

**-CLASSIFIED PERSONNEL-**

**Classified Personnel**

**DEFINITION**

Classified personnel are all those employees who hold positions not requiring teacher certification.<sup>1</sup>

**SUBSTITUTE EMPLOYEES**

Solely for purposes of the County Employees Retirement System, substitute employees shall serve a probationary period not to exceed twelve (12) months during which they shall not participate in CERS.

**REFERENCES:**

<sup>1</sup>KRS 161.011 (1)  
KRS 78.510  
KRS 78.615  
702 KAR 001:035

**RELATED POLICY:**

03.273

Adopted/Amended: 07/23/2007

Order #: 0128054

**- CLASSIFIED PERSONNEL -****Hiring****SUPERINTENDENT'S RESPONSIBILITIES**

All appointments, promotions, and transfers of classified personnel for positions authorized by the Board shall be made by the Superintendent who, at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes.

**EFFECTIVE DATE**

Personnel actions shall not be effective until the employee receives written notice of such action from the Superintendent.

**QUALIFICATIONS**

The Superintendent shall employ only individuals who possess qualifications established by law, regulation, and Board policy except in the case where no individual applies who meets established qualifications.

**EDUCATIONAL REQUIREMENTS**

No person shall be initially hired unless s/he holds at least a high school diploma or high school certificate of completion or GED certificate or unless s/he shows progress, as defined by Administrative Regulations of the State Board for Adult, and Technical Education, toward obtaining a certificate of high school equivalency. Employees shall hold the qualifications for the position as established by the Commissioner of Education.<sup>3</sup>

All paraprofessionals shall satisfy educational requirements specified by federal law.<sup>4</sup>

**CRIMINAL BACKGROUND CHECK AND TESTING**

Applicants and employees shall undergo records checks and testing as required by applicable statutes and regulations.<sup>1</sup> & <sup>2</sup>

Each application or renewal form provided applicants for a classified position shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A STATE CRIMINAL HISTORY BACKGROUND CHECK AS A CONDITION OF EMPLOYMENT. UNDER CERTAIN CIRCUMSTANCES, A NATIONAL CRIMINAL HISTORY BACKGROUND CHECK MAY BE REQUIRED AS A CONDITION OF EMPLOYMENT".<sup>1</sup>

As permitted by KRS 160.380, employment shall be contingent on receipt of records documenting that the individual does not have a conviction for a felony sex crime or as a violent offender as defined in KRS 17.165 or other conviction determined by the Superintendent to bear a reasonable relationship to the ability of the individual to perform the job. Probationary employment shall terminate on receipt of a criminal history background check documenting a conviction for a felony sex crime or as a violent offender.

## **Hiring**

### **JOB REGISTER**

The Superintendent or the Superintendent's designee shall maintain in the Central Office a job register listing all current job openings in the District. The register shall describe the duties and qualifications for each opening, and District employment policies shall be attached to the register. The job register shall be open to public inspection during Central Office business hours.

### **VACANCIES POSTED**

Under procedures developed by the Superintendent, a listing of all District job openings shall be posted in the Central Office and in each school building on a timely basis and shall refer interested persons to the Central Office job register for additional information. Postings of vacancies may be made with other agencies, as appropriate.

### **REVIEW OF APPLICATIONS**

Under procedures developed by the Superintendent, each application shall be reviewed and each applicant so notified.

Applications for candidates not employed shall be retained for three (3) years.

### **RELATIONSHIPS**

The Superintendent shall not employ a relative of a member of the Board unless the relative was initially employed by the District prior to the tenure of the Board member and the member was seated on the Board prior to July 13, 1990.

A relative of the Superintendent shall not be employed except as provided by KRS 160.380.<sup>1</sup>

### **CONTRACT**

All regular full-time and part-time classified personnel shall enter into annual written contracts with the District.

### **EMERGENCY HIRING**

During emergency situations, job openings may be filled without listing in the job register or posting in District buildings.

### **JOB DESCRIPTION**

All employees shall receive a copy of their job description and responsibilities.

### **INTENT**

Under procedures developed by the Superintendent, employees may be requested to indicate their availability for employment for the next school year.

### **REASONABLE ASSURANCE OF CONTINUED EMPLOYMENT**

Each year, all full-time and part-time classified employees, including substitutes, shall be notified in writing by the last day of school if they have reasonable assurance of continued employment for the following school year.

Classified employees assigned extra duties such as coaching shall be notified in writing by the last day of that assigned duty if they have reasonable assurance of continued employment in that or a similar capacity for the following school year.

**Hiring**

**REFERENCES:**

<sup>1</sup>KRS 160.380

<sup>2</sup>702 KAR 005:080

<sup>3</sup>KRS 161.011

<sup>4</sup>P. L. 107-110 (No Child Left Behind Act of 2001)

34 CFR 200.58-200.59; KRS 17.160; KRS 17.165; KRS 156.070

KRS 160.345; KRS 160.390; KRS 335B.020; KRS 405.435

OAG 91-10; OAG 91-149; OAG 91-206

OAG 92-1; OAG 92-59; OAG 92-78; OAG 92-131; OAG 97-6

Kentucky Local District Classification Plan; 785 KAR 001:110

Records Retention Schedule, Public School District

**RELATED POLICIES:**

01.11; 02.4244; 03.232; 03.27; 03.5; 06.221

Adopted/Amended: 07/23/2012

Order #: 2012.433

**- CLASSIFIED PERSONNEL -****Medical Examination**

Through appropriate personnel documents, such as handbooks and/or job applications, employees shall be notified as to who will pay for medical examinations required for initial employment.

**BUS DRIVERS**

As a condition of employment, each school bus driver, including substitute drivers, shall pass a medical examination on initial employment and each year thereafter in accordance with 702 KAR 005:080.

Before being allowed to drive a bus, the driver must be free of any medical condition which could endanger the health or safety of students in the performance of duties.

**OTHER NEWLY EMPLOYED CLASSIFIED PERSONNEL**

As a condition of initial employment, all classified employees (except bus drivers), including substitute employees, shall pass a medical examination as indicated in 702 KAR 001:160. The examination shall be provided by a licensed physician, physician assistant (PA), or Advanced Practice Registered Nurse designated by the Board. If the employee elects to be examined by a private practitioner, the cost of examination shall be borne by the employee.<sup>1</sup>

**REPORT REQUIREMENTS**

Unless a new employee is hired after the beginning of the school year, examinations shall be conducted prior to August 1 of the school year in which the person is employed.

Medical examinations performed within a ninety (90)-day period prior to initial employment will be accepted.

The medical examination shall be reported on the form required by Kentucky Administrative Regulation. A copy of the form and a statement indicating the employee's medical status must be filed with the Superintendent prior to assuming assigned duties.

**TUBERCULOSIS SCREENING/TESTING**

Each medical examination shall include a risk assessment for tuberculosis as required by Kentucky Administrative Regulation. Individuals identified by that assessment as being at high risk for TB shall be required to undergo a tuberculin skin test as required by 702 KAR 001:160. A person who tests positive for TB shall be required to comply with the directives of the local board of health and the Kentucky Department for Public Health, Cabinet for Health and Family Services, for further evaluation and treatment of the tuberculosis infection.<sup>1, 2 & 3</sup>

**REQUIRED EXAMINATION FOR PRESENT PERSONNEL**

When, in the opinion of the Superintendent, there is evidence that an employee is no longer able to perform satisfactorily the assigned duties because of health problems or when the employee poses a health threat to students or other employees, the Superintendent may require the employee to provide evidence of fitness in the form of an examination and report by a physician of the Superintendent's choosing. The Board shall bear the cost of this examination.<sup>3</sup>

**Medical Examination****SCHOOL TO REPORT**

Local school authorities shall report immediately all known or suspected cases of communicable disease to the local health department. Diseases to be reported shall not include those considered confidential, such as HIV/AIDS, as set forth in Kentucky Administrative Regulation.<sup>2</sup>

**MEDICAL CONFIDENTIALITY**

Signed consent of the employee designating personnel to be informed shall be required before the Superintendent advises personnel of the employee's medical condition.

The Superintendent shall determine which employees are to have access to medical information. This determination shall be made on a need-to-know basis.

**REFERENCES:**

<sup>1</sup>KRS 161.145; 702 KAR 005:080

<sup>2</sup>702 KAR 001:160, 902 KAR 002:020; KRS 214.625  
OAG 91-1; OAG 92-131  
Genetic Information Nondiscrimination Act of 2008

**RELATED POLICIES:**

<sup>3</sup>03.2234  
03.24

Adopted/Amended: 07/28/2008  
Order #: 0128259

**- CLASSIFIED PERSONNEL -****Equal Employment Opportunity****NONDISCRIMINATION**

The Superintendent shall adhere to a policy of equal employment opportunity in all personnel matters. No person shall be subjected to discrimination in regard to employment, retention, promotion, demotion, transfer or dismissal because of race, color, religion, sex, genetic information, national or ethnic origin, political affiliation, age, or disabling condition.<sup>1</sup>

**INDIVIDUALS WITH DISABILITIES**

No qualified person with a disability, as defined by law, shall, on the basis of the disability, be subject to discrimination in employment.<sup>2</sup>

District employment practices shall be in accordance with the Board-approved procedures addressing requirements of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

No human immunodeficiency virus (HIV) related test shall be required as a condition of hiring, promotion, or continued employment, unless the absence of HIV infection is a bona fide occupation qualification for the job in question as defined in KRS 207.135.

**REASONABLE ACCOMMODATION**

Employees who have a long-term or permanent disability may request the District supervisor to provide reasonable accommodations necessary for them to perform the essential duties of the position. If assistive technology is deemed necessary for an employee, every effort will be made to obtain that technology in a timely fashion.

Reasonable accommodation shall be provided as required by law.

**ADVISING EMPLOYEES**

The Superintendent shall inform all school employees of the provisions of this policy.<sup>1</sup>

**REFERENCES:**

<sup>1</sup>KRS 161.164

<sup>2</sup>29 U.S.C.A. 794

KRS 207.135

34 C.F.R. 104.3 - 104.14

42 U.S.C. 200e, Civil Rights Act of 1964, Title VII, KRS Chapter 344

Americans with Disabilities Act of 1990 (ADA)

Kentucky Education Technology System (KETS)

Section 504 of the Rehabilitation Act of 1973

Title IX of the Education Amendments of 1972

Genetic Information Nondiscrimination Act of 2008

**RELATED POLICIES:**

03.233, 05.11

Adopted/Amended: 07/26/2010

Order #: 2010-166

**-CLASSIFIED PERSONNEL-**

**Compensation and Benefits**

**ESTABLISHMENT**

The Board shall annually establish schedules for salaries and benefits for all classified personnel.

**COBRA**

At the time of initial employment an employee shall be given the first COBRA notification. Second notification and continuation of benefits shall be contingent upon the employee's notifying the district of a qualifying event.<sup>1</sup>

**REFERENCES:**

<sup>1</sup>Consolidated Omnibus Budget Reconciliation Act

26 CFR Part 1

KRS 160.290 (1)

KRS 160.390 (2)

Adopted/Amended: 04/24/1996

Order #: 0579



**- CLASSIFIED PERSONNEL -****Salaries****HOURLY OR SALARY BASIS**

All regular and substitute classified personnel shall be paid on an hourly or salary basis as established by the Board.

**WORK DAY/WORK WEEK**

The length of the work day shall be established for each position by the Board. The work week for hourly (non-exempt) employees shall not exceed forty (40) hours per week, unless overtime is authorized as provided by this policy.

**QUALIFICATIONS**

Employees shall be responsible for providing the Superintendent with all required certificates, other credentials, health examinations, and verifications of experience prior to beginning work.

**LIST OF SALARIES**

The Board shall maintain for public scrutiny a factual list of individual salaries of its employees for the fiscal year just closed and shall furnish that list by mail to a newspaper qualified under KRS 424.220 to publish advertisements for the District.

**PAYROLL DISTRIBUTION**

Checks will be issued according to a schedule approved annually by the Board.

At the close of the school year, employees who have completed all responsibilities and duties may request to be paid their remaining salary prior to the end of the fiscal year.

**PAYROLL DEDUCTION**

The Board shall approve all payroll deductions as specified by KRS 161.158 and Board Policy 03.2211.

**OVERTIME**

Overtime work shall be approved in advance by the Superintendent or designee. Hourly employees required to work in excess of forty (40) hours per week will be paid at the rate of 1½ times the regular rate for all hours beyond 40 as provided by law for overtime work.

**REFERENCES:**

KRS 78.615; KRS 160.291; KRS 161.011

KRS 337.285, KRS 424.220

803 KAR 001:060, 803 KAR 001:070

Fair Labor Standards Act

Garcia v. San Antonio Metropolitan Transit Authority, 105 S.Ct. 1005 (1985)

**RELATED POLICY:**

03.2211

Adopted/Amended: 08/14/2006

Order #: 0127884

**- CLASSIFIED PERSONNEL -****Salary Deductions**

No optional payroll deduction, authorized by the Board, shall be deducted from an individual employee's salary without a signed request from that employee affirmatively requesting the optional deduction. Such request must be filed on an annual basis on forms to be developed by the Superintendent. The Superintendent shall develop the manner and time for filing such requests.

**REFERENCES:**

KRS 161.158  
KRS 160.291  
KRS 78.610  
702 KAR 001:035  
OAG 72-802

Adopted/Amended: 04/24/1996  
Order #: 0579

**- CLASSIFIED PERSONNEL -**

**Cafeteria Plan**

Classified personnel shall be eligible to participate in a cafeteria plan of benefits.

The Superintendent shall develop and make available to employees a list of benefits and procedures consistent with the regulations as listed in 26 C.F.R., Part I, 1.125.1. This listing, or any amendments thereto, shall be subject to review and final approval by the Board.

**REFERENCE:**

26 C.F.R. Part I, 1.125.1

Adopted/Amended: 04/24/1996

Order #: 0579

**- CLASSIFIED PERSONNEL -**

**Holidays and Vacations**

**HOLIDAYS**

All full-time classified personnel, with the exception of custodians, shall be paid for four (4) holidays, which shall be designated in the official school calendar.

All classified 12-month personnel, with the exception of custodians, who work 225 days or more shall be eligible for four (4) additional paid holidays designated by the Superintendent.

**EXCEPTION**

The Superintendent may require, for security or other reasons, certain classified personnel to work on holidays. In this case, the employee shall be granted the holiday on another day.

**REFERENCES:**

KRS 158.070

KRS 160.291

KRS 161.154

KRS 2.110

KRS 2.190

Adopted/Amended: 05/24/2010

Order #: 2010-142

**- CLASSIFIED PERSONNEL -****Leaves and Absences****APPROVAL**

Authorization of leave and time taken off from one's job shall be in accordance with specific leave policy. Absence from work that is not based on appropriate leave for which the employee is qualified may lead to disciplinary consequences, up to and including termination of employment.

**NOTIFICATION OF RETURN**

Employees on leave covered by the related policies listed below shall notify the Superintendent in writing by April 1 of the year the leave terminates of the date of their intent to return to the school system. Failure to do so will render the position vacant.

**LEAVE FOLLOWING ASSAULT**

The District shall provide leave with pay for employees assaulted while performing their assigned duties when the assault results in injuries that qualify the employee for workers' compensation benefits. The period of leave shall not exceed one (1) calendar year following the assault. During that period, the employee shall not experience loss of income or benefits, including sick leave, under the terms and conditions set forth in KRS 161.155.

**FMLA**

Eligible employees may apply for leave under the provisions of the Family and Medical Leave Act of 1993.

**REFERENCES:**

KRS 161.155; KRS 161.770

Family and Medical Leave Act of 1993

**RELATED POLICIES:**

03.2232, 03.22322, 03.2233, 03.2234, 03.224

Adopted/Amended: 07/25/2011

Order #: 2011.288

**- CLASSIFIED PERSONNEL -****Personal Leave****NUMBER OF DAYS**

Full-time classified employees shall be entitled to one (1) day of personal leave with pay each school year.

Persons employed for less than a full year contract shall receive a prorata part of the authorized personal leave days calculated to the nearest 1/2 day.

Persons employed on a full year contract but scheduled for less than a full work day shall receive the authorized personal leave days equivalent to their normal working day.

**APPROVAL**

The Superintendent or designee must approve the leave date, but no reasons shall be required for the leave.

**LIMITATION**

No more than one (1) classified employee per building may take personal leave on a given day. Those employees making earliest application shall be given preference.

**AFFIDAVIT**

Employees taking personal leave must file a personal affidavit stating that the leave was personal in nature.

**ACCUMULATION**

On June 30, all personal leave days not taken during the current school year shall be transferred and credited to the employee's accumulated sick leave account.

**REFERENCE:**

KRS 161.154

**RELATED POLICY:**

03.2232

Adopted/Amended: 04/24/1996

Order #: 0579

**- CLASSIFIED PERSONNEL -****Sick Leave****NUMBER OF DAYS**

All full-time classified personnel shall be entitled to ten (10) days of sick leave with pay per year.

Persons employed for less than a full year contract shall receive a prorata part of the authorized leave days calculated to the nearest 1/2 day. The prorata days will be calculated by dividing the total number of actual days worked by the number of total contract days for that position.

Example: An employee contracted for 160 days of a normal 185-day contract due to being hired after the beginning of the year will receive eight and one-half (8 ½) sick days ( $160 \text{ days} / 185 \text{ days} \times 10 \text{ days} = 8.5 \text{ days}$ , rounded to nearest half-day).

Persons employed on a full year contract but scheduled for less than a full work day shall receive the authorized leave days equivalent to their normal working day.

**ACCUMULATION**

Sick leave days not taken during the school year in which they were granted shall accumulate without limitation to the credit of the classified employees to whom they were granted.

**DEFINITION**

“Sickness” shall mean personal illness, including illness or temporary disabilities arising from pregnancy.

**FAMILY ILLNESS/MOURNING**

Sick leave can also be taken for illness in the immediate family or for the purpose of mourning a member of the employee’s immediate family. “Immediate family” shall mean the employee’s spouse, children (including stepchildren and foster children), grandchildren, daughters-in-law and sons-in-law, brothers and sisters, parents, spouse’s parents, grandparents, and spouse’s grandparents without reference to the location or residence of said relative and any other blood relative who resides in the employee’s home.

**TRANSFER OF SICK LEAVE**

Classified employees coming to the District from another Kentucky school district or from the Kentucky Department of Education shall transfer accumulated sick leave to the District.

**SICK LEAVE DONATION PROGRAM**

Under procedures developed by the Superintendent, classified employees who have accrued more than fifteen (15) days of sick leave may request to transfer sick leave days to another employee who is authorized to receive the donation. The number of days donated shall not reduce the employee’s sick leave balance to less than fifteen (15) days.

Classified employees are eligible to receive donated days if they meet the criteria established in procedures.

Any sick leave not used shall be returned on a proportionate/pro-rated basis to employees who donated days.

**Sick Leave**

**AFFIDAVIT**

Upon return to work, an employee claiming sick leave must file a personal affidavit or a certificate of a physician stating that the employee was ill or that the employee was absent for the purpose of attending to a member of the immediate family who was ill.

**REFERENCES:**

KRS 161.155

OAG 93-39

OAG 79-148

Family & Medical Leave Act of 1993

**RELATED POLICIES:**

03.22322

03.2233

03.224

Adopted/Amended: 07/26/2004

Order #: 0127426



**- CLASSIFIED PERSONNEL -****Family and Medical Leave****REASONS**

In compliance with the Family and Medical Leave Act of 1993 and under procedures developed by the Superintendent, leave shall be granted to eligible employees for the following reasons:

1. For the birth and care of an employee's newborn child or for placement of a child with the employee for adoption or foster care;
2. To care for the employee's spouse, child, or parent who has a serious health condition, as defined by federal law;
3. For an employee's own serious health condition, as defined by federal law, that makes the employee unable to perform the employee's job;
4. To address a qualifying exigency (need) defined by federal regulation arising out of the active duty or call to active duty of a covered family member (spouse, son, daughter, or parent) who serves in a reserve component or as an active or retired member of the Regular Armed Forces or Reserve in support of a contingency operation; and
5. To care for a covered family member (spouse, son, daughter, parent or next of kin) who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces that has rendered or may render the family member medically unfit to perform duties of his/her office, grade, rank or rating.

**NOTICES AND DEADLINES**

- Employees who may be eligible for or who request leave for any of the above reasons shall be provided an FMLA notice of eligibility and rights and responsibilities. Requests for family and medical leave entitlement should be made in writing but verbal requests may be made to the immediate supervisor or other designated administrator who shall then document the request. The District may require that a request for leave be supported by a certification for health care or military-related situations as permitted by federal law, but such requirements must be set out in the required notice.

*Deadline for Notice to be Provided:* Absent extenuating circumstances, within five (5) business days of District receipt of a request or the District being made aware of a potentially qualifying reason.

- The District shall designate an employee's leave, paid or unpaid, as FMLA-qualifying and shall provide a designation notice indicating whether the request is approved or if additional information is needed. Leave may be delayed if the employee does not provide proper notice (30 days advance notice for a foreseeable leave; otherwise, notice as soon as the need becomes known).

*Deadline for Notice to be Provided:* Absent extenuating circumstances, within five (5) business days of learning that an FMLA reason supports the leave.

**Family and Medical Leave****ELIGIBILITY**

Employees are eligible for up to twelve (12) workweeks of family and medical leave each school year, if they have been employed by the District for twelve (12) months, have worked at least 1,250 hours during the twelve (12) months preceding the start of the leave, and otherwise qualify for family and medical leave. When family and medical leave is taken to care for a service member's recovery from a serious illness or injury sustained in the line of duty, an eligible employee may take up to twenty-six (26) workweeks of leave during a single twelve-month period. This provision also applies to covered service members/veterans that have been on active duty within the past five (5) years.

In determining whether returning veterans meet the minimum 1,250 hour standard, hours actually worked for the District during the twelve-month period are to be combined with hours they would have worked for the District had they not been called for military service.

In situations involving both the Americans with Disabilities Act (ADA) and FMLA, the District shall apply the law affording the employee the greater benefit.

**RESTRICTIONS**

To the extent that an employee is entitled to any paid leave, such leave shall be taken and it shall run concurrently with family and medical leave, except that the employee may request to reserve ten (10) days of sick leave. (This requirement shall not apply to employees taking workers' compensation leave.) However, when an employee's work-related injury/medical state qualifies as a serious health condition, worker's compensation leave shall run concurrently with the twelve (12) workweek entitlement.

Paid leave used by the employee as required under this policy shall count, as applicable, against the twelve (12) or twenty-six (26) FMLA workweek entitlement.

Entitlement to family and medical leave for the birth and care of a newborn child or placement of a child shall expire twelve (12) months after the date of such birth or placement.

When both husband and wife are employed by the District, the combined amount of family and medical leave for reasons other than personal illness or illness of a child shall be limited to twelve (12) workweeks. In cases of personal illness or illness of a child, each spouse is entitled to twelve (12) workweeks of family and medical leave.

Exception: The limit on the combined amount of family and medical leave shall be twenty-six (26) workweeks when both an eligible husband and wife are employed by the District and are eligible for leave that involves a covered Armed Forces service member.

Unused family and medical leave shall not accumulate from year to year.

**INTERMITTENT LEAVE/REDUCED HOURS**

Family and medical leave may be taken intermittently (when medically necessary) or on a reduced hours basis.

**Family and Medical Leave****CONTINUATION OF BENEFITS**

While on family and medical leave, employees shall be entitled to all employment benefits accrued prior to the date on which the leave commenced. Health insurance for an employee on family and medical leave shall continue to be provided by the state on the same basis had the employee not taken leave. Other employment benefits and seniority shall not accrue during unpaid family and medical leave.

**RETURN TO WORK**

As noted by the required notice of eligibility and rights and responsibilities, when family and medical leave is taken due to an employee's own serious health condition, the employee shall provide fitness-for-duty certification before returning to work. This may include certification by the health care provider that the employee is able to perform essential functions specific to the job, as noted by the District in a list attached to the certification form.

Upon return to work, the employee shall be entitled to his/her same position (or an equivalent position with equivalent pay) with corresponding benefits and other terms and conditions of employment.

**NOTICE**

The District shall notify employees of family and medical leave provisions by posting appropriate notices in conspicuous places in the Central Office and each worksite and distributing notices as required by law.

**REFERENCES:**

Family and Medical Leave Act of 1993, 29 U.S.C. 2601-2654  
Title I of the FMLA, as amended by the National Defense Authorization Act  
Code of Federal Regulations, Title 29, Part 825

**RELATED POLICIES:**

03.223  
03.2232  
03.2233  
03.2234  
03.2238  
03.224

Adopted/Amended: 07/23/2012  
Order #: 2012.433

**- CLASSIFIED PERSONNEL -****Maternity Leave****PAID SICK LEAVE**

Childbirth and recovery therefrom, which prevent the employee from performing assigned duties, shall entitle the employee to sick leave benefits as provided in Board Policy 03.2232.

An illness of the newborn shall entitle the employee to sick leave benefits as provided in Board Policy 03.2232.

An employee may use up to thirty (30) days of sick leave immediately following the birth or adoption of a child or children. Additional sick leave days may be used when the need is verified by a physician's statement.

**UNPAID MATERNITY LEAVE**

On written request, the parent of a newborn or the employee who adopts a child or children shall be granted unpaid leave of absence not to exceed the remainder of the school year in which the birth or placement occurs. Thereafter, leave may be extended in increments of no more than one (1) year.

Employees on maternity leave shall notify the Superintendent in writing of their intent to return to the school system on or before the date prescribed in Policy 03.223. Failure to do so will render the position vacant.

Employees taking a maternity leave will be entitled on return to a comparable position for which they are qualified. Placement in the same position or the same school cannot be guaranteed.

**FMLA**

In compliance with the Family and Medical Leave Act of 1993, eligible employees are entitled to up to twelve (12) workweeks of unpaid leave to care for the employee's child after birth or placement of a child with the employee for adoption or foster care. Leave to care for an employee's healthy newborn baby or minor child who is adopted or accepted for foster care must be taken within twelve (12) months of the birth or placement of the child.

**REFERENCE:**

Family & Medical Leave Act of 1993

**RELATED POLICIES:**

03.223

03.2232

03.22322

Adopted/Amended: 07/26/2010

Order #: 2010-166

**- CLASSIFIED PERSONNEL -****Extended Disability Leave**

This policy shall be applied in a manner consistent with policy 03.212 and the Americans with Disabilities Act (ADA), when those provisions are applicable.

**UNPAID LEAVE**

Unpaid disability leave may be granted by the Board, upon written request, for the remainder of the contract year. Thereafter, leave may be extended by the Board in one (1) year periods.

**FMLA**

In compliance with the Family and Medical Leave Act of 1993, leave shall be granted in accordance with Board Policy 03.22322.

**VERIFICATION**

The Superintendent may require the employee to secure a licensed physician's verification of disability.

**NOTIFICATION OF RETURN**

Employees on extended disability leave shall notify the Superintendent in writing of their intent to return to the school system on or before the date prescribed in Policy 03.223. Failure to do so will render the position vacant.

**PLACEMENT UPON RETURN**

Employees taking disability leave will, on return, be entitled to a comparable position for which they are qualified. Placement in the same position or the same building cannot be guaranteed.

**INVOLUNTARY DISABILITY LEAVE**

When, on advice of the Superintendent, there is evidence that an employee is no longer able to perform satisfactorily the assigned duties, the Board may require the employee to provide evidence of ability to perform the essential functions of the position in the form of an examination and report by a physician of the Board's choosing. The Board shall bear the cost of this examination.

**REFERENCES:**

Consolidated Omnibus Budget Reconciliation Act  
Family & Medical Leave Act of 1993  
Americans with Disabilities Act of 1990

**RELATED POLICIES:**

03.211  
03.212  
03.223  
03.22322

Adopted/Amended: 08/22/1996  
Order #: 0694

**- CLASSIFIED PERSONNEL -****Educational Leave****EDUCATIONAL/PROFESSIONAL PURPOSE**

Upon written request of a teacher or the Superintendent, the Board may grant leave (without pay) not to exceed two (2) consecutive years for educational or professional purposes. Leave may be granted for full-time attendance at universities or other training or professional activities approved by the Board when those activities are related to the employee's job or to other jobs an employee might hold in the school system. Leave will not be granted for part-time educational activities.

**LIMITATIONS**

No more than two percent (2%) of the classified employees may be on educational/professional leave at one time. When requests exceed two percent (2%), those submitting the earliest requests will be given first consideration.

**TIME OF APPLICATION**

Written application for educational/professional leave must be made at least sixty (60) days before the leave is to begin.

**NOTIFICATION OF RETURN**

Employees on educational/professional leave shall notify the Superintendent in writing of their intent to return to the school system on or before the date prescribed in Policy 03.223. Employees who fail to notify the Superintendent of their return by the date prescribed in Policy 03.223 cannot be guaranteed employment for the following school year.

**PLACEMENT UPON RETURN**

Employees taking an educational/professional leave will be entitled on return to a comparable position for which they are qualified. Placement in the same position or the same school cannot be guaranteed.

**REFERENCES:**

KRS 161.770

OAG 79-106

OAG 84-43

OAG 91-134

Adopted/Amended: 07/25/2011

Order #: 2011-289

**- CLASSIFIED PERSONNEL -****Emergency Leave****NUMBER OF DAYS**

Full-time classified employees shall be entitled to two (2) days of emergency leave with pay each school year.

Persons employed for less than a full year contract shall receive a prorata part of the authorized emergency leave days calculated to the nearest 1/2 day. The prorata days will be calculated by dividing the total number of actual days worked by the number of total contract days for that position. For example: An employee contracted for 160 days of a normal 187-day contract due to being hired after the beginning of the year would receive 8 and 1/2 (8 1/2) sick days (160 days/187 days x 10 days = 8.5 days, rounded to the nearest half-day).

Persons employed on a full year contract but scheduled for less than a full work day shall receive the authorized emergency leave days equivalent to their normal working day.

Emergency leave shall be granted for the following reasons:

**BEREAVEMENT**

Death of a relative or personal friend.

**DISASTERS**

Personal disasters of the magnitude of tornadoes, fires, floods, etc. This applies only in cases not covered by sick leave.

**COURT/LEGAL**

Appearances as a witness or to produce documents when the employee's presence is required by subpoena. This is not to include appearances in actions in which the employee is a party and the subpoena is obtained by or on behalf of the employee. This also does not include jury duty. (See policy 03.2237.)

**OTHER**

Such other reasons of an emergency or extraordinary nature as approved by the Superintendent or designee.

**REQUEST FOR LEAVE**

Emergency leave must be requested through the Superintendent or designee who will determine if the leave requested meets the Board's criteria.

**AFFIDAVIT**

Persons taking emergency leave must file a personal affidavit upon their return to work stating the specific reasons for their absence.

**ACCUMULATION**

On June 30 emergency leave days not taken during the current school year shall be transferred and credited to the employee's accumulated sick leave account.

**REFERENCES:**

KRS 161.152; KRS 161.155

OAG 76-427; OAG 72-348; OAG 74-770

**RELATED POLICIES:**

03.2232; 03.2237

Adopted/Amended: 07/23/2007

Order #: 0128054

**- CLASSIFIED PERSONNEL -**

**Jury Leave**

**SALARY**

Any employee who serves on a jury in a duly constituted local, state, or federal court shall be granted leave with full compensation, less any compensation received as jury pay (except expense monies), for the period of his actual jury service.

**NOTICE**

Persons who will be absent from work to serve on juries must give advance notice to their immediate supervisors.

**REFERENCES:**

KRS 161.153  
OAG 78-696

Adopted/Amended: 04/24/1996

Order #: 0579



**-CLASSIFIED PERSONNEL-****Military/Disaster Services Leave**

Military leave will be granted to classified personnel under the provisions and conditions specified in law.

Employees who are members of the National Guard or of any reserve component of the Armed Forces of the United States, or of the reserve corps of the United States Public Health Service shall be entitled to military leave, without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits to which they are entitled. In any one (1) federal fiscal year, employees, while on military leave, shall be paid their salaries or compensations for a period or periods not exceeding twenty-one (21) calendar days. Any unused military leave in a federal fiscal year shall be carried over to the next year. Any unused military leave shall expire two (2) years after it has accrued. Determination of the period of military leave to be granted shall be made according to statutory requirements.

The employee is responsible for notifying his/her immediate supervisor as soon as s/he is notified of an impending military-related absence.<sup>1</sup>

The Board may grant disaster services leave to requesting eligible employees. An "eligible employee" means one who is a certified disaster services volunteer of the American Red Cross. Disaster services leave shall be with pay and shall not exceed thirty (30) work days in any twelve (12)-month period.<sup>2</sup>

**REFERENCES:**

<sup>1</sup>KRS 61.373, KRS 61.375, KRS 61.377, KRS 61.394, KRS 61.396

<sup>2</sup>KRS 61.395

KRS 161.740 (3)

702 KAR 003:070

OAG 76-316

OAG 74-258

OAG 82-305

Adopted/Amended: 08/14/2006

Order #: 0127884

**- CLASSIFIED PERSONNEL -****Insurance****INSURANCE**

The Board shall provide unemployment insurance, workers' compensation, and liability insurance for all classified personnel. In addition, the State provides group health and life insurance to employees who are eligible as determined by Kentucky Administrative Regulation.<sup>1</sup>

**WORKERS' COMPENSATION**

Employees who qualify for workers' compensation benefits following an assault and injury, while performing assigned duties, should refer to policy 03.223.

**REFERENCES:**

<sup>1</sup>702 KAR 001:035

Consolidated Omnibus Budget Reconciliation Act

Kentucky Constitution (Section 3); KRS 161.155; KRS 342.730(6)

**RELATED POLICIES:**

03.2211

03.223

03.22322

03.2241

03.24

Adopted/Amended: 07/25/2011

Order #: 2011.288

**- CLASSIFIED PERSONNEL -****Workers' Compensation Payments****COORDINATION WITH SICK LEAVE**

Employees shall not be required to use sick leave in connection with a work related injury. However, employees claiming workers' compensation income benefits who have sick leave available may choose to use sick leave in order to maintain the equivalent of full salary for the days they are unable to work. Employees shall not be entitled to payment in excess of one hundred percent (100%) of contracted salary.

**EMPLOYEE ELECTION**

In order to maintain full salary, employees may voluntarily elect to use sick leave to which they are entitled. To coordinate benefits in connection with the employee's election to use sick leave<sup>1</sup>, the employee shall pay to the District a sum equal to workers' compensation income benefits received for the same period that the employee uses sick leave. The employee may make such payment by endorsing the workers' compensation benefits check to the District or by paying the District by personal check or cash. The employee's sick leave balance shall then be reinstated to the extent of such payment.

**REFERENCES:**

<sup>1</sup>KRS 161.155, KRS 342.730

**RELATED POLICIES:**

03.2232

03.22322

Adopted/Amended: 07/25/2011

Order #: 2011.288

**- CLASSIFIED PERSONNEL -****Expense Reimbursement**

Provided the Superintendent/designee has given prior approval to incur the expense, the Board shall reimburse classified employees for job-related travel when such travel is a required part of the duties of the employee or for job-related activities approved by the Superintendent and, when appropriate, the School Council. Travel expenses of school-based personnel in SBDM schools shall be paid from Council funds. In the case of expenses reimbursed from internal accounts, the Principal shall be the authority for approving reimbursement. The Board will reimburse only actual expenses. Allowable expenses are:

**MILEAGE**

Actual mileage between official work stations within the District and actual mileage for trips outside the District which have been approved by the Superintendent and the Council in SBDM schools will be reimbursed at forty-eight cents (.48) per mile when the employee uses his/her own vehicle.

**GASOLINE**

Actual costs of gasoline and oil purchased and placed in a Board-owned vehicle by an employee while engaged in job-related travel. Purchase must be substantiated by a receipt showing total gallons and total charges.

**TOLLS AND FEES**

All tolls and parking fees incurred in job-related travel. Parking fees must be substantiated by a ticket or receipt. (Tolls are not to be charged for District vehicles being operated in state in an official capacity.)

**CAR RENTAL**

Car rental charges when approved by the Superintendent and the Council in SBDM schools. Charges must be substantiated by a receipt.

**COMMON CARRIERS**

All charges or fares for necessary travel on common carriers (plane, bus, train, subway, taxi, ferry, etc.). Sight-seeing and pleasure tours are not reimbursable.

**OUT-OF-STATE TRAVEL**

Reimbursement for out-of-state travel by privately owned vehicles shall be made on the basis of airplane coach fare or mileage rate, whichever is the lesser amount.

**FOOD**

Any monies spent for food while on out-of-District trips, when an overnight stay is required. All meal charges must be substantiated by an itemized receipt. Maximum allowable food expenditure per day shall be \$40 unless an exception is approved by the Board.

**Expense Reimbursement****LODGING**

Hotel or motel charges (not including food or other charges) incurred in school-related travel. Charges must be substantiated by an itemized receipt.

**EMERGENCY REPAIRS TO VEHICLES**

Reimbursement will be made for emergency repairs or road service to Board-owned vehicles if incapacitated while out-of-District. Drivers may not obligate the Board for major repairs without the permission of the Director of Transportation or Superintendent.

**REIMBURSEMENT FORMS**

No request for travel reimbursement will be considered unless filed on the proper purchase order form and accompanied by the properly itemized receipts.

**REFERENCES:**

KRS 160.290, KRS 160.410, KRS 175.525

OAG 80-395

United States v. Correll, 389 U.S. 299 (1967)

Accounting Procedures for Kentucky School Activity Funds

Adopted/Amended: 05/07/2012

Order #: IV.B.2

**- CLASSIFIED PERSONNEL -****Tuition Assistance Policy**

The Board may reimburse employees' tuition payments when the tuition is used to develop skills or upgrade performance. All full-time, regular board employees who have completed a minimum of six (6) months of service with Gallatin County Schools are eligible to participate in the program.

Educational assistance may be provided for courses offered by approved institutions of learning such as accredited colleges, universities, and secretarial and trade schools. Courses must be, in the Board's opinion, directly or reasonably related to job requirements or job performance with Gallatin County Schools.

Courses must not interfere with the employee's job responsibilities.

Reimbursement covers actual costs of tuition and registration fees for approved courses, textbooks and other required course materials, based on the following schedule:

<b>Grade Received</b>	<b>Amount of Reimbursement</b>
A	100%
B	75
P (Pass/Fail Courses)	75
C	50
Lower than C	0

Employees eligible for reimbursement from any other source (e.g., a government-sponsored program or a scholarship) may seek assistance under our educational assistance program, but are reimbursed only for the difference between the amount received from the other funding source and the actual course cost, up to the maximum reimbursement allowable under this policy based on the grade received.

Employees seeking assistance must submit a tuition reimbursement form to the appropriate supervisor prior to the commencement of the course(s), receive written approval from the Superintendent in advance, be actively employed by the Board at the time of course completion and receive a qualifying grade. Tuition reimbursement forms are available at the Central Office.

The Superintendent shall have the discretion to grant or deny requests with the recommendation of the employee's supervisor.

On completion of the courses, the employee shall submit to the Superintendent an official transcript from the school, reflecting grade received, and a bursar's receipt or other official proof of payment acceptable to the Board. Reimbursement is limited to a maximum of \$4000 per calendar year.

Tuition reimbursement shall not include the costs of supplies, papers, equipment, travel, meals or rooming expense. The Board offers tuition assistance only on a semester basis and makes no representation or promise of assistance beyond any semester that tuition reimbursement is granted.

**Tuition Assistance Policy**

Employees who have been granted tuition reimbursement shall continue employment with the Board for a minimum of one (1) calendar year from the date of reimbursement. Unless otherwise authorized by the Superintendent, when an employee voluntarily leaves employment before completion of the one year period, the employee immediately shall reimburse the Board for the amount of tuition reimbursement received during that period.

Employees shall refund the Board any monies paid to employee for reimbursement of his/her textbook and/or fees (i.e., selling a textbook back to the bookstore).

Adopted/Amended: 12/10/2007  
Order #: 0128129

**- CLASSIFIED PERSONNEL -****Assignment**

The assignment of classified personnel shall be made by the Superintendent, who, at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent.

The Superintendent shall assign personnel only in positions for which they are qualified.

The Superintendent shall not assign the relative of a school Principal to the school where the Principal is assigned unless the relative is not the spouse and was employed in that school during the 1989-90 school year. No spouse of a Principal shall be assigned to the school where the Principal is assigned unless the spouse was employed in the 1989-1990 school year and the District has no more than one (1) elementary school, one (1) middle school, and one (1) high school. A Principal's spouse employed in the Principal's school shall be evaluated by another school administrator.<sup>1</sup>

The Superintendent shall not assign a classified employee to an alternative education program as defined in KRS 160.380 as part of any disciplinary action pursuant to KRS 161.011 or as part of a corrective action plan established pursuant to the District's evaluation plan.

**TELECOMMUTING**

For the purposes of this policy, telecommuting shall be defined as a temporary work arrangement where selected classified employees in a critical position are allowed to perform the normal duties and responsibilities of their position through the use of computer or telecommunications at home or another place apart from their usual work station.

When such classified employees will be unable to work on site due to medical or other emergency situations, they may request the Superintendent to permit them to telecommute, provided they are able to perform the essential functions of their position. The period of reassignment is up to the discretion of the Superintendent.

When a request for telecommuting is granted, the following conditions shall apply:

1. The telecommuter's conditions of employment shall remain the same as for a non-telecommuting employee.
2. Employee salary, benefits and insurance coverage shall not change as a result of telecommuting.
3. The telecommuter shall be responsible for the security and confidentiality of data, as well as the protection of District-provided equipment, used and accessed during telecommuting.
4. The telecommuter shall agree to maintain a clean, safe workplace.
5. An on-site visit by the employer for monitoring of safety issues shall be arranged in advance.
6. There shall be no implied or specific right to participation in telecommuting being granted to all employees.



PERSONNEL

03.231  
(CONTINUED)

**Assignment**

**REFERENCES:**

<sup>1</sup>KRS 160.380  
KRS 160.390  
KRS 161.011  
OAG 91-28  
OAG 92-1  
OAG 92-135

Adopted/Amended: 07/23/2012  
Order #: 2012.433

**- CLASSIFIED PERSONNEL -****Transfer**

The transfer of classified personnel shall be made by the Superintendent who, at the first meeting following the transfer, shall notify the Board of same. Such notification shall be recorded in the Board minutes. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent.

**TRANSFER OF EMPLOYEES CHARGED WITH A FELONY**

Notwithstanding any other policy provision, the Superintendent may transfer an employee charged with a felony offense as permitted under KRS 160.380.

**REFERENCES:**

KRS 160.380

KRS 160.390

OAG 92-135

OAG 92-1

Adopted/Amended: 08/14/2006

Order #: 0127884

**- CLASSIFIED PERSONNEL -****Promotion**

The promotion of classified personnel shall be made by the Superintendent who, at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent.

The promotion of personnel shall be based on qualifications, success in past assignments, and potential for success in the new position.

The Superintendent shall not promote a personal relative or the relative of a Board member who continues employment in the District under the provisions of KRS 160.380.

**REFERENCE:**

KRS 160.380

OAG 92-1

Adopted/Amended: 04/24/1996

Order #: 0579

**- CLASSIFIED PERSONNEL -**

**Demotion**

The demotion of classified personnel shall be made by the Superintendent, who at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in Board minutes. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent.

**REFERENCES:**

KRS 161.164

OAG 92-1

OAG 92-135

Adopted/Amended: 04/24/1996

Order #: 0579

**- CLASSIFIED PERSONNEL -**

**Supervision**

**SUPERVISION**

Supervision shall be provided for all classified employees. Each employee shall be informed as to whom his/her immediate supervisor is and to whom s/he will be responsible.

**JOB DESCRIPTION**

Each employee shall be provided a job description which shall delineate all essential functions and the general duties and responsibilities of the position. Job descriptions shall not be considered all-inclusive descriptions of the job but shall indicate the general parameters of the duties and responsibilities of the position. The immediate supervisor may, as needed, assign other reasonable duties to the employee.

**REFERENCE:**

KRS 160.290

**RELATED POLICY:**

03.233

Adopted/Amended: 04/24/1996

Order #: 0579

**- CLASSIFIED PERSONNEL -****Use of School Property**

All personnel shall be responsible for the school equipment, supplies, books, furniture, and apparatus under their care and use. Any damaged, lost, stolen, or vandalized property shall be reported to the employee's immediate supervisor.

**OUTSIDE WORK**

An employee shall not use any District facility, vehicle, electronic communication system, equipment or materials in performing outside work unless otherwise approved by the Superintendent or Board. These items (including security codes and electronic records, such as E-mail) are property of the District and shall be used solely for job-related purposes.

The Board may authorize the use of school property where a demonstrable benefit to the school or community as a whole is provided.

**ELECTRONIC COMMUNICATIONS**

Employees shall not use a code, access a file, or retrieve any stored communication unless they have been given authorization to do so. Employees cannot expect confidentiality or privacy as to information entered or stored in their E-mail accounts. Authorized District personnel may monitor the use of electronic equipment from time to time.

**DRIVING RECORD**

Employees who have occasion to drive any Board-owned vehicle and/or transport students shall annually provide the Superintendent with a copy of their driving record from the Kentucky Department of Transportation. Any traffic citation received during the year shall be reported to the Superintendent prior to driving a Board-owned vehicle or transporting students.

**USE OF ASSIGNED TELECOMMUNICATION DEVICES**

The Board authorizes the purchase and employee use of telecommunication devices, as deemed appropriate by the Superintendent. These devices shall include, but are not limited to, pagers and digital or cell phones.

Telecommunication devices may be assigned or made available on a temporary or on-going basis when it is determined that:

1. Assignment of a device to an employee is a prudent use of District resources.
2. The employee's job responsibilities require the ability to communicate frequently and access to a District or public telephone is not readily available.
3. The employee's job involves situations where immediate communication is necessary to ensure the security of District property or safety of students, staff or others while on District property or engaged in District-sponsored activities.

District-owned telecommunication devices shall be used primarily for authorized District business purposes. However, occasional Personal use of such equipment is permitted.

**REFERENCES:**

KRS 160.290

KRS 189.292; KRS 189.294

KRS 281A.205

702 KAR 005:080

Adopted/Amended: 07/23/2012

Order #: 2012.433

**-CLASSIFIED PERSONNEL-****Gifts**

Any gift presented to a school employee for the use of the school must have the prior approval of the Superintendent or his designee. Any gift so approved and accepted on behalf of the school becomes the property of the Board. Gifts and donations made to the District shall be reported annually to the Board.

**REFERENCES:**

KRS 160.580

Accounting Procedures for Kentucky School Activity Funds

Adopted/Amended: 07/23/2012

Order #: 2012.433

**-CLASSIFIED PERSONNEL-****Gifts**

Any gift presented to a school employee for the use of the school must have the prior approval of the Superintendent or his designee. Any gift so approved and accepted on behalf of the school becomes the property of the Board. Gifts and donations made to the District shall be reported annually to the Board.

**REFERENCES:**

KRS 160.580

Accounting Procedures for Kentucky School Activity Funds

Adopted/Amended: 07/23/2012

Order #: 2012.433



**- CLASSIFIED PERSONNEL -****Solicitations**

Unless authorized by the Superintendent, sales representatives, agents, or other solicitors shall not solicit or contact employees during the school day.

Lists of classified personnel names shall not be made available to any person or group for political, commercial, or other purposes unless authorized by the Board.

**SOLICITATION BY EMPLOYEES**

District employees shall not use the advantage of their position for personal gain through soliciting students on school property or during duty hours. Transactions involving a private commercial undertaking for the employee's personal gain, conducted on school premises or during school hours, shall be prohibited.

**REFERENCE:**

KRS 160.725

**RELATED POLICY:**

09.33

Adopted/Amended: 09/30/1999

Order #: 012930

**- CLASSIFIED PERSONNEL -****Political Activities**

No District employee shall promote, organize, or engage in political activities while performing his/her duties or during the work day. Promoting or engaging in political activities shall include, but not be limited to, the following:

1. Encouraging students to adopt or support a particular political position, party, or candidate; or
2. Using school property or materials to advance the support of a particular political position, party, or candidate.

"Political positions" shall not be defined to include communications approved by the Superintendent to be distributed to parents or the community concerning District needs or proposed actions by the Board. Examples of such communications may include, but not be limited to, those addressing designation of attendance zones/areas and District facility and financial needs.

**SCHOOL BOARD ELECTIONS**

The Superintendent shall inform all District employees of the provisions of KRS 161.164.

**REFERENCES:**

KRS 161.164; KRS 161.990  
OAG 72-700; OAG 63-572  
OAG 92-145

**RELATED POLICY:**

03.212

Adopted/Amended: 09/24/2001  
Order #: 012312

**- CLASSIFIED PERSONNEL -****Disrupting the Educational Process**

Any employee who, while under the authority of the Superintendent, participates in or encourages activities that disrupt the educational process, whether on school property or at school-sponsored events and activities, may be subject to disciplinary action, including termination of contract.

For purposes of this section, behavior which disrupts the educational process shall include, but not be limited to:

1. Conduct that threatens the health, safety, or welfare of others;
2. Conduct that may damage public or private property, including property of students or staff;
3. Illegal activity;
4. Conduct that interferes with a student's access to educational opportunities or programs, including ability to attend, participate in, and benefit from instructional and extracurricular activities; or
5. Conduct that disrupts delivery of instructional services or interferes with the orderly administration of the school and school-related activities or District operations.

**OTHER CLAIMS**

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 09.422 and/or 03.262, which addresses harassment/discrimination allegations.

**REFERENCES:**

KRS 160.290

KRS 161.790

**RELATED POLICIES:**

03.212, 03.262, 03.27, 09.422, 10.21

Adopted/Amended: 09/24/2001

Order #: 012312

**- CLASSIFIED PERSONNEL -****Drug-Free/Alcohol-Free Schools****DRUGS, ALCOHOL AND OTHER PROHIBITED SUBSTANCES**

District employees shall not manufacture, distribute, dispense, be under the influence of, purchase, possess, use or attempt to purchase or obtain, sell or transfer any of the following in the workplace or in the performance of duties:

1. Alcoholic beverages;
2. Controlled substances, prohibited drugs and substances, and drug paraphernalia; and
3. Substances that "look like" a controlled substance. In instances involving look-alike substances, there must be evidence of the employee's intent to pass off the item as a controlled substance.

In addition, employees shall not possess prescription drugs for the purpose of sale or distribution.

**DEFINITIONS**

Controlled substance shall mean any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance added by the Kentucky Cabinet for Health and Human Services under regulations pursuant to KRS 218A.020.

Prohibited drugs include, but are not limited to, any substance that an individual may not sell, possess, use, distribute or purchase under Federal or Kentucky law.

Prohibited substances include:

1. All prescription drugs obtained without authorization, and
2. All prohibited substances however taken or used, including but not limited to, inhaling, ingesting, and/or injecting. These include, but are not limited to, prescribed and over-the-counter drugs, prohibited volatile substances as defined in KRS 217.900 or synthetic compounds/substances that are used or intended for use for an abusive and/or intoxicating purpose.

**AUTHORIZED DRUGS**

Employees who personally use or who are designated to administer to a student a drug authorized by and administered in accordance with a prescription from a health professional shall not be considered in violation of this policy.

**WORKPLACE DEFINED**

Workplace shall mean the site for the performance of work done for the District including any place where work on a District program, project or activity is performed, including, but not limited to, a school building or other school premises and any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities. "Workplace" shall also include school-sponsored or school-approved activities, events or functions which are held off school property and in which students are under District jurisdiction including, but not limited to, field trips and athletic events.

**SUSPENSION/TERMINATION/NON-RENEWAL**

Any employee who violates the terms of this policy may be suspended, non-renewed or terminated. In addition, violations shall result in notification of appropriate legal officials.

**Drug-Free/Alcohol-Free Schools****ALTERNATIVE**

As an alternative, the Superintendent may choose that an employee who violates the terms of the District's drug-free/alcohol-free workplace policies shall satisfactorily participate in a Board-approved drug/alcohol abuse assistance or rehabilitation program. If the employee fails to satisfactorily participate in such a program, the employee may be suspended, non-renewed or terminated.

**REPORTING**

Employees of the District shall promptly make a report to the local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the use, possession, or sale of controlled substances and/or alcohol on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school sponsored or sanctioned event.

**NOTIFICATION BY EMPLOYEE**

Any employee convicted of a workplace violation of criminal drug statutes shall, within five (5) working days, provide notification of the conviction to the Superintendent.

**PREVENTION PROGRAM**

The Superintendent shall establish a comprehensive and on-going drug-free/alcohol-free prevention program for all employees which shall include notice of the following:

1. The dangers of drug/alcohol/substance abuse in the schools;
2. The District's policies and related procedures on drug-free/alcohol-free schools;
3. The requirement for mandatory compliance with the District's established standards of conduct, including those that prohibit use of alcohol, drugs and other controlled and prohibited substances;
4. Information about available drug/alcohol counseling programs and available rehabilitation/employee assistance programs; and
5. Penalties that may be imposed upon employees for violations of this policy.

**REFERENCES:**

KRS 160.290; KRS 217.900; KRS 218A.1430; 34 CFR Part 85

P. L. 101-226 (Improving America's Schools Act of 1994 (Title IV): Safe and Drug-Free Schools and Communities)

**RELATED POLICIES:**

03.2325; 08.1345; 09.2241

Adopted/Amended: 07/23/2012  
Order #: 2012.433

**- CLASSIFIED PERSONNEL -****Use of Tobacco**

Smoking is prohibited in any building owned or operated by the Board where children meet on a routine or regular basis. In other buildings, the Superintendent or designee shall designate smoking areas. Smoking is limited to the area(s) so designated.

Adult employees may smoke in outside areas designated and supervised by the Superintendent or Principal.

**REFERENCES:**

KRS 438.050

OAG 81-295

OAG 91-137

KRS 160.290

KRS 160.340

P. L. 107-110 (No Child Left Behind Act of 2001)

**RELATED POLICY:**

09.4232

Adopted/Amended: 07/25/2005

Order #: 0127639

**- CLASSIFIED PERSONNEL -****Duties**

All employees are expected to use sound judgment in the performance of their duties and take reasonable measures to protect the health, safety, and well-being of others, as well as District property.

**JOB DESCRIPTION**

Prior to the authorization of any personnel position in the District budget, the Superintendent, collaborating with other District authorities with personnel assignment responsibilities, shall develop, for Board approval, job descriptions which establish all essential functions of each position. The description shall encompass job responsibilities, completion of records and reports, and achievement of goals identified to enhance student achievement and help the school and/or District meet goals established by statute and/or Board policy.

**INVESTIGATIONS**

All employees shall cooperate fully with all investigations conducted by the District as authorized by policy or law. Failure to comply may be considered insubordination.

**ACCOMMODATION**

Reasonable accommodation shall be provided each qualifying employee with a disability to comply with the requirements of law and regulation.<sup>1</sup>

**REFERENCES:**

<sup>1</sup>Americans With Disabilities Act (ADA); Rehabilitation Act of 1973  
P. L. 93-12 Sec. 504; P. L. 101-336  
KRS 158.645; KRS 158.6451  
OAG 91-10

**RELATED POLICY:**

03.212

Adopted/Amended: 07/23/2012  
Order #: 2012.433

**- CLASSIFIED PERSONNEL -**

**Outside Employment or Activities**

**OUTSIDE EMPLOYMENT**

Classified employees shall not accept outside employment or activities which will prevent them from fulfilling regularly assigned school duties and obligations.

Employees shall not perform any duties related to an outside job during their regular working hours.

**EXCEPTION**

While performing service or undergoing training, employees who are members of the National Guard, any reserve component of the U.S. armed forces, or reserve corps of the U.S. Public Health Service shall be entitled to leave of absence from their respective duties.<sup>1</sup>

**REFERENCES:**

<sup>1</sup>KRS 61.394, KRS 61.396  
KRS 160.290  
KRS 160.291 (4)

**RELATED POLICY:**

03.222  
03.2238

Adopted/Amended: 04/24/1996

Order #: 0579



**- CLASSIFIED PERSONNEL -****Hours of Duty****REGULAR HOURS**

Classified employees shall be prompt in attendance and shall remain on duty as specified by school policy or their immediate supervisor.

No classified employee shall leave his/her job assignment during duty hours without the express approval of his/her immediate supervisor.

**ADDITIONAL HOURS**

Classified employees may be required to perform additional duties as directed by school policy or assigned by their immediate supervisor.

**SIGN-IN**

Classified employees shall personally clock in and clock out each day. In addition, the signature of each employee shall be required on his/her report of working hours due at the end of each work period.

**REFERENCES:**

KRS 160.290 (2)

KRS 158.060

OAG 77-718

OAG 65-179

OAG 55-37,675

**RELATED POLICY:**

03.221

Adopted/Amended: 07/23/2007

Order #: 0128054

**- CLASSIFIED PERSONNEL -****Health and Safety****SAFETY**

It is the intent of the Board to provide a safe and healthful working environment for all employees. Employees shall report any conditions they believe to be unsafe to their immediate supervisor, who shall examine the situation and take appropriate action.

The District shall develop, maintain and implement health and safety plans in compliance with state and federal law.

**HAZARD COMMUNICATION PLAN**

The Superintendent/designee shall develop a District Hazard Communication Plan. The plan shall include:

1. The assignment of a District employee to be responsible for the implementation and coordination of the Hazard Communication Plan;
2. The inventory of all chemicals used at each school and worksite;
3. The identification of each chemical in the inventory that is covered by the OSHA Hazard Communication Standard;
4. Maintenance of a Material Safety Data Sheet (MSDS) for each substance on the chemical inventory list for as long as the District uses the substance, plus thirty (30) years;
5. Labeling of all containers of each chemical identified as required by the Hazard Communication Standard;
6. The development of an employee Hazard Communication Information and Training Program; and
7. The development, implementation and maintenance of a written Hazard Communication Program.

**BLOODBORNE PATHOGEN CONTROL**

The Superintendent/designee shall develop an Exposure Control Plan to eliminate or minimize District occupational exposure to bloodborne pathogens. The plan shall address:

1. Identification of employees at-risk of occupational exposure and their assigned tasks and procedures which could lead to such exposure;
2. Communication of hazards to employees;
3. Vaccinations of at-risk employees for Hepatitis B at no cost to these employees;
4. Determination of universal precautions to be observed, including adequate engineering controls and housekeeping procedures;
5. Appropriate training of employees;
6. Provision of personal protective equipment including an opportunity provided annually for employees who use medical sharps in performance of their duties to identify, evaluate and select engineering and work practice controls to be implemented by the District, as appropriate;
7. Maintenance of a sharps injury log;

**Health and Safety****BLOODBORNE PATHOGEN CONTROL (CONTINUED)**

8. Medical follow-up and counseling for employees after a work-site exposure;
9. Maintenance of confidential records of each exposure incident; and
10. A schedule for implementing all provisions required by the OSHA standard.

The Superintendent or designee shall review and update the Exposure Control Plan at least once each year and when needed to reflect new or modified tasks and procedures that affect occupational exposure or new or revised employee positions with occupational exposure. The review and update shall also address:

1. Changes in technology that eliminate or reduce exposure to bloodborne pathogens; and
2. Annual documentation that appropriate, commercially available and effective safer medical devices that are designed to eliminate or minimize occupational exposure have been obtained and are now in use.

**LOCKOUT/TAGOUT**

The Superintendent/designee shall develop a lockout/tagout program to eliminate or minimize the unexpected startup or release of stored energy in mechanical or electrically powered equipment. The plan shall address:

1. Assignment of a District employee to be responsible for implementation and coordination of the lockout/tagout program;
2. A written program consisting of energy control procedures;
3. Development, documentation and utilization of energy control procedures for the control of potentially hazardous energy when employees are engaged in servicing and maintaining equipment;
4. Periodic review of the lockout/tagout program to assure authorized employees are properly controlling unexpected startup or release of stored energy; and
5. Annual training of employees authorized to use lockout/tagout to emphasize program procedures and retraining whenever a periodic review reveals deficiencies in employee performance.

**PERSONAL PROTECTIVE EQUIPMENT (PPE)**

The Superintendent/designee shall conduct a hazard assessment to determine when and where the use of personal protective equipment (PPE) is necessary. The hazard assessment shall address:

1. Assignment of a District employee responsible for assessing the workplace for hazards;
2. Selection of appropriate PPE to safeguard employees from hazards that cannot be eliminated;
3. A training program to be conducted to educate employees about the need for PPE and when it must be worn;
4. Training of employees on the use and care of PPE, how to recognize deterioration and failure and the need for replacement; and

**Health and Safety****PERSONAL PROTECTIVE EQUIPMENT (PPE) (CONTINUED)**

5. Requiring employees to wear designated PPE as deemed necessary by the hazard assessment.

**ASBESTOS MANAGEMENT**

The District shall conduct school inspection and re-inspection activities as required by state and federal law<sup>1</sup> to identify the status of asbestos. The District shall maintain an updated asbestos management plan that shall include, but not be limited to, applicable current and/or future inspection activities, response actions and surveillance activities and a description of steps taken to inform staff and parents about any such activities. Each school shall maintain in its administrative office an updated copy of the management plan for that school. Annual written notice of the availability of the plan shall be provided to parent, teacher, and employee organizations. In the absence of any such organizations, the District shall provide written notice of plan availability to parents, teachers, or employees, as applicable.

**REFERENCES:**

- <sup>1</sup>401 KAR 058:010, 40 C.F.R. Part 763
- Kentucky Department for Public Health
- Centers for Disease Control and Prevention
- Kentucky Labor Cabinet, 803 KAR 002:308, 803 KAR 002:404, 803 KAR 002:500
- OSHA 29 CFR 1910
- 132 PPE Hazard Assessment
- 147 Lockout/Tagout
- 1200 Hazard Communication
- 1030 Bloodborne Pathogens

Adopted/Amended: 07/23/2012  
Order #: 2012.433

**- CLASSIFIED PERSONNEL -****Personnel Records****MASTER PERSONNEL FILE**

One (1) master personnel file, documenting employment history and including information maintained in electronic format, shall be maintained for each employee. This file shall be maintained in the Central Office and shall be under the custody of the Superintendent or the Superintendent's designee. This file may be inspected by the employee.<sup>1</sup> The Superintendent shall develop procedures to ensure the security of the files.<sup>2</sup>

**SCHOOL-LEVEL PERSONNEL FILE**

The Principal/supervisor may maintain a personnel folder for each person under his/her supervision. These folders may contain:

1. Items used as reference and not forwarded to the master personnel file in the Central Office,
2. The employee's annual evaluation and other school-related correspondence to and from the employee, and
3. Other informational items that may or may not be maintained in the Central Office master personnel file.

**PUBLIC INSPECTION**

Those portions of personnel records containing material of a personal nature, the disclosure of which would constitute an invasion of privacy, are not open for public inspection.<sup>3</sup>

**MEDICAL INFORMATION**

Medical information shall be maintained separately from an employee's personnel file.

District acquisition and disclosure of applicant and employee genetic information shall comply with applicable legal requirements.<sup>4</sup>

**REFERENCES:**

<sup>1</sup>KRS 61.884

<sup>2</sup>KRS 61.876

<sup>3</sup>KRS 61.878

<sup>4</sup>Genetic Information Nondiscrimination Act of 2008

KRS 61.870, KRS 61.872, KRS 61.874; KRS 161.151, 704 KAR 003:345

OAG 77-394, OAG 85-109, OAG 86-15, OAG 89-90

OAG 91-161, OAG 91-176

Kentucky Education Technology System (KETS)

Records Retention Schedule, Public School District

Americans with Disabilities Act of 1990 (P.L. 101-336), 42 U.S.C. 12112

**RELATED POLICIES:**

03.211, 10.11

Adopted/Amended: 07/26/2010

Order #: 2010-166

**- CLASSIFIED PERSONNEL -****Grievances****PROCEDURES**

The Superintendent shall develop specific grievance procedures to include, but not be limited to, the opportunity for grievances to be addressed and resolved at each level of the chain of command from the point of origin, time limitations for the filing and the appeal of a grievance, and procedures for the orderly review and appeal of each individual grievance.

Grievances are individual in nature and must be brought by the individual grievant.

The Board shall take action only on those grievances that fall within the authority of the Board.

**GENERAL GRIEVANCES**

The Board will hear grievances only after unsuccessful resolution by the employee's supervisors.

**PERSONNEL ISSUES**

The Board will not hear any grievance concerning personnel actions taken by the Superintendent/designee, unless the grievance is based on an alleged violation of constitutional, statutory, regulatory, or policy provisions.

Before accepting a grievance appeal, the Board shall seek the advice of the Board Attorney as to whether the appeal falls within the requirements of this policy. Any personnel grievance not falling within the requirements shall be appealed only to the level of the Superintendent.

The Board shall not hear grievances concerning simple disagreement or dissatisfaction with a personnel action.

**EXCEPTION**

Harassment/Discrimination allegations shall be governed by policy 03.262.

**REFERENCE:**

OAG 78-204

**RELATED POLICY:**

03.262

Adopted/Amended: 08/12/2002

Order #: 012572

**- CLASSIFIED PERSONNEL -****Harassment/Discrimination****DEFINITION**

Harassment/Discrimination of employees is unlawful behavior based on the race, color, national origin, age, religion, sex, genetic information or disability of an employee involving intimidation by threats of or actual physical violence; the creation, by whatever means, of a climate of hostility or intimidation or the use of language, conduct, or symbols in such manner as to be commonly understood to convey hatred or prejudice.

**PROHIBITION**

Harassment/Discrimination is prohibited at all times on school property and off school grounds during school-sponsored activities. This prohibition also applies to visitors to the school who may come into contact with employees and students. (Acts of harassment/discrimination based on sex may be committed by persons of the same or the opposite sex.)

District staff shall provide for a prompt and equitable resolution of complaints concerning harassment/discrimination.

**DISCIPLINARY ACTION**

Employees who engage in harassment/discrimination of another employee or a student on the basis of any of the areas mentioned above shall be subject to disciplinary action including but not limited to termination of employment.

**GUIDELINES**

Employees who believe they or any other employee, student, or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Superintendent. If an employee is not assigned to a particular school, a report of harassment/discrimination may be made to the employee's immediate supervisor or to the Superintendent. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report. Without a report being made to the Principal, Superintendent or Title IX/Equity Coordinator, the District shall not be deemed to have received a complaint of harassment/discrimination.

In applicable cases, employees must report harassment/discrimination to appropriate law enforcement authorities in accordance with law.<sup>1</sup>

The Superintendent shall provide for the following:

1. Investigation of allegations of harassment/discrimination to commence as soon as circumstances allow, but not later than ten (10) working days of receipt of the original complaint, regardless of the manner in which the complaint is communicated to a District administrator. A written report of all findings of the investigation shall be completed within thirty (30) calendar days, unless additional time is necessary due to the matter being investigated by a law enforcement or governmental agency.

The Superintendent/designee may take interim measures to protect complainants during the investigation.

**Harassment/Discrimination****GUIDELINES (CONTINUED)**

2. A process to identify and implement, within ten (10) working days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required an explanation shall be included in the report.
3. A process to be developed and implemented to communicate requirements of this policy to all staff, which may include, but not be limited to the following:
  - written notice provided in publications such as handbooks, staff memoranda, and/or pamphlets;
  - postings in the same location as are documents that must be posted according to state/federal law; and/or
  - such other measures as determined by the Superintendent/designee.Method(s) used shall provide a summary of this policy, along with information concerning how individuals can access the District's complete policy.
4. Annual training explaining prohibited behaviors and the necessity for prompt reporting of alleged harassment/discrimination.
5. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.

**PROHIBITED CONDUCT**

Depending on the circumstances and facts of the situation, and within the definition of harassment/discrimination contained in this policy, examples of conduct and/or actions that could be considered a violation of this policy include but are not limited to:

1. Any nicknames, slurs, stories, jokes, written materials or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;
2. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors;
3. Instances involving sexual violence;
4. Causing an employee to believe that he or she must submit to unwelcome sexual conduct in order to maintain employment or that a personnel decision will be based on whether or not the employee submits to unwelcome sexual conduct;
5. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
6. Seeking to involve individuals with disabilities in antisocial, dangerous or criminal activity where they, because of disability, are unable to comprehend fully or consent to the activity; and
7. Destroying or damaging an individual's property based on any of the protected categories.

**CONFIDENTIALITY**

District employees involved in the investigation of complaints shall respect, as much as possible, the privacy and anonymity of all parties involved.



**Harassment/Discrimination****APPEAL**

Upon the completion of the investigation and correction of the conditions leading to the harassment/discrimination, any party may appeal in writing any part of the findings and corrective actions to the Superintendent.

If a supervisory staff member is an alleged party in the harassment/discrimination complaint, provision shall be made for addressing the complaint to a higher level of authority.

Failure by employees to report, notify, and/or initiate an investigation of alleged harassment/discrimination as required by this policy, or to take corrective action shall be cause for disciplinary action.

**RETALIATION PROHIBITED**

No one shall retaliate against an employee or student because s/he submits a grievance, assists or participates in an investigation, proceeding, or hearing regarding the charge of harassment/discrimination of an individual or because s/he has opposed language or conduct that violates this policy.

Upon the resolution of allegations, the Superintendent shall take steps to protect employees and students against retaliation.

**OTHER CLAIMS**

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 03.212, 03.2325 and/or 09.422.

**REFERENCES:**

<sup>1</sup>KRS 158.156

42 USC 2000e, Civil Rights Act of 1964, Title VII; KRS Chapter 344

29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC) Regulations  
Implementing Title VII

20 U.S.C. 1681, Education Amendments of 1972, Title IX

34 C.F.R. 106.1-106.71, U. S. Department of Education Office for Civil Rights Regulations  
Implementing Title IX

Genetic Information Nondiscrimination Act of 2008

**RELATED POLICIES:**

03.212, 03.2325, 03.26, 09.2211, 09.422, 09.42811

Adopted/Amended: 07/23/2012

Order #: 2012.433

**- CLASSIFIED PERSONNEL -****Discipline, Suspension and Dismissal of Classified Employees****DISCIPLINARY OPTIONS**

Classified employees may be subject to the following actions, to include, but not limited to:

1. Verbal warning or reprimand by Superintendent/designee
2. Written warning or private reprimand by Superintendent/designee
3. Probation imposed by Superintendent/designee
4. Reassignment (temporary or permanent) by Superintendent
5. Public reprimand by Superintendent
6. Suspension without pay by Superintendent
7. Nonrenewal by Superintendent
8. Dismissal (termination of contract) by Superintendent

**ACTIONS WHICH MAY REQUIRE HEARING PROCEDURES**

Only the Superintendent may issue a public reprimand, suspend without pay or terminate a classified employee. Subject to the employee's exercise of applicable hearing rights, these personnel actions shall be effective on the employee's receipt of written notice from the Superintendent. Subject to the completion of any pending administrative hearing procedure on the action, the Superintendent shall notify the Board at the first meeting following a public reprimand, suspension without pay, or termination and such notification shall be recorded in the Board minutes.

**TEMPORARY SUSPENSION WITH PAY PENDING INVESTIGATION**

An employee may be relieved from duty for the remainder of the work day (without loss of pay for the affected portion of the day) by the immediate supervisor, pending a review of the facts or allegations, when such time is needed to protect health or welfare of students or staff or to prevent disruption of the educational process.

An employee shall be suspended with pay only when the Superintendent determines there is a justifiable need to protect the health, safety, or welfare of students and staff or to prevent significant disruption of the workplace and/or educational process. The period of suspension with pay shall not exceed the time needed to conduct an investigation and to determine whether the employee is to return to active service or face disciplinary action. However, suspension with pay shall not exceed ten (10) working days. If circumstances arise that require an investigation or other proceedings that may extend beyond ten (10) days, the Superintendent may lengthen the period of suspension, not to exceed an additional fifteen (15) working days.

Employees suspended with pay shall remain available for immediate recall to active service.

**CAUSES FOR ACTION**

Any classified employee may be subject to appropriate disciplinary or job action for one (1) or more of the following reasons:

1. Dishonesty, neglect of duty, incompetence, inefficiency or insubordination.
2. Reporting to work under the influence of or use or possession of alcohol or controlled substances while on duty, or the illegal use or possession of controlled substances at any time.

**Discipline, Suspension and Dismissal of Classified Employees****CAUSES FOR ACTION (CONTINUED)**

3. Unsatisfactory evaluation of any factor on the employee's performance evaluation report.
4. Repeated unexcused absence, tardiness, absence without notification or abuse of sick leave.
5. Violation of or refusal to obey local policies or state regulations adopted by the Kentucky Board of Education or by the Board.
6. Refusal to comply with safety directives.
7. Falsifying information supplied to the District including information on application forms, absence reports, or any other information.
8. Violation of local policy, state, or federal statutes or regulations that apply to assigned duties.
9. Being convicted of or entering an "Alford" plea or plea of nolo contendere to a felony or any crime (including misdemeanors) involving moral turpitude or illegal transactions with minors or students.
10. Immorality, misconduct, or conduct unbecoming a school employee.
11. Loss of licensure or certification required for the position.
12. Failure to maintain the confidentiality of information about students or staff obtained in the course of employment, unless disclosure serves a legitimate job-related purpose or is required by law.
13. Engaging in any sexually related behavior with a student with or without consent, including, but not limited to, behavior such as sexual jokes; sexual remarks; sexual kidding or teasing; sexual innuendo; pressure for dates or sexual favors; inappropriate physical touching, kissing, or grabbing; rape, threats of physical harm; and sexual assault.
14. Physical or mental disability, consistent with applicable laws protecting employees with disabilities.<sup>1</sup>

**DUE PROCESS PROVISIONS (SUSPENSION WITHOUT PAY/TERMINATION)**

The Superintendent shall develop/adopt procedures to provide adequate due process, covering matters that may result in public reprimand, suspension without pay or termination of classified employees. The procedures shall address, but are not limited to notice, opportunity to be heard, right to counsel, conducting a hearing (if requested), and the rendition of a decision or action.

Employees shall be provided written notification of the charges that may result in a public reprimand, suspension without pay or termination. The notification shall include a statement of the right to a hearing and a form, the signing and filing of which with the Superintendent shall constitute a demand for a hearing and a denial of the charges. If an employee wishes to request a hearing, the employee shall present the appropriate form to the Superintendent within ten (10) calendar days of the receipt of the written notification of the charges. If the employee does not file the demand for a hearing within the ten (10) day period, final personnel action may be taken or completed without a hearing or further proceedings.

**Discipline, Suspension and Dismissal of Classified Employees****OTHER DISCIPLINARY ACTIONS**

When disciplinary actions other than public reprimand, suspension without pay or termination, are at issue, employees may submit a written response, which shall be placed in their file along with any documentation of the disciplinary action.

**REFERENCES:**

<sup>1</sup>Americans with Disabilities Act of 1990 as amended by the ADA Amendments Act of 2008,  
42 U.S.C. Section §12111 et seq.; KRS Chapter 344  
KRS 160.380; KRS 160.390; KRS 161.011  
OAG 76-290; OAG 92-135, OAG 96-3, OAG 05-006  
Consolidated Omnibus Budget Reconciliation Act

**RELATED POLICIES:**

03.212  
03.23251  
03.26  
03.271  
03.2711  
07.162  
09.14  
09.42811

Adopted/Amended: 07/25/2011  
Order #: 2011.288

**- CLASSIFIED PERSONNEL -****Reduction in Force****PROCESS**

During the budgeting process the Board shall determine the number of classified positions to be funded by the District.

If it becomes necessary to reduce the number of classified employees within the budget year, the Superintendent may at any time make a reduction in the number of classified employees due to the following:

1. Reduction in funding,
2. Reduction in enrollment of students,
3. Changes in the District or school boundaries, or
4. Other compelling reasons as determined by the Superintendent.

The Superintendent shall provide at least thirty (30) calendar days written notification to employees affected.

Reduction in force of classified employees shall be defined as total separation from employment in the District. A change in duties or non-renewal of a part-time position when an employee holds more than one (1) position shall not be considered a reduction in force.

**ORDER OF REDUCTION**

Employees who have less than four (4) years of continuous active service shall be reduced first.

In the event it is necessary to reduce classified employees who have more than four (4) years of continuous active service, the Superintendent shall make reductions within each job classification affected based on the following:

1. Seniority in the District and qualifications required for the position, such as specialty license/training and whether the position is full-time or part-time, based on District needs.
2. Seniority and qualifications being equal, the classified employee who has the highest evaluation ratings will be retained.

**RE-EMPLOYMENT**

Employees with more than four (4) years of continuous active service in the District shall have the right of recall, if positions become available for which they are qualified. Recall of those individuals shall be implemented according to District seniority with restoration of primary benefits, including all accumulated sick leave and appropriate rank and step on the current salary schedule based on total number of years of service in the District. In addition, should these employees be subject to a reduction in force, they shall be granted continuation of benefits under COBRA.

**Reduction in Force****RE-EMPLOYMENT (CONTINUED)**

When employees with less than four (4) years of continuous active service in the District are selected for reduction, they shall no longer be considered an employee and shall have no employee rights or benefits other than those granted under COBRA. These individuals may reapply for employment with the District if positions open in the future. However, a reduction in force does not guarantee future employment with the District or any preference or recall right in the employment process for employees with less than four (4) years of District experience.

**REFERENCE:**

KRS 161.011

**RELATED POLICIES:**

02.4331

03.22

03.224

Adopted/Amended: 08/28/2000

Order #: 012103

**- CLASSIFIED PERSONNEL -****Nonrenewal**

The Principal/immediate supervisor shall provide the Superintendent with notice of recommended nonrenewals by March 15.

Nonrenewal of contracts for classified personnel shall be made in compliance with the requirements of KRS 161.011, with written notice being mailed or provided to the employee by the Superintendent no later than May 15.

**BASIS FOR NONRENEWAL (LESS THAN FOUR YEARS OF SERVICE)**

The Superintendent may nonrenew the contracts of classified employees with less than four (4) years of continuous active service in the District for any legal reason.

**BASIS FOR NONRENEWAL (FOUR OR MORE YEARS OF SERVICE)**

Classified employees with four (4) or more years of continuous active service in the District may be nonrenewed for the following reasons:

1. Incompetency,
2. Neglect of duty,
3. Insubordination,
4. Inefficiency,
5. Misconduct,
6. Other grounds contained in Board policy, including, but not limited to, causes for action set forth in Board policy 03.27,
7. Immorality, or
8. A position becomes obsolete or redundant due to program reorganization, changes to program requirements, elimination or reduction of a program, including a council decision that fewer employees are needed at the school, or any other change in District personnel staffing policies or guidelines.

**REFERENCE:**

KRS 161.011

**RELATED POLICIES:**

03.27

03.271

Adopted/Amended: 07/25/2011

Order #: 2011.288

**- CLASSIFIED PERSONNEL -****Conflict of Interests****PECUNIARY INTEREST PROHIBITED**

No administrator or other employee of the District with decision-making authority over the financial position of the school District shall have any pecuniary interest, either directly or indirectly, in an amount exceeding twenty-five dollars (\$25.00) per year, at the time of or after appointment, in supplying any goods, services, property or merchandise for which school funds are expended. Nor shall any such person receive directly or indirectly any gift, reward, or promise of reward for goods, services, property, or merchandise of any kind for which school funds are expended.<sup>1</sup>

No administrator or other employee shall solicit for personal financial gain from students, parents and other staff during the school day or during school events.

Unless prior arrangements are made with the Board, any device, publication or any other item to be copyrighted developed during the employee's paid time shall be District property.

Employees shall not profit monetarily through the use of confidential information gained in the course of or by reason of their position of employment with the District.

**EXCEPTION**

This policy shall not prohibit the Board from approving non-contracted personal services for the benefit of the District.

**REFERENCES:**

KRS 156.480

KRS 45A.455

OAG 77-228

OAG 71-474

Adopted/Amended: 04/24/1996

Order #: 0579



**- CLASSIFIED PERSONNEL -**

**Retirement**

**RETIREMENT**

Retirement means retirement from the County Employees' Retirement System.

**NOTICE**

Persons retiring should give the Superintendent notice as far in advance as possible but not less than two (2) weeks prior to retirement.

**REFERENCES:**

29 U.S.C. 631

KRS 61.545

KRS 78.610; KRS 78.616

KRS 161.155

OAG 81-72

OAG 83-191

OAG 97-28

Adopted/Amended: 04/24/1996

Order #: 0579

**- CLASSIFIED PERSONNEL -****Evaluation**

Each classified employee shall be evaluated at least once each year. This evaluation shall be performed by the Principal or the immediate supervisor and shall be based upon a formal procedure approved by the Superintendent for that specific position or class of positions. The administrator performing the evaluation shall share and discuss the evaluation report with the employee. The employee shall have the right to comment in writing on the evaluation report. The employee's written comments shall be attached to the evaluation report, and the report shall be filed with the Superintendent.

Adopted/Amended: 04/24/1996

Order #: 0579

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Adopted/Amended: 04/24/1996

Order #: 0579

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Adopted/Amended: 04/24/1996

Order #: 0579

**- CLASSIFIED PERSONNEL -**

**Staff Development**

The Superintendent shall develop and implement a program for continuing training for selected classified personnel.

**REFERENCES:**

P. L. 107-110 (No Child Left Behind Act of 2001)  
34 CFR 200.58-200.59

Adopted/Amended: 07/28/2003

Order #: 0127243

**Student Teachers**

The Superintendent/designee shall oversee the utilization of student teachers in the District in keeping with the agreement established with teacher education institutions.

**REFERENCES:**

KRS 161.010

KRS 161.042

016 KAR 005:040

Adopted/Amended: 09/11/1997

Order #: 01089

## **Substitute Teachers**

### **QUALIFICATIONS**

All substitute teachers shall meet criminal records check and medical examination requirements as specified in policies 03.11 and 03.111. In addition, substitutes serving in a position on a long-term/extended basis must meet all certification requirements established by the Education Professional Standards Board.

### **SUBSTITUTE LIST**

The Superintendent or designee shall maintain a list of qualified substitute teachers. The Superintendent or designee shall engage substitutes from this list. Refusal of assignment as a substitute shall be documented, along with any reason provided.

### **RETIRED TEACHERS**

Retired teachers may be reemployed as a part-time, temporary, or substitute teacher in keeping with requirements of the Kentucky Teachers' Retirement System.

### **LENGTH OF DUTY**

Substitute teachers shall observe the same hours of duty as the regular teacher. The substitute will continue to report for duty until relieved by the Superintendent or designee.

Substitute teachers shall follow daily lesson plans as outlined by the regular teacher and leave a written record of the work completed during their length of duty.

### **SUBSTITUTE SALARY AND PAYMENT SCHEDULE**

Substitutes shall be paid on a per diem basis according to the salary schedule approved by the Board. The salary schedule may reflect adjustments for long-term/continuous assignment substitutes.

Payment shall be made on the next scheduled payday for substitutes.

### **EMPLOYMENT NOTIFICATION**

Each year, substitute teachers on the District's substitute list shall be notified in writing by the last day of school if they have reasonable assurance of continued employment for the following school year.

Nonrenewal of substitute teachers on limited contracts shall be made in compliance with the requirements of KRS 161.750.

### **REFERENCES:**

KRS 17.160; KRS 17.165; KRS 156.106; KRS 161.605; KRS 161.611  
016 KAR 002:030; 016 KAR 002:120; 102 KAR 001:030;  
702 KAR 001:035; 702 KAR 003:075; OAG 69-296

### **RELATED POLICIES:**

03.11, 03.111, 03.121

Adopted/Amended: 07/25/2011  
Order #: 2011.288

## **Paraprofessionals**

### **SUPERINTENDENT MAY EMPLOY**

The Superintendent may employ paraprofessionals for supplementary instructional and non-instructional duties in the education program in positions authorized by the Board.<sup>1</sup>

### **DEFINITION**

As used in this policy and in relation to required training and qualifications for instructional personnel, the term “paraprofessional” is interchangeable with the term “paraeducator,” which means an adult school employee who works under the direction of the professional administrative and teaching staff in performing, within the limitations of training and competency, certain instructional and non-instructional functions in the school program.<sup>2</sup>

### **EDUCATIONAL REQUIREMENTS**

All paraprofessionals shall satisfy educational requirements specified by federal law.<sup>2</sup>

### **SUPERVISION**

Paraprofessionals shall be under the direct supervision of certified teachers.<sup>1&2</sup> Each paraprofessional shall have a job description that limits assigned duties to the scope of the individual's competencies.

### **EVALUATION**

The Superintendent shall develop and implement procedures for an annual evaluation and professional development of paraprofessionals. Evaluation results shall be a factor in future employment decisions.

### **REFERENCES:**

<sup>1</sup>KRS 161.044; OAG 76-555; OAG 86-43

<sup>2</sup>P. L. 107-110 (No Child Left Behind Act of 2001); KRS 161.010  
34 CFR 200.58-200.59

Kentucky High School Athletic Association (KHSAA)

KRS 17.160; KRS 17.165

KRS 156.095; KRS 160.380; KRS 161.180

OAG 73-206

### **RELATED POLICIES:**

03.21 (Hiring)

03.232 (Job Description)

03.28 (Evaluation)

03.6

Adopted/Amended: 07/28/2003

Order #: 0127243



## **Volunteers**

### **DEFINITION**

Volunteers are persons who do not receive compensation for assisting in school or District programs. Volunteers are encouraged to use their time and effort to support school and District programs. The Superintendent shall develop procedures that encourage volunteers to assist in school and/or District programs and to facilitate effective communication with persons who volunteer.

Teacher education students or students enrolled in an educational institution and who participate in observations and educational activities under direct supervision of a local school teacher or administrator in a public school shall not be considered volunteers.

### **SUPERVISION**

All volunteers shall provide assistance only under the direction and supervision of a member of the professional administrative and teaching staff.<sup>1</sup>

Volunteers who assist in the District on a scheduled and/or continuing basis shall be provided with the same liability insurance coverage as a District employee and shall be provided with a written task description detailing responsibilities and expectations, as well as specific qualifications that may be required.

### **RECORDS CHECK**

The District shall conduct, at District expense, a state criminal records check on all volunteers who have contact with students on a regularly scheduled and/or continuing basis, or who have supervisory responsibility for children at a school site or on school-sponsored trips.

Pursuant to KRS 160.380, the Superintendent/designee also may require volunteers to submit to a national criminal history background check for safety reasons. With prior approval of the Superintendent/designee, the background checks will be conducted at District expense. Otherwise, except as stated previously, the volunteer must pay for the background checks.

No volunteer shall be utilized to supervise students, or deemed to have the authority to supervise students, unless the volunteer has been designated to supervise students by the Principal and approved by the Superintendent/designee, and the volunteer has undergone the required records check.

### **WORK-BASED SITE SUPERVISORS**

Work-based learning site supervisors are considered volunteers. Pursuant to KRS 160.380 and KRS 161.148, prior to being assigned to supervise a student for more than one (1) day in a work-based learning experience, the site supervisor shall have undergone a state criminal background check either as required by their employer at time of employment or within the past twelve (12) months, whichever is the more recent.

### **ORIENTATION**

The Superintendent/designee shall develop orientation materials to be provided to all volunteers who have contact with students on a regularly scheduled or continuing basis. These materials shall include, but not be limited to, pertinent policies and safety and emergency procedures.

PERSONNEL

03.6  
(CONTINUED)

**Volunteers**

**REFERENCES:**

<sup>1</sup>KRS 161.148  
KRS 160.380  
KRS 161.044

**RELATED POLICIES:**

03.5  
08.113; 08.1131

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