

1.	Certified Personnel..	Policy, Regulation, Procedure, Form. Guidelines
A.	Permanent Personnel	
(1)	Concepts and Roles in Personnel.....	4000
(2)	Recruitment and Selection.....	4111
(3)	Equal Employment Opportunity.....	4111.1*
(4)	Nondiscrimination	4111.2*
(5)	Sexual Harassment	4111.3*
(6)	Certification	4112.2
(7)	Health Examinations	4112.4*
(8)	Fingerprinting.....	4112.5*
(9)	Personnel Records	4112.6*
(10)	Nepotism; Employment of Relatives.....	4112.8*
(11)	Reference Checks.....	4112.51*
(12)	Assignment and Transfer.....	4114
(13)	Supervision and Evaluation	4115
(14)	Return to Work (& Adm. Regulations & Form)	4117.31*
(15)	Termination of Employment	4117.5
(16)	Employees with HIV, ARC, and AIDS	4118.1*
(17)	Emp. with HIV, ARC, and AIDS Confidentiality....	4118.11*
(18)	Cellular Phones.....	4118.12
(19)	Tobacco/Smoking.....	4118.2*
(20)	Conflict of Interest.....	4118.3*
(21)	Disabilities	4118.4*
(22)	Academic Freedom	4118.5
(23)	Use of New Web Tools (Blogging/Podcasting).....	4118.51*
(24)	Social Networking.....	4118.52*
(25)	Code of Ethics	4118.6
(26)	Smoking, Drinking, Etc. on School Premises	4118.7*
(27)	Weapons and Dangerous Instruments.....	4118.8*
(28)	Duties of Personnel	4118.9*
(29)	Rights, Responsibilities and Duties-Electronic Mail.....	4119*
B.	Temporary and Part-Time Personnel.....	4120
(1)	Substitute Teachers.	4121
(2)	Student Teachers	4122
C.	Activities	
(1)	Staff Development.....	4131
(2)	Continuing Education Units (CEUs).....	4131.5
(3)	Travel Reimbursement.....	4133*
(4)	Tutoring.....	4134
(5)	Teacher-Adm.-Board of Ed Relationships	4135*
D.	Compensation and Related Benefits	
(1)	Employee Safety.....	4147*
(2)	Employee Protection.....	4148*
(3)	Family and Medical Leave.....	4152.6*

* The policy and/or regulation is the same for Certified and Non-Certified Personnel.

Some policies have a double number; in general number 41++ is certified and 42++ is non-certified.

PERSONNEL—CERTIFIED AND NON-CERTIFIED

Series 4000**2. Non-Certified Personnel****A. Permanent Personnel**

- (1) Equal Employment Opportunity4211.1*
- (2) Nondiscrimination4211.2*
- (3) Health Examinations4212.4*
- (4) Personnel Records4212.6*
- (5) Nepotism: Employment of Relatives4212.8*
- (6) Drug & Alcohol Testing for Bus Drivers.....4212.42
- (7) Reference Checks.....4212.51*
- (8) Assignment and Transfer.....4214
- (9) Supervision and Evaluation4215
- (10) Personnel Reduction in Force (RIF)4217
- (11) Dismissal/Suspension.....4218
- (12) Just Cause.....4218.1
- (13) Tobacco/Smoking4218.2*
- (14) Conflict of Interest.....4218.3*
- (15) Disabilities4218.4*
- (16) Use of New Web Tools (Blogging/Podcasting).....4218.51*
- (17) Smoking, Drinking, & etc. on School Premises4218.7*
- (18) Weapons and Dangerous Instruments.....4218.8*
- (19) Duties of Personnel.....4218.9*
- (20) Electronic Mail.....4219*
- (21) Return to Work.....4220*

B. Activities

- (1) Travel Reimbursement.....4233*
- (2) Teacher-Adm-Board of Education Relationships 4235*

C. Compensation and Related Benefits

- (1) Employee Safety.....4247*
- (2) Employee Protection.....4248*
- (3) Family and Medical Leave.....4252*
- (4) Drug-Free Workplace4311*

* The policy and/or regulation is the same for Certified and Non-Certified Personnel.

Some policies have a double number; in general number 41++ is certified and 42++ is non-certified.

Personnel — Certified

Recruitment and Selection

The Orange Board of Education shall engage in fair and sound personnel practices in the appointment of all district employees. The administration shall be responsible for establishing recruitment, selection and appointment procedures.

Recruitment and selection of administrative, instructional and support personnel shall be the duty of the superintendent. The superintendent will develop an administrative procedure to ensure that the recruitment and selection process conforms to state and federal laws.

The Board of Education believes it is important that the recruitment of staff reflect diversity. The administration will market to diverse populations in an attempt to reflect a staff representative of the population in the district. While efforts will be made to attract individuals of diverse backgrounds, no preferential treatment will be given in the hiring process to individuals based on personal identity. The selection process will have as its goal the hiring of the most qualified employees.

The Orange Board of Education authorizes the Superintendent of Schools to hire administrators and teachers, including substitute teachers, for positions authorized by the Board of Education and report such hires to the Board at the regular monthly Board of Education meeting.

The superintendent makes employment recommendations to the Orange Board of Education for final approval when hiring administrators and/or supervisors.

Hiring of Retired Teachers

A retired teacher receiving benefits from the Teachers Retirement System (TRS) may be reemployed by the Board for up to one full school year in a position (1) designated by the Commissioner of Education as a subject shortage area, or (2) at a school located in a priority school district for the school year in which the teacher is being employed. Such employment may be for up to one full school year. Such reemployment may be extended for an additional school year, provided the Board (a) submits a written request for approval to the Teachers' Retirement Board, (b) certifies that no qualified candidates are available prior to the reemployment of such teacher and (c) indicates the type of assignment to be performed, the anticipated date of rehire and the expected duration of the assignment.

The salary of such teacher shall be fixed at an amount at least equal to that paid other teachers in the District with similar training and experience for the same type of service. The retired teacher shall be eligible for the same health insurance benefits provided to active teachers employed by the District. No retirement benefits shall be paid during this period of re-employment.

Legal Reference: Connecticut General Statutes

10-151 Employment of teachers. Notice and hearing on termination of contract.

10-153 Discrimination on account of marital status.

10-183v Re-employment of teachers, as amended by P.A. 10-111,
An Act Concerning Education Reform in Connecticut.

10-220 Duties of Boards of Education. (as amended by PA 98-252)

46a-60 Discriminatory employment practices prohibited.

Personnel — Certified

Recruitment and Selection

To ensure all candidates have an equal opportunity to be considered for employment the following procedure has been established for recruiting and selecting the most qualified employees to serve our school district.

1. Notification of all openings will be made to all personnel in the system and ACES.
2. Increased efforts will be made to recruit qualified minority candidates through: (1) newspapers, (2) minority employment programs; and (3) *The Internet*.
3. A network of persons who have access to and contact with potential minority candidates will be maintained and used.
4. A network established by the school system for the recruitment of possible candidates at historically black colleges and universities and institutions with high percentages of diverse populations will be maintained and used.
5. Procedures will include notification of professional vacancies to the following: (1) College placement offices, and (2) other appropriate minority organizations.
6. Records of applications will be maintained for one year to provide documentation of applicant flow. Records will be kept of the following: (1) groups contacted in the recruitment process, (2) published advertisements, (3) posting notices and other relevant correspondence, (4) applicants by protected group, and hiring by protected group.

Screening Procedures - Certificated

All applicants must have the following on file before an application will be reviewed:

- A fully completed application
- A current resume
- Three current letters of recommendation or a university/college career placement file
- Transcripts (Official transcripts are desired but not required. All successful applicants must have official transcripts on file before employment commences.)
- If this is the candidate's first teaching position a copy of the student teaching final evaluation is also required.

The superintendent and two administrators will review all completed application files.

Candidates whose applications are considered for further consideration will be given a brief telephone-screening interview.

Personnel — Certified
Recruitment and Selection (continued)

Following the telephone-screening interview candidates whose applications are considered for further consideration will be invited to participate in an administrative team interview.

Successful candidates will be invited to participate in a “building position specific” interview to be conducted by the building administrator and teacher leaders. Administrative and Supervisor interviews will participate in a position specific position conducted by an interview team with broad representation, including PTA, parents etc.

A minimum of two references will be contacted prior to making a final recommendation to the superintendent. The building administrator will recommend to the superintendent the successful candidate for a final interview with the superintendent.

Screening Procedures – Non-certificated

All applicants must have the following on file before an application will be reviewed:

- A fully completed application
- A current resume
- Three current letters of recommendation

The superintendent or his/her designee will review all completed application files.

Candidates whose applications are considered for further consideration will be invited for a screening interview.

A minimum of two references will be contacted prior to making a final recommendation to the superintendent. The building/program administrator will recommend to the superintendent the successful candidate for a final interview with the superintendent.

Regulation revised:
/2002

Personnel — Certified and Non-Certified

Equal Employment Opportunity

The Orange Board of Education will provide equal employment, promotion, and training opportunities for all persons without regard to race, color, religious creed, age, marital status, national origin, sex, sexual orientation, or disability. The Superintendent shall establish as an employment goal the recruitment, selection, and employment of qualified people among racial and ethnic minority groups to reflect the racial and ethnic composition of the Orange community

The Orange Board of Education requests an annual report from the Superintendent of Schools concerning the extent to which affirmative action program goals are being achieved.

Advertisement of employment opportunities shall, by intent and design, foster employment of qualified people among racial and ethnic minority groups.

Legal Reference: Connecticut General Statutes

10-153 Discrimination on account of marital status.

46a-60 Discriminatory employment practices prohibited.

Title VII, Civil Rights Act 42 U.S.C. 2000e, et seq.

PA 91-58 An act concerning discrimination on the basis of sexual orientation.

Policy revised:
/2002

Personnel — Certified and Non-Certified

Equal Employment Opportunity

Affirmative Action Plan

The Director of Special Services and the Superintendent will prepare an affirmative action plan including the following components:

1. Materials for in-service workshops.
2. A tabulation of data regarding present staff composition in race and sex for both professionals and non-professionals.
3. Data on staff turnover rates, expected retirement, opportunities for career advancement, and projected staff needs.
4. An analysis of the community labor market for potential district applicants.
5. A comparison of employment status with the demographic data on community labor market.
6. A program to establish and maintain relationships with placement officers around the country, who counsel and help place female and minority graduates.
7. A public relations program that welcomes minorities and females as professional staff members.
8. Updating of application forms to eliminate all discriminatory questions.
9. Goals and timetable for implementation of the affirmative action plan.

Evaluation and Monitoring of Affirmative Action Plan

Evaluation and monitoring of the affirmative action plan will be an on-going process. The Superintendent or his/her designee will monitor the development and implementation of the plan and conduct ongoing review of the affirmative action efforts in the district.

Under the direction of the Superintendent or designee, internal audit procedures, plans for maintaining and updating the database, and plans for maintaining records will be developed. Reports will be submitted to the Board of Education annually.

Legal Reference: Connecticut General Statutes

10-153 Discrimination on account of marital status.

46a-60 Discriminatory employment practices prohibited.

Title VII, Civil Rights Act 42 U.S.C. 2000e, et seq.

PA 91-58 An act concerning discrimination on the basis of sexual orientation.

Procedure adopted
/2002

Personnel — Certified and Non-Certified

Nondiscrimination

In compliance with regulations of Title VII of the Civil Rights Act 1964, Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973, the Civil Rights Act of 1987 and the American With Disabilities Act, the Board of Education adopts the following Equal Employment Opportunity and Equal Education Opportunity Policies.

Equal Employment Opportunity

Both federal and state law prohibit discriminatory practices in hiring and employment. The Board of Education prohibit discriminatory acts in all district matters dealing with employees and applicants for positions and requires equal employment opportunities for all employees and applicants. As an equal opportunity employer, the Board of Education does not discriminate on the basis of race, color, religious creed, age, marital status, national origin, ancestry, sex, sexual orientation, gender identity or expression, pregnancy, past or present history of mental disorder, mental retardation, learning disability (regarding any individual who can perform the essential functions of the job, with or without reasonable accommodations), physical disability (including blindness), or other disability except in the case of a bona fide occupational qualification or need.

Equal Education Opportunity

Pursuant to the IDEA, Americans With Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, no otherwise qualified individual with handicaps shall, solely by reason of such handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program of the Board of Education.

Every student has the right to participate fully in classroom instruction and extracurricular activities which shall not be abridged or impaired because of age, sex, sexual orientation, race, religion, national origin, pregnancy, parenthood, marriage, or for any reason not related to his/her individual capabilities.

Civil Rights Coordinators for the Board of Education shall monitor compliance with this policy. The names and location of the Civil Rights Coordinators are set forth below. Further compliance with policy is a responsibility of all district administrators in accordance with the procedures set forth in the attached regulations.

Students shall not be discriminated against, including but not limited to, in the areas of:

Admission

Use of school facilities

Personnel — Certified and Non-Certified

Nondiscrimination (continued)

Equal Education Opportunity (continued)

Student rules, regulations and benefits

Financial assistance

School-sponsored extracurricular activities

Enrollment in courses

Counseling and guidance

Physical education

Health services

Other aid, benefits, or services

Employee/or applicants shall not be discriminated against, including but not limited to, the areas of:

Hiring and promotion

Compensation

Job assignments

Leaves of absence

Fringe benefits

Labor activity

Contracts or professional agreements

Sexual harassment has been established as a form of sexual discrimination and is defined as follows:

"Any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment or participation in an educational function (2) submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting the individual or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working environment."

Personnel — Certified and Non-Certified

Nondiscrimination (continued)

Examples of specific behaviors (that are unwanted and sexual in nature) that could constitute sexual harassment include, but not be limited to:

Attempted rape/rape	Inappropriate touching
Sexual name calling	Sexual rumors
Display of unwanted affections	Overly personal conversation
Corner/blocking	Harassing telephone calls
Inappropriate gestures	Leers
Sexually explicit jokes/cartoons/pictures	Sexually explicit comments

If a person believes he/she has been discriminated against in regard to either of the preceding policies, and believes his/her rights have been denied or violated, a grievance may be filed.

If a person wishes to discuss these regulations or rights under this policy, or wishes to discuss or file a grievance, he/she should contact the Director of Pupil Services, our school district Equity/Title IX Coordinator, or an administrator. The Equity Coordinator can be reached at 203.891.8023 or by writing to Equity/Title IX Coordinator, 637 Orange Center Rd. Orange, CT 06477.

Forms are available in our school offices or from our Equity/Title IX Coordinator. Contact with the Equity/Title IX Coordinator should take place within forty - (40) calendar days of the alleged occurrence.

All files pertaining to investigations related to sexual harassment complaints will be kept protected and private in the Board of Education office according to the records retention laws.

Legal Reference: Civil Rights Act of 1964, Title VII, 42 U.S.C. 2000-e2(a).
Equal Employment Opportunity Commission Policy Guidance (N-915.035) on Current Issues of Sexual Harassment, effective 10/15/88.
Title IX of the Education Amendments of 1972, 34 CFR Section 106.
Meritor Savings Bank. FSB v. Vinson, 477 U.S. 57 (1986)
Connecticut General Statutes
46a-60 Discriminatory employment practices prohibited.
Constitution of the State of Connecticut, Article I, Section 20.
P.A. 11-55 An Act Concerning Discrimination

Policy revised:
12/12/2011

4111.2 Procedure

Personnel — Certified and Non-Certified

Nondiscrimination

Discrimination Grievance Procedure

The purpose of this procedure is to secure, at the lowest possible administrative level, equitable solutions to problems which may arise concerning claims of discrimination. Evidence of reprisal against a complainant or witness shall be viewed as a violation of this policy.

Any person who wishes to inquire or to register a complaint concerning alleged discrimination in the Orange School District shall have an opportunity to bring such concerns to the attention of the Equity/Title IX Coordinator or Superintendent, who has the authority to resolve such complaints. The following grievance procedure shall be utilized by any student, parent or employee in making a complaint or inquiry. Officials shall be governed by this procedure.

- Level I:** The complainant shall discuss the alleged discriminatory act or practice with the Equity/Title IX Coordinator or the individual closest to the daily decision-making level. This will normally be a principal, teacher, counselor, department chairperson, head custodian, or cafeteria manager. If satisfaction cannot be achieved through informal discussion, the following procedure must be initiated.
- Level II:** The complainant shall, within forty (40) calendar days of the alleged incident, on forms provided, put the complaint in writing and file it with the Equity/Title IX Coordinator. Within five (5) working days a conference must be held. Within five (5) working days following the conference, the complaint must be resolved to the satisfaction of both parties or referred to the Superintendent of Schools. Within five (5) working days, the Equity/Title IX Coordinator shall notify the Superintendent and must notify the complainant of this notification. The Board will be apprised by the Superintendent of any grievance reaching Level II.
- Level III:** Within ten (10) working days after receipt of such complaint, the Superintendent must hold a hearing; and within five (5) working days of the hearing, resolve the complaint, negotiate a long-term solution or refer the matter to the Board of Education for consideration.
- Level IV:** The Board of Education, Superintendent and the Equity/Title IX Coordinator shall proceed in accordance with appropriate laws or regulations.

Procedure revised:
2002

4111.2Form
4211.2

Discrimination Grievance Form

Any student, parent/guardian, employee or employment applicant who feels that he/she has been discriminated against on the basis of race, color, age, national origin, sex or handicap may discuss and/or file a grievance with the Equity/Title IX Coordinator of the Orange School District. Reporting should take place within 40 calendar days of the alleged discrimination.

Equity/Title IX Coordinator
Director of Special Services
637 Orange Center Rd.
Orange, CT 06477

Name of Presenter/Complainant: _____

Circle One: Employee Employment Applicant Student Parent/Guardian

Home Address: _____

Telephone _____ Date of Claim _____ Date of Incident _____

1. Statement of Incident/Issue (include all pertinent information: who, how, where, when, how often, feelings, witness).

2. Please attach any additional information/documentation as necessary.

Signature of Presenter: _____

Signature of Civil Rights Coordinator: _____

Date Received: _____

Forms are available from Equity/Title IX Coordinator, Administrators' and School Offices.

Personnel — Certified and Non-Certified

Sexual Harassment

The Board of Education is committed to safeguarding the right of all employees within the school district to a work environment that is free from all forms of sexual harassment. Therefore, the Board condemns all unwelcome behavior of a sexual nature which is either designed to extort sexual favors from an employee as a term or condition of employment, or which has the purpose or effect of creating an intimidating, hostile, or offensive working environment. The Board also strongly opposes any retaliatory behavior against complainants or any witnesses.

Any employee who believes that he or she has been subjected to sexual harassment should report the alleged misconduct immediately so that appropriate corrective action may be taken at once. In the absence of a victim's complaint, the Board, upon learning of, or having reason to suspect, the occurrence of any sexual misconduct, will ensure that an investigation is promptly commenced by appropriate individuals.

The Superintendent of Schools is directed to develop and implement specific procedures on reporting, investigating and remedying allegations of sexual harassment.

A copy of this policy and its accompanying regulation are to be distributed to all supervisory and non-supervisory personnel and posted in appropriate places.

Legal References: Civil Rights Act of 1964, Title VII, 42 U.S.C. S2000-e2(a)
 Equal Employment Opportunity Commission Policy Guidance (N-915.035) on
 Current Issues of Sexual Harassment, Effective 10/15/88
 Meritor Savings Bank, FSB v. Vinson 477 US.57 (1986)
 29 CFR Para. 1604.11 (EEOC)
 Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June 26,1998)
 Burlington Industries, Inc. v. Ellerth, No. 97-569, (U.S. Supreme Court, June
 26,1998)
 Gebbs v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme
 Court, June 26,1998)
 Connecticut General Statutes
 46a-60 Discriminatory employment practices prohibited.

Policy adopted:
 /2002

Personnel — Certified and Non-Certified

Sexual Harassment

Definitions

Employee shall mean all teaching, administrative and support personnel. Immediate supervisor shall mean the person to whom the employee is directly responsible (e.g., principal, director).

Employees who believe they have been subjected to sexual harassment are to report the incident to their immediate supervisor. Should the immediate supervisor be the alleged harasser, the report shall be made to the next level of management. Incidents of sexual harassment may be reported informally or through the filing of a formal complaint.

All reports of sexual harassment will be held in confidence subject to all applicable laws and any relevant provisions in the district's collective bargaining agreements.

Procedures

Consistent with federal and state law, and all applicable provisions in the district's collective bargaining agreements, the following procedures shall be employed in handling any report, investigation and remedial action concerning allegations of sexual harassment:

Informal Complaints

Employees who believe they have been subjected to sexual harassment may request that an informal meeting be held between themselves and the appropriate supervisor. The purpose of such a meeting will be to discuss the allegations and remedial steps available. The supervisor will then promptly discuss the complaint with the alleged harasser. Should the harasser admit the allegations, the supervisor is to obtain a written assurance that the unwelcome behavior will stop. Depending on the severity of the charges, the supervisor, may recommend that further disciplinary action be taken. Thereafter, the supervisor is to prepare a written report of the incident and inform the complainant of the resolution. The complainant is to indicate on the supervisor's report whether or not he/she is satisfied with the resolution.

If the complainant is satisfied with the resolution, the incident will be deemed closed. However, the complaint may be reopened for investigation if a recurrence of sexual harassment is reported. The supervisor is to inform the complainant to report any recurrence of the harassment or any retaliatory action that might occur.

Should the complainant be dissatisfied with the resolution, he/she is to file a formal written complaint.

Personnel — Certified and Non-Certified

Sexual Harassment (continued)

If during the supervisor's informal attempt to resolve the complaint, the alleged harasser admits the allegations but refuses to give assurance that he/she will refrain from the unwelcome behavior, the supervisor is to file a report with the next appropriate level of management. The report is to indicate the nature of the complaint, a description of what occurred when the supervisor informed the alleged harasser of the allegations against him/her, the harasser's response to the allegations, and a recommendation that stronger corrective measures be taken. This report should be accompanied by a formal complaint.

Should the alleged harasser deny the allegations, the supervisor is to inform the complainant of the denial and state that a formal written complaint will be required for further formal investigation. The supervisor will file a report with the next level of management on what has transpired to date. If the complainant submits a formal complaint, a copy of it should accompany the supervisor's report with a recommendation for further action.

Formal Complaints

Formal complaints may be submitted either to initially report any incidence of sexual harassment, or as a follow-up to an unsatisfactory resolution of an informal attempt to resolve a complaint. In the latter case, the formal written complaint is to be submitted to the supervisor originally consulted, who will then forward it to the next appropriate level of management, e.g., the Director of Special Services, the district's business official, or the Superintendent, for appropriate action.

The formal written complaint will consist of any appropriate forms and a copy of any applicable supervisor reports. The appropriate forms solicit the specifics of the complaint, e.g. date and place of incident, description of sexual misconduct, names of any witnesses, and any previous action taken to resolve the matter.

Complaint Investigations

Upon receipt of a formal or informal complaint, a prompt, thorough and impartial investigation of the allegations must follow. This investigation is to be conducted diligently. Complainants are to be notified of the outcome of the investigation.

Remedial Action

If the investigation reveals that sexual harassment has occurred, appropriate sanctions will be imposed in a manner consistent with any applicable law and collective bargaining agreements. Depending on the gravity of the misconduct, these may range from a reprimand up to and including dismissal from employment. When applicable, any lost employment benefits or opportunities will be restored to the victims.

Anyone subjecting complainants or witnesses to any form of retaliation will also be subject to disciplinary action in the manner prescribed by law and consistent with any applicable provisions in the district's collective bargaining agreements.

Personnel — Certified and Non-Certified

Sexual Harassment (continued)

If the investigation reveals that no sexual harassment has occurred, or if the complainant is not satisfied with the remedial action taken after a finding of sexual harassment, the complainant may appeal to the next appropriate level of management, e.g., the Superintendent, or the Board of Education. The appeal must include a copy of the original complaint, all relevant reports, the specific action being appealed, and an explanation of why the complainant is appealing.

Post Remedial Action

Following a finding of sexual harassment, victims will be periodically interviewed by the appropriate supervisory personnel to ensure that the harassment has not resumed and that no retaliatory action has occurred. These follow-up interviews will continue for an appropriate period of time. A report will be made of any victim's response.

Complaint Records

Complainants should receive a copy of any resolution reports filed by the supervisor concerning his/her complaint. Copies will also be filed in a separate investigation file of both the complainant and the alleged harasser.

Investigation in the Absence of a Complainant

The Board will, in the absence of a victim's complaint, ensure that an investigation is commenced by the appropriate individuals, upon learning of, or having reason to suspect, the occurrence of any sexual misconduct.

Training

Each year, or more frequently if the Board deems it appropriate, employees will receive training regarding sexual harassment and related matters. Such training may include a review of this policy and regulation, discussion, films or other activities.

Personnel — Certified and Non-Certified

Sexual Harassment (continued)

Legal Reference: Civil Rights Act of 1964, Title VII, 42 U.S.C.2000-e2(a).
Equal Employment Opportunity Commission Policy Guidance (N-915.035) on Current Issues of Sexual Harassment, effective 10/15/88.
Title IX of the Education Amendments of 1972, 34 CFR Section 106.
Meritor Savings Bank. FSB v. Vinson, 477 U.S. 57 (1986)
Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June 26, 1998)
Burlington Industries, Inc. v. Ellerth, No. 97-569, (U.S. Supreme Court, June 26, 1998)
Gebbs v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme Court, June 26, 1998)
Connecticut General Statutes
46a-54 (15) Definitions. Posting requirement for employers having three or more employees. Where to post. When to post. Posting and training requirements for employers having fifty or more employees. Effect of prior training. Trainers Recordkeeping.
46a-60 Discriminatory employment practices prohibited.
Constitution of the State of Connecticut, Article I, Section 20.

New Reg.:
/2002

SEXUAL HARASSMENT FORMAL COMPLAINT FORM

Name and position of complainant: _____

Date of complaint: _____

Name of alleged sexual harasser: _____

Date and place of incident: _____

Description of misconduct: _____

Name of witnesses (if any): _____

Has the incident been reported before? _____

If yes, when? _____

To whom? _____

What was the resolution? _____

Reasons for dissatisfaction: _____

SEXUAL HARASSMENT COMPLAINT - APPEAL FORM

Name and position of complainant: _____

Date of appeal: _____

Date of original complaint: _____

Have there been any prior appeals? _____

If yes, when? _____

To whom? _____

Description of decision being appealed: _____

Why is the decision being appealed? _____

Personnel -- Certified

Certification

Every instructional employee shall be certified according to the provisions of applicable state law.

It is the responsibility of the employee to submit proof of appropriate certification to the school system prior to the commencement of employment with the Orange Public Schools. The school system will maintain a record of the employee's credential as required by law.

It shall be the sole responsibility of the certified employee to see that his/her credentials for certification are completed before the date of expiration and to file the completed certification with the school system.

In the event of a lapse in certification, employee's status shall be immediately changed to "Substitute" (per diem) with no benefits, and his/her salary will be reduced to the current rate of pay for substitutes. If employee fails to obtain appropriate certification within 40 days s/he may be subject to termination of employment. If, within 40 days following a lapse in certification, employee provides evidence of appropriate certification, the employee's salary and benefits shall be reinstated, retroactive to the effective date of certification.

Legal Reference: Connecticut General Statutes

10-145d-400 (as amended by PA 04-138, An Act Concerning National Board Certification and June 19 Special Session, Public Act No. 09-1)

Part I	Definitions
Part II	General Conditions
Part III	Types of Certificates
Part IV	Special Authorizations
Part V	Reissue and Cross Endorsement of Certificates
Part VI	Early Childhood, Elementary or Middle School Certificates
Part VII	Middle Grades
Part VIII	Secondary Academic
Part IX	Special Subjects or Instructional Areas
Part X	Applied Curriculum and Technology Subjects
Part XI	Vocational Technical
Part XII	Special Education: Blind, Partially Sighted or Hearing Impaired
Part XIII	Special Services Certificates

Personnel -- Certified

Certification

Legal Reference: Connecticut General Statutes (continued)

Part XIV Administrative

Part XV Adult Education

Part XVI Discontinued Endorsements and Prior Authorization

Part XVII Appeal Process

20 U.S.C. 1119 – No Child Left Behind Act of 2001

34 C.F.R. 200.55 – Federal Regulations Regarding Highly Qualified Teachers

Policy Adopted: April 5, 2010

Personnel — Certified and Non-Certified

Health Examinations

Chest X-Ray or Intradermal Test

All employees, as a pre-employment condition, shall have a physical examination and present evidence of having submitted to examination (chest x-ray, skin test, or other tests designated as acceptable by the county health department) to determine that they are free of active tuberculosis prior to commencing service. The local health officer may require subsequent PPD Tuberculin Tests.

Because the protection of the health of the children must be pre-eminent, and the physical well being of all staff members must be guarded, the following procedures apply:

- All employees must have a PPD Tuberculin Test at the time of employment.
- Substitutes and student teachers must show evidence of appropriate tuberculin test – PPD at the time of employment.
- Those with a clean history of a previously positive test do not need to be tested.
- A statement of eligibility to continue to work in his/her present capacity will be filed in the employee's personnel file.
- A "Risk Assessment Questionnaire" for Tuberculosis Exposure will be distributed to each employee every year.

Physical Examinations

Each new employee, other than day-to-day substitutes, tutors, and those who fill supplemental pay positions exclusively, shall have a physical examination by the physician of his/her choice prior, if possible, to assuming his/her duties and if not possible at least within thirty days of beginning work in the district. The results of such examination shall be recorded by the examining physician on the form provided by the district and the completed form shall be retained in the employee's personnel file.

Risk Assessment Questionnaire
For Tuberculosis Exposure

1. Were you born outside the US?
If yes, where were you born? If born in Africa, Asia (including the former Soviet Union), Latin America (including Haiti and the Dominican Republic or Eastern Europe, a TST should be placed.
2. Have you traveled outside the US?
If yes, where did you travel, with whom did you stay, and how long did you travel? If you traveled to any of the above continental areas, stayed for ≥ 1 week and interacted with the local people, including local friends or local family, then a TST should be placed.
3. Have you been exposed to anyone with TB disease?
If yes, determine whether the person had TB disease or LTBI, when the exposure occurred, and what the nature of the contact was. If confirmed that contact was with a person with known or suspected TB disease, a TST should be placed.
4. Do you have close contact with someone with a positive TST?
If yes, see previous question for follow-up questions.
5. Do you spend time with anyone who has been in jail (or Prison) or a shelter, injects illegal drugs, or has HIV?
If yes, then a TST should be placed.
6. Do you have a household member who was born outside the US?
If yes, from what country? If country is one of the countries included in question 1, then a TST should be placed.
7. Do you have a household member who was born outside the US?
If yes, from what country? If country is one of the countries included in question 1, then a TST should be placed.
8. Do you have a household member who has traveled outside the US?
Included as a household member are persons who take care of children in the home. If yes, and the person is from one of the countries included in question 1, TST should be placed.

Signature and Print Name

Date

To Examining Physician:

The Board of Education of the Orange School District requires, as a pre-employment condition, a physical examination and a tuberculosis test of all school personnel. The Board of Education recommends a physical examination every three years before the age of 40 and each year thereafter.

The physical examinations should include an assessment of the following:

Please check:

ACCEPTABLE	UNACCEPTABLE	
		1. Eyes, ears, nose and throat.
		2. Heart and lungs with a general assessment of the vascular system.
		3. Examination of abdomen with check for hernias. (Males only)
		4. Gross neurologic examination (reflexes)
		5. PPD Test
		6. Urine checked for sugar and albumin.

The duties of the examinee's position held should be considered in evaluating and reporting on the examination. Any additional special examinations are at your discretion.

The detailed findings and related data should be kept in your files. The examinee is to return one copy of this form to his/her personnel file. (In the Superintendent's office.)

_____ This individual is capable of performing his/her work assignment.

_____ This individual is capable of performing his/her work assignment with the following restrictions:

(Please specify)

_____ This individual is not capable of performing his/her work assignment.

_____ This individual is to consult with another physician for a comprehensive examination of his/her:

(Please specify)

Individual's:

Name _____

School _____

Position _____

Physician's:

Signature _____

Name _____

Date of Signature/Exam _____

Form: Form-Physical

Form revised:

/2002

Orange Elementary School System
Orange, CT.

Personnel -- Certified/Non-Certified

Security Check/Fingerprinting

In order to create a safe and orderly environment for students, all offers of employment will be conditional upon the successful outcome of a criminal record check.

Prior to employment district employees shall submit to state and national criminal checks.

School nurses and nurse practitioners appointed by the Board or under contract with the Board shall also submit to a criminal history check pursuant to C.G.S. 29-17a.

Student teachers placed in District schools as part of completing preparation requirements for the issuance of an educator certificate, effective July 1, 2010, shall also be required to undergo the same criminal background checks already required for school employees.

Legal Reference: Connecticut General Statutes

10-221d Criminal history records checks of school personnel.
Fingerprinting. Termination or dismissed. (as amended by PA 01-173, and
PA 04-181 and June 19 Special Session, Public Act No. 09-1)

29-17a Criminal history checks. Procedure. Fees.

Policy revised: April 5, 2010

Personnel – Certified/Non-Certified

Security Check/Fingerprinting

Each applicant for a position within the public school system shall be asked whether he/she has ever been convicted of a crime and whether there are any criminal charges pending against him/her at the time of application. Each person hired by the school system shall be required to submit to state and national criminal record checks. In order to process such record checks, the following procedure will be followed:

1. No later than ten calendar days after the Superintendent or his/her designee has notified a job applicant of a decision to hire the applicant, or as soon thereafter as practicable, the Superintendent or his/her designee will supply the applicant with a packet containing all documents and materials necessary for the applicant to be fingerprinted by the Regional Service Center. This packet shall also contain all documents and materials necessary for the Regional Service Center to submit the completed fingerprints to the State Police Bureau of Identification for the processing of state and national criminal record checks.
2. No later than ten calendar days after the Superintendent or his/her designee has provided the successful job applicant with the fingerprinting packet, the applicant must arrange to be fingerprinted. Failure of the applicant to have his/her fingerprints taken within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.
3. Any person for whom criminal records checks are required to be performed pursuant to this policy must pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for criminal record checks.
4. Upon receipt of a criminal record check indicating a previously undisclosed conviction, the Superintendent or his/her designee will notify the affected applicant/employee in writing of the results of the record check and will provide an opportunity for the affected applicant/ employee to respond to the results of the criminal record check.
5. Decisions regarding the effect of a conviction upon an applicant/employee, whether disclosed or undisclosed by the applicant/employee, will be made on a case-by-case basis. Notwithstanding the foregoing, the falsification or omission of any information on a job application or in a job interview, including, but not limited to information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment or discharge from employment.

Personnel – Certified/Non-Certified

Security Check/Fingerprinting (continued)

6. Adult education teachers and substitute teachers, if they are continuously employed by the district, do not have to be refingerprinted after fulfilling the initial requirement.
7. School nurses and nurse practitioners appointed by the Board or under contract with the Board shall also submit to a criminal history check pursuant to C.G.S. 29-17a.
8. Student teachers placed in District schools as part of completing preparation requirements for the issuance of an educator certificate, effective July 1, 2010, shall also submit to a criminal history check. The District is required to notify the State Board of Education if notice is received that a student teacher has been convicted of a crime.

Legal Reference: Connecticut General Statutes

10-221d Criminal history records checks of school personnel. Fingerprinting. Termination or dismissed. (as amended by PA 01-173, and PA 04-181, and June 19 Special Session, Public Act No. 09-1)

29-17a Criminal history checks. Procedure. Fees.

Personnel — Certified and Non-Certified

Personnel Records

Personnel records shall be maintained securely and confidentially in the central office for all current employees. Files also shall be maintained for past employees, including years of employment, salaries, and such other basic and essential information as the Superintendent of Schools shall require.

There shall be only one personnel file for each employee, and principals shall not maintain employee files separate from the official employee file in the central office.

The following people will have access to personnel files in addition to the employee, the Superintendent or designee, the Board attorney, The Board of Education, and the immediate supervisor authorized by the Superintendent.

Requests for access to personnel files, except from an employee to see his or her own file, shall be referred to the Superintendent who shall determine whether disclosure of such records would legally constitute invasion of employee privacy. If the Superintendent believes disclosure is not an invasion of privacy, requested information shall be disclosed, but professional courtesy suggests the employee should be notified of such disclosure.

Connecticut General Statute shall govern the release of teacher performance and evaluation records.

If the Superintendent determines disclosure would violate FOI requirements, the employee/s and collective bargaining representatives if any, shall be notified in writing of the request. If the Superintendent does not receive a written objection, from the employee or bargaining representative, within seven business days from receipt of their notification, or if there is no evidence of receipt not later than nine business days from the date the notice was mailed, sent, posted, or otherwise given, requested records shall be disclosed. However, if an objection is received in a timely manner, the Superintendent shall not disclose requested information unless directed to do so by the Freedom of Information Commission. Notwithstanding an objection filed by an employee's bargaining representative, the employee may subsequently approve disclosure of records by filing a written notice with the Superintendent.

Employee or bargaining representative objections to disclosure of records shall be made in writing including a signed statement by the employee or bargaining representative, under penalties of false statement, that to the best of respondent's knowledge, information, and belief, there is good grounds to support the objection and that the objection is not interposed for delay.

Notwithstanding earlier provisions of this policy, personnel evaluations of certified employees, except the Superintendent, are not public records subject to disclosure — unless the employee consents in writing to the release of such records.

Upon request an employee shall be entitled to inspect his/her entire personnel file and copy anything in it. Such materials shall be made available for inspection by the employee after calling and making an appointment. Written materials shall not be removed from the office location where the files are kept. Connecticut General Statutes shall govern the frequency of such requests for inspection or copying. Each employee's own file shall be available for his or her inspection at reasonable times, and, upon request, employees will be provided a copy of information contained in his or her file.

The files shall be locked after business hours and during times when the area where personnel files are kept is unattended by the Board of Education secretarial staff.

Personnel — Certified and Non-Certified

Personnel Records

A log shall be maintained providing a record of who has had access to the personnel files with the exception of authorized personnel.

Legal Reference: Connecticut General Statutes

1-19b Agency administration. Disclosure of personnel, birth and tax records.

1-20a Objection to disclosure of personnel or medical files.

1-20b Record of arrest as public record.

1-21i(b) Denial of access to public records or meetings.

10-151a Access of teacher to supervisory records and reports in personnel file.

10-151c Records of teacher performance and evaluation not public records.

Personnel – Certified/Non-Certified

Personnel Records

A personnel folder for each employee is kept in the Superintendent's office. New employees are responsible for seeing that the following information is given to the Superintendent's secretary for inclusion in the folder:

1. A completed application form.
2. Copy of teaching certificate from Connecticut State Department of Education, if applicable.
3. Social Security Number.
4. Withholding Form #4 (for income tax purposes).
5. Record of health examination and of x-ray or PPD.

Copies of the necessary forms are in the Superintendent's office.

At the beginning of each school year, it is necessary to review the individual personnel files.

Each employee is requested to update his/her personnel file at the beginning of each school year. It is very important that the information regarding each person's certification is complete and up to date including years of teaching experience, and course work.

By law, teachers have the right to have knowledge of and access to supervisory records and reports of competence, personal character, and efficiency maintained in his personnel file with reference to evaluation of his performance in the Orange School District.

Appropriate security of files will be maintained at all times.

Regulation revised:
/2002

Personnel — Certified and Non-Certified

Nepotism: Employment of Relatives

Notwithstanding the customary appointment practices outlined in policy #4111 "Appointment," the following shall govern conflict of interest in staff employment and the appointment of the persons described in paragraphs 1 and 2 below:

1. A spouse, minor child, Board of Education member dependent, or persons related otherwise by blood or marriage to a Board of Education member must be appointed by the Board of Education and may be employed only following full disclosure of the relationship by the Board of Education member in a public meeting and sufficient vote of appointment without counting the vote of the related Board of Education member.
2. Persons related by blood or marriage to members of the administrative staff shall not be appointed to a position that is in a line relationship involving supervision and evaluation of the position.
3. Members of the same family may be employed at the same department or work location when approved in writing by the Superintendent or the Superintendent's designee (Exception: members of the same family shall not be approved in direct line of supervision.)

Personnel -- Certified/Non-Certified

Reference Checks

The Board of Education believes that it is critical that references on applicants be checked prior to an offer of employment. The administration, therefore, is directed to make a documented good faith effort to contact at a minimum an applicant's former employer(s) for recommendations and information about the person's fitness for employment prior to an offer of employment. References should be checked with prior employers listed on the application, even if those references are not specifically listed on the "references" section of the employment application.

The Superintendent of Schools or his/her designee is directed to develop guidelines pertaining to the checking of applicant references.

(cf. 5125 – Student Records)

Legal References: Connecticut General Statutes

1-200 through 1-241 of the Freedom of Information Act.

5-193 through 5-269 -State Personnel Act

10-151c – Records if teacher performance and evaluation not public Records.

Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C.1232g.).

Dept. of Educ. 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Educ. provisions act (20 U.S.C. 1232g)-parent and student privacy and other rights with respect to educational records, as amended 11/21/96.

10-221d Criminal history records checks of school personnel. Fingerprinting. Termination or dismissal.

Policy adopted: 02/11/2008

Personnel -- Certified/Non-Certified

Reference Checks

In checking references, the following guidelines shall be followed:

1. All reference questions must be directly related to the applicant's qualifications and ability to perform the position in question.
2. Questions, which are impermissible in the application/interview context, are equally improper when checking references.
3. As in the interview context, nothing is "off the record." Contents of reference checks are discoverable in litigation.
4. The use of an appropriate reference check form specifically related to the qualifications for the position in question should be developed and used consistently.
5. Consider the statutory safeguards with respect to obtaining employment and educational references.

Connecticut Personnel Files Act:

- * Private employers may only verify dates of employment, position and salary.
- * Further disclosure of personnel information is prohibited unless:
 - (i) the employee provides written consent for such disclosure; or
 - (ii) one of the specific statutory exemptions applies such as a lawfully issued subpoena or response to a government audit/investigation.

Connecticut Freedom of Information Act:

- * Applicable to all public employers.
- * Personnel files and similar files are exempt from disclosure only if disclosure would result in an invasion of privacy. The "invasion of privacy" standard is construed strictly, favoring disclosure.
- A public employer is only required to produce existing public records upon request. It does not require a public employer to create records or to provide verbal comments regarding an employee.
- C.G.S. 10-151c exempts records of teacher performance from disclosure unless the teacher has provided written consent for such disclosure.

Personnel -- Certified/Non-Certified

Reference Checks

Family Educational Rights and Privacy Act ("FERPA")

- * Applies to all educational institutions receiving federal aid.
- * Prohibits disclosure of student records without written consent, unless a specific exemption applies.

(cf. 5125 – Student Records)

Legal References: Connecticut General Statutes

1-200 through 1-241 of the Freedom of Information Act.

5-193 through 5-269 -State Personnel Act

10-151c Records if teacher performance and evaluation not public
Records.

Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C.1232g.).

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10-221d Criminal history records checks of school personnel.
Fingerprinting. Termination or dismissal.

Personnel — Certified

Assignment and Transfer

The assignment and transfer of all certified staff personnel shall be the responsibility of the Superintendent of Schools consistent with the current employment agreement between the Orange Board of Education and the Orange Teachers' League.

Annually the Superintendent shall provide the Board of Education with a staff listing of regular assignments and/or changes in staff assignment.

(cf. 4112.1/4212.1 Provisions of Negotiated Agreement)

Supervision and Evaluation

It is universally accepted teaching is the most important element in a sound educational program and student learning is directly affected by teacher competence; therefore, effective teacher supervision is a primary leadership responsibility for all administrators. Teacher supervision shall be accomplished through the implementation of the state approved teacher evaluation plan demonstrating a clear link between teacher evaluation, professional development and improved student learning.

The district teacher evaluation plan serves four purposes:

1. to improve the quality of instruction and educational services to children resulting in improved student achievement;
2. to raise the standards of the teaching profession;
3. to help the individual teacher grow professionally;
4. to assist with administrative decisions on teacher continued employment.

The Superintendent shall evaluate or cause to be evaluated all certified employees. Teachers and administrators share responsibility for developing effective evaluation procedures and instruments and for establishing and maintaining professional standards and constructive attitudes toward staff evaluation.

The Board of Education directs the Superintendent, Orange Teachers League, and administrators to develop, in harmony with guidelines of the Connecticut State Board of Education, a system-wide program for evaluating instruction and administrative leadership. The evaluation plan shall include, but need not be limited to, strengths, areas needing improvement, strategies for improvement and multiple indicators of student academic growth. By July 1, 2013, the State Board of Education is required to adopt guidelines for a model teacher evaluation program which is to provide guidance on the use of multiple indicators of student academic growth in teacher evaluations. The Orange Teachers' Evaluation and Development Plan is subject to periodic review and/or revision by the Evaluation Committee.

The Superintendent and all employees whose administrative and supervisory duties equal at least 50% of their time shall include a minimum of fifteen hours of training in the evaluation of teachers pursuant to Section 10-151b, as part of the required professional development activity during each five year period for reissuance of their professional educator certificate. Said employees will be responsible for assuring that they meet current regulations guiding the reissuance of their educator certificate.

(cf. 4135, 1/4212.1 Provisions of Negotiated Agreements), (cf. 412.6/4212.6 Personnel Records)

Legal Reference: Connecticut General Statutes
10-151a Access of teacher to supervisory records and reports in personnel file.
10-151b Evaluation by superintendent of certain educational personnel.
10-151c Records of teacher performance and evaluation not public records.
P.A. 95-58 An Act Concerning Teacher Evaluation, Tenure and Dismissal.

Policy revised: October 12, 2010

Personnel – Certified/Non-Certified

Return to Work

Employees injured at work must be evaluated by a medical care provider for initial treatment. If, after the initial treatment, the employee is unable to return to work, the employee is referred for further treatment. The employee must receive a statement of any restrictions on duties and an expected return to work date from the medical care provider. The employee is required to provide this information to the Superintendent of Schools as soon as possible.

If the expected absence from work is longer than three (3) days, the employee will be given a Modified Duty Package to bring to the medical care provider. If the employee is unable to get the package to the provider, the Orange Board of Education will mail the package to the medical care provider for the employee. The medical care provider will be requested to complete the evaluation contained in the Modified Duty Package and return it to the Orange Board of Education within five (5) business days of receipt. The Modified Duty Package includes:

1. Doctor's Form – Modified Duty Evaluation
2. Current Job Description of Employee
3. List of Modified Duty Assignment(s)

The purpose of the Modified Duty Package is to furnish the medical care provider with information regarding the present duties of the employee and available modified duty tasks. The response of the medical care provider will be evaluated. If the medical care provider indicates that the employee is unable to return to his/her regular duties but is physically able to perform a modified duty assignment, then the employee will be required to report for modified duty. Modified duty assignments, will, to the extent practical, be within the same department and be related to the type of work normally performed by the employee.

Upon receipt of notification from the medical care provider of the employee's ability to return to modified duty work, the Superintendent or his/her agent will review the documentation and job availability within the organization. He/She will then contact the employee and inform him/her that he/she is in the Return-to-Work Program and will discuss a work schedule with the employee's supervisor. The employee and the supervisor will review the physical restrictions documented by the medical care provider and determine what job duties the employee can perform, as well establish a schedule and return to work date.

Modified duty status will be continually monitored by CIRMAcare Nurse Managers. Employees will remain assigned to the Return-to-Work Program until a physician provides a written release for the employee to return to work at his/her regular position. A maximum of 90 days in the Program is suggested, but may be increased to 180 days if physical restrictions dictate and a satisfactory job performance has been demonstrated. Under no circumstances should an employee's stay in the Return-to-Work Program exceed 180 days. Return-to-Work Programs are temporary and not meant to be long term solutions to employee disability.

If the employee refuses to bring the Modified Duty Package to a medical care provider, or refuses to authorize the employer to mail it to the medical care provider, or refuses to report for a modified duty assignment, the employee's workers' compensation records will be forwarded to the Workers'

Personnel – Certified/Non-Certified

Compensation insurance provider for the purpose of requesting an immediate hearing to review the situation.

Employees do not waive any rights to Workers' Compensation benefits by participating in the Return-to-Work Program. Employees participating in the Return-to-Work Program will continue to be covered by the Workers' Compensation Act for all reasonable and necessary medical expenses and disability benefits related to the injury or illness.

The comprehensive Return-to-Work Program has been designed in order to minimize losses and produce better outcomes for both the employee and the Board of Education in case of a work related injury or illness. By fulfilling their roles in the process, participants will ensure that the district and its employees realize the goals of reduced costs for work related injuries and illnesses and a more healthy and productive work force.

Regulation issued: 2/13/06

Orange Public Schools
Orange, Connecticut

4117.31(a)R

Personnel – Certified/Non-Certified

Return to Work

Responsibility

Every employee of the Board of Education has a responsibility to minimize loss exposure as a factor in the work place by participating in quality improvement programs and strictly observing safety and standard operating policies and procedures. The term “loss exposure,” as applied to the workplace, is defined as the potential for accidents, which result in illness or injury.

Policy

Employees of the Board of Education who are, or could be, on leave of absence from their duties as a result of a work related illness or injury may be eligible for the Return-to-Work Program upon written certification of a medical care provider. The medical provider must certify that the employee may return to work with restrictions on physical requirements of the job in question, and that those restrictions are not expected to last for more than 30 days.

A restriction identifies a physical condition which prevents an employee from performing the full scope of his/her job duties as outlined in their job description. There are two types of restrictions: temporary and permanent. Temporary restrictions are defined as those limitations placed on an injured employee by a physician, which are of a relatively short duration (i.e., the employee is expected to fully recover and to return to normal working conditions).

Permanent restrictions are defined as those limitations placed on an employee by a physician which is expected to be long term (more than 180 days) or from which recovery is not expected. Those employees who fall in this category are not eligible for participation in the Return-to-Work Program. They may elect to seek alternative employment, or file for a “reasonable accommodation” under the Americans with Disabilities Act.

When an employee is approved for participation in the Return-to-Work Program, primary consideration will be given to job placement within the employee’s department and normal job duties. A secondary consideration will be alternative placement into another department or another assignment which is within the same bargaining unit. A critical consideration is to place the injured employee in a position to perform productive work that is both useful to the school district and achievable within the limits of the restrictions placed on the employee. The employee must be able to perform the duties established under the applicable job description.

Alternative placement will not be used to avoid the filling of vacancies within the department in question.

An employee participating in the Return-to-Work Program is subject to all rules, regulations, contractual memoranda of understanding, standards, policies and procedures of the Board of Education.

4117.31(b)R

Personnel – Certified/Non-Certified

Return to Work

Each situation will stand on its own merits. An Employee Return-to-Work form, completed by a physician, noting the employee's restrictions, will be evaluated by the appropriate school personnel in order to determine whether or not an employee is able to return to his/her assigned position. A final determination will be made by the Superintendent or designee.

If an employee is approved for the Return-to-Work Program, he/she shall be provided tasks which fall within the physical restrictions identified by the treating physician. In no case will an employee authorized to participate in the Return-to-Work Program be placed in an area that will pose a health or safety risk to the Board of Education, other staff or themselves. An employee shall not be returned to work to any job that is punitive in nature.

Reference: Americans with Disabilities Act (ADA)

New Policy:
Approved: 2/13/06

Orange Public Schools
Orange, Connecticut

LIGHT DUTY QUESTIONNAIRE

4117.31F

Patient Name: _____	Date of Accident: _____
Diagnosis: _____	

☐ Able to work without restrictions on (date) _____

☐ Able to work with the following restrictions on (date) _____

	Not at all	Occasionally	Frequently		Not at all	Occasionally	Frequently
Lifting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bending	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lifting <10 lbs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Climbing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lifting >__ lbs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•ladders	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Walking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•stairs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Driving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•poles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
•passenger car	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pushing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
•pick up truck	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pulling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
•heavy equip.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Twisting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reaching above				Shoveling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
shoulders	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Standing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sitting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

Limited use of _____ Able to perform repetitive motion? ☐ yes ☐ no

Do restrictions apply to home? ☐ yes ☐ no

Do restrictions apply to sports activities? ☐ yes ☐ no

This Patient may work more than 8 hrs. a day: ☐ yes ☐ no

This Patient may work overtime: ☐ yes ☐ no

☐ No work until further evaluation. Estimated duration of total disability: _____

Is this employee taking any medications which could limit performance? ☐ yes ☐ no

Additional
comments _____

Follow-up appointment date _____

Doctor's Signature _____ Date _____

Personnel — Certified

Termination of Employment

In addition to non-renewal of non-tenured employees, the Board of Education may terminate either non-tenured or tenured employees in accordance with provisions of Connecticut General Statute 10-151. The district will also report any serious misconduct which gives rise to certified employee termination to the appropriate authorities, including, but not limited to, the State Department of Education and local law enforcement authorities as appropriate.

Prior to recommending termination of any employee, the Superintendent of Schools shall review the issues involved with the Board's attorney.

Following legal consultation on permissible statements in situations where serious misconduct leads to termination, the Superintendent shall do everything within the laws of the state and nation to ensure that other known prospective employers are apprised of the actual reasons why former employees resigned their positions pursuant to settlement agreements after having been served with disciplinary charges or told they would be subjected to disciplinary action.

No school personnel or Board member, with the exception of the Superintendent of Schools and/or his or her designee, will make any statement concerning the reason(s) that an individual has left employment with the district.

New Policy adopted:
/2002

Personnel - Certified/Non-Certified
Employees with HIV, ARC, and AIDS

The purpose of this policy is to protect the continued employment of employees and the safety of the children in the Orange School System. Any staff member diagnosed as having HIV, ARC, or AIDS is not prohibited from reporting for duty. However, if the employee evidences symptoms, which are considered, according to most current scientific information, to pose a risk of transmission to others, recommendations may be made for a more appropriate comparable work assignment.

Acquired Immunodeficiency Syndrome (AIDS) is caused by a virus called HIV. A prodromal form of AIDS is called AIDS Related Complex (ARC). AIDS is transmitted only through blood-to-blood or intimate sexual contact, or from mother to fetus. Medical information available indicates that it is extremely unlikely that AIDS may be transmitted from one individual to another by the type of casual contact that occurs in the school setting.

The Board recognizes the need to protect individual rights and the health of persons infected with AIDS and the rights and health of those not infected. As an employer, the Board recognizes its obligation to provide not only a safe environment for all employees, but also an environment where employees and students do not have fears for their health and safety.

In situations where there is a question about the existence of risk, the Superintendent or the employee may request review by an Advisory Panel. Employees diagnosed with AIDS will be treated as any worker with a life-threatening communicable illness.

Advisory Panel

The Advisory Panel will include the involved employee's physician, the public school's medical advisor, the Superintendent or his/her designee, and a physician specializing in infectious diseases. The advisory panel, after meeting with the involved employee will make its recommendation to the Board of Education. The Board of Education will consider the advisory panel's recommendation when taking action regarding continued active employment.

At times designated by the Board, the involved employee's condition will be evaluated periodically by the three physicians on the advisory panel, and they will keep the Board apprised of said condition.

Legal reference: OSHA 29 CFR 1910.1030, March 1992

Policy revised
/2002

Personnel - Certified/Non-Certified

HIV, ARC, AIDS, and Hepatitis B Guidelines

If an employee, volunteer, or a person contracted by the School System is accidentally exposed to blood or body fluids, the following steps must be taken:

1. Wash the exposed area immediately for a minimum of ten (10) seconds. Soap, water, and friction are essential. Eyes are to be flushed with plain water for a minimum of two to four minutes.
2. Report the incident to supervisor immediately.
3. Seek appropriate evaluation, including Hepatitis B and HIV follow-up.
4. Determine affected person's hepatitis B immunization status and take action as required.
5. Follow the OSHA enforcement procedures for occupational exposure to bloodborne pathogens standard (filed at each school).
6. File a written incident report in duplicate before end of work shift involving exposure. The original should be sent to the Board office and a copy retained at the school office.
7. An evaluation of exposure incidents will be conducted by the principal within 24 hours following incident. A written report of findings, along with recommendations for corrections, will be made and corrective action taken immediately.

Regulation revised
/2002

Personnel - Certified/Non-Certified

Employees with HIV, ARC, and AIDS

Confidentiality

Throughout this process, confidentiality will be maintained. Medical files and information are exempt from public disclosure. Special precautions should be taken to protect such information regarding employee's health condition in order to prevent instances of disclosure that may invade his/her personal privacy. Only those administrators with a clear need to know should be informed of an employee's health condition.

Based upon the evaluation, the Superintendent may assign the employee to return to his/her usual place of employment unconditionally or to a work assignment under restrictive conditions, or the Superintendent may seek to have the employee utilize sick leave or be placed on a leave of absence.

Federal and State laws also mandate, pursuant to the laws protecting disabled individuals, that those individuals not be discriminated against on the basis of their handicaps and that if it becomes necessary, some reasonable accommodations be made to enable qualified individuals to continue to work.

Policy revised
/2002

4118.12P
4218.6

Personnel -- Certified/Non Certified

Cellular Telephones

The Board recognizes that the use of cellular telephones may be appropriate to provide for the effective and efficient operation of the District and to help ensure safety and security of District property, staff and others while on District property or engaged in District-sponsored activities. To this end, the Board authorizes employee use of cellular telephones, as deemed appropriate by the Superintendent.

Town-owned cellular telephones shall be used for authorized District business purposes, consistent with the District's mission and goals. Personal use of such equipment is prohibited except in emergency situations. Any expenses incurred for such personal use shall be reimbursed to the District.

Use of cellular telephones in violation of Board policies, administrative regulations, and/or state/federal laws may result in discipline up to and including dismissal and referral to law enforcement officials, as appropriate.

The Superintendent is directed to develop administrative regulations for the implementation of this policy, including a uniform and controlled system for identifying employee cellular telephone needs, monitoring use and reimbursement. Provisions may also be included for staff use of privately owned cellular telephones for authorized District business.

Students and staff are encouraged to use any available cellular telephone in the event of an emergency that threatens the safety of students, staff or other individuals.

(cf. 5131.81 - Use of Beepers - Paging Devices/Cellular Telephones)

Policy adopted: 3/05

Personnel -- Certified/Non-Certified

Cellular Telephones

(District refers to Orange Elementary School District)

The Orange Elementary School District-owned cellular telephones may be purchased and authorized for staff use in accordance with the following guidelines:

Cellular Telephone Authorization

Cellular telephones may be assigned or made available on a temporary basis by the Business Manager when it is determined that:

1. The assignment of a cellular telephone to the employee is a prudent use of District resources;
2. The employee's job responsibilities requires 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.

Cellular Telephone Use

1. Cellular telephones are provided specifically to carry out official District business when other means of communications are not readily available. Cellular telephones may not be used for routine communications.
2. Cellular telephones are not to be used when a less costly alternative is readily available, unless as otherwise necessary for safety or emergency circumstances.
3. Personal use of cellular telephones is limited to making or receiving calls for family emergency purposes, including contacting a family member or child care provider to advise that the employee is going to be late arriving home or picking up children for a reason directly related to his/her official District duties, i.e., a meeting which runs later than expected or a last minute schedule change. Whenever possible, such calls should be made or received on District or other public telephones.

Personnel -- Certified/Non-Certified

Cellular Telephones

Cellular Telephone Use (continued)

4. Cellular telephones are not to be used for conversations involving District information of a confidential nature.
5. Cellular telephones are not to be loaned to others.
6. Employees issued a cellular telephone are responsible for its safekeeping at all times. Defective, lost or stolen cellular telephones are to be reported immediately to the Business Manager who will in turn notify the service provider.
7. Cellular telephones issued for employees are to be returned to the Business Manager at the conclusion of the school year, or as specified.

Privately Owned Cellular Telephones

1. District employees may be reimbursed or receive a stipend for use of privately owned cellular telephones to conduct District business with prior approval of the Business Manager.
2. Personal use of privately owned cellular telephones for persons authorized to use such equipment for District business is restricted to lunch, breaks, or other such times when the employee is not on duty.

Legal Reference: Connecticut General Statutes

PA 95-304 An Act Concerning School Safety

PA 96-108 An Act Concerning Student Use of Telecommunication Devices
and the Establishment of Graduation Dates

Regulation approved: 3/05

Personnel – Certified/Non-Certified

Tobacco/Smoking

PROCEDURE FOR DISCIPLINARY ACTION

1. The Principal, upon obtaining information concerning a staff member smoking in a school building or on school grounds, will report this information to the Superintendent.
2. The Superintendent will speak to the staff member, reminding him/her of the Board policy and offering whatever assistance is at his/her disposal.
3. Repeated offenses will be documented and brought to the attention of the Board of Education Personnel Committee for their review. Recommendations for more serious action may be made.

Procedure revision:
/2002

4118.2P
4218.2

Personnel – Certified/Non-Certified

Tobacco/Smoking

The Orange Board of Education is concerned about the health and well being of the students it serves and the personnel it employs. In recognition of the medical research which concludes that tobacco smoking poses a significant risk to the health of smokers and non-smokers and to reinforce the health curriculum taught in the Orange School System, the Board adopts the following policy:

To be effective July 1, 1991, there shall be no smoking or other use of tobacco products on school property, on transportation during the course of any activity sponsored by the school or in the presence of the children on a trip sponsored by the school.

Failure to abide by the terms of this policy shall be grounds for disciplinary action. Repeat offenses will be cause for more severe action up to and including termination.

Legal Reference: Connecticut General Statutes
1-21b Smoking prohibited in certain places
Drug-Free Workplace Act, 102 Stat. 4305-4308
54 Fed. Reg. 4946 (1989)

Policy revised:
/2002

Personnel — Certified and Non-Certified

Conflict of Interest

The Board of Education wishes to avoid any conflict of interest on the part of its employees or Board members regarding their personal interests and the interests of the school district in dealing with suppliers, contractors and all organizations or individuals doing or seeking to do business with the school district. For this reason, the Board of Education prohibits employees or Board members from directly or indirectly soliciting any gift; or accepting or receiving any gift having a value of twenty-five dollars (\$25) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could be reasonably inferred that the gift was intended to influence the Board member or employee in the performance of his/her official duties or was intended as a reward for any official action on his/her part.

Legal Reference: Connecticut General Statutes

7-479 Conflicts of interest.

New Policy adopted
/2002

Personnel — Certified and Non-Certified

Disabilities

Medical Examinations

The school Board may make pre-employment inquiries into the ability of an applicant to perform job-related functions. Medical examinations may be required after an offer of employment has been extended and before commencement of employment duties. Information obtained from such medical examinations will be collected and maintained on separate forms, in separate medical files, and treated with confidentiality.

An employee who is not qualified to perform his/her duties, or whose medical condition or disability poses a direct threat to the health or safety of individuals in the workplace, once properly established by medical evidence, and after proper due process procedures, may be relieved of his/her duties or reassigned.

The Board of Education may lawfully refuse to assign a person having a communicable disease, transmittable through the handling of food, to such duty or position as specified in the Federal Register Food and Drug Administration Regulations of May, 1991.

Privacy

The confidentiality of applicant's and employee's medical records shall be strictly observed in accordance with applicable state and federal laws. Medical records shall be maintained separately from an applicant or employee personnel file. Such information may be released in limited circumstances:

- A. Upon signed release by the individual;
- B. To inform supervisor or administrator about necessary restrictions or accommodations to accomplish work or duties of the employee;
- C. Emergency medical treatment;
- D. In compliance with state or federal law.

Connecticut General Statutes Section 19a-581 through 585, "Aids Testing And Medical Information", provides that no person shall request HIV-related testing or disclose HIV-related information without informed written or oral consent of such individual.

Alternative Accommodations

The Supreme Court has recognized that individuals with contagious diseases will be considered as having a disability. Disabled certified employees who can no longer perform essential job functions are encouraged to advise their administrators of the nature of their disability, indicating which functions cannot be performed and suggest accommodations which would allow them to perform those functions. Accommodations will be considered if such accommodation does not impose an unreasonable hardship on the operation of the school system.

A certified employee is not qualified to perform his/her duties if his/her medical condition or disability poses a direct threat to health or safety of individuals in the workplace, if it has been properly established by medical evidence and the employee has been afforded proper procedural due process safeguards.

Personnel — Certified and Non-Certified

Disabilities (continued)

(cf. 4112.4/4212/4 Health Examinations)

Legal Reference:

Connecticut General Statutes

19-581 through 585 AIDS testing and medical information.

10-209 Records not to be public.

46a-60 Discriminatory employment practices prohibited.

Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).

American Disability Act of 1989.

Chalk v. The United States District Court of Central California.

New Regulation:
/2002

Personnel — Certified and Non-Certified

Disabilities

The Board of Education prohibits discrimination against a qualified individual with a disability with regard to job application procedures, hiring, advancement, employee compensation, or job training. The Board will afford qualified disabled individuals reasonable accommodations. The Supreme Court of the United States has recognized that individuals with a communicable disease may be considered disabled.

Disabled employees who can no longer perform essential job functions are encouraged to advise their supervisors or administrators of the nature of their disability and which functions cannot be performed. The Board will consider any reasonable suggestions of accommodation that would enable performance of those functions so long as the accommodation will not impose an undue hardship on the operation of the school system.

Legal Reference: Connecticut General Statutes

 10-209 Records not to be public.

 19-581 AIDS testing and medical information.

 46a-60 Discriminatory employment practices prohibited.

 Federal Law

 Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).

 American Disability Act of 1989.

 Chalk v. The United States District Court of Central California.

New Policy adopted:
/2002

Personnel — Certified

Academic Freedom

Teachers shall be free to discuss controversial ideas and to select and employ materials and methods of instruction. Such freedoms should be used judiciously and prudently to promote the free exercise of intelligence and learning.

However, academic freedom is not an absolute; it must be exercised within the law and the basic ethical responsibilities of the teaching profession. Those responsibilities include:

1. Understanding of our democratic tradition and its methods;
2. Concern for the welfare, growth, maturity, and development of children;
3. Appropriate presentation of appropriate material for children's intellectual and emotional development;
4. Good taste and judgment in selecting and employing materials and methods of instruction.

Political Activities

The board of education encourages its employees to assume the obligations of full political citizenship. However, school employees are to confine their political activities to the hours away from school. Employees will not be released without leave to participate in political activities.

Employees shall not use school equipment or materials, classrooms, buildings or students for the purpose of solicitation, promotion, election or defeat of any candidate for public office, or for any issue coming to a public vote.

Employees may not represent themselves as political spokespersons for any school, program, or other activity sponsored by the OBOE.

Elected officials may be brought into the classroom, as a part of regular instruction, to speak to students with permission of the building principal and/or superintendent.

(cf. 4112.1/4211.2 Provisions of Negotiated Agreements)
(cf. 1220 Citizens' Advisory Committees)
(cf. 1312 Public Complaints)
(cf. 5145.2 Freedom of Speech/Expression)
(cf. 6144 Controversial Issues)
(cf. 6161 Equipment/Books/Materials: Provision/Selection)

Legal Reference: Amendment to U.S. Constitution Article I

Connecticut Constitution, ARTICLE FIRST

Academic Freedom Policy (adopted by Connecticut State Board of Education,
9/9/81)

New Policy adopted:
/2002

Personnel – Certified/Non-Certified

Instruction

Use of New Web Tools (Blogging/Podcasting)

Online communication is critical to our students' learning of 21st Century Skills and to the communication efforts of the staff. Tools such as blogging and podcasting offer authentic, real-world vehicles for student and staff expression. As educators, our primary responsibility to students is their safety. Hence, expectations for classroom blogs, student/staff protected e-mails, podcasts, or other Web interactive use must follow all established Internet safety guidelines.

Blogging/Podcasting Terms and Conditions

- The use of blogs, podcasts or other Web 2.0 tools is considered an extension of the classroom. Therefore, any speech that is considered inappropriate in the classroom is also inappropriate in all uses of blogs, podcasts, or other Web 2.0 tools. This includes, but is not limited to, profanity and racist, sexist or discriminatory remarks.
- Teachers must monitor all communication on blogs, podcasts, or other Web 2.0 tools that are used by students in the classroom.
- Students and staff using blogs, podcasts or other web tools are expected to act safely by keeping all personal information out of their posts.
- A student should never post personal information on the web (including, but not limited to, last names, personal details including addresses or phone numbers, or photographs). Do not, under any circumstances, agree to meet someone you have met over the Internet.
- Any personal blog a student creates in class is directly linked to the class blog which is typically linked to the student profile, and, therefore, must follow these blogging guidelines. In addition to following the information above about not sharing too much personal information (in the profile or in any posts/comments made), students need to realize that anywhere they use their blog login it links back to the class blog. Therefore, anywhere that login is used (posting to a separate personal blog, commenting on someone else's blog, etc.), the account should be treated the same as a school blog and should follow district blogging guidelines. Comments made on blogs should be monitored and – if they are inappropriate – deleted.
- Never create a link to web sites from your blog or blog comment without reading the entire article to make sure it is appropriate for a school setting.
- Students using such tools agree to not share their user name or password with anyone besides their teachers and parents and to treat blogspaces as classroom spaces. Speech that is inappropriate for class is also inappropriate for a blog.
- Students who do not abide by these terms and conditions may lose their opportunity to take part in the project and/or be subject to consequences appropriate to misuse.

Personnel – Certified/Non-Certified

Instruction

Use of New Web Tools (Blogging/Podcasting) (continued)

- The use of school mascots, symbols, logos or other district trademarks is prohibited.
- Blogging is prohibited during the school day unless it is a part of a classroom/instructional activity.
- The use of school district property for personal blogs is prohibited.
- Employees shall not develop any classroom or work-related websites, blogs forums, or similar online communications representing the District or using District equipment or resources without permission of the Superintendent or his/her designee. Such sites shall be subject to rules and guidelines established for District online publishing activities including, but not limited to, copyright laws, privacy rights, and prohibitions against obscene, libelous, and slanderous content. Due to the unfiltered nature of blogs, any such site shall include a disclaimer that the District is not responsible for the content of the messages. The District reserves the right to delete material on any such online communications.

Employees and students who create a blog may not violate the privacy rights of employees and students, may not use District personal and private information/data, images and copyrighted material in their blog, and may not disrupt the District.

Administrators may visit the blogs at any time.

Students or staff engaging in gross disobedience and misconduct may be disciplined for creating and/or distributing written or electronic material, including Internet material and blogs, that causes substantial disruption to school operations or interferes with the rights of other students or staff members.

- (cf. 4118.4/4218.4 - E-Mail (Electronic Monitoring) (staff))
- (cf. 4118.5/4218.5 - Staff Acceptable Computer Network Use)
- (cf. 5131.913 - Cyberbullying)
- (cf. 6141.321- Student Acceptable Use of the Internet)
- (cf. 6141.322 - Websites/Pages)
- (cf. 6141.323 - Internet Safety Policy/Filtering)
- (cf. 6141.321 - Acceptable Use of the Internet)
- (cf. 6141.322 - Web Sites/Pages)

Personnel – Certified/Non-Certified

Instruction

Use of New Web Tools (Blogging/Podcasting) (continued)

Legal Reference: Connecticut General Statutes

- 1-19(b)(11) Access to public records. Exempt records.
- 10-15b Access of parent or guardians to student's records.
- 10-209 Records not to be public.
- 11-8a Retention, destruction and transfer of documents
- 11-8b Transfer or disposal of public records. State Library Board to adopt regulations.
- 46b-56 (e) Access to Records of Minors.

Connecticut Public Records Administration Schedule V - Disposition of Education Records (Revised 1983).

Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of PL 93-568, codified at 20 U.S.C. 1232g.).

Dept. of Education. 34 CFR. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Education Provisions Act (20 U.S.C. 1232g)-parent and student privacy and other rights with respect to educational records, as amended 11/21/96.

HR 4577, Fiscal 2001 Appropriations Law (contains Children's Internet Protection Act)

Public Law 94-553, The Copyright Act of 1976, 17 U.S.C. 101 et. seq.

20 U.S.C. Section 6777 No Child Left Behind

Reno v. ACLU, 521 U.S. 844 (1997)

Ginsberg v. New York, 390 U.S. 629, at 642, n.10 (1968)

Board of Education v. Pico, 457 U.S. 868 (1988)

Hazelwood School District v. Kuhlmeier, 484 U.S. 620, 267 (1988)

New Policy adopted: 4/6/09

Personnel – Certified/Non-Certified

Instruction

Use of New Web Tools (Blogging/Podcasting)

This is a set of general guidelines for the use of web blogs (“blogs”) in the District. Blogs are considered an extension of the classroom and therefore are subject to these guidelines as well as the rules and regulations of the District. The use of school computers is limited to assigned schoolwork; personal blogs that do not pertain to classwork in District schools should not be accessed from school computers. These guidelines are not meant to be exhaustive nor do they cover every contingency. If students are ever in doubt about the appropriateness of an item, a parent or teacher should be consulted. Staff members unsure of the appropriateness of an item should consult with the administration.

Safe and Responsible Blogging

The most basic guideline to remember when blogging is that the blog is an extension of the classroom. Students/staff should not write anything on a blog that one would not say or write in the classroom. Common sense should be used, but when in doubt a teacher, parent or administrator should be consulted whether or not what one is considering posting is appropriate. Here are some specific items to consider:

1. The use of blogs is considered an extension of the classroom. Therefore, any speech that is considered inappropriate in the classroom is inappropriate on a blog. This includes, but is not limited to, profanity; racist, sexist or discriminatory remarks; personal attacks.
2. Blogs are used primarily as learning tools, either as extensions of conversations and thinking outside of regular class time, or as the basis for beginning new classroom discussions. Either way, be sure to follow all rules and suggestions that are offered by teachers/administrators regarding appropriate posting in your class.
3. Blogs are about ideas – therefore, agree or disagree with the idea, not the person. Freedom of speech does not give an individual the right to be uncivil. Use constructive criticism and use evidence to support your position. Read others’ posts carefully – often in the heat of the moment you may think that a person is saying one thing, when really they are not.
4. Try not to generalize. Sentences that start with words like “All” (e.g., “All teachers,” “All administrators,” “All liberals,” “All conservatives”) are typically going to be too general.
5. Blogs are public. Whatever is posted on a blog can be read by anyone and everyone on the Internet. Even if a post or comment is deleted, it has often already been archived elsewhere on the web. Students and or staff should not post anything that they wouldn’t want parents, friends, enemies, or a future employer to read.

Personnel – Certified/Non-Certified

Instruction

Use of New Web Tools (Blogging/Podcasting)

Safe and Responsible Blogging (continued)

6. Blog safely. NEVER post personal information on the web (including, but not limited to, last names, personal details including address or phone numbers, or photographs). (Note: *The advice to not use a last name is for the individual's protection. Teachers may choose to use their last names for their posts/comments. Do not, under any circumstances, agree to meet someone met over the Internet.*)
7. Because a login to the blogging site (e.g., Blogger) is typically linked to a person's profile, any personal blog created in class is directly linked to a class blog and must follow these blogging guidelines. In addition to following the information above about not sharing too much personal information (in a profile or in any posts/comments made), students need to realize that anywhere they use that login links back to their class blog. Therefore, **anywhere** that you use that login (posting to a separate personal blog, commenting on someone else's blog, etc.), they need to treat the same as a school blog and follow these guidelines. Students and staff should also monitor any comments received on their personal blogs and, if they are inappropriate, delete them. If students would like to post or comment somewhere and not follow these guidelines, they need to create a separate login to the blogging site so that it does not connect back to their class blog. They may **not** use that login from school computers. The District still recommends the students follow the portion of these guidelines that address their personal safety (e.g., not posting personal information, etc.)
8. Linking to web sites from a student or staff member's blog or blog comments in support of an argument is an excellent idea. They should never link to something without reading the entire article to make sure it is appropriate for a school setting.
9. Use of quotations in a blog is acceptable. The proper formatting and citing the source of the quote is to be followed.
10. Pictures may be inserted into a blog. The image must be appropriate for use in a school document and copyright laws shall be followed. Images that can identify a student or others shall not be posted.

Successful Bloggers

The following are some traits of successful bloggers:

1. Their posts (or comments) are well written. This includes not only good content, but – because these are school-related blogs – also follows writing conventions including spelling, grammar and punctuation.

Personnel, Certified/Non-Certified

Instruction

Use of New Web Tools (Blogging/Podcasting)

Successful Bloggers (continued)

2. Their posts (or comments) are responsive. They respond to other people's ideas – whether it is a post by a teacher, a comment by a student, or an idea elsewhere on the Internet. The power of blogs is in their connectedness – they are connected to a larger community of ideas. Participate in that community.
3. Their posts (or comments) include textual references to support their opinions. Adding quotes or links to other works strengthens their response.
4. They participate frequently. To be part of the dialogue, you have to participate fully and consistently.
5. They are respectful of others. It's okay to disagree; it's not okay to be disagreeable. Be respectful of others and their opinions, and be civil when you disagree.

(cf. 4118.4/4218.4 - E-Mail (Electronic Monitoring) (staff))

(cf. 4118.5/4218.5 - Staff Acceptable Computer Network Use)

(cf. 5131.913 - Cyberbullying)

(cf. 6141.321 - Student Acceptable Use of the Internet)

(cf. 6141.322 - Websites/Pages)

(cf. 6141.323 - Internet Safety Policy/Filtering)

Personnel – Certified and Non-Certified

Social Networking

The Board of Education recognizes the importance of social media for its employees, and acknowledges that its employees have the right under the First Amendment, in certain circumstances, to speak out on matters of public concern. However, the Board will regulate the use of social media by employees, including employees' personal use of social media, when such use:

- 1) interferes with the work of the school district;
- 2) is used to harass coworkers or other members of the school community;
- 3) creates a hostile work environment;
- 4) breaches confidentiality obligations of school district employees,
- 5) disrupts the work of the school district;
- 6) harms the goodwill and reputation of the school district in the community; or
- 7) violates the law, board policies and/or other school rules and regulations.

The Board of Education, through its Superintendent, will adopt and maintain administrative regulations to implement this policy.

Legal References:

U.S. Constitution, Amend. I

Conn. Constitution, Article I, Sections 3, 4, 14

Conn. Gen. Stat. § 31-48d

Conn. Gen. Stat. § 31-51q

Conn. Gen. Stat. §§ 53a-182; 53a-183; 53a-250

Electronic Communication Privacy Act, 28 U.S.C. §§ 2510 through 2520

Adopted: 12/13/10

ADMINISTRATIVE REGULATIONS REGARDING USE OF SOCIAL MEDIA

The Board of Education recognizes the importance of social media for its employees, and acknowledges that its employees have the right under the First Amendment, in certain circumstances, to speak out on matters of public concern. However, the Board will regulate the use of social media by employees, including employees' personal use of social media, when such use:

- 1.) interferes with the work of the school district;
- 2.) is used to harass coworkers or other members of the school community;
- 3.) creates a hostile work environment;
- 4.) breaches confidentiality obligations of school district employees,
- 5.) disrupts the work of the school district;
- 6.) harms the goodwill and reputation of the school district in the community; or
- 7.) violates the law, board policies and/or other school rules and regulations.

Definitions:

Social media includes, but is not limited to, social networking sites, such as Twitter, Facebook, LinkedIn, YouTube, and MySpace.

Board of Education includes all names, logos, buildings, images and entities under the authority of the Board of Education.

Rules Concerning Personal Social Media Activity

1. An employee may not mention, discuss or reference the Board of Education, the school district or its individual schools, programs or teams on personal social networking sites, unless the employee also states that the post is the personal communication of the employee of the school district and that the views posted are the employee's alone and do not represent the views of the school district or the Board of Education.
2. Employees must refrain from mentioning other Board of Education employees or other members of the school community (*e.g.*, parents or others) on personal social networking sites, without such individuals' express consent unless the employee is addressing an issue of public concern and the employee's speech falls under applicable constitutional protections pertaining to same.
3. Employees are required to maintain appropriate professional boundaries with students, parents, and colleagues. For example, it is not appropriate for a teacher or administrator to "friend" a student or his/her parent or guardian or otherwise establish special relationships with selected students through personal social media, and it is not appropriate for an employee to give students or parents access to personal postings unrelated to school.

ADMINISTRATIVE REGULATIONS REGARDING USE OF SOCIAL MEDIA
(continued)

4. Unless given written consent, employees may not use the Board of Education's logo or trademarks on their personal posts. Please note that this prohibition extends to the use of logos or trademarks associated with individual schools, programs or teams of the school district.
5. Employees are required to use appropriately respectful speech in their personal social media posts; and to refrain from harassing, defamatory, abusive, discriminatory, threatening or other inappropriate communications. Such posts reflect poorly on the school district's reputation, can affect the educational process and may substantially and materially interfere with an employee's ability to fulfill his/her professional responsibilities.
6. Employees are individually responsible for their personal posts on social media. Employees may be sued by other employees, parents or others, and any individual that views an employee's social media posts as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. As such activities are outside the scope of employment, employees may be personally liable for such claims.
7. Employees are required to comply with all Board of Education policies and procedures with respect to the use of computer equipment, networks or electronic devices when accessing social media sites. Any access to personal social media activities while on school property or using school district equipment must comply with those policies, and may not interfere with an employee's duties at work.
8. The Board of Education reserves the right to monitor all employee use of district computers and other electronic devices, including employee blogging and social networking activity. An employee should have no expectation of personal privacy in any personal communication or post made through social media while using district computers, cellular telephones or other electronic data devices.
9. All posts on personal social media must comply with the Board of Education's policies concerning confidentiality, including the confidentiality of student information. If an employee is unsure about the confidential nature of information the employee is considering posting, the employee shall consult with his/her supervisor prior to making the post.
10. An employee may not link a personal social media site or webpage to the Board of Education's website or the websites of individual schools, programs or teams; or post Board of Education material on a social media site or webpage without written permission of his/her supervisor.
11. All Board of Education policies that regulate off-duty conduct apply to social media activity including, but not limited to, policies related to public trust, illegal harassment, code of conduct, and protecting confidential information.

ADMINISTRATIVE REGULATIONS REGARDING USE OF SOCIAL MEDIA (continued)**Rules Concerning District-Sponsored Social Media Activity**

1. If an employee seeks to use social media sites as an educational tool or in relation to extracurricular activities or programs of the school district, the employee must seek and obtain the permission of his/her supervisor prior to setting up the site.
2. If an employee wishes to use Facebook or other similar social media site to communicate meetings, activities, games, responsibilities, announcements etc., for a school-based club or an school-based activity or an official school-based organization, or an official sports team, the employee must also comply with the following rules:
 - The employee must set up the club, etc. as a group list which will be "closed" (e.g. membership in the group is limited to students, parents and appropriate school personnel, and "monitored" (e.g. the employee had the ability to access and supervise communications on the social media site).
 - When Facebook is used as the social media site, members will not be established as "friends," but as members of the group list. When other social media sites are used, the employee will establish a similar parameter on the basis of the functionality of the social media site utilized.
 - Anyone who has access to the communications conveyed through the site may only gain access by the permission of the employee (e.g. teacher, administrator, supervisor or coach). Persons desiring to access the page may join only after the employee invites them and allows them to join.
 - Parents shall be permitted to access any site that their child has been invited to join.
 - Access to the site may only be permitted for educational purposes related to the club, activity, organization or team.
 - The employee responsible for the site will monitor it regularly.
 - The employee's supervisor shall be permitted access to any site established by the employee for a school-related purpose.
 - Employees are required to maintain appropriate professional boundaries in the establishment and maintenance of all such district-sponsored social media activity.
3. Employees are required to use appropriately respectful speech in their social media posts on district-sponsored sites; and to refrain from harassing, defamatory, abusive, discriminatory, threatening or other inappropriate communications.
4. Employees are required to comply with all Board of Education policies and procedures and all applicable laws with respect to the use of computer equipment, networks or devices when accessing district-sponsored social media sites.

ADMINISTRATIVE REGULATIONS REGARDING USE OF SOCIAL MEDIA (continued)

5. The Board of Education reserves the right to monitor all employee use of district computers and other electronic devices, including employee blogging and social networking activity. An employee should have no expectation of personal privacy in any communication or post made through social media while using district computers, cellular telephones or other data devices.
6. All posts on district-sponsored social media must comply with the Board of Education's policies concerning confidentiality, including the confidentiality of student information. If an employee is unsure about the confidential nature of information the employee is considering posting, the employee shall consult with his/her supervisor prior to making the post.
7. An employee may not link a district-sponsored social media site or webpage to any personal social media sites or sites not sponsored by the school district.
8. An employee may not use district-sponsored social media communications for private financial gain, political, commercial, advertisement, proselytizing or solicitation purpose.
9. An employee may not use district-sponsored social media communications in a manner that misrepresents personal views as those of the Board of Education, individual school or school district, or in a manner that could be construed as such.

Disciplinary Consequences

Violation of the Board's policy concerning the use of social media or these administrative regulations may lead to discipline up to and including the termination of employment consistent with state and federal law.

Legal References:

U.S. Constitution, Amend. I

Conn. Constitution, Article I, Sections 3, 4, 14

Conn. Gen. Stat. § 31-48d

Conn. Gen. Stat. § 31-51q

Conn. Gen. Stat. §§ 53a-182; 53a-183; 53a-250

Electronic Communication Privacy Act, 28 U.S.C. §§ 2510 through 2520

Adopted: 12/13/10

Personnel -- Certified

Code of Ethics

The Board of Education accepts as a guide for certified staff the NEA Code of Ethics of the Education Profession. Certified staff is also bound to the Code of Ethics in their respective areas of discipline.

Reference: NEA Code of Ethics

New Policy adopted
/2002

Personnel — Certified and Non-Certified

Smoking, Drinking, and Use of Drugs on School Premises

Introduction

The Board of Education is concerned with maintaining a safe and healthy working and learning environment for all staff and students. Medical research indicates that the use of alcohol, drugs and tobacco are hazardous to one's health. In addition to the health hazard to the individual, certified employees are entrusted with the responsibility of imparting knowledge and serving as role models to students.

Alcohol and Drugs

The Board of Education recognizes the importance of maintaining a drug-free environment for its staff and students. In compliance with federal and state requirements, employees are prohibited from the unlawful manufacture, distribution, dispensing, possession or use on or in the workplace of any alcohol, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance. Controlled drugs are further defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 C.F.R. 1300.11 through 1300.15.

The "workplace" is defined to mean the site for the performance of work done. That includes any school building or any school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district.

Each employee shall notify his or her supervisor of his or her conviction for any criminal drug statute violation occurring in the workplace as defined above, no later than 5 days after such conviction.

Each employee shall abide by the terms of the school district policy respecting a drug-free and alcohol-free workplace.

An employee who violates the terms of this policy may be required to complete successfully an appropriate rehabilitation program, or may not be renewed, or his/her employment may be suspended or terminated, at the discretion of the Board.

Tobacco

There shall be no smoking or other use of tobacco products on school property at any time, on transportation provided by the Board of Education, or during the course of any trip sponsored by the Board or under the supervision of the Board or its authorized agents.

4118.7P
4218.7

Personnel — Certified and Non-Certified

Smoking, Drinking, and Use of Drugs on School Premises (continued)

Promulgation of Rules

A copy of this policy, and the consequences of violating the policy, shall be distributed to all employees of the Board of Education. Failure to comply with the policy may result in disciplinary action as detailed by the administration.

Legal Reference: Drug-Free Workplace Act. 102 Stat. 4305-4308.

 Drug-Free Schools and Community Act, P.L. 99-570, as amended by P.L. 101-226
 (1991)

 21 U.S.C. 812, Controlled Substances Act, I through V, 202.

 21 C.F.R. 1300.11 through 1300.15 regulation

 54 Fed. Reg. 4946 (1989)

 Connecticut General Statutes

 1-21b Smoking prohibited in certain places

New Policy adopted:
/2002

Personnel — Certified and Non-Certified

Smoking, Drinking, and Use of Drugs on School Premises (continued)

3. Discovery of Controlled Drugs and Alcohol

- A. An employee finding such material will deliver it to the principal.
- B. The principal will investigate the matter and notify the Superintendent of the incident.
- C. If the material is found to be or is suspected of being a controlled drug, the building principal will turn over the material to the police for analysis in exchange for a written receipt.

Sanctions for Violation of Smoking Policy

- 1. **First Offense.** Upon the first violation, an employee found to be smoking in the school building or on the school grounds during regular school hours will be warned orally that he/she is violating the school smoking ban policy and that further violation will lead to a written warning and further disciplinary action.
- 2. **Second Offense.** Employees who are found to violate the policy a second time will receive a written warning. A copy of this written warning will be placed in the employee's personnel file.
- 3. **Third Offense.** Upon the third violation, an employee will receive a second written warning. A copy of this written warning will be the employee's personnel file.
- 4. **Fourth Offense.** If the employee violates the smoking policy a fourth time, the employee will be referred to the Superintendent for further disciplinary action.

Legal Reference: Drug-Free Workplace Act. 102 Stat. 4305-4308.
Drug-Free Schools and Community Act, P.L. 99-570, as amended
by P.L. 101-226 (1991)
21 U.S.C. 812, Controlled Substances Act, I through V, 202.
21 C.F.R. 1300.11 through 1300.15 regulation.
54 Fed. Reg. 4946 (1989)
Connecticut General Statutes
1-21b Smoking prohibited in certain places.
19-443(6) Exception.

New Regulation approved:
/2002

Personnel — Certified and Non-Certified

Smoking, Drinking, and Use of Drugs on School Premises

Employees violating the alcohol, drug and tobacco policy may be subject to disciplinary action as indicated below.

Alcohol and Drugs

In accordance with state and federal law, the Board of Education is required to provide written explanation of the consequences of violating the Board's policy which prohibits the unlawful manufacture, possession, use, dispensing, or distribution of illicit, controlled drugs and alcohol on school premises or as part of any of the school activities.

"Controlled drugs" are those drugs which contain any quantity of a substance which has been designated as subject to federal narcotic laws, or which has been designated as a depressant or stimulant drug pursuant to federal food and drug laws, or which has been designated by the public health council and Commissioner of Consumer Protection pursuant to Section 19-451 as having a stimulant, depressant, or hallucinogenic effect upon the higher functions of the central nervous system and as having a tendency to promote abuse or psychological or physiological dependence - or both. Controlled drugs are classifiable as amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenic, morphine-type, and other stimulant and depressant drugs. Specifically excluded from controlled drugs are alcohol, nicotine and caffeine.

The Superintendent, with necessary Board of Education assistance and support, will provide a drug-free workplace in accordance with state and federal regulations.

Employees Funded by Federal Grant

Any employee who is funded by a federal grant, in an amount greater than \$25,000, is required to be given a copy of this policy and regulation concerning a drug-free workplace.

All employees will be notified that, as a condition of employment under the grant, the employee must abide by the terms of the statement and will notify the district of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

If an employee who worked on a federal grant is convicted, the federal agency will be notified within ten days after the employer receives notice from an employee of such conviction.

Personnel — Certified and Non-Certified

Smoking, Drinking, and Use of Drugs on School Premises (continued)

One of the following actions will be taken within 30 days of receiving notice with respect to any employee who is so convicted:

1. Take appropriate personnel action against such an employee, up to and including termination;
2. Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health law enforcement, or other appropriate agency.

The school district shall make a good faith effort to continue to maintain a drug-free and alcohol-free workplace through implementation of this regulation.

Disciplinary Action for Violation of Alcohol and Drug Policy

These procedures should be followed if an employee of the district is found to have violated the alcohol and drug policy.

1. **Employees observed selling, possessing, or transferring of controlled drugs and alcohol:**
 - A. Employees will be reported to the building principal immediately;
 - B. The Superintendent will become responsible for holding any suspicious materials and will issue a signed receipt for them;
 - C. The police will be notified and the material turned over to them for analysis and disposition in exchange for a written receipt. Any further action will be left to the police. No employee shall act in a law enforcement capacity.
2. **Employees suspected to be under the influence of drugs or alcohol.**
 - A. Employees shall be taken to the nurse and shall be treated as a person who is ill. The principal shall notify the Superintendent. In case of emergency or if there is a clear and present danger to an employee's health, he/she will be transferred immediately to the hospital.
 - B. Consistent with local, state and federal law, employees found to be in possession of, using or distributing illicit drugs or alcohol on school premises may be subject to termination of employment and prosecution.
 - C. Information about drug and alcohol counseling and rehabilitation and re-entry programs will be made available to employees, and the completion of an appropriate rehabilitation program will be required as a condition of continued employment.

Personnel — Certified and Non-Certified

Weapons and Dangerous Instruments

All dangerous instruments and illegal weapons (guns, knives, etc.) are prohibited on school property, student transportation and at school-sponsored activities. Such instruments and weapons shall be confiscated. Any violation will be reported to the police. School officials shall pursue appropriate disciplinary or legal action.

(cf. 5114 Suspension/Expulsion/Exclusion/Removal)
(cf. 5131.7 - Weapons and Dangerous Instruments)

Legal Reference: Connecticut General Statutes

10-221 Board of Education to prescribe rules.

New Policy adopted:
/2002

Personnel — Certified and Non-Certified

Duties of Personnel

All employees of the school district are subject to policies of the Board of Education, applicable laws, and current employee agreements.

Job descriptions shall be established for each type of work to be performed by certificated employees. Job descriptions shall include the following:

1. Job title.
2. Duties to be performed.
3. Type and extent of training required.
4. Degree of responsibility assumed.
5. Other related factors.

Job descriptions shall determine the job classification of employees on salary schedules. In each instance employees shall meet the requirements set forth in the job description. Job descriptions for all employees shall be provided by the Superintendent and maintained in a separate manual.

Personnel — Certified and Non-Certified

Rights, Responsibilities and Duties

Electronic Mail

Electronic mail is an electronic message that is transmitted between two or more computers or electronic terminals, whether or not the message is converted to hard copy format after receipt and whether or not the message is viewed upon transmission or stored for later retrieval. Electronic mail includes all electronic messages that are transmitted through a local, regional, or global computer network.

All district electronic mail systems are owned by the district and are intended for the purpose of conducting official district business only. District electronic mail systems are not intended for personal use by employees of the district and employees should have no expectation of privacy when using the electronic mail systems.

Users of district E-mail systems are responsible for their appropriate use. All illegal and improper uses of the electronic mail system, including but not limited to pornography, obscenity, harassment, solicitation, gambling and violating copyright or intellectual property rights are prohibited. Use of the electronic mail system for which the district will incur an expense without expressed permission of an administrator is prohibited.

Electronic messages are not for private or confidential matters. Because there is no guarantee of privacy or confidentiality, other avenues of communication should be used for such matters. Except for directory information, student records will not be transmitted by electronic mail. Care should be taken when forwarding an electronic mail message. If the sender of an electronic mail message does not intend for the mail to be forwarded, the sender should clearly mark the message "Do Not Forward".

In order to keep district electronic mail systems secure, users may not leave the terminal "signed on" when unattended and may not leave their password available in an obvious place near the terminal or share their password with anyone except the electronic mail system administrator. The district reserves the right to bypass individual passwords at any time and to monitor the use of such systems by employees.

The district retains the right to review, store and disclose all information sent over the district electronic mail systems for any legally permissible reason, including but not limited to determining whether the information is a public record, whether it contains information discoverable in litigation and to access district information in the employee's absence.

Except as provided herein, district employees are prohibited from accessing another employee's electronic mail without the expressed consent of the employee. All district employees should be aware that electronic mail messages can be retrieved even if they have been deleted and that statements made in electronic mail communications can form the basis of various legal claims against the individual author or the district.

Electronic mail sent or received by the Board, the district or the district's employees may be considered a public record subject to public disclosure or inspection. All Board and district electronic mail communications may be monitored.

District employees will be subject to disciplinary action for violation of this policy.

Personnel — Certified and Non-Certified

Rights, Responsibilities and Duties

Electronic Mail (continued)

The Superintendent will ensure that all district employees have notice of this policy and that each district employee is given an acknowledge form to sign stating they have received and read the policy. The form will be maintained in the employee's personnel file.

(cf. 5125 - Student Records)

Legal Reference: Connecticut General Statutes

 The Freedom of Information Act.

 PA 98-142 An Act Requiring Notice to Employees of Electronic Monitoring by
 employees

New Policy adopted:
/2002

Personnel — Certified

Temporary and Part-Time Personnel

The Board of Education shall employ such persons as may be needed to conduct the business of the school district in accordance with Board policy and state statutes and regulations of the Commissioner of Education. Such employment, if not budgeted, would require the official action of the Board of Education.

The Board of Education recognizes that there are times when extra-ordinary conditions warrant that the superintendent hire temporary personnel in advance of official action. Under such conditions the superintendent may hire temporary personnel in advance of official action by the Board to insure the continuity of the district's functions and program. The Superintendent shall report such actions to the Board during a regular Board meeting.

Policy revised:
/2002

Personnel - Certified

Substitute Teachers

A substitute teacher shall be a person who has earned a Bachelor's Degree, is fully qualified to instruct in our schools and who is employed for short periods of time in the absence of the regular teacher. The Commissioner of Education may waive requirement for a Bachelor's Degree for good cause upon the request of the Superintendent of Schools.

Suitable programs for training, assigning, orienting and evaluating the work of substitute teachers shall be provided by the certified staff under the direction of the Superintendent.

Rates of compensation for substitute teachers will be set by the Board of Education.

It will be the responsibility of the Principal or his/her designee to assign a substitute to fill any vacancy by the temporary absence of a regular staff member. The substitute teacher will be selected from a list of approved substitutes furnished by the Superintendent's office.

Only fully certified replacement teachers will be assigned to classes whose regular teachers are on long-term leaves of absence of forty (40) days or more. Principals will attempt to maintain as much continuity as possible by engaging only one substitute for the full period of absence of one teacher and by calling back a substitute to serve in a classroom in which he/she has already performed successfully.

Substitute teachers will not participate in the health and welfare plans or other fringe benefits of the school system. However, substitute personnel hired to fill the position of an employee absent on an extended leave will be entitled to the privileges and benefits afforded regular professional employees, with the exception that the term of employment ordinarily will cease at the scheduled termination of the regular teacher's leave.

Retired teachers may be employed as substitute teachers without jeopardizing their retirement salary within the limits as prescribed by law.

Legal Reference: Connecticut General Statutes
 10-183v Reemployment of teachers.
 10-145a Certificates of qualification for teachers, as amended by P.A. 11-27, An Act Concerning Substitute Teachers.
 June 19 Special Session, Public Act No. 09-1
 An Act Implementing the Provisions of the Budget Concerning Education, Authorizing State Grant Commitments for School Building Projects and Making Changes to the Statutes Concerning School building Projects and Other Education Statutes. (Section 48) Public Act No. 09-6 September Special Session

Policy adopted: 12-12-2011

4121R

4141R

Personnel-Certificated

Salary Guides .Substitute Pay

1. Regular substitutes will be paid **\$75** per day.
2. After a substitute teaches 10 days in the same assignment, on the 11th day the pay shall be \$90 per day
3. After a substitute teaches 25 days in the same assignment, on the 26th day the pay shall be \$130.00 per day.
4. After a substitute teaches 40 consecutive days in the same assignment on the 41st day the pay shall be 1/186th of the BA step 1 salary.
5. All state department certification regulations for substitutes shall apply.
6. In unique situations, at the discretion of the Superintendent, a substitute may be paid at 1/186th of the BA Step 1 level from the first day of employment. This could include, but not be limited to: a substitute being hired for a long-term position, a new teacher whose certification is in process through the Bureau of Certification, or a substitute who has **already** worked a significant number of days during the school year and is beginning a long-term assignment.
7. Regular substitutes who have retired from the Orange elementary School system will be paid \$80 per day.

Regulation revised: 01/2002

Page updated 4/10 (rate of pay)

Statement of Understanding

October 31, 2003

In the event that a long-term substitute is to be paid hourly, that hourly rate would be determined as follows:

The daily rate would be divided by the number of hours a teacher works. **\$130.00 is the minimum daily rate that school hours would be divided into.**

The present salary scale for long-term substitutes and hours are listed below:

days 1 – 10	paid at \$ 65.00/day
days 11 – 25	paid at \$ 90.00/day
days 26 – 40	paid at \$130.00/day
days 41 – on	paid at 1/186 th of BA Step 1

Race Brook, Peck Place & Turkey Hill teachers work 7.25 hours/day.
Mary L. Tracy teachers work 6.25 hours/day (.84 position).

Personnel -- Certified

Student Teachers

The Board of Education endorses participation in undergraduate student teaching programs with colleges and universities for the purpose of training competent future teachers. Student teachers will be accepted on a limited basis and placed according to availability of competent cooperating teachers.

The Board of Education authorizes the Superintendent of Schools to approve all prospective student teachers. Decisions to place a student teacher will be determined by the following:

1. Submission of a regular teacher application including copies of transcripts and references.
2. A screening and interview by the building Principal.
3. Recommendation by the building Principal to the Superintendent of Schools or designee on accepting student teachers with the named cooperating teacher. (Normally no more than one student teacher will be assigned to a cooperating teacher in any given school year.)
4. The successful fulfillment of a criminal background check. (Effective July 1, 2010)

It is the responsibility of the Superintendent of Schools to notify the college or university of acceptance of student teacher(s).

Teachers who cooperate in training student teachers must be:

1. Tenured;
2. Successful teachers with good to outstanding evaluations;
3. Recommended by the Principal or Core Coordinator;
4. Participating on a voluntary basis.

(cf. 4112.5 – Security Check/Fingerprinting)

Legal Reference: Connecticut General Statutes
 10-221d Criminal history records checks of school personnel.
 Fingerprinting. Termination or dismissed. (as amended by PA 01-173, PA
 04-181 and June 19 Special Session, Public Act No. 09-1)
 29-17a Criminal history checks. Procedure. Fees.

Policy revised: April 5, 2010

Personnel -- Certified

Student Teachers/Internships

Student Teacher Selection

1. The student teacher will be interviewed by the Principal.
2. Placement will be at the Principal's discretion and continuation of it is dependent on satisfactory student-teaching performance.
3. The student teacher, prior to placement in a District school, will submit to state and national criminal checks. Placement is conditional upon the successful outcome of such criminal record check. (Starting July 1, 2010)

Cooperating Teachers

1. The cooperating teacher will be selected by the Principal.
2. The cooperating teacher must have successfully completed training personalized by CT State Department of Education.
3. The cooperating teacher must meet with the student teacher a minimum of three times per week to check lessons, plans, etc.
4. Only the cooperating teacher will sign student progress report forms.
5. The cooperating teacher must observe the student teacher a minimum of two times per week for at least 45 minutes each time.
6. The student teacher should be left on his/her own for periods of time with the class. The amount of this independence to be decided by the student teacher, cooperating teacher and administration, with ability and maturity to be determinants. This amount of independent work shall be committed to writing and a copy sent to the Principal.

Student Teacher Load

1. Maximum of four 45 minute periods of instruction per day
2. Provision for gradual pick-up of classes beginning with a minimum of one week of observation of the cooperating teacher before taking over any responsibility in any class.

Student Teacher Placement by Department

1. There will be no more than one student teacher per cooperating teacher per year.

Personnel — Certified

Professional Development

Professional staff growth and effectiveness are important to the public schools, and the Board supports professional growth opportunities for its staff. Teachers must constantly review curricular content, teaching methods and materials, educational philosophy and goals, social change and other educational topics. The Board of Education shares responsibility for upgrading and updating teacher skills and attitudes and supports continuing training of teachers for instructional improvement. All certified staff shall be provided opportunities for increased competence staff development activities.

Special effort shall be made to prepare teachers and other school personnel to meet the needs of students of diverse cultural, and ethnic backgrounds. Administration, teachers, and parent advisory groups as necessary shall do planning and implementation of such programs cooperatively.

Staff development activities should respond to staff needs to meet student educational needs, including but not limited to:

- (a) content areas such as language arts including reading and writing, math, social science and science;
- (b) methodological areas such as motivation, teaching techniques, and classroom management; second language acquisition;
- (c) affective areas of interpersonal relations of students and faculty, student growth and development and staff communication, problem solving, and decision making.

Staff members shall be encouraged to share, with Principals, information and recommendations from such professional development activities for dissemination to other staff members, including ideas from school visitations, professional and cultural reading, new teaching techniques, advanced course work, conferences, conventions, clinics, seminars, workshops, curriculum changes, new texts, travel and research.

Within budget appropriations, the Superintendent, or designee, shall have authority to provide:

1. Released time and leaves of absence for travel and study
2. Visits to other classrooms and other schools.
3. Conferences involving other personnel from the district, county, state, region and nation.
4. Membership in district, county, state, regional, and national professional committees.
5. Training classes and workshops offered within the district.
6. A full, up-to-date professional library for the certified staff, made available for optimum reference use.
7. Professional educational conferences.

Personnel — Certified

Professional Development (continued)

Legal Reference: Connecticut General Statutes

10-27 Exchange of professional personnel and students.

10-145b Teaching certificates; subsection l on CEU's.

10-220a In-service training. Professional development. Institutes for educators. Cooperating and beginning teacher programs, regulations. Amended by PA04-227

10-226f Coordinator of inter-group relations.

10-226g Inter-group relations training for teachers.

10-145b Teaching certificates.

New Policy adopted:
/2002; Revised: April 2005

Connecticut General Statutes 10-220a - In-service Training

A. Required In-service Topics for Certified Personnel

1. Nature and the relationships of drugs and alcohol to health and personality development and procedures for discouraging their abuse.
2. Health and mental health risk reduction education including, but not limited to the prevention of risk-taking behavior by children and the relationship of such behavior to substance abuse, pregnancy, sexually transmitted diseases, including HIV-infection and AIDS, violence, child abuse and youth suicide.
3. Growth and development of exceptional children, including gifted and talented children and children with disabilities who may require special education, and methods for identifying, planning and working effectively with special needs children in a regular classroom.
4. Elementary or middle school teachers must include 15 hours of training in the use of computers in the classroom every five years.
5. School administrators must include 15 hours of training in the supervision and evaluation of professional staff every five years.
6. 15 hours (1.5 CEU's) of training in the teaching of reading and reading readiness and assessment of reading performance, including methods of teaching language skills necessary for reading, reading comprehension skills, phonics and the structure of the English language.

B. In-service topics recommended for all Certified Personnel

1. School violence prevention and conflict resolution.
2. Cardiopulmonary resuscitation and other emergency life saving procedures.
3. Computer and other information technology as applied to student learning and classroom instruction, communications and data management.
4. Teaching of the language arts, reading and reading readiness for teachers in grades kindergarten to three, inclusive.
5. Second language acquisition in districts required to provide a program of bilingual education pursuant to CGS 10-17f

New guidelines adopted:
/2002; Revised: April 2005

Personnel — Certified

Continuing Education Units (CEUs)

The Orange Board of Education believes it is important for teachers who hold professional certification to participate in Continuing Education Units (CEU's) as part of their professional and educational development on a regular basis. This belief is based upon the knowledge that student learning is directly affected by teacher competence and that teacher competence is enhanced by ongoing professional development and continuous learning.

State law requires the successful completion of 9 CEUs every five years in order for a holder to maintain a professional educator certificate. In order to achieve this goal, the Board will make available annually at no cost to its certified employees at least eighteen, 60-minute, and instructional contact hours of professional development activities. Only CEUs awarded by "providers" approved by the State Department of Education may be used to fulfill the CEU requirements.

Specific professional development activities will be determined with the advice and assistance of The Professional Development Committee, established in accordance with Connecticut General Statutes 10-220a.

The Orange Board of Education may award CEU equivalents to any of its employee's successful completion of professional development activities which are not necessarily offered by an approved CEU provider. Any combination of CEUs and CEU equivalents can be used toward the 18 CEU requirements. All 18 CEUs may be earned as CEU equivalents.

The Orange Board of Education shall through the Superintendent and Director of Instruction, approve specific CEU professional development activities. The Superintendent of Schools, or designee, shall determine the date and time of such activities.

The Board is not responsible for costs incurred by any staff member electing to obtain CEU(s) or CEU equivalents in a program other than the 18 hours of professional development activities approved by the Board.

The Board shall attest to the State Department of Education in such form and at such time as the Commissioner shall prescribe, that professional development activities for continuing education unit credit are granted in accordance with the procedure established by the State Board of Education.

Focus of CEU Activities

All professional development activities for which CEU's are issued must focus on improved student learning. All learning experiences for which CEU's are awarded should enrich or improve the skills, knowledge, and abilities of educators to improve student learning. Professional development for which CEU's can be offered include, but not be limited to: presenting/attending workshops, time spent in learning, problem solving, experimenting, interacting with colleagues, developing curriculum and writing professional journal articles. The focus for professional development activities in establishing a link between effective teaching and increased learning shall be *Connecticut's Common Core of Learning, Connecticut Framework: K – 12 Curriculum Goals and Standards, Connecticut's Common Core of Teaching and Connecticut Guidelines for teacher evaluation and Professional Development*.

Each certified staff member is responsible to maintain a record of his/her CEUs or CEU equivalents, earned during each consecutive five-year period, and for providing the State Department of Education with documentation of earned CEUs for updated certification.

Personnel — Certified

Continuing Education Units (CEU's) con't.

Director of Instruction

The Director of Instruction (or a designee of the superintendent) will be responsible for managing the CEU program. At the beginning of each school year the Director of Instruction will report to the Orange Board of Education the plan for offering the CEU's for staff holding professional educator certificates.

Legal Reference:

Connecticut General Statutes

10-27 Exchange of professional personnel and students.

10-145b Teaching certificates; subsection l on CEU's.

10-220a In-Service training. Professional development. Institutes for educators. Cooperating and beginning teacher programs, regulations.

10-226f Coordinator of inter-group relations.

10-226g Inter-group relations training for teachers.

10-145b Teaching certificates.

PA 95-98 An Act Concerning Teacher Evaluation, Tenure, and Dismissals

Policy revised:

/2002

4133P
4233P

Personnel — Certified and Non-Certified

Travel Reimbursement

The Orange Board of Education shall reimburse employees and officials of the district for approved use of private vehicles in the course of performing job related responsibilities. Reimbursement rate shall be at the established government rate (GSA).

New Policy adopted
/2002

Personnel — Certified

Tutoring

Principals and teachers shall try to resolve student-learning problems within the school setting before recommending a tutor or other outside professional help. Through maintaining a high quality instructional staff and providing a rich and varied curriculum, the need for individual tutoring will be minimized.

Should, however, tutoring be recommended in exceptional cases, the superintendent shall establish rules to prevent conflicts of interest.

Legal Reference: Connecticut General Statutes

53-392a - 53-392e All related to academic crimes.

53-392b Preparation of assignments for students attending educational institutions prohibited.

New Policy adopted:
/2002

Personnel — Certified

Tutoring

Parents may at time-to-time request a list of tutors to assist their students in improving academic performance.

Should tutoring be requested by parents the following guidelines will be followed:

1. The District will have a list of teachers who have expressed an interest in tutoring to provide parents upon request.
2. Orange School District certificated teachers may tutor students providing the following:
 - Teachers are not tutoring their own students during the academic year
 - Teachers use personal time for planning
 - Teachers use personal materials and equipment for tutoring preparation
 - Teachers provide the service not on school property
 - Teachers work with the student as a supplement to instruction and not to supplant learning
3. It is recommended teachers have a business license to ensure appropriate tax reporting.

New Guidelines adopted
/2002

Personnel — Certified and Non-Certified

Teacher-Administrator-Board of Education Relationships

The Orange Board of Education believes providing a high quality education for children is the paramount mission, and good morale in the teaching staff is necessary for the best education of the children. Therefore, the Board of Education encourages participation of staff members in activities of their professional organizations and encourages organizations to exercise their rights and responsibilities clearly established by law:

1. The Board of Education, under law, has the final responsibility of establishing policies for the school system.
2. The Superintendent and staff have the responsibility of carrying out the policies established.
3. The certified teaching personnel have the ultimate responsibility for providing excellent education in the classroom.

Policy Development and Review

The Superintendent shall consult with appropriate personnel and official employee organizations in suggesting and establishing desired policies and regulations relating to Board of Education teacher-administrator relationships and in other matters as provided by law.

The Board of Education will annually review policies and will consider suggested revisions or additions, which will improve these relationships and promote the educational welfare of the children attending the schools of the district.

Bargaining Units

Unit clarification petitions concerning the appropriate composition of an existing bargaining unit shall be filed with the Commissioner of Education.

Legal Reference:

Connecticut General Statutes

10-153a Rights concerning professional organization and negotiations.

10-153b Selection of teachers' representatives.

10-153c Disputes as to elections.

10-153e Strikes prohibited. Interference with the exercise of employees' rights prohibited.

46a-60 Discriminatory employment practices prohibited.

New Policy adopted:
/2002

Personnel — Certified and Non-Certified

Agreement

All articles included in negotiated agreements with employees shall have the effect of Board of Education policy. In cases of conflict between negotiated agreements and Board of Education policies or administrative regulations, the agreements shall take precedence.

New Policy adopted:
/2002

Personnel — Certified and Non-Certified

Employee Safety

General

Employees are entitled to work under safe conditions and shall be provided necessary training in safety techniques and precautions. The Superintendent of Schools and administrative staff shall maintain safe and healthy work places in each school and district facility with safe equipment and proper materials; safe methods and practices shall be developed and practiced by staff and students.

Use of Physical Force

Employees may use physical force as necessary to reasonably protect themselves from attack, to protect another person or property, to quiet a disturbance which threatens physical injury to others, or to obtain possession of weapons or other dangerous objects.

Physical Assaults on Teachers, Administrators, Other School Personnel, and Students

Employees shall report, as soon as possible, assaults on them in connection with their employment to their Principal or other immediate supervisor who shall further report such assault to the local police. The Principals or supervisor shall notify the Superintendent of the incident.

The employee may also, in his/her discretion, file a complaint with the local police.

The Superintendent shall maintain records of any assaults for required reports to the Commissioner of Education.

Legal Protection of Employer

As required by the general statutes, the Board of Education shall indemnify Board members and employees.

(cf. 4112.1/4212.1 Provisions of Negotiated Agreements)

Legal Reference: Connecticut General Statutes
 10-233g Boards to report school violence. Reports of principals to police authority.
 10-235 Indemnification of teachers, board members and employees in damage suits; expenses of litigation.
 10-236a Indemnification of educational personnel assaulted in the line of duty.
 53a-18 Use of reasonable physical force...

New Policy adopted:
/2002

Personnel — Certified and Non-Certified

Employee Protection

An employee may use force as is necessary to reasonably protect himself/herself from attack, to protect another person or property, to quell a disturbance threatening physical injury to others, or to obtain possession of weapons or other dangerous objects upon the person or in the control of a student.

Employees shall immediately report cases of assault suffered by them in connection with their employment to their Principal or other immediate superior, and to local law enforcement agencies. Such notification shall be forwarded immediately to the Superintendent who shall comply with any reasonable request from the employee for information in the possession of the Superintendent relating to the incident or the persons involved, and shall act as liaison between the employee, the police and the courts.

No school administrator shall interfere with the right of a teacher or other school employee to file a complaint with the local police authority in cases of threats of physical violence or actual physical violence against such teacher or employee.

As required by law, the Board of Education will file a report annually with the State Board of Education indicating the number of threats and physical assaults made by students upon teachers, administrators, and other school personnel and the number of physical assaults involving dangerous weapons made by students upon other students.

If criminal or civil proceedings are brought against an employee alleging that the employee committed an assault in connection with his/her employment, such employee may request the Board of Education to furnish legal counsel to defend the employee in any civil action or proceeding brought against the employee, within the limits set by law.

Section 52-557b of the General Statutes grants immunity from liability for emergency medical assistance to a person in need of it when the assistance is given by a teacher or other school personnel on the school grounds, in a school building, or at a school function, provided that the teacher or other staff member has completed a course in first aid offered by the American Red Cross, the American Heart Association, the State Department of Health Services, or any municipal health department, as certified by that agency, has such immunity that extends to civil damages for any personal injuries which result from acts or omissions by the person giving the emergency care or first aid, which might constitute ordinary negligence. Such immunity does not apply to acts or omissions constituting gross, willful or wanton negligence.

Personnel — Certified and Non-Certified

Employee Protection (continued)

Legal Reference: Connecticut General Statutes

10-233b Removal of pupils from class.

10-233c Suspension of pupils.

10-233g Boards to report school violence. Reports of principals to police authority.

10-235 Indemnification of teachers, Board and commission members and employees in damage suits; expenses of litigation.

10-236 Liability insurance.

10-236a Indemnification of educational personnel assaulted in the line of duty.

52-557b Immunity from liability for emergency medical assistance, first aid or medication by injection. School personnel not required to administer or render.

53a-18 Use of reasonable physical force or deadly physical force generally.

53a-19 Use of physical force in defense of person.

New Policy adopted:
/2002

Personnel – Certified/Non-Certified

Personal Leaves

Family and Medical Leave Act

The Board will provide leave to eligible employees consistent with the Family and Medical Leave Act of 1993 (FMLA) as amended. Eligible employees (employment for at least one-year and at least 1,250 hours actually worked in the twelve month period immediately preceding the commencement of the leave) are entitled to up to 12 work weeks of unpaid family and medical leave in any 12-month period. The District will continue to pay the district's share of the employee's health benefits during the leave. In addition, the District will restore the employee to the same or an equivalent position with equivalent benefits, pay and other conditions of employment after the termination of the leave in accordance with Board policy and collective bargaining agreements.

Eligible employees are entitled to take unpaid leave for a covered family member's service in the Armed Forces, for any one or for a combination of the following reasons:

- A "qualifying exigency" as defined by Department of Labor regulations arising out of a covered family member's active duty or call to active duty in the Armed Forces in support of a contingency plan; and/or
- To care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that such duty or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating.

When leave is due to a "qualifying exigency" of a service member, an eligible employee may take up to 12 work weeks of leave during any 12 month period. When such leave is to care for an injured or ill service member, an eligible employee may take up to 26 work weeks of leave during a single 12 month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12 month period.

Employees will not be deprived of any employment benefits accrued before taking FMLA leave. The District will maintain health insurance benefits at the same basis as is provided to other similarly situated employees. Conversely, employees on FMLA leave are not entitled to accrue any seniority or benefits during the leave unless determined otherwise due to a collective bargaining agreement. When an employee returns from FMLA leave, benefits will be resumed in the same manner as provided prior to taking the leave, subject to any changes in benefit levels that may have occurred during the FMLA leave period and which affect the entire work force. Leave available for eligible employees under FMLA is not intended to supplement leave otherwise provided to such employees. The District may require the eligible employee substitute any accrued vacation or sick leave for any part of the twelve week period that may be taken for a serious health condition of a spouse, child or parent, or for the employee's own serious health condition.

Personnel -- Certified/Non-Certified

Personal Leaves

Family and Medical Leave Act (continued)

In complying with the FMLA, the District will adhere to the requirements of the Americans with Disabilities Act as well as other applicable federal and state laws.

The Board, in compliance with state statute, shall provide to its employees who are a party to a civil union with the same family and medical leave benefits under the federal Family Medical Leave Act (FMLA) as are provided to employees who are party to a marriage. In addition, the Board shall allow its employees leave time under this policy to serve as organ or bone marrow donors.

The District, in compliance with FMLA's regulations, will post and keep posted on its premises, in conspicuous places where employees are employed, a notice explaining the provisions of the FMLA and providing information concerning the procedures for filing complaints of violations of the Act. Electronic posting may be utilized.

(cf. 4118.14 - Disabilities)

(cf. 4151.2 - Family Illness)

(cf. 4152.3 - Maternity; Adoptive; Child Care)

Legal Reference: P.L. 103-3 and 29 CFR Part 825 - The Family and Medical Leave Act of 1993, as amended by H.R. 4986, the National Defense Authorization Act for Fiscal Year 2008, Section 585. 29 U.S.C. §2601 et seq.

Final Rule - published in Federal Register, Vol. 60, Nov. 4, Friday, January 6, 1995, as amended on February 3, 1995, ~~and on~~ March 30, 1995, and on November 17, 2008. Rules and Regulations (29 CFR Part 825).

Connecticut General Statutes

46b-3800 Applicability of statutes to civil unions and parties to a civil union.

PA 07-245 An Act Concerning Family and Medical Leave for Municipal Employees.

Policy adopted: 12/14/2009

Personnel – Certified/Non-Certified

Personal Leaves

Family and Medical Leave Act

The following administrative regulations apply only to the Family and Medical Leave Act (FMLA).

Eligibility

An employee who has worked for the District for at least 12 months is eligible for 12 work weeks of FMLA leave during a 12-month period provided the employee worked at least 1,250 hours in the 12 months preceding the beginning of the leave. The 12 months of employment need not be consecutive months. Hours worked includes all hours, including overtime, an employee works but does not include paid leave time such as vacations, sick or personal leave, holidays etc. Full time professional instructional employees who are exempt from the wage and hour law may be presumed to have worked the minimum hour requirement. Pursuant to USERRA, an employee returning from fulfilling his/her National Guard or Reserve military obligation shall be credited with the hours of service that would have been performed but for the period of military service in determining whether he/she worked the 1,250 hours of service in the District. (§825.110)

For purposes of FMLA leave the 12-month period is measured forward from the date of an employee's first FMLA leave date. The 12 months of employment need not be consecutive months.

Serious Health Condition

A "serious health condition" that would entitle an employee to FMLA leave is one involving continuing treatment by a health care provider that results in a period of incapacity of more than three consecutive calendar days and involves either treatment two or more times by a health care provider or treatment by a health care provider on at least one occasion followed by a regimen of continuing treatment under the supervision of the health care provider.

Over the counter medication, bed rest, taking of fluids, exercise and other activities that can be initiated without a visit to a health care provider do not constitute continuing treatment.

Personnel -- Certified/Non-Certified

Personal Leaves

Family and Medical Leave Act (continued)

Chronic conditions such as asthma and diabetes are considered a serious health condition even if individual episodes of incapacity do not last more than three days. Furthermore, conditions need not be chronic or long term when the condition is one which is not ordinarily incapacitating but for which multiple treatments are given because the condition would likely result in a period of incapacity of more than three calendar days in the absence of medical intervention. Regarding long-term chronic conditions, the condition need not be incurable. The condition may involve a permanent or long-term incapacity and be one for which treatment may not be effective. (29 C.F.R. 825.114.)

Health Care Provider

The definition of "health care provider" includes any health care provider recognized by the employer or accepted by the group health plan of the employer. It also includes clinical social workers. (29 C.F.R. 825.118.)

Types of Leave

An eligible employee may take FMLA leave for: (§825.200)

- the birth and first-year care of a child; (§825.120)
- the adoption or foster placement of a child; (§825.121)
- the serious illness of an employee's spouse, parent or child; (§825.113, §825.122)
- the employee's own serious health condition that keeps the employee from performing the essential functions of his/her job; (§825.113, §825.123)
- to care for an eligible member* of the Armed Forces who is undergoing medical treatment, recuperation, or therapy, or is otherwise on the temporary disability list for a serious injury or illness; (§825.122, §825.123) and
- a qualifying exigency as defined by Department of Labor regulations of a spouse, child, or parent of the employee who is on active duty in the Armed Forces or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation. (§825.122, §825.126)

An employee may elect, or the District may require, an employee to use accrued paid vacation, personal or family leave for purposes of a family leave. An employee may elect, or the District may require, an employee to use accrued vacation, personal or medical/sick leave for purposes of a medical leave. An employee cannot compel the District to permit the employee to use accrued medical/sick leave in any situation which the leave could not normally be used.

*spouse, son, daughter, parent or next of kin

Personnel – Certified/Non-Certified

Personal Leaves

Types of Leave (continued)

All FMLA absences for the same qualifying reason are considered a single leave and the employee maintains eligibility as to that reason for leave throughout the applicable 12-month period.

An eligible employee for FMLA leave must receive at the time of their eligibility notice a written notice of "Rights and Responsibilities" detailing their specific expectations and obligations and explaining the consequences of their failure to meet these obligations. This notice shall include any requirement to provide medical certification, the right to substitute paid leave, payment for benefits and job restoration rights upon expiration of the leave.

Spouses Employed by the School District

If a husband and wife eligible for leave are employed by this school district, their combined amount of leave for birth, adoption, foster care placement and parental illness may be limited to 2 weeks. An employee may not take FMLA leave to care for a parent-in-law.

Unforeseeable, Continuous, Intermittent and Reduced Leave

Unforeseeable leave involves situations such as emergency medical treatment or premature birth.

Continuous leave is taken for a set number of days or weeks.

Intermittent leave is leave taken in separate blocks of time due to a single illness or injury rather than one continuous period of time.

Reduced leave is a leave schedule that reduces employee's usual number of hours per work week, or hours per work day.

Intermittent or reduced leave is available only for the employee's own serious health condition or to care for a seriously ill spouse, child or parent. Such leave may not be used for the birth or adoption/placement of a child or to care for a newborn or recently adopted child. In the case of foreseeable intermittent or reduced leave, the employee must schedule the leave to minimize disruption to the district's operation.

Personnel – Certified/Non-Certified

Personal Leaves

Unforeseeable, Continuous, Intermittent and Reduced Leave (continued)

The employee who wishes to use intermittent or reduced leave shall, whenever possible, give prior notification to the District. Although the District and employee may agree to an intermittent or reduced leave plan, the employee who uses family leave is not automatically entitled to use such leave on an intermittent basis or on a reduced leave schedule. The district may provide such leave for medical leave but the district may transfer the employee to a position which is equivalent, but more suitable for intermittent periods of leave provided said leave amounts to more than twenty (20) percent of the total number of working days in the period during which the leave would extend. The employee must furnish the District with the expected dates of the planned medical treatment and the duration of the treatment. The Superintendent must authorize such leave in writing.

Employee Entitlement to Service Member FMLA

The federal FMLA entitles eligible employees to take leave for a covered family member's service in the Armed Forces. Except as listed in this section, an employee's rights and obligations to service member FMLA leave are governed by existing FMLA policy and regulations.

Service member FMLA provides eligible employees unpaid leave for a covered family member's service in the Armed Forces, for any one or for a combination of the following reasons:

- A "qualifying exigency" arising out of a covered family member's active duty or call to active duty in the Armed Forces in support of a contingency plan; and/or
- To care for a covered family member who has incurred a serious injury or illness in the line of duty while on active duty in the Armed Forces including a member of the National Guard or Reserves, provided that such duty or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating.

When leave is due to a "qualifying exigency" of a service member, an eligible employee may take up to 12 work weeks of leave during any 12 month period. Eligible employees can take more than one period leave if the leave is to care for different covered service members or to care for the same service member with a subsequent serious injury or illness, except that no more than 26 work weeks of leave may be taken within any single 12-month period.

Leave that qualifies both as leave to care for a covered service member and leave taken to care for a family member with a serious health condition during the "single 12-month period" cannot be designated and counted as both leave to care for a covered service member and leave to care for a family member with a serious health condition.

Personnel -- Certified/Non-Certified

Personal Leaves

Employee Entitlement to Service Member FMLA (continued)

Employees are not obligated to provide notice to the District when they first become aware of a covered family member's active duty or call to active duty status. An employee's obligation to provide notice of leave due to a qualifying exigency is triggered when the employee first seeks to take such leave. Where this leave is foreseeable, eligible employees must provide notice to the District that is "reasonable and practicable."

In compliance with the final FMLA rule, §825.310, separate certification requirements shall be utilized for military caregiver leave. The District shall use the DOL WH-385 form in obtaining medical certifications of Military Caregiver Leave.

When such leave is to care for an injured or ill service member, an eligible employee may take up to 26 work weeks of leave during a single 12-month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period.

Service member FMLA runs concurrent with any other leave entitlements provided under federal, state or local law.

Definitions

Active Duty: Duty under a call or order to active duty under a provision of law referred to in 10 U.S.C. §101(a)(13)(B).

Contingency Operation: Has the same meaning given such term in 10 U.S.C. §101(a)(13).

Covered Service Member: A member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

Personnel -- Certified/Non-Certified

Personal Leaves

Definitions (continued)

Next of Kin:

The nearest blood relative of an individual. (In this order: brother, sister, grandparents, aunts, uncles, first cousins) Excluded are the covered service member's spouse, parent, son or daughter, as they already are entitled to leave for this purpose. A covered service member may designate, in writing, another blood relative as his or her nearest blood relative for purposes of military caregiver FMLA leave. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to care for the covered service member either consecutively or simultaneously. When a designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin.

Outpatient Status:

With respect to a covered service member, this means the status of a member of the Armed Forces assigned to:

- (a) a military medical treatment facility as an outpatient; or
- (b) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

Qualifying Exigency

The U.S. Department of Labor's definition of this term includes the following eight (8) situations: (1) short-notice deployment, (2) military events and related activities, (3) childcare and school activities, (4) financial and legal arrangements, (5) counseling, (6) rest and recuperation, (7) post deployment activities, and (8) additional activities to address other events which arise out of the covered military member's active duty or call to active duty status, provided the employer and employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave. (See form WH-384)

"Single 12-Month Period"

The U. S. Department of Labor has determined that for purposes of military caretaker leave is a period that commences on the date an employee first takes leave to care for a covered service member with a serious injury or illness.

Personnel -- Certified/Non-Certified

Personal Leaves

Leave to Care for a Covered Service Member

If the necessity for leave is foreseeable based on planned medical treatment, the employee shall:

1. make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the District; and
2. provide the District with at least 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave. If the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

The Board of Education may require that a request for leave to care for a covered service member be supported by a certification issued by the health care provider of the person in need of care. The employee shall provide, in a timely manner, a copy of such certification to the district.

Certification will be sufficient if it states:

1. the date on which the serious health condition or serious injury or illness commenced;
2. the probable duration of the condition; and
3. the appropriate medical facts within the knowledge of the health care provider regarding the condition.

If leave is to be taken on an intermittent or reduced leave schedule for planned medical treatment, the certification must contain the dates on which such treatment is expected to be given and the duration of such treatment.

Leave Related to Active Duty or a Call to Active Duty

If the necessity for leave because of a qualifying exigency arising from the fact that a family member is on active duty or has been notified of an impending call to active duty is foreseeable, the employee shall give such notice to the District as is reasonable and practicable.

The Board may require that a request for leave because of a qualified exigency arising from the fact that the employee's spouse, son, daughter, or parent is on active duty or has been notified of an impending call to active duty be supported by a certification issued in accordance with regulations issued by the Secretary of Labor. If the Secretary issues a regulation requiring such certification, the employee shall provide, in a timely manner, a copy of such certification to the school district.

Personnel – Certified/Non-Certified

Personal Leaves

Benefits

The District will maintain the employee's health coverage under the District's group health insurance plan during the period of FMLA leave. The employee should make arrangements with the District to pay the employee's share of health insurance (e.g. family coverage) prior to the beginning of the FMLA leave.

The employee will not lose any other employment benefit accrued prior to the date on which leave began but is not entitled to accrue seniority or employment benefits during the leave period. Employment benefits could include group life insurance, sick leave, annual leave, educational benefits and pensions.

Notice

When the FMLA leave is foreseeable, the employee must notify the District in writing of his/her request for leave at least 30 days prior to the date when the leave is to begin. The employee must explain the reasons for the needed leave so as to allow the District to determine whether the leave qualifies under FMLA. Failure to give notice may result in the leave beginning thirty days after notice was received. If the leave is not foreseeable, the employee must give notice as early as is practical under the facts and circumstances of the particular case, but no later than one to two work days after learning that leave will be necessary. A spouse or family member or other responsible party may give the notice if the employee is unable to personally give notice. When the employee requests medical leave, the employee must make reasonable attempts to schedule treatment so as not to disrupt the District's operations.

The District, as required, will post and keep posted on its premises, a notice explaining the provisions of FMLA and with information concerning the procedures for filing complaints of violations of the Act. Electronic posting is sufficient to meet this posting requirement. The notice must be posted even if the District has no FMLA-eligible employees. The FMLA notice, in the absence of an employee handbook, shall be given to each employee when hired.

The District, when a request for FMLA leave is received, will provide the employee the following information, listing the employee's obligations and requirements:

1. A statement clarifying whether the leave qualifies as family and medical leave and will, therefore, be credited to the employee's annual 12-week entitlement.
2. A reminder that employees requesting family and medical leave for a serious health condition or for that of an immediate family member must furnish medical certification of the serious health condition and the consequences for failing to do so.

Personnel -- Certified/Non-Certified

Personal Leaves (continued)

Notice (continued)

3. An explanation of the employee's right to substitute paid leave for family and medical leave including a description of when the school district requires substitution of paid leave and the conditions related to the substitution.
4. A statement notifying employees for paying any premium or other payments to maintain health or other benefits.

The District must notify the employee, in writing, of his/her eligibility to take FMLA leave within five (5) business days of receiving said request, with medical certification(s) and any other required information, absent extenuating circumstances. The District may provide the "Eligibility" and "Designation" notices at the same time if there is sufficient information to do so.

In situations where the District has failed to provide timely notice and the delay does not cause the employee harm or injury, retroactive notice may be provided. In all cases where leave would qualify for FMLA leave protection, the District and the employee can mutually agree that the leave be retroactively designated as FMLA leave.

District failure to provide required notice can be considered "interference" with an employee's FMLA rights.

The District may deny the leave if the employee does not meet the notice requirements.

Certification

The District shall require the employee to provide certification of the employee's serious health condition from a health care provider containing specific information required under the law if he/she requests a medical leave. If there is a question concerning the validity of such certification a second, and, if necessary, a third opinion can be required both at the expense of the District. The health care provider designated or approved by the District may not be employed by the school system on a regular basis. In the case of a third opinion, the opinion of the third health provider will be binding on both the school district and the employee. The District shall also require the employee to present medical certification of the family member's serious health condition and that it is medically necessary for the employee to take leave to care for the family member.

Personnel -- Certified/Non-Certified

Personal Leaves

Certification (continued)

If the leave was for reasons related to the employee's serious health condition, upon the employee's return to work, the District will require that the employee present a fitness statement from the employee's health care provider certifying that the employee is able to return to work.

The required certifications must be obtained from the health care provider who is treating the individual with the serious health condition.

Medical certification must be provided fifteen days after the request for medical certification unless it is impracticable to do so. Employees taking family and medical leave for the birth, adoption or foster care of a son or daughter are not required to obtain a medical certification. The District may request recertification every thirty days. Recertification must be submitted within fifteen days of the District's request.

The District will utilize separate medical certificates forms when employees request leave to care for a family member with a serious health condition and for those situations when the medical need for leave is prompted by the employee's own serious health condition.

The District will notify employees, in writing, of any additional information that is necessary to complete the medical certificate and allow employees seven (7) calendar days to provide said additional information. If the employee fails to submit a complete and sufficient certification despite the opportunity to cure the deficiency, the District may deny FMLA leave.

Family and medical leave requested for the serious health condition of the employee or to care for a family member with a serious health condition which is not supported by medical certification shall be denied until such certification is provided. The District requires sufficient FMLA certification in support of any request for FMLA leave for either the employee's own or a covered family member's serious health condition.

Verification must also be presented when requesting FMLA leave to care for the employee's spouse, son, daughter or parent with a serious health condition.

Upon request by the District, employees must provide FMLA certification even when substituting paid leave.

The District may request medical recertification for continuing, open-ended conditions, every six months. Medical recertification may be requested on a more frequent basis if there are other changed circumstances or for other reasons as outlined in the FMLA regulations.

Personnel -- Certified/Non-Certified

Personal Leaves

Certification (continued)

The District may require annual medical certifications in cases where serious health conditions extend beyond a single leave year. This does not apply to certificates to support a request for injured service member leave.

Restoration

An employee's right to return to the same or an equivalent position is contingent upon the employee's continued ability to perform all the essential functions of the position. The District may demand more than a "simple statement" of the ability to return to work. Fitness for duty certification for intermittent leave may be requested by the District if reasonable safety concerns exist.

When the employee returns from leave, the District will restore the employee to the same or an equivalent position with equivalent benefits, pay, terms and conditions of employment shift, and geographically proximate workplace in accordance with Board policy, practices and applicable collective bargaining unit agreements. Employees are entitled to any unconditional pay increase, such as cost of living increases, that occur during the period to their FMLA leave.

Under certain circumstances, the District may deny restoration to a key employee. The District will comply with the notice requirements of the FMLA in denying restoration. A key employee is one who is among the highest paid 10% of the employees and whose absence would cause the District to experience a substantial and grievous economic injury.

Further, the District may deny restoration to an employee if the District shows that the employee would not otherwise be employed at time of reinstatement for reasons such as layoff, shift or special project elimination. In addition, collective bargaining agreements between the Board and employee groups will not diminish the rights of the employee established by FMLA.

A returning employee cannot be restored to a position that requires additional licensure of certification.

Employees are not entitled to accrue seniority during any FMLA leave, but taking the leave may not result in the loss of any benefits that were accrued prior to the leave.

Personnel -- Certified/Non-Certified

Personal Leaves

Instructional Employees

Special rules apply to instructional employees. Instructional employees are those employees whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This term includes teachers, athletic coaches, driving instructors and special education assistants such as signers for the hearing impaired. It does not include teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists or curriculum specialists. It also does not include cafeteria workers, maintenance workers or bus drivers.

Limitations apply to instructional employees who take intermittent or reduced leave. If the leave requested is

- to care for a family member, or
- for the employee's own serious health condition and
- is foreseeable based on planned medical treatment (i.e. chemotherapy, prenatal visits, physical therapy etc.) and
- the employee would be on leave for more than 20% of the total number of working days over the period the leave would extend,

then the District may require the employee to choose either to:

- (1) take the leave for a period of a particular duration, not greater than the duration of the planned treatment; or
- (2) transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits, and which better accommodates recurring periods of leave than does the employee's regular position. However, an instructional employee cannot be transferred to an alternative position when the employee takes intermittent leave that amounts to twenty (20) percent or less of the total number of working days in the period during which the leave would extend.

Intermittent leave is not available to take care of a newborn or recently adopted child.

Limitations also apply to instructional employees who take leave near the end of a semester. When an instructional employee begins leave more than five weeks before the end of a semester the District may require the employee to continue taking leave until the end of the semester if:

- (1) the leave will last at least three weeks, and
- (2) the employee would return to work during the three-week period before the end of the semester.

Personnel – Certified/Non-Certified

Personal Leaves

Instructional Employees (continued)

An instructional employee, required to extend his/her leave by the District, shall not have the "extra" leave counted against the employee's 12 work week entitlement unless the employee requests said additional leave be counted against the FMLA entitlement.

When an instructional employee begins leave for a purpose other than the employee's own serious health condition during the five-week period before the end of the semester, the District may require the employee to continue taking leave until the end of the semester if

- (1) the leave will last more than two weeks, and
- (2) the employee would return to work during the two-week period before the end of the semester.

When an instructional employee begins leave for a purpose other than the employee's own serious health condition during the three-week period before the end of a semester, and the leave will last more than five working days, the district may require the employee to continue taking leave until the end of the semester.

Leave may not be counted against an employee during times (vacation periods) when they are not normally required to work.

When the employee is required to take leave until the end of the semester, only the time until the employee is "ready and able" to work shall be charged to FMLA leave.

Failure to Return

The District is entitled to recover health care premiums paid during the leave if the employee fails to return from leave. However, recovery cannot occur if the employee fails to return because of the continuation, recurrence, or onset of a serious health condition or due to circumstances beyond the control of the employee.

Miscellaneous

1. An employee's serious health condition may also be a disability within the meaning of the Americans with Disability Act (ADA) which may also trigger requests for paid leave or workers' compensation benefits. The District may follow procedures for requesting medical information under the ADA or paid leave or worker's compensation programs without violating the FMLA. The District may also consider any information received pursuant to such procedures or benefit programs in determining an employee's entitlement to FMLA-protected leave.

Personnel -- Certified/Non-Certified

Personal Leaves

Miscellaneous (continued)

2. When employees seek leave due to an FMLA-qualifying reason for which the District has previously FMLA protected leave, the employee must specifically reference the qualifying reason for leave or the need for FMLA leave.
3. The District requires employees to comply with all usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances. The requirements include providing written notice of the reasons and anticipated start and duration of the leave or requirement that employees contact a specific individual of the District to request leave.
4. If there is a dispute between the District and an employee as to whether leave qualifies as FMLA leave, it shall be resolved through discussions between the District and the employee. The discussions and decisions must be documented in writing.

ORANGE PUBLIC SCHOOLS
Orange, Connecticut

Request for Leave Under the
Family and Medical Leave Act of 1993, as amended

Employee Name: _____ Date of Request: _____
School/Department: _____ Position/Title: _____
Hire Date: _____ Date of Request: _____

Employee requesting FMLA leave: _____
(Employee's name)

Please be advised that as of _____, I give you notice of my need to take family/medical
leave due to: _____
(Today's date)

- ☐ Birth of a child, or the placement of a child for adoption or foster care.
- ☐ Serious health condition for which I need care and makes it unable for me to perform the functions of my position.
- ☐ Serious health condition affecting my ☐ spouse, ☐ child, ☐ parent, for which I am needed to provide care.
- ☐ "Qualifying exigency" arising from my ☐ spouse, ☐ child, ☐ parent, being on active duty or ordered to active duty in the Armed Forces.
- ☐ Need to care for a wounded service member affecting ☐ spouse, ☐ child, ☐ parent, ☐ myself or ☐ next-of-kin.

If the duration of my family/medical leave does not exceed twelve (12) weeks (26 weeks if leave is to care for an injured or ill service member) I will be returned to my same or equivalent position. I understand that if my family/medical leave should exceed twelve weeks (26 weeks if leave is to care for an injured or ill service member, I will be returned to my same or similar position, only if available in accordance with applicable laws. If the same or similar position is not available, I understand that I may be terminated.

I need this leave beginning on _____, and I expect the leave to continue until on or
about _____
(Date) (Date)

Employee Signature

Date

ORANGE PUBLIC SCHOOLS
Orange, Connecticut

Response to Request for Leave Under the
Family and Medical Leave Act of 1993, as amended

To: _____ From: _____
(Employee's Name) (Name of appropriate Employer representative)

On _____, you notified us of your need to take family/medical leave due to:
(Date)

- ☐ The birth of a child, or the placement of a child for adoption or foster care.
- ☐ A serious health condition for which you need care that makes you unable to perform the functions of your position.
- ☐ A serious health condition affecting your ☐ spouse, ☐ child, ☐ parent, for which you are needed to provide care.
- ☐ A "qualifying exigency" arising from my ☐ spouse, ☐ child, ☐ parent, being on active duty or ordered to active duty in the Armed Forces, or
- ☐ The need to care for a wounded service member affecting ☐ spouse, ☐ child, ☐ parent, ☐ myself or ☐ next-of-kin.

You notified us that you need this leave beginning on _____, and that you expect the leave to continue until on or about _____.
(Date)

(*This response should be used in all cases, even if notice has only been given verbally.)

Except as explained below, you have a right under the FMLA to receive up to 12 weeks of unpaid leave in a 12-month period for the reasons listed above (except leave for care of a covered service member is up to twenty-six weeks in a single 12 month period). Also, your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work, and you must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from leave. If you do not return to work following FMLA leave for a reason other than: (1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; or (2) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA leave.

This is to inform you that: (check appropriate boxes; explain where indicated)

1. You are ☐ eligible ☐ not eligible for leave under the FMLA or Service Member FMLA.

The requested leave ☐ will ☐ will not be counted against your annual FMLA leave entitlement.

4152.6R
4252.6
Appendix 2
(continued).

3. You ☐ will ☐ will not be required to furnish medical certification of a serious health condition. If required, you must furnish certification by _____ or we may delay the commencement of your leave until the certification is submitted.
4. You may elect to substitute accrued paid/unpaid leave for unpaid FMLA leave. We ☐ will ☐ will not require that you substitute accrued paid/unpaid leave for unpaid FMLA leave. If accrued leave will be used, the following conditions will apply: _____

5. If you normally pay a portion of the premiums for your health insurance, these payments will continue during the period of FMLA leave. Arrangements for payment have been discussed with you and it is agreed that you will make premium payments by the last business day of the month for coverage for the following month. You have a thirty (30) day grace period in which to make payment. If payment has not been made in a timely fashion, your group health insurance may be cancelled, or at our option, we may pay your share of the premium during FMLA leave and receive these payments from you upon your return to work.
6. You ☐ will ☐ will not be required to present a fitness-for-duty certificate prior to being restored to employment. If such certification is required but not received, your return to work may be delayed until such certification is provided.
7. You ☐ will ☐ will not be required to furnish us with periodic reports of your status and intent to return to work every 30 days while on FMLA leave.
8. You ☐ will ☐ will not be required to furnish recertification every 30 days relating to a serious health condition. *(Explain below, if necessary.)*
- 9a. You ☐ are ☐ are not an "instructional employee" as described in §825.600 of the FMLA regulations.
- 9b. We have determined that your leave request ☐ will ☐ will not be modified, as permitted by law regarding an instructional employee. If modified, the following conditions or alternatives apply:
- 10a. You ___ are ___ are not a "key employee" as described in §825.218 of the FMLA regulations. If you are a "key employee", restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to us.
- 10b. We ___ have ___ have not determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous harm to us. *(Explain (a) and/or (b) below.)* _____

Special Provisions Concerning Instructional Employees

In addition to the general leave requirements summarized for the Family and Medical Leave Act, the Act contains special rules which govern the family and medical leave rights of instructional employees. Instructional employees are those employees whose principal function is to teach and instruct students in a class, small group or in an individual setting. This term includes teachers, athletic coaches, driving instructors and special education assistants such as signers for the hearing impaired. It does not include auxiliary personnel such as counselors, psychologists, curricular specialists, cafeteria workers, bus drivers or teacher aides who do not have as their principal job actual teaching or instruction. These special rules represent a Congressional effort to balance the educational needs of children with the family and medical leave needs of teachers.

The first special rule applies in cases where a teacher or other instructor needs to be out of the classroom intermittently or on a reduced schedule because of planned medical treatments for a serious health condition. If the teacher would be on leave for greater than 20 percent of the total number of working days during which the leave would extend, the Board may require the teacher to choose between (1) being temporarily transferred to a position outside of the classroom, which has equivalent pay and benefits and which better accommodates the teacher's need for recurring leave; or (2) taking continuous leave for the entire treatment period rather than a leave on an intermittent basis.

The second special rule applies in cases where a teacher or other instructor is scheduled to return from a family or medical leave near the end of a school term. A teacher may be required to extend the leave through the end of a term if he or she would otherwise have returned within the last two or three weeks of the term's end, depending on when the leave began and its duration. This special rule applies in three instances: (1) when a teacher begins a leave of at least 3 weeks duration more than 5 weeks before the end of the term, and the teacher is scheduled to return to school during the last 3 weeks of such term; (2) when a teacher begins a leave of at least 2 weeks duration within the 5-week period preceding the end of the term, and the teacher is scheduled to return to school during the last 2 weeks of such term; or (3) when a teacher begins a leave of at least 5 days duration within the 3-week period preceding the end of the term. In each of these instances, the Board of Education may require the teacher to extend his or her leave until the end of the semester in order to afford the teacher the needed leave without interrupting the educational process at a critical point in the school year. In such cases, the teacher possesses the same rights to reemployment and continuation of health insurance benefits as are provided under the Act's general provisions.

An instructional employee, when required by the District to extend his or her leave, shall not have the "extra" leave counted against the employees 12 work week entitlement unless the employee requests said additional leave be counted against the FMLA entitlement.

Provisions adopted: 12/14/2009

Summary of Family and Medical Leave Act

The purpose of the Family and Medical Leave Act is to provide an unpaid leave of absence which enables employees to be absent from work for up to 12 work weeks without losing certain benefits. Such requests must be submitted in writing to the Superintendent. Such requests will be approved in accordance with the procedure outlined below and in compliance with the Family and Medical Leave Act.

Eligible Employees

Employees are eligible for family and medical leave under the Family and Medical Leave Act of 1993 if these criteria are met:

1. The employee has worked for the District for at least twelve months or 52 weeks. (The months and weeks need not be consecutive.)
2. The employee has worked at least 1,250 hours within the previous year. Full time professional employees who are exempt from the wage and hour law may be presumed to have worked the minimum hour requirement.

Eligible Reasons for Family and Medical Leave

1. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.

Because of the placement of a son or daughter with the employee for adoption or foster care.
3. In order to care for the spouse, or a son, daughter or parent of the employee if the spouse, son, daughter or parent has a serious health condition.
4. Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.
5. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty or has been notified of an impending call or order to active duty in support of a contingency operation.

Employee Obligations

When an employee requests family and medical leave, the school District will provide the employee with information listing the employee's obligations and requirements. Such information will include:

1. A statement clarifying whether the leave qualifies as family and medical leave and will, therefore, be credited to the employee's annual 12-week entitlement.

Summary of Family and Medical Leave Act

(continued)

Employee Obligations (continued)

2. A reminder that employees requesting family and medical leave for a serious health condition or for that of an immediate family member must furnish medical certification of the serious health condition and the consequences for failing to do so.
3. An explanation of the employee's right to substitute paid leave for family and medical leave including a description of when the school District requires substitution of paid leave and the conditions related to the substitution.
4. A statement notifying employees for paying any premium or other payments to maintain health or other benefits.

Types of Leave

1. Foreseeable Family and Medical Leave

- a. Definition – Leave is foreseeable for the expected birth or placement of a child or for planned medical treatment.
- b. The employee must give at least thirty days notice for foreseeable leave. Failure to give the notice may result in the leave beginning thirty days after notice was received.
- c. An employee must consult with the District prior to scheduling planned medical treatment to minimize disruption to the District. The scheduling of the planned medical treatment is subject to the approval of the health care provider.

2. Unforeseeable Family and Medical Leave

- a. Definition – Leave is unforeseeable in such situations as emergency medical treatment or premature birth.
- b. An employee must give notice as soon as possible but no later than one to two work days after learning that leave will be necessary.
- c. A spouse or family member may give the notice if the employee is unable to personally give notice.

3. Continuous, Intermittent, and Reduced Leave

- a. Continuous – Employee will not report to work for a set number of days or weeks.
- b. Intermittent – Employee requests family and medical leave for separate period of time.

Summary of Family and Medical Leave Act

(continued)

Types of Leave (continued)

3. Continuous, Intermittent, and Reduced Leave (continued)

- c. Reduced – Employee's usual number of working hours per work week or hours per day are reduced.
- d. Intermittent and Reduced Leave
 - (1) Intermittent leave is available for the serious health condition of the employee, spouse, parent or child when medically necessary, or to care for a covered service member with a serious illness or injury.
 - (2) In the case of foreseeable intermittent or reduced leave, the employee must schedule the leave to minimize disruption to the District's operation.
 - (3) During the period of foreseeable intermittent or reduced leave, the District may temporarily move the employee to an alternative position with equivalent pay and benefits that would better accommodate recurring periods of leave, provided the leave amounts to more than twenty (20) percent of the total number of working days in the period during which the leave would extend.

Service Member Family and Medical Leave

The federal FMLA entitles eligible employees to take leave for a covered family member's service in the Armed Forces. Except as listed in this section, an employee's rights and obligations to service member FMLA leave are governed by existing FMLA policy and regulations.

Service member FMLA provides eligible employees unpaid leave for a covered family member's service in the Armed Forces, for any one or for a combination of the following reasons:

- A "qualifying exigency" as defined by Department of Labor regulations arising out of a covered family member's active duty or call to active duty in the Armed Forces in support of a contingency plan; and or
- To care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that such duty or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating.

When leave is due to a "qualifying exigency" as defined by Department of Labor regulations of a service member, an eligible employee may take up to 12 work weeks of leave during any 12 month period. Such leave may be taken on an intermittent or reduced leave schedule basis.

Summary of Family and Medical Leave Act

(continued)

Types of Leave (continued)

4. Service Member Family and Medical Leave (continued)

When such leave is to care for an injured or ill service member, an eligible employee (spouse, son, daughter, parent or next of kin) may take up to 26 work weeks of leave during a single 12 month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12 month period.

Service member FMLA runs concurrent with any other leave entitlements provided under federal, state or local law.

Use of Paid Leave

Employees may be required to use paid leave and vacation days at the start of the leave. The remainder of the days will be unpaid. Employees may elect to substitute accrued paid leave for unpaid family and medical leave.

Medical Certification

1. An employee shall be required to present medical certification of the employee's serious health condition and inability to perform the functions of the position of the employee.
2. An employee shall be required to present medical certification of the family member's serious health condition and that it is medically necessary for the employee to take leave to care for the family member.
3. An employee must obtain the certification from the health care provider who is treating the individual with the serious health condition.
4. The District may require the employee to obtain a second certification by a health care provider chosen by and paid for by the District if the District has reason to doubt the validity of the certification an employee submits. The second health care provider cannot, however, be employed by the District on a regular basis.
5. If the second health care provider disagrees with the first health care provider, then the District may require a third health care provider to certify the serious health condition. This health care provider must be mutually agreed upon by the employee and the school district and paid for by the school district. This certification or lack of certification is binding upon both the employee and the District.
6. Medical certification must be provided fifteen days after the request for medical certification unless it is impracticable to do so. Employees taking family and medical leave for the birth, adoption or foster care of a son or daughter are not required to obtain a medical certification. The District may request recertification every thirty days. Recertification must be submitted within fifteen days of the District's request.

Summary of Family and Medical Leave Act

(continued)

Medical Certification (continued)

7. Family and medical leave requested for the serious health condition of the employee or to care for a family member with a serious health condition which is not supported by medical certification shall be denied until such certification is provided.
8. Any absence for illness for more than three (3) working days must be verified by a medical doctor. Verification must also be presented when requesting FMLA leave to care for the employee's spouse, son, daughter or parent with a serious health condition.

Continuation of Benefits

The employer must, if the employee elects to do so, maintain the employee's coverage under any group health plan on the same conditions as coverage would have been provided if the employee remained at work for the twelve week period. Accruals for vacation, sick and holiday pay will be suspended during the leave and will resume upon return to active employment. Should an employee fail to return from a leave taken pursuant to the Family and Medical Leave Policy, the District may recover any premiums it has paid for maintaining group insurance during the employee's leave unless the employee's failure to return is prevented by a continuation of the employee's serious health condition or that of an affected relative or circumstances beyond the employee's control.

Employee and Spouse Both Employed by District

If an employee and the employee's spouse are both employed by the District and a leave is taken for the birth, adoption or foster care of a son or daughter, or the care of a parent, the duration of the leave taken by both the employee and the spouse must not exceed 12 weeks in total.

Position Upon Return to Work

Upon return from leave, the employee will be restored to the employee's former position or an equivalent position with similar duties, hours and pay. The provisions of the Family and Medical Leave Policy are intended to comply with applicable law, including the Family and Medical Leave Act of 1993 ("FMLA") and applicable regulations. Any terms used from the FMLA will be defined by that Act and/or applicable regulations. To the extent that this Policy is ambiguous or contradicts applicable law, the language of the applicable law will prevail.

EMPLOYEE RIGHTS AND RESPONSIBILITIES **UNDER THE FAMILY AND MEDICAL LEAVE ACT**

Family Medical Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty status that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

EMPLOYEE RIGHTS AND RESPONSIBILITIES **UNDER THE FAMILY AND MEDICAL LEAVE ACT**

(continued)

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

EMPLOYEE RIGHTS AND RESPONSIBILITIES
UNDER THE FAMILY AND MEDICAL LEAVE ACT

(continued)

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

NOTICE

Military Family Leave

On January 28, 2008 President Bush signed into law the National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181. Section 585(a) of the NDAA amended the FMLA to provide eligible employees working for covered employers two important new leave rights related to military service:

- (1) New Qualifying Reason for Leave.** Eligible employees are entitled to up to 12 weeks of leave because of "any qualifying exigency" arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. By the terms of the statute, this provision requires the Secretary of Labor to issue regulations defining "any qualifying exigency." In the interim, employers are encouraged to provide this type of leave to qualifying employees.
- (2) New Leave Entitlement.** An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the servicemember. This provision became effective immediately upon enactment. This military caregiver leave is available during "a single 12-month period" during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

Additional information on the amendments and a version of Title I of the FMLA with the new statutory language incorporated is available on the FMLA amendments Web site at http://www.dol.gov/esa/whd/fmla/NDAA_fmla.htm.



Personnel - Non-Certified

Drug and Alcohol Testing for Bus Drivers

The Orange Board of Education is committed to the establishment of a drug use and alcohol misuse prevention program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991 and applicable state statutes pertaining to pre-employment and random drug testing of school bus drivers. The purpose of the testing program shall be to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by drivers performing safety-sensitive functions.

All drivers subject to the commercial driver's license (CDL) requirements and this policy shall be prohibited from:

1. The use of any controlled substance on or off duty, unless a written prescription from a licensed doctor or osteopath is provided along with a written statement from the doctor or osteopath that the substance does not adversely affect the employee's ability to safely operate a commercial motor vehicle or perform other safety-sensitive functions;
2. The misuse of alcohol that could affect performance on the job including use on the job, use during the four hours before performing a safety-sensitive function, having prohibited concentrations of alcohol in their systems while performing a safety-sensitive function and use during eight hours following an accident.

"Drugs" in this policy refers to controlled substances covered by the Omnibus Act, including marijuana, cocaine, opiates, amphetamines and phenocyclidine (PCP).

All employed drivers or employees transferring to positions subject to OTETA shall be subject to reasonable suspicion, random, post-accident, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations. These procedures use an evidential breath testing device for alcohol testing. For controlled substances testing, urine specimen collection and testing by a laboratory certified by the U.S. Department of Health and Human Services is required. Employees who refuse to comply with testing requirements will also be regarded as testing positive for drugs or testing with a breath alcohol content level of 0.02 or higher.

All offers of employment or transfer to covered positions with the district will be made contingent upon testing results. An individual who tests positive for drugs will not be hired or transferred. The offer of employment will be immediately withdrawn from any individual who refuses drug testing.

Personnel - Non-Certified

Drug and Alcohol Testing for Bus Drivers (continued)

The District will also require pre-employment alcohol testing in accordance with the following provisions:

1. All candidates for employment or transfer with the District and subject to OTETA and state regulation requirements will be tested;
2. All tests will be conducted using the alcohol testing procedures of 49 CFR Part 40;
3. Such tests must be conducted prior to the new or transferred employee's performance of safety-sensitive functions.

Random alcohol testing shall be limited to the time period surrounding the performance of safety-related functions which includes just before or just after the driver performs the safety-related function. Controlled substances testing may be performed at anytime while the driver is at work.

A driver covered by the federal regulations may not refuse to take a required test. An offer of employment or transfer will be immediately withdrawn from any individual who refuses drug testing.

If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the driver shall be removed immediately from safety-related functions in accordance with federal regulations. Before a driver is reinstated, if at all, the driver shall undergo an evaluation by a substance abuse professional, comply with any required rehabilitation and undergo a return-to-duty test with verified test results.

The Board retains the authority consistent with state and federal law to discipline or discharge any driver who is an alcoholic or chemically dependent and whose current use of alcohol or drugs affects the driver's qualifications for and performance of the job.

The District is not required under federal law requiring drug and alcohol testing to provide rehabilitation, pay for substance abuse treatment or to reinstate the employee. Notification of available resources for evaluation and treatment will be made as required by law. All employment decisions involving reinstatement, termination or dismissal shall be made in accordance with applicable state law, district policies and negotiated agreements.

The District shall maintain records in compliance with the federal regulations in a secure location with controlled access. With the driver's consent, the district may obtain any of the information concerning drug and alcohol testing from the driver's previous employer. An employee shall be entitled upon written request to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances including information pertaining to alcohol or drug tests. Statistical records and reports shall be maintained and made available to the Federal Highway Administration for inspection or audit in accordance with federal regulations.

Personnel - Non-Certified

Drug and Alcohol Testing for Bus Drivers (continued)

Records shall be made available to a subsequent employer upon receipt of a written request from an employee only as expressly authorized by the terms of the employee's request.

The District shall take steps to insure that supervisors receive proper training to administer the drug and alcohol testing program and that employees receive the notifications required by federal regulations.

This policy applies to all drivers and applicants for driver positions for the District who must have a Commercial Drivers License (CDL) to operate school vehicles.

Contracts for transportation approved by this district shall contain assurance that the contractor will establish a drug and alcohol testing program that meets the requirements of federal and state regulations and this policy and will actively enforce the regulations of this policy as well as federal requirements.

Legal Reference: United States Code, Title 49
 2717 Alcohol and controlled substances testing (Omnibus Transportation
 Employee Testing Act of 1991)
 Code of Federal Regulations, Title 49
 40 Procedures for Transportation Workplace Drug and Alcohol Testing
 Programs
 382 Controlled Substance and Alcohol Use and Testing
 395 Hours of Service Drivers
 Holiday v. City of Modesto (1991) 229 Cal. App. 3d. 528, 540
 International Brotherhood of Teamsters v. Department of Transportation
 932 F. 2d 1292 (1991)
 American Trucking Association, Inc. v. Federal Highway Administration,
 (1995) WL 136022 [4th circuit]
 Connecticut General Statute
 14-261b Drug and alcohol testing of drivers of certain vehicles, mechanics
 and forklift operators
 14-276a Regulations re school bus operators and operators of student
 transportation vehicles; qualifications; training. Pre-employment drug test
 required for operators
 PA 07-224 An Act Concerning Operator's Licenses Bearing a School Bus
 Endorsement

Personnel — Non-Certified

Assignment and Transfer

The assignment and transfer of all non-certified staff personnel shall be the responsibility of the Superintendent of Schools. Transfers will be made in the best interests of the school system, subject to provisions of applicable employee organization agreements and Board of Education policies.

Not later than the regular October meeting of the Board of Education the Superintendent shall provide Board members a staff listing of regular assignments.

New Policy adopted:
/2002

Personnel — Non-Certified

Supervision and Evaluation

Employee performance is key to the success of an organization; therefore, effective employee supervision is a primary leadership responsibility for all administrators. A component of supervision is cooperative, continuing, employee evaluation, which serves to:

1. Improve the quality of employee work.
2. Elevate standards of employee's field of work.
3. Help each employee grow personally and in job skills.
4. Assist with administrative decisions on employee retention/dismissal.

The Superintendent shall evaluate or cause to be evaluated all support staff employees. Teachers and administrators share responsibility for developing effective evaluation procedures and instruments and for establishing and maintaining professional standards and constructive attitudes toward staff evaluation.

(cf. 4112.1/4212.1 Provisions of Negotiated Agreements)
(cf. 4112.6/4212.6 Personnel Records)

New Policy adopted:
/2002

Personnel — Non-Certified

Personnel Reduction in Force (RIF)

Introduction

The Board of Education may reduce the number of support staff personnel employed, because of reduced enrollment within the district, lack of funds, elimination or reduction of a special program, school closing, or for other reasons.

When a reduction in force (RIF) plan is not included in negotiated agreements with support personnel, this policy for selecting employees to be laid off, with consideration of seniority, needs of the schools and quality and effectiveness of the individuals, will govern reductions in force.

Prior to commencing action to terminate employees upon the need to reduce staff, the Board of Education will abide by procedures currently existing in employee organization agreements, or otherwise will give due consideration to its ability to reduce staff by:

1. Voluntary retirements.
2. Voluntary resignation.
3. Transfer of existing staff members.
4. Voluntary leaves of absence.

The following criteria, if reduction in force is not covered in employee agreements, will be used to select employees, within job classifications and/or bargaining units, to be laid off:

1. Qualifications and ability as determined by an objective evaluation of the employee's performance.
2. Seniority.

Recall Procedure/Reemployment

Unless otherwise required by negotiated agreement, if the contract of employment of an employee is terminated without prejudice because of elimination of a position, the name of that employee shall be placed on a reappointment list and remain on such list for a period of two years. If a position within the employee's job classification or bargaining unit opens during such period and the Superintendent has selected the employee as the person who is best qualified for that position, the employee shall be recalled. An employee must accept or reject the appointment in writing within seven days after receipt of such notification, and if the employee rejects the appointment offer or does not respond according to this procedure within seven days after receipt of the notification he/she will be removed from the recall list.

(cf. 4112.1 Provisions of Negotiated Agreements)

New Policy adopted:
/2002

Personnel — Non-Certified

Dismissal/Suspension

Support staff dismissal procedures and employee terminations or suspensions are the responsibility of the Superintendent of Schools, or designee, and shall be in accordance with current state statutes and negotiated employee contracts and with appropriate consideration of an affected employee's constitutional and due process rights and protections.

(cf. 4212.1 Provisions of Negotiated Agreements)

(cf. 4212.6 Personnel Records)

(cf. 4214 Assignment/Transfer/Reassignment)

(cf. 4218.11 Nondiscrimination)

(cf. 4218.112 Sexual Harassment)

(cf. 4218.14 Disabilities)

(cf. 4218.231 Smoking, Drinking, and Use of Drugs on School Premises)

New Policy adopted:
/2002

Personnel — Non-Certified

Just Cause

One or more of the following causes may be grounds for suspension, demotion or dismissal of any non-certified employee:

1. Incompetence or inefficiency in the performance of assigned duties.
2. Insubordination (including, but not limited to, refusal to do assigned work).
3. Carelessness or negligence in the performance of duty or in care or use of district property.
4. Discourteous, offensive, or abusive language or conduct toward other employees, students, or the public.
5. Dishonesty.
6. Drinking alcoholic beverages on the job, or reporting for work while intoxicated.
7. Use and possession of harmful drugs on school grounds without medical supervision.
8. Personal conduct unbecoming an employee of the district.
9. Engaging in political activity during assigned hours of employment or otherwise in violation of applicable policies or regulations of the district.
10. Conviction of any crime involving moral turpitude, including a sex offense.
11. Repeated or unexcused absence or tardiness.
12. Abuse of leave privileges.
13. Falsifying any information supplied to the school district, including but not limited to, information on application forms, employment records, or other school district records.
14. Persistent violation of or refusal to obey safety rules and regulations of the Board of Education, the Superintendent, or by any appropriate state or governmental agency.
15. Offering anything of value or offering any service to any supervisor or member of the public in exchange for special treatment in connection with the employee's job.
16. Abandonment of position.
17. Failure to act in a manner which promotes the best interest on then students, co-workers, and the Board of Education.
18. Intentional disregard for approved Board Policies, Procedures, or Guidelines

Personnel — Non-Certified

Just Cause (continued)

(cf. 4212.1 Provisions of Negotiated Agreements)

(cf. 4212.6 Personnel Records)

(cf. 4214 Assignment/Transfer/Reassignment)

(cf. 4218.11 Nondiscrimination)

(cf. 4218.112 Sexual Harassment)

(cf. 4218.14 Disabilities)

(cf. 4218.231 Smoking, Drinking, and Use of Drugs on School Premises)

New Policy adopted:
/2002

Personnel – Certified/Non-Certified

Instruction

Use of New Web Tools (Blogging/Podcasting)

Online communication is critical to our students' learning of 21st Century Skills and to the communication efforts of the staff. Tools such as blogging and podcasting offer authentic, real-world vehicles for student and staff expression. As educators, our primary responsibility to students is their safety. Hence, expectations for classroom blogs, student/staff protected e-mails, podcasts, or other Web interactive use must follow all established Internet safety guidelines.

Blogging/Podcasting Terms and Conditions

- The use of blogs, podcasts or other Web 2.0 tools is considered an extension of the classroom. Therefore, any speech that is considered inappropriate in the classroom is also inappropriate in all uses of blogs, podcasts, or other Web 2.0 tools. This includes, but is not limited to, profanity and racist, sexist or discriminatory remarks.
- Teachers must monitor all communication on blogs, podcasts, or other Web 2.0 tools that are used by students in the classroom.
- Students and staff using blogs, podcasts or other web tools are expected to act safely by keeping all personal information out of their posts.
- A student should never post personal information on the web (including, but not limited to, last names, personal details including addresses or phone numbers, or photographs). Do not, under any circumstances, agree to meet someone you have met over the Internet.
- Any personal blog a student creates in class is directly linked to the class blog which is typically linked to the student profile, and, therefore, must follow these blogging guidelines. In addition to following the information above about not sharing too much personal information (in the profile or in any posts/comments made), students need to realize that anywhere they use their blog login it links back to the class blog. Therefore, anywhere that login is used (posting to a separate personal blog, commenting on someone else's blog, etc.), the account should be treated the same as a school blog and should follow district blogging guidelines. Comments made on blogs should be monitored and – if they are inappropriate – deleted.
- Never create a link to web sites from your blog or blog comment without reading the entire article to make sure it is appropriate for a school setting.
- Students using such tools agree to not share their user name or password with anyone besides their teachers and parents and to treat blogspaces as classroom spaces. Speech that is inappropriate for class is also inappropriate for a blog.
- Students who do not abide by these terms and conditions may lose their opportunity to take part in the project and/or be subject to consequences appropriate to misuse.

Personnel – Certified/Non-Certified

Instruction

Use of New Web Tools (Blogging/Podcasting) (continued)

- The use of school mascots, symbols, logos or other district trademarks is prohibited.
- Blogging is prohibited during the school day unless it is a part of a classroom/instructional activity.
- The use of school district property for personal blogs is prohibited.
- Employees shall not develop any classroom or work-related websites, blogs forums, or similar online communications representing the District or using District equipment or resources without permission of the Superintendent or his/her designee. Such sites shall be subject to rules and guidelines established for District online publishing activities including, but not limited to, copyright laws, privacy rights, and prohibitions against obscene, libelous, and slanderous content. Due to the unfiltered nature of blogs, any such site shall include a disclaimer that the District is not responsible for the content of the messages. The District reserves the right to delete material on any such online communications.

Employees and students who create a blog may not violate the privacy rights of employees and students, may not use District personal and private information/data, images and copyrighted material in their blog, and may not disrupt the District.

Administrators may visit the blogs at any time.

Students or staff engaging in gross disobedience and misconduct may be disciplined for creating and/or distributing written or electronic material, including Internet material and blogs, that causes substantial disruption to school operations or interferes with the rights of other students or staff members.

(cf. 4118.4/4218.4 - E-Mail (Electronic Monitoring) (staff))
(cf. 4118.5/4218.5 - Staff Acceptable Computer Network Use)
(cf. 5131.913 - Cyberbullying)
(cf. 6141.321- Student Acceptable Use of the Internet)
(cf. 6141.322 - Websites/Pages)
(cf. 6141.323 - Internet Safety Policy/Filtering)
(cf. 6141.321 - Acceptable Use of the Internet)
(cf. 6141.322 - Web Sites/Pages)

Personnel – Certified/Non-Certified

Instruction

Use of New Web Tools (Blogging/Podcasting) (continued)

Legal Reference: Connecticut General Statutes

- 1-19(b)(11) Access to public records. Exempt records.
- 10-15b Access of parent or guardians to student's records.
- 10-209 Records not to be public.
- 11-8a Retention, destruction and transfer of documents
- 11-8b Transfer or disposal of public records. State Library Board to adopt regulations.
- 46b-56 (e) Access to Records of Minors.

Connecticut Public Records Administration Schedule V - Disposition of Education Records (Revised 1983).

Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of PL 93-568, codified at 20 U.S.C. 1232g.).

Dept. of Education. 34 CFR. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Education Provisions Act (20 U.S.C. 1232g)-parent and student privacy and other rights with respect to educational records, as amended 11/21/96.

HR 4577, Fiscal 2001 Appropriations Law (contains Children's Internet Protection Act)

Public Law 94-553, The Copyright Act of 1976, 17 U.S.C. 101 et. seq.

20 U.S.C. Section 6777 No Child Left Behind

Reno v. ACLU, 521 U.S. 844 (1997)

Ginsberg v. New York, 390 U.S. 629, at 642, n.10 (1968)

Board of Education v. Pico, 457 U.S. 868 (1988)

Hazelwood School District v. Kuhlmeier, 484 U.S. 620, 267 (1988)

Personnel – Certified/Non-Certified

Instruction

Use of New Web Tools (Blogging/Podcasting)

This is a set of general guidelines for the use of web blogs (“blogs”) in the District. Blogs are considered an extension of the classroom and therefore are subject to these guidelines as well as the rules and regulations of the District. The use of school computers is limited to assigned schoolwork; personal blogs that do not pertain to classwork in District schools should not be accessed from school computers. These guidelines are not meant to be exhaustive nor do they cover every contingency. If students are ever in doubt about the appropriateness of an item, a parent or teacher should be consulted. Staff members unsure of the appropriateness of an item should consult with the administration.

Safe and Responsible Blogging

The most basic guideline to remember when blogging is that the blog is an extension of the classroom. Students/staff should not write anything on a blog that one would not say or write in the classroom. Common sense should be used, but when in doubt a teacher, parent or administrator should be consulted whether or not what one is considering posting is appropriate. Here are some specific items to consider:

1. The use of blogs is considered an extension of the classroom. Therefore, any speech that is considered inappropriate in the classroom is inappropriate on a blog. This includes, but is not limited to, profanity; racist, sexist or discriminatory remarks; personal attacks.
2. Blogs are used primarily as learning tools, either as extensions of conversations and thinking outside of regular class time, or as the basis for beginning new classroom discussions. Either way, be sure to follow all rules and suggestions that are offered by teachers/administrators regarding appropriate posting in your class.
3. Blogs are about ideas – therefore, agree or disagree with the idea, not the person. Freedom of speech does not give an individual the right to be uncivil. Use constructive criticism and use evidence to support your position. Read others’ posts carefully – often in the heat of the moment you may think that a person is saying one thing, when really they are not.
4. Try not to generalize. Sentences that start with words like “All” (e.g., “All teachers,” “All administrators,” “All liberals,” “All conservatives”) are typically going to be too general.
5. Blogs are public. Whatever is posted on a blog can be read by anyone and everyone on the Internet. Even if a post or comment is deleted, it has often already been archived elsewhere on the web. Students and or staff should not post anything that they wouldn’t want parents, friends, enemies, or a future employer to read.

Personnel – Certified/Non-Certified

Instruction

Use of New Web Tools (Blogging/Podcasting)

Safe and Responsible Blogging (continued)

6. Blog safely. NEVER post personal information on the web (including, but not limited to, last names, personal details including address or phone numbers, or photographs). (Note: *The advice to not use a last name is for the individual's protection. Teachers may choose to use their last names for their posts/comments. Do not, under any circumstances, agree to meet someone met over the Internet.*)
7. Because a login to the blogging site (e.g., Blogger) is typically linked to a person's profile, any personal blog created in class is directly linked to a class blog and must follow these blogging guidelines. In addition to following the information above about not sharing too much personal information (in a profile or in any posts/comments made), students need to realize that anywhere they use that login links back to their class blog. Therefore, **anywhere** that you use that login (posting to a separate personal blog, commenting on someone else's blog, etc.), they need to treat the same as a school blog and follow these guidelines. Students and staff should also monitor any comments received on their personal blogs and, if they are inappropriate, delete them. If students would like to post or comment somewhere and not follow these guidelines, they need to create a separate login to the blogging site so that it does not connect back to their class blog. They may **not** use that login from school computers. The District still recommends the students follow the portion of these guidelines that address their personal safety (e.g., not posting personal information, etc.)
8. Linking to web sites from a student or staff member's blog or blog comments in support of an argument is an excellent idea. They should never link to something without reading the entire article to make sure it is appropriate for a school setting.
9. Use of quotations in a blog is acceptable. The proper formatting and citing the source of the quote is to be followed.
10. Pictures may be inserted into a blog. The image must be appropriate for use in a school document and copyright laws shall be followed. Images that can identify a student or others shall not be posted.

Successful Bloggers

The following are some traits of successful bloggers:

1. Their posts (or comments) are well written. This includes not only good content, but – because these are school-related blogs – also follows writing conventions including spelling, grammar and punctuation.

Personnel, Certified/Non-Certified

Instruction

Use of New Web Tools (Blogging/Podcasting)

Successful Bloggers (continued)

2. Their posts (or comments) are responsive. They respond to other people's ideas – whether it is a post by a teacher, a comment by a student, or an idea elsewhere on the Internet. The power of blogs is in their connectedness – they are connected to a larger community of ideas. Participate in that community.
3. Their posts (or comments) include textual references to support their opinions. Adding quotes or links to other works strengthens their response.
4. They participate frequently. To be part of the dialogue, you have to participate fully and consistently.
5. They are respectful of others. It's okay to disagree; it's not okay to be disagreeable. Be respectful of others and their opinions, and be civil when you disagree.

(cf. 4118.4/4218.4 - E-Mail (Electronic Monitoring) (staff))

(cf. 4118.5/4218.5 - Staff Acceptable Computer Network Use)

(cf. 5131.913 - Cyberbullying)

(cf. 6141.321- Student Acceptable Use of the Internet)

(cf. 6141.322 - Websites/Pages)

(cf. 6141.323 - Internet Safety Policy/Filtering)

Personnel

RETURN TO WORK

Certified and Non-Certified Staff

RESPONSIBILITY

The term "loss exposure", as applied to the workplace, is defined as the potential for accidents which result in illness or injury. Every employee of the Orange Board of Education has a responsibility to minimize loss exposure as a factor in the work place by participating in quality improvement programs and strictly by observing safety and standard operating policies and procedures.

POLICY

Employees of the Orange Board of Education who are, or could be, on leave of absence from their duties as a result of a work-related illness or injury may be eligible for the Return-to-Work Program upon written certification of a medical care provider. The medical care provider must certify that the employee may return to work with restrictions on physical requirements of the job in question, and that those restrictions are not expected to last more than ten working days.

A restriction identifies a physical condition which prevents an employee from performing the full scope of his/her job duties as outlined in his/her job description. There are two types of restrictions: temporary and permanent. Temporary restrictions are defined as those limitations placed on an injured employee by a physician which are of a relatively short duration (i.e. the employee is expected to fully recover and to return to normal working conditions).

Permanent restrictions are defined as those limitations placed on an employee by a physician which are expected to be long term (more than 180 days) or from which recovery is not expected. Those employees who fall into this category are not eligible for participation in the Return-to-Work Program. They may elect to seek alternative employment, or file for a "reasonable accommodation" under the American with Disabilities Act.

When an employee is approved for participation in the Return-to-Work Program, primary consideration will be given to job placement within the employee's department and normal job duties. A secondary consideration will be alternative placement into another department or another assignment which is within the same bargaining unit. A critical consideration is to place the injured employee in a position to perform productive work that is both useful to the Orange Board of Education and achievable within the restrictions placed on the employee.

References: Connecticut Interlocal Risk Management Agency

Approved:
October 14, 1997

Personnel

RETURN-TO-WORK PROCEDURE

Certified and Non-Certified Staff

The Orange Board of Education has instituted a Return-to-Work Program applicable to full-time employees. Employees injured at work are brought to a medical care provider FOR initial treatment. If, after treatment, the employee is unable to return to work, the employee is referred for further treatment. The employee should receive a statement of any restrictions on duties and an expected return to work date from the medical care provider. The employee is required to provide this information to the Orange Board of Education as soon as possible.

If the expected absence from work is longer than three (3) days, the employee will be given a MODIFIED DUTY PACKAGE to bring to the medical care provider. If the employee is unable to visit his/her medical care provider, the Orange Board of Education will mail the MODIFIED DUTY PACKAGE to the medical care provider for the employee. The medical care provider will be requested to complete the evaluation contained in the MODIFIED DUTY PACKAGE and return to the Orange Board of Education within five (5) business days of receipt. The MODIFIED DUTY PACKAGE includes:

1. Doctor's Form - Modified Duty Evaluation
2. Current Job Description of Employee
3. List of Modified Duty Assignments that are available

The purpose of the MODIFIED DUTY PACKAGE is to furnish the medical care provider with information regarding the present duties of the employee and available modified duty tasks. The response of the medical care provider will be evaluated. If the care provider indicates that the employee is not able to return to his/her regular duties but is physically able to perform a modified duty assignment, then the employee will be required to report for modified duty. Modified duty assignments will, to the extent practical, be within the same department and be related to the type of work normally performed by the employee.

Upon receipt of notification from the medical care provider of the employee's ability to return to modified duty work, *the superintendent or his agent* will review the documentation and job availability within the organization. He/She will then contact the employee to inform him/her that he/she has been accepted into the Return-to-Work Program. He/She will discuss a work schedule with the injured employee's supervisor.

The employee and supervisor will review the physical restrictions documented by the medical care provider and determine what job duties the employee can perform, as well as establish a work schedule and return to work date.

Modified duty status will be continually monitored by CIRM~~Acare~~ Nurse Case Managers. Employees will be assigned to the Return-to-Work Program until a physician provides a written release for the employee to return to work at his/her regular position. A maximum of 90 days in the Program is suggested, but duration may be increased to 180 days if physical restrictions dictate and a satisfactory job performance has been demonstrated. Under no circumstances should an employee's stay in the

RETURN-TO-WORK PROCEDURE (Contd.)

Return-to-Work Program exceed 180 days, since Return-to-Work Programs are a temporary commendation and not a long-term solution to employee disability.

If the employee refuses to bring the MODIFIED DUTY PACKAGE to the medical care provider, or refuses to authorize the employer to mail it to the medical care provider, or refuses to report for a modified duty assignment, then the employee's workers' compensation records will be forwarded to the Workers' Compensation insurance provider for purpose of requesting an immediate hearing to review the situation.

Employees do not waive any rights to Workers' Compensation benefits by participating in the Return-to-Work Program. Employees participating in the Return-to-Work Program will continue to be covered by the Workers' Compensation Act for all reasonable and necessary medical expenses and disability benefits related to the injury or illness.

Reference: Connecticut Interlocal Risk Management

Approved:
October 14, 1997

Personnel – Certified/Non-Certified

DRUG-FREE WORKPLACE

1. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance AND ALCOHOL is prohibited in the workplace of the Orange Board of Education.
2. The “workplace of the Orange Board of Education” for the purposes of the Policy shall mean the buildings, grounds, and vehicles under the control of the Orange Board of Education, and any premises where any Board employee carries out any duties within the scope of his or her employment.
3. Employees who violate the provisions of Paragraph 1 of this Policy shall be subject to disciplinary action consistent with applicable state and federal laws and referral for criminal prosecution. Disciplinary action may include, but is not limited to, a letter of reprimand, suspension or termination from employment and successful completion of an appropriate substance abuse rehabilitation program. A biennial review will be completed to determine the effectiveness of this plan and to implement changes if needed and to ensure that the disciplinary actions are consistently enforced. Compliance with the standards of conduct as set forth in this policy is mandatory.
4. The Superintendent of Schools is directed to establish a drug-free awareness program by informing employees about the dangers of drug abuse in the workplace, the requirements of the Federal Drug-Free Workplace Act, and the contents of this Policy on an annual basis.
5. Members of the administrative staff shall report any suspected violation of the standards of conduct directly to the Superintendent of Schools who will immediately investigate the allegation and meet with the alleged violator. Any disciplinary sanctions imposed will ensure that similarly situated violations are treated in a similar manner.
6. Within ten (10) days after receiving notice from any employee of a conviction under any criminal drug statute for a violation occurring in the Board of Education workplace, the Superintendent will notify any Federal contracting or granting agency as required by the Federal Drug-Free Workplace Act.
7. Within thirty (30) days after receiving any such notice described in Paragraph 6 above, the Board will take action with respect to such employee as is required by the Federal Drug-free Workplace Act.
8. Nothing in the technical wording of this Policy affects the Board’s ability to terminate or otherwise discipline an employee for unacceptable job performance or conduct, due to the use of controlled substances or any other cause.

Legal References: Drug Free Work Place Act 102 STAT 4305-4308
 54 Fed Reg 4946
 PL 101-226
 CT. State Statute 5145 (a) (3)
 5145 (a) (4)
 5145 (a) (8) (A)-(8) (B)

Policy Revised:
/2002

Re: Hiring

It is a practice that people who are hired by the school system are not to work in the school where their children are attending.

This is a practice approved by the OTL.

8/04

W. Sweeney



Orange Board Of Education

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To : **Orange Board of Education**

From : Tim James
Superintendent of Schools

Date : January 9, 2007

Subject : **Medical Care Plan**

With the number of Workers' Compensation cases we address each year, the Board of Education approved a Return-to-Work policy that has been an excellent tool for having employees return to work following an injury prior to a full recovery. Their return to work is often accompanied by medical notes that detail what restrictions should be adhered to in an effort to keep the employee from further injuring him/herself.

We have taken the steps to complete the necessary paperwork for the State that would require the initial medical evaluation/assessment of an employee injured on the job completed by the physician appointed by CIRMA. The State of Connecticut Workers' Compensation Commissioner has approved our plan. It is a natural extension of our Return-to-Work policy. Under this plan, the workplace injury would be treated at CIRMA approved facilities which house both an initial treatment doctor as well as onsite physical therapy facilities. The primary benefit is that the employee's medical treatment, from onset to discharge, is monitored under one center as opposed to an employee's primary doctor who refers him/her to a specialist that may subsequently order therapy from yet another provider. CIRMA also has the job descriptions of our employees that assist them in determining when an employee is able to return to work and under what conditions. While the employee could certainly have a follow-up evaluation/assessment done by his/her primary care physician, this arrangement has many advantages for the district and the employee.

CIRMA has arranged a training session on January 26, 2007, for supervisors and nurses as they are the immediate point of contact for workplace injuries. It is our intention to initiate this program shortly thereafter.

Thanks to Al Pullo and Mike Luzzi for their efforts to have the plan approved.

Should you have any questions, please contact Al Pullo.

cc: Al Pullo
Mike Luzzi

AFFIRMATIVE ACTION POLICY STATEMENT

It has always been the policy and will continue to be the strong commitment of the Orange Board of Education and all contractors and subcontractors who do business with the Orange Board of Education to provide equal opportunities in employment to all qualified persons solely on the basis of job-related skills, ability and merit.

The Orange Board of Education will continue to take affirmative action to ensure that no persons are discriminated against with regard to their race, color, sex, sexual orientation, national origin, ancestry, religion, age, physical disability, mental retardation, marital status, present or past history of mental disorder, learning disability or criminal record. Such action includes, but is not limited to, employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training including apprenticeship. The Orange Board of Education will continue to make good faith efforts to comply with all federal and state laws and policies which speak to Equal Employment Opportunity and Affirmative Action.

Equal Employment Opportunity is essential, but is not enough to guarantee the full and fair employment of minorities, women or other protected classes. Therefore, Affirmative Action is necessary. Affirmative Action is results – oriented programs used to address and overcome the present effects of past discrimination.

Sexual harassment, another form of sex discrimination, will not be tolerated in the work place. Therefore, engaging in acts of sexual harassment or any other forms of unlawful discrimination will constitute grounds for disciplinary action.

This Policy Statement is based on both the spirit and the letter of state and federal anti-discrimination laws, regulations and executive orders. Accordingly, care is taken to ensure that no person shall be excluded from participation in, be denied the benefits of, or otherwise be unlawfully discriminated against. Further, the Orange Board of Education will not knowingly use the services of, patronize or otherwise deal with any business, contractor, subcontractor or agency that engages in acts of unlawful discrimination.

This Affirmative Action Policy Statement reaffirms my personal commitment to the principles of Equal Employment Opportunity and Affirmative Action.

SIGNATURE

DATED