

McCRACKEN COUNTY PUBLIC SCHOOLS

SUPPORT PERSONNEL HANDBOOK

McCRACKEN COUNTY BOARD OF EDUCATION

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"The Board of Education of McCracken County does not discriminate on the basis of sex in the educational programs or activities that it operates, and is required by Title IX of the Educational Amendments of 1972 (P. L. 92-318), not to discriminate in such manner; further, the Board of Education does not discriminate on the basis of handicap, in treatment, admission or access to, or employment in, its programs or activities, as required by the Rehabilitation Act of 1973 (P. L. 93-112), as amended, Section 504, nor does the Board of Education discriminate on the basis of race, color, national origin, age, religion, creed, or martial status, in the educational programs or activities it operates."

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THE McCracken County Public Schools AND YOU

McCracken County Public Schools is first and foremost an educational institution engaged in the major function of imparting to its pupils those basic skills and knowledge which every adult should possess. Every classified employee has an essential part in the overall accomplishments of the school system's major goals and objectives.

It is believed that this team effort can best be carried out within the framework of a sound and equitable personnel program which will result in harmonious employee-employer relationships. The school system strives to employ capable, well-qualified, and industrious employees who are sufficiently mature for accepting responsibilities of their positions, and who will perform their services in a courteous and efficient manner. In exchange, the school system endeavors to establish suitable working conditions based upon equitable and reasonable standards.

PURPOSE OF THIS HANDBOOK

The purpose of this handbook is to acquaint you with general Board of Education policies, regulations, directives, procedures, and practices which govern and affect your employment. Also, this handbook outlines the fringe benefits available to you as an employee of the Board of Education.

You may obtain further details concerning the items in this handbook by talking with your immediate supervisor.

You are encouraged to read this handbook and keep it for future reference. Anyone finding this book is requested to return it to the McCracken County Public Schools, 435 Berger Road, Paducah, Kentucky 42003.

McCRACKEN COUNTY PUBLIC SCHOOLS
Guidelines
for
Council of Support Personnel

Whereas, the Board of Education desires to provide a method to insure attention to the needs of Support Personnel and to provide an avenue for adequate input to the Board of Education as to the wishes of Support Personnel in all areas affecting their employment.

Accordingly, to insure that Support Personnel are provided with a channel of meaningful communication with the Board and Administration, there is hereby organized a Council of Support Personnel of the McCracken County Public School System.

The Council shall be composed of elected representatives from eleven (11) groups* of employees as follows:

- | | |
|--|---|
| 1. All secretarial, teacher assistants, and clerical personnel
Specialist | 7. Central Office secretaries/
Attendance |
| 2. All custodial | 8. Resource Officers |
| 3. All food service personnel | 9. Family Resource Center/
Family Youth Service Center |
| 4. All school transportation personnel other than mechanics | 10. School Nurses/OT/PT |
| 5. Maintenance personnel | 11. Technology maintenance |
| 6. Mechanics and plant operation personnel | |

Each of the above groups of employees will assemble at such time as designated by the Superintendent of Schools under procedures as designated by the Superintendent of Schools for the purpose of electing representatives to the Council. For the terms beginning in the 1988-89 school year, secretarial, teacher assistants and clerical, custodial, food service, and transportation groups will elect three (3) representatives, one from each school district with one representative to be elected for a two-year term and two representatives to be elected for a one-year term. Maintenance, mechanics, plant operation and Central Office secretaries will elect one (1) representative each for a one-year term. All terms will begin on November 1st following the election and will end on October 31st. Each group will also elect an alternate representative to the Council who shall serve for a two-year term beginning on November 1st and ending on

October 31st. Such alternate representative shall serve in the event of the inability of one of the regular representatives on the Council to be present at such meeting.

Thereafter, each group will elect representatives for two-year terms to fill the expired positions on the Council.

*In cases of dispute as to whether particular employees are entitled to participate in one or another of the above groups, the Superintendent of schools shall make the final decision as to the proper classification of employees within the above groups.

The Council will meet from time to time with the Superintendent and/or his designee and, upon need, with one or more members of the Board of Education for the purpose of dealing with and expressing to the Administration and the Board of Education the aims and wishes of the groups represented by the Council. The Council may discuss compensation for services, hours of employment, matters affecting leave and privileges, benefits, grievances, posting jobs, due process procedures, and other matters relating to working conditions and/or compensations therefore. In turn, the Board of Education will receive from the Superintendent and/or from the board members who meet with the Council the legitimate concerns of the Support Personnel and will give consideration to these concerns in drafting policies, adopting budgets, and otherwise managing the school system, to the end that the needs of support employees are met, where feasible, in a support personnel handbook and board policies. This Council is not to be considered a collective bargaining format.

Each of the above groups of Support Personnel may assemble from time to time with their Council representatives for the purpose of informing the representatives as to the desires of the groups in the various matters affecting employment and, of course, may, from time to time, individually confer with their representatives as to any concern which the employees may wish communicated to the Administration and/or the Board of Education.

Nothing contained herein shall be construed or intended to deny or restrict the rights of any employee to communicate freely and openly with other school system employees or with members of the Board of Education.

The end result of the discussions between the Council and representatives of the Board of Education will be the development of a Board of Education approved Support Personnel Handbook and possibly new policies and/or amendments of existing policies to meet the needs of Support Personnel as identified in the meetings between the Council and the representatives of the Board.

McCRACKEN COUNTY PUBLIC SCHOOLS
Procedures for the Election of
Representatives and Alternate Representatives
To the Council of Support Employees

The administrative personnel designated by the Superintendent to conduct these elections shall preside at the meetings and shall follow these procedures:

1. The person presiding shall call individual group meetings in each school district (Heath, Lone Oak, and Reidland) for the purpose of electing representatives and alternates to the Council. Central Office secretaries, maintenance, and mechanic personnel will have district-wide meetings to elect representatives and alternates.
2. The person presiding shall call for the nomination of Council and alternate representatives from the group.
3. The person presiding shall distribute a ballot to each eligible support employee present after the employee has signed or initialed the roster of eligible employees by his/her name, and shall have a container available in which the marked ballots are deposited.
4. The person presiding shall count the ballots in the presence of two (2) employee observers appointed by those presiding and shall list the results on the Summary Form and shall return the completed Summary Form and the marked ballots to the Board of Education Office. The administrative personnel and employee observers shall sign the completed Summary Form.
5. A. The first election shall be for representative. The nominee who receives the highest number of votes shall be declared the winner. In the event of a tie vote, the winner shall be chosen by the flip of a coin.
B. The second election shall be for alternate representative. This shall be a separate election from that of representative. The nominee who receives the highest number of votes shall be declared the winner. In the event of a tie vote, the winner shall be chosen by the flip of a coin. If, during the course of their term, a representative vacates his or her position, the alternate shall become the representative. The employee who received the second highest number of votes cast for alternate shall become the new alternate.

6. Votes for employees not nominated or illegible votes shall not be counted.

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7. Any voter who requires assistance in marking his/her ballot will be provided assistance by the administrative personnel conducting the election.

8. Secretarial personnel designated as confidential, which includes the secretary to the Superintendent of Schools and the payroll clerk, support personnel supervisors are not eligible to serve on the Council. However, personnel designated as confidential and supervisors will have voting rights and the same rights and privileges as all other support personnel employees.

An elected representative to the Council of Support Employees may be removed from membership on the Council during the school year when the following conditions are met:

1. Upon submission of a written petition to the Superintendent signed by fifty- one percent of support employees in that particular group, an elected representative on the Council shall be subject to a recall election, said election to be conducted in a manner provided for in paragraphs two through five above. Notice of recall election shall be posted at least two weeks prior to the date of the recall elections.
2. If a majority of those voting in a recall election votes for removal of the representative, the employee involved is automatically removed from the Council and this vacancy shall be filled by the current alternate.
3. The employee who receives the second highest number of votes cast for an alternate, in the last regular election, shall automatically become the new alternate.

In the event there occurs a voluntary vacancy on the Council among the elected representatives or alternates, by virtue of resignation, retirement, or for any other reason said vacancy shall be filled in the following manner:

1. The current alternate shall become the new representative for the affected group, and the employee who received the second highest number of votes cast for alternate in the last regular election shall become the new alternate.

FRINGE BENEFITS

PERSONAL LEAVE

The Board allows each employee three (3) personal leave days per school year without loss of salary to the employee. A Leave Affidavit Form must be completed to report each personal day taken.

Requests for leave of absence for a personal day shall be made in writing or by phone to the immediate supervisor not less than twenty-four (24) hours before such leave is taken. The employee must only tell the supervisor that a personal day is being used. An explanation of the reason is not necessary.

Classified personnel shall receive pay for leaves of absence for business of a personal nature. The following are guidelines for employees to request personal leave.

- A. Leave of absence for personal situations shall not be taken on the day before or the day after a scheduled vacation or school holiday unless a personal day is approved by the Superintendent.
- B. Leave of absence for personal situations may be taken for 1/2 day.
- C. Leave of absence for personal days is not accumulated from one year to another.
- D. On June 30, personal leave days not taken during the current school year shall be transferred and credited to the employee's accumulated sick leave account.

Effective July 1, 2001, if zero (0) personal leave days are used, five (5) days will be added to sick leave at the end of the school year; one (1) day used, three (3) days will be added; two (2) days used, one (1) day will be added.

SICK LEAVE

All regular, full-time employees are granted ten days per year for sick leave to accumulate to an unlimited number of days. Employees not having used their 10 sick days by the end of the school year shall carry over 11 sick days instead of 10. Proof of illness may be required in any case. Sick leave may be used for self or immediate family to include spouse, children, (including stepchildren), grandchildren, parents, and spouse's parents, grandparents, and spouse's grandparents without reference to the location or residence of said relative. Thirty percent of all accumulated sick leave will be paid an employee in their final check prior to retiring provided the employee is eligible for retirement as defined by the County Employees Retirement System or eligible for social security as defined by the Social Security Administration.

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

FRINGE BENEFITS
(Continued)

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

SICK-LEAVE BANK

Guidelines:

A voluntary Sick-Leave Bank for support personnel began with the 1990-91 School Year. All classified employees will have the opportunity to share equally in the program.

"Sick-Leave Bank" shall mean an aggregation of leave days contributed by classified personnel for use by the members of the Sick-Leave Bank who have exhausted all sick leave and used all other available paid leave days.

"Approval Committee" shall mean eleven members (one from each classification as listed in the Support Personnel Handbook) and the supervisor to whom the requesting employee is assigned. When the employee making the request for extended sick leave is a supervisor, the Superintendent or his representative will be the eighth and final member.

The approval committee members are appointed by the council and a new committee will be chosen at the beginning of each school year. The management of the Sick-Leave Bank will be the responsibility of the committee chairperson, with the assistance of the board finance officer.

October 1 will be the cutoff date for a classified employee to invest in the Sick Leave Bank. Any classified person employed after October 1st will have ten (10) working days to invest in the Sick Leave Bank.

To become a member of the Sick-Leave Bank, a classified employee will have to fill out a Leave Affidavit Form stating reason for absence as, "Sick-Leave Bank". One, and only one, day is authorized to be placed in the Sick-Leave Bank by each member without further approval by the Board of Education. Half-time employees may join by contributing a half-day to the bank.

A member of the Sick-Leave Bank may apply to draw from the bank for themselves or immediate family as listed in the Support Personnel Handbook under Sick-Leave. A member who draws from the bank will contribute a sick day back to the bank the following year.

Application for extended sick leave will be made in writing to the Sick-Leave Bank Approval Committee and given to your support council representative. The committee will meet and the decision rendered will be final. Request for extended sick leave will not be granted for minor reasons or for unnecessary surgeries.

FRINGE BENEFITS (Continued)

SICK-LEAVE BANK (Continued)

The limitations on the number of days a member may draw from the Sick-Leave Bank will be:

1. Up to one-half the total number of accumulated sick leave days a member had as of July 1 of the current school year.
2. The number authorized by the approval committee with the approval for claims to be by majority vote of the Sick-Leave Approval Committee (five votes being a majority).
3. The number of days in the bank will never be less than one day.

All unused days in the Sick-Leave Bank at the end of any school year will be carried forward into the next school year. The accumulated days in the Sick-Leave Bank are to be considered the property of its members.

SICK LEAVE DONATION PROGRAM

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

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

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

EMERGENCY LEAVE

Emergency Leave shall allow each employee a maximum of three (3) emergency days as provided under KRS 161.152 Sec. (2) each year. The days shall be granted for any of the following reasons or circumstances:

- A. Bereavement - Death of the following relatives: husband, wife, son, daughter, step-child, parent, step-parent, sibling, grandparent, spouse's grandparent, grandchild, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, without reference to the location or residence of said relative, and other blood relatives who reside in the employee's home.

FRINGE BENEFITS (Continued)

EMERGENCY LEAVE (Continued)

- B. Disasters - Personal Disasters of the magnitude of tornadoes, fires, floods, etc. This applies only in cases not covered by sick leave.
- C. Court - Court Appearances when the employee's presence is required by subpoena. This is not to include jury duty.

Any employee shall be entitled to use up to three (3) unused sick days as additional emergency days as provided in KRS 161.155 Sec. (3). The additional emergency leave days shall be granted under the same guidelines set forth to qualify for emergency leave.

Emergency leave must be requested through the employee's immediate supervisor who will determine if leave requested meets the Board's criteria.

HOLIDAYS

All employees will receive four (4) paid holidays with the exception of twelve month employees who will receive eleven (11) paid holidays.

NON-CONTRACT DAYS

Full-time employees of the McCracken County Board of Education are those who are contracted for 241 days. The eleven board approved holidays are included in this number. All other off-duty days are considered non-contract days. Arrangements for use of non-contract days shall be made with the employee's immediate supervisor.

OFF-DUTY FORMS

A Leave Affidavit Form, completed by the employee who is off duty, must be turned in as soon as possible after an absence. Checks are subject to being withheld when this form is not submitted with the Monthly Time Report. Employees will be furnished a supply of Leave Affidavit Forms at the beginning of each year.

The Leave Affidavit Form is to be used for all off-duty days except Non-Contract Days which will continue to be turned in on the Pink Card.

SUBSTITUTE EMPLOYEES

If a substitute employee works one hundred forty days in one job classification during a school year, and is hired in that job classification for the following year, this employee will be given credit for one year's experience.

FRINGE BENEFITS (Continued)

WORKERS' COMPENSATION

All employees are covered by workmen's' compensation. This insurance takes care of medical expenses if an employee is injured on the job. Any employee injured on the job should immediately report such injury to the principal of the school or to the director of his department. They, in turn, are to report the injury to Central Office.

SOCIAL SECURITY

All classified employees are covered by social security. This is a form of retirement and other benefits for the employee through the Social Security System.

RETIREMENT

All regular, full-time employees (minimum of eighty hours per month) are eligible for participation. Effective August 1, 1982, retirement deductions became tax sheltered deductions for tax purposes.

KSBA SCHOOL EMPLOYEE LIABILITY INSURANCE

The Board of Education, effective July 1, 1979, is providing liability insurance through KSBA for all employees, certified and classified. Substitutes - teachers, bus drivers, and custodians - will also be covered under this liability policy.

UNEMPLOYMENT COMPENSATION INSURANCE

Effective January 1, 1979, all employees of the Board of Education are covered by unemployment compensation insurance. State law determines who is eligible and under what conditions benefits may be paid. Employees will not be eligible for benefits during regularly scheduled breaks in the school calendar or during summer vacation, provided there is reasonable assurance of re-employment when school resumes in the fall. The purpose of unemployment compensation insurance is to provide benefits to employees in the event of termination due to cutting personnel because of declining enrollment or reorganization.

CAFETERIA PLAN

All employees have the option to be on the Section 125 Cafeteria Plan. The maximum amount of money that can be set aside in the "Cafeteria Plan" is \$400 per month or \$4,800 per year.

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FRINGE BENEFITS (Continued)

CAFETERIA PLAN (Continued)

The following types of insurance coverage are eligible under the McCracken County Board of Education "Cafeteria Plan" for all classified employees who work a minimum of eighty hours per month.

1. Hospitalization
2. Dental
3. Disability Income Protection
4. Term Life (up to \$50,000)
5. Cancer

The "Cafeteria Plan" will allow you to pay for these coverages with tax-free dollars, thus reducing your taxable earnings by the amount you assign to pay for these coverages.

MEDICAL INSURANCE

Medical insurance is provided by the State of Kentucky for each employee who works a minimum of eighty hours per month. The effective date of coverage is the first day of the second calendar month following the month in which active employment begins.

Employees have the option to purchase family coverage at their own expense through payroll deduction.

Employees on approved leaves of absence have the option of retaining medical insurance coverage by assuming payment of the premiums.

DENTAL INSURANCE

The McCracken County Board of Education agrees to pay the monthly rate for dental insurance (not to exceed \$22.71 per employee per month) for all classified employees who work a minimum of eighty hours per month. Family coverage is available at the expense of the employee.

VISION INSURANCE

Employees will be responsible for vision insurance premiums. Family coverage is available at the expense of the employee.

LIFE INSURANCE

The State of Kentucky provides \$20,000 of term life insurance for all regular, full-time employees who work a minimum of eighty hours per month. Employees may purchase additional coverage of up to twice the amount of their annual salary.

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YOUR RIGHTS under the FAMILY AND MEDICAL LEAVE ACT OF 1993

FMLA requires covered employers to provide up to twelve weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous twelve months, and if there are at least 50 employees within 75 miles. The FMLA permits employees to take leave on an intermittent basis or to work a reduced schedule under certain circumstances.

REASONS FOR TAKING LEAVE: Unpaid leave must be granted for any of the following reasons:

- 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.

At the employee's or employer's option, certain kinds of paid leave may be substituted for unpaid leave.

ADVANCE NOTICE AND MEDICAL CERTIFICATION: The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- The employee ordinarily must provide thirty days notice when the leave is "foreseeable".
- An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

JOB BENEFITS AND PROTECTION:

- For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."
- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

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YOUR RIGHTS
under the
FAMILY AND MEDICAL LEAVE ACT OF 1993
(Continued)

UNLAWFUL ACTS BY EMPLOYERS: FMLA makes it unlawful for an 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.

ENFORCEMENT:

- The U. S. Department of Labor is authorized to investigate and resolve complaints of violations.
- An eligible employee may bring a civil action against any employer for violations.

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.

FOR ADDITIONAL INFORMATION: If you have access to the Internet visit our FMLA website: <http://www.dol.gov/esa/whd/fmla>. To locate your nearest Wage-Hour Office, telephone our Wage-Hour toll-free information and help line at 1-866-4USWAGE (1-866-487-9243).

MEDICAL LEAVE OF ABSENCE

When an employee has been advised by a physician of an interruption in his/her ability to work because of known medical reasons, the employee shall notify his/her immediate supervisor and request an unpaid medical leave of absence. Such request shall be in writing and accompanied by an attending physician's statement indicating the date of interruption in ability to work, whether the employee may resume the assignment, and the anticipated date of return.

Upon written request of an employee, the Board of Education may grant a medical leave of absence for a period of one year or less. Thereafter, leave may be extended by the Board in one (1) year periods.

Employees on leave covered by related policies listed below shall notify the Superintendent in writing by April 15 of the year the leave terminates of the date of their intent to return to the school system. Failure to do so will render the position vacant.

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

The employee granted a medical leave by the Board of Education must return to work immediately when released from work by an attending physician's written statement. Failure to return to work when released by the physician will result in termination of employment.

Without request, the Board of Education may grant similar leave of absence, and renewals thereof, to any employee because of physical or mental disability, but such employee shall have the right to a hearing on such unrequested leave of absence or its renewal.

Related Policies: 03.2233, 03.2234, 03.22322

JURY DUTY LEAVE

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

Employees claiming pay for jury duty leave shall comply with the following procedures.

1. A copy of the jury subpoena must be provided to the employee's immediate supervisor or appropriate administrator promptly upon receipt of such subpoena involving jury duty service.
2. If assigned to jury duty, a Leave Affidavit Form must be signed and completed each pay period and forwarded with the Monthly Time Report to the payroll office.

ENROLLMENT OF CLASSIFIED EMPLOYEES CHILDREN

Classified employees that live outside McCracken County shall be allowed to enroll their children in the McCracken County School System within the area in which they work.

Classified employees who live in one McCracken County School District and work in another shall be allowed to enroll their children in the McCracken County District Area in which they work.

Out-of-District transfers are contingent upon the losing district releasing ADA Funds.

All such transfers must be established by March 1 of the school year. New hires must notify of transfers prior to September 15 of the school year.

JOB POSTINGS

The Board of Education recognizes that employees are interested in receiving information pertaining to job vacancies in the school system. Consequently, the following procedures will be observed when vacancies occur.

1. When vacancies occur, or new positions are created, the Board will give qualified employees an opportunity to apply for the positions that are open.
2. Except in emergencies, the Board will act to fill vacancies only after an opportunity has been given to qualified employees to apply.
3. Whenever a vacancy occurs, it will be publicized by means of a notice posted on the official bulletin board in each school, work place or web site.
4. If possible, vacancies will be posted for two weeks.

While the Board retains the right to appoint any qualified individual to fill any position, it is though desirable that qualified employees within the system be considered when vacancies occur and that the Board will give qualified employees an opportunity to apply for the positions that are open. If appointments are made which vacate other jobs, the Board will not ordinarily act to fill such vacated positions until an opportunity has been given to qualified employees within the system to apply for such vacancies.

TRANSFER OF PERSONNEL

A member of the support staff desiring transfer within the school system shall submit a request for transfer to his/her immediate supervisor giving, in detail, the position desired and the reason for the request. This request shall be forwarded to the Superintendent with the recommendation of the applicant's immediate supervisor. Before any employee is assigned or transferred, the principal/immediate supervisor involved in the transfer will interview the applicant for transfer and consult with the Superintendent regarding the employee's assignment.

When a vacancy exists, the following criteria will be considered before a final recommendation to fill an existing vacancy is given by the Superintendent for the Board's approval.

1. The applicant for transfer must meet qualification requirements for the position desired.
2. The applicant's service record in the McCracken County School System shall be reviewed.

EMPLOYEE DISCIPLINE PROCEDURE

Employee disciplinary action shall be progressive when practicable and, depending upon the seriousness of the offense and the employee's service record, will include the following steps in order listed.

1. Verbal Warning
2. Verbal Warning
3. Written Reprimand
4. Termination of Employment

After thorough investigation, the following causes, and others comparable in seriousness, can cause immediate discharge without warning.

1. Insubordination
2. Drinking or under the influence of alcoholic beverages while on employer's premises or during duty hours
3. Dishonesty and/or falsification of the employer's records and reports
4. Carrying a deadly weapon while on the employer's premises or during duty hours
5. Willful or negligent damage of the employer's property
6. Failure to report an accident
7. Possession, use, or under the influence of narcotics or hallucinatory drugs
8. Fighting while on the employer's premises or during duty hours

It is understood and recognized by employee and employer that it shall be cause for discharge if an employee is given three (3) warning notices in a twelve (12) month period in active pay status.

- Classified Personnel -

REDUCTION IN FORCE

Process

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

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

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

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

Order of Reduction

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

1. Seniority in the District (see Policy 03.21) and qualifications required for the position, such as specialty license/training, based on District needs.
2. Seniority and qualifications being equal, the classified employee who has the highest evaluation ratings will be retained.

Re-Employment

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

REDUCTION IN FORCE**Re-Employment (Continued)**

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

Reference:

KRS 161.011

Related Policies:02.4331
03.21
03.22
03.224Adopted/Amended: 9/22/03
Order #: 37

CLASSIFIED PERSONNEL

Harassment/Discrimination**DEFINITION**

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

PROHIBITION

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

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

DISCIPLINARY ACTION

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

GUIDELINES

Employees who believe they have been a victim of an act of harassment/discrimination or who have observed incidents involving students or other employees that they believe to be an act of harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Superintendent. If an employee is not assigned to a particular school, a report of harassment/discrimination may be made to the employee's immediate supervisor or to the Superintendent. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator. Without a report being made to the Principal, Superintendent or Title IX/Equity Coordinator, the District shall not be deemed to have received a complaint of harassment/discrimination.

The Superintendent shall provide for the following:

1. Investigation of allegations of harassment/discrimination to commence as soon as circumstances allow, but not later than three (3) working days of submission of the original complaint. A written report of all findings of the investigation shall be

Harassment/Discrimination

GUIDELINES (CONTINUED)

completed within thirty (30) calendar days, unless additional time is necessary due to the matter being investigated by a law enforcement or governmental agency;

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

2. A process to identify and implement, within three (3) working days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.
3. A process to be developed and implemented to communicate requirements of this policy to all staff, which may include, but not be limited to the following:
 - written notice provided in publications such as handbooks, staff memoranda, and/or pamphlets;
 - postings in the same location as are documents that must be posted according to state/federal law; and/or
 - such other measures as determined by the Superintendent/designee.

Method(s) used shall provide a summary of this policy, along with information concerning how individuals can access the District's complete policy.

4. Annual training explaining prohibited behaviors and the necessity for prompt reporting of alleged harassment/discrimination; and
5. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.

PROHIBITED CONDUCT

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

1. Any nicknames, slurs, stories, jokes, written materials or pictures that are lewd, vulgar, or profane and related to any of the protected categories listed in the definition of harassment/discrimination contained in this policy.
2. Unwanted touching, sexual advances, requests for sexual favors and spreading sexual rumors;
3. Causing an employee to believe that he or she must submit to unwelcome sexual conduct in order to maintain employment or that a personnel decision will be based on whether or not the employee submits to unwelcome sexual conduct;

Harassment/Discrimination**PROHIBITED CONDUCT (CONTINUED)**

4. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
5. Seeking to involve individuals with disabilities in antisocial, dangerous or criminal activity where they, because of disability, are unable to comprehend fully or consent to the activity; and
6. Destroying or damaging an individual's property based on any of the protected categories.

CONFIDENTIALITY

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

APPEAL

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

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

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

RETALIATION PROHIBITED

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

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

OTHER CLAIMS

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

PERSONNEL

03.262
(Continued)

Harassment/Discrimination

REFERENCES:

42 USC 2000e, Civil Rights Act of 1964, Title VII
29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC) Regulations
Implementing Title VII
20 U.S.C. 1681, Education Amendments of 1972, Title IX
34 C.F.R. 106.1-106.71, U. S. Department of Education Office for Civil Rights
Regulations Implementing Title IX
KRS 161.164

RELATED POLICIES:

03.212, 03.2325, 03.26, 09.422, 09.42811

Adopted/Amended: 8/19/04

Order # 17

GRIEVANCE PROCEDURE

An employee may elect to address any contention of misapplication of board policy, regulation, directives, or unfair treatment which he/she alleges affects the terms or conditions of his/her employment with the Board of Education by instituting a grievance.

The purpose of this grievance procedure is to secure, at the lowest possible administrative level, equitable solutions to the contention of misapplications which may, from time to time, arise affecting the working conditions of employees. These proceedings will be kept as informal and confidential as may be appropriate at any level of the procedure.

Since it is important that the grievances be processed as rapidly as possible, the number of days indicated at each level should be considered as a maximum and every effort should be made to expedite the process.

The Council for Support Personnel will have a Grievance Committee made up of three representatives and one alternate elected by members of the present elected representative council. **Each representative must be from a different job classification.** The first election will choose three representatives to serve on the Support Council Grievance Committee. One representative will be elected for a two-year term and two representatives will be elected for a one-year term. Terms will begin November 1, thereafter, each representative and alternate will serve a two-year term.

The members receiving the most votes from the representative council will serve on the committee. They will then draw from the length of their term on the committee. The next year an election will be held by the representative council to fill only those terms which have expired.

INFORMAL RESOLUTION

Step 1: The grievance shall first be informally discussed between grievant and immediate supervisor, or other supervisor if the grievance relates to another supervisor within five (5) working days after the event or action causing the grievance. The grievant and supervisor may each have one witness present during any discussion of the grievance. The immediate supervisor shall give his/her decision orally to the employee within three (3) working days of the informal discussion.

Step 2: In the event the immediate supervisor's decision is not considered satisfactory by the employee, he or she shall within five (5) working days of the immediate supervisor's oral answer, present his/her intent to file a grievance in writing and present it to the elected Support Council Grievance Committee.

GRIEVANCE PROCEDURE
(Continued)

Step 2: (Continued)

The Grievance Committee shall meet separately with the grievant and the immediate supervisor to review both sides of the complaint. Minutes of these meetings are to be made available to the Supervisor, Assistant Superintendent and the Superintendent. The Grievance Committee will decide within five (5) working days if the employee contention/complaint should be filed as a grievance. If the Grievance Committee determines the contention/complaint is a legitimate grievance, it will be submitted in writing to the next immediate supervisor.

FORMAL RESOLUTION

Step 1: The next immediate supervisor will then render a decision, in writing, within five (5) working days of presentation to him/her of the grievance.

Minutes

of the Grievance Committee will be made available to the immediate supervisor.

Step 2: If the written response by the immediate supervisor is not satisfactory, the aggrieved employee shall, within five (5) working days, request a meeting with the Assistant Superintendent of Support Services. Minutes of the

Grievance Committee Meeting will be made available to the Assistant Superintendent. This meeting shall be set up by the Assistant Superintendent at a convenient time, but within five (5) working days after the request is made. The Assistant Superintendent shall give his answer to the grievance in writing to the aggrieved employee within five (5) working days after the meeting.

Step 3: If the written response by the Assistant Superintendent for Support Services is not satisfactory, the aggrieved employee shall, within five (5) working days, request a meeting with the Superintendent of Schools. Minutes of the

Grievance Committee Meeting will be made available to the Superintendent. The Superintendent will set a meeting at a convenient time but within five (5) working days after the request is made. The Superintendent shall give his answer in writing to the aggrieved employee within five (5) working days after the meeting.

Step 4: If the written response by the Superintendent is not satisfactory, the aggrieved employee shall, within five (5) working days, request a meeting with a Board of Education Committee. The Board Committee

will consist of
Chairman of the

two (2) Board of Education members appointed by the

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GRIEVANCE PROCEDURE
(Continued)

Step 4: (Continued)

Board of Education. The Board Committee shall give their answer in writing to the aggrieved employee within five (5) working days after the meeting.

Step 5: If the response by the Board of Education Committee is not satisfactory, aggrieved employee may refer the grievance to the Board of Education for a review and consideration through the Superintendent within ten (10) working days after the Board of Education's Committee decision.

The grievant shall provide the Board of Education the following:

- (a) Copies of the written grievance
- (b) Copies of written decisions of the supervisors, assistant superintendent, superintendent, and Board of Education Committee
- (c) A statement of the reasons why the grievant is not satisfied with the resolution of the grievance
- (d) A list of names of any person(s) having information relevant to the grievance

The following sequence shall be adhered to in establishing and conducting a Board hearing on any grievance:

- (a) The Superintendent shall promptly forward the above information to each Board member and shall place the matter on the agenda for the next regular meeting of the Board. The grievant may appear at this meeting.
- (b) The Board shall then proceed as follows:

- (1) Schedule a hearing date on the grievance at the earliest convenience of all parties concerned;
 - (2) May call any persons having relevant information as witnesses to assist in the investigation and review;
 - (3) After the hearing is concluded, the Board may make an immediate decision or may make written recommendations conclusion for acceptance, rejection, or modification at the next regular Board meeting; and
- and

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GRIEVANCE PROCEDURE
(Continued)

Step 5: (Continued)

- (4) Shall send a copy of the written decision to the grievant immediately after the Board has decided the issue
- (5) The decision of the Board shall be final

For the purpose of this article, "working days" shall be defined as Monday through Friday of each week, but shall exclude holidays as well as Saturdays and Sundays.

PERSONNEL FILES

Personnel files shall be maintained in the Board of Education Office. Employees have the right, upon request, to review the contents of their own personnel file.

Material descriptive of an employee's service, conduct, character, or personality will not be placed in personnel files unless the employee has been given an opportunity to review the material. The employee will acknowledge that an opportunity to review such material has been provided by affixing his/her signature to the copy to be filed with the understanding that such signature in no way indicates agreement or disagreement with the contents thereof. The employee will also have the right to submit a written response to such material and the response shall be reviewed and acknowledged by the Superintendent and attached to the employee's file.

CRIMINAL BACKGROUND CHECK

Prior to initial employment, a Criminal Background Check will be done on all classified employees (full-time, part-time, and substitutes). The background check (Fingerprint) is run through the Kentucky State Police. The cost of the fingerprint is paid by the employee.

Forms and procedure information will be provided at the Central Office.

TWELVE-MONTH CHECKS

The McCracken County Board of Education agrees to pay each classified/support person in twelve equal payments. The staff will receive compensation on the 24th of each month except for November and December. The pay date for November and December will be the last working day before the scheduled holiday.

If the designated pay date is on Saturday or Sunday, classified staff will be paid on Friday before the 24th.

9.25 month personnel will be paid twelve (12) equal payments August through June and 12 month personnel will be paid twelve (12) equal payments July through June.

DIRECT DEPOSIT

All employees are required to participate in Direct Deposit effective July 1, 2005. Online check stubs, W2s and payment history can be accessed through the eStub link on the district website.

