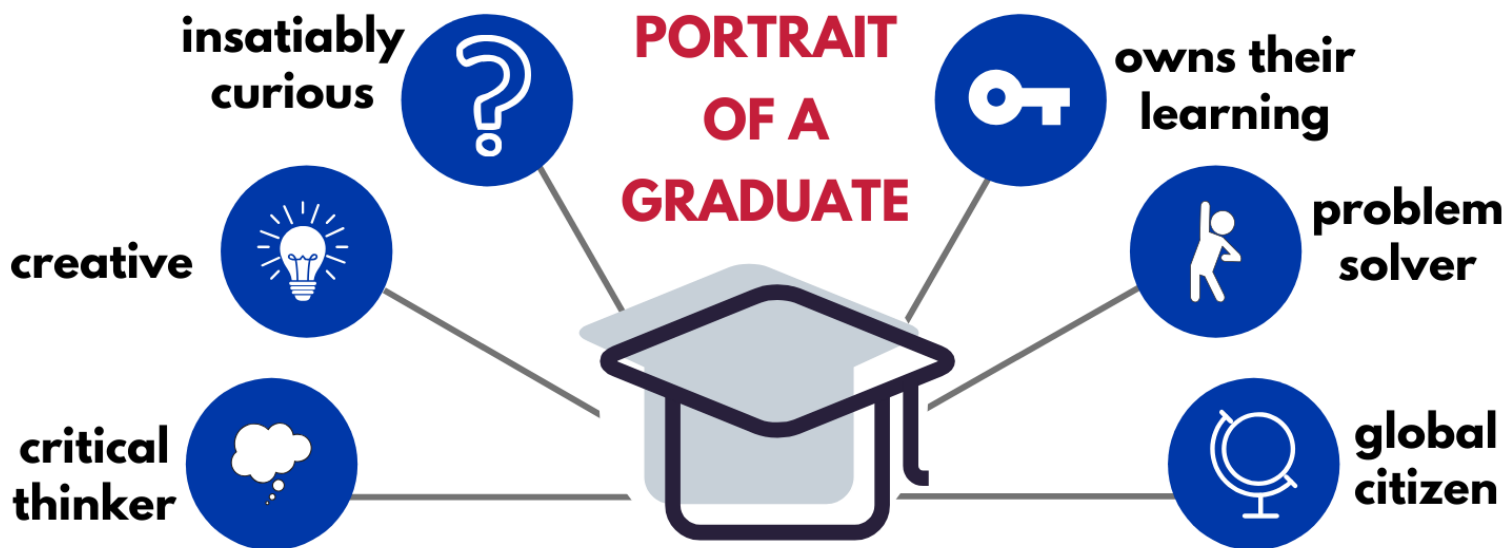
**The Spartan Way:
Learn Well.
Live with Honor.**

OUR VISION:
captures the future we hope to
create for our students.

Bixby Schools:
A place where all
learners believe in their
power to **LEARN, EXCEL,
& OWN** their future.

OUR MISSION:
explains our fundamental
purpose as a school district.

**“Ignite the
Potential of
Every Student.”**



These six learner attributes serve as the foundation for teaching & learning.

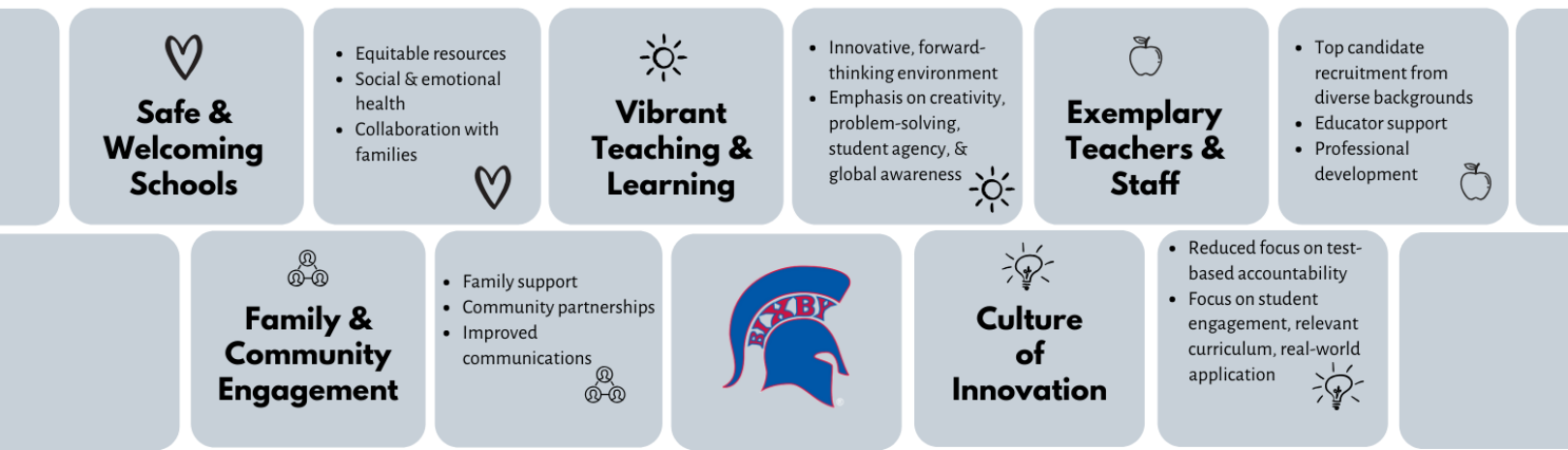


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SCHOOL CALENDAR

ABSENCE – SNOW AND/OR ICE DAYS

All employees of the Bixby Public Schools are expected to be present during bad weather unless advised differently by the Administrative Supervisor. Personal interpretation of hazardous driving conditions is not sufficient justification for receiving compensation for absence on such days. The safety of school district employees is of great concern to the administration. If hazardous driving conditions necessitate one being absent or tardy, they are to call their immediate supervisor.

ABSENTEEISM

Regular job attendance is expected of every employee. Individual job descriptions contain specific acceptable minimum attendance rates for the position. An employee who is unable to report for work shall notify his/her supervisor as soon as possible prior to his/her shift so the supervisor may arrange for a temporary replacement and plan the work schedule accordingly. The employee should call in each day he/she is going to be absent. An unauthorized absence for a portion of a workday shall be without pay and could result in suspension or termination of employment.

ACCIDENTS

For your protection, the Bixby Public Schools insists that all injuries be reported immediately to the supervisor of the department. If the accident causes an injury that requires medical attention, and the supervisor so directs, report to an emergency medical facility for medical care. (Refer to section on Workers' Compensation). An accident report should be completed as soon as possible and submitted to the Personnel Office.

APPEARANCE

The image you portray as a Bixby Public Schools employee through the day-to-day contact with the public, and with work colleagues, has a direct bearing on how they judge the effectiveness of our school system. It is important that a positive image is portrayed. Cleanliness and personal grooming are important and expected. Some examples of unacceptable clothing could include, but is not limited to:

1. Muscle shirts
2. No bare shoulders
3. See-through tops
4. Halter tops
5. Tops that do not touch the lower garment at all times thus exposing the bare midriff skin.
6. Tops with excessively low necklines.
7. Clothing with writing or pictures, which are suggestive or symbolic of drugs, alcohol, sex, or anything illegal or immoral.
8. Biking shorts, boxer shorts
9. Shorts or trousers of knee length to three (3) inches above the knee may be worn with the permission of the director of transportation/director of maintenance and/or associate superintendent.
10. Any jewelry, piercings, or accessories must be in compliance with any safety requirement of the job duties. Any clothing or accessory that constitutes a distraction

- or disruption in the workplace or in the school district facilities is prohibited.
11. The following tattoos shall be covered by support staff while on school property or at a school event or during contracted work hours: a tattoo that includes the use of profanity or vulgarity and a tattoo at or above the collarbone on the front or back of the body. Cosmetic tattoos, such as eyebrows, are permitted. Any tattoo that creates a distraction or disruption in the workplace or in the school district facilities is prohibited.

APPLICATION FOR LEAVE

An employee requesting leave must complete an "Application for Family or Medical Leave." The application must state the reason for the leave, the duration of the leave (if known). And the starting and ending dates of the leave. An application is available from the office of the Superintendent, Human Resource Department.

The application for leave must be submitted at least 30 days before family or medical leave because of an expected birth or placement of a child, or because a planned medical treatment is to begin. If, for reasons beyond the employee's reasonable control, the leave is to begin in less than 30 days, an employee must give notice to his or her immediate supervisor and to the office of the Superintendent as soon as is practicable, ordinarily within one or two school days of when the employee learns of the need for leave.

In the absence of an application for leave from an eligible employee the School District may, in its discretion, place an eligible employee on FMLA leave if the employee is absent for any of the reasons set forth above in the "reasons for leave" provisions.

ASBESTOS SURVEY

In response to the Asbestos Hazard Emergency Act, P.L. 99-5519, and EPA regulations, we have completed a survey of our buildings for asbestos containing materials. As a result of our building survey concerning asbestos, we are pleased to announce that areas that contain asbestos pose no health problems.

The management plan and the results of the reinspection will be available for viewing during the office hours in the office of the Facility Director. Please call for an appointment.

AVAILABILITY OF LEAVE

In determining the availability of leave, the School District will consider the employee's accrued leave entitlement (whether paid or unpaid) by virtue of existing employment policies or collective bargaining agreements. The intent of the School District is to insure that each individual covered by FMLA or NDAA shall have the leave benefits available as a result of the Act's requirements. It is not the intent of the School District or this policy to provide leave benefits that exceed those authorized by rule, policy or existing law as supplemented by FMLA or NDAA. Thus, an eligible employee must use any accrued paid vacation leave, personal leave and sick leave for any part of the 12 week or other period. It is the policy of the School District that all paid leave be used first before unpaid leave.

In the event the application of School District policies or collectively bargained agreements, pursuant to Okla. Stat. tit. 70§509.1 *et seq* results in less leave than is required by FMLA or

NDAA, an eligible individual will be entitled to such additional unpaid leave as is necessary to result in the minimum leave specified in both laws for covered individuals.

Where the employee's spouse is also employed by the School District, the total number of workweeks of FMLA leave to which both spouses are entitled is limited to 12 workweeks during a year if such leave is for the birth of a child or to care for a child or for placement for adoption or foster care of a child.

BUS DRIVERS

Bus drivers will be given an additional section that will include requirements and regulations for and to bus driving only.

CHANGE OF ADDRESS, MARITAL STATUS, ETC.

All employees are required to maintain current and correct records of personal information with the Personnel Office. All personnel records and payroll transactions will reflect the name shown on the employee's verified form of identification. Immediately report any change in home address or telephone number. In addition, any change in marital status, number of dependents, or local person to contact in the event of an emergency must be reported to Human Resources Dept. Upon separation from the school system, employees are requested to leave a forwarding address so that appropriate records and forms, i.e., Internal Revenue Service W-2 Forms, may be mailed to them.

CHILD NUTRITION EMPLOYEES

Child nutrition employees will be provided an additional section that will include requirements and regulations specifically for their assigned duties.

COMPENSATORY TIME FOR OVERTIME POLICY

The Fair Labor Standards Act (FLSA) extends flexibility to school districts in adopting arrangements that provide compensatory time off in lieu of monetary overtime compensation. Accordingly, Bixby School District will provide, within reasonable limits, compensatory time off. The calculation used to determine the amount of compensatory time available to a non-exempt employee is equal to the time worked beyond their contracted workweek up to 40 hours and one and one-half hours of compensatory time for each hour of overtime (time beyond 40 hours) worked. Compensatory time received by an eligible employee extinguishes the employee's entitlement to monetary overtime compensation. Compensatory time off is subject to all of the conditions provided in this policy and the District's other policies concerning FLSA. The District's administration shall, at all times, retain the authority to make the decision to permit an employee to accumulate and use compensatory time or to pay the employee for overtime worked; however, the standard of time and one-half for overtime hours worked shall apply in either instance. The District's policy and applicable procedures concerning compensatory time are more fully detailed below.

I. Prior Approval of Overtime Required

Overtime will not be allowed to any non-exempt support employee unless prior approval has been given, in writing, by the employee's supervisor or his/her designee. Non-exempt support employees working in excess of forty (40) hours per workweek without prior written approval may be subject to appropriate disciplinary action, up to and including the possibility of dismissal.

II. Calculation of Compensatory Time

If a non-exempt support employee is properly assigned to work more than forty (40) hours in a workweek, the District may provide compensatory time ("comp time") off in lieu of monetary overtime compensation at a rate of not less than one and one-half (1 1/2) hours of compensatory time for each hour of overtime worked. It shall be the responsibility of the employee and the employee's supervisor to maintain accurate records of all comp time accrued. All overtime recorded to be accrued as comp time must be initialed by the employee and the immediate supervisor or his/her designee by the end of the week following the week in which the overtime is worked.

III. Scheduling Use of Compensatory Time

Any non-exempt employee who has accrued comp time and who requests the use of the comp time shall be permitted to use the comp time within a reasonable period, after making the request, as long as the use of the comp time does not unduly disrupt the operations of the District. Supervisors are encouraged to limit the accumulation of comp time to eight (8) hours per pay period, but special circumstances may justify a greater accumulation. All requests to use comp time must be in writing. If the request is denied, then the employee and supervisor are to arrange an alternate date for the comp time to be used. If no agreement can be reached, then a meeting will be conducted with the superintendent of schools or superintendent's designee to schedule a date for the comp time to be taken. The School District, at its sole option, may require an employee to use accrued comp time at certain times.

IV. Maximum Accrual of Time

Employees may accrue up to 240 hours of comp time (because comp time is accumulated at time and one-half, this is 160 hours of actual overtime work).

Employees who work in a public safety activity, emergency response activity or seasonal activity may accumulate up to 480 hours of comp time (320 actual overtime hours).

V. When Hours are Not Considered Work Hours

Time periods in excess of twenty (20) minutes during which the employee is not actually performing job duties will not be included as "hours worked" if the time can effectively be used for the employee's own purpose.

VI. Volunteer Work

Non-exempt employees are not allowed to do "volunteer" work for the District.

Although the District appreciates the occasional willingness of non-exempt personnel to volunteer their time, FLSA regulations create an unacceptable risk of overtime liability when non-exempt personnel volunteer to perform services for the school district or volunteer to work longer hours without compensation. An exception to the volunteer prohibition is an employee of the School District, who is a parent, grandparent, or guardian who volunteers in connection with school activities involving the individual's child or grandchild and the activity is one for which parents or others customarily volunteer. In addition, the volunteer's activities or services must be unrelated to the employee's compensated duties with the school.

VII. Payment for Comp Time Upon End of Employment

Any non-exempt support employee whose employment with the District terminates and who has accrued but not used comp time shall be paid at his/her regular hourly or salary rate in effect at the time the employee receives the payment. The District reserves the right, at any time, to substitute a cash payment, in whole or in part, for comp time.

VIII. Notice of Policy to Non-exempt Employees

A copy of this policy will be provided to all of the district's non-exempt employees along with a compensatory time agreement which employees will sign and which the employee's supervisor will sign. The agreement, unless withdrawn by the district, will remain in effect while the employee works for the District. This compensatory time off policy shall be considered as a condition of employment for all non-exempt support employees of the District.

COMPENSATORY TIME OFF AGREEMENT

In accordance with the Fair Labor Standards Act, the Bixby School District has a policy of granting employees compensatory time off in lieu of compensation for hours worked in excess of 40 hours per week. I further understand that the compensatory time may be limited, preserved, used or cashed out consistent with the provisions of that policy and applicable law and regulations of the U. S. Department of Labor.

In acknowledging receipt of this handbook, I voluntarily and knowingly agree to this provision of time off as compensation for overtime work as a condition of my employment and consent to the use of compensatory time in accordance with the policy. I further understand that in the event any portion of the policy is interpreted to conflict with the FLSA or its regulations, that the conflicting portion shall be struck and the remainder of the policy shall continue in full force and effect.

DEFINITIONS OF EMPLOYMENT STATUS

Support Personnel (full-time and part-time) shall be employed, initially, in the Bixby School District on a temporary status. The temporary status shall last for a period of ninety (90) work days. Upon completion of the temporary status period the employee shall either advance to a designated employment classification status or his/her employment with the Bixby School District shall be terminated. During temporary status, the employee may terminate his/her services for any reason without prejudice and the employer may dismiss the employee. Support employees have no property right to employment during the first year of employment and may be released without cause during the first year of employment.

- **STATUS I:** Employment for eight (8) hours per day, forty (40) hours per week, twelve (12) months per year.
- **STATUS II:** Employment for a minimum of six (6) hours per day, thirty (30) hours per week minimum, ten (10) months per year.
- **STATUS III:** Employment for a minimum of three (3) hours per day, fifteen (15) hours per week minimum, ten (10) months per year.
- **STATUS IV:** Partial year employment for a specific short-term contract.
- **STATUS V:** Occasional part-time employment normally for less than forty (40) hours per week and/or irregular hours, not continuous during the day. (An employee working forty (40) hours per some weeks but on an irregular basis, not continuous through the

day, would be classified as an occasional part-time employee.) Benefits for Status 5 employees are limited to hourly pay.

EFFECT OF LEAVE ON BENEFITS

During a period of family or service member leave, an employee will be retained on the School District's medical insurance plan under the same conditions that applied before leave began. In order to continue medical insurance coverage the employee must continue to make any contributions that he or she made to the plan before leave. Failure of the employee to pay his or her share of the medical insurance premium by deadlines established for the coverage may result in a loss of coverage. The employee is required to pay all of the premiums for any other type of insurance coverage which may exist.

If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse the School District for payment of health insurance premiums during the family or medical leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing his or her job or to circumstances beyond the employee's control.

The employee may not accrue any seniority or employment benefits that would have accrued if not for the taking of qualifying leave. However, the employee who takes family or medical leave will not lose any seniority or employment benefits that accrued before the date leave began.

EMPLOYEE LEAVE BENEFITS

ACTIVE DUTY LEAVE

The District must grant up to 12 workweeks of leave during a 12-month period because employees' circumstances qualify for leave due to a spouse, child, or parent who is a service member of the Armed Forces Reserve components or National Guard or retired service member of the Armed Forces or Reserves and is on active duty or called to active duty status in support of a contingency operation. As part of the active duty leave, employees only can take up to 7 calendar days of leave for a short-notice deployment exigency beginning on the date service members are notified of an impending call or order to active duty; they also only can take up to 5 days of leave for each rest and recuperation exigency.

Qualifying Exigencies for Purposes of Active Duty Leave Are Defined As:

- Short-notice deployment: employees can take leave to address issues that arise from service members' call or order to active duty seven calendar days or less prior to the date of deployment;
- Military events and related activities: employees can take leave to attend official ceremonies, programs, or events sponsored by the military that are related to service members' active duty or call to active duty or attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to service members' active duty or call to active duty;
- Childcare and school activities: employees can take leave to arrange alternative childcare, provide childcare on an urgent, immediate need (but not every day) basis, enroll in or transfer a child to a new school or day care facility, or attend meetings with school or day care staff (such as parent-teacher conferences) due to service members' active duty or call to active duty.

- Financial and legal arrangements: employees can take leave to make or update financial or legal arrangements to address service members' absence while on active duty or call to active duty, such as executing powers of attorney, transferring bank account signature authority, or obtaining military identification cards and to act as the service members' representative before governmental agencies to obtain, arrange, or appeal military service benefits while service members are on active duty or called to active duty and for 90 days following termination of active duty status;
- Counseling: employees can take leave to attend counseling that is provided by someone other than a healthcare provider for service members or their children for needs arising from service members' active duty or call to active duty;
- Rest and recuperation: employees can take leave to spend time with service members on short-term, temporary rest and recuperation leave during a period of deployment;
- Post-deployment activities: employees can take leave to attend arrival ceremonies, reintegration briefings and events and other official ceremony or program sponsored by the military that occurs within 90 days following termination of service members' active duty status or to address issues arising from service members' death while on active duty, including meeting and recovering the body and making funeral arrangements; and
- Additional activities: employees can take leave to address any other events that arise from service members' active duty or call to active duty when the District and employee agree that such leave qualifies as an exigency and agree upon the timing and duration of the leave.

AUTHORIZED LEAVE WITHOUT PAY FOR SUPPORT EMPLOYEES

All employee absences, except those covered by sick leave, require prior approval through requests to the employee's administrative supervisor on a form provided by Human Resources via site administrators or directors. Absence for any reason for which paid leave is not authorized shall be classified as leave without pay (full day deduction).

Employee leave without pay is discouraged and is restricted to short term absences due to emergency situations needing immediate attention. Request for leave from regularly assigned duties for the purpose of personal or family business, family illness, funerals, or other emergency matters may be considered.

In order to request leave without pay, the employee must complete the request form and submit to his/her supervisor for approval in advance of the date(s) when leave is desired. In sudden emergencies when the need to be absent cannot be foreseen, the form must be completed upon the employee's return to work.

If the amount of time missed is small enough for the employee to make up the time within the current forty-hour week, the employee, with the approval of the supervisor, may choose that option. Time made up cannot be recorded in less than quarter-hour increments.

FAMILY OR MEDICAL LEAVE

It is the policy of the District to comply fully with the requirements of the Family and Medical Leave Act of 1993 (FMLA). This Act, as supplemented by the National Defense Authorization Act of 2008 (NDAA) requires that a covered employer provide up to 12 workweeks of unpaid leave to eligible employees or up to 26 workweeks of leave for service member family leave. "Eligible employees" are those employees who:

(1) have been employed for at least one year by the School District; (2) worked at least 1250 hours

during the previous 12 month period; and (3) have requested leave for a reason covered by the FMLA or NDAA. All eligible employees who meet FMLA or NDAA requirements may be granted leave as provided in this policy and required by law for the following reasons:

1. for the birth of a child and to care for such child, or placement for adoption or foster care of a child
2. to care for a spouse, child or parent with a serious health condition
3. for a serious health condition of the employee that makes the employee unable to perform his or her job functions
4. because employees' circumstances qualify for active duty leave due to a spouse, child, or parent being called up for or on active duty in the Armed Forces during a war or national emergency declared by the President or Congress
5. for military caregiver leave to care for a service member who is a spouse, child, parent, or next of kin and becomes seriously ill or injured while serving on active duty in the Armed Forces.

The term "serious health condition" means one which requires either in-patient care, or continuing treatment by a health care provider. This term is intended to cover conditions or illnesses affecting health to the extent that in-patient care is required, or absences are necessary on a recurring basis or for more than just a few days. A "serious health condition" does not cover short-term conditions for which treatment and recovery are very brief. Such conditions would normally be covered by the School District's sick leave policies.

The term "year" as used in this Policy shall mean a rolling 12-month period measured backward from the date an employee uses any leave.

Before an employee will be placed on unpaid family leave, the employee must first exhaust any accumulated sick leave, personal leave, and vacation time. Such sick leave, personal leave, and vacation time will be deducted from the 12 workweeks of eligibility. If both spouses are employees of this district, their total leave in any 12-month period will be limited to 12 weeks if the leave is taken (1) for the birth or adoption of a child or (2) to care for a sick parent. The right to take leave for the birth or placement of a son or daughter expires 12 months after the birth or placement with the employee.

If the superintendent or designee deems it necessary or desirable, an employee may be required to provide certification from a physician of the necessity of any leave requested. The superintendent may require certification as to the date the medical condition began, the anticipated duration and prognosis, and medical facts about the medical condition and treatment.

If the superintendent or designee deems it necessary or desirable, the superintendent may require a second opinion by a physician selected and paid for by the district. If the original opinion and the second opinion conflict, the district may require a third opinion at the district's expense. The conclusion of the third opinion will be final and binding upon the employee and the district.

If family leave is granted for a continuing health condition, subsequent recertification may be required at the discretion of the superintendent.

Intermittent leave may be taken in lieu of continuous leave for the birth or adoption of a child only with the concurrence of the district. The employee must provide 30 days of advance notice or as many days of advance notice as are practical. Leave taken for serious health conditions of the

employee or an eligible member of the employee's family may be taken intermittently without district concurrence. However, the employee may be transferred to another position that can better accommodate the employee's recurring absences. Such transfer will not reduce the employee's pay and benefits.

Upon completion of family leave, the employee will be entitled to return to the former position of employment, if available, with equivalent benefits and pay without loss of seniority or tenure. The employee will be deemed to be at work for the purposes of tenure accrual and retirement vesting and participation. The district will maintain the employee's medical insurance coverage.

FUNERAL LEAVE

All support employees will be granted up to three (3) days funeral leave in the event of the death of a wife, husband, child, mother, father, sister, brother, grandparents, or corresponding in-laws. Leave may be extended to five (5) days when travel becomes a factor. Such leave must be approved by the principal or supervisor and the Superintendent. Funeral leave days, if taken, must be used on consecutive days, excluding weekends, and may not be cumulative.

JURY DUTY AND COURT APPEARANCE

Support employees of Bixby Public Schools shall receive pay for short-term jury duty; appearance in legal proceedings affecting his/her employment, the school, the system; or other legal proceedings as required by law, except those in which the employee is the defendant or plaintiff. The employee must submit a copy of the subpoena with the request to be absent from work.

LEAVE SHARING BANK

The Bixby Board of Education has established a leave sharing program for the purpose of permitting district employees to voluntarily transfer some of their sick leave to the leave sharing bank for the purpose of benefiting other employees who may be stricken with a catastrophic illness or accident and who may need additional sick leave due to such illness or accident. Participation in the leave sharing bank must comply with 70 O.S. §6-104.6. The following shall also apply:

Creation and Administration of the Leave Sharing Bank

1. Participation by district employees in the leave sharing bank will be voluntary. Participating employees will be assessed one day of sick leave immediately upon the creation of the leave sharing bank. Employees who do not wish to participate in the leave sharing bank must notify the superintendent in writing. Absent such written notification to the superintendent, all employees shall be conclusively presumed to be participating in the leave sharing bank. Employees requesting exemption from participation in the leave sharing bank will not be entitled to receive benefits from the leave sharing program.
2. Subsequent to the formation of the leave sharing bank, all new employees will be assessed one day of sick leave at the time of their employment. New employees may file a written notification of nonparticipation in the leave sharing bank as outlined above.
3. The minimum number of sick leave days in the leave sharing bank at any time shall be 180. When the number of days in the bank falls below 180, each participating employee will be assessed one additional day from his or her sick leave. However, employees shall not be assessed more than one day of his or her sick leave during any

given school year.

4. The maximum number of sick leave days in the bank at any given time shall be 580.
5. Each employee may donate up to five additional days to the leave sharing bank in May of each year; provided, however, that if the number of sick leave days already assigned to the leave sharing bank will not permit each employee to donate the maximum number desired by the employees, then such donations shall be taken in alphabetical order, with the even numbered years starting with the letter "A" and odd numbered years starting with the letter "M". Persons experiencing a catastrophic illness or injury and qualifying to receive a transfer of sick leave days from the leave sharing bank will not be required to replace these sick leave days except as a regular participating member.

Qualifications and Procedures to Receive Days from the Leave Sharing Bank

1. An employee may qualify to receive additional sick leave days from the leave sharing bank only if the employee experiences catastrophic illness or accident which results in the employee's disability to engage in his or her occupation at Bixby Public Schools by reason of any medically determinable physical or mental impairment which, in the opinion of the primary attending physician, is expected to result in death or which is expected to result in the disability to the employee and qualifies under the additional criteria set forth in this policy.
2. If an employee experiences a catastrophic illness or accident, a written request for sick leave time from the leave sharing bank shall be presented to the Leave Sharing Bank Screening Committee. The written request may be presented by the employee or by any other person who is acting with the permission of the employee.
3. The Leave Sharing Bank Screening Committee ("committee") shall be composed of at least seven members: three administrators and four employees from sites.
 - a. The committee shall conduct as many meetings as it determines to be necessary to review a written request and determine whether the request should be accepted or denied. The date and time of the first meeting will be determined by the superintendent or designee, and the dates and times of any subsequent meetings will be determined by the committee.
 - b. After reviewing a request for a transfer of sick leave days from the leave sharing bank, the committee shall determine by a vote of its members whether the request is to be accepted or denied. If a majority of the members of the committee vote in favor of accepting the request for the transfer of sick leave days from the leave sharing bank, the committee shall communicate the recommendation to the superintendent who will present the recommendation to the Board of Education for approval or rejection.
 - c. In the event the majority of the committee members do not vote to accept the request, it shall be deemed to be denied, and the requesting employee will be notified in writing.
 - d. In order to qualify to receive benefits under the leave sharing program, the employee must experience a catastrophic illness or injury, and such an illness or injury to other members of the employee's family does not qualify the employee to benefits.

- e. Additional sick leave days from the leave sharing bank shall not be transferred until the employee has exhausted his or her sick leave benefits with the Bixby Public Schools system.
- f. The maximum number of sick leave days which may be transferred to an employee as a result of a catastrophic illness or accident from the leave sharing bank is 60 days for each such separate catastrophic illness or accident. The employee may submit a request to the Committee for additional days to total no more than 120 days. If regular sick leave benefits have been exhausted and a member of the employee's immediate family (spouse, child, parent) experiences a catastrophic illness or injury the employee will be entitled to use up to fifteen (15) days from the Sick Leave Bank, subject to the approval of the Sick Leave Bank Committee.
- g. The Board of Education may, at its option, require the requesting employee to undergo a medical examination and evaluation by a physician chosen by the Board, and such examination and evaluation will be at the expense of the school district.

REFERENCE: Board Minutes dated August 5, 1987

Board Minutes dated September 17, 1991

Board Minutes dated July 18, 2019

Negotiated Agreement

Adopted: November 13, 2000; Revised: September 13, 2004; Revised: July 18, 2019

MATERNITY LEAVE

In accordance with SB 1121, school employees may have six (6) weeks of paid maternity leave from the date of the birth of a new baby.

- Applies to full-time public school employees who have been employed by the school district for at least one year and have worked at least 1,250 hours during the preceding twelve-month period.
- Does not apply to paternity leave.
- Must be used immediately after birth.
- Is used in addition to and not in place of sick leave.

PERSONAL LEAVE

The Bixby Board of Education shall provide non-cumulative personal leave during the school year for support personnel as follows:

- Three (3) days for each Status I employee,
- Two (2) days for each Status II and Status III employee,
- One (1) day for Status III employee who is employed for less than six (6) hours but at least three (3) hours per day (includes bus drivers),
- No (0) days for Status IV or V employees or any employee employed for less than three (3) hours per day.

The following guidelines apply to personal leave:

1. The leave must be requested at least two (2) school days in advance, except in emergency situations. The immediate supervisor of the support employee may waive the advance notice in case of an emergency.
2. The supervisor may deny the use of leave if it causes a significant hardship in

accomplishing the work of the department/school. Appeal of the supervisor's decision may be made to the Superintendent or his/her designee.

3. The leave cannot be requested/used during the first eight (8) days and/or the last five (5) days of the school year, nor a day prior to and/or after a holiday or vacation.
4. Personal leave shall be available after two (2) months of continuous employment, prorated for the first year of employment.
5. Personal leave may not be requested or used in less than one-half day increments.

Further, personal leave is **not** available to be used for the following activities or situations:

1. Seeking other employment
2. Performing any service for compensation
3. Participating in political activities
4. Inclement weather

The staff member who is allotted three (3) personal leave days per school year may roll two (2) unused personal leave days to the next school year. The total maximum of accumulated personal leave days for any school year is five (5) personal leave days. Those staff members who are allotted less than three (3) days of personal leave per school year may roll one (1) day of unused personal leave to the next school year. Any of the personal leave days which are unused and not rolled to the next year at the end of the contract year shall be added to the employee's cumulative sick leave, up to a maximum of 90 days for Status I employees and 60 days for Status II and Status III employees.

SICK LEAVE

It is the policy of the Bixby Board of Education to provide sick leave benefits to all support employees in order to promote a sense of security and permit the ease of mind essential to the satisfactory performance of services. In compliance with Oklahoma Statutes, Title 70, Section 6-104, the following guidelines are set forth:

1. For the purposes of this policy, support employee is defined as a full-time employee of the school district as determined by the standard period of labor which is customarily understood to constitute full-time employment for the type of services performed by the employee who is employed a minimum of 172 days, a minimum of six (6) hours per day, and who provides those services which are not performed by certified teachers, principals, superintendents or administrators and which are necessary for the efficient and satisfactory functioning of a school district.
2. The superintendent of schools, or designee, shall be responsible for administering this plan.
3. Subject to the total amount of sick leave days each support employee has available, a support employee may be absent from duty due to a personal accidental injury, illness, or pregnancy, or accidental injury, illness, or death in the immediate family without loss of salary. Benefits shall include paid sick leave of one day per month of employment for Status

I and II employees. The one-day sick leave per month equals the number of hours the employee normally works per day. Status III employees who are employed for less than 6 hours per day shall be restricted to sick days as follows:

- 5-hour employees – 5 days per year
- 4-hour employees – 4 days per year
- 3-hour employees – 3 days per year

Employees working fewer than 3 hours per day are not entitled to sick leave benefits.

4. When deemed necessary, an employee may borrow against unaccrued sick leave for the current school year, if approved by his/her supervisor and the Associate Superintendent for Human Resources. If the employee should terminate employment prior to earning the amount of sick leave taken, the unearned portion will be deducted from his or her final salary payment.
5. Subject to the limitations of paragraph 6 below, unused sick leave shall be cumulative from year to year as long as the employee remains continuously employed in this school district provided the maximum sick leave credit shall be reduced by one day for every day the employee is absent for reasons covered by this policy.
6. Unused sick leave shall be cumulative to a total of 90 days for Status I employees and 60 days for Status II and Status III employees.
7. The sick leave granted to support employees under this policy shall be vested at the time of accrual, that is, upon the completion of the first month's employment, the employee shall have accrued one sick leave day.
8. Accumulated sick leave may be transferred to another school district where a support employee is employed the next succeeding school year in accordance with that district's policies.
9. Support personnel who are employed for the first time in this district and who were employed at another school district during the year immediately preceding their employment with this district may transfer a maximum of 60 unused sick leave days.

MISUSE OF SICK LEAVE BENEFITS

Any employee who attempts to take unfair advantage of sick leave benefits shall be subject to dismissal or other disciplinary action as provided by contract and/or state law. Any employee may be required to submit appropriate evidence concerning the cause of absence in order to qualify for sick leave benefits. Appropriate evidence may include the following:

- A. Physician's statement endorsed by the employee
- B. Employee statement endorsed by the principal or immediate supervisor
- C. Copies of claim submitted for insurance benefits
- D. Other information as may be indicated by the circumstances

Appropriate evidence will be submitted when requested by the principal, immediate supervisor, or the superintendent in the following situations:

- A. Sick leave claim on days of unusual or inclement weather
- B. Sick leave claim during the last four weeks of employment
- C. Sick leave claim on days immediately preceding or immediately following holidays or non-work days other than weekends
- D. Reasonable cause exists to believe that sick leave benefits are being abused

Sick leave benefits may not be paid in addition to workers' compensation benefits.

Support staff members, upon termination of employment by resignation and/or retirement, shall receive an unused sick leave benefit according to the following qualifications:

- E. Support staff members with 0-10 complete years of employment with Bixby Public Schools who qualify for retirement and/or retire through the Oklahoma Teachers Retirement System are eligible, shall receive a lump sum payment equal to his/her accumulated and unused sick leave up to 90 days for Status I employees and 60 days for Status II and Status III employees at the rate of twenty-five dollars (\$25.00) per day. Status III, IV and V employees do not qualify for this benefit. Only support staff members who qualify for and/or take retirement through the Oklahoma Teachers Retirement System are eligible for this benefit.
- F. Support staff members with 11-19 complete years of employment with Bixby Public Schools shall receive a lump sum payment equal to his/her accumulated and unused sick leave up to 90 days for Status I employees and 60 days for Status II and Status III employees at the rate of forty dollars (\$40.00) per day. Status IV and V employees do not qualify for this benefit.
- G. Support staff members with 20-24 complete years of employment with Bixby Public Schools shall receive a lump sum payment equal to his/her accumulated and unused sick leave up to 90 days for Status I employees and 60 days for Status II and Status III employees at the rate of forty-five dollars (\$45.00) per day. Status IV and V employees do not qualify for this benefit.
- H. Support staff members with 25 or more complete years of employment with Bixby Public Schools shall receive a lump sum payment equal to his/her accumulated and unused sick leave up to 90 days for Status I employees and 60 days for Status II and Status III employees at the rate of fifty dollars (\$50.00) per day. Status IV and V employees do not qualify for this benefit.

Payment will be applicable for only those days accumulated in this district and will not include any days transferred from another district. See [BOE Policy 4133](#).

EMPLOYMENT DATE

The original day of employment for a new employee shall be the first day actually worked. This date will be used to establish eligibility for benefits and seniority rights.

If an employee terminates employment with Bixby Public Schools for a period of two (2) months or more, a new employment date will be established. The latest employment date will be used for determining vacation eligibility.

In determining the length of service for longevity awards, all periods of employment with Bixby Public Schools will be considered, whether or not continuous. Employees desiring clarification

should contact the Personnel Office.

EQUAL EMPLOYMENT OPPORTUNITIES

It is the policy of the Board of Education of The Bixby Public Schools system that no person shall, on the grounds of race, color, religion, national origin, sex, age, marital or veteran status, or a qualified person with a disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or in recruitment, consideration, selection or employment whether full-time or part-time, or any other activity for which the Board is responsible.

The successful achievement of this non-discrimination policy shall be the function and responsibility of the Board of Education, the administration, and all employees of the District.

FAILURE TO RETURN FROM LEAVE

The failure of an employee to return to work upon the expiration of a family or medical leave of absence will subject the employee to immediate termination unless an extension is granted. Any termination, as a result of this provision is subject to the same rights as a termination for cause. An employee who requests an extension of family leave or medical leave due to the continuance, recurrence or onset of her or his own serious health condition, or the serious health condition of the employee's spouse, child or parent must submit a request for an extension, in writing, to the employee's immediate supervisor with a copy to the office of the Superintendent.

This written request should be made as soon as the employee realizes that she or he will not be able to return at the expiration of the leave period.

HEALTH INSURANCE

All support employees who work a minimum of four (4) hours per day for a contracted year may receive \$20.00 payment per month which may be applied toward the State Health Insurance Plan or received as salary (full-time bus drivers are also provided with this benefit). In addition to this benefit allowance, the State of Oklahoma provides each support employee an amount equal to 100% of the cost of individual single premium Healthchoice health insurance. A portion of this amount, as established by state law, may be received as salary in lieu of health insurance benefits.

For information regarding options that are available for continuing insurance at the time of retirement or resignation, please contact the Insurance Coordinator.

HOLIDAYS

Bixby Public Schools provides thirteen (13) paid holidays for Status I employees.

INTERMITTENT LEAVE OR LEAVE ON A REDUCED LEAVE SCHEDULE

An employee may request to use available leave intermittently or on a reduced leave schedule. Where leave is requested in connection with a serious health condition of the employee or immediate family member, the request for leave must be supported with a certification from the

health care provider that such leave is medically necessary and stating the expected duration and schedule of such leave. There must be a medical need for the leave and evidence that the medical need can best be accommodated through an intermittent or reduced leave schedule. Any eligible employee seeking leave on an intermittent or reduced leave basis must obtain and complete a request for leave and must submit the medical certification or other information required.

Intermittent or reduced leave may also be taken in connection with the birth or because of the placement for adoption or foster care of a child. However, intermittent leave or leave on a reduced leave schedule for this purpose may only be taken with the approval of the School District.

In any instance, whether because such leave is medically necessary or in connection with the birth or placement of a child, or due to service member leave, the employee must try to schedule the leave so as not to unduly disrupt the School District's operations. In the event the employee takes intermittent leave or reduced leave the School District reserves the right to place the employee in an alternative position which better accommodates intermittent or reduced leave.

When an instructional employee requests intermittent or reduced leave for planned medical treatment for more than 20 percent of the total number of working days in the period during which the leave would be used, the School District may require the employee to elect either to (1) take leave for a "particular duration" or time which is not greater than the duration of the planned treatment, or (2) be transferred to an alternative position. If the instructional employee requesting intermittent leave or leave on a reduced leave schedule does not give proper notice as required the School District may deny the taking of leave until 30 days after notice was provided, or may require the employee to take leave for either a "particular duration" or accept an alternative position.

INTERPRETATION OF FMLA or NDAA ACT

The School District intends to remain faithful to the requirements of FMLA and NDAA. Questions regarding the interpretation, administration, and application of the Act to eligible employees shall be resolved by reliance on the FMLA or NDAA and their interpretive regulations. Where relevant, the School District will also consider its policies, rules, practices and negotiated agreements; however, any conflict between the applicable Act and District policies will be resolved by reference to the relevant Act.

FOOD SERVICE PRIVILEGES

The employees of the Bixby Public Schools System are permitted to eat in the school cafeteria where they work. An adult fee is charged for these meals. The employees are expected to follow the rules of procedure for the cafeteria of the school while eating.

LEAVE BASED ON A SERIOUS HEALTH CONDITION

A Medical Certification Statement must accompany an application for leave based on the serious health condition of the employee or the employee's spouse, child or parent. This statement must be completed by the applicable health care provider. It must state the date on which the health condition began, the estimated duration of the condition, and the relevant medical facts related to the condition.

If the employee has a serious health condition, the certification must state that the employee cannot perform the functions of his or her position. Likewise, when the employee is prepared to return to work he or she must provide certification by his or her health care provider that the employee is able to resume work with or without limitations of accommodations. The School District reserves the right to require the employee to obtain a second medical opinion at the School District's expense. If the opinions of the first and second health care provider differ, the School District may require a third opinion from a health care provider mutually agreed on by the School District and the employee.

The School District may require subsequent certifications to support FMLA leave but not more often than every 30 days unless the employee: (1) requests an extension of leave; (2) changed circumstances occur regarding the illness or injury; or (3) the School District receives information that casts doubt on the validity of an existing certification. Certification periods for conditions that are certified as long term and involve no material change in the condition are different than stated in this paragraph. In any instance, re-certification requests will be the same as designated in the FMLA or NDAA.

In the event the employee is applying for leave to care for a spouse, child or parent, the certification must state that fact along with an estimate of the amount of time the employee will be needed for care. Where leave is requested due to the serious illness or injury of a service member, certification may also be required.

LEAVE TAKEN NEAR THE END OF AN ACADEMIC TERM

If an instructional employee begins any type of covered leave more than 5 weeks before the end of a term, and if the leave will last at least 3 weeks and the employee would otherwise return to work during the 3 weeks before the end of the term, the School District may require the employee to continue taking leave until the end of the term.

If an instructional employee takes leave for a reason other than the employee's own serious health condition which commences during the 5 weeks before the end of the term, and if the leave will last more than 2 weeks and the employee would otherwise return to work during the last 2 weeks of the term, the School District may require the employee to continue taking leave until the end of the term.

If an instructional employee takes leave for a reason other than the employee's own serious health condition which begins during the last 3 weeks of the term, and if the leave will last more than 5 working days, the School District may require the employee to take leave until the end of the term.

For the purpose of this Policy, the word "term" means the first semester of each academic year and the second term as the final or second semester of each academic year.

LETTER OF INTENT

The Bixby Public Schools shall give reasonable assurance of employment in writing to any support employee that the school intends to employ for the next school year. This notice will be given no later than ten (10) days after the effective date of the education appropriation bill or June 1st, whichever is later.

LIFE INSURANCE

The Board of Education will provide a \$30,000.00 term life insurance policy for each full- time employee who is working twenty (20) hours or more a week on a regular basis (full- time bus drivers are also provided with this benefit). The life insurance benefit is reduced to 65% of the original policy at age 65 and to 50% of the original policy at age 75.

OVERTIME

When it is necessary to work in excess of the normal forty hour work week, employees, with the exception of exempt employees as defined in the Fair Labor Standards Act, are to be compensated at one and one-half (1-1/2) times the regular pay rate. When possible, overtime work will be rewarded through compensatory time off. It shall be the responsibility of the supervisors of support personnel to obtain prior approval, except in emergencies, for overtime with pay from the Director of Transportation Services, Director of Facilities Services, Director of Food Services, or Superintendent or his/her designee.

PAY

The salary for support personnel in the Bixby Public Schools is within an overall salary schedule. Compensation for each particular position depends upon the duties, responsibilities, and qualifications required for job performance of the position. New employees are normally paid based on the job duties and qualifications they bring with them. Staff may be placed on an appropriate level of the payscale based on contributing factors and qualifications for a given position.

Pay is issued on the tenth day of each month for ten (10) month support employees and on the twenty-fifth (25) of the month for most (11) month and (12) month employees who work 200 days or more. The position "Start Date" will determine pay date. When the tenth or twenty-fifth falls on a weekend or a paid holiday, the payday is then scheduled on the preceding workday. Direct Deposit is required of all employees.

The following deductions will be made each pay period the employee is with the Bixby Public Schools:

- FEDERAL WITHHOLDING TAX
- OKLAHOMA WITHHOLDING TAX
- SOCIAL SECURITY/MEDICARE

In addition to these, voluntary deductions may be authorized by the employee for the following:

- TAX SHELTERED ANNUITIES
- TTCU CREDIT UNION
- UNITED WAY/BCOC CONTRIBUTION
- HEALTH/ACCIDENT INSURANCE
- DENTAL INSURANCE
- ADDITIONAL INSURANCE

PERFORMANCE EVALUATION

Support personnel of the Bixby Public School system will be evaluated on work performance at the completion of the temporary status period and during each year of service. This evaluation becomes a part of the employment history of each employee and filed in his/her personnel file. Employees will receive a copy of the evaluation.

PERSONAL INTEGRITY

The employee's responsibility includes ethical conduct in all business dealings. Respect for the law, observation of work regulations, and recognition of the rights of others are representative component parts of high personal ethics. A failure to observe these can be the basis for disciplinary action.

Keys checked out to school employees are to be guarded and never loaned to non-school personnel without permission of the supervisor.

Employees are hired as a result of successful application procedures and references and are expected to perform their assigned duties without assistance from non-school employees. If an employee is unable to perform his/her duties, the supervisor should be contacted.

Support employees should not bring children to the workplace or allow children to remain at the workplace after school hours.

PERSONAL TELEPHONE CALLS

All staff should restrict the use of school phones or their personal cell phones to make personal phone calls. During work time a staff member's cell phone should be restricted to emergency calls. Personal cell phones may be used during an employee's lunchtime. Exceptions to this policy may be made by the employee's immediate supervisor.

PERSONNEL FILES: SUPPORT EMPLOYEES

At the time of initial employment, each support employee shall file with the district prior to the first day of employment a complete employment history and a complete record of education.

For the benefit and use of the school district and of the employee, the district will maintain a complete, up-to-date personnel file in the superintendent's office. Employees are requested to go online and make changes when necessary. The file record shall include the following information:

1. Correct name (as on social security card), address, telephone number, and date of employment;
2. Data on education, including all institutes completed;
3. Additional data requested concerning health and/or medical examinations;
4. The name of a local contact person in the event of an emergency;
5. Record of assignments; and
6. Evaluations of performance.

Every employee shall be allowed to inspect his or her personnel file at any reasonable time in

the presence of a staff member of the superintendent's office.

References regarding an employee received prior to employment with the district shall not be made available to the employee for inspection.

PHYSICAL EXAMINATIONS

Physical examinations may be required for support personnel before employment in certain assignments. The cost of the examination will be paid by Bixby Public Schools.

Pre-employment and annual physical for Child Nutrition, Transportation and Maintenance staff may be required from an employer-designated medical facility.

POLICY FOR CLASSIFICATION OF EMPLOYEES

RIGHTS AND RESPONSIBILITIES INVOLVING NON-EXEMPT EMPLOYEES

It is the policy of Bixby School District to ensure compliance with the Fair Labor Standards Act (FLSA) provisions concerning the payment of overtime at the established rate to eligible employees. Consistent with that obligation this policy discusses the proper classification of employees as exempt or non-exempt employees and also addresses the rights and responsibilities of the District and non-exempt employees in areas related to the authorization necessary for overtime work, and related recordkeeping requirements. The purpose of the policy is to ensure that the District correctly identifies those individuals entitled to overtime and ensures that non-exempt employees required to work overtime as a condition of their employment receive either monetary compensation or compensatory time for approved overtime. The District's construction and interpretation of this policy shall be consistent with FLSA's mandatory provisions.

DISTRICT'S OVERTIME OBLIGATION

The FLSA does not limit the number of hours that an employee may work, either daily or weekly. It requires that overtime compensation be paid or time accrued at a rate of not less than one and one-half times the non-exempt employee's regular rate of pay for each hour worked in a workweek in excess of the maximum hours applicable to the type of employment in which the employee is engaged. For school district employees this means overtime for hours in excess of 40 per week for non-exempt employees.

While overtime must be calculated on a workweek basis, there is no requirement in the FLSA that the overtime compensation be paid weekly. As a general rule, overtime earned in a particular workweek should be paid where possible on the regular payday for the period in which such workweek ends. When the correct amount of overtime compensation cannot be determined until later, the district will pay it as soon after the regular pay period as practicable. Payment shall not be delayed beyond the next payday. In those cases where an employee elects or District enforces compensatory time, the use of accrued time is controlled by the District's Compensatory Time for Overtime Policy.

- I. Employee Classification for Purposes of FLSA: It is the District's intent to adhere to the requirements of FLSA with regard to the classification of employees and with respect to the payment of overtime wages to eligible employees.

- II. **Non-Covered Employees:** FLSA provides that certain employees are not covered by the Act. Non-covered employees include volunteers, independent contractors, legal advisors, and certain trainees. Non-covered employees are basically treated the same as exempt employees, for purposes of FLSA.
- III. **Exempt Employees:** In accordance with the FLSA, exempt employees do not receive overtime. Exempt employees include executive, administrative, and/or professional personnel. An exemption is determined for the respective categories based upon application of either the long or short tests described below.

Executive Employees

A. *The Long Test for Executive Employees:* An executive employee must meet all of the following requirements to be exempt from the FLSA minimum wage and overtime provisions:

1. Duties: Primarily management of the agency, department or subdivision.
2. Supervision: Customarily and regularly directs two or more other employees.
3. Authority: Possesses the power to hire or fire employees, or makes suggestions that are given substantial weight in such decisions, including promotions.
4. Discretion: Customarily and regularly exercises discretionary power.
5. Work Responsibility: Does not devote more than 20 percent of his or her hours in a workweek to the performance of activities not closely related to items (1) through (4).
6. Compensation: Is not paid less than \$684 per week exclusive of board, lodging or other facilities (On a yearly basis, 260 days, \$684 per week equals about \$35,568 per year).

B. *The Short Test for Executive Employees:* An executive employee must meet all of the following requirements to be exempt:

1. Compensation: Is not paid less than \$684 per week exclusive of board, lodging or other facilities (On a yearly basis, 260 days, \$684 per week equals about \$35,568 per year).
2. Duties: Primarily management of the agency, department, or subdivision.
3. Supervision: Customarily and regularly directs two or more other employees.

Administrative Employees

A. *The Long Test for Administrative Employees:* An administrative employee must meet all of the following requirements to be exempt from the FLSA minimum wage and overtime provisions:

1. Duties primarily consists of either:
 - a. non-manual or office work directly related to management policies or general business operations

- b. performance of administrative functions in an educational establishment in work related to academic instruction and training
- 2. Discretion: Customarily and regularly exercises discretion and independent judgment.
- 3. Supervision:
 - a. Regularly and directly assists a person employed in an executive or administrative capacity
 - b. performs under only general supervision work requiring special training, experience or knowledge
 - c. executes special assignments and tasks under only general supervision.
- 4. Work responsibility: Does not devote more than 20 percent of work time to activities not directly or closely related to performance of administrative work
- 5. Compensation: Is not paid less than \$684 per week exclusive of board, lodging or other facilities (On a yearly basis, 260 days, \$684 per week equals about \$35,568 per year).

B. *The Short Test for Administrative Employees:* An administrative employee must meet all of the following requirements to be exempt:

- 1. Compensation: Is not paid less than \$684 per week exclusive of board, lodging or other facilities (On a yearly basis, 260 days, \$684 per week equals about \$35,568 per year).
- 2. Duties: Primarily performance of office or non-manual work directly related to management policies or general business operations, or the performance of functions in the administration of an educational establishment, or a department or subdivision thereof, in work directly related to the academic instruction or training.
- 3. Responsibilities: Primary duty includes work requiring the exercise of discretion and independent judgment.

Professional Employees

A. *The Long Test for Professional Employees:* A professional employee must meet all of the following requirements to be exempt from the FLSA minimum wage and overtime provisions:

- 1. Duties: Primarily work requiring:
 - a. advanced learning acquired by a prolonged course of specialized intellectual instruction, as distinguished from general academic education, apprenticeships or routine training; or
 - b. original or creative work depending primarily on invention, imagination or talent; or
 - c. teaching, tutoring, instructing or lecturing for a school system or

educational institution.

2. Discretion: Work requiring the consistent exercise of discretion and judgment.
3. Work product: Predominantly intellectual and varied in character and which cannot be standardized in relation to a given period of time.
4. Work responsibility: Must devote not more than 20 percent of his or her hours to activities not essential, part of or necessarily incident to the work.
5. Compensation: Is not paid less than \$684 per week exclusive of board, lodging or other facilities (On a yearly basis, 260 days, \$684 per week equals about \$35,568 per year).

B. The Short Test for Professional Employees: A professional employee must meet all of the following requirements to be exempt:

1. Compensation: Is not paid less than \$684 per week exclusive of board, lodging or other facilities (On a yearly basis, 260 days, \$684 per week equals about \$35,568 per year).
2. Duties: Primarily consist of work requiring advanced learning or work as a teacher.
3. Discretion: Must include work requiring the consistent exercise of discretion and judgment or consist of work requiring invention, imagination or talent in a recognized field of artistic endeavor.

The District employs a variety of employees. The determination of an employee's proper classification requires evaluation of specific duties and criteria; however, the following provides guidance regarding how employees are generally classified for purposes of overtime compensation.

IV. Non-exempt Employees

Non-exempt employees are entitled to compensation for all hours worked in excess of their contracted workweek and overtime for all hours worked in excess of 40 in a workweek. Overtime compensation is paid at a rate of not less than one and one-half times the non-exempt employee's regular rate of pay for each hour worked in a workweek in excess of 40 hours per week.

V. Examples of Employee Classifications

Non-exempt employees include:

- Bus drivers
- Cafeteria workers
- Dietitians
- Custodial workers
- Day-care workers
- Keypunch operators for school records

- Hall or lunchroom monitors
- Non-RN school nurse
- Secretarial or clerical support
- Security personnel
- Maintenance workers

Exempt executives include:

- Superintendent
- Principals and Assistant Principals
- Directors of Computer Programming
- Assistant Superintendents
- Director of Facilities Services
- Director of Transportation
- Director of Food Services

Exempt professionals include:

- Guidance counselors
- Certified public accountants in budget office
- School Board attorneys
- School psychologists
- School registered nurse
- School librarian
- Teachers
- Non-covered positions include:
 - Appointed members of the board of education
 - Elected member of the board of education
 - Homeroom mothers/fathers and other volunteers

VI. Authorization Required for Overtime

Employees are not permitted to work overtime without the prior written authorization of the employee's supervisor or the superintendent. An employee who works overtime, without authorization, will be subject to discipline up to and including the possibility of termination. If for any reason the employee is unable to obtain approval of overtime prior to working overtime, he/she is required to immediately bring overtime work to the attention of his/her supervisor.

Supervisors are required to strictly enforce the district's prohibition of unauthorized overtime. To this end, a supervisor must not allow an employee to work overtime if the supervisor knows or reasonably suspects that the employee is working in excess of those hours authorized. **A supervisor who fails to take reasonable action to enforce the district's policy will be subject to discipline up to and including possible termination of employment.**

VII. Use of Time Clocks or Other Time Records

Employees will be assigned a method for keeping track of work hours. Each employee is responsible for the complete and accurate reporting of his/her time and must verify that the time reported is truthful to the best of the employee's knowledge and experience.

Employees assigned a time clock must not clock in more than seven (7) minutes prior to the beginning of the employee's work schedule, or more than seven (7) minutes after the end of the schedule. An employee who does not have prior written permission and who is found to have clocked in more than seven (7) minutes before his/her schedule, or clocked out more than seven (7) minutes after his/her schedule, will be in violation of the provisions of this policy. Time accumulated on the time clock before or following the employee's scheduled work hours will not be considered as time worked. An employee who has questions regarding whether the employee should be on the time clock, should immediately contact a supervisor for assistance.

Employees who clock in more than eight (8) minutes late will be docked $\frac{1}{4}$ hour. Employees who are eight (8) minutes early will be paid overtime only if the early report to work is approved by the employee's supervisor. **Voluntary overtime is strictly prohibited.**

An employee utilizing an alternate method of time keeping is, likewise, required to ensure that the times listed by the employee are complete and accurate and recorded to the best of the employee's knowledge and experience and is subject to the same requirements and penalties as an employee utilizing a time clock.

An employee who identifies an erroneous entry on his or her time card or record should immediately bring the error or mistaken entry to the attention of his/her supervisor and both should insert and initial the correct entry or information on the time record.

VIII. Notice of Policy to Employees

Each employee will be furnished with a copy of the District's FLSA policy and will be required to sign an acknowledgement confirming that the employee received the policy and that he/she understands the rights and responsibilities that it includes.

Questions concerning any part of the policy should be directed to the employee's supervisor or the superintendent.

If at any time an employee believes that he/she is incorrectly classified for purposes of FLSA or is entitled to additional compensation under federal or state law, he/she should immediately notify the superintendent in writing, setting out the basis for the employee's complaint of misclassification or incorrect compensation.

POLICY REGARDING MULTIPLE EMPLOYMENT ASSIGNMENTS

The School District may have opportunities for its employees to assume more than one type of employment position. The District will closely monitor the assignment of more than one employment position to any employee to ensure that the assignment does not result in the employee working more hours than is advisable or hours which will create overtime or unacceptable overtime liability for the School District.

Accordingly, the District will closely monitor all multiple assignments made to employees to determine whether the positions assigned are exempt from overtime or whether the positions will require the payment of overtime. Employees must strictly adhere to instructions regarding the hours of work authorized.

I. Exemption from Overtime

Exemptions from the overtime provisions of the FLSA are provided under federal regulations. School administrators are exempt as administrative employees and teachers are exempt from overtime under the professional exemption. Other employees may be exempt based on the duties performed and whether they meet the long or short tests approved by FLSA for executive, administrative or professional positions.

Employees who are exempt will not be allowed to devote more than 50% of the hours worked in a workweek to activities which are not an essential part of nor necessarily incident to the work exempted from overtime by the FLSA and regulations promulgated pursuant to it.

II. Multiple Position Employment Prohibition of Exempt Employees

Teachers and administrative employees of the board who are exempt from overtime provisions of the Act under regulations promulgated by the Wage and Hour Division of the United States Department of Labor may not be employed in multiple positions with the board if such employment would jeopardize the exempt status of the employee's teaching or administrative position.

III. Employment Contract Supplements

Pursuant to employment contracts approved by the board, teachers and other *exempt* personnel may earn a salary supplement for performing assigned duties, such as coaching athletic teams, serving as cheerleading sponsors, and other extra responsibilities incidental to their position as teachers or school administrators.

IV. Multiple Position Employment of Non-Exempt Employees

Non-exempt employees of the District and board may be employed in multiple positions only if the time to be worked by the employee in those positions will not normally exceed forty hours during the employee's workweek. Additional position assignments to employees in this category will be subject to the following conditions:

1. Authorized overtime will be paid to non-exempt employees who work more than forty hours in a workweek, whether the work is performed in one or more than one job.

2. Overtime should only be allowed by supervisors under unusual or extraordinary circumstances and must be approved in advance, in writing, before overtime hours are worked.
3. An employee working overtime this is not properly authorized in advance, in writing, by the employee's supervisor, is considered to be in violation of this policy and the violation may result in disciplinary action, up to and including the possibility of dismissal or non-reemployment.

V. Overtime Rates of Pay

Non-exempt employees working more than one position, in which the rate of pay is different for each position, must agree in writing, in advance of performance of the work and as part of the overtime authorization, as to the rate of pay. At the time any overtime hours are approved, the employee's supervisor will determine for which job and rate the overtime hours are to be worked. If overtime hours are properly authorized and worked, they will be paid at the rate established for the work being performed during the overtime hours.

VI. Benefit Entitlements According to Primary Position

Employees who work in more than one position for the District will be entitled to benefits in only the primary position unless otherwise provided by law. The primary position is defined as the position in which the person was initially employed by the District and will generally be the position which is regularly assigned the most hours of work.

VII. After-School Daycare Employees

Employees who work in an after-school daycare program operated by the District are employees of the District and included within the purview of this policy.

VIII. After-School Program Employees

Employees who work in an after-school program operated by the District are employees of the District and included within the purview of this policy.

POSTING OF JOB VACANCIES

Job vacancies, existing or newly created, will be posted on the school district website. The notice will include the name of the position, qualifications.

Present employees seeking employment for another position must submit a written statement to his/her immediate supervisor.

PRE-EMPLOYMENT REQUIREMENTS

Every employee of Bixby Public Schools is subject to the following policies regarding criminal background and drug testing.

[BOE Policy 4103: Criminal Records Search](#)

[BOE Policy 4109: Testing Employees and applicants for employment \(Other than Bus Drivers\) with regard to the use of alcohol and illegal chemical substances](#)

[BOE Policy 4110: Alcohol and Drug Testing for Bus Drivers](#)

[BOE Policy 2116A Medical Marijuana, Hemp, and Cannabidiol \(CBD\)](#)

These policies are provided to each employee here.

PROMPTNESS

Employees are expected to be at work on time and to be prompt in returning from lunch periods. Excessive tardiness could result in suspension or termination of employment. If the employee is going to be tardy to work because of an unavoidable circumstance, the supervisor should be telephoned as soon as possible and informed of the reason.

RE-EMPLOYMENT

Persons previously employed by the Bixby Public Schools may be considered for re-employment provided their previous record of employment with the district was good, and that their former supervisor recommends them.

The temporary status time of employment is waived for a re-employed employee if he/she was on a designated class status when previously employed with the school district, if the employee returns to the same job classification. If the employee is re-employed in a different job classification, ~~no~~ experience credit may or may not be allowed and employment will be on a temporary status. If the re-employed employee has been out of the employment of the Bixby Public Schools for more than (6) months and the designated job requires a physical examination, an examination will be required before employment.

Employees who have been terminated, dismissed or suspended may be re-employed only upon the approval of the Superintendent of Schools.

REINSTATEMENT TO FORMER POSITION

An employee who is ready to return from leave must complete a *Notice of Intention to Return from Family or Medical Leave* before he or she can be returned to work. An employee may return to work before the expiration of a family or medical leave of absence. In this event notification must be given to the employee's supervisor at least 5 working days prior to the employee's planned return.

An employee generally is entitled to be restored to an equivalent position and to equivalent conditions of employment. This may not be applicable to employees who are designated as "highly compensated employees". The School District cannot guarantee that an employee will be returned to his or her original job. A determination as to whether a position is an "equivalent position" will be made by the School District. A highly compensated employee is the employee who is salaried, and is "among the highest paid 10 percent" of the employees employed within 75 miles of the employee's worksite. An employee who qualifies as a "highly compensated" employee may be denied restoration to employment if necessary to prevent substantial and grievous economic injury to the operations of the School District.

RESIGNATION

A letter of resignation giving the intended termination date should be sent to the employee's site administrator or department director or Superintendent or his/her designee. Employees resigning from employment with the school system are expected to give two weeks' notice, if possible, of their intention to leave.

RESOLUTION OF COMPLAINTS

Complaints shall consist of matters affecting the employer-employee relationship except those specifically covered by School Board Policy or regulations.

Grievances should be reported to the employee's immediate supervisor within five working days of occurrence or after the employee has become aware of its occurrence. Employees are urged to confer, in an informal manner, with the immediate supervisor in an effort to resolve a grievance. If this is not successful, the following procedure will be used to file a grievance:

1. The grievance will be presented to the appropriate associate superintendent who will render a decision after a hearing is held in the presence of the supervisor. The decision will be presented in writing to the employee within five working days after the hearing.
2. If the decision of the assistant superintendent is not acceptable to the complainant, the superintendent will appoint a grievance committee consisting of the superintendent, one Board of Education member, and one representative from the support staff group. This committee will meet with the complainant and make a decision, and the decision will be final.

No reprisals of any kind will be taken by the district or the school administration against any employee by reason of participation in the grievance procedure.

This procedure is not available to employees who have been suspended or dismissed from the employment of Bixby Public Schools.

SAFETY

"There is no job so urgent, or task so important, that we cannot take the time to do it safely."

The personal safety of each employee of this school district is of primary importance. To the greatest degree possible, management will provide all mechanical and physical facilities required for personal safety in keeping with the highest standards.

We will maintain a safety program conforming to the best practices of organizations of this type. To be successful, such a program must embody the proper attitudes toward injury and illness prevention on the part of both supervisors and employees. It also requires cooperation in all safety matters, not only between supervisor and employee, but also between each employee and his fellow workers. Only through such a cooperative effort can a safety record in the best interest of all be established and preserved.

The full cooperation of each employee in our organization is hereby requested to make this program successful.

SECURITY

Many jobs performed in the Bixby Public Schools require the employees to assume responsibility for the security of the building, office, or area. It is important that the employee exercise caution and prudent judgment in maintaining security as required by his job performances. If the employee has possession of keys for the performance of his/her job, all such keys will be kept secure by the employee and returned to his/her immediate supervisor upon leaving the employment of the district. Alarm codes/cards should be kept confidential and not shared with other employees or individuals.

SERVICE MEMBER FAMILY LEAVE

Service member family leave entitles an eligible employee, who is the spouse, son, daughter, parent or next of kin of a covered service member to a total of 26 workweeks of leave during a single 12-month period to care for the service member.

A "covered service member" is generally any member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing treatment or therapy for a serious injury or illness incurred while on active duty.

"Serious injury or illness" means an injury or illness incurred by the member in the line of duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.

Eligible employees are entitled to a combined total of 26 workweeks of FMLA leave and may not exceed that amount during the 12-month period by combining service member family leave with other forms of FMLA leave. Eligible employees must provide at least 30 days' notice of their intention to take service member family leave whenever the necessity for such leave is foreseeable based on planned medical treatment; otherwise, notice of leave must be reasonable and practicable. As with other leave provided pursuant to this policy, an employee approved for service member family leave is required to substitute accrued paid leave for any part of the 26-week period of service member family leave.

SEXUAL HARASSMENT

The policy of this school district forbids discrimination against any employee or applicant for employment on the basis of sex. The Bixby Board of Education will not tolerate sexual harassment by any of its employees. This policy also applies to non-employee volunteers whose work is subject to the control of school personnel.

General Prohibitions

1. Unwelcome Conduct of a Sexual Nature
 - a. Conduct of a sexual nature may include verbal or physical sexual advances, including subtle pressure for sexual activity; touching, pinching, patting, or brushing against; comments regarding physical or personality characteristics of a sexual nature; and sexually-oriented "kidding," "teasing," double

meanings, and jokes.

- b. Verbal or physical conduct of a sexual nature may constitute sexual harassment when the allegedly harassed employee has indicated, by his or her conduct, that it is unwelcome.
 - c. An employee who has initially welcomed such conduct by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.
2. Sexual Harassment: For the purpose of this policy, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment if:
 - a. submission to the conduct is made either an explicit or implicit condition of employment;
 - b. submission to or rejection of the conduct is used as a basis for an employment decision affecting the harassed employee; or
 - c. the conduct substantially interferes with an employee's work performance, or creates an intimidating, hostile, or offensive work environment.

Specific Prohibitions

1. Administrators and Supervisors
 - a. It is sexual harassment for an administrator or supervisor to use his or her authority to solicit sexual favors or attention from subordinates when the subordinate's failure to submit will result in adverse treatment, or when the subordinate's acquiescence will result in preferential treatment.
 - b. Administrators and supervisors who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to sanctions, as described below.
2. Non-administrative and Non-supervisory Employees: It is sexual harassment for a non-administrative and non-supervisory employee to subject another such employee to any unwelcome conduct of a sexual nature. Employees who engage in such conduct shall be subject to sanctions as described below.

Report, Investigation, and Sanctions

1. It is the express policy of the Board of Education to encourage victims of sexual harassment to come forward with such claims. This may be done through the Employee Grievance policy or by contacting the District Compliance Coordinator.
 - a. Employees who feel that administrators or supervisors are conditioning promotions, increases in wages, continuation of employment, or other terms or conditions of employment upon sexual favors, are encouraged to report these

conditions to the appropriate administrator. If the employee's direct administrator or supervisor is the alleged offending person, the report will be made to the next higher level of administration or supervision, unless it is the superintendent who is the alleged offender. In which case, the complaint shall be referred to the Board president.

- b. Employees are also urged to report any unwelcome conduct of a sexual nature by supervisors or fellow employees if such conduct interferes with the individual's work performance or creates a hostile or offensive working environment.
- c. Confidentiality will be maintained; however, absolute confidentiality cannot be guaranteed because of due process concerns which arise in sexual harassment investigations. No reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment.
- d. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct and the context in which the alleged conduct occurred will be investigated. The superintendent has the responsibility of investigating and resolving complaints of sexual harassment.
- e. Any employee found to have engaged in sexual harassment shall be subject to sanctions, including, but not limited to warning, suspension, or termination subject to applicable procedural and due process requirements.

SUPPORT EMPLOYEE RULES FOR CONDUCT

See [BOE Policy 4160](#).

A support employee may be suspended, demoted, terminated or non-reemployed for violation of any of the following Rules for Conduct, as well as other standards of conduct included in school district policies:

1. Falsification of personnel or other records.
2. Unexcused failure to be at work station at starting time.
3. Leaving work station without authorization prior to lunch periods, or end of work day.
4. Abandonment of job (3 or more consecutive or non-consecutive absences in a rolling 6 month period without following the proper reporting procedures).
5. Excessive unexcused absenteeism.
6. Chronic absenteeism for any reason
7. Chronic tardiness.
8. Wasting time or loitering during working hours.
9. Leaving work area during work hours, without permission, for any reason.
10. Possession of weapons on school premises or in school district vehicles or while on duty.
11. Removing school district property or records from school district premises without proper authority.
12. Willful abuse, misuse, defacing, or destruction of school district property, including tools, equipment, or property of other employees.
13. Theft or misappropriation of property of employees, students or of the school

- district.
14. Sabotage.
 15. Distracting the attention of others.
 16. Refusal to follow instructions of supervisor.
 17. Refusal or failure to do work assignment.
 18. Unauthorized operation of machines, tools, or equipment.
 19. Threatening, intimidating, coercing or interfering with employees or supervisors.
 20. Threatening, intimidating, coercing or exploiting students.
 21. The making or publishing of false, vicious, or malicious statements concerning any employee or supervisor.
 22. Creating a disturbance on school premises including but not limited to engaging in quarrelsome behavior and fighting.
 23. Creating or contributing to unsanitary conditions.
 24. Practical jokes injurious to other employees, students or school district property.
 25. Possession, consumption, or reporting to work under the influence of beer, alcoholic beverages (including wine), non-prescribed drugs, or controlled dangerous substances during the contracted work day.
 26. Disregard of known safety rules or common safety practices.
 27. Unsafe operation of motor driven vehicles or equipment.
 28. Operating machines or equipment without using the safety devices provided.
 29. Gambling, lottery, or any other game of chance on school district property.
 30. Unauthorized distribution of literature, written or printed matter of any description on school district property.
 31. Posting or removing notices, signs, or writing in any form on bulletin boards of school district property at any time without specific authority of the administration.
 32. Poor workmanship.
 33. Immoral conduct or indecency including abusive and/or foul language.
 34. Excessive personal calls during working hours, except for emergencies. This includes in-coming and out-going calls.
 35. Walking off the job.
 36. Clocking in or out on another employee's time card or time sheet.
 37. Smoking in an unauthorized area.
 38. Refusal of job transfer, if the transfer does not result in a demotion.
 39. Abuse of "breaks" (rest periods) or meal period policies.
 40. Insubordination of any kind.
 41. Dishonesty of any kind, including withholding pertinent information from a supervisor.
 42. Sexual harassment of an employee, a student or a third party such as a patron or vendor.
 43. Misuse or abuse of any school district leave policy or guidelines.
 44. When it is in the best interest of the school district, any support personnel may be suspended, demoted, terminated or non-reemployed.
 45. Because of the difficulty of retaining competent support employees on a temporary basis over an extended period of time, a support employee shall be subject to termination or non-reemployment for inability to perform the essential job requirements if the employee is unable due to illness or accidental injury to return to work for his or her regularly scheduled hours and to perform all of the essential duties of the position (with or without reasonable accommodation) within 12 work weeks or the number of work days equal to the employee's total accumulated sick leave days, whichever is longer, measured from the date of the first absence due to

the condition resulting in the extended absence.

SUPPORT PERSONNEL: SUSPENSION, DEMOTION, AND TERMINATION OR NON-REEMPLOYMENT

See [BOE Policy 4159](#).

1. **Definitions:**
 - a. "Support Employee" shall mean an employee of the School District who provides those services, not performed by professional educators or licensed teachers, which are necessary for the efficient and satisfactory functioning of the School District.
 - b. "Full-time Support Employee" shall mean a support employee who regularly works the standard period of labor which is generally understood to constitute full-time employment for the type of services performed by the employee and who is employed by the School District for a minimum of 172 days per year.
 - c. "Suspension without pay" shall mean the temporary denial of a support employee's right to work and receive any pay and other benefits during the term of the suspension. "Suspension without pay" may be as a disciplinary measure as provided in paragraph 4.b.i, below, or as a suspension pending investigation as provided in paragraph 4.b.ii, below. If a final decision is made under the procedures stated below that a suspension without pay was improper, the support employee shall receive full pay and other benefits for the period of suspension.
 - d. "Suspension with pay" may occur in those situations in which the superintendent or his designee, or a supervisor of the support employee perceives a significant hazard in keeping the support employee on the job, in which event the support employee may be asked to immediately leave the School District's premises and the support employee is temporarily relieved of his duties pending a hearing under paragraph 4, below.
 - e. "Demotion" shall mean a reduction in pay during the term of the support employee's contract. "Demotion" shall not mean a change in job description or work assignment or duties.
 - f. "Termination" shall mean the discharge of the support employee from his/her employment with the School District during the term of his/her contract and does not include the cessation of employment upon expiration of the support employee's contract.
 - g. "Non-reemployment" shall mean the failure to offer a support employee a new contract for the next successive school year after the contract under which the support employee is presently employed has expired.
2. **Policy on Suspension, Demotion, Termination or Non-reemployment of Full-Time Support Employees.**

A full time support employee who has been employed by the School District for more than

one year shall be suspended, demoted, terminated or non-reemployed during the term of his/her contract only for cause as provided in this policy. In addition to the definition of cause stated in section 3 of this Policy, "cause" shall also specifically include lack of funds or lack of work. Any support employee who has been employed by the School District for less than one year (12 months) is not entitled to invoke the procedures of this policy and such employee's contract can be terminated at any time without cause.

3. Cause for Suspension, Demotion, Termination or Nonreemployment.

- a. A support employee may be suspended, demoted, terminated or non-reemployed during the term of his/her contract for any of the following:
 - i. Violation of any rule, regulation or requirement issued by the Office of the Superintendent or Board of Education of the School District; or
 - ii. Conduct not otherwise specified in the above rules, regulations or requirements which constitutes insubordination, neglect of duty, incompetence in job performance, dishonesty, or causing or allowing damage, destruction or theft of school property.
- b. The rules, regulations and requirements referred to above shall be posted in a prominent place at each work location or otherwise communicated in writing to all support employees. The rules, regulations and requirements, which may be revised from time to time, shall state that violation of the rules, regulations and requirements may result in suspension, demotion, termination or non-reemployment during the term of his/her contract.

4. Procedures For Suspensions Without Pay, Terminations and Demotions.

- a. Any full-time support employee is subject to disciplinary action in the form of a suspension without pay, demotion or termination. Prior to instituting any such disciplinary action, the full-time support employee shall receive the following hearing rights:
 - i. The superintendent of schools or his designee shall orally advise the support employee of the cause or basis for the proposed disciplinary action;
 - ii. The superintendent of schools or his designee shall explain to the support employee the evidence against the support employee;
 - iii. The superintendent of schools or his designee shall allow the support employee an opportunity to present his side of the matter.
- b. After the support employee is afforded the above hearing rights, the superintendent of schools or his designee may take any of the following actions:
 - i. Suspension without pay for ten (10) working days or less as a disciplinary measure.
 - ii. Suspension without pay pending investigation as to whether cause exists for

the termination of the support employee.

iii. Demotion of the support employee.

iv. Termination of the support employee.

v. Conclude that no disciplinary action is appropriate.

- c. If a support employee is suspended without pay pending an investigation as to whether termination is appropriate, then, within five (5) working days after the effective date of the suspension without pay, such investigation must be completed and the superintendent or his duly authorized designee shall afford the support employee a second hearing with the same hearing rights as set forth in paragraph 4.a., above. After the second hearing, the support employee shall either be reinstated, with back pay and other benefits, suspended without pay further as a disciplinary measure (not to exceed a total of 10 working days including the initial days of suspension without pay), demoted or terminated.
- d. The support employee shall have the right to appeal to the Board of Education a suspension without pay as a disciplinary measure, a demotion or a termination as set forth in the Procedures for Appeal to the Board of Education in section 6 below.

5. Procedures for Nonreemployment.

Prior to being non-reemployed, a full-time support employee who has been employed by the School District for more than one (1) year shall be entitled to the following hearing rights:

- a. The board of education or the superintendent of schools or his designee shall advise the support employee, in writing, of the board's intention to consider and act on the non-reemployment of the support employee for the subsequent fiscal year.
- b. The written notification shall set out the cause(s) for such action.
- c. The support employee shall have the right to contest his non-reemployment before the Board of Education as set forth in the Procedures for Appeal to the Board of Education in section 6 below.

6. Procedures for Appeal to the Board of Education.

- a. After any suspension without pay as a disciplinary measure, or prior to the effective date of any demotion, termination during the term of his/her contract or non-reemployment, the support employee shall receive notice of his/her right to a hearing before the Board of Education as herein provided.
- b. All notices shall be sent to the support employee by certified mail at the address of the support employee shown on the school records. If the support employee refuses to accept the notice or fails or refuses to pick up the notice after being notified by the post office to do so, then the support employee shall be deemed to have received the notice on the date that the notice was postmarked. The notice shall contain the

information provided in the form attached hereto. The postmark shall be used to determine the timeliness of the notice.

- c. A support employee who has been notified in writing of his/her suspension without pay as a disciplinary measure, demotion or termination during the term of his/her contract or non-reemployment may notify the Clerk of the Board of Education of the School District within ten (10) working days of the postmark or when received in person, the date signed by the employee on the notice if the support employee desires a hearing before the Board of Education. If the support employee fails to notify the Clerk of the Board of Education of the School District in writing within ten (10) working days of the postmark or date of signature on the notice that the support employee requests a hearing, the support employee shall be deemed to have waived the right to a hearing and the suspension without pay as a disciplinary measure, demotion or termination action shall be final and, in the case of a non-reemployment, the board may take final action to non-reemploy the employee without further notice or hearing rights.
- d. Hearing before Board of Education:
 - i. Upon timely notice as set forth above, the support employee shall be entitled to a hearing before the Board of Education. The hearing shall be conducted at the next, or next succeeding, regularly scheduled meeting of the Board of Education if the request for the hearing was received at least ten (10) days prior to the next, or next succeeding, regularly scheduled Board of Education meeting. At the request of the support employee or at the discretion of the Board of Education, the Board of Education shall call a special meeting to conduct the requested hearing, which special meeting shall be held no earlier than ten (10) days nor later than thirty (30) days after receipt of the support employee's request.
 - ii. At the hearing before the Board of Education, the support employee shall be entitled to be represented by counsel, to cross-examine witnesses presented by the School District, to present witnesses on his/her behalf and to present any relevant evidence or statement which the support employee desires to offer. The hearing shall be conducted in "open" session. The hearing shall commence with a statement to the support employee of his rights at the hearing. Following this statement, the school administration shall present facts showing the cause for the support employee's suspension without pay as a disciplinary measure, demotion, termination or non-reemployment. The burden of proof shall be upon the school administration. The support employee shall then have the right to present his/her side of the matter. After both the school administration and the support employee have fully presented their respective positions, the Board of Education shall deliberate on the evidence in executive session. The Board of Education shall announce its findings and decision immediately in open session by individual voice vote. The decision shall be made by a majority of the Board of Education members present at the meeting.
 - iii. As to suspension as a disciplinary measure, demotion or termination, the Board of Education may affirm, modify or reverse the action taken against the support employee, including increasing or decreasing the severity of the

original action. As to non-reemployment, the board may reemploy or non-reemploy the employee for the subsequent fiscal year.

iv. The decision of the Board of Education at the hearing shall be final and non-appealable.

7. Miscellaneous.

This policy shall be effective immediately upon adoption by the Board of Education and shall supersede all previous policies regarding the subject matter contained herein. The Board of Education reserves the right to modify or amend this policy from time to time in any manner consistent with applicable law.

Nothing contained in this policy shall prevent the board of education from acting on its own volition in matters pertaining to suspension, demotion, dismissal or nonrenewal of support employees.

SUSPENSION, DEMOTION OR TERMINATION

Employees of Bixby Public Schools terminated under ordinary satisfactory conditions will be given two weeks written notice in advance of their termination.

Full-time employees who have been employed with the Bixby Public School District for one year or more may not be suspended, demoted or terminated except for the causes set forth in the Bixby Public School District Policy for Suspension, Demotion, or Termination of Support Employees.

TEACHER RETIREMENT

Membership is available (subject to approval by the Teacher Retirement System) for all support personnel of public educational institutions who work at least fifteen (15) hours per week. Upon initiation of employment for any first-time support employee, the employee will be provided the opportunity to opt in or opt out of the OK Teacher Retirement System (OTRS) within their first 30 days of employment. Failure to opt out within the first 30 days will result in mandatory participation in OTRS in accordance with OK law. The employee's decision is final and irrevocable by OK law. The law also requires that the support employee previously offered OTRS participation opportunity, will be bound by their prior decision about participation in OTRS. For employees who choose to participate in OTRS, retirement contributions are withheld from pay warrants. The Board provides a retirement benefit which will pay one hundred percent (100%) of the retirement contribution to the Teacher Retirement System for employees who are employed on a twelve month (12) contract and fifty percent (50%) of the retirement contribution for employees who have served our district for fifteen (15) or more years. Retirement eligibility and number of years of creditable service will be governed by the regulations established by OTRS and set forth in the annual Rules and Procedures booklet. Years of creditable service may not necessarily correspond with the number of calendar years worked.

TERMS OF EMPLOYMENT

Employment shall be on a yearly contract beginning on July 1 of each calendar year and ending on June 30 of the next calendar year.

TIME TRACKING SYSTEM

Smooth teamwork in a large organization requires regular attendance. Employees must register their attendance on the time-tracking system. The employee is responsible to confirm their time entry into the system and shall not enter any other employee's time for them. All errors or failures to clock in should be reported to the supervisor immediately. No corrections can be made on a time tracking record without the supervisor's approval.

TRANSFERS

It is important that each person be in the position for which he/she is best suited, and the one in which his/her skills and abilities are best utilized. When an employee desires to transfer from one job assignment to another within the school system, such a transfer request should be made in writing and approved through the employee's immediate supervisor.

USE OF PERSONALLY OWNED TOOLS OR EQUIPMENT

The use of personally owned tools or equipment is prohibited unless authorized by the Superintendent of Schools. Safekeeping of personally owned tools is the responsibility of the employee. Replacement of personally owned tools that are worn, lost, destroyed or stolen is the responsibility of the employee.

USE OF TOBACCO OR VAPING PRODUCTS

See [BOE Policy 6128](#).

Use of tobacco is prohibited on all school grounds, school vehicles, or facilities in use by the school. Disregard for the district prohibition of tobacco, simulated tobacco products, vapor products, or any item used as such by an employee may be cause for reprimand, or failing correction of the action, termination from employment. "Tobacco" is defined as cigarettes, cigars, pipe tobacco, snuff, chewing tobacco and all other kinds and forms of tobacco prepared in such a manner to be suitable for chewing, smoking or both, and includes or any other product packaged for smoking. "Simulated Tobacco Products" are defined as products that imitate or mimic tobacco products, including, but not limited to bidis and vapor smoking with or without nicotine.

WORKERS' COMPENSATION INSURANCE

It is the policy of the Bixby Board of Education that when an employee is absent from work due to a job-related illness and/or injury, compensation will be made to the claimant by the workers' compensation carrier. It is further understood that neither earned vacation nor sick leave time will be used in lieu of workers' compensation benefits except as described below.

The school district will provide additional benefits to the employee, in addition to the workers' compensation benefits, by permitting employees to use a portion of accrued sick leave if the employee requests to do so. When sick leave is used along with worker's compensation benefits, only that amount of sick leave may be used which, when combined with worker's compensation benefits, will provide a combined daily benefit equal to the employee's regular daily rate of pay. Any benefits above the worker's compensation benefits will be taxed at the particular employee's normal tax rate.

In no case will the combined payments to the claimant be in excess of 100 percent of the regular

contractual salary for that employee. Sick leave may be used for time lost to job-related injuries that do not qualify for workers' compensation insurance.

WORKERS' COMPENSATION PROCESS

Employees of the Bixby Public School System are provided full or partial continuation of wages in accordance with Oklahoma law if an employee is absent from work because of an injury sustained in the performance of his job. Before payments are approved, the following conditions must be met:

1. The employee must report the accident or injury to his/her supervisor at the time of the occurrence. The supervisor will then be responsible for reporting the accident to the Personnel Office on the proper form.
2. The accident must be job-related.
3. The injury sustained while performing the job must be physical.
4. A physician's statement of injury and a release to return to work with no restrictions that would limit normally expected job performance must be filed with the Personnel Office before return to work is approved.
5. Benefits will not be paid if the injury is proven to be due to use of drugs or alcohol.

WORKING HOURS

The Bixby Public School System operates on a five (5) day workweek. Daily schedules are set for each employee. The workday for most employees will consist of a six (6) to eight (8) hour assignment per day which excludes thirty (30) minutes to one hour period per day for lunch as determined by the administrative supervisor. Employees may not accumulate rest periods or lunch periods. The workweek is defined as Monday through Sunday.

USE OF ALCOHOL, DRUGS AND CONTROLLED SUBSTANCES BY EMPLOYEES: DRUG-FREE WORKPLACE

Student and employee safety is of paramount concern to the Board of Education. Employees under the influence of alcohol, drugs, or controlled substances are a serious risk to themselves, to students, and to other employees. Therefore, in accordance with the policy of the board of education, the following regulations shall apply. Use, possession, dispensing, manufacture, sale or distribution or conspiring to sell, distribute or possess or being in the chain of sale or distribution, or being under the influence of a controlled substance, alcoholic beverage, or low point beer (as defined by Oklahoma law, i.e., 3.2 beer) in any of the school district's facilities, on school district property (including vehicles) or at a school sponsored function or event, or during the contracted work day by a school district employee is prohibited. Violations which constitute criminal acts will be referred for prosecution. Any employee who violates this policy will be subject to disciplinary action, which may include employment probation, suspension and/or termination. Each employee of this school district is hereby notified that, as a condition of employment, the employee must abide by the terms of this policy, and will notify the Superintendent of any criminal drug conviction (including a plea of nolo contendere) for a violation. The employee must make such notification to the superintendent not later than five (5) days after conviction. The Superintendent will provide notice of such violation to the Impact Aid Program, United States Department of Education, or other appropriate government agency within ten (10) days after the Superintendent receives such notification.

Thirty (30) days following receipt of the above notification, the district will take appropriate

disciplinary action, which may include termination or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program.

Each employee will attend a district drug-free awareness program at which employees will be informed about the dangers of drug abuse in the workplace; this policy of maintaining a drug-free workplace; available drug counseling, rehabilitation, and employee assistance program; and the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

The Board of Education recognizes that employees who have a drug abuse problem should be encouraged to seek professional assistance. An employee who requests assistance shall be referred to a treatment facility or agency in the community if such facility or agency is available.

When it is evident that a staff member has consumed alcoholic beverages or illegal drugs off school property and/or before a school activity, the staff member will not be allowed on school property or to participate in school activities. Staff members who violate this regulation will be subject to the same penalties as for possession or consumption on school property.

The Board of Education hereby commits itself to a continuing good faith effort to maintain a drug-free workplace. If a staff member suspects anyone on campus to be in violation of the weapons or substance policies, they are to contact the office/administration immediately.

VACATIONS

Vacations are granted only to Status I employees who are employed in twelve (12) month, forty (40) hour week positions. The Bixby Board of Education provides annual vacation with pay to those employees assigned to twelve-month positions and to all hourly and daily rate employees whose period of service is continuous (90% of the working days) throughout the year.

All employee vacation days are cumulative to 30 days. All vacation time exceeding 30 days shall be paid annually at the employee's current salary schedule on July 1. Upon retirement or severance of employment, all accrued vacation time shall be paid at the employee's current salary.

VACATION YEAR

A full year of service is from July 1 through June 30. Employees shall be eligible for the next higher vacation step on June 30th of the year in which they complete the required number of years of service.

CREDITABLE YEARS OF SERVICE

1. Nine and ten month contract years that have been successfully completed will count as "good" years when computing vacation due to current twelve-month employees.
2. A portion of a year on a twelve-month employee beginning after July 15th will not count as an increment year, but vacation will be granted for that portion of the year on a prorated basis.

APPROVAL OF VACATION DATES

The dates for all vacations must be scheduled in advance at the convenience of the department in which the employee works and with the approval of the immediate supervisor. Vacation time may not be requested or used in less than one-half day increments nor more than ten consecutive working days, unless otherwise approved by the superintendent.

If an authorized holiday falls within the requested vacation period, it will not be chargeable to the

employee’s vacation allowance.

Vacation time may be applied for only after an employee has been employed in the district for one year and has earned a minimum of ten days of accrued time.

SUBSTITUTES FOR EMPLOYEES ON VACATION

It is the responsibility of the immediate supervisor to arrange vacations at a time when a substitute will not be required.

VACATION ACCRUAL WHILE ON SICK LEAVE

With regard to computation of earned vacation time, absences of an employee on sick leave or vacation are considered as time served.

Vacation days will not be accrued after the expiration of sick leave or for absences not covered by sick leave or vacation time.

ELIGIBILITY

Employees shall be eligible for vacation days according to the following:
Twelve-month Employees:

<u>Years of Service</u>	<u>Days Per Year</u>
1-9	10 days
10 or more	10 days + Spring Break

For those employees who accumulated vacation days prior to this adopted policy, they shall be entitled to their previous accumulated vacation days.

“Support Personnel (full-time and part-time) shall be employed, initially, in the Bixby School District on a temporary status. The temporary status shall last for a period of ninety (90) work days (Pg. 5 Support Personnel Handbook).”

VACATION ACCRUAL

All 12 month employees on a 241 Day/8 Hour Day Contract or a 260 Day/8 Hour Day Contract will accumulate a vacation day approximately every 37 Days. August 6 , September 12, October 15, November 25, January 5, February 6, March 23, April 21, May 28, and June 30.

EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT