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PERSONNEL

Recruitment, Selection, and Employment

District employees are a valuable resource for providing students with quality instruction in a supportive, personalized, collaborative learning environment. The district is committed to diversity, to providing a safe, secure, and positive learning environment, and to providing highly-qualified staff.

The board is legally responsible for hiring all employees. The superintendent is responsible for administering the recruitment, hiring, and employment process, consistent with state and federal law and the policies established by the board. All persons selected for employment shall be recommended to the board by the superintendent or designee. A person recommended for hire must receive an affirmative vote from a majority of a quorum of the board. In the event a position must be filled prior to board action, the superintendent or designee has the authority to hire a person on a conditional basis, who shall receive the same salary and benefits as a permanent employee in that position, until board action at the next regular meeting.

The board will establish budgetary parameters for staffing and supporting services, consistent with the needs and resources of the district. The superintendent or designee will establish the necessary skills, competencies, qualifications, education, experience, and past performance levels for each position. Selection of employees will be based on qualifications, and will be made according to the district’s comprehensive hiring procedures. The district may assign and transfer employees based upon district needs and state and federal requirements.

Cross Reference:	Board Policy 5111	Disclosures and Background Checks for Employees
Legal References:	RCW 28A.400 28A.405	Employees Certificated Employees
	WAC 162-12	Pre-employment Inquiry Guide
	AGO 62155.00-No. 155	Expenses of Applicants

Adoption Date: March 14, 2006

PERSONNEL

Recruitment, Selection, and Employment

The Director of Human Resources is designated by the Superintendent as the administrator responsible for the recruitment, selection and employment of staff. The Director of Human Resources will develop procedures for hiring highly qualified staff based upon the identified needs of the district.

A. Identifying Needs

Annually designated administrators will collect enrollment projections and establish anticipated staffing needs for the following school year. This will include identification of returning employees, possible voluntary or involuntary transfers, and projected vacancies. Budget requests made to the Board of Directors will be based upon identified needs. Positions will be filled based upon the budget parameters established by the board.

B. Recruitment and Selection

Job vacancies will be advertised according to procedures established by the Director of Human Resources. Such procedures should include consideration of the district's affirmative action plan and goals. Efforts should be made to seek qualified applicants from protected employment groups who are underrepresented in the district staffing mix.

Interviews must be conducted in a manner consistent with state and federal anti-discrimination laws and regulations. Hiring procedures developed by the Director of Human Resources will include the Pre-Employment Inquiry Guide adopted by the Washington State Human Rights Commission in state regulations.

C. Hiring

The Director of Human Resources or designee will review and approve all recommendations for hire. The review must include an applicant's qualifications, credentials, disclosures, and references. Candidates approved by the Director of Human Resources or designee will be recommended to the board of directors for hire by the board at an official meeting.

Candidates who are recommended for hire may be employed conditionally pending board action and pending the results of a fingerprint records check. Unsuccessful candidates will be so advised.

PERSONNEL

Employment Practices: Nondiscrimination and Affirmative Action

1. Nondiscrimination

The district shall provide equal employment opportunity and treatment for all applicants and employees in recruitment, hiring, retention, assignment, transfer, promotion and training. Such equal employment opportunity shall be provided without discrimination with respect to race, creed, religion, color, national origin, age, sex, sexual orientation including gender expression or identity, marital status, honorably-discharged veteran status, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability.

The superintendent shall designate an employee to serve as Affirmative Action/Title IX compliance officer. The superintendent shall also designate an employee to serve as Section 504/ADA Coordinator.

2. Affirmative Action

The district, as a recipient of public funds, is committed to undertake affirmative action which shall make effective equal employment opportunities for employees and applicants for employment. Such affirmative action shall include a review of programs, the setting of goals and the implementation of corrective employment procedures to increase the ratio of aged, qualified individuals with disabilities, ethnic minorities, women and Vietnam veterans who are under-represented in the job classifications in relationship to the availability of such persons having requisite qualifications. Such affirmative action may include, but not be limited to, recruitment, selection, training, education and other programs. Affirmative action plans may not include hiring or employment preferences based on gender or race, including color, ethnicity or national origin.

The superintendent shall develop an affirmative action plan which specifies the personnel procedures to be followed by the district and shall ensure that no such procedures discriminate against any individual. Reasonable steps shall be taken to promote employment opportunities of those classes that are recognized as protected groups – aged, handicapped, ethnic minorities, women and Vietnam veterans.

This policy, as well as the affirmative action plan, regulations and procedures developed according to it, shall be disseminated widely to staff in all classifications and to all interested patrons and organizations. Progress toward the goals established under this policy shall be reported annually to the board.

Legal References:	RCW 28A.400.310	Law against discrimination applicable to district's employment practices
	RCW 28A.640.020	Regulations, guidelines to eliminate discrimination
	RCW 49.60	Law Against Discrimination
	RCW 73.16	Veterans and Veteran's Affairs – Employment and Re- Employment
	WAC 392-200	Employment Discrimination
	WAC 392-200-015	Public school employment – Affirmative action program
	42 U.S.C. 2000c et seq.	Title VII of the Civil Rights Act of 1964
	42 U.S.C. 2000h et seq.	Title IX of the Educational Amendments of 1972
	42 U.S.C. § 12101-12213	Americans with Disabilities Act
	29 U.S.C. 706	
	8 U.S.C. 1324a and 1324b	(IRCA) Immigration Reform and Control Act of 1986
	38 U.S.C. § 2021-2024	Uniformed Services Employment and Reemployment Rights Act
	45 C.F.R. 84, Sec. 504	Vocational Rehabilitation Act of 1973
	Executive Order 11246, Amended by Executive Order 11375	

Adoption Date: June 28, 2011

PERSONNEL

Nondiscrimination and Affirmative Action

To ensure fairness and consistency, the following informal and formal complaint procedure is to be used by and on behalf of employees and by the district to address complaints covered by the nondiscrimination policy and/or the affirmative action program. The deadline for filing a complaint is one (1) year after the date of occurrence that is the subject matter of the complaint, unless the complaint is otherwise allowed by WAC 392-190-065. The district may not intimidate, threaten, coerce, or discriminate against any individual who exercises their rights under this policy and procedure. No employee's status with the district shall be adversely affected in any way because the employee utilized these procedures.

As used in this procedure, the following definitions will apply:

- A. "Grievance" means an informal complaint which has been made by a complainant relating to alleged violations of any state or federal anti-discrimination laws. "Grievance" for purposes of this policy and procedure is distinguished from contractual grievance procedures contained in an applicable collective bargaining agreement; and
- B. "Complaint" means a formal written charge describing specific acts, conditions, or circumstances alleged to violate this policy or state or federal discrimination laws.
- C. "Complainant" means an employee making the complaint or grievance; and
- D. "Respondent" means the person alleged to be responsible, or who may be responsible, for the violation alleged in the complaint.

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint. To this end, the following steps shall be taken:

A. Informal Process for Resolution (Informal Complaint)

When a staff member has an employment problem concerning equal employment opportunity, he or she shall discuss the problem with the immediate supervisor, personnel director or superintendent within 60 days of the circumstances which gave rise to the problem. The staff member may also ask the Title IX officer to participate in the informal review procedure. It is intended that the informal discussion shall resolve the issue. If the staff member feels he or she cannot approach the supervisor because of the supervisor's involvement in the alleged discrimination, the staff member may directly contact the Title IX officer before pursuing formal procedures. If the discussion with the officer or immediate supervisor does not resolve the issue, the staff member may proceed to the formal review procedure. During the course of the informal process, the district will notify the complainant of the right to file a formal complaint.

B. Formal Process for Resolution (Formal Complaint)

1. Level One-Superintendent/Designee

The complaint must be signed by the complaining party and set forth the specific acts, conditions, or circumstances alleged to be in violation. The Title IX officer shall investigate the allegations set forth within 30 calendar days of the filing of the charge. The complainant and Title IX officer may agree to resolve the complaint in lieu of an investigation. The officer shall provide the superintendent with a full written report of the complaint and the results of the investigation.

The superintendent or designee shall respond in writing to the complainant as expeditiously as possible, but in no event later than 30 calendar days following receipt of the written complaint, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the district will notify the complainant in writing of the reason for the extension and the anticipated response date. At the time the district responds to the complainant, the district must send a copy of the response to the office of the superintendent of public instruction.

The decision of the superintendent or designee will include: 1) a summary of the results of the investigation; 2) whether the district has failed to comply with anti-discrimination laws; 3) if non-compliance is found, corrective measures the district deems necessary to correct it; and 4) notice of the complainant's right to appeal to the school board and the necessary filing information. The superintendent's or designee's response will be provided in a language the complainant can understand and may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964. Any corrective measures deemed necessary shall be instituted as expeditiously as possible, but in no event later than 30 calendar days following the superintendent's mailing of a written response to the complainant.

2. Level Two – Appeal to the Board of Directors

If a complainant disagrees with the decision of the superintendent/designee, he or she may file a written notice of appeal with the secretary of the board within ten (10) calendar days following the date upon which the complainant received the response. :

The board shall schedule a hearing to commence by the 20th calendar day following the filing of the written notice of appeal unless otherwise agreed to by the complainant and superintendent for good cause. Both parties shall be allowed to present such witnesses and testimony as the board deems relevant and material. The board shall render a written decision within thirty (30) calendar days following the filing of the notice of appeal. The complainant shall be provided with a copy of the board's decision in a language the complainant can understand. The decision will include notice of the complainant's right to appeal to the superintendent of public instruction and will identify where and to whom the appeal must be filed. The district will send a copy of the appeal decision to the office of the superintendent of public instruction.

3. Level Three – Appeal to the Superintendent of Public Instruction

If a complainant disagrees with the decision of the board of directors, or if the district fails to comply with this procedure, the complainant may file a complaint with the superintendent of public instruction.

1. A complaint must be received by the Superintendent of Public Instruction on or before the twentieth (20) calendar day following the date upon which the complainant received written notice of the board of directors' decision, unless the Superintendent of Public Instruction grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.
2. A complaint must be in writing and include: 1) A description of the specific acts, conditions or circumstances alleged to violate applicable anti-discrimination laws; 2) The name and contact information, including address, of the complainant; 3) The name and address of the district subject to the complaint; 4) A copy of the district's complaint and appeal decision, if any; and 5) A proposed resolution of the complaint or relief requested. If the allegations regard a specific student, the complaint must also include the name and address of the student, or in the case of a homeless child or youth, contact information.
3. Upon receipt of a complaint, the Office of the Superintendent of Public Instruction may initiate an investigation, which may include conducting an independent on-site review. OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the superintendent or board. Following the investigation, OSPI will make an independent determination as to whether the district has failed to comply with RCW 28A.642.010 or Chapter 392-190, WAC and will issue a written decision to the complainant and the district that addresses each allegation in the complaint and any other noncompliance issues it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the district must provide to demonstrate that corrective action has been completed.

All corrective actions must be completed within the timelines established by OSPI in the written decision unless OSPI grants an extension. If timely compliance is not achieved, OSPI may take action including but not limited to referring the district to appropriate state or federal agencies empowered to order compliance.

A complaint may be resolved at any time when, before the completion of the investigation, the district voluntarily agrees to resolve the complaint. OSPI may provide technical assistance and dispute resolution methods to resolve a complaint.

4. Level Four - Administrative Hearing

A complainant or school district that desires to appeal the written decision of the Office of the Superintendent of Public Instruction may file a written notice of appeal with OSPI within thirty (30) calendar days following the date of receipt of that office's written decision. OSPI will conduct a formal administrative hearing in conformance with the Administrative Procedures Act, Chapter 34.05, RCW.

C. Mediation

At any time during the discrimination complaint procedure set forth in WAC 392-190-065 through 392-190-075, a district may, at its own expense, offer mediation. The complainant and the district may agree to extend the discrimination complaint process deadlines in order to pursue mediation.

The purpose of mediation is to provide both the complainant and the district an opportunity to resolve disputes and reach a mutually acceptable agreement through the use of an impartial mediator. Mediation must be voluntary and requires the mutual agreement of both parties. It may be terminated by either party at any time during the mediation process. It may not be used to deny or delay a complainant's right to utilize the complaint procedures.

Mediation must be conducted by a qualified and impartial mediator who may not:

1) Be an employee of any school district, public charter school, or other public or private agency that is providing education related services to a student who is the subject of the complaint being mediated; or 2) Have a personal or professional conflict of interest. A mediator is not considered an employee of the district or charter school or other public or private agency solely because he or she serves as a mediator.

If the parties reach agreement through mediation, they may execute a legally binding agreement that sets forth the resolution and states that all discussions that occurred during the course of mediation will remain confidential and may not be used as evidence in any subsequent complaint, due process hearing or civil proceeding. The agreement must be signed by the complainant and a district representative who has authority to bind the district.

D. Preservation of Records

The files containing copies of all correspondence relative to each complaint communicated to the district and the disposition, including any corrective measures instituted by the district, shall be retained in the office of the district compliance officer for a period of 5 years.

PERSONNEL

Sexual Harassment of District Staff Prohibited

The district is committed to a positive and productive working environment free from discrimination, including sexual harassment. This commitment extends to all employees and other persons involved in academic, educational, extracurricular, athletic, and other programs or activities of the school, whether that program or activity is in a school facility, on school transportation, or at a class training held elsewhere.

For purposes of this policy, sexual harassment means unwelcome conduct or communication of a sexual nature. Sexual harassment can occur student to adult, adult to adult or can be carried out by a group of students or adults and will be investigated by the District even if the alleged harasser is not a part of the school staff or student body. The district prohibits sexual harassment of district employees by other students, employees or third parties involved in school district activities.

Under federal and state law, the term "sexual harassment" includes:

- acts of sexual violence;
- unwelcome sexual or gender-directed conduct or communications that interferes with an individual's employment performance or creates an intimidation, hostile, or offensive environment;
- unwelcome sexual advances;
- unwelcome requests for sexual favors;
- sexual demands when submission is a stated or implied obtaining work opportunity or other benefit;
- sexual demands where submission or rejection is a factor in a work or other school-related decision affecting an individual.

A "hostile environment" for an employee is created where the unwanted conduct is sufficiently severe or pervasive to create a work environment that a reasonable person would consider intimidation, hostile, or abusive.

Investigation and Response

If the district knows, or reasonably should know, that sexual harassment has created a hostile environment, the district will promptly investigate to determine what occurred and will take appropriate steps to resolve the situation. If an investigation reveals that sexual harassment has created a hostile environment, the district will take prompt and effective steps reasonably calculated to end sexual harassment, eliminate the hostile environment, prevent its occurrence and, as appropriate, remedy its effects. The district will take prompt, equitable and remedial action within its authority every time a report, complaint and grievance alleging sexual harassment comes to the attention of the district, either formally or informally.

Allegations of criminal misconduct may be reported to law enforcement and suspected child abuse shall be reported to law enforcement or Child Protective Services. Regardless of whether the misconduct is reported to law enforcement, school staff will promptly investigate to determine what occurred and take appropriate steps to resolve the situation to the extent that such investigation does not interfere with an on-going criminal investigation. A criminal investigation does not relieve the district of its independent obligation to investigate and resolve sexual harassment.

Engaging in sexual harassment will result in appropriate discipline or other appropriate sanctions against offending staff or third parties involved in school district activities. Anyone else who engages in sexual harassment on school property or at school activities will have their access to school property and activities restricted, as appropriate.

Retaliation and False Allegations

Retaliation against any person who makes or is a witness in a sexual harassment complaint is prohibited and will result in appropriate discipline. The district will take appropriate actions to protect involved persons from retaliation.

It is a violation of this policy to knowingly report false allegations of sexual harassment. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline

Staff Responsibilities

The superintendent will develop and implement formal and informal procedures for receiving, investigating and resolving complaints or reports of sexual harassment. The procedures will include reasonable and prompt time lines and delineate staff responsibilities under this policy.

Any school employee who witnesses sexual harassment or receives report, informal complaint, or written complaint about sexual harassment is responsible for informing the district's Title IX or Civil Rights Compliance Coordinator. All staff are also responsible for directing complainants to the formal complaint process.

Reports of discrimination and discriminatory harassment will be referred to the district's Title IX/Civil Rights Compliance Coordinator. Reports of disability discrimination or harassment will be referred to the district's Section 504 Coordinator.

Notice and Training

The superintendent will develop procedures to provide information and education to district staff, parents and volunteers regarding this policy and the recognition and prevention of sexual harassment. At a minimum, sexual harassment recognition and prevention and the elements of this policy will be included in staff and regular volunteer orientation. This policy and the procedure, which includes the complaint process, will be posted in each district building in a place available to staff, parents, volunteers and visitors. Information about the policy and procedure will be clearly stated and conspicuously posted throughout each school building, provided to each employee and reproduce in each staff, volunteer and parent handbook. Such

notices will identify the District's Title IX coordinator and provide contact information, including the coordinator's email address.

Policy Review

The superintendent will make an annual report to the board reviewing the use and efficacy of this policy and related procedures. Recommendations for changes to this policy, if applicable, will be included in the report. The superintendent is encouraged to involve staff, volunteers and parents in the review process.

Cross References:	Board Policy 5010	Employment Practices:
		Nondiscrimination and
		Affirmative Action
	5255	Disciplinary Action and Discharge
	5242	Communications Responsibility

Legal References:	RCW 28A.400.310	Law against discrimination
		applicable to district's
		employment practices
	28A.640.020	Regulations, guidelines to
		eliminate discrimination
	Ch. 49.60	Law Against Discrimination
	WAC 392-200	Employment Discrimination
	392-190-058	Sexual harassment--Definitions
	42 U.S.C. 2000c, <i>et seq.</i>	Title VII of the Civil Rights Act
		of 1964
	42 U.S.C. 2000h, <i>et seq.</i>	Title IX of the Educational
		Amendments of 1972
	42 U.S.C. § 12101-12213	Americans with Disabilities Act
	29 C.F.R. Part 1604.11	Sexual harassment

Adoption Date: June 13, 2017

PERSONNEL

Harassment Free Environment-Sexual Harassment

1. Definitions

“Sexual harassment” means unwelcome sexual advances, request for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature between two or more individuals if:

- a. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education or employment;
- b. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual’s education or employment; or
- c. That conduct or communication has the purpose or effect of substantially interfering with an individual’s educational or work performance, or of creating an intimidating, hostile, or offensive educational or work environment.

Sexual harassment may include, but is not limited to, demands for sexual favors in exchange for preferential treatment or something of value; stating or implying that a person will lose something if he or she does not submit to a sexual request; penalizing a person for refusing to submit to a sexual advance or providing a benefit to someone who does; making unwelcome, offensive or inappropriate sexually suggestive remarks, comments, gestures, or jokes, or remarks of a sexual nature about a person’s appearance, gender, sexual orientation or conduct; using derogatory sexual terms for a person; standing too close, inappropriately touching, cornering or stalking a person; or displaying offensive or inappropriate sexual illustrations on school property.

For the purpose of this definition, sexual harassment may include conduct or communication that involves adult to student, student to adult, student to student, adult to adult, male to female, female to male, male to male, and female to female.

2. District Action

The district will take prompt, equitable and remedial action within its authority on reports, complaints and grievances alleging sexual harassment that come to the attention of the district, either formally or informally. Allegations of criminal misconduct will be reported to law enforcement, and suspected child abuse will be reported to law enforcement or child protective services. Persons found to have been subjected to sexual harassment will have appropriate school district services made reasonably available to them, and adverse consequences of the harassment shall be reviewed and remedied as appropriate.

Engaging in sexual harassment will result in appropriate discipline or other appropriate sanctions against offending students, staff and contractors. Anyone else who engages in sexual harassment on school property or at school activities will have their access to school property and activities restricted as appropriate. Disciplinary action must conform with any applicable collective bargaining agreements and state and federal law.

Reprisal or retaliation against any person who makes or is a witness in a sexual harassment complaint is prohibited and will result in appropriate discipline. The district will take appropriate actions to protect involved persons from retaliation.

It is a violation of this policy to knowingly report false allegations of sexual harassment. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline.

All staff are responsible for receiving informal complaints and reports of sexual harassment and informing appropriate district personnel of the complaint or report for investigation and resolution. All staff are also responsible for directing formal complainants to the appropriate administrator or supervisor.

The district will provide age-appropriate informational and education to district staff, students, parents and volunteers regarding this policy and the recognition and prevention of sexual harassment. At a minimum, sexual harassment recognition and prevention and the elements of this policy will be included in staff, student and regular volunteer orientation. This policy shall be posted in each district building in a place available to staff, students, parents, volunteers and visitors. The policy shall be reproduced in each students, staff, volunteer and parent handbook.

The superintendent will make a periodic report to the board reviewing the use and efficacy of this policy and related procedures. Recommendations for changes to this policy, if applicable, shall be included in the report. Staff, students, volunteers and parents may be included in the review process.

The elimination of sex discrimination is also addressed in related policies which govern employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and the selection of textbooks and instructional materials.

3. Complaint Process

a. Informal Complaint Process

Anyone may use informal procedures to report and resolve complaints of sexual harassment. Informal reports may be made to any staff member, although staff shall always inform complainants of their right to and the process for filing a formal complaint. Staff shall also direct potential complainants to an appropriate staff member who can explain the informal and formal complaint processes and what a complainant can expect. Staff shall also inform an appropriate supervisor or professional staff member when they

receive complaints of sexual harassment, especially when the complainant is beyond their training to resolve or alleges serious misconduct. Informal remedies include an opportunity for the complainant to explain to the alleged harasser that his or her conduct is not appropriate and could lead to discipline if proven or repeated; or a general public statement from an administrator in a building reviewing the district sexual harassment policy without identifying the complainant. Informal complaints may become formal complaints at the request of the complainant, parent or guardian, or because the district believes the complaint needs to be more thoroughly investigated.

b. Formal Complaint Process

Anyone may initiate a formal complaint of sexual harassment, even if the informal complaint process is being utilized. Potential complainants who wish to have the district hold their identity confidential shall be informed that the district will almost assuredly face due process requirements that will make available all of the information that the district has to the accused. The district will, however, fully implement the anti-retaliation provisions of this policy to protect complainants and witnesses. Student complainants and witnesses may have a trusted adult with them during any district-initiated investigatory activities. The superintendent or designated compliance officer (hereinafter referred to as the compliance officer) may conclude that the district needs to conduct an investigation based on information in his or her possession, regardless of the complainant's interest in filing a formal complaint. The following process shall be followed:

- A. The compliance officer shall receive and investigate all formal, written complaints of sexual harassment or information in the compliance officer's possession that the officer believes requires further investigation.
- B. All formal complaints shall be in writing; shall be signed by the complainant; and shall set forth the specific acts, conditions or circumstances alleged to have occurred and to constitute sexual harassment. The compliance officer may draft the complaint based on the report of the complainant for the complainant to review and sign.
- C. When the investigation is completed, the compliance officer shall compile a full written report of the complaint and the results of the investigation. If the matter has not been resolved to the complainant's satisfaction, the superintendent shall take further action on the report.
- D. The superintendent shall respond in writing to the complainant and the accused within thirty (30) days, or upon conclusion of the investigation if after thirty (30) days, stating:
 1. That the district does not have adequate evidence to conclude that harassment occurred;

2. Corrective actions that the district intends to take; and/or
 3. That the investigation is incomplete to date and will be continuing.
- E. Corrective measures deemed necessary will be instituted as quickly as possible, but in no event more than thirty (30) days after the superintendent's written response unless the accused is appealing the imposition of discipline and the district is barred by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded. Disciplinary action must conform with any applicable collective bargaining agreement and state and federal law.

If a student remains aggrieved by the superintendent's response, he or she may pursue the complaint as one of sexual discrimination pursuant to Board Policy 3210—Nondiscrimination. Similarly, staff may pursue complaints further through the appropriate collective bargaining agreement process or anti-discrimination policy.

PERSONNEL

Collective Bargaining

The board encourages and promotes a good and fair working relationship among employees. The board recognizes the right of public employees to join labor organizations of their own choosing and to be represented by such organizations in the negotiations of such matters and according to such procedures as may be required by law or agreement of the parties. The board shall engage in collective bargaining with the properly designated bargaining units and shall abide by collective bargaining agreements reached with such properly designated bargaining units.

The chief negotiator representing the district shall be appointed by the superintendent with approval by the board. The chief negotiator shall advise and inform the board regarding negotiations' progress and shall negotiate within parameters established by the board. Any agreements reached by the chief negotiator shall not be binding upon the board until formally approved by the board.

Cross Reference: Board Policy 5021 Applicability of Personnel Policies

Legal References: RCW 41.56.060 Determination of bargaining unit —
 bargaining representative
 Election to ascertain exclusive bargaining
 representative, when — Run off
 election — Decertification election

Adoption Date: October 25, 2005

PERSONNEL

Applicability of Personnel Policies

Personnel policies apply to all certificated and classified employees of the district, unless expressly stated otherwise. However, where there is a conflict between the terms of a collective bargaining agreement and the district's policy, the law provides that the terms of the collective bargaining agreement shall prevail in regard to the employee(s) covered by that agreement.

When a matter is not specifically provided for in the appropriate negotiated contract, the district's policies shall govern.

Cross Reference: Board Policy 5020 Collective Bargaining

Legal References: RCW 41.59.910 Construction of [public employment] chapter —
Effect on existing agreements — Collective bargaining agreement prevails where conflict

Adoption Date: October 25, 2005

PERSONNEL

Employment of Retired School Employees

On occasion it may be in the best interest of the district to hire or appoint a person who is retired. This policy shall apply to persons who are hired by the district and who are retired from the following Washington state retirement systems: Teachers' Retirement System (TRS), the School Employees' Retirement System (SERS) or the Public Employees' Retirement System (PERS).

The state, through the Department of Retirement Systems (DRS) or other applicable agency, determines the number of hours a retiree may work per year while continuing to receive retirement benefits. Retired employees are responsible for tracking their hours worked to ensure they do not exceed the limits established by the state. The district is not responsible for changes to or cessation of retirement benefits paid by the state to a retired employee whose hours of work exceed the limitations established by the state. The district shall report the number of hours worked by retired employees to DRS.

Board policy regarding the recruitment, selection, and employment of staff shall apply. If a retiree subject to this policy is recommended for hire after July 22, 2007, the superintendent or designee shall provide the board with documentation of a justifiable need for hiring the retiree. Such documentation shall be maintained with the regular records of the board. The district shall maintain records of the procedures followed in seeking qualified candidates that resulted in the hiring of the retiree.

There shall be no prearranged employment agreement or commitment to hire an employee after retirement. Mere inquiries about post-retirement employment do not constitute an agreement. Employees who are retired from a Washington state retirement plan must satisfy the DRS requirements for separation and retirement from service prior to accepting district employment.

The district shall provide the retired employee with the same terms and conditions of employment as other employees in comparable positions, to the extent allowed by law.

Cross References:	Board Policy 5000 Board Policy 5141 Board Policy 5410	Recruitment, Selection, and Employment Certificated Employee Contracts Substitute Employment
Legal References:	RCW 28A.400.300 41.32 41.40	Hiring and Discharging Employees Teachers' Retirement Washington public employees' retirement system

Adoption Date: July 24, 2007

PERSONNEL

Disclosures and Background Checks for Employees

Prior to formal employment by the board, a prospective employee shall present necessary documents which establish eligibility to work and shall attest to his or her eligibility to work as required by federal law. The superintendent or designee shall complete the employer certification on the Form I-9 issued by the U.S. Citizenship and Immigration Services.

The board has determined that all persons employed by the district might have unsupervised access to children as defined by law during the course of their employment. Therefore, prior to employment of any applicant for any position, the district shall require the applicant to disclose whether he or she has been:

- A. Convicted of any crime against persons;
- B. Found in any dependency action under RCW 13.34.030(2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor;
- C. Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor;
- D. Found in any disciplinary board final decision to have sexually abused or exploited any minor or to have physically abused any minor.

The disclosure shall be made in writing and signed by the applicant and sworn to under penalty of perjury. The disclosure sheet shall specify all crimes committed against persons.

Prospective employees shall have their records checked through the Washington State Patrol criminal identification system and through the Federal Bureau of Investigation. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. The superintendent is directed to establish which staff are authorized to access the record check database maintained by the Office of the Superintendent of Public Instruction. Fingerprinting record information is highly confidential and shall not be re-disseminated to any organization or individual by district staff. Records of arrest and prosecution (RAP sheets) shall be stored in a secure location separate from personnel and applicant files, and access to this information is limited to those authorized to access the OSPI record check database.

Applicants may be employed on a conditional basis pending the outcome of the background check and may begin conditional employment once completed fingerprint cards have been sent to the Washington state patrol. If the background check reveals evidence of convictions as identified above, or if the applicant has failed to accurately disclose such information in the employment application, the candidate will not be recommended, or if conditionally employed, will be terminated.

The district shall require that every prospective employee sign a release form allowing the district to contact prior or current school employers regarding prior acts of sexual misconduct, as required by state law.

Cross References:	Board Policy 5255	Disciplinary Action and Discharge
Legal References:	RCW 28A.320.155	Criminal history record information — School volunteers
	28A.400.300	Hiring and discharging employees
	28A.400.301	Information on past sexual misconduct—Requirement for applicants
	28A.400.303	Record checks for employees
	28A.410.010	Certification — Background check
	43.43.830-40	Washington State Criminal Code Records
	9.96A.020	Employment, occupational licensing by public entity—prior felony conviction no disqualification—Exceptions
	P.L. 99-603	Immigration Reform and Control Act of 1986 (IRCA)
	WAC 162-12	Preemployment Inquiry Guide
	392-300-050	Access to record check data base
	392-300-055	Prohibition of redissemination of fingerprint record information by education service districts or school districts
	392-300-060	Protection of fingerprint record information by education service district and school districts
	446-20-280	Employment — Conviction Records

Adoption Date: November 22, 2005

PERSONNEL

Disclosures and Background Checks for Employees

The Director of Human Resources shall develop hiring procedures which include required applicant disclosures, fingerprint criminal records check, sexual misconduct forms, verification of eligibility to work, and orientation to district policies and procedures.

All applications for employment by the district shall require the applicant to state whether he/she has been convicted of any crime against persons. Applicants shall also be required to make disclosures as established by board policy. Determination of whether an applicant is disqualified from employment by the district based upon such disclosures or criminal history shall be made consistent with state and federal laws.

Misstatement, omission, or falsification of information on an employment application shall be considered grounds for termination of employment.

Employees in the Human Resources office are designated to have access to records of arrest and prosecution (RAP sheets). Such information shall be stored in a secure location separate from personnel and applicant files. Dissemination of these records is expressly prohibited.

PERSONNEL

Certification

The district shall require that certificated employees hold a valid Washington State Certificate, with proper endorsement (unless eligible for out-of-endorsement assignment or the district has obtained the appropriate State Board of Education waiver), for the role and responsibilities for which they are employed. Failure to meet this requirement shall be just cause for termination of employment. No salary warrants may be issued to the employee until the district has registered a valid certificate for the role to which he or she has been assigned.

Certificated employees may also be required by law to meet continuing education requirements. Failure to meet these requirements will cause the certificate to lapse.

Cross References:	Board Policy 5121 Board Policy 5210	Unprofessional Conduct Assignment, Reassignment and Transfer
Legal References:	RCW 28A.350.050 RCW 28A.410.025 WAC 180-16-220	Teacher must qualify before warrant drawn and issued or registered – All districts Qualifications – Certificate or permit required Supplemental Program Requirements

Adoption Date: May 23, 2006

PERSONNEL

Unprofessional Conduct

The board of directors recognizes its responsibility to protect students from harm. All employees are expected to exhibit good moral character and personal fitness as they fulfill their job duties. Employees shall not engage in unprofessional conduct including, but not limited to:

- A. The related acts of immorality and/or intemperance;
- B. Violation of written contract;
- C. Crime against the state or involving the physical neglect of children;
- D. The physical injury of children;
- E. Sexual misconduct with children or students;
- F. Misrepresentation or falsification in the course of professional practice or job duties;
- G. Possession, use or consumption or being under the influence of alcohol or of a controlled substance on school premises or at a school-sponsored activity involving students;
- H. Disregard or abandonment of generally recognized professional standards;
- I. Abandonment of contract for professional services;
- J. Unauthorized professional practice;
- K. Illegal furnishing of alcohol or a controlled substance to a student; or
- L. Improper remunerative conduct.

Unprofessional conduct shall not include matters such as insubordination, violation of the collective bargaining agreement or other employment-related acts correctable by the district or other civil remedies.

When the superintendent possesses sufficient reliable information to believe that a certificated employee is not of good moral character or personally fit or has committed an act of unprofessional conduct, within a reasonable period of time of making such determination, he or she shall file a written complaint with the superintendent of public instruction consistent with state law and regulations.

The superintendent or designee shall maintain a confidential file containing allegations and the findings related to his or her investigation.

PASCO SCHOOL DISTRICT NO. 1

Cross References:	Board Policy 5120 Board Policy 5255	Certification Disciplinary Action and Discharge
Legal References:	RCW 28A.400.320 RCW 28A.405.470 RCW 28A.410.090 RCW 28A.410.100 RCW 28A.410.110 WAC 180-79A WAC 180-86 WAC 180-87 WAC 180-79A-155	Mandatory termination of classified employees Mandatory termination of certified employees Revocation of Authority to teach – Method -- Grounds Revocation of Authority to teach – Hearings and appeals Reinstatement prohibited for crimes Certification for School Personnel Professional Certification Proceedings Acts of Unprofessional Conduct Good Moral Character and Personal Fitness — Necessary supporting evidence applicants

Adoption Date: May 27, 2008

PERSONNEL

Infectious Disease Control

Vaccine Requirements: In order to safeguard the school community from the spread of certain vaccine-preventable diseases and in recognition that prevention is a means of combating the spread of disease, the board strongly urges that susceptible school staff members (including volunteers) provide evidence of immunity against TD/TDAP (Tetanus-Diphtheria-Pertussis) and MMR (Measles, Mumps and Rubella). Staff members born prior to January 1, 1957 need not provide evidence of immunity to measles; these individuals are considered naturally immune. The board authorizes the superintendent to make arrangements for staff immunizations as needed.

In the event of an outbreak of a vaccine-preventable disease in school, the local health officer has the authority to exclude a susceptible staff member. A staff member who objects to immunization for religious, philosophical or medical reasons or who does not provide an acceptable immunization record may be excluded, as he or she is considered to be susceptible. If excluded, he or she is not eligible to receive sick leave benefits because of the exclusion itself. To qualify for benefits, he or she must be ill or temporarily physically-disabled.

Exclusion Due to Serious Illness: The board authorizes the superintendent or designee to exclude an employee or volunteer who has been diagnosed by a physician or is suspected of having an infectious disease in accordance with the regulations within the most current Infectious Disease Control Guide. The supervisor and/or school nurse shall report the presence of suspected case or cases of reportable communicable disease to the appropriate local health authority as required by the State Board of Health. Such information concerning an employee or volunteer's present and past health condition shall be treated as confidential. The district shall cooperate with the local health officials in the investigation of the source of the disease.

An employee's personal physician may recommend absence from school if the environment has become a danger to him or her, or if the employee is too ill to work. The employee may be granted a medical leave of absence under the terms of applicable district policy.

Infectious Disease Control Program: The superintendent or designee shall evaluate all job duties of district employees to determine which employees have reasonably anticipated on-the-job exposure to blood or other potentially infectious material. The district shall maintain a list of job classifications where employees have reasonable anticipated exposure to blood or other potentially infectious material. The hepatitis B vaccine shall be provided at the district's expense to all employees identified as having risk of directly contacting blood or other potentially infectious material at work.

In the event that an employee has a specific exposure to blood or other potentially infectious material, the employee will be provided, at district expense, with confidential medical evaluation, follow-up and treatment if indicated.

PASCO SCHOOL DISTRICT NO. 1

The district shall provide annual training to all employees with reasonably anticipated exposure to blood or other potentially infectious material. All employees shall receive district provided training on HIV/AIDS within six months of initial employment.

Any medical records in the possession of the district shall be kept in strict confidence regarding the hepatitis B vaccine status of all employees with reasonably anticipated exposure to blood or other potentially infectious material and for each occupational exposure an employee has to blood or other potentially infectious material. The records shall be kept for the duration of the employee's employment, plus thirty years. The district shall also keep records that employees have received appropriate training.

Cross References:	Board Policy 3414	Infectious Disease
Legal References:	WAC 246-110-001	Control of communicable disease
	WAC 296-62-08001	Bloodborne pathogens
	WAC 392-198	Training – school employees – HIV/AIDS

Adoption Date: June 10, 2008

PERSONNEL

Infectious Disease Control

Immunization: The local health officer has the authority to exclude all susceptible persons, including school staff. This authority would likely be exercised in the event of one or more cases of measles or rubella within the school. Susceptible, as related to measles, means any staff member born after January 1, 1957.

A staff member may claim an exemption for health, religious or philosophical reasons. However, such a staff member who files an exemption may be excluded if an outbreak occurs at his or her school. A staff member who is excluded is not eligible to receive sick leave benefits unless he or she is ill or physically disabled or is otherwise provided for in the collective bargaining agreement.

If a staff member needs to be immunized, he or she should contact a personal physician or clinic. Immunizations may also be available at a nominal cost from the county health department.

Confidentiality: Release of information regarding the testing, test result, diagnosis or treatment of an employee for a sexually transmitted disease may only be made pursuant to an effective release and only to the degree permitted by the release. To be effective, a release must be signed and dated, must specify to whom the release may be made and the time period for which the release is effective. Any disclosures made pursuant to a release must be accompanied by the following statement:

“This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains or as otherwise permitted by state law. A general authorization for the release of medical or other information is not sufficient for this purpose.”

Infection Control Program: The district’s infection control program shall be consistent with WAC 296-62-08001, Bloodborne Pathogens and the Guidelines for Implementation of Hepatitis B and HIV School Employee Training published by the Superintendent of Public Instruction.

All employees with reasonably anticipate on-the-job exposure to blood or other potentially infectious material shall be identified. Potentially infectious human body fluids are blood, semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood and all body fluids in situations where it is difficult to differentiate between body fluids. Examples of employees with reasonably anticipated risk of exposure include, but are not limited to, school nurses; teachers and aides in classrooms for the developmentally disabled, the institutionalized or group home residents; bus drivers of such students, or who provide first aid; communication disorders specialists for such students; coaches or assistants who provide first aid, and first aid providers. All job duties should be evaluated for the risk of exposure to blood or potentially infectious material. The district shall maintain a list

of job classifications with reasonably anticipated exposure to blood or other potentially infectious material.

All employees identified as having reasonably anticipated exposure to blood or other potentially infectious material shall be offered the hepatitis B vaccine at the district's expense.

If an employee has a specific exposure to blood or other potentially infectious material, the district will provide a free and confidential medical evaluation and follow-up performed by an appropriately trained and licensed health care professional. Any necessary post-exposure treatment shall be provided.

Employees with reasonably anticipated exposure to blood and other potentially infectious material shall participate in district-provided training within ten days of employment and annually. The training shall include:

- A general description of bloodborne diseases;
- An explanation of modes of transmission of bloodborne pathogens;
- An explanation on the use and limitations of methods of control;
- Information about personal protective equipment;
- Information on the hepatitis B vaccine;
- A description of procedures to follow if an exposure incident occurs;
- An explanation of signs, labels, tags and color coding used to designate biohazards;
- Where to obtain a copy of WAC 296-62-08001, Bloodborne Pathogens;
- An explanation of the district's infection control plan and how to obtain a copy;
- How to identify tasks and activities that may involve exposure to blood or other potentially infectious material; and
- Appropriate actions to take in emergencies involving blood or other potentially infectious material.

The training shall be provided by a qualified person and shall include opportunities for questions.

The district shall provide training to all employees regarding HIV/AIDS. The training shall be provided by January 1993 and within six months of initial employment. The training shall include:

- History and epidemiology of HIV/AIDS;
- Methods of transmission of HIV;
- Methods of prevention of HIV infection including universal precautions for handling body fluids;
- Current treatment for symptoms of HIV and prognosis of disease prevention;
- State and federal laws barring discrimination against persons with HIV/AIDS; and
- State and federal laws regulating the confidentiality of a person's HIV antibody status.

Significant new discoveries or changes in accepted knowledge regarding HIV/AIDS shall be transmitted to employees within one calendar year of notification from the Superintendent of Public Instruction, unless the Department of Health notifies the district that prompt dissemination of the information is required.

The hepatitis B vaccination status and records regarding any occupational exposure, if any, shall be kept in strict confidence during employment, plus thirty years, for any employee with reasonably anticipated exposure to blood or other potentially infectious material. The records of occupational exposure shall include:

- The employee's name and social security number;
- The employee's hepatitis B vaccination status;
- Examination results, medical testing and follow-up procedure records;
- The healthcare professional's written opinion; and
- A copy of information provided to the healthcare professional.

The district shall also keep records of training sessions including the dates, a summary of the material, names and qualifications of the trainers and names of employees attending the training. These records shall be kept for three years.

PERSONNEL

Employment Contracts

The district shall contract annually with each applicable employee. Such contract shall be in conformity with state law and the policies and negotiated agreements of the district. The contract shall be binding on the district and the employee and may not be abridged or abrogated during its term by either party except by mutual consent or as may be provided elsewhere in board policy or negotiated agreements.

The contracts for certificated employees shall be written for a period not to exceed one year. Upon the recommendation of the superintendent contracts for selected classified employees may be in writing and/or for a specific period of time not to exceed one year. Otherwise the employment of classified employees shall be on a month-to-month basis commencing from the first day of work.

Classified employees who are engaged to serve less than twelve (12) months, shall be advised of their employment status for the ensuing school year prior to the close of the school year. The superintendent shall give reasonable assurance by written notice that the employee will be employed during the next school year.

Supplemental contracts, which are not subject to the continuing contract statute, shall be issued for services to be rendered in addition to a certificated employee’s regular assignment.

Cross References:	Board Policy 5145	Supplemental Employment Agreements
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Legal References:	RCW 28A.300.100 28A.400.300 28A.400.315 28A.405.210	Additional powers of the board Hiring and discharging employees Employment contracts Conditions and contracts of employment—Determination of probable cause for non-renewal of contracts— Notice—Opportunity for hearing
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Adoption Date: November 22, 2005

PERSONNEL

Certificated Employee Contracts

A. Regular Certificated Contracts

The district may offer a certificated contract to a qualified applicant, upon recommendation by the superintendent and approval by the board of directors. Such contract shall state the salary to be paid based upon the applicable salary schedule, the number of days of service, and term of the contract. Such contract shall include the following statement:

“failure to return this contract within ten (10) days of the above date of issuance shall constitute a resignation or nonacceptance of employment or re-employment.”

The contract shall also include the following statement:

“This contract shall be subject to the terms and conditions of any collective bargaining agreement between the district and the organization certified or recognized as the negotiating representative for the certificated staff employed by the board. In the event that any of the provisions of this individual staff member contract shall be inconsistent with the provisions of any such collective bargaining agreement, then the terms of the collective bargaining agreement shall prevail.

B. Provisional Employment Contracts

The district shall issue a provisional contract to non-supervisory certificated employees who are in their first and second year of employment and who are subject to non-renewal of employment as provided by law. Non-supervisory certificated employees who have completed a two-year provisional term with another Washington State school district shall be provisional employees only during their first year of employment with Pasco School District. Contracts issued to provisional certificated employees shall state in writing that the contract is provisional.

C. Non-continuing Contracts

The district shall issue non-continuing contracts to certificated employees who replace certificated employees on approved leaves of absence, or to retirees hired for post-retirement employment under the applicable provisions of state law. Such contracts shall be for the duration of the approved leave only. Such contracts shall clearly state the beginning and ending dates of the contract and shall state that the contract is not subject to applicable state laws regarding certificated personnel or continuing contracts.

D. Supplemental Employment Agreements

The district shall issue separate supplemental employment agreements to certificated employees for service to be rendered in excess of a normal “full-time” assignment, or for service to be rendered beyond the scheduled staff day or scheduled staff year. Supplemental contracts will also be issued for co-curricular activities and special responsibility assignments. Separate agreements shall not exceed one year and, if not renewed, shall not constitute an adverse change in contract status. Salary for services performed under supplemental employment agreements shall be paid according to the applicable provisions of the collective bargaining agreement.

E. Certificated Salary Adjustments

The district shall provide for the review and adjustment of certificated employee contracts on the basis of information filed with the Human Resources office by October 15 or within 30 days of employment. Information required to be filed by the employee shall include originals or copies of the following: official college or university transcripts, records of degrees completed, records of approval and completion of authorized work for equivalent credits and all other pertinent data for contract adjustment purposes.

Legal References:	RCW 28A.330.100	Additional powers of the board
	28A.400.300	Hiring and discharging employees
	28A.405.210	Conditions and contracts of employment Determination of probable cause for non-renewal of contracts — Notice — Opportunity for hearing
	28A.405.220	Conditions and contracts of employment — non-renewal of provisional employees — Procedure
	28A.405.240	Conditions and contracts of employment Supplemental contracts, when — Continuing contract provisions, not applicable to
	28A.405.900	Certain certificated employees exempt from chapter provisions
	28A.415.020, <i>et seq.</i>	Credit on salary schedule for approved in-service training, continuing education, or internship

Adoption Date: February 8, 2011

PERSONNEL

Assignment, Reassignment and Transfer

Employees shall be subject to assignment, reassignment and/or transfer of position and duties by the superintendent or designee, according to law and the policies and procedures of the district. No employee shall be placed in any position where direct administrative or supervisory authority is exercised by a family member. The district shall make every effort to avoid placing family members at the same work site. If such assignment cannot be avoided, one of the family members shall be transferred to the first appropriate vacancy occurring at another work site. Family members, including adopted children, are defined for purposes of this policy as: husband, wife, mother, father, brother, sister, son, daughter, grandchildren and grandparents. Nothing in this policy shall prevent the reassignment for good cause of a staff member during the school year.

Legal References:	RCW 28A.150.230	Basic Education Act of 1977 – District school directors as accountable for proper operation of district – Scope – Responsibilities
	RCW 28A.405.230	Conditions and contracts of employment – Transfer of administrator to subordinate certificated position – Notice – Procedure

Adoption Date: May 9, 2006

PERSONNEL

Part-Time Employees

Part-time employees may be hired based upon the needs of the district. The superintendent or designee shall be responsible for determining the number of part-time positions to be filled. District policies and procedures regarding recruitment, selection, and employment shall apply to part-time employees.

Wages and benefits, including but not limited to, sick leave and premiums paid by the district for medical and dental insurance shall be pro-rated according to the percentage of the regular work week worked by each part-time employee.

Certificated Employees: Part-time certificated employees shall receive educational experience credits at the rates established in Chapter 392-121 WAC or other applicable laws and regulations. If the part-time certificated employee moves to a full-time position, the part-time service will be converted to full-time, full-year experience for salary schedule purposes. When the teaching experience is compiled, the total years of service shall be determined in accordance with state reporting requirements. Part-time certificated employees shall be entitled to credit on the salary schedule for any educational increments earned.

Legal References: WAC 392-121-200
through 299

Certificated Instructional Staff

Adoption Date: September 26, 2006

PERSONNEL

Job-Sharing Employees

A job-sharing assignment is the shared performance of the duties of one full-time, regular position by two employees.

The superintendent is responsible for recommending to the board when the best interests of the district would be served by creating a job-sharing assignment for a particular position.

The district reserves the authority to:

- A. Determine the number of job-sharing positions, if any, within the district;
- B. Require job-sharing employees to attend staff training or other staff development activities at one-half of full compensation;
- C. Abolish any job-sharing assignment, or change a job-sharing position to a full-time position held by one employee, at the sole discretion of the district;
- D. Consider any request to create a job-sharing position in a position currently held by one employee, or vice versa; and
- E. Require job-sharing employees to work full-time in the event of the termination or resignation of one of the job-sharing employees, or until such time as a replacement can be hired, at the sole discretion of the district.

Employees sharing a position shall sign a job-sharing contract to be developed by the superintendent or designee. The contract shall identify contingencies which may arise during the course of employment including, but not limited to, absence or resignation of one of the job-sharing employees, computation of employee benefits, and responsibility for participation in staff meetings and committees. The purpose of such contract is to address potential conflicts in an equitable manner in advance of actual conflicts.

The conditions provided by this policy are not intended to discourage job sharing nor to impose disproportionate burdens upon job-sharing employees. The superintendent shall establish job-sharing procedures which describe the duties, responsibilities, salaries and benefits for individuals sharing a position.

PASCO SCHOOL DISTRICT NO. 1

5214
Page 2 of 2

Legal References:	RCW 28A.400.300	Hiring and discharging employees – Leaves for employees – Seniority and leave benefits, retention upon transfers between schools
	RCW 28A.400.070	Job Sharing

Adoption Date: August 8, 2006

PERSONNEL

Conditions for Half-Time Employment

1. Payments will be 50% of a regular contract. Efforts will be made to make the split assignment as fair as possible. It is recognized that consideration of all the variables makes it extremely difficult to do an exact 50/50 split.
2. Both teachers will be expected to participate in parent conferences, staff and P.T.A. meetings, field trips and other school activities as determined by the building principal.
3. Both teachers will be expected to be at the school for the 30 minutes before and after their teaching duties.
4. Both teachers are to arrange their schedules so that they have the time necessary to coordinate their teaching and grading activities.
5. Half-time assignments will be reconsidered on an annual basis. Subsequent assignments may be either half time or full time.

PERSONNEL

Job Descriptions

All employees are subject to the policies of the district, provisions of employment agreements in effect, state agency regulations and other applicable state and federal laws.

Employees shall be directly responsible to the principal, administrator or supervisor at their respective work site for implementing the policies, instructions, rules and regulations of the district. It shall be the duty of each employee to know the rules, policies and regulations of the school, department or work site and the school district.

The superintendent shall be responsible for developing administrative procedures to assure that staff know what is expected of them and how these expectations may be achieved. Each staff member shall receive a job description that identifies the essential functions of the job and which shall also serve as a basis for evaluation. Job descriptions shall be revised when appropriate.

Legal References:	RCW 28A.150.240	Basic Education Act of 1977
	28A.405	Teachers – General Provisions
	28A.405.100(1)	Minimum criteria for the evaluation of certificated employees, including administrators – Procedure – Scope – Penalty
	WAC 180-44	Teachers’ responsibilities
	42 U.S.C. Sec. 12101-12213	Americans with Disabilities Act (ADA)

Adoption Date: December 12, 2006

PERSONNEL

Length of Work Day

A. Certificated Employees

Regular working hours for certificated employees shall include time before school starts, after school ends, and a 30-minute duty-free lunch period. The starting and dismissal times, which may vary from school to school, shall be determined by the district.

B. Non-exempt Classified Employees

A non-exempt classified employee shall be paid at the rate of one and one-half (1.5) times the employee's regular hourly rate when he or she works for more than forty (40) hours during the regular work week. Overtime hours shall be authorized in advance by the supervisor. The regular work day shall include one fifteen (15) minute paid break for each four (4) continuous hours of work and an unpaid lunch period of not to exceed one (1) hour. The district shall be responsible for establishing the work day schedule for each classified employee.

C. Exempt Classified Employees and Administrators

Unless otherwise specified, the work day for administrators, supervisors, and all classified employees exempt from overtime provisions shall be eight (8) hours per day exclusive of the lunch period.

Legal References:	29 USC Ch. 8	Fair Labor Standards Act
	RCW 49.46	Minimum Wage Act
	RCW 28A.405	Certificated Employees
	WAC 180-44	Teacher's responsibilities
	WAC 296-128-550	Regular rate of pay
	WAC 296-128-560	Compensating time off in lieu of overtime pay

Adoption Date: January 23, 2006

PERSONNEL

Length of Work Day: School Closures

In the event of an unusual school closure due to inclement weather or plant inoperation, including bomb threats, the district will notify employees by radio announcement that school will be closed. Administrators and twelve-month employees will be expected to work during a school closure. Other employees will not work when school is closed, but they will make up the day when school is rescheduled.

PERSONNEL

Evaluation of Non-administrative Employees

Evaluation of the performance of individual employees is an important process in improving the effectiveness and efficiency of the employee and the school district. Employees are expected to perform the duties identified in their job descriptions and any additional responsibilities that may be assigned by their supervisor.

The superintendent or designee shall develop procedures for evaluating employees. Such procedures shall provide for the following: assignment of supervisors as evaluators; observation and evaluation procedures; evaluation of new employees; criteria and related forms to be used for evaluating all district classified and certificated employees; probationary action; and non-renewal. State laws and regulations regarding the employment and evaluation of certificated and classified employees shall apply.

Employee performance shall be evaluated at least once a year. Employees whose performance does not meet minimum requirements shall be informed of the deficiencies and afforded the opportunity to improve.

Prior to the expiration of an employee's probationary period, the employee shall be evaluated and a decision shall be made regarding his or her continued employment.

Cross References:	Board Policy 5254	Probation and Non-renewal
	Board Policy 5340	Staff Development
	Board Policy 6210	Principals
	Board Policy 6410	Evaluation of Administrative Staff

Legal References:	RCW 28A.405.100	Minimum criteria for the evaluation of certificated employees, including administrators – Procedures – Scope -- Penalty
	RCW 28A.405.110	Evaluations – Legislative findings
	RCW 28A.405.120	Training for evaluators
	RCW 28A.405.130	Training in evaluation procedures required
	WAC 392-191	School Personnel—evaluation of the professional performance capabilities

Adoption Date: November 13, 2007

PERSONNEL

Conflicts of Interest

Employees shall not engage in nor have a direct financial interest in any activity which conflicts with his/her duties and responsibilities. Such activities where a conflict of interest may exist include but are not limited to:

- A. Receiving economic benefit from selling or promoting the sale of goods or services to the students or their parents where the knowledge of the employee's relationship to the district is in any way utilized to influence the sale.
- B. Receiving economic benefit from the sale of instructional and training materials and/or equipment where the district has specifically engaged an employee to develop such materials or equipment. In such instances, the district shall retain a proprietary interest.
- C. Encouraging a student who is enrolled in one or more of the teacher's classes to take private lessons or to engage tutoring for fee from the employee.
- D. Using or providing for others a list of names and home addresses obtained from school records or school-related contacts for purposes of identifying potential client or customer contacts.
- E. Participating in any way in the selection process for materials, books or equipment when an item developed by or authored by the employee or a member of his/her family is under consideration for approval for district use.
- F. Being involved in the selection of an applicant or in the appointment, evaluation or supervision of any other employee who is a family member.
- G. Using the interschool mail, internet, or electronic mail to promote sales of a product in which an employee has a financial interest.
- H. Providing a staff or student directory for use in promoting sales of a product or service.
- I. Purchasing or otherwise acquiring surplus district property, where the employee was involved in or had influence in the process of declaring the item(s) as surplus.

Written permission from the superintendent or principal is necessary when:

- A. A certificated employee wishes to tutor or give private lessons for a fee to any student who is enrolled in one or more of the teacher's classes;
- B. A certificated employee such as communication disorder specialists, psychologists or specialized music teachers, wishes to give private instruction for a fee to any student who is concurrently being served by that individual in the regular school program.

Cross Reference: Board Policy 4313

Gifts to Staff

Legal Reference: WAC 180-87-090

Improper remunerative conduct

Adoption Date: October 25, 2005

PERSONNEL

Employee Participation in Political Activities

The board recognizes the right of its employees, as citizens, to engage in political activities. An employee may seek an elective office provided that the employee does not campaign or solicit for contributions on school property during working hours. In the event the employee is elected to office, he or she may request a leave of absence in accordance with the leave policies of the district or the provisions of the applicable labor agreement for the employee.

No individual shall solicit on the school district property for any contribution to be used for partisan political purpose.

The superintendent is directed to establish procedures which specify the condition under which an employee can participate in political activities.

Cross Reference: Board Policy 4330 Use of School Facilities

Legal References: RCW 41.06.250 Political activities

Adoption Date: October 25, 2005

PERSONNEL

Employee Participation in Political Activities

Guidelines for employee participation in political activities are as follows:

- A. The district will advise an employee who files for, or is elected or appointed to an elective office of the following:
 - 1. Political activities shall not occur during the working hours of the employee. This shall not preclude the employee from renting space if such space is available on a rental basis for candidates who are not associated with the school district.
 - 2. Political circulars, petitions or endorsements may not be distributed or posted on school property.
 - 3. The collection of campaign funds and/or the solicitation of campaign workers is prohibited on school property.
 - 4. The use of students for writing or addressing political materials, or the distribution of such materials to or by students is prohibited.
- B. An employee may not campaign for a political candidate or for a political issue during school hours on school property.
- C. Employees who hold elective office are not entitled to release time from their school duties for reasons incidental to such office except as such time may qualify under the leave policies of the board or a provision of a negotiated labor agreement. Employees will be directed to the applicable policies and agreements.
- D. Violation of any of the stated rules may constitute sufficient cause for disciplinary action, including dismissal.

Adoption Date: October 25, 2005

PERSONNEL

Certificated and Classified Employee Records

The district shall organize, compile and maintain personnel records and files for each employee of the district which shall be kept secure under the authority of the superintendent. The contents of the files shall be available to the superintendent and to those staff authorized by the superintendent to organize, compile and maintain the personnel files. Employees who have access to the files shall be required to maintain the confidentiality of the files and their contents.

Every employee shall be permitted, during normal district business hours, to review the contents of his or her personnel file in the presence of another authorized district employee.

Legal References:	RCW 28A.405.250	Certificated employees, applicants for certificated position, not to be discriminated against – Right to inspect personnel file
	RCW 42.56.210	Certain personal and other records exempt from public inspection
	RCW 49.12.240-260	Employee inspection of personnel file

Adoption Date: October 10, 2006

PERSONNEL

Certificated and Classified Employee Records

A. Location

The district shall maintain a personnel file for each employee.

B. Employee Access to Personnel File

Any employee has the right to examine and copy materials from and/or have copies made of his or her personnel file during regular business hours.

The superintendent has authorized access to personnel records to the following individuals:
Assistant Superintendent of Human Resources, Director of Employee Relations and clerical staff reporting to same.

The superintendent or his or her designee must be present when an employee is given access to his or her personnel file.

C. Access by Others to a Personnel File

Any person authorized by a valid court order shall have access to personnel files including payroll and medical information.

Principals and/or immediate supervisors may examine the files of staff employed in their building.

Any individual who has the written permission of an employee may request to examine or copy the employee's records.

D. Contents of Personnel File

A personnel file may contain, but is not limited to, transcripts from colleges or universities, a record of previous employment, evaluations, professional assessment instruments, letters of recommendation, directives, discipline, and copies of district contracts. All material in the personnel file must be related to the staff member's work, position, salary or employment status in the district. An employee may petition that the Human Resources office review all information in the personnel file. The Human Resources office shall determine if there is any irrelevant information and shall remove all such from the file. If the employee does not concur with the material that remains, the employee may file a statement of rebuttal or correction to be placed into the file.

E. Adding Material

The building principal, immediate supervisor and superintendent or designee are responsible for placing material in the proper personnel file. All materials placed in a personnel file shall be signed and dated. When material is critical of an employee, the person responsible for placing this material in the employee's file must forward a copy of the material to the staff member. Any material critical of an employee which is not shown to him or her within 15 days after placement in his or her file shall not be allowed as evidence in any grievance or disciplinary action against such employee.

F. Employee's Right to Object to Material Added

Appeal. An employee may appeal to the superintendent or designee for the removal of any material placed in his or her personnel file. This must be done by requesting a conference with the party involved for the purpose of examining the questioned material. If the staff member is not satisfied with the decision, he or she may follow the district complaint procedures.

Rebuttal. An employee has the right to submit a written statement of rebuttal relating to any material in his or her personnel file and have the written rebuttal placed within the file. A former employee shall retain the right of rebuttal or correction for a period not to exceed two (2) years.

PERSONNEL

Resolution of Employee Complaints

The board recognizes the importance of establishing reasonable and effective means for resolving difficulties which may arise among employees, to reduce potential areas of grievances, and to establish and maintain effective communication between supervisors and staff.

The superintendent will establish administrative procedures to address employee complaints. The procedures should establish steps to secure a proper and equitable solution to a complaint at the lowest possible supervisory level.

A complaint may be a claim by a staff member based upon alleged violation, misinterpretation or a misapplication of existing district policies or administrative procedures. Where an existing district policy is accompanied by a specific complaint procedure, that complaint procedure will apply and should be followed by the employee. In all other cases, an employee may pursue a solution to a complaint using these administrative procedures.

All documents, communications and records dealing with the processing of a complaint shall be maintained in a separate file and shall not be kept in the personnel file of the complainant, unless otherwise required by law.

Adoption Date: March 11, 2008

PERSONNEL

Resolution of Employee Complaints

The following procedure has been established for resolving a complaint filed by an employee. At any meeting held pursuant to the complaint process, the employee making the complaint may be accompanied by a representative if the employee so chooses.

1. Step One

The employee must present the complaint in writing to his or her immediate supervisor within ten (10) school business days of the occurrence of the action or incident in question. The written complaint must contain:

- A. The facts upon which the complaint is based;
- B. A reference to the policies of the district which have allegedly been violated; and
- C. The remedy sought.

The employee shall discuss this complaint with his or her immediate supervisor and the parties will attempt to reach a resolution. If the employee is not satisfied with the step 1 resolution, he or she may appeal the complaint in writing to the superintendent (step 2). If the written appeal is not received in the superintendent's office within ten (10) school business days of the step 1 meeting, the complaint shall be deemed waived.

2. Step Two

The superintendent or designee shall meet with the employee within ten (10) school business days of receipt of the appeal. The time to hold the meeting may be extended up to ten (10) additional school business days if necessary.

The superintendent or designee shall render a written decision regarding the appeal within ten (10) school business days of the appeal meeting, or notify the employee that more time is necessary to gather additional information in order to address the complaint.

If the employee is not satisfied with the step 2 resolution, or if more than forty-five (45) school business days have passed since the step 2 meeting, the employee may appeal the complaint in writing to the board of directors (step 3). If the written appeal is not received in the superintendent's office within five (5) school business days of the step (2) decision, or within forty-five (45) school business days of the step (2) meeting if no written decision is issued, the complaint shall be deemed waived.

3. Step Three

If the employee appeals his or her complaint to the board of directors, the board shall hold a hearing within twenty (20) school business days to hear the appeal of the step 2 decision. The time to hold the meeting may be extended up to ten (10) additional school business days if necessary. If the complaint is against another administrator or employee, that person will be invited to attend the meeting with a representative if he/she so chooses and present information to the board. The board shall issue a written decision within thirty (30) school business days of the complaint hearing. The decision of the board of directors shall be final and binding.

PERSONNEL

Reporting Improper Governmental Actions

The district encourages employees to report improper governmental action by any district officer or employee. Employees will be protected against retaliation for reporting improper governmental actions when the reports are made in compliance with this policy and related procedure. District officers and employees are prohibited from retaliating against an employee because the employee has in good faith reported alleged improper governmental action in accordance with this policy and related procedure.

The Superintendent will establish procedures for receiving and acting on employee reports of improper governmental actions and responding to allegations of retaliation. The procedures will include the names of district personnel and outside agencies to whom a report may be made.

Improper governmental action is defined as any action by a district officer or employee that:

- (a) is undertaken in the performance of the officer or employee's official duties, whether or not the action is within the scope of the employee's position; and
- (b) is in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.

Legal References:

RCW 42.41.010-
42.42.060

Local Government Whistleblower
Protection Act

Adoption Date: February 28, 2006

PERSONNEL

Reporting Improper Governmental Actions

A. Definitions

As used in this policy and procedure, the following definitions shall apply:

- (1) “Improper governmental action” means any action by a district officer or employee that:
- (a) is undertaken in the performance of the officer or employee’s official duties, whether or not the action is within the scope of the employee’s position; and
 - (b) is in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.

“Improper governmental action” does not include personnel actions.

- (2) “Retaliatory action” means any adverse change in the employee’s employment status or terms and conditions of employment.

- (3) “Emergency” means a circumstance that if not immediately changed may cause damage to persons or property.

B. Reporting

Employees who become aware of improper governmental actions should report the action in writing to their supervisor. The report must state in detail the basis for the employee's belief that an improper governmental action has occurred.

Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee should submit the written report directly to the superintendent or designee. The Director of Human Resources is designated to receive reports of improper governmental actions.

In case of emergency, or where the employee has a legal obligation to report (for instance, where child abuse is suspected), the employee shall report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.

Employees who fail to make a good faith attempt to follow district procedures for reporting improper governmental action shall not be eligible for the protections outlined in the policy and procedures.

C. District Response

The district shall promptly investigate any report of improper governmental action. Persons involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employees authorize the disclosure of their identities in writing.

After an investigation has been completed, the reporting employee may request a summary of the investigation results. The summary will not include any resulting personnel actions which are confidential. If a reporting employee reasonably believes that an adequate investigation was not done by the district, that insufficient action has been taken, or that the improper governmental action is likely to recur, the employee may report the improper governmental action directly to the appropriate government agency.

D. Protection Against Retaliation

District officers and employees are prohibited from retaliating against an employee because the employee has in good faith reported alleged improper governmental action in accordance with this policy and procedure. The district shall take appropriate action to investigate and address complaints of retaliation.

To resolve a complaint of retaliation informally, the employee may report the retaliation to their supervisor, the Superintendent or the Director of Human Resources. If the complaint is not resolved, the employee may obtain protection under this policy and state law by providing written notice to the Board of Directors no later than thirty (30) days after the occurrence of the alleged retaliation. The written notice shall specify the alleged retaliatory action and the relief requested by the employee. The Board of Directors will respond to the complaint within thirty (30) days of receiving the written notice.

If the employee alleging retaliation receives no response from the district or objects to the district's response, the employee may request a hearing before a state administrative law judge. The request for a hearing shall be delivered to the board of directors within fifteen (15) days of delivery of the district's response, or within fifteen (15) days of the last day on which the board of directors could respond.

Upon receipt of a request for a hearing, the district will apply for a hearing within five(5) working days to:

Office of Administrative Hearings
P. O. Box 42488
919 Lakeridge Way SW
Olympia, Washington 98504-2488
(360) 664-2031

If a determination is made that retaliatory action has been taken against the employee, the district will consider any recommendation provided by the administrative law judge that an employee found to have retaliated against an employee be suspended with or without pay or dismissed.

The district encourages employees to report improper governmental action by any district officer or employee. Employees will be protected against retaliation for reporting improper governmental actions when the reports are made in compliance with this policy and related procedure. District officers and employees are prohibited from retaliating against an employee because the employee has in good faith reported alleged improper governmental action in accordance with this policy and related procedure.

The Superintendent will establish procedures for receiving and acting on employee reports of improper governmental actions and responding to allegations of retaliation. The procedures will include the names of district personnel and outside agencies to whom a report may be made.

Improper governmental action is defined as any action by a district officer or employee that:

- (a) is undertaken in the performance of the officer or employee's official duties, whether or not the action is within the scope of the employee's position; and
- (b) is in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.

E. Administration

A summary of this policy and procedure shall be permanently posted where all employees will have reasonable access to it. A copy of the policy and procedure will be made available to any employee upon request.

The following is a list of agencies responsible for enforcing federal, state and local laws and investigating issues concerning improper governmental action. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact their supervisor or the Director of Human Resources.

FRANKLIN COUNTY:

Franklin County Prosecutor
1016 N. 4th Ave.
Pasco, WA 99301
(509) 545-3543

Franklin County Sheriff's Office
1016 N. 4th Ave.
Pasco, WA 99301
(509) 545-3501

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Benton-Franklin Health District
1218 N. 4th Ave.
Pasco, WA 99301
(509) 547-9737

Pasco Police Department
525 N. 3rd Ave.
Pasco, WA 99301
(509) 545-3581

STATE OF WASHINGTON:

Attorney General's Office
Fair Practices Division
1125 Washington Street
Olympia, Washington 98504-0100
(360) 753-6200

Department of Ecology
N. 4601 Monroe
Spokane, Washington 99205-1295
(509) 329-3400

Auditor's Office
P O Box 40021
Olympia, Washington 98504-0021
(360) 902-0370

Human Rights Commission
711-South Capitol Way, Suite 402
Olympia, Washington 98504-2490
(360) 753-6770

Dept. of Labor and Industries
P.O. Box 4400
Olympia, Washington 98504-4400
(360) 902-5800

Dept. of Natural Resources
1111 Washington St. SE or P.O. Box 47000
Olympia, Washington 98504-7000
(360) 902-1000

WA Superintendent of Public Instruction
Old Capitol Building
P O Box 47200
Olympia, Washington 98504-7200
(360) 753-6738

Dept. of Licensing
P.O. Box 9020
Olympia, Washington
98507-9020
(360) 902-3605

FEDERAL GOVERNMENT:

U. S. Department of Education
Office of the Inspector General
915 - 2nd Ave., Seattle, WA 98174
Audits: (206) 553-7615

Equal Employment Opportunity Commission
909 First Ave., #400
Seattle, WA 98104-1061
(206) 220-6883

U S Department of Labor
Occupational Safety and Health
1111 - 3rd Avenue, Suite 715
Seattle, Washington 98101-3212
(800) 475-4020

Environmental Protection Agency
Criminal Investigations
300 Desmond Dr. Ste 102
Lacey, WA 98503
(360) 753-9437

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Federal Emergency Mgmt. Agency (FEMA)
Region X email: mike.howard@fema.gov
Bothell, WA
(425) 487-4610

National Transportation Safety Board
490 L'Enfant Plaza, SW
Washington, DC 20594
(202) 314-6000

U S Department of Transportation
Office of Inspector General
915 - 2nd Avenue
Seattle, Washington 98178
(800) 424-9071

Adoption Date: February 28, 2006

PERSONNEL

Communications Responsibility

District employees share the responsibility for communicating and interpreting district policies, programs, goals, and objectives to students, parents/guardians, and members of the community. Employees are expected to perform their services and functions to the best of their ability and interact with members of the community, parent(s) or guardian(s), students and other employees and volunteers in a sincere, courteous and considerate manner. Employees are expected to develop and maintain cooperative school-community relations and to achieve the understanding and mutual respect that are essential to the success of the district and its students.

Confidential information about students or other employees shall be released only as permitted by law and district policies and procedures.

Employees are expected to use professionalism and respect in all communications, including in-person and electronic communications. This includes the use of social media. Staff members shall not post electronically or via social media sites confidential or proprietary information about the District, its students, employees, parents/guardians, patrons, or alumni. Use of digital images of students or district operations without district authorization is prohibited. This includes, but is not limited to, images from school activities and events. District policies on maintaining professional boundaries between staff and students shall be followed at all times.

This policy should not be construed as an attempt to limit the inherent personal communication rights of employees in their private lives. However, the district maintains a legitimate concern in communications which present a reasonable possibility of substantially disrupting the work or educational environment, operations of the district, experience of a student, or where they create a professional concern regarding compliance with district policy and/or applicable law.

Cross Reference:	Board Policy 5121	Unprofessional Conduct
	5260	Professional Boundaries Between Staff and Students

Adoption Date: May 8, 2012

PERSONNEL

Resignation

In order to permit proper staff planning and to minimize inconvenience to others who may be affected, certificated employees who plan to resign at the end of their contract period should notify the Human Resources Office of the resignation or retirement by May 1.

Resignations from certificated employees will be accepted until June 30. Thereafter, resignations will be accepted only under unusual circumstances. To be released from a contract after June 30, the following conditions apply:

1. A letter requesting release shall be submitted to the Human Resources Office. If accepted by the board at its next meeting, the employee shall be released from the contract.
2. A release from the contract may be granted by the board for the following reasons:
 - a. To allow an employee to accept another position prior to or during the school year provided a satisfactory replacement can be obtained; or
 - b. in case of illness or other personal matters which make it a substantial hardship for the employee to continue employment.
3. Each request shall be determined upon its own merits. The board shall give primary consideration to the needs of the district and continuity of the educational program offered to students.

Resignations from classified employees should be submitted no less than ten (10) working days prior to the last working day. Resignations are to be submitted in writing to the employee's immediate supervisor who will forward it to the Human Resources Office.

Legal References: RCW 28A.67.070

Conditions and contracts of employment

Adoption Date: January 8, 2008

PERSONNEL

Retirement

Employees shall participate in the retirement programs under the Federal Social Security Act and the Washington Retirement Systems. Payroll deductions shall be made and paid into the respective retirement programs in the manner prescribed by law.

Legal References:	RCW 41.32	Teachers' retirement
	RCW 41.33	Teacher's retirement—federal social security
	RCW 41.35	Washington school employees' retirement system
	RCW 41.41	State employees' retirement – Federal social security

Adoption Date: January 22, 2008

PERSONNEL

Probation, Non-renewal or Termination

A. Certificated Employees

The employment contracts of individual certificated employees may be non-renewed at the end of the employee’s contract period by the superintendent. Such non-renewals may be based upon unsatisfactory performance or changes in the district’s financial circumstances and/or staffing needs. Except for “provisional employees,” non-renewals for unsatisfactory performance shall be preceded by a probationary period.

The superintendent shall establish procedures to assist those certificated employees whose performance, through the evaluation process, does not meet minimum requirements. The district may require the certificated employee to participate in training provided by the district in the area of teaching skills needing improvement.

B. Classified Employees

Classified employees are granted probationary status during the first 6 months of employment. During that period of time, they are subject to termination without advance notice. Upon satisfactory completion of the probationary period, a classified employee may be granted regular status.

Regular status classified employees are employed on a month-to-month basis and shall be provided at least two-weeks notice before termination. Such classified employee may request a pre-termination meeting with the superintendent prior to any action taken by the board of directors. A request for a pre-termination meeting must be submitted in writing, within five (5) working days following the notice of termination.

Cross References:	Board Policy 5222	Evaluation of Nonadministrative Employees
Legal References:	RCW 28A.405.300	Adverse change in contract status of certificated employees – Determination of probable cause – Notice – Opportunity for hearing
	RCW 28A.405.210	Conditions and contracts of employment – Determination of probable cause for non-renewal of contracts – Notice – Opportunity for hearing
	RCW 28A.405.220	Conditions and contracts of Employment – Non-renewal of
	RCW 28A.405.140	Provisional employees -- Procedure
	RCW 28A.400.340	In-service training for teacher may be required after evaluation
		Discharge Notices Include Appeal Rights

Adoption Date: February 12, 2008

PERSONNEL

Probation, Non-Renewal or Termination

Certificated Staff

Certificated staff, except “provisional employees,” whose performance does not meet minimum requirements based upon the specific categories for evaluation shall receive written notice by February 1. The administration shall exercise the following steps:

Administrator’s Report

When an administrator determines on the basis of the specific categories for evaluation that the performance of a staff member does not meet minimum requirements, the administrator shall report the same in writing to the superintendent by January 20. The report shall include the following:

- A. The evaluation report; and
- B. A specific and reasonable plan for improvement.

Establishment of Probationary Period

If the superintendent concurs with the administrator that the staff member’s performance does not meet minimum requirements, the superintendent shall place the staff member in a probationary status by February 1 and ending May 1. By February 1, the staff member shall receive written notice of the action which shall contain the following information:

- A. The specific area of deficiency;
- B. A specific and reasonable plan for improvement which gives the staff member the opportunity to demonstrate improvement in any area of deficiency;
- C. The duration of the probationary period; and
- D. The right of the staff member to have representation and/or counsel in any subsequent meeting between the staff member and the administrator.

Evaluation During the Probationary Period

- A. When appropriate, the administrator may utilize district resource persons (e.g., coordinator, consultant, and other staff) who shall observe the staff member’s performance and offer suggestions for improvement. During the probationary period the evaluator shall meet at least twice monthly with the staff member to determine progress made and make a written evaluation.

B. The staff member may be removed from probationary status at any time.

Administrator's Post-Probationary Report

At the end of the probationary period the administrator shall submit a written report to the superintendent. The report shall identify any improvement in the area of deficiency and shall specify that the staff member has or has not demonstrated sufficient improvement in the stated area of deficiency to justify removal from probationary status.

Action by the Superintendent

When the superintendent determines that the staff member has not demonstrated sufficient improvement in the stated area of deficiency, the superintendent shall make a determination of probable cause for non-renewal of the staff member's contract and shall provide written notice to the staff member by May 15. Such notice shall contain notice of any appeal rights the staff member may have and notice of the appeal processes.

Any certificated staff member, except "provisional employees," so notified shall be granted an opportunity for a hearing to determine whether or not there is sufficient cause(s) for non-renewal. The hearing may be "open" or "closed" depending on the wish of the staff member. Selection of the hearing officer and conduct of the hearing shall be in accordance with RCW 28A.405.310. Should the hearing officer's decision uphold the district's non-renewal action, the certificated staff member may appeal to the superior court (RCW 28A.460.500).

Any certificated staff member who does not request a hearing shall be adversely affected as specified in the written notice.

Provisional Employees

"Provisional employees" whose performance does not meet minimum requirements shall receive written notice from the superintendent by May 15 that the district does not intend to renew the employment contract. Such notice shall cite the reason for such determination and shall contain notice of any appeal rights that the employee may have and notice of the appeal process.

Within 10 days of receiving such notice the "provisional employee" may request (in writing) the opportunity to hold an informal meeting with the superintendent. The superintendent shall submit his or her recommendation for non-renewal to the board (RCW 28A.405.220). The "provisional employee" shall be notified in writing of the superintendent's decision at least three (3) days prior to a meeting of the board. The board shall consider any written communication prior to rendering a decision.

The board shall notify the "provisional employee" of its decision within ten (10) days following the meeting. Such decision shall be considered final.

Any "provisional employee" who does not request an informal meeting shall be adversely affected as specified in the written notice.

Classified Staff

Classified staff whose performance does not satisfy the needs of the district shall receive written notification from the administrator. Such written notice shall contain the following information:

- A. Subject to the action of the board of directors, the final date of employment with the district.
- B. The right to request a pretermination meeting within five (5) working days following notice.
- C. Notice of any appeal rights that the employee may have and notice of the appeal processes.

At the pretermination meeting, the staff member shall be entitled to be advised as to the reason(s) why the month-to-month employment agreement is being terminated and an opportunity to respond to any of the reasons presented. Upon the request of the staff member who is being recommended for termination, the board shall meet with the staff member to determine if termination action shall be taken.

PERSONNEL

Disciplinary Action and Discharge

The Board of Directors has the authority to discharge any district employee upon recommendation by the superintendent. The superintendent or designee has the authority to impose disciplinary action against a district employee and to determine whether sufficient cause exists for discipline, up to and including discharge.

Employees who fail to fulfill their job responsibilities, fail to follow district policies and procedures relating to employee conduct, fail to follow the reasonable directions of their supervisors, or who conduct themselves on or off the job in ways that significantly affect their effectiveness on the job or in such other ways that the law determines to be sufficient cause shall be subject to discipline.

Cross References:	Board Policy 5121	Unprofessional Conduct
Legal References:	RCW 28A.400.300	Hiring and discharge of employees – Leaves for employees – Seniority and leave benefits, retention upon transfers between schools
	28A.400.340	Notice of discharge to contain notice of right to appeal if available
	28A.405.300	Adverse change in contract status of certificated employee – Determination of probable cause – Notice – Opportunity for hearings
	28A.405.310	Adverse change in contract status of certificated employee, including non-renewal of contract – hearings – Procedure
	28A.410.090	Revocation of authority to teach
	28A.400.320	Mandatory termination of classified employees
	28A.405.470	Mandatory termination of certified employees
	28A.400.340	Notice of discharge to contain notice of right to appeal if available
	WAC 181-86	Policies and procedures for Administration of certification Proceedings
	181-87	Acts of Unprofessional Conduct
	180-44-60	Drugs and alcohol – Use of as cause For dismissal

Adoption Date: November 27, 2007

PERSONNEL

Disciplinary Action and Discharge

When the superintendent determines that there is sufficient grounds to suspend and/or discharge a certificated staff member, the staff member shall receive written notification which specifies the probable cause for such action. The notice shall contain notice of the staff member's appeal rights, if any, and notice of the appeal processes. The staff member may submit within 10 days of such notification a written request (RCW 28A.405.310) for a hearing to determine whether or not there is sufficient cause for discharge. During the hearing, the procedures described in 5254P (Probation and Non-renewal) shall be followed.

Staff who do not request a hearing shall be adversely affected as specified in the written notice.

Classified staff not employed under formal contract may be suspended for a specified or indefinite number of days with or without pay. A regular status classified staff member shall be advised of the right to request a pretermination meeting within five (5) working days following notice. At the hearing, the superintendent shall provide notice of charges against the classified staff member, an explanation of the evidence that has been collected and the opportunity for the staff member to clarify or refute the charges. Following this conference, the superintendent shall advise the staff member of the right to a hearing with the board prior to any formal action that may be taken by the board.

A classified staff member, who has contact with children, or a certificated staff member whose certificate is subject to revocation shall be terminated immediately for a guilty plea or conviction of any felony crime against children as state in (F) below. Such employee shall have the right of appeal.

Reasons for Disciplinary Action

Disciplinary action may be taken for the following reasons:

- A. Incompetence
- B. Inefficiency
- C. Misappropriation or misuse of district property
- D. Neglect of duty
- E. Insubordination
- F. Conviction of any crime which adversely affects employee's ability to perform a job including the submission of a guilty plea or conviction of any felony crime involving:
 - 1. The physical neglect of a child,

2. The physical injury or death of a child,
3. Sexual exploitation of a child,
4. Sexual offenses where a minor is a victim,
5. Promotion of a minor for prostitution purposes, or
6. The sale or purchase of a minor child.

G. Malfeasance

H. Gross misconduct

I. Inability to perform job functions

J. Willful violation of district policies and procedures

K. Mistreatment or abuse of fellow workers, students, or members of the public

L. Conflict of interest

M. Abuse of illness, injury, or emergency leave

N. Sexual harassment

O. Manufacture, possession, distribution, sale or being under the influence of alcohol or controlled, illegal, addictive or harmful substances including anabolic steroids.

Types of Disciplinary Action

Depending upon the nature of the work performance problem or conduct, any one or more of the following actions may be taken by the appropriate supervisor:

A. Oral Reprimand

An oral reprimand may be given to a staff member whenever such action is deemed appropriate. A record of this action should be kept in the staff member's personnel file.

B. Written Reprimand

A staff member may be given a written reprimand when previous oral warning has not resulted in the expected improvement or when more severe initial action is deemed warranted. A copy of such reprimand shall be placed in the staff member's personnel file.

C. Suspension/Discharge

A staff member may be suspended from duty without pay by his or her supervisor for any of the reasons set forth in these procedures. A staff member shall receive written notice of such suspension along with notification (oral or written) that he or she may schedule a pretermination meeting with the superintendent. Discharge action may be taken by the board based upon the recommendation of the superintendent. The staff member shall have an opportunity to meet with the board prior to such action.

A staff member may be temporarily suspended from duty with pay, if circumstances warrant, with the prior approval of the superintendent.

A classified staff member who has contact with children, or a certificated staff member shall be terminated immediately for a guilty plea or conviction of any felony crime against children as cited above in (F).

D. Demotion

A staff member may be demoted for any of the reasons set forth in these procedures. The staff member shall be given written notice including specific reasons for such demotion at least two (2) calendar weeks prior to the effective date of the proposed action. This action requires the prior approval of the superintendent.

PERSONNEL

Program and Staff Reductions

Program and staff reductions may be required as a result of enrollment decline, failure of a levy election, termination or reduction of state or federal funding, or other events resulting in a reduction in revenue. If necessary, the superintendent shall recommend to the board those positions, educational programs and/or services which shall be reduced, modified or eliminated.

When the reduction, modification or elimination of programs and/or services necessitates a reduction in staff, the district shall retain employees based upon service in the state of Washington and qualifications and experience necessary for the retained position.

An employee who receives notice of non-renewal of contract due to enrollment decline or loss of revenue may, if he or she requests a hearing, stipulate that initiation of the arrangements for a hearing officer shall occur within ten (10) days following July 15, rather than the day the staff member submits the request for a hearing.

The superintendent shall develop procedures to implement this policy. Any applicable collective bargaining agreement shall supersede this policy.

Cross References:	Board Policy 5254	Probation, Non-renewal or Termination
Legal References:	RCW 28A.405.310(4) RCW 28A.405.210	Adverse change in contract status Conditions and contract of employment

Adoption Date: February 12, 2008

PERSONNEL

Employee Assistance Program

A wide range of issues may affect an employee's job performance. These issues may be job-related, or may be issues of a personal nature. To support employees experiencing such issues, the district will maintain, as funding permits, an employee assistance program.

The employee assistance program will provide professional and confidential assistance to employees and their families. Employees who are experiencing issues with alcohol or drug abuse; physical, mental or emotional illness; marital or family problems; legal or financial difficulties; or anything else affecting job performance are encouraged to utilize the employee assistance program.

Participation in the employee assistance program will not jeopardize employment or job promotion, nor shall such participation substitute for employer action(s) regarding evaluation, probation, and/or termination as provided for under collective bargaining agreements or board policies. The program will be evaluated as directed by the Superintendent.

PERSONNEL

Drug-Free Schools, Community and Workplace

It is the policy of the Pasco School District to take reasonable steps to ensure safety in the workplace and to provide a safe, high quality learning environment for students. As a recipient of federal funds, the district is committed to maintaining a workplace and learning environment free from alcohol, marijuana, and illegal drugs.

“Workplace” means a site for the performance of work done on behalf of the Pasco School District, including the following: any school building or any school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; or school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district where work on a federal grant is performed.

For these purposes, the board declares that the following behaviors are prohibited:

- A. Reporting to work under the influence of alcohol, marijuana, illegal chemical substances or opiates.
- B. Using, possessing, transmitting alcohol, marijuana, illegal chemical substances (including anabolic steroids) or opiates in any amount or in any manner on district property at any time.
- C. Using district property or the staff member’s position within the district to make or traffic alcohol, marijuana, illegal chemical substances or opiates.
- D. Using, possessing or transmitting illegal chemical substances and opiates in a manner which is detrimental to the interest of the district.

Any employee who is taking a drug or medication, whether or not prescribed by the employee’s physician, which may adversely affect that employee’s ability to perform work in a safe or productive manner is required to report such use of medication to his or her supervisor. This includes drugs which are known or advertised as possibly affecting judgment, coordination, or any of the senses, including those which may cause drowsiness or dizziness. The supervisor, in conjunction with a Human Resources administrator or designee, then will determine whether the employee can remain at work and whether any work restrictions will be necessary.

Any employee convicted of a crime attributable to the use, possession, or sale of marijuana, illegal chemical substances or opiates, including any crime involving school-age minors and the use, possession, transmittal, or sale of alcohol, marijuana, or illegal chemical substances or opiates, will be subject to disciplinary action, up to and including termination of employment.

As a condition of employment, each employee shall notify his or her supervisor of a conviction under any criminal drug statute for a violation occurring in the workplace as defined above. Such notification shall be provided no later than five (5) days after such conviction. The district

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shall inform the federal government within ten (10) days of such conviction, regardless of the source of the information.

Each employee shall be notified of this policy. Any employee who violates any aspect of this policy may be subject to disciplinary action, up to and including termination of employment.

As a condition of eligibility for reinstatement to his or her position, an employee may be required to satisfactorily complete a substance abuse rehabilitation or treatment program approved by the district, at the employee's expense. Nothing in this policy shall be construed to guarantee or require reinstatement of any employee who violates this policy, nor does the school district incur any financial obligation for treatment or rehabilitation ordered as a condition of eligibility for reinstatement.

The district is authorized to take other actions such as notification of law enforcement and other agencies regarding an employee who violates this policy.

Cross References:	Board Policy 5255 Board Policy 5257	Disciplinary Action and Discharge Employee Assistance Program
Legal References:	41 USC §§ 701-707 20 USC §§ 7101-7118 21 U.S.C. 812 21 CFR 1300.11-1300.15 RCW 69.50.435	Drug Free Workplace Action of 1988 and as amended in 1989 Safe and Drug Free Schools and Communities Act Controlled Substance Act Violations committed on school bus or in or near school grounds or school bus route stop
	Initiative. Meas. No. 502	An act relating to marijuana eff. 12/6/2012

Adoption Date: December 11, 2012

PERSONNEL

Federal Motor Carrier Safety Administration (FMCSA) Mandated Drug and Alcohol Testing Program

The board of directors directs the superintendent to establish programs and procedures as mandated by and in accordance with Federal Motor Carrier Safety Administration (FMCSA) controlled substances and alcohol testing rules.

Prohibited alcohol and controlled substance-related conduct: The following alcohol and controlled substance-related activities are prohibited by the district for drivers required to possess a commercial driver's license (CDL) as part of their job responsibilities. Violations shall result in appropriate corrective action ranging from removal from the performance of safety-sensitive functions up to and including discharge:

1. Reporting for duty or remaining on duty to perform safety-sensitive functions while having any alcohol concentration.
2. Being on duty or operating a vehicle while the driver possesses alcohol.
3. Using alcohol while performing safety-sensitive functions.
4. When required to take a post-accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.
5. Refusing to submit to an alcohol or controlled substance test required by post-accident, random, or reasonable suspicion testing requirements.
6. Using alcohol, or being under the influence of alcohol within four hours of going on duty, operating or having physical control of a vehicle requiring a CDL to operate.
7. Reporting for duty or remaining on duty when using any controlled substance, except when instructed by a physician who has advised the driver and the district that the substance does not adversely affect the driver's ability to safely operate a vehicle. Drivers are required to inform the district of any therapeutic drug use.
8. Reporting for duty, remaining on duty or driving if the driver tests positive for controlled substances.

Employee assistance program available: The district recognizes a need to provide an opportunity for employees to deal with alcohol-related problems through employee assistance programs. Any employee who voluntarily seeks treatment for a personal alcohol problem or for a substance abuse disorder not involving criminal conduct may do so through employee assistance programs of the employee's own choosing in complete confidence and without jeopardizing the employee's employment with the district.

Testing requirements: The following identify the occasions on which a driver shall be subject to alcohol or controlled substances testing. The superintendent is responsible for the development and implementation of procedures for conducting the tests and administering the exemptions consistent with the federal rules.

1. Pre-employment testing: Prior to the first time a driver performs a safety-sensitive function for the district, the driver shall undergo testing for alcohol and controlled substances. This testing requirement may be waived under FMCSA rules for CDL drivers recently employed elsewhere for whom testing records are available from their previous employers.
2. Post-accident testing: Each surviving driver of an accident, as defined by FMCSA, shall be tested for alcohol and controlled substances.
3. Random testing: Annually the district will arrange for the unannounced random alcohol and controlled substances testing of its drivers. Fifty percent (50%) of the drivers employed by participating districts in the consortium must be randomly selected for controlled substances testing each year, and ten percent (10%) for alcohol testing (or whatever level of testing is required in a given year by the FMCSA). Alcohol testing under this program shall take place just prior to, during or immediately after the driver engages in a safety-sensitive function for the district.
4. Reasonable suspicion testing: A driver must submit to alcohol or controlled substance testing whenever a trained supervisor has a reasonable suspicion of alcohol misuse or controlled substance use based on specific, contemporaneous and articulable observations concerning the appearance, behavior, speech or bodily odors of the driver. Observations related to using alcohol must be made just prior to, during or immediately after the driver engages in a safety-sensitive function for the district, and the alcohol test must be given within eight hours following the determination of reasonable suspicion.

Record retention and reporting: The superintendent is responsible for developing procedures for securely retaining records collected under this policy with controlled access and for the time periods established by the federal regulations. The superintendent is also responsible for developing procedures for reporting data collected under this policy as required by the federal regulations.

Education, training and referral services: The superintendent shall adopt educational materials that explain the requirements of this policy and the federal program. The educational materials shall be distributed to each driver prior to the start of the testing program and to each driver subsequently hired or transferred into a position covered by this policy. Each driver, after receiving a copy of the materials, shall sign a certificate of receipt and the district shall maintain the original of the receipt. The collective bargaining representative of the drivers, if any, shall be notified of the availability of this information. The educational materials shall include:

1. A copy of this policy and subsequent procedures.
2. The name of the person designated to answer questions about the materials.
3. The categories of employees covered by the policy.
4. A description of safety-sensitive functions, so that drivers will know which part of their tasks will be covered by this policy.
5. A specific description of conduct prohibited by this policy and the federal program.
6. The circumstances under which a driver is subject to testing.
7. The procedures used in the testing program, especially those that protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver.
8. The requirement that drivers must submit to testing required by this policy and the federal program, and a description of what constitutes refusal to submit to required testing and the consequences of the refusal.
9. The consequences for drivers who violate this policy and the federal program, including immediate removal from conducting safety-sensitive functions.
10. The consequences for drivers found to have a positive alcohol concentration.
11. Information about the effects of alcohol and controlled substances on an individual's health, work and personal life and methods of intervening when a problem with alcohol or a controlled substance is suspected, including confrontation, referral to the staff assistance program and referral to management.

Supervisors designated to determine if reasonable suspicion exists that a driver is under the influence of alcohol or controlled substances must have at least sixty minutes of training on alcohol misuse and at least sixty minutes of training on use of controlled substances. The training shall cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

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The employed driver who violates this policy or the federal regulations shall be informed of resources available for evaluation and resolving problems associated with the misuse of alcohol and use of controlled substances, including the names, addresses, and telephone numbers of Employee Assistance Programs and counseling and treatment programs. Costs incurred by the driver for evaluation and/or rehabilitation are the driver's responsibility (other policies may apply).

Cross References:	Board Policy 5255	Disciplinary Action and Discharge
	Board Policy 5257	Employee Assistance Program
	Board Policy 5258	Drug-Free Schools, Community and Workplace
Legal References:	49 CFR §§ 382.101-382.601	
	49 CFR § 392.5	
	RCW 46.25.090	

Adoption Date: October 23, 2007

PERSONNEL

Federal Motor Carrier Safety Administration (FMCSA) Mandated Drug and Alcohol Testing Program

Accident, for purposes of this policy, is an incident involving an employee whose job responsibilities require a commercial driver's license (CDL) in which there is:

- A. A fatality;
- B. The employee received a citation under state or local law for a moving traffic violation arising from the accident, if the accident involved bodily injury to any person who, as a result of the injury, immediately received medical treatment away from the scene of the accident;
or
- C. The employee received a citation under state or local law for a moving traffic violation arising from the accident, if the accident involved one or more vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- D. Accident is also defined as one in which there occurs property damage and/or injuries to any participants.

Adulterated Specimen contains a substances that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.

Alcohol Concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test (EBT).

Alcohol Use means the consumption of any beverage, mixture, or preparation, including any medication containing alcohol.

Breath Alcohol Technician (BAT) is an individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device.

Canceled or Invalid Test is a drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which procedures otherwise require it to be canceled. A canceled test is neither a positive nor a negative test.

Chain of Custody is the procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed.

Commercial Motor Vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle (1) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of 10,000 or more pounds; or (2) has a gross vehicle weight rating of 26,001 or more pounds; or (3) is designed to transport 16 or more passengers, including the driver; or (4) is of any size used in the transportation of materials found to be hazardous for the purposes of the Hazardous Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

Confirmation Test for alcohol testing means a second test, following a screening test that had a positive result, which provides quantitative data of alcohol concentration. For controlled substances testing, it means a second analytical procedure to identify the presence of a specific drug or metabolite; the confirmation test must be independent of the screen test and use a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.

Controlled Substances means the same as the term “drug;” and the district is required to test for marijuana, cocaine, opiates, amphetamines, and phencyclidine.

Designated Employer Representative (DER) is an employee identified by the district as authorized to receive communications and test results from service agents and who is authorized to take immediate action(s) to remove employees from safety-sensitive duties and make required decisions in the testing and evaluation processes. The individual must be an employee of the district.

Dilute Specimen is a specimen with creatinine and specific gravity values that are lower than expected for human urine.

Driver means any person who is required as part of his or her job responsibilities to possess a valid CDL. For the purpose of pre-employment testing/pre-duty testing only, the term driver includes a prospective employee for a position that requires a valid CDL.

Evidential Breath Testing Device (EBT) is a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath for alcohol concentration and placed on the NHTSA “Conforming Products List of Evidential Breath Testing Devices” (CPL).

Initial Drug Test is the test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Medical Review Officer (MRO) is a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving and reviewing laboratory results generated by an employer’s drug testing program.

Reasonable Suspicion is the belief that the driver has violated the alcohol or controlled substances prohibitions, based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver.

Refusal to Submit (to an alcohol or controlled substance test) occurs when a driver:

- A. Fails to appear for any test (except a pre-employment test) within a reasonable time as determined by the district, consistent with this procedure, after being directed to do so by the district.
- B. Fails to remain at the testing site until the testing process is complete.
- C. Fails to provide a urine specimen for any drug test required by district policy or federal rules.
- D. Fails to permit the observation or monitoring of the provision of the specimen when directly observed collection is required.
- E. Fails to provide a sufficient amount of urine when directed, if it has been determined through a medical evaluation that there was no adequate medical explanation for the failure.
- F. Fails to provide a saliva or breath specimen when required.
- G. Fails to provide a sufficient breath specimen when a physician has determined through a medical evaluation that there is no adequate medical explanation for the failure.
- H. Fails to sign the certification at step 2 of the alcohol testing form during an alcohol screening test.
- I. Fails or declines to take a second test as the employer or collector has directed.
- J. Fails to undergo a medical examination or evaluation as directed by the MRO as part of the verification process, or as directed by the DER.
- K. Fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector or behaves in a confrontational way that disrupts the collection process(s).
- L. Is reported by the MRO as having a verified adulterated or substituted test result.

Safety-Sensitive Function is all time from the time a driver begins to work or is required to be in readiness to work until the time he or she is relieved from work and all responsibility for performing work. For school districts the typical safety-sensitive function is operating a school bus or other commercial vehicle. Safety-sensitive functions shall include:

- A. All time at the district waiting to be dispatched.
- B. All time inspecting equipment or otherwise servicing any commercial motor vehicle at any time.

- C. All time spent at the driving controls of a commercial vehicle in operation.
- D. All time in or on a commercial vehicle.
- E. All time repairing, obtaining assistance, or remaining in attendance on a disabled vehicle.

Screening Test (initial test) in alcohol testing means an analytical procedure to determine whether a driver may have a concentration of alcohol in his or her system. In controlled substance testing, it means a test to eliminate “negative” urine specimens from further analysis or to identify a specimen that requires additional testing for the presence of drugs.

Split Specimen is the part of the urine specimen sent to the first laboratory and retained unopened, so it can be sent to a second laboratory in the event an employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

Stand Down is prohibited by federal regulations and consists of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test result.

Substance Abuse Professional (SAP) means a licensed physician (medical doctor or doctor of osteopathy) or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

Third Party Administrator (TPA)/Consortium Administrator is a service agent that provides or coordinates one or more drug/alcohol testing services to the district.

Verified Test is a drug test or validity testing result from a federally certified laboratory that has undergone review and final determination by the MRO.

Testing Circumstances, Pre-Employment Testing

- A. Controlled substance testing is required prior to the first time a driver performs a safety-sensitive function for the district.
 - 1. Testing prospective employees who have been offered employment in positions requiring possession of a valid CDL; and
 - 2. Testing current employees reassigned to positions requiring a valid CDL.

- B. No newly-hired or transferred driver shall perform safety-sensitive functions unless the employer has received a controlled substances test result from a medical review officer indicating a verified negative test result.
- C. The district shall post in the employment office a statement that drug testing is a part of the district's employment process and that satisfactory completion of such a test is a condition of employment.
 - 1. The notice will be included as part of the application packet.
 - 2. Individuals transferred to positions that may require drug testing will be notified in writing prior to the transfer.
- D. Candidates and district transfers selected for positions requiring drug testing will be offered the position pending a negative drug screening. This offer may be made verbally and shall be confirmed in writing. The supervisor will inform the prospective driver of the requirement to report for testing within 24 hours and the consequences for failure to do so.
- E. The MRO or designee will provide verbal communication to the DER within 48 hours of confirmed negative drug test results. The MRO will notify the DER immediately upon verification of positive test results. The MRO or designee will provide written test results to the district within 3 days of verbal notification.
- F. Upon receipt of a negative drug test, the prospective driver may commence safety-sensitive functions.
- G. Upon receipt of a positive drug test result, the prospective employee will be notified that he or she will no longer be considered for employment with the district. Potential transfer drivers with positive drug test results will not be permitted to transfer to a position requiring a CDL. Whether or not they continue in their present assignments with the district, are transferred to positions not requiring a CDL (with or without discipline), or are discharged will depend on the individual circumstances and the application of other policies, laws, and the collective bargaining agreement, if any. The district will provide the former applicant or potential transfer with a written list of resources available for evaluating and resolving problems associated with the use of controlled substances.
- H. The district shall notify a prospective driver of the results of a pre-employment controlled substance test conducted under this policy and procedure if the driver requests such results within 60 calendar days of being notified of the disposition of the employment application.
- I. These provisions will apply to employees not being transferred, but performing safety-sensitive functions for the first time in a position.
- J. Test results and consequences: Notification from the MRO of a positive controlled substance test result will be dealt with as indicated in paragraph G of this section.

K. Exceptions to pre-employment test requirements:

1. The district is not required to administer a pre-employment controlled substance test if the following conditions are met:
 - a. The driver has participated in a drug testing program in the previous 30 days; and
 - b. While participating in that program the driver must have either been tested for controlled substances in the previous 6 months, or participated in a random drug testing program for the previous 12 months; and
 - c. The district ensures that no prior employer of the driver has record of violations of any DOT controlled substance use rule for the driver in the previous 6 months.
2. In order to exercise the exception listed above, the district must first contact the controlled substance testing program(s) in which the driver has participated and obtain the following information before the prospective employee is permitted to perform any safety-sensitive functions:
 - a. The name(s) and address(s) of the program(s). This would generally be the driver's prior and/or current employer(s).
 - b. Verification that the driver participates or participated in the program.
 - c. Verification that the program conforms to the required procedures set forth in the DOT rules.
 - d. Verification that the driver has not refused to submit to controlled substance testing.
 - e. The date the driver was last testing for controlled substances.
 - f. The results of any drug tests administered in the previous 6 months and any violations of the controlled substance rules.

L. Pre-employment investigation of employees intended to perform safety-sensitive duties:

1. The district may obtain from any previous employer of a prospective driver, provided the driver has given his or her written consent, any information concerning the driver's participation in a controlled substances and alcohol testing program. Failure by a prospective driver to provide the district with a release for information that the district is required by federal rules to review will result in any prospective offers of employment being withdrawn.
2. The district must obtain and review the information listed below from any employer the driver performed safety-sensitive functions for in the previous 2 years. The information

must be obtained and reviewed no later than 30 days after the first time a driver performs safety-sensitive functions. The information obtained must include:

- a. Alcohol tests in which a positive alcohol concentration was indicated.
- b. Verified positive drug tests.
- c. Refusals to submit to a required alcohol or controlled substance test, including verified adulterated or substituted drug test results.
- d. Other violations of federal drug or alcohol testing rules.
- e. With respect to any employee who violated a federal drug or alcohol rule, documentation of the employee's successful completion of federal return-to-duty/follow-up testing requirements. If the previous employer does not have this information, the district must seek to obtain the information from the employee.

The information obtained from a previous employer includes any drug or alcohol test information obtained from previous employers under federal regulations.

If the driver stops performing safety-sensitive functions for the employer before expiration of the 30-day period or before the district has obtained the information listed above, the district must still obtain the information. For example, if a driver quits after one week of employment and the information has not been obtained, the district must still obtain the information.

3. The district must provide to each of the driver's previous employers of the past 2 years a written authorization from the driver for release of the required information. The release of information may take the form of personal interviews, telephone interviews, letters, or any other method that ensures confidentiality. The district must maintain a written, confidential record with respect to each past employer contacted.
 4. The district may not use a driver to perform safety-sensitive functions if the employer obtains information indicating the driver has tested positive for controlled substances or alcohol.
- M. Inquiry of the prospective employee: The district will also ask the prospective employee whether he or she has tested positive or refused to test on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain, safety-sensitive transportation work covered by the federal rules during the past 2 years. If the employee admits that he or she had a positive test or a refusal to test, the prospective employee must not be permitted to perform safety-sensitive functions for the district.

Testing Circumstances, Random Testing

The district will participate in the ESD testing consortium.

- A. Random alcohol testing: A minimum of ten percent (10%) of the drivers employed by participating districts in the consortium will be randomly selected for alcohol testing annually. The Federal Motor Carrier Safety Administration (FMCSA) may adjust the percentage required for annual random testing. Drivers shall only be tested for alcohol while they are performing safety-sensitive functions, immediately prior to performing or immediately after performing safety-sensitive functions. (Example: A transportation supervisor may be in the random selection pool because he or she is required to be on-call to drive and to have a CDL.)
- B. Random controlled substance testing: The consortium will annually administer substance abuse tests to a minimum of fifty percent (50%) of the drivers employed by districts participating in the consortium, randomly selected. The FMCSA may adjust the percentage required for annual random testing.
- C. Process:
 - 1. The consortium will ensure that random alcohol and substance abuse tests are unannounced and dates for administering the random tests are spread reasonably through the calendar year.
 - 2. The selection of drivers for random alcohol and controlled substance testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Under the selection process used, each driver shall have an equal chance of being tested each time selections are made. Each driver selected for testing shall be tested during the selection period.
 - 3. The district shall ensure that drivers selected for random alcohol and substance abuse tests proceed immediately to the testing site upon notification of being selected, unless the driver is performing a safety-sensitive function, in which case the driver will cease performing and proceed to testing as soon as possible.
 - 4. In the event a driver who is selected for a random alcohol and/or substance abuse test is absent, the district may keep the original selection confidential until the driver returns, if the driver is expected to be available for testing during the current designated testing period.
 - 5. If a driver's name is removed from the random testing pool for more than 30 days, the pre-employment testing provisions will be applied prior to the driver returning to perform safety-sensitive functions.

D. Test results and consequences (alcohol tests):

Results of a positive alcohol concentration will be reported to the district designee.

E. Results of a positive alcohol concentration or refusal to be tested:

1. The employee will be removed from performing safety-sensitive functions and terminated from employment with the district.
2. The employee will be provided a written list of resources available for evaluating and resolving problems associated with the misuse of alcohol.
3. Drug tests:

MRO will notify the district of all controlled substance test results.

The district shall notify drivers of the results of random tests for controlled substances conducted under this policy and procedure. If the test results are verified as positive, the district shall inform the driver which controlled substance or substances were verified as positive.

The district shall remove from safety-sensitive functions and terminate the employment of the driver upon receiving test results that are verified positive.

The driver will be provided a written list of resources available for evaluating and resolving problems associated with the use of alcohol and the misuse of controlled substances.

Testing Circumstances, Reasonable Suspicion

The district shall require a driver to submit to an alcohol or controlled substance test when the district has reasonable suspicion to believe the driver has violated the alcohol or controlled substances prohibitions of the district policy and procedure.

- A. Supervisor training: The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor or district official who is trained in accordance with the following requirements:
1. The district must ensure persons designated to determine whether reasonable suspicion exists to require a driver to undergo alcohol or controlled substance testing receive at least 60 minutes of training on alcohol misuse and at least 60 minutes of training on controlled substances use.
 2. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

B. Only one supervisor is required to make a reasonable suspicion determination before an alcohol or drug test can be required.

C. Reasonable suspicion alcohol testing:

Note: The mere possession of alcohol does not constitute a need for reasonable suspicion testing, which must be based on observations concerning the driver's appearance, behavior, speech, or body odor. However, possessing alcohol while on duty or operating a commercial vehicle is a violation of this policy, which must result in removal from performance of safety-sensitive functions and may result in discipline, up to and including discharge.

1. Reasonable suspicion alcohol testing is authorized only if the observations are made during, just before, or just after the period of the work day the driver is required to be in compliance.
2. The district's determination that reasonable suspicion exists to require the driver to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver.
3. The supervisor who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test.
4. If a reasonable suspicion alcohol test is not administered within 2 hours following the observations, the district shall prepare and maintain on file a record stating the reasons the alcohol test was not administered promptly. In addition, if not administered within 8 hours, the district shall cease attempts to administer the test and shall prepare and maintain the record listed above.
5. If reasonable suspicion exists, the district shall not permit the driver to perform or continue to perform safety-sensitive functions at least until an alcohol test is administered and the driver's alcohol concentration is negative.
6. Except as provided above, the district shall not take any action against a driver based solely on the driver's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test. Action will be taken if an alcohol test result is positive.
7. A written record shall be made of the observations leading to an alcohol test, signed by the supervisor or district official who made the observations.

D. Reasonable suspicion controlled substances testing:

1. The district's determination that reasonable suspicion exists to require the driver to undergo a controlled substances test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances.

2. The district will remove the driver from safety-sensitive functions at least until the verified test results are reported.
3. A written record shall be made of the observations leading to a controlled substances test and signed by the supervisor or district official who made the observations within 24 hours of the observations or before the results of the test are released, whichever is earlier.

E. Test results and consequences:

1. Alcohol tests

- a. Results of a positive alcohol concentration will be reported to the district designee.
- b. Results of a positive alcohol concentration or refusal to be tested:
 - (1) The employee will be removed from safety-sensitive functions and terminated from employment with the district.
 - (2) The employee will be provided a written list of resources available for evaluating and resolving problems associated with the misuse of alcohol.

2. Drug tests

- a. The district shall notify a driver of the results of reasonable suspicion testing for controlled substances conducted under this policy and procedure if the test results are verified as positive. The district shall also inform the driver which controlled substances were verified as positive.
- b. A negative test result clears the driver to return to performing safety-sensitive functions.
- c. The district shall remove from safety-sensitive functions and terminate the employment of the driver upon receiving test results that are verified as positive.
- d. The employee will be provided a written list of resources available for evaluating and resolving problems associated with the misuse of controlled substances.

Testing Circumstances, Post-Accident Testing

All employees required to possess a CDL and perform safety-sensitive functions as part of their job responsibilities will be provided with necessary post-accident information, procedures, and instructions prior to commencing job responsibilities.

A. Driver's responsibility: As soon as practicable following an accident as defined in this procedures, the driver shall make every attempt to contact his or her supervisor or a district representative.

1. The driver will be given instructions for obtaining alcohol and substance abuse testing.
2. A driver who is subject to post-accident testing must remain available for testing, or the district may consider the driver to have refused to submit to testing.
3. The driver subject to post-accident testing must refrain from consuming alcohol for 8 hours following the accident, or until he or she submits to an alcohol test, whichever comes first.

B. District responsibility:

1. Upon receiving a report of an accident, the district shall test the driver (if surviving) for alcohol and controlled substances as soon as practicable. Note: A driver who receives a citation under state or local law within 8 hours of the accident for a moving traffic violation shall be tested for alcohol. A driver who receives a citation under state or local law within 32 hours of the occurrence for a moving traffic violation arising from the accident shall be tested for controlled substances.
2. The district representative will instruct the driver in obtaining the required drug and alcohol tests.
3. The district will determine if the driver will be placed on paid leave pending the results of the drug test.

C. Post-accident alcohol testing:

1. The driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed to have refused to submit to the testing.
2. If the test is not administered within 2 hours following the accident, the district shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If the test is not administered within 8 hours following the accident, the district shall prepare and maintain on file a record stating the reasons the test was not administered.

D. Post-accident controlled substance testing:

The district must test the driver for controlled substances within 32 hours following an accident. If the district cannot administer the test within 32 hours following an accident, attempts to administer the test shall cease. The district shall prepare and maintain on file a record stating the reasons the test was not promptly administered.

Nothing in this procedure should be construed to require the delay of necessary medical attention for injured people following an accident, or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

- E. The results of a breath or blood test for the use of alcohol, or a urine test for the use of controlled substances, conducted by federal, state, and/or local officials having independent authority to conduct the test shall be considered to meet the requirements of this procedure if the results are released to the district.
- F. Post-accident test results and consequences:
 - 1. Alcohol testing
 - a. Drivers receiving a positive post-accident alcohol test will be removed from duty. The district may follow disciplinary processes per district policy and procedures and apply other applicable laws, district policies or practices, and collective bargaining provisions, if any.
 - b. Drivers receiving a positive post-accident alcohol test will be removed from performing safety-sensitive functions and are subject to immediate termination of employment. The district will provide the driver with a written list of the resources available for evaluating and resolving problems associated with the misuse of alcohol.
 - 2. Drug testing
 - a. Upon receipt of a negative test result for controlled substances, the district will immediately notify the driver and return the driver to active duty, unless other laws, district policies or practices, or collective bargaining agreement provisions, if any, apply.
 - b. The district shall notify a driver of the results of post-accident tests for controlled substances conducted under this policy and procedure if the test results are verified as positive. The district shall also inform the driver which controlled substance or substances were verified as positive.
 - c. The district shall remove the driver from safety-sensitive functions and terminate the employment of the driver upon receiving test results that are verified as positive. The district will provide the driver with a written list of the resources available for evaluating and resolving problems associated with the use of controlled substances.

Other Violations of Policy

- A. The following misconduct is also a violation of this policy, equal in consequences to a positive drug or alcohol test result:

1. Being on duty or operating a vehicle while the driver possesses alcohol.
2. Using alcohol while performing safety-sensitive functions.
3. Using alcohol within 8 hours of an accident or before undergoing a post-accident alcohol test, whichever comes first.
4. Refusing to submit to an alcohol or controlled substances test required by post-accident, random, reasonable suspicion, or follow-up testing requirements.
5. Using alcohol or being under the influence of alcohol within 4 hours of going on duty, operating, or having physical control of a commercial vehicle.
6. Reporting for duty or remaining on duty when using any controlled substance, except when instructed by a physician who has advised the driver and the district that the substance does not adversely affect the driver's ability to safely operate a vehicle. Drivers are required to inform the district of any therapeutic drug use.

B. Consequences: The driver shall be removed from performing safety-sensitive functions and terminated.

Prescription Medications

No driver may possess any prescription medication or report to work while using any prescription, except when he or she is under a prescribing authority's care and the prescribing authority has advised the driver that the substance does not affect his or her ability to operate a commercial motor vehicle. The use of medication that could affect a driver's safe job performance is prohibited while working. The driver shall report to the district human resources representative, who is responsible for maintaining confidential medical files, the use of any prescribed medication and, without identifying the medication, shall provide a certificate from the driver's prescribing authority that the use of the medication will not impair his or her ability to safely perform his or her duties. If, as a result of testing under this policy, the driver is found to have the presence of controlled substances in the body, which is a result of the use of his or her legally-prescribed medication that has not been reported, the driver shall be removed from service without pay until it is determined that the use of medication will not impair his or her ability to safely perform assigned duties.

Alcohol Testing Procedure

The district participates in the ESD testing consortium.

A. Alcohol tests will be administered by trained BATs utilizing EBT devices. The EBT shall have a quality assurance plan developed by the manufacturer.

- B. Alcohol testing will be conducted in a location that affords visual and aural privacy to the individual being tested sufficient to prevent unauthorized persons from seeing or hearing test results.
 - 1. All necessary equipment, personnel, and materials for breath testing shall be provided at the location where testing is conducted.
 - 2. In unusual circumstances (e.g., when it is essential to conduct a test outdoors at the scene of an accident), a test may be conducted at a location that does not fully meet the requirements in A. and B. above.
- C. The individual being tested will be required to provide the BAT positive identification such as a photo ID card or identification by an employer representative. The employee may request the BAT to provide positive identification.
- D. The BAT shall explain the testing procedure to the individual, and the individual shall be required to sign the Breath Alcohol Testing Form. Failure to do so constitutes a refusal to be tested.
- E. Alcohol test results:
 - 1. The BAT shall show the individual the test results.
 - 2. If the result of the screening test is negative, the BAT shall sign the certification form. The BAT shall transmit the result to the district in a confidential manner promptly after the test administration.
 - 3. If the result of the screening test is positive, a confirmation test shall be conducted not less than 15 nor more than 30 minutes after the completion of the screening test.
 - a. The BAT will explain the procedures for the confirmation test.
 - b. The BAT shall show the individual the confirmation test results.
 - c. The BAT and the individual shall sign the test certification form. If the individual does not sign the certification form, it is not considered a refusal to be tested. The BAT shall note the individual's failure to sign the certification form.
 - d. The BAT shall immediately transmit the results of the test to the designated district representative.
 - (1) The district will verify the identity of the BAT providing the information.
 - (2) The BAT shall follow the initial transmission by providing to the district the employer's copy of the breath alcohol testing form.

F. Refusal to test and uncompleted tests:

1. Refusal by an employee to complete and initially sign the breath alcohol testing form, to provide an adequate amount of breath, or otherwise cooperate with the testing process in a way that prevents the completion of the test shall be noted by the BAT on the certification form. The testing process shall be terminated and the BAT shall immediately notify the district.
2. If a screening or confirmation test cannot be completed or if an event occurs that would invalidate the test, the BAT shall, if practicable, begin a new screening or confirmation test, as applicable, using a new breath alcohol testing form.

G. If an individual being tested attempts and fails to provide an adequate amount of breath, the district shall direct the individual to obtain, as soon as practical after the attempted provision of breath, an evaluation from a licensed physician who is acceptable to the district concerning the employee's medical ability to provide an adequate amount of breath. If the physician determines a medical condition could have precluded the employee from providing an adequate amount of breath, the employee's failure to provide an adequate amount of breath shall not be deemed a refusal to take a test. If the physician is unable to make the determination that a medical condition has, or with a high degree of probability could have, prevented the employee from providing an adequate amount of breath, the employee's conduct will be considered a refusal to take the test. The physician shall provide the district a written statement on the basis for his or her conclusion to the employer.

H. An invalid test shall be deemed negative.

Alcohol Test Results and Consequences

- A. Results of negative alcohol concentration will be reported to the DER. The driver is then clear to perform safety-sensitive job functions.
- B. Results of a positive alcohol concentration or refusal to be tested:
 1. The employee will be removed from performing safety-sensitive functions and terminated from employment with the district.
 2. The employee will be provided a written list of resources available for evaluating and resolving problems associated with the misuse of alcohol.

Drug Testing Procedures

The district participates in the ESD testing consortium.

- A. The district/consortium will test for marijuana, cocaine, opiates, amphetamines, and phencyclidine using the split sample method of urine collection. Under split sample procedures, a driver whose urine sample has been reported as positive for a controlled

substance, or adulterated or substituted specimen, has the option, within 72 hours of being notified by the MRO, of having the other portion of the split sample tested at another laboratory. If the second portion of the sample confirms the original result, then the driver is subject to sanctions provided in this policy. If the second portion produces a negative result or for any reasons the second portion is not available, the test is canceled.

- B. The consortium's designated drug testing laboratory shall be certified under Department of Health and Human Services Mandatory Guidelines for Federal Workplace Drug Testing Programs. It shall have a quality assurance program, which encompasses all aspects of the testing process, including but not limited to specimen acquisition, chain of custody security and reporting of results, initial and confirmatory testing, and validation of analytical procedures. Quality assurance procedures shall be designed, implemented, and reviewed to monitor the conduct of each step of the process of testing for drugs.
- C. The district/consortium shall have one or more designated collection sites or independent medical facilities that have all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and shipping or transportation of urine specimens to a certified drug testing laboratory.
- D. Procedures for collecting urine specimens shall allow individual privacy unless there is reason to believe that a particular individual may alter or substitute the specimen to be provided.
- E. The collection site person shall take precautions to ensure that a urine specimen is not adulterated or diluted during the collection procedure and that information on the urine bottle and on the urine custody and control form can identify the individual from whom the specimen was collected.
- F. When an individual arrives at the collection site, the collection site person shall ensure that the individual is positively identified as the employee selected for testing. If the individual requests, the collection site person shall show his or her identification to the employee.
- G. If the individual fails to arrive at the assigned time, the collection site person shall contact the appropriate district representative to obtain guidance on the action to be taken.
- H. The collection site person shall explain the collection process to the individual. The collection site person shall instruct the individual to provide at least 45 ml of urine under the split sample method of collection.
- I. Drug testing results:
 - 1. The laboratory shall report test results to the district's designated MRO within an average of 5 working days after receipt of the specimen by the laboratory. The laboratory shall report as negative all specimens that are negative on the initial test or negative on the confirmatory test.

2. The MRO shall report to the district whether the test is positive or negative and may report the drug(s) for which there was a positive test.

J. Positive drug test results:

1. Prior to making a final decision to verify a positive test result for an individual, the MRO shall give the individual the opportunity to discuss the test result with him or her.
 - a. The MRO shall contact the individual directly, on a confidential basis, to determine whether the employee wishes to discuss the test results.
 - b. If, after making all reasonable efforts and documenting them, the MRO is unable to reach the individual directly, the MRO shall contact a designated district management official who shall direct the individual to contact the MRO as soon as possible.
 - c. If, after making all reasonable efforts, the designated management official is unable to contact the employee, the district may place the employee on unpaid leave until the employee is contacted.
2. If an employee is notified of a positive test by the MRO, the individual may request that the MRO direct that the split specimen be tested in a different federal Department of Health and Human Services certified laboratory for the presence of the drug(s) for which a positive result was obtained in the test of the primary specimen.
 - a. The MRO shall notify each driver who has a confirmed positive test that the driver has 72 hours in which to request a test of the split specimen, if the test is verified as positive. If the driver requests an analysis of the split specimen within 72 hours of having been informed of a verified positive test, or adulterated or substituted specimen, the MRO will direct in writing that the laboratory provide the split specimen to another Department of Health and Human Services certified laboratory for analysis.
 - b. The result of the test of the split specimen shall be transmitted by the second laboratory to the MRO.
 - c. The employee will be placed on unpaid leave of absence pending the results of the test of the split specimen.
3. The MRO will report the drug test results as either confirmed, failed to confirm – both tests canceled, or test not performed – both tests canceled. If the result of the test of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the MRO shall cancel the test and report the cancellation and the reasons for it to the DOT, the district, and the employee. The district will return the employee to active duty and pay for the period of the leave.

4. The MRO may verify a test as positive without having communicated directly with the employee in the following circumstances:
 - a. The employee expressly declines the opportunity to discuss the test; or
 - b. The district has contacted the employee and instructed the employee to contact the MRO, and more than 5 days have passed since the date the employee was contacted.
 5. If the MRO determines that there is a legitimate medical explanation for the positive test result, the MRO will report the test result to the district as negative.
 6. Following verification of a positive test result, the MRO shall refer the case to the designated district official empowered to recommend or take administrative action, or both.
- K. Negative test results: The duties of the MRO with respect to negative results are purely administrative. The MRO will report negative test results to the employer on the MRO form.

Drug Test Results and Consequences

- A. After receiving the initial report of a verified positive drug test, the district shall immediately remove the employee involved from performing safety-sensitive functions and terminate the driver's employment. Removal of the employee from performing safety-sensitive functions shall not be delayed until the district receives the written report or result of the split specimen test.
- B. After receiving the initial report of verified adulterated or substituted drug test results, the district shall consider this a refusal to test and immediately remove the employee involved from performing safety-sensitive functions and terminate the driver's employment. Removal of an employee from performing safety-sensitive functions shall not be delayed until the district receives the written report or the result of a split specimen test.
- C. If the district receives a test result indicating the employee's specimen was dilute:
 1. The district will treat a dilute positive test as a verified positive test.
 2. A dilute negative test for current employees requires that their next drug test be collected under direct observation.
 3. A dilute negative result on a pre-employment test requires that the prospective employee be tested again immediately. Direct observation of collection will not be used unless there are other reasons to justify it.

Referral, Evaluation, and Treatment

When a driver receives a positive alcohol or controlled substances test under this policy or violates the other prohibitions of this policy, the district will provide the driver with information regarding the resources available to the driver for evaluating and resolving problems associated with the misuse of alcohol and the use of controlled substances. The district is not required to provide any of these services under this policy. Other district policies and provisions in the collective bargaining agreement, if any, may have application to the provision of service.

Test Costs and Compensation

If the district collective bargaining agreement covers testing costs and driver compensation, those provisions take precedence over this procedure.

- A. The district will pay for and compensate drivers for their time for the following alcohol and/or initial controlled substances tests: random, reasonable suspicion, and post-accident.
- B. If a driver's initial controlled substances test is positive and the driver requests that the split sample be tested, the second test will be at the employee's expense. If the retest is negative, the district will reimburse the employee for the cost of the split sample test.

Record Retention and Confidentiality

- A. The district, the ESD drug and alcohol testing consortium, or the contractor shall maintain records of its alcohol misuse and controlled substances use prevention programs.
- B. The records shall be maintained in a secure location with controlled access.
- C. All records required in this procedure shall be made available for inspection at the district's principal place of business within 2 business days after a request has been made by an authorized representative of the FMCSA.
- D. The records will be maintained in accordance with the following schedule:
 - 1. Five years:
 - a. Records of driver positive alcohol test results
 - b. Records of driver verified positive controlled substances test results
 - c. Documentation of refusals to take required action
 - d. Calibration documentation
 - e. Driver evaluation and referrals

- f. A copy of each annual calendar year summary required by the FMCSA
 2. Two years:
 - a. Records related to the alcohol and controlled substances collection process (except calibration of EBTs)
 - b. Records of training
 3. One year: Records of negative and canceled controlled substances test results and of positive alcohol test results
 4. Indefinitely: Records related to the education and training of BATs, screening test technicians, supervisors, and drivers shall be maintained by the district while the individual performs the functions that require the training and for two years after ceasing to perform those functions.
- E. Types of records:
1. Records related to the collection process:
 - a. Collection logbooks if used
 - b. Documents relating to the random selection process
 - c. Calibration documentation for EBTs
 - d. Documentation of BAT training
 - e. Documents generated in connection with decisions to administer reasonable suspicion alcohol or controlled substances tests
 - f. Documents generated in connection with decisions to administer post-accident tests
 - g. Documents verifying the existence of a medical explanation of the inability of a driver to provide adequate breath or to provide a urine specimen for testing
 - h. Consolidated annual calendar year summaries as required by the FMCSA
 2. Records related to a driver's test results
 - a. The employer's copy of the alcohol test form, including the results of the test
 - b. The employer's copy of the controlled substances test chain of the custody and control form

- c. Documents sent by the medical review officer to the employer
 - d. Documents related to the refusal of any driver to submit to an alcohol or controlled substances test administered under this policy and procedure
 3. Records related to other violations of this policy and procedure
 4. Records related to evaluations
 - a. Records pertaining to a determination by a SAP concerning a driver's need for assistance
 - b. Records concerning a driver's compliance with recommendations of the substance abuse professional
 5. Records related to education and training
 - a. Materials on alcohol misuse and controlled substance use awareness, including a copy of the district's policy on alcohol misuse and controlled substance use
 - b. Documentation of compliance with the requirements of the DOT requiring the district's obligation to promulgate a policy on the misuse of alcohol and use of controlled substances
 - c. Records of the driver's signed receipt of education materials
 - d. Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol and/or controlled substance testing based on reasonable suspicion
 - e. Certification that supervisor training complies with DOT requirements
 6. Records relating to drug testing
 - a. Agreements with collection site facilities, laboratories, medical review officers, and consortia
 - b. Names and positions of officials and their role in the employer's alcohol and controlled substances testing program(s)
 - c. Monthly laboratory statistical summaries of urinalysis requires by DOT regulations
 - d. The district's drug testing policy and procedures
- F. Reporting of results in a management information system:

1. The district or the consortium shall prepare and maintain an annual calendar year summary of the results of its alcohol and controlled substances testing programs performed under DOT regulations.
2. By March 15 of each year, the annual summary covering the previous calendar year will be completed.
3. If the district is notified during the month of January of a request by the FMCSA to report the district's annual calendar year summary information, the district shall prepare and submit the report to the FMCSA by March 15 of that year.

G. Access to records:

1. Except as required by law or expressly authorized or required in this section, the district shall not release driver information that is contained in records required to be maintained under these procedures.
2. A driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests.
 - a. Upon written request, the district shall promptly provide the records requested by the driver.
 - b. The district representative shall document the written request and obtain a written verification that the records were received by the driver.
3. The district shall permit access to all facilities utilized in complying with the requirements of this policy and procedures and all related records to the Secretary of Transportation, any DOT agency, or any state or local officials with regulatory authority over the district or any of its drivers.
4. Records shall be made available to a subsequent employer upon receipt of a written request from a driver. Release of such information by the employer receiving the information is permitted only in accordance with the terms of the employee's consent.
5. The district shall release information regarding a driver's records as directed by specific, written consent of the driver authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's consent or in connection with legal proceedings.

PERSONNEL

Professional Boundaries Between Staff and Students

The board of directors expects all staff members to maintain the highest professional, moral and ethical standards in their interactions with students. Staff members are required to maintain an atmosphere conducive to learning through consistently and fairly applied discipline and established and maintained professional boundaries. For purposes of this policy, the term “staff member” refers to employees, volunteers and contractors working on behalf of the district.

The interactions and relationships between staff members and students must be consistent with the educational mission of the district. These interactions and relationships must be consistent with district policies and procedures, including but not limited to policies relating to standards of professional and acceptable conduct. These interactions and relationships must also take place within appropriate professional boundaries both within and outside of the educational setting.

Staff members will not intrude on a student’s physical and emotional boundaries unless the intrusion is necessary to serve an educational or safety-related purpose. An educational purpose is one that relates to the staff member’s job duties. Additionally, staff members are expected to be aware of the appearance of impropriety in their own conduct and the conduct of other staff when interacting with students. Staff members are expected to refrain from engaging in conduct with students which is improper, or which creates the appearance of impropriety.

The board of directors supports the use of technology to communicate for educational purposes. However, staff members are prohibited from inappropriate online socializing with students or from engaging in any conduct on social networking web sites that violates the law, district policies or other generally recognized professional standards.

Employees whose conduct violates this policy may face discipline up to and including termination, consistent with the district’s applicable policies and collective bargaining agreements.

Cross References:	Board Policy 3200	Student Rights and Responsibilities
	Board Policy 3207	Prohibition of Harassment, Intimidation, and Bullying
	Board Policy 3208	Sexual Harassment
	Board Policy 5111	Disclosures and Background Checks for Employees
	Board Policy 5121	Unprofessional Conduct
	Board Policy 5223	Conflicts of Interest
	Board Policy 5242	Communications Responsibility
	Board Policy 5255	Disciplinary Action and Discharge
	Board Policy 5430	Volunteers
	Board Policy 5440	Student Teachers

PASCO SCHOOL DISTRICT NO. 1

5260

Legal References:	RCW 28A.400	Crimes against children
	RCW 28A.405.470	Crimes against children – Mandatory termination of certificated employees - Appeal - Recovery of salary or compensation by district
	RCW 28A.405.475	Termination of certificated employee based on guilty plea or conviction of certain felonies - Notice to superintendent of public instruction – Record of notices
	RCW 28A.410.090	Revocation or suspension of certificate or permit to teach - Criminal basis – Complaints - Investigation - Process.
	RCW 28A.410.095	Violation or noncompliance – Investigatory powers of superintendent of public instruction - Requirements for investigation of alleged sexual misconduct towards a child - Court orders - Contempt - Written findings required
	RCW 28A.410.100	Revocation of authority to teach - Hearings
	WAC 181-87	Professional Certification - Acts of Unprofessional Conduct
	WAC 181-88	Sexual Misconduct, Verbal and Physical Abuse - Mandatory Disclosure – Prohibited Agreements

Adoption Date: August 24, 2010

PERSONNEL

Payroll Deductions

The district shall make payroll deductions for employees as required by law, such as Federal Income Tax, Federal Income Contribution Act, Washington Retirement Systems, industrial insurance and absence not covered by authorized leave.

Direct deposit of salary or wages, or deductions for voluntary contributions shall be made subject to approval by the superintendent or designee and with signed employee authorization. Deductions for voluntary contributions may include the following: medical and/or life insurance, salary insurance, union trust plans, tax-sheltered or tax deferred annuities, association or union dues, United Way, and duly-registered political action committee contributions.

Legal References:	RCW 28A.400.250	Tax-deferred annuities
	RCW 41.04.020	Public employees – Payroll deductions authorized
	RCW 41.04.240	Direct deposit of salaries into financial institutions authorized
	RCW 41.04.230	Payroll deductions authorized
	RCW 41.50.770	Deferred Compensation plans

Adoption Date: January 22, 2008

PERSONNEL

Garnishment

When so ordered by the Superior or District Court, the district shall comply with the directives of a Writ of Garnishment filed against an employee. The superintendent or designee will review each garnishment or action for collection of debts. Such information will become a part of the employee's record.

The district shall not discharge an employee because a creditor has subjected or attempted to subject unpaid earnings of the employee to a writ of wage garnishment directed to the district. This provision shall not apply if the garnishments on three or more separate indebtednesses are served upon the district within any period of twelve (12) consecutive months.

Legal References:	RCW 6.27.040	State and public corporations subject to garnishment
	6.27.170	Garnished employee not to be discharged--exception

Adoption Date: November 8, 2005

PERSONNEL

Garnishment

Garnishment shall mean a legal stoppage of a specified sum from wages to satisfy a creditor. Following such notice to the district, the notice shall be:

- A. Forwarded to the human resources department for purposes of recording and authorizing prompt action, and
- B. Forwarded to payroll to make the necessary changes to the employee's wages, and to draft a warrant for the garnished amount to be written and forwarded to the creditor as directed.

The human resources department will notify the employee in writing that the garnishment is being processed, and will direct the employee to seek debt counseling. The employee will also be notified that, if garnishments on three or more separate indebtednesses are served within a period of twelve (12) consecutive months, disciplinary action, including termination of employment, may result.

PERSONNEL

Acceptance of Honoraria and Other Payments

No employee of the Pasco School District, while at the same time receiving compensation for his or her services from the district, may also receive and retain payment for services from another agency, person, or other entity. Such payments, if received, shall be refunded to the district.

Further, any employee away from the district on travel and whose travel expenses are paid by the district, must refund to the district any honorarium or other payment for services rendered at any time during the period of travel.

The sole exception to these stipulations is approved military leave, which is provided for in Pasco School District policy #5324.

Nothing in this policy shall be construed as preventing an employee from performing compensated work for another employer outside of the employee's regular district work schedule, provided the outside work does not in any way interfere with the district employment.

Legal References:	RCW 42.52.130	Honoraria
	RCW 42.23.070	Prohibited acts

Adoption Date: April 10, 2007

PERSONNEL

Employee Identification Badges

The board of directors recognizes that providing a safe and secure working and learning environment is essential to the operation of the district. Identification badges are an important part of an overall enhanced security program to protect both staff and students from exposure to trespassers. These badges will also identify employees for emergency personnel in the event of an incident.

All district employees, including substitute and temporary employees, shall be required to wear identification badges during working hours. The badge must contain a photograph of the employee and their name and building assignment. The badge must be visible at all times during the work day and worn between the shoulders and waist facing in the forward direction. Employees who do not have their badge must wear a temporary one for that day.

Cross Reference:

Board Policy 4311

Visitors

Adoption Date: November 8, 2005

PERSONNEL

Personnel Leaves

Upon the recommendation of the superintendent and in accordance with the law and district policy, employees may be granted leaves pursuant to the following conditions, unless the applicable collective bargaining agreement provides otherwise:

- A. Paid Leave: Employees will be allocated paid leave benefits in accordance with board policy and state and federal law. After accrued paid leave benefits are exhausted, any additional leaves granted at the discretion of the superintendent or designee will be without pay. If leaves are to include expenses to be paid by the district, that also shall be specifically stated.
- B. Leaves in Units of Full or Half Days. Leaves may be granted in units of half or full days only, unless otherwise allowed by the superintendent or designee.
- C. Return from Leaves. At the end of any approved leave shorter than 20 working days in duration, the affected employee is entitled to return to the position held when the leave commenced or to a comparable position.

After approved leaves of longer duration, an employee is entitled to a position in the district subject to the availability of a position for which the staff member is qualified, except as otherwise provided by law or district policy.

- D. Prior Notice: Reasonable advance notice is required for all leaves, with specific advance notice as stated in district policy or procedures.
- E. Exceptional Circumstances: The superintendent, with approval of the board, may grant leaves to individuals who might not otherwise be covered, or extend leave in excess of the number of days provided by district policy, in unusual or exceptional circumstances.
- F. Leaves Prorated for Part-Time Employees: Paid leave benefits granted to part-time employees shall be prorated according to the ratio of days and/or hours worked to the number of days and/or hours worked by a full-time staff member in the same or a similar position.
- G. Noncumulative: Leaves shall be noncumulative from year to year unless otherwise stated.
- H. Duration: A leave of absence may be granted for no longer than one year, upon the recommendation of the Superintendent or designee. If such leave is granted due to extended illness rendering the employee unable perform the duties of his or her position, up to one additional year of leave may be granted by action of the board.

PERSONNEL

Personnel Leaves

Accrued leave provides security for employees against the expense of extended illness or other unforeseen circumstances. Regular and consistent attendance is also important for student learning. For these reasons, the District expects employees to use no more than the contractually-provided paid leaves or paid leaves as provided by district policy.

Prior approval from the supervisor is required prior to use of personal days or (if applicable) vacation days. Prior approval is also required for leaves which allow such advance notice.

Unless stated otherwise in a collective bargaining agreement, requests for unpaid leave must be approved by the Director of Human Resources or designee. Unpaid leave may only be granted in very limited circumstances. Examples include illness or reasons covered under the Family and Medical Leave Act, public or political service, association leave, military leave, religious reasons, education leave, or other similar or unique circumstances. Any written request for unpaid leave will be reviewed on a case-by-case basis, according to district policy and the employee's collective bargaining agreement. Other requests for unpaid leave will not be approved.

Adoption Date: February 27, 2007

PERSONNEL

Sick Leave

The district shall grant each full-time employee of the district twelve (12) sick leave days annually. Unused sick leave may be accumulated on a year-to-year basis up to a maximum of the number of contract days in a contract period, not to exceed one year.

The district may require a signed statement from a licensed medical provider for any absence in excess of five (5) consecutive days. If sick leave benefits are exhausted, leave without pay may be granted.

Uses. Sick leave may be used for the following reasons:

- (1) In case of personal illness or injury;
- (2) To care for: (a) a child of the employee with a health condition that requires treatment or supervision; or (b) a spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition or an emergency condition. "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is: (a) Under eighteen years of age; or (b) eighteen years of age or older and incapable of self-care because of a mental or physical disability. Other accrued paid leave may also be used for this purpose, at the employee's choice.
- (3) Emergency leave, up to five (5) days maximum per occurrence. Emergency leave will be granted for the following reasons: (a) illness or hospitalization of an employee's family not otherwise covered by the sick leave policy; (b) serious damage to personal property; (c) bereavements not covered by the bereavement leave policy; (d) legal proceedings in which the court mandates attendance by the employee for non-district business, not otherwise allowed by policy 5325 (Jury Duty and Subpoena Leave); (e) other emergencies which make it impossible for an employee to work. General conditions under which emergency leave will be granted include: (i) the problem must have been suddenly precipitated, be of such a nature that planning is not possible, or that planning would not have relieved the necessity of the employee's absence; and (ii) the problem must be serious and not one of minor importance or mere inconvenience.

A written application for emergency leave (absence profile) must be submitted to the supervisor.

- (4) Birth or adoption of a child. For adoptive parents or stepparents, leave will be granted at the time of birth or initial placement for adoption of a child when the child lives in the employee's household at the time of placement. The district shall grant leave upon the same terms to male employees as is available to female employees upon the birth or adoption of the employee's child.

Requests for leave due to the birth or adoption of a child must be submitted in writing to the Director of Human Resources not less than thirty (30) days prior to the beginning date of the leave. The notice shall include the approximate beginning and ending dates of the leave requested.

Attendance Incentive. In January of the year following any year in which a minimum of 60 days of sick leave is accrued, and each January thereafter, any eligible employee may exercise an option either:

- (1) to receive remuneration for unused sick accumulated in the previous year in an amount equal to one day's monetary compensation of the employee for each four full days of accrued sick leave in excess of 60 days; or
- (2) to add that year's sick leave to the employee's accumulated sick leave.

All such leave for which the employee receives compensation shall be deducted from accumulated sick leave at the rate of four (4) days for every one (1) day's monetary compensation.

An employee may cash-out all accrued sick leave at the above rate at the time of separation due to retirement, provided that the retiree provides documentation from the appropriate state retirement system. Such leave shall be accrued at the rate of no more than one (1) day per month. Such request to cash-out shall be submitted for payment within sixty (60) days of the date of the last regularly-scheduled salary payment.

Earned sick leave shall not be accumulated in excess of 180 days as of December 31 of each year, except that an employee may exercise the annual January cash-out option for all days accumulated in excess of this maximum.

The administrator of the estate of a deceased employee may also cash-out all accumulated sick leave at the rate of one (1) day's monetary compensation for every four (4) days of leave. A certified copy of the death certificate must be submitted to the district office or proper documentation of court appointment as administrator of the estate.

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Legal References:	RCW 28A.400.210	Employee attendance incentive program — Remuneration for unused sick leave
	28A.400.300	Hiring and discharging employees — Leaves for employees — Seniority and leave benefits, retention upon transfers between schools
	49.12.270	Washington Family Care Act
	WAC 392-136	Conversion of Accumulated Sick Leave
	296-130	Family Care
	AGO 1963-64 No.98	Sick leave for certificated and noncertificated employees
	AGO 1980 No.22	Limitation on compensated leave for school district employees

Adoption Date: February 14, 2006

PERSONNEL

Maternity Leave

An employee may take a leave of absence for the period of actual disability attributable to pregnancy or childbirth. This period of disability shall extend from the date of birth for a period of not more than 60 days, unless an actual period of disability which begins prior to the date of birth or continues beyond 60 days is otherwise verified in writing by the employee's physician.

The employee may use any accumulated, paid leave during the period of maternity disability. If the employee's accumulated paid leave is exhausted before or during the period of maternity disability, the district shall grant a leave of absence without pay or fringe benefits, upon the employee's request, for the 60 day period or the remainder of the period of actual disability.

During any unpaid portion of such leave of absence, the employee may pay the premiums for any district insurance plans to keep coverage in effect for the employee and her family.

Notice Required. A pregnant employee should notify her immediate supervisor and the Human Resources Office by the beginning of the fifth month of pregnancy. The notice shall be in writing and may include a request for any of the following:

- A. Maternity leave for the period of her actual disability due to pregnancy or childbirth;
- B. Family leave under the terms of the Family and Medical Leave Act for qualified employees for a period of up to 12 weeks, in addition to any period of maternity disability leave. The district will extend its portion of the employee's health benefit during this period of unpaid leave;
- C. Leave of absence for a period of up to the beginning of the next school term or school year. Such extended leave of absence may be approved at the discretion of the superintendent or designee based upon consideration of educational program needs and the desires of the staff member, together with the recommendation of her personal physician or licensed practitioner; or
- D. Resignation of employment.

The notice to the district shall include the approximate beginning and ending dates for the leave.

Employment Conditions. A pregnant employee may continue working as long as she is able to perform her normal duties, with the approval of her physician or licensed practitioner.

The employee may return to work when physically able to perform her duties. Certification will be required from the treating physician/provider that the employee may return to work.

No later than 30 days after the date of birth, the employee shall notify the Director Human Resources of the specific date when she shall return to work. Unless an earlier date of return is approved, the employee shall give at least 14 days advance notice of the actual date of return.

If the employee continues to experience a disability due to a condition attributable to pregnancy or childbirth which prevents the employee from performing her duties on the scheduled date of return, an additional period of unpaid leave of absence may be approved at the discretion of the superintendent or designee according to the terms of this policy.

Assignment Upon Return. An employee who has taken a leave of absence only for the actual period of disability relating to pregnancy or childbirth and/or up to twelve weeks of leave under the Family and Medical Leave Act shall return to the same assignment, or a similar position for which she is qualified with at least the same pay and benefits, as she held prior to the leave.

Upon return from an extended maternity leave, a staff member shall be entitled to a position in the district subject to the availability of a position for which she is qualified. An effort shall be made to place the staff member in her original position or in a comparable position.

Right To Apply For Other Leave. Nothing in this policy shall preclude a staff member's right to apply for any other applicable leave as provided by board policy or the collective bargaining agreement.

Cross Reference:	Board Policy 5320	Personnel Leaves
Legal References:	RCW 28A.400.300	Hiring and discharging employees — Leave for employees
	49.78	Family Leave
	WAC 162-30-020	Maternity
	296-134	Family Leave
	P.L. 103-3	Family and Medical Leave Act of 1993

Adoption Date: January 10, 2006

PERSONNEL

Family and Medical Leave

Eligibility: Every employee who has been employed by the district at least one year *and* for at least 1,250 hours in the preceding twelve-month period is eligible for family and medical leave. Family and medical leave will be granted concurrent with any applicable paid leave available to the employee. If the employee has no paid leave available, unpaid leave will be granted. For employees who are not eligible for family and medical leave, all other district leave policies will apply.

Reasons for leave. Eligible employees will be granted family and medical leave, including applicable paid and unpaid leave, for a period of twelve (12) workweeks during any twelve (12) month period for the following reasons:

1. To care for a newborn child, an adopted child of the employee who is under the age of eighteen (18) at the time of placement for adoption, or a newly placed foster child; or
2. To care for a spouse, parent or child of the employee who has a serious health condition; or
3. A serious health condition that renders the employee incapable of performing the functions of his or her job.

The twelve (12) month period is calculated beginning with the first day an employee is eligible for family and medical leave counting each consecutive month thereafter.

Leave taken for newborn or adopted child care shall be completed within one year after the date of birth or placement for adoption. Family and medical leave authorized under this policy must be taken full-time and consecutively unless an alternative schedule is approved by the superintendent or where intermittent or reduced leave is medically necessary. Instructional staff may not take reduced or intermittent leave when it would constitute 20% of the number of working days in the period during which the leave would extend without the approval of the superintendent. An instructional employee may be transferred to an alternative equivalent position that would accommodate reduced or intermittent leave, if such a position is available.

Under state law, a period of family leave is in addition to any sick leave taken due to the employee's temporary disability attributable to pregnancy or childbirth.

If both parents of a newborn or newly adopted child are employed by the school district, they shall be entitled to a total of twelve workweeks of family leave during any twelve month period, and leave shall be granted to only one parent at a time. There is no pooling effect for spouses if the family leave is related to a serious health condition.

Military Family Leave. The district will grant an eligible employee up to twelve work weeks of leave during a 12-month period for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. "Qualifying exigencies" include short notice of deployment, military events and related activities, certain childcare-related activities, financial and legal arrangements, counseling, rest and recuperation, and post-deployment activities.

The district will grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness up to a total of 26 workweeks of leave during a single 12-month period to care for the servicemember.

All provision of military family leave will be implemented consistent with federal law and regulations. Military family leave will be granted concurrent with any applicable paid leave available to the employee. If the employee has no paid leave available, unpaid leave will be granted.

Medical Certification. The district may require the employee to provide a medical certification completed by a health care provider to determine eligibility for family and medical leave.

The district may obtain the opinion of a second health care provider, at district expense, concerning any information pertinent to the employee's leave request. If the opinions of the health care providers differ on any matter determinative of the employee's eligibility for family leave, the two health care providers shall select a third provider, whose opinion, obtained at the employer's expense, shall be conclusive.

Insurance Benefits. During a period of designated family and medical leave taken pursuant to federal law, the district will continue to pay that portion of the eligible employee's insurance premiums which the district normally pays. The eligible employee must continue to pay any portion that he or she normally paid prior to taking family and medical leave.

Return to Work. Any employee returning from designated family and medical leave shall be entitled to the same position held by the employee when the leave commenced, or to a position with equivalent benefits and pay.

Reinstatement of an employee returning from family and medical leave need not occur if: a) the specific job is eliminated by a bona fide restructuring, or a reduction-in-force resulting from lack of funds or lack of work, b) an employee on family and medical leave takes a position with another employer outside the home, or c) the employee fails to provide the required notice of intent to take family and medical leave or fails to return on the established ending date of leave. If an employee fails to return from family and medical leave, the district may recover the costs of the employee's health benefits paid during the leave. Instructional staff may be required to delay their return from family leave to the beginning of the next semester under the following circumstances:

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1. The employee began leave five or more weeks before the end of the semester, the leave is for more than three weeks, and the employee would otherwise return to work within three weeks of the end of the semester.
2. The employee began family leave (except for a personal health condition) less than five weeks before the end of the semester, the leave is for more than two weeks, and the employee would otherwise return to work within two weeks of the end of the semester.
3. The employee began family leave (except for a personal health condition) three or fewer weeks before the end of the semester and the period of leave is more than five working days.

Cross Reference:	Board Policy 5320	Personnel Leaves
	Board Policy 5321	Sick Leave
	Board Policy 5322	Maternity Leave

Legal References:	RCW 49.78 <i>et seq</i>	Washington Family Leave Act
	WAC 296-134	Family Leave
	29 U.S.C. Sec. 2601 <i>et seq</i>	Family and Medical Leave Act of 1993
	P.L. 110-181	2008 National Defense Authorization Act

Adoption Date: January 12, 2010

PERSONNEL

Military Leave

The district shall grant military leave as provided by law to each employee who is a member of a United States Military Reserve Unit or a member of the Washington National Guard for a period not to exceed twenty-one (21) days during each year beginning October 1 and ending September 30, provided such reservist has been called to active duty or active duty training. Such military leave of absence shall be in addition to any accrued vacation or sick leave and shall not result in any loss of rating, privileges, or pay. During the period of military leave, the employee shall receive his or her normal pay from the district.

Under state and federal law, employees whose school district employment is interrupted by up to five years of active duty military service have certain re-employment rights following their discharge from military duty. The superintendent shall adopt procedures to implement these re-employment rights consistent with applicable laws.

Legal References:	RCW 38.40.060 73.16	Military leaves for public employees Employment and Re-employment
	AGO 61-62 No. 81	Public employment – State and Municipal employees – Military Leave – Reserve meetings
	38 U.S.C. Sec. 4301, <i>et seq.</i>	Uniformed Services Employment and Re- Employment Rights Act

Adoption Date: June 24, 2008

PERSONNEL

Military Leave

When an employee must be gone from his or her educational activities to fulfill military obligations, the following procedure will be followed:

1. The employee shall submit a leave request listing military under the “other” category. A copy of the military orders is to be attached.
2. All requests for military leave will be submitted first to the principal and then to the Director of Personnel and finally to payroll.
3. Employees shall request that activities such as military-related school and other optional duty be scheduled during a school vacation to reduce the potentially harmful impact on the educational program of children. It is recognized that they will attend all mandatory duties with their assigned military unit.

Employees whose employment with the district has been interrupted by military service have the following re-employment rights:

If the employee was engaged in military service for up to and including ninety (90) days, the employee will be re-employed in the position he or she would have attained if there had been no interruption of employment.

If the employee was engaged in military service for more than ninety (90) days, the employee will be re-employed in a position of comparable seniority, status and pay as he or she would have attained without interruption of employment.

A district employee who has a service-connected disability shall be re-employed in a position of similar seniority, status and pay for which the employee is qualified or becomes qualified with reasonable accommodation by the district.

In order to be eligible for re-employment, the employee returning from military service must apply for re-employment as follows:

If military service was up to and including thirty (30) days, the employee must report for work at the beginning of the first full work day at least eight (8) hours after the employee has had time to return to his or her residence following the completion of the military service.

For service from thirty-one (31) to one-hundred-eighty (180) days, the employee must submit an application for re-employment within ninety (90) days of completing military service.

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The application timelines shall be extended if it was impossible or unreasonable for the employee, through no fault of his or her own, to report for re-employment. The application timelines shall be extended for up to two (2) years if the employee is hospitalized or recovering from an injury suffered as a result of military service.

The employee may be required to document the timelines of his or her application for re-employment and the length and type of military service.

Employees returning from military service shall receive the seniority and other benefits they would have received if their employment had been uninterrupted, except that employees may be required to pay the employee portion of any benefit that any other employee on a leave of absence would have had to pay. For retirement system purposes, no break in employment will be considered to have happened for employment interrupted by military service, and the district shall pay the employer's portion of the retirement system contribution for the time the employee was on military service.

The district will offer health insurance benefits for up to eighteen (18) months of military service. For the first thirty-one (31) days, the employee will pay only the employee's share of the coverage if any. After thirty-one (31) days, the employee may only be charged up to one-hundred-two percent (102%) of the premium for the benefits.

PERSONNEL

Jury Duty and Subpoena Leave

The district may grant leave with pay to an employee for the days he or she is required to serve on a jury. Any compensation received by the employee for jury duty performed on a contract day is to be reimbursed to the district.

The district may grant a maximum of two days paid leave to employees subpoenaed as witnesses in court or other legal proceedings. Any witness fees or other compensation for a court appearance on a contract day is to be reimbursed to the district. Leave under this policy shall not be granted to an employee for a case brought or supported by the employee union or association or for a case in which the employee has a direct or indirect interest in the proceedings.

On any day that an employee is released from jury duty or as a witness by the court and at least half of the employee's scheduled work hours remain, the employee is to immediately report to work.

Cross Reference:	Board Policy 5320	Personnel Leaves
Legal References:	RCW 28A.400.300 2.36	Hiring and discharging employees— leaves for employees Juries

Adoption Date: February 14, 2006

PERSONNEL

Bereavement Leave

The district shall allow each full-time employee a maximum of five (5) days paid leave upon the death of the employee's spouse, mother, father, child, sister, brother, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandchild, or grandparent. The deaths of more than one family member, as defined above, resulting from a common occurrence shall be treated as a single death with respect to the length of leave granted.

Cross Reference:	Policy 5320	Personnel Leaves
Legal References:	RCW 28A.400.300	Hiring and discharging employees— leaves for employees

Adoption Date: February 14, 2006

PERSONNEL

Retirement Programs

Employees shall become members of the Federal Income Contribution Act (Social Security System) and the Washington State Teachers' Retirement System or the Washington School Employees' Retirement System as required by law. The district shall make contributions to these retirement systems on behalf of employees according to law and shall make payroll deductions from employee wages and salaries for the employee contributions to these programs as required by law. No contributions will be made to an employee's retirement system for accrued vacation leave in excess of 30 days.

In the event an employee becomes disabled in the line of duty and is receiving Worker's Compensation benefits, the district will continue to make retirement system contributions and shall collect employee contributions and pay such to the retirement system.

Legal References:	RCW 41.32	Teachers' Retirement
	RCW 41.35	Washington School Employees'
		Retirement System
	RCW 41.50.150	Excess Compensation—Employer liable
		for extra retirement cost

Adoption Date: October 24, 2006

PERSONNEL

Retirement Programs

Listed below are the district's procedures in calculation of either a certificated or classified employees entitlements paid with their final payroll warrant.

1. Conditions affecting final payroll warrant:
 - a. If final work day is the 1st – 14th, vacation entitlements will be paid at the end of the month.
 - b. If final work day is the 15th – 31st, vacation entitlements are deferred one month.
 - c. Medical benefits cease with termination or retirement.
 - d. Vacation buy-out is limited to two years entitlement with a maximum of 30 days applied to retirement credit. Payment shall be consistent with the law and shall not cause the district financial penalty.
 - e. All leave benefits are calculated on annual pro-rata.
 - f. Wages are calculated for tax deductions on a percentage rate.
 - g. Retirement with early pay in June will not affect sick leave cashout.

PERSONNEL

Holidays

The district shall observe the following school holidays and shall not operate on these days: Sunday, New Year's Day (January 1), Martin Luther King, Jr. Day (third Monday in January), President's Day (third Monday in February), Memorial Day (last Monday in May), Independence Day (July 4), Labor Day (first Monday in September), Veteran's Day (November 11), Thanksgiving Day (fourth Thursday in November), the day after Thanksgiving (fourth Friday in November), and Christmas Day (December 25). Whenever any legal holiday, other than a Sunday, falls on a Sunday, the following Monday shall be a legal holiday, and whenever any legal holiday falls on a Saturday, the preceding Friday shall be a legal holiday.

In addition to the above, the following days shall also be considered to be holidays: the working day before Christmas or the working day after Christmas, and the working day before New Year's Day, as determined by the district.

Legal References:	RCW 1.16.050	Legal holidays
	RCW 28A.150.050	School holidays

Adoption Date: October 24, 2006

PERSONNEL

Vacations

District employees shall be provided vacations in accordance with the procedures developed by the superintendent or designee. The collective bargaining agreement will supersede policy.

Employees should schedule vacation with their supervisors at least two weeks in advance of the desired starting date. All vacation schedules must recognize the operating needs of the district and are subject to the approval of the supervisor.

Employees may carry over into the next year a maximum number of days equal to one year's allocation of vacation days.

A staff member who anticipates termination of employment may take accrued vacation prior to the termination date or receive payment in lieu of actual vacation. No contributions will be made to an employee's retirement system for accrued vacation leave in excess of 30 days. Payment for accrued vacation may be made to the estate of a deceased staff member. Administrators and exempt supervisory/professional/technical employees may request once each year for payment of unused vacation days up to a maximum of five (5).

Cross References: Board Policy 5021 Applicability of Personnel Policies

Legal References: RCW 41.50.150 Retirement benefits based on excess compensation — Employer liable for extra retirement costs

WAC 415-108-510 (PERS) First-in-first-out
415-112-415 (TRS) accounting method for determining when leave earned

AGO 1976 No. 10 Accumulation of sick leave while on leave

Adoption Date: June 14, 2016

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PERSONNEL

Vacations

Administrators requesting payment for unused vacation days shall submit a written request for such payment to Human Resources for approval by May 10 of each year. Requests may be made for full day increments only. The rate of pay will be calculated on the basis of the annual contracted salary divided by the number of work days in the employee's contract. The approved request must be received in the payroll office by May 15. The payment will be reflected in the May warrant.

Adoption Date: May 27, 2008

PERSONNEL

Reimbursement for Travel Expenses

The actual and necessary expenses of a director, administrator, staff member, or designate of the district incurred in the course of performing services for the district, whether within or outside of the district, may be reimbursed in accordance with the approval and reimbursement procedures of the district. For purposes of this policy, travel expense includes amounts paid for use of personal automobiles, other transportation, and actual expenses or reimbursement in lieu of actual expenses for meals, lodging, and related items that are necessary while in the conduct of official business of the district. A staff member or district officer may be reimbursed for gratuities not exceeding customary percentages for the cost of meals as well as reasonable amounts for such services as baggage handling when the costs are incurred while the individual is engaged in district business or other approved travel.

Reimbursement for travel expenses shall be made pursuant to the federal internal revenue code and internal revenue service regulations.

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|-------------------|-------------------|--|
| Cross References: | Board Policy 3700 | Student Travel |
| Legal References: | RCW 28A.320.050 | Reimbursement of expenses of directors, superintendents, other school representatives, and superintendent candidates – advancing anticipated |
| | RCW 42.24.090 | Municipal corporations and political subdivisions – Reimbursement claims by officers and employees – Detailed account – Travel allowances in lieu of actual expenses – Certification – Forms |

Adoption Date: February 4, 2003

FINANCIAL MANAGEMENT

Travel Expense Reimbursements

It is the District's intent that all eligible travel expenses incurred by a traveler are reimbursed. In limited circumstances, where eligible expenses will not be covered in full, the traveler will be advised in advance and the information will be recorded in all travel documentation. Travel arrangements will only be made by District employees with knowledge of District travel policy and procedure. Standard arrangements include conference registrations, lodging, airfare and other modes of transportation. Any alternative arrangements or special requests for meals, accommodations, etc. are the responsibility of the traveler to communicate to the District and obtain pre-approval by the traveler's supervisor. In return, the traveler will receive from the District all necessary communication regarding the travel prior to the date of departure.

A school board director, administrator, staff member, or designee of the District traveling on official District business ("traveler") is expected to exercise the same care in incurring travel expenses that a prudent individual would exercise if traveling on personal business. For purposes of this procedure, travel expense includes amounts paid for use of personal automobiles, other transportation, meals, lodging and related items that are necessary while conducting official District business outside the Tri-Cities region. In-District mileage and non-travel related reimbursements are handled by different processes – see Other Reimbursements.

Travel must be approved in advance through submission and approval of a travel authorization form. The authorization must be approved by a supervisor with direct knowledge of the traveler's work and/or the person with budgetary authority. (Travel parties of more than 15 from the District to an out-of-state conference will require the approval of the Superintendent/designee). The purpose of the travel must be clearly described in supporting documentation. Excess costs, indirect routes, charges incurred by the negligence of the traveler, costs for personal benefit, alcoholic beverages or luxury accommodations considered unnecessary or unjustified in the performance of official District business travel are not eligible for reimbursement. Travelers are responsible for any additional expenses incurred for personal preference or convenience except in cases to comply with the American with Disabilities Act (ADA).

To receive reimbursement for travel expenses the traveler must, within 10 days of his/her return, complete and submit a signed request for travel reimbursement. Supervisors are required to verify the travel expenses claimed by the traveler are reasonable, documented and clearly for District purposes. Claims for travel expense reimbursement must be approved by the traveler's supervisor and/or the person with budgetary authority.

Travel Reimbursement Types

Mileage

Travelers are strongly encouraged to carpool when possible to save District resources. Travel must be by the most direct route possible. Travelers operating a private vehicle will: 1) be in possession of a valid driver's license, 2) have vehicle liability insurance, and 3) carry insurance identification verifying they have valid vehicle liability insurance. The reimbursement rate will be at the IRS rate which is adjusted January 1st as needed.

Rental Vehicles

Every effort should be taken to minimize the number of rental cars when traveling to the same location. Purchasing upgrades or additional insurance for rental vehicles with District funds is prohibited. Fuel should be purchased at the most economical means to the District.

Airfare

The use of a District purchase order or procurement card is recommended whenever possible for air fare purchases. For reimbursement of airline tickets purchased with personal funds, the traveler must have a completed and approved travel authorization and submit, with a signed request for reimbursement, a confirmation showing the itinerary, cost, and proof of payment.

The District will cover the cost of one piece of checked luggage per person for overnight trips. The District will not cover the cost of any excess checked luggage and/or overweight items. Exceptions may be granted for luggage directly dealing with District materials needed for a conference, meeting, etc. Purchasing travel insurance/protection for airfare with District funds is prohibited.

Other Modes of Transportation/Parking

Taxi, bus and other fares, including parking fees will be reimbursed if required as part of travel. Receipts must be attached to the claim for expenses.

Meal Reimbursement

Per Diem subsistence allowance will be paid for the location where the meal occurred using U.S. General Services Administration Per Diem Rates (adjusted October 1st as needed). Rates can be found at www.gsa.gov. Individual receipts are not required. To qualify for meal reimbursement during a partial day of travel the traveler must be in travel status at the following times:

Breakfast:	Prior to 8:00 a.m.
Lunch:	From 11:30 a.m. – 1:30 p.m.
Dinner:	After 6:00 p.m.

Meal reimbursement will not be allowed for meals provided for which the traveler did not incur an expense, such as meals included as part of a conference or meeting registration fee or meals furnished by a host facility. Snacks and continental breakfasts such as rolls, juice, and coffee are not considered to be meals.

Meal reimbursements for trips less than 24 hours without overnight lodging are taxable (IRS regulation 1.32.1.7.1). Taxable meal reimbursements are processed by the Employee Services Department and are included in the traveler's monthly paycheck.

Reimbursement of actual expenses for meals and related costs is allowable when acting as host to guests of Pasco School District or other official business functions provided the purpose is clearly shown on a separate reimbursable expense statement. Receipts or other satisfactory evidence of payment must be attached to the claim.

Lodging

Prior to making lodging arrangements, District employees with knowledge of District travel policy and procedure should review the lodging allowance for that location using the U.S. General Services Administration Per Diem Rates (adjusted October 1st as needed). Rates can be found at www.gsa.gov. Considerations for lodging arrangements exceeding the GSA maximum lodging rate will include safety, benefit from staying in the same location as a conference and the costs associated with not staying at a conference location.

The use of a District issued purchase order or procurement card is recommended whenever possible for lodging purchases. For reimbursement of lodging purchased with personal funds, the traveler must have a completed and approved travel authorization and submit a billing statement from the provider. The statement must differentiate between charges for lodging, meals, telephone, internet and personal items. Reimbursement for lodging expenses shall be at an actual rate for single occupancy standard accommodations, plus applicable taxes. Lodging reimbursement will be made for commercial lodging facilities only. No overnight lodging will be reimbursed for locations within fifty miles of either the traveler's official residence or official office. Reimbursement of expenses is allowed for one travel day preceding a conference and one travel day following the conference.

Fees, Registrations and Miscellaneous

Reimbursement will be made for approved receipted fees, registration, and material costs.

Combined Business and Personal Time

Combining business and personal time on a trip must be indicated on the travel authorization form and is allowed only where all of the following conditions exist: 1) the primary purpose of the trip is official District business, 2) the traveler uses his/her approved leave for the personal time used and 3) the District does not incur any extra expenses beyond what it would have paid had the trip occurred without personal use. In cases where this may be arranged, it is understood that the traveler will be responsible for the additional costs incurred as a result of personal time.

Other Reimbursements

Local Area Mileage

For reimbursement of local area mileage, a claimant may complete and sign an In-District Mileage Claim Form #Gp-42 to be approved by a supervisor with direct knowledge of the claimant's work and/or the person with budgetary authority. Daily commute transportation expenses between the traveler's official residence and official worksite is a personal obligation and is not reimbursable by the District. Local area mileage claims should be submitted on a monthly basis. An exception is granted when the amount of the claim is less than \$10, in which case a claim should be submitted when the claim reaches \$10. Claims less than \$10 will be processed at the end of the fiscal year.

Non-Travel Related Expenses

For reimbursement of non-travel related expenses a claimant may submit an itemized claim to be approved by a supervisor with direct knowledge of the claimant's work and/or the person with budgetary authority.

Unavailable or Lost Receipts

A traveler or claimant who, after all reasonable efforts have been exhausted, is unable to acquire or locate a receipt may complete and certify a *Statement for Incomplete or Missing Receipts* for reimbursement consideration.

PERSONNEL

Substitute and Temporary Employment

The board authorizes the employment of substitute and temporary employees in the absence of a regularly-contracted employee when a program will be adversely affected by the regular employee's absence, or when additional work is required to meet program needs. Substitute and temporary employees must be able to perform the duties to which they are assigned. The superintendent or designee shall establish procedures by which substitutes are requested and by which substitute employees are assigned, employed and compensated.

Temporary work time allocated to employees shall end on the date indicated by Human Resources, and there shall be no requirement or expectation to continue the temporary time.

If enrollment uncertainties exist at the beginning of a school year, semester, or trimester, or if employee resignations do not allow sufficient time for the district to employ an immediate replacement, substitute employees may be utilized for a reasonable amount of time to fill a position until a regularly contracted employee can be hired.

Substitute teachers who have served for twenty (20) full consecutive working days in the same assignment shall, from the twenty-first (21st) day of service on, be paid according to the regular salary schedule of certificated staff.

If the superintendent reasonably anticipates that the list of qualified, willing certificated substitutes will be exhausted, emergency substitute certification may be sought from the Office of the Superintendent of Public Instruction for persons not otherwise qualified for a substitute or teaching certificate. Substitutes holding emergency certification may only be assigned to work when the list of fully qualified substitutes is exhausted.

Retired teachers and administrators may be hired for part-time, substitute, or non-continuing positions, as long as the number of hours worked in district employment do not exceed the limitations for retirees established by state law.

Legal References:	RCW 28A.400.300	Hiring and discharging employees – Leaves for employees – Seniority and leave benefits, retention upon between schools
	RCW 28A.330.240	Employment Contracts
	RCW 28A.405.900	Certain certificated employees exempt from chapter provisions
	RCW 41.32.570	Suspension from pension payments— Service as substitute teacher
	RCW 42.23.030(9)	Interest in contracts prohibited – Exceptions

PERSONNEL

Substitute Employment

Substitute teachers, K-12, will be put on the substitute list by the superintendent or designee when all employment forms are completed.

1. Teachers who are ill and unable to be present for duty in the morning will call the substitute clerk at least one hour prior to the start of their work day.
2. Teachers who are absent on a given day are expected to communicate their plans for the following day to their building principal no later than the end of the student day.
3. The building principal will make an accurate report of all substitute services to the business office. The teacher will rate the substitute teachers on the form provided and return to the principal.
4. Principals or designees shall be responsible for keeping the record of days taught by the substitute and shall notify the district office when the twenty-first day of substituting shall begin.
5. No two teachers shall be under contract for the same position at any time.
6. The superintendent or designee will notify the principal in the event leave has been granted to a teacher, indicating the beginning and termination dates. The principal will make necessary arrangements for a substitute.
7. The responsibilities of the substitute are as follows:
 - a. Substitutes will have the same responsibilities and work day as regular teachers.
 - b. Substitutes shall attend staff meetings unless excused by the building principal.
 - c. The absent teacher shall have made provisions for a substitute teacher in the daily plan book. Substitute teachers shall follow the lesson plan prepared by the regular teacher or comply with the instructions from the principal. A substitute folder will be provided and should contain the following, where applicable:
 - (1) List of students who have special needs or serious medical problems such as epilepsy or diabetes
 - (2) Daily class schedule
 - (3) Special programs and students who attend, including the times
 - (4) Lists of all groups
 - (5) Duty roster with an explanation of duties, boundaries, etc.
 - (6) Current seating chart
 - (7) Staff list

- (8) Fire drill procedures
 - (9) Locations of special materials needed for the day
 - (10) Name of a fellow teacher whom the substitute can ask for help
 - (11) Names of 3-4 students who are reliable and knowledgeable about assignments, procedures, etc.
 - (12) Lunch and dismissal procedures
 - (13) An explanation of any special management system
- d. General building operational procedures will be provided by the building principal.
- e. On completing an assignment, a definite statement of work done in each subject, specifying pages covered in various textbooks, should be left. New assignments should be noted in the teacher's assignment book or upon a card inserted in the desk copy of the text. All papers should be graded, records made, and preparations for the next day completed.
- f. The "housekeeping" arrangements of the regular teacher should be continued and the assignment should be completed with all books, supplies and equipment in order.
- g. Corporal punishment must not be administered to a child. Contact the principal or designee in case of serious behavior problems for appropriate resolution.
- h. The substitute should learn how to make the regular statistical reports. The following are especially important:
- (1) Attendance Reporting: Substitute teachers should become acquainted with the method of reporting attendance in the building.
 - (2) Student Progress Report Cards and Warning Slips: Substitute teachers should confer with the principal before compiling and sending out these reports.
 - (3) Communications to Parents or Guardians: All communications to parents or guardians should be approved by the principal.
- i. The substitute should report to the principal's office before leaving the building in the evening to see if his or her services are needed on the following day.

PERSONNEL

Volunteers

The district recognizes the valuable contribution made to the district’s programs through the volunteer assistance of parents, guardians, and other citizens. In working with volunteers, district staff shall clearly explain the volunteer's responsibility.

The district shall require any volunteer with unsupervised access to children to be at least twenty-one (21) years of age and to disclose whether he or she has been:

- A. Convicted of any crime against persons;
- B. Found in any dependency action under RCW 13.34.030(2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor;
- C. Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor;
- D. Found in any disciplinary board final decision to have sexually abused or exploited any minor or to have physically abused any minor.

All volunteers shall be advised that they may be subjected to a name and birthdate background check with the Washington State Patrol. Volunteers may provide service on a conditional basis pending the outcome of the background check.

If a volunteer has undergone a criminal record check in the last two years for another entity, the district may request a copy from the volunteer, or have the volunteer sign a release permitting the entity for whom the check was conducted to provide a copy to the district.

Volunteers must report any reported or observed incidents of student harassment, intimidation, or bullying to the supervising staff member or building administrator as soon as reasonably possible, but within no more than two school days of the report or observation.

The superintendent shall be responsible for developing and implementing procedures for the utilization of volunteers.

Cross References:	Board Policy 5111	Disclosures and Background Checks for Employees
Legal References:	RCW 43.43.830-840	Washington State Criminal Code Records
	28A.320.155	Criminal history record information — School volunteers

PERSONNEL

Volunteers

Volunteer assistance provides a valuable service to the students of the District. To promote the education and safety of all staff and students, each administrator shall be responsible for ensuring the following procedures and restrictions are enforced.

Volunteers should be made aware of these policies and procedures prior to rendering service.

A. Approval and Assignment of Volunteers

Staff members who wish to use the services of a volunteer for conducting selected activities shall make a request to the building or program administrator. Assignments and activities shall be carefully defined. Approval of the request must be obtained before a volunteer will be allowed to render services.

Board policies concerning background checks for both supervised and unsupervised volunteers are important to ensure student safety. The administrator shall ensure that these policies are followed. Any questions regarding the suitability of a volunteer to serve should be directed to the Director of Human Resources or designee.

District policy 5210 strongly discourages placing employees who are family members at the same work site. In the case of volunteers who are family members, such placement is also discouraged. Each administrator may decide on a case-by-case basis whether to allow a volunteer to render service at the same worksite or in the same classroom as family member who is employed by the District. The administrator may, at his or her discretion, restrict the amount of time and the activities of the volunteer. "Family member" is defined in policy 5210. If an administrator allows a volunteer to render service at the same worksite or in the same classroom as a family member who is employed by the District, the administrator will monitor supervision of the volunteer.

B. Activities of Volunteers

Volunteers shall be assigned to a specific staff member for supervision. The staff member will ensure that the volunteer renders service according to this policy.

The volunteers shall serve in the capacity of a helper. All instructional service shall be rendered under the supervision of certificated staff. Volunteers are not to be assigned to roles which require specific professional training.

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Volunteers shall maintain strict confidentiality of student information. Volunteers shall not discuss the performance or actions of students except with the student's teacher, school counselor or principal. Volunteers may be required to sign a statement indicating their agreement to maintain confidentiality of student information.

Student problems which arise, whether of an instructional, medical or operational nature, shall be referred to a regular employee.

Volunteers should be advised of the following:

1. General job responsibilities and limitations;
2. School facilities, routines and procedures;
3. Work schedule and place of work; and
4. Names of administrators or supervisors to whom the volunteer may report any questions or concerns.

Appropriate training at the building level should be provided for volunteers consistent with their tasks and existing district standards. Exceptions would be district-wide programs established by the administration whereby general volunteer programs would be defined. It is expected that volunteers abide by existing district policies and procedures.

Assignments and activities should be carefully defined in writing. Examples of suggested duties for volunteers may include:

1. Bulletin boards;
2. Preparation of materials for classes;
3. Clerical duties including typing, inventories, putting booklets together, newsletters and related activities;
4. Start-up activities;
5. Library and audio visual duties;
6. Activities appropriate to the volunteer's training and classroom needs such as monitoring math assignments, listening to reading progress, and other related activities;
7. School activities supervision; and
8. Playground supervision with a staff member.

Volunteers may not carry out, assist with, or be responsible for the discipline, referral, or counseling of students. If the volunteer believes any of these steps are necessary, he or she shall notify the staff member to whom the volunteer is assigned. Management of the classroom and school environment is the responsibility of the teacher, administrator, or other assigned staff member.

Volunteers may be terminated from service or reassigned at any time for any reason.

Date of Adoption: November 22, 2005

PERSONNEL

Student Teachers

The board encourages cooperation with colleges and universities within the state in the training of student teachers. The district may accept student teachers from accredited institutions of higher learning with which the district has a cooperative agreement approved by the superintendent or designee.

The board authorizes the superintendent or designee to work cooperatively with the liason personnel from the teacher training institution and to honor those reasonable rules, regulations and training guidelines of the teacher training institution so long as they are consistent with district policy. Student teachers shall comply with the policy of the district as it applies to certificated employees. The supervising teacher and the principal shall be responsible for monitoring the conduct of the student teacher.

Adoption Date: December 11, 2007

PERSONNEL

Student Teachers

The procedures for developing and implementing a student teacher agreement are as follows:

1. The college representative shall present a student teacher agreement to the principal for review and approval.
2. The college supervisor will be notified of placements that can be accepted during the quarter.
3. The principal will notify the assistant superintendent when a student teacher is assigned to his or her building.
4. Assignment will be made with the approval of the cooperating staff member and the building principal.
5. A student teacher shall be assigned to a teacher with no less than three years of teaching experience.
6. A supervising teacher shall not be assigned more than one student teacher per school year.
7. The supervising teacher shall be responsible for the class and should not delegate responsibilities until the student teacher has displayed the proficiency to accept them.
8. A student teacher should assume the same conditions of employment as a regular teacher in terms of length of school day, supervision of co-curriculum activities, staff meetings, and inservice training.
9. At the completion of the student teacher's assignment, a simple narrative evaluation will be completed by the supervising teacher or the building principal and forwarded to the personnel office. This narrative may be a copy of the evaluation/recommendation given to the college by the teacher or principal on completion of the person's student teaching experience.