

INTRODUCTION

This handbook includes guidelines and expectations for custodians, food service workers, library aide, Administrative assistants, teacher associates and transportation employees. It is not a contract between an employee and the school district.

The purpose of the material contained herein is designed to:

- (1) Inform classified employees of fringe benefits, compensation and employer expectations of various job categories.
- (2) Set forth employer procedures to be used on supervising and evaluating classified employees.
- (3) Insure uniformity of administration.

The material presented is not intended as all inclusive in the area of job procedures. Modifications may be made as significant situations arise that need to be set forth in writing. Compensations and fringe benefits shall be reconsidered annually. The West Marshall Community School District is an equal opportunity employer and affirmative action organization.

ATTENDANCE

Regular, consistent attendance is required. If you need to be absent from work you should inform your building principal/supervisor as soon as you know you will be gone so arrangements can be made to cover your position.

HOURS OF WORK & OVERTIME

General Information

- A. West Marshall does not do compensatory time. Employees will be paid for hours worked.
- B. The employer shall establish the hours of work. Except in emergency situations, two (2) days notice will be given to affected employees of the change in the schedule of hours to be worked. The full time employee work week shall be 30 hours or more.

Although breaks are not required by law, it is the District's position that employees with a shift of 6 ½ hours or more may be entitled to a 15 minute break. Although every attempt will be made to allow employees appropriate breaks, there may be occasions where circumstances or workload do not allow doing so. Breaks are not guaranteed.

If employees are leaving the premises for breaks, the breaks will be unpaid.

C. Custodians

Regular school year and summer work hours for the custodial staff shall be set by the superintendent or his/her designee. Notification of hours to be worked shall be made at least two (2) days in advance of implementation or work schedules. Because of an extracurricular activity or an emergency, overtime may be granted to custodians who would exceed forty (40) hours per week. The superintendent must approve hours beyond forty (40).

Overtime hours will be paid at a rate of 1 ½ times regular rate on those work hours that exceed forty (40) work hours per week. Overtime hours will be figured on hours exceeding 40 hours worked. If a holiday or sick day or vacation day is used during any given week, overtime will be paid on hours worked beyond 40.

Hours for custodians working less than 2000 hours annually shall be determined outside the guidelines of this statement.

D. Food Service Employees

Food Service Director or Superintendent will determine the hours of work for all Food Service Personnel. The hours shall be approved by the superintendent or his/her designee. Hours may be adjusted as needed.

E. Library Aides

Library aides shall receive their work schedules from the superintendent.

F. Secretaries

Secretaries working twelve months will receive their work schedule from the superintendent. Secretaries working less than 12 months will work with their principal on setting their work schedule based on the number of days given.

G. Teacher Aides

Teacher aides shall receive their work schedules from the principals. The aide should not report for duty if it is known the student will not be at school. Hours may be adjusted as needed.

H. Bus Drivers

Bus driver positions shall be considered as less than full time. Hours of work shall be determined by the Superintendent. Hours shall be set at least four days before duties are to begin.

I. Meetings

Employees shall attend such meetings (in-service, staff, parent-teacher conferences, subject area meetings, etc., if requested by the administration) and other activities called by an administrator for coordinating the work of employees in the school program.

J. Early School Dismissal

Should hourly rate employees arrive for work at their regularly assigned time and then school is cancelled before the school day begins, the employee may be paid one (1) hour's pay. If school is cancelled after classes have started for the day, the employee will be paid for the hours worked and leave when students depart.

Example: The employee's shift begins at 8:00 a.m. School is cancelled at 8:05. The employee may be paid one hour. If school is cancelled at 7:45 and the employee's shift does not begin until 8:00, no pay will be given

If working conditions are favorable, however, employees are expected to be at work the regular hours. An example of a pay deduction would be if school is in session, but extreme weather conditions do not permit employees to travel to the work site.

Each employee paid on an hour-by-hour basis must complete, sign, and turn in a daily time record showing the actual number of hours worked. Failure of the employee to maintain, or falsification of such records, will be grounds for disciplinary action. Leave early without prior approval would result in a loss of pay.

Overtime must be requested by your supervisor and approved by the superintendent before it is performed. Overtime will be approved for emergency situations only. Overtime hours will be figured on hours exceeding 40 hours worked. If a holiday or sick day is used during any given week, overtime will be paid on hours exceeding 48. Employees who continue to work overtime without prior approval may be suspended or terminated.

Employees will be paid only for actual hours worked for early dismissals (teacher in-service, holiday dismissal and inclement weather).

VACATIONS

A. Food Service, Teacher Aides, Secretaries, and Bus Drivers are not eligible for paid vacation. Employees working less than 12 months are not eligible for paid vacation.

B. General Information

At the discretion of the superintendent, after 12 months of employment, a 12 month employee will qualify for paid-in-full vacation periods. Vacation time will then be pro-rated based on start date.

Example: Employees begin work December 1, 2012. Employees will be eligible for vacation, December 1, 2013. Employees will then have 7/12ths of vacation from December 1, through June 30.

Full-time non-certified personnel are to arrange their vacations with their immediate supervisor.

Vacation time for years of service by full-time employees at the West Marshall Community School District shall accumulate as follows beginning on July 1 of each fiscal year:

1-10 years.....	2 weeks vacation time
11-19 years.....	3 weeks vacation time
20 years or more.....	4 weeks vacation time

A week shall be defined as a 5-day week. Vacation time may accrue from one year to the next, with a maximum 5 days carryover. Part-time/less than 12 month, non-certified personnel will not accumulate vacation time.

If employment ends for any reason, no remaining earned vacation will be paid out to the employee.

Any employee, who voluntarily leaves our service without giving a two-week notice, shall not be entitled to any vacation days for that year.

HOLIDAYS

A. Bus Drivers are not eligible for paid holidays.

B. Twelve Month Employees

1. Paid Holidays – Employees shall receive the following paid holidays.

New Year's Day	Memorial Day	Independence Day
Labor Day	Thanksgiving Day	Friday after Thanksgiving
Christmas Day	Day before/after Christmas	

2. Pay Scale – Eligible employees who perform no work on a holiday shall be paid at their usual hourly rate based on the number of hours they normally work.

C. Less Than Twelve Month Employees

1. Paid Holiday – Less than full time employees will be granted the following paid holidays when they fall within the regular contract year.

Labor Day	Thanksgiving Day	Christmas Day
New Year's Day	Memorial Day	

When a holiday falls on Sunday, the following Monday shall be used as holiday vacation.

When a holiday falls on Saturday, the preceding Friday shall be used as holiday vacation.

LEAVES

The minimum unit of leave usage is $\frac{1}{4}$ day.

An Absence From Work Form must be completed prior to all absences and approved by an employee's supervisor before taking the leave. Employees are expected to be at work during that time unless an Absence From Work Form has been completed and approved.

A. Food Service and Teacher Associates

Personal or sick days will not be used on days school is not in session for weather or inservices. These days will be unpaid.

B. Sick Leave

The board shall grant employees sick leave for personal illness or injury, which will accumulate at the following rate.

- 1st year of employment – 10 days
- 2nd year employment – 11 days
- 3rd year employment – 12 days
- 4th year employment – 13 days
- 5th year employment – 14 days
- 6th year employment – 15 days

The above amounts shall apply only to consecutive years of employment in the West Marshall Community School District, and unused portions may accumulate to a maximum of ninety-five (95) days, plus 15 days allowing for the ensuing year.

Sick leave is granted only when an employee is incapacitated by illness or injury; when hospitalized or confined for observation following illness or injury; when absent for medical, dental, or optical examination or treatment; or when quarantined following exposure to a contagious disease. Employees who are absent more than three days for unconfirmed illness may be required by their supervisor to submit a physician's statement.

When an illness leave will be for greater than 5 consecutive days, the employee shall inform the employee's immediate supervisor as soon as possible so arrangements may be made for an effective transition of responsibilities. The employee shall return to work as soon as a physician determines the individual is capable of performing work.

Sick leave cannot be used where deferment of treating or medical service would be possible at a time other than during the school year.

C. Family Illness

Ten (10) days of family illness will be granted to each employee for caring for his/her spouse or child, sibling, parent, parent-in-law, stepparent, grandchild, or a dependent adult living in your home, with the approval of the superintendent or his/her designated representative. These days will be deducted from employee's accumulated sick leave. Family illness leave is not cumulative from one contract year to the next. In the case of a life threatening situation or a terminal illness, sick leave may be granted at the discretion of the superintendent.

Family illness leave is granted in the event of critical or severe illness in the immediate family or care for a sick family member (see above for those family members that qualify), or to attend Dr. appointment with qualifying family members. Examples of situations that don't qualify include birth of grand-children and daycare of grand-children. Personal leave may be granted for this instead.

When taking a day of sick leave/family illness, the immediate supervisor must be notified within a reasonable time period of the scheduled time to work.

Leave balances are recorded in quarter-day increments. Employees are expected to use the amount of leave needed to cover appointments.

D. Emergency Leave

Leave for emergencies will be granted at the discretion of the superintendent.

E. Personal Leave-

Bus Drivers are not eligible for personal leave

Two (2) days of personal leave will be granted per year. Employees will be allowed to carry one day forward with the understanding that no employee may use more than two days per year unless they carry one forward (3 days possible for one year). This still means that no more than five days

may be used in a two-year time period. Personal leave may be denied if it falls on the day before or the day after a holiday or it falls on a special day when services would be necessary or to assure standard operating procedures for the day.

F. Leave Without Pay

Certain personal leaves with loss of one day's pay may occasionally be granted with prior approval of the superintendent. Recommendations for such personal leave should be channeled through the superintendent. Involuntary absences not heretofore provided for may be excused by the superintendent. The employee shall make application to the superintendent immediately for excuse for such absence. Other absences than those provided for, or failure to follow the stated regulations may be deemed to be neglect of duty and may be sufficient grounds for suspension or dismissal.

G. Jury Duty and Legal Leave

If an employee is summoned for jury duty or if an employee is called for a court appearance under subpoena (except in cases in which the teacher, the Board, or the Association is a party), leave under this Section may be granted for the days in which the staff member serves or is required to appear in court. For each day of jury service, or subpoenaed appearance, the staff member shall be paid the difference between the employee's normal salary for that day and the compensation received for the jury service or court appearance.

H. Professional Leave

Leave applications should include the date, location, district-paid expenses, and a summary of the reasons for applying for the leave. Application for this leave should be made at least three (3) days in advance to the immediate supervisor for administrative approval.

I. Military Leave of Absence

Military leaves of absence shall be granted to employees under provisions of the Selective Service Act. An employee granted a military leave of absence shall be eligible to return to a position in the district, with annual increments equivalent to the number of years spent in the service of the country.

J. Maternity Leave

All provisions of the Family Medical Leave Act will be followed per Board Policy 414.3. Employees can use up to 6 weeks / 8 weeks of paid sick leave with doctor note. This will be based on the delivery of the baby/babies.

K. Bereavement Leave

Up to five (5) days of bereavement leave may be granted by the superintendent for husband, wife, child, stepchild, mother, father, stepfather, stepmother, spouse's mother, spouse's father, siblings, grandchild, grandparents, and spouse's grandparents, brother-in-law, sister-in-law, aunt, uncle, niece and nephew. Anything beyond five (5) days for those listed above will require the superintendent's approval.

INSURANCE

It is the policy of the Board that appropriate fringe benefits such as various forms of insurance and unemployment benefits be included in compensation provisions for support staff as authorized by law. The board shall select the insurance carrier and reserve the right to change carriers.

A. Worker's Compensation and School Liability

All employees will be covered by school liability insurance at the expense of the board. All district employees are also covered under the Worker's Compensation Act, and are entitled to its benefits under the terms of the law. Premiums for participation in Worker's Compensation Insurance Plan are paid entirely by the district. All benefits will be coordinated with sick leave payments.

The district participates in a designated physician plan. If you need medical treatment due to a work related injury or illness, seek treatment at:

State Center Family Medical
503 3rd Avenue S.W.
State Center, IA 50247
Phone 641-483-2141
Hours: 8:00 a.m. – 5:00 p.m. (weekdays)

For a serious injury or illness (or any treatment that should not wait until clinic hours the next day) seek treatment at the nearest Emergency Facility. The facility closest to you is

Marshalltown Medical & Surgical Center
3 South Fourth Avenue
Marshalltown, IA 50158
Phone 641-754-5151

PLEASE NOTE: If you choose to be treated by any other medical facility and/or physician, you may not qualify for any worker's compensation insurance benefits and you may be responsible for all medical costs related to this incident. This is in accordance with your state's Workers' Compensation statute.

An accident report of the illness/injury needs to be filled out and filed in the business office within 24 hours of the accident/illness.

B. Hospital, Major Medical, and LTD

All full-time employees who are contracted to work 30 hours or more per week are eligible to participate in the group insurance program which includes hospitalization and major medical coverage. All full-time employees who are contracted to work 40 hours or more per week are eligible to receive disability insurance coverage

C. Single Dental Insurance

All full-time employees who are contracted to work 40 hour or more per week are eligible to participate in the dental insurance plan and \$24 a month is paid by district.

WAGES AND SALARIES

A. General Information

Payment of wages and salaries shall be made on the 10th and 25th of each month. If a holiday or weekend falls on the 10th or the 25th, the last day of school prior to the 10th or 25th shall be the pay day.

Salaries shall be set by the Board of Directors. Adjustments in wages shall be based on wage trends in the job classification in this geographical area.

Mileage will be paid to the employee if a school vehicle is not available and when he/she has received administration approval to conduct school business according to the current policy rate. Mileage will not be paid for going to and from work.

B. Bus Drivers

If a driver misses a regular route to drive an activity route, they will be deducted pay for the route missed. To make up for the difference in pay, the driver will be paid 70% of their regular route hourly rate.

Any driver who drives an activity bus, and is gone from the district for more than 5 hours, is entitled to a \$6.00 reimbursement for a meal during that time. An **itemized** receipt must be given to the Transportation Director for reimbursement, along with a signed Travel Expense Report form. Reimbursement will be made with the next payroll. **Reimbursement WILL NOT BE MADE FROM A CREDIT CARD CHARGE RECEIPT OR CREDIT CARD BILL.**

PAYROLL DEDUCTIONS

Upon appropriate written authorization from the employee, the district shall deduct from the salary of the employee any appropriate deductions for annuities, insurance and other authorized Board deductions.

CLASSES

Class registration for food service employees will be paid by the school for those classes deemed necessary to meet requirements by the State and Federal government.

CLOTHING

Employees must present themselves in appropriate attire for the position on a daily basis.

A. Custodians

A clothing allowance in the amount of \$150.00 per person will be paid with employee pay check in September.

CUSTODIAL CLOTHING ALLOWANCE GUIDELINES

Clothing allowance may be used for the following items:

Shoes appropriate for custodial position

Jeans/Work pants

West Marshall attire

REMINDER: Employees must present themselves in appropriate attire – pressed and without holes.

B. Food Service

A clothing allowance in the amount of \$150.00 per person will be paid with employee pay check in September.

FOOD SERVICE CLOTHING ALLOWANCE GUIDELINES

Clothing allowance may be used for the following items:

Scrubs

West Marshall t-shirts (bought as a group)

Shoes appropriate for kitchen use

HEALTH AND SAFETY

New employees are required to have a physical examination prior to beginning work. This exam is to include a check for tuberculosis. Employees who are positive reactors or allergic to the tuberculosis skin test will be required to file the results of a chest x-ray. The school physical exam form shall be used and returned to the business office before beginning work. Employees are encouraged to be alert for unsafe conditions and practices and to report these immediately to the appropriate supervisor.

A. Bus Drivers

Bus drivers are required to have a DOT physical examination. The physical will be a two-year physical in most cases. It is up to the discretion of the physician and could be from 3 months up to two years. The Board will pay for exam of done at the State Center Clinic. The clinic will bill the school directly. If a driver is required to have two physicals in the same year the district will also pay for the second physical as for the first physical.

BACKGROUND CHECKS

All employees are checked every 5 years.

A. Bus Drivers

Under Iowa law, school bus drivers will be subject to background checks every five years upon the renewal of an employee's school bus driver license issued by the Department of Transportation. This background check will check the sex offender registry, the central registry for child abuse, the central registry for dependent adult abuse, as well as the driving records of the employee. This background check will be paid for by the employer.

If a driver is listed on one of the registries, a termination hearing will be conducted, limited to the question of whether the individual was incorrectly listed in the registry. If after a hearing it is determined that a person is correctly listed in one or more of these registries, the DOE cannot issue to that person authorization to operate a school bus. As an employee, the DOE must suspend or revoke the employee's authorization to operate a school bus.

WORKPLACE ENVIRONMENT

Smoking/Tobacco – School district properties, grounds, facilities, including school vehicles, shall be off limits for tobacco usage. The requirement extends to all employees, students and visitors. This policy applies at all times, including school sponsored and non-school sponsored events.

All employees shall be covered by and comply with board policy 403.5 (Substance-Free Workplace), policy 403.3 (Communicable Diseases) and Occupational Exposure to Bloodborne Pathogens plan. Copies of these specific policies and plan are attached.

CHANGES IN ASSIGNMENT

A. Substitutes and Replacements

Personnel serving on a substitute basis in the school district shall meet the requirements of the particular position. Every effort shall be made to fill temporary positions with substitutes who have preparations equal to that of the regular personnel. In the event that such persons are not available, employment of personnel is authorized on a purely substitute or temporary basis. Personnel serving as a replacement shall meet the requirements of a full-time employee.

Every effort shall be made to fill the vacancy with personnel who have preparation equal to that of the regular personnel.

B. Assignment, Reassignment, and Transfer

Changes in assignment of support staff shall be based upon the qualifications of the employee and the philosophy and needs of the school district.

Changes in assignments may be made at the initiative of the immediate supervisor or at the request of the employee. All changes in assignment shall be made with discussion and full knowledge of the employee. Final action or reassignment shall not be taken until approval has been given by the superintendent. All assignment changes are to be reported to the Board.

Procedures governing employee transfers must be in accordance with the requirements of existing collective bargaining agreements.

C. Reduction-in -Force

The number of support staff may be reduced to budgetary considerations or other good reason as determined by the Board whose decision shall be final. Reduction shall be accomplished through normal staff attrition, unless the best interests of the school district dictate otherwise. When reductions beyond normal staff attrition are made, support personnel will receive 30 days notice of termination.

Any reduction-in-force procedure contained in a valid collective bargaining agreement will be honored by the Board; however, such a procedure in no way diminishes the Board's exclusive power, duty, and right to hire, promote, demote, transfer, assign, and retain public employees.

D. Suspension

Employees shall perform their assigned job, respect board policy and obey the law. The superintendent is authorized to suspend a support employee pending board action on a discharge, for investigation of charges against the employee, or for disciplinary purposes. It shall be within the discretion of the superintendent to suspend a support employee with or without pay.

In the event of a suspension, appropriate due process shall be followed.

It shall be the responsibility of the superintendent to develop administrative regulations regarding this policy, including the due process procedures to be followed which meet the provision of work rules, administrative procedures and labor agreements (if any).

E. Discharge/Dismissal

The superintendent of schools or his/her designee has the authority to suspend the services with or without pay of any support staff personnel. At the next meeting of the Board, the Board may act on the reinstatement or dismissal of the employee.

F. Resignation

Resignations shall be in writing, signed by the resigning party, and directed to the superintendent of schools and referred by him/her to the Board of Directors with a recommendation.

Either the Board of Directors or the employee may terminate his/her employment by giving a minimum of thirty (30) days notice. The employer may employment this contract with less than a 30-day notice if for reasonable cause. Reasonable cause includes (but is not limited to) failure to comply with warnings; violations under the new federal guidelines or failure to report these violations to the Superintendent of Schools as required; driving in an unsafe manner that jeopardizes the safety of students, failure to maintain appropriate student behavior, or failure to follow West Marshall Board policies.

The Board recognizes that circumstances may force an employee to request a release from employment before the time period; therefore, an employee will be released from his/her contract at any time, provided that a suitable replacement can be found.

PROPERTY

Personal Property – The school district shall not be held responsible for personal items brought on school property, as to replacing, repairing, or recovering such property.

School Property – Removal of school furniture or equipment from the building for private use shall not be done except on direct authorization from the Superintendent.

Food and supplies for personal use cannot be ordered through the Food Service Department.

COMPLAINT PROCEDURE

The Board of Directors believe the district support staff employees should discuss and resolve complaints they may have about the district or their job with their immediate supervisor in order to provide a speedy resolution of the complaint.

For all complaints regarding a violation of a board policy or an administrative rule and which are not included in the grievance procedure of the master contract covering the employee in question the support staff employee shall report the complaint to his/her immediate supervisor. If the complaint can not be verbally resolved, it must be filed in writing within ten (10) calendar days of the alleged violation.

If the complaint cannot be resolved within five (5) calendar days of the supervisor's written decision, a copy of the grievance shall be filed with the superintendent. Within ten (10) calendar days after such written grievance is filed, the employee and superintendent or his/her designee shall meet to resolve the grievance. The superintendent or his/her designee shall submit a written decision within ten (10) calendar days of this meeting to the employee and any other parties present at the meeting.

If a grievance is not resolved satisfactorily or if no opinion is issued, the grievant may submit a written request to present the grievance to the Board of Directors. Such request must be submitted within (10) calendar days of issuance of the previously written decision. The Board of Directors will hold a closed hearing which will be scheduled within fifteen (15) calendar days of receipt of the written request by the Board Secretary. The decision of the Board of Directors will be final.

EVALUATIONS

The goal of evaluation is to improve employee performance and should be viewed as a positive effort to enhance employee job satisfaction.

The superintendent or his/her designee shall be responsible for the continual evaluation of support employees of the district.

A minimum of one evaluation for each non-certified employee will be filed with the superintendent prior to April 1 each year by their immediate supervisor.

BOARD POLICIES

School District

Series 100

Policy Title Anti-Bullying/Harassment Policy Code No. 104

Harassment and bullying of students and employees are against federal, state and local policy, and are not tolerated by the board. The board is committed to providing all students with a safe and civil school

environment in which all members of the school community are treated with dignity and respect. To that end, the board has in place policies, procedures and practices that are designed to reduce and eliminate bullying and harassment as well as processes and procedures to deal with incidents of bullying and harassment. Bullying and harassment of students by other students, by school employees, and by volunteers who have direct contact with students will not be tolerated in the school or school district.

The board prohibits harassment, bullying, hazing, or any other victimization of students, based on any of the following actual or perceived traits or characteristics, including but not limited to, age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status and which creates an objectively hostile school environment. Harassment against employees based upon the employee's race, color, creed, sex, sexual orientation, national origin, religion, age or disability is also prohibited.

This policy is in effect while students or employees are on property within the jurisdiction of the board; while on school-owned or school-operated vehicles; while attending or engaged in school-sponsored activities; and while away from school grounds if the misconduct directly affects the good order, efficient management and welfare of the school or school district.

If, after an investigation, a student is found to be in violation of this policy, the student shall be disciplined by appropriate measures which may include, suspension or expulsion. If after an investigation, a school employee is found to be in violation of this policy, the employee shall be disciplined by appropriate measures which may include termination. If after an investigation a school volunteer is found to be in violation of this policy, the volunteer shall be subject to appropriate measures which may include exclusion from school grounds. "Volunteer" means an individual who has regular, significant contact with students.

When looking at the totality of the circumstances, harassment and bullying mean any electronic, written, verbal, or physical act or conduct toward a student which is based on any actual or perceived trait or characteristic of the student and which creates an objectively hostile school environment that meets one or more of the following conditions:

- Places the student in reasonable fear of harm to the student's person or property;
- Has a substantially detrimental effect on the student's physical or mental health;

Policy 104, pg. 2

- Has the effect of substantially interfering with the student's academic performance; or
- Has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

"Electronic" means any communication involving the transmission of information by wire, radio, optical cable, electromagnetic, or similar means. "Electronic" includes, but is not limited to, communication via electronic mail, internet-based communications, pager service, cell phones, electronic text messaging or similar technologies.

Harassment and bullying may include, but are not limited to, the following behaviors and circumstances:

- Repeated remarks of a demeaning nature;
- Implied or explicit threats concerning one's grades, achievements, property, etc.;
- Demeaning jokes, stories, or activities directed at the student, and/or
- Unreasonable interference with a student's performance.

Sexual harassment of a student by an employee means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- Submission to the conduct is made either implicitly or explicitly a term or condition of the student's education or benefits;
- Submission to or rejection of the conduct is used as the basis for academic decisions affecting that student; or

- The conduct has the purpose or effect of substantially interfering with the student's academic performance by creating an intimidating, hostile, or offensive education environment.

In situations between students and school officials, faculty, staff, or volunteers who have direct contact with students, bullying and harassment may also include the following behaviors:

- Requiring that a student submit to bullying or harassment by another student, either explicitly or implicitly, as a term or condition of the targeted student's education or participation in school programs or activities; and/or
- Requiring submission to or rejection of such conduct as a basis for decisions affecting the student.

Any person who promptly, reasonably, and in good faith reports an incident of bullying or harassment under this policy to a school official, shall be immune from civil or criminal liability relating to such report and to the person's participation in any administrative, judicial, or other proceeding relating to the report. Individuals who knowingly file a false complaint may be subject to appropriate disciplinary action.

Retaliation against any person, because the person has filed a bullying or harassment complaint or assisted on participated in a harassment investigation or proceeding, is also prohibited. Individuals who knowingly file false harassment complaints and any person who gives false statements in an investigation shall be subject to discipline by appropriate

Policy 104, pg. 2

measures, as shall any person who is found to have retaliated against another in violation of this policy. Any student found to have retaliated in violation of this policy shall be subject to measures up to, and including, suspension and expulsion. Any school employee found to have retaliated in violation of this policy shall be subject to measures up to, and including, termination of employment. Any school volunteer found to have retaliated in violation of this policy shall be subject to measures up to, and including, exclusion from school grounds.

The school or school district will promptly and reasonably investigate allegations of bullying or harassment. The superintendent or designee will be responsible for handling all complaints by students alleging bullying or harassment. The superintendent or designee will be responsible for handling all complaints by employees alleging bullying or harassment.

It is also the responsibility of the superintendent, in conjunction with the investigator and principals to develop procedures regarding this policy. The superintendent also is responsible for organizing training programs for students, school officials, faculty, staff, and volunteers who have direct contact with students. The training will include how to recognize harassment and what to do in case a student is harassed. It will also include proven effective harassment prevention strategies. The superintendent will also develop a process for evaluating the effectiveness of the policy in reducing bullying and harassment in the board.

The board will annually publish this policy. The policy will be publicized by the following means:

- Inclusion in the student handbook;
- Inclusion on the school district's web site, and
- A copy shall be made to any person at the central administrative office at 601 3rd Street NW, State Center, Iowa.

Legal References: 20 U.S.C. §§ 1221-1234i (2010).
 29 U.S.C. § 794 (2010).
 42 U.S.C. §§ 2000d-2000d-7 (2010).
 42 U.S.C. §§ 12001 *et seq.* (2006).
 Iowa Code §§ 216.9; 280.28, 280.3; 729A.1 (2011)
 281 I.A.C. 12.3(13).
 Title IX Section 106.31
Morse v. Frederick, 127 S.Ct. 2618 (2007)

Cross References: 502, 503, 506

Approved: June 26, 2007 Reviewed _____ Revised November 2012

Code No. 102.R1__

School District

Series 100

Policy Title Grievance Procedure Code No. 102.R1

GRIEVANCE PROCEDURE

Students, parents of students, employees, and applicants for employment in the school district will have the right to file a formal complaint alleging discrimination under federal or state regulations requiring non-discrimination in programs and employment.

Level One – Principal, Immediate Supervisor or Personnel Contact Person
(Informal and Optional – may be bypassed by the grievant)

Employees with a complaint of discrimination based upon their gender, color, race, national origin, creed, religion, age, sexual orientation, gender identity or disability are encouraged to first discuss it with their immediate supervisor, with the objective of resolving the matter informally. An applicant for employment with a complaint of discrimination based upon their color, gender, race, national origin, creed, religion, age, sexual orientation, gender identity or disability are encouraged to first discuss it with the personnel contact person. This paragraph is for employee and “marital status” isn’t a protected class for employees.

A student, or parent of a student, with a complaint of discrimination based upon their color, gender, race, national origin, creed, religion, marital status, sexual orientation, gender identity or disability are encouraged to discuss it with the instructor, counselor, supervisor, building administrator, program administrator or personnel contact person directly involved.

Level Two –Compliance Officer

If the grievance is not resolved at Level One and the grievant wishes to pursue the grievance, the grievant may formalize it by filing a complaint in writing on a Grievance Filing Form, which may be obtained from the Compliance Officer. The complaint will state the nature of the grievance and the remedy requested. The filing of the formal, written complaint at Level Two must be within fifteen (15) working days from the date of the event giving rise to the grievance, or from the date the grievant could reasonably become aware of such occurrence. The grievant may request that a meeting concerning the complaint be held with the Compliance Officer. A minor student may be accompanied at that meeting by a parent or guardian. The Compliance Officer will investigate the complaint and attempt to resolve it. A written report from the Compliance Officer regarding action taken will be sent to the involved parties within a reasonable time after receipt of the complaint.

Code No. 102.R1

Level Three – Superintendent/Administrator

If the complaint is not resolved at Level Two, the grievant may appeal it to Level Three by presenting a written appeal to the superintendent within five (5) working days after the grievant receive the report from the Compliance Officer, the grievant may request a meeting with the Superintendent. The superintendent may request a meeting with the grievant to discuss the appeal. A decision will be rendered by the superintendent within a reasonable time after the receipt of the written appeal. If, in cases of disability grievances at the elementary and secondary level, the issue is not resolved through the grievance process, the parents have a right to an impartial hearing to resolve the issue.

This procedure in no way denies the right of the grievant to file formal complaints with the Iowa Civil Rights Commission, the U.S. Department of Education Office for Civil Rights or Office of Special Education Programs, the Equal Employment Opportunity Commission, or the Iowa Department of Education for mediation or rectification of civil rights grievances, or to seek private counsel for complaints alleging discrimination.

Level Four – Appeal to Board

If the grievant is not satisfied with the superintendent's decision, the grievant can file an appeal with the board within five working days of the decision. It is within the discretion of the board to determine whether it will hear the appeal.

The Compliance Officer is:

High School Principal
PO Box 670, 601 3rd Street NW
State Center, IA 50247
641-483-2136
Office hours: 8-3:30, Monday-Friday

Adopted November 2012 Reviewed _____ Revised October, 2013

Employees

Series 400

Policy Title Equal Employment Opportunity Code No. 401.1

The West Marshall Community School District will provide equal opportunity to employees and applicants for employment in accordance with applicable equal employment opportunity and affirmative action laws, directives and regulations of federal, state and local governing bodies. Opportunity to all employees and applicants for employment includes hiring, placement, promotion, transfer or demotion, recruitment, advertising or solicitation for employment, treatment during employment, rates of pay or other forms of compensation, and layoff or termination. The school district will take affirmative action in major job categories where women, men, minorities and persons with disabilities are underrepresented. Employees will support and comply with the district's established equal employment opportunity and affirmative action policies. Employees will be given notice of this policy annually.

The board will appoint an affirmative action coordinator. The affirmative action coordinator will have the responsibility for drafting the affirmative action plan. The affirmative action plan will be reviewed by the board at least every two years.

Individuals who file an application with the school district will be given consideration for employment if they meet or exceed the qualifications set by the board, administration, and Iowa Department of Education for the position for which they apply. In employing individuals, the board will consider the qualifications, credentials, and records of the applicants without regard to race, color, creed, sex, national origin, religion, age, sexual orientation, gender identity or disability. In keeping with the law, the board will consider the veteran status of applicants.

Prior to a final offer of employment for any position, the school district will perform a criminal, child abuse and sexual abuse background check. The district may determine on a case-by-case basis that, based on the duties, some positions within the district will require more thorough background checks. Based upon the results of the background checks, the school district will determine whether an offer will be extended. If the candidate is a teacher who has an initial license from the BOEE, then the requirement for a background check is waived.-

Advertisements and notices for vacancies within the district will contain the following statement: "The West Marshall Community School District is an EEO/AA employer." The statement will also appear on application forms.

Inquiries by employees or applicants for employment regarding compliance with equal employment opportunity and affirmative action laws and policies, including but not limited to complaints of discrimination, will be directed to the Affirmative Action Coordinator by writing to the Affirmative Action Coordinator, West Marshall Community School District, PO Box 670, State Center, Iowa 50247, or by telephoning

641-483-2660.
Policy No. 401.1, pg. 2

Inquiries by employees or applicants for employment regarding compliance with equal employment opportunity and affirmative action laws and policies, including but not limited to complaints of discrimination, may also be directed in writing to the Director of the Region VII, Office for Civil Rights, Citigroup Center, 500 W Madison Street, Suite 1475, Chicago, IL 60661 (312) 730-1560, email: OCR.Chicago@ed.gov or the Iowa Civil Rights Commission, 400 E. 14th Street, Des Moines, Iowa, 50319-1004, (515) 281-4121 or 1-800-457-4416, <http://www.state.ia.us/government/crc/index.html>. This inquiry or complaint to the federal office may be done instead of, or in addition to, an inquiry or complaint at the local level.

Further information and copies of the procedures for filing a complaint are available in the school district's central administrative office and the administrative office in each attendance center.

Legal Reference: 29 U.S.C. §§ 621-634 (2010).
42 U.S.C. §§ 2000e et seq. (2010).
42 U.S.C. §§ 12101 et seq. (2010).
Iowa Code §§ 19B; 20; 35C; 73; 216; 279.8 (2011).
281 I.A.C. 12.4; 14.1; 95.

Cross Reference: 102 Equal Educational Opportunity
104 Bullying/Harassment
405.2 Licensed Employee Qualifications, Recruitment, Selection
411.2 Classified Employee Qualifications, Recruitment, Selection

Adopted February 2013 Reviewed _____ Revised November 2013

Employees

Series 400

Policy Title Communicable Diseases - Employees Code No. 403.3

Employees with a communicable disease will be allowed to perform their customary employment duties provided they are able to perform the essential functions of their position and their presence does not create a substantial risk of illness or transmission to students or other employees. The term “communicable disease” will mean an infectious or contagious disease spread from person to person, or animal to person, or as defined by law.

Prevention and control of communicable diseases is included in the school district’s bloodborne pathogens exposure control plan. The procedures will include scope and application, definitions, exposure control, methods of compliance, universal precautions, vaccination, post-exposure evaluation, follow-up, communication of hazards to employees and record keeping. This plan will be reviewed annually by the superintendent and school nurse.

The health risk to immunosuppressed employees is determined by their personal physician. The health risk to others in the school district environment from the presence of an employee with a communicable disease is determined on a case-by-case basis by the employee’s personal physician, a physician chosen by the school district or public health officials.

Health data of an employee is confidential and it will not be disclosed to third parties. Employee medical records are kept in a file separate from their personal file.

It is the responsibility of the superintendent, in conjunction with the school nurse, to develop administrative regulations stating the procedures for dealing with employees with a communicable disease.

Legal Reference: School Board of Nassau County v. Arline, 480 U.S. 273 (1987).
29 U.S.C. §§ 794 (2010).
42 U.S.C. §§ 12101 et seq. (2010).
45 C.F.R. Pt. 84.3 (2010).
Iowa Code chs. 139A; 141A (2011).
641 I.A.C. 1.2- .7.

Cross Reference: 401.5, 403.1, 507.3

Adopted December, 1992 Reviewed February 2013 Revised _____

UNIVERSAL PRECAUTIONS REGULATION

Code No. 403.3 R1

Universal precautions (UP) are intended to prevent transmission of infection, as well as decrease the risk of exposure for employees and students. It is not currently possible to identify all infected individuals, thus precautions must be used with every individual. UP pertain to blood and other potentially infectious materials (OPIM) containing blood. These precautions do not apply to other body fluids and wastes (OBFW) such as saliva, sputum, feces, tears, nasal secretions, vomitus and urine unless blood is visible in the material. However, these OBFW can be sources of other infections and should be handled as if they are infectious. The single most important step in preventing exposure to and transmission of any infection is anticipating potential contact with infectious materials in routine as well as emergency situations. Based on the type of possible contact, employees and students should be prepared to use the appropriate precautions prior to the contact. Diligent and proper hand washing, the use of barriers, appropriate disposal of waste products and needles, and proper decontamination of spills are essential techniques of infection control. All individuals should respond to situations practicing UP followed by the activation of the school response team plan. Using common sense in the application of these measures will enhance protection of employees and students.

Hand Washing

Proper hand washing is crucial to preventing the spread of infection. Textured jewelry on the hands or wrists should be removed prior to washing and kept off until completion of the procedure and the hands are rewashed. Use of running water, lathering with soap and using friction to clean all hand surfaces is key. Rinse well with running water and dry hands with paper towels.

- Hands should be washed before physical contact with individuals and after contact is completed.
- Hands should be washed after contact with any used equipment.
- If hands (or other skin) come into contact with blood or body fluids, hands should be washed immediately before touching anything else.

- Hands should be washed whether gloves are worn or not and, if gloves are worn, after the gloves are removed.

Barriers

Barriers anticipated to be used at school include disposable gloves, absorbent materials and resuscitation devices. Their use is intended to reduce the risk of contact with blood and body fluids as well as to control the spread of infectious agents from individual to individual. Gloves should be worn when in contact with blood, OPIM or OBFW. Gloves should be removed without touching the outside and disposed of after each use.

Code No. 403.3R1, pg. 2

Disposal of Waste

Blood, OPIM, OBFW, used gloves, barriers and absorbent materials should be placed in a plastic bag and disposed of in the usual procedure. When the blood or OPIM is liquid, semi-liquid or caked with dried blood, it is not absorbed in materials, and is capable of releasing the substance if compressed, special disposal as regulated waste is required. A band-aid, towel, sanitary napkin or other absorbed waste that does not have the potential of releasing the waste if compressed would not be considered regulated waste. It is anticipated schools would only have regulated waste in the case of a severe incident. Needles, syringes and other sharp disposable objects should be placed in special puncture-proof containers and disposed of in the sanitary sewer system.

Clean up

Spills of blood and OPIM should be cleaned up immediately. The employee should:

- Wear gloves.
- Clean up the spill with paper towels or other absorbent material.
- Use a solution of one part household bleach to one hundred parts of water (1:100) or other EPA-approved disinfectant and use it to wash the area well.
- Dispose of gloves, soiled towels and other waste in a plastic bag.
- Clean and disinfect reusable supplies and equipment.

Laundry

Laundry with blood or OPIM should be handled as little as possible with a minimum of agitation. It should be bagged at the location. If it has the potential of releasing the substance when compacted, regulated waste guidelines should be followed. Employees who have contact with this laundry should wear protective barriers.

Exposure

An exposure to blood or OPIM through contact with broken skin, mucous membrane or by needle or sharp stick requires immediate washing, reporting and follow-up.

- Always wash the exposed area immediately with soap and water.
- If a mucous membrane splash (eye or mouth) or exposure of broken skin occurs, irrigate or wash the area thoroughly.
- If a cut or needle stick injury occurs, wash the area thoroughly with soap and water.

The exposure should be reported immediately, the parent or guardian is notified, and the person exposed contacts a physician for further health care.

Adopted January 2008 Reviewed February 2013 Revised _____

Employees

Series 400

Policy Title Substance-Free Workplace Code No. 403.5

The board expects the school district and its employees to remain substance-free. No employee will unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of, in the workplace, any narcotic drug, hallucinogenic drug, amphetamine, barbituate, marijuana or any other controlled substance or alcoholic beverage as defined by federal or state law. “Workplace” includes school district facilities, school district premises or school district vehicles. A workplace also includes non-school property if the employee is at any school-sponsored, school-approved or school-related activity, event or function, such as field trips or athletic events where students are under the control of the school district or where the employee is engaged in school business.

If an employee is convicted of a violation of any criminal drug offense committed in the workplace, the employee will notify the employee’s supervisor of the conviction within five days of the conviction.

The superintendent or board will make the determination whether to require the employee to undergo substance abuse treatment or to discipline the employee. An employee who violates the terms of this policy may be subject to discipline up to and including termination. An employee who violates this policy may be required to successfully participate in a substance abuse treatment program approved by the board at the employee’s expense. If the employee fails to successfully participate in a program, the employee may be subject to discipline up to and including termination.

It is the responsibility of the superintendent to develop administrative regulations to implement this policy.

Legal Reference: 41 U.S.C. §§ 81 (2010).
42 U.S.C. §§ 12101 et seq. (2010).
34 C.F.R. Pt. 85 (2010).
Iowa Code §§ 123.46; 124; 279.8 (2011)

Cross Reference: 404

Adopted May, 1992 Reviewed _____ Revised February 2013

Employees

Series 400

Policy Title Drug and Alcohol Testing Program Code No. 403.6

Employees who operate school vehicles are subject to drug and alcohol testing if a commercial driver's license is required to operate the school vehicle and the school vehicle transports sixteen or more persons including the driver or the school vehicle weights twenty-six thousand one pounds or more. For purposes of the drug and alcohol-testing program, the term "employees" includes applicants who have been offered a position to operate a school vehicle.

The employees operating a school vehicle as described above are subject to pre-employment drug testing and random, reasonable suspicion, post-accident, return-to-duty and follow-up drug and alcohol testing. Employees operating school vehicles shall not perform a safety-sensitive function within four hours of using alcohol. Employees governed by this policy are subject to the drug and alcohol testing program beginning the first day they operate or are offered a position to operate school vehicles and continue to be subject to the drug and alcohol testing program as long as they may be required to perform a safety-sensitive function as it is defined in the administrative regulations. Employees with questions about the drug and alcohol-testing program may contact the school district's transportation director at 483-2684.

Employees who violate the terms of this policy may be subject to discipline up to and including termination at the discretion of the school district. Employees who violate this policy bear the personal and financial responsibility, as a condition of continued employment, will be required to successfully participate in a substance abuse evaluation and a substance abuse treatment program, recommended by the substance abuse professional. Employees required to participate in and who fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program may be subject to discipline up to and including termination.

It is the responsibility of the superintendent to develop administrative regulations to implement this policy in compliance with the law. The superintendent will inform applicants of the requirement for drug and alcohol testing in notices or advertisements for employment.

The superintendent will also be responsible for publication and dissemination of this policy and its supporting administrative regulations and forms to employees operating school vehicles. The superintendent will also oversee a substance-free awareness program to educate employees about the dangers of substance abuse and notify them of available substance abuse treatment resources and programs.

Board Policy 403.6
Page 2

Legal Reference: American Trucking Association, Inc., v. Federal Highway Administration, 51 Fed. 3rd 405 (4th Cir. 1995).
49 U.S.C. §§ 5331 et seq. (2010).
42 U.S.C. §§ 12101 (2010).
41 U.S.C. §§ 81 (2010).
49 C.F.R. Pt. 40; 382; 391 (2010)
34 C.F.R. Pt. 85 (2010).
Local 301, Internat'l Assoc. of Fire Fighters, AFL-CIO, and City of Burlington, PERB No. 3876 (3-16-91).
Iowa Code §§ 124; 279.8; 321.375(2); 730.5 (2011).

Cross Reference: 403.5, 409.2, 414.2

Adopted December, 1995 Reviewed _____ Revised February 2013

Employees

Series 400

Policy Title Classified Employee Suspension Code No. 413.3

Classified employees will perform their assigned job, respect and follow board policy and obey the law. The superintendent is authorized to suspend a classified employee with or without pay pending board action on a discharge, or during investigation of charges against the employee, or for disciplinary purposes. It is within the discretion of the superintendent to suspend a classified employee with or without pay.

In the event of a suspension, due process will be followed.

Legal Reference: Northeast Community Education Association v. Northeast
Community School District, 402 N.W.2d 765 (Iowa 1987).
McFarland v. Board of Education, of Norwalk Community School
District, 277 N.W.2d 901 (Iowa 1979).
Iowa code §§ 20.7, .24; (2011).

Cross Reference: 404, 413

Adopted July 21, 1988 Reviewed _____ Revised February 2013

Employees

Series 400

Policy Title Classified Employee Dismissal Code No. 413.4

The board believes classified employees should perform their jobs, respect board policy and obey the law. A classified employee may be dismissed upon thirty days notice or immediately for cause. Due process procedures will be followed.

A classified employee may be dismissed for any reason, including, but not limited to, incompetence, willful neglect of duty, reduction in force, willful violation of board policy or administrative regulations, or a violation of the law.

Legal Reference: Iowa Code §§ 20.7, .24 (2011).

Cross Reference: 404, 413.3, 413.5

Adopted January, 1995 Reviewed _____ Revised February 2013