

V. Personnel

5.01 *Employee Qualifications and Duties*

5.01.1 General Requirements – Employees have a duty to perform their jobs responsibly and in a conscientious manner. In addition to any specific job requirements set forth in job descriptions or elsewhere, employees are expected to meet the following general performance and service standards:

- a. Employees are required to be punctual and to attend work regularly.
- b. Employees are required to perform the duties and responsibilities that are assigned to them by the Board, the Superintendent, or their supervisor(s). Such duties and assignments may extend beyond or outside the instructional day and may include off-campus functions, events, and activities.
- c. Employees are expected to treat all students, co-employees, visitors, and guests of the Board with respect. Employees are expected to demonstrate moderation, restraint, and civility in their dealings with others and, in general, to serve as appropriate role models for students in their behavior and demeanor.
- d. Employees are required to obey all laws, ordinances, Board policies, and supervisory directives, and are expected to follow the Alabama Educator Code of Ethics and other pertinent authority while carrying out duties for the Board.
- e. Employees whose duties include the instruction or supervision of students must provide effective supervision, discipline, organization, and instruction of the students.
- f. Employees must complete and submit required reports accurately and in a timely fashion.
- g. Employees must respect, protect, and exercise due care in the handling, use, and operation of Board property and equipment.
- h. Employees shall at all times maintain appropriate, “professional” distance from students and shall not engage in conduct (including communication of any kind) that constitutes, solicits, or suggests sexual, romantic, or inappropriately familiar interaction with students.
- i. *Employee Attire* – Employees are required to report to work or to school functions in attire that is appropriate to their position and the nature of the function and that is in keeping with generally accepted standards of decorum and professionalism. Service and other employees who are

issued uniforms shall wear uniforms when required. The uniform is not intended for everyday wear away from the job.

- j. Employees shall promptly disclose to the Board any fact that would disqualify them from employment or that renders them unable to perform their essential job functions.

[Approved: August 18, 2016]

5.01.2 Work Schedules

- a. *Work Schedules (Teachers)* – Supervisory and instructional duties of teachers commence a minimum of fifteen (15) minutes prior to the actual arrival and conclude fifteen (15) minutes after the departure of students. Except as may otherwise be provided or required by the Board, the minimum instructional day for teachers is seven and one half (7.5) hours. Assignments and duties may extend beyond the instructional day and may include off-campus functions, events, and activities; conferences and meetings with parents; supervision of student arrival and departure; and preparation for the following instructional day. Teachers will be provided a minimum of thirty (30) minutes free of instructional and supervisory responsibilities each teaching day.
- b. *Work Schedules (Support Personnel)* – The Superintendent is authorized to establish work schedules, including minimum work times, for support personnel.

[Approved: August 18, 2016]

5.02 *Hiring*

- 5.02.1 Application Procedures – Job applicants for all positions must file a formal application with the Board. Applications must be completed in full. All information provided in the application must be truthful. Any misrepresentation of a material fact on an employment application may disqualify the applicant from consideration for the position and may subject an employee to adverse employment action, including termination.

[Approved: August 18, 2016]

- 5.02.2 Qualifications – Applicants must meet the minimum qualifications of the position as provided in the job description for the position, the posted advertisement for the position, or as may otherwise be established by the Board, applicable law, or regulation. Applicants must hold such degrees, licenses, certificates, and like credentials as may be necessary, appropriate, or customary for the position in question.

[Approved: August 18, 2016]

5.02.3 Hiring Authority – The Board is responsible for making all final hiring decisions, and no hiring decision is official, final, or effective unless and until it is approved by a vote of the Board. No principal, administrator, supervisor, or other employee has authority to hire an applicant without Board approval or to commit the Board to specific action regarding employment.

[Approved: August 18, 2016]

5.02.4 At-Will Employment – Except as may otherwise be provided or required by law, by contract, or by the specific terms of their appointment, all personnel are deemed “at-will” employees and may be terminated, demoted, reassigned, suspended, or disciplined with or without pay, or with reduced pay, and with or without cause.

[Approved: August 18, 2016]

5.02.5 Teachers as Substitute Bus Drivers – Teachers may earn a CDL and work as a substitute bus driver or bus aide provided it does not conflict with faculty meetings, parent/student conferences, professional meetings, professional learning, or compromise in any way their effectiveness as a teacher. Teachers may not be hired to drive or serve as an aide on regular or special education bus routes.

[Approved: August 18, 2016]

5.02.6 Nepotism

- a. *Supervisory Relationships* – Employment decisions and relationships that violate any provision of Alabama law, including state ethics and nepotism laws, are prohibited. The Superintendent is authorized to take action to identify and correct violations of the policy in a manner consistent with applicable law.
- b. *Employment of Family Members* – Board members, administrators, or supervisors may not use their positions to directly or indirectly seek or secure the employment of any family member as defined in the Alabama Ethics Law.
- c. *Selection of Impartial Person* – When law or policy mandates the recusal of a board member, official, or employee (“disqualified official”) from involvement in a decision involving the employment or possible employment of a relative or other person and permits or requires an objective, neutral, or impartial person (“the surrogate official”) to exercise some or all of the functions of the disqualified official with respect to the decision or action in question, the surrogate official shall be deemed objective, neutral or impartial if he or she:
 1. Is not related by blood or marriage to the disqualified official or the person whose employment status is at issue, or of any applicant in a

multi-member field of persons under consideration for employment or advancement;

2. Does not work under the direct or indirect supervision of the disqualified official, of any person who selects the surrogate official, of any person whose employment status could be affected by the action or decision at issue;
3. Has no personal or financial connection to the disqualified official, to any person whose employment status could be affected by the action or decision at issue, to any other person involved or affected by the action or decision at issue in a way that would call into question the surrogate official's objectivity, neutrality, or impartiality; and
4. By education, training, and experience has a sufficient understanding of the employment qualifications and other factors and considerations that bear upon the action or decision at issue to make an informed report and recommendation to the Board.

After considering any report or recommendation that may be made by the surrogate official, the Board may approve such recommendation or remand the matter in question for a different recommendation.

[Reference: ALA. CODE §16-22-15.1] [Approved: August 18, 2016]

5.03 *Probationary Employment*

Employees are required to serve the maximum period of any probationary service provided or permitted by law before tenure, non-probationary status, or any other statutorily sanctioned form of employment security will be recognized by the Board.

[Approved: August 18, 2016]

5.04 *Employee Compensation*

5.04.1 Salaries and Pay Rates – Board employees will be compensated at rates of pay that are approved by the Board. When required, such salary or compensation rates will be included in a schedule to be developed and adopted by the Board in accordance with state law. Employees may receive supplements or other additional compensation when specifically approved by the Board. All compensation must be approved by the Board, regardless of the source of funding.

[Reference: ALA. CODE §16-13-231.1 (1975)] [Approved: August 18, 2016]

5.04.2 Local Supplements – School-related booster or support organizations may fund local supplements for individual Board employees if the Board approves such supplemental payments. Such payments may be approved only if the following conditions are satisfied:

- a. The payment is voted on and approved by the membership of the booster or support organization that proposes to fund the supplement at a regular meeting of the organization;
- b. Funding for the payment must be sufficient to cover benefits, expenses, and other payroll costs, contributions, and liabilities, if any;
- c. Sufficient unobligated funds are on hand to provide the supplemental payment;
- d. A check and letter of authorization for the payment is sent to the Board no later than the payroll cutoff date for the month in which the payment is to be made;
- e. The payments are accepted by the employee with the understanding that they do not constitute a part of any employment contract, salary schedule, or legal obligation that is enforceable against the Board, and that the Board has no continuing obligation to maintain supplemental payments to any employee that are provided, funded, or underwritten by a booster club, support organization, or similar third party; and
- f. The payments are subject to any payroll deductions that are required by law.

[Approved: August 18, 2016]

5.04.3 Salary Administration – Employees are expected to fulfill the work requirements of the position held for the full term of their appointment. Compensation will be prorated to reflect the number of days actually worked, subject to appropriate adjustments, credits, and allowances for available leave. Salaries for full time employees will be paid over twelve months, regardless of the contract term. Personnel will be paid in accordance with customary payroll procedures, which may be modified from time to time as the needs of the system require. No employee is entitled to compensation except for work performed by the employee in accordance with an approved contract or the applicable terms of appointment. Compensation may be withheld pending the employee’s timely, accurate, and complete submission of all required records, data, and reports.

[Approved: August 18, 2016]

5.04.4 Salary Deductions – Mandatory salary deductions will be made in accordance with applicable law. Employees are required to complete and submit all forms and provide such information as may be required or reasonably required for such purpose. The Board will make voluntary salary deductions upon written request of the individual employee as permitted by law.

Deductions for membership dues will be made for organizations with at least 25% of Board employees as active members, as established by membership lists provided to the Board by the organization, if such deductions are allowed under state law and the organization has timely provided to the Board all certifications and expenditure reports required by law. Such membership lists will be corrected, updated, and returned to the organization no later than November 10 of each school year. Deductions will be based on the membership lists unless an employee revokes authorization for such deductions by providing written notice to the Board on or before September 15th of each school year. Deductions will remain constant during the school year, except by the authorization of the Superintendent. The Board will not be liable for any good faith error made in implementing a salary deduction that has been authorized by the employee.

Upon termination of employment, any amounts owed under the terms of an employee authorization will be deducted from the employee's final pay.

[Reference: ALA. CODE §16-22-6; 17-17-5] [Approved: August 18, 2016]

- 5.04.5 Minimum Wage and Overtime – In compliance with the Fair Labor Standards Act (“FLSA”), the Board will pay required minimum hourly wages and overtime to all employees who are not exempt employees under the FLSA. For purposes of determining overtime, the workweek begins at 12:01 a.m. on Sunday and ends at midnight on the succeeding Saturday. All non-exempt employees who work more than forty (40) hours in a work week will be paid overtime. Employees must accurately report all time worked for the Board. Non-exempt employees are not authorized to work more than forty (40) hours in a workweek without specific direction or authorization to do so by the Superintendent, the employee’s supervisor, or the supervising school principal. Issues with approval and authorization should be directed to the Finance Director for mediation.

[Approved: August 18, 2016]

- 5.04.6 Compensatory Time – Non-exempt employees who work more than forty (40) hours in a workweek may, upon agreement between the employee and the Board, be paid overtime in the form of compensatory time. Compensatory time will be based on time worked beyond forty (40) hours in a workweek, and will be recorded in minimum time units of one-quarter hour rounded to the nearest quarter of an hour.

The Board will administer compensatory time as follows:

- a. The Board reserves the right to require an employee to use compensatory time as its needs require and may “pay down” any compensatory time balance in its discretion.
- b. The Board will only allow an employee to carry a maximum balance of 80 hours of compensatory time during the school year.

- c. *Twelve month employees* – On June 30th of each year, the Board will pay down any compensatory time balance of over forty (40) hours for all twelve month (240 days) employees at the employee’s hourly rate as of June 30. Twelve month employees will be allowed to carryover a maximum of 40 hours of compensatory time to the next year (July 1 –June 30).

All other employees – On June 30th of each year, the Board will pay down any compensatory time balance for all employees who are not twelve month employees at the employee’s hourly rate as of June 30th. Those employees will not be allowed to carry a balance into the next school year.
- d. Any payout of compensatory time will be subject to retirement and taxed at appropriate flat tax rates.
- e. The Finance office will determine if reimbursement for earned time is necessary from the local schools or department budgets. Local schools and departments are subject to obtaining approval for overtime or compensatory time from the Finance office.
- f. The Superintendent is hereby authorized to develop procedures and forms for use in implementing this policy.

[Approved: August 18, 2016]

5.05 *Non-Teaching Supplemental Duties*

Compensation in the form of supplements may be paid for noninstructional supplemental duties as approved by the Board. Such duties include coaching and sponsorship of athletic support organizations (e.g., cheerleaders, flag teams, drill teams) as well as scholastic support activities (e.g., yearbook, service clubs, academic honoraries). Such supplemental duties are considered additional nonteaching assignments to be made and approved on an annual basis or otherwise as the needs of the school require. Such supplemental duties are not considered to be a part of a teaching contract or appointment, and no tenure, continuing service status, non-probationary status, or contractual right to continued employment or compensation for such supplemental assignment will be recognized or implied in the absence of a separate written contract of employment providing for such rights.

[Approved: August 18, 2016]

5.06 *Professional Development*

The Superintendent will develop and implement an ongoing program of professional training and development that is designed to enhance the competencies of professional and support staff. Employee attendance and participation in such training institutes, workshops, seminars, and programs may be made mandatory by the Superintendent. The unexcused failure of an employee to attend or participate in such professional

development activities may constitute grounds for termination of employment or other disciplinary action.

[Approved: August 18, 2016]

5.07 *Employee Conflicts of Interest*

Employees may not use their offices or positions for personal gain and must adhere to applicable provisions of the Alabama Ethics Law. Employees may only engage in outside employment under the following terms and conditions:

- a. Employees will not engage in outside business activities or render any service for another employer during such time as duties and responsibilities have been assigned by the Board;
- b. Employees will not accept outside employment that would interfere with or impair the ability of the employee to perform duties as a Board employee effectively;
- c. Employees may not accept work that could compromise the employee's independent judgment in the exercise of duties for the Board;
- d. Employees may not use or disclose confidential information acquired through Board employment for their personal gain or for the benefit of a third party.

[Approved: August 18, 2016]

5.08 *Employee Gifts*

Employees may accept gifts from students or other members of the public if the gifts are in accordance with the Alabama Ethics law or other pertinent state laws.

Employees may accept gifts or gift cards purchased from pooled donations within a class, team, or other school organization for the employee's personal use provided that the amount that each person gives does not exceed twenty-five dollars (\$25.00) and that the contribution to the pool does not result in the donor's exceeding (\$50.00) of allowable gifts for that year.

[Reference: ALA. CODE §36-25-1, et seq.; Alabama Ethics Opinion 2011-12] [Approved: August 18, 2016]

5.09 *Employee Evaluations*

5.09.1 Certified Personnel – Certified employees (other than contract principals) will be evaluated in accordance with an evaluation program approved for use by the Alabama State Board of Education. Contract principals will be evaluated in accordance with rules, regulations, and requirements promulgated by the State Department of Education or as may otherwise be permitted by law.

[Approved: August 18, 2016]

5.09.2 Non-Certified Personnel – Non-certified personnel may be evaluated in accordance with criteria and procedures to be developed by the Superintendent.

[Approved: August 18, 2016]

5.09.3 Use of Evaluations in Connection with Employment Decisions – Unless prohibited by law (including applicable regulations) or the terms of the evaluation instrument, employment evaluations may be considered in making employment decisions, together with such other information and considerations as may reasonably bear upon the wisdom, necessity, or advisability of the employment decision. However, employment evaluations are intended to enhance the overall quality of the school system’s instructional program and are not intended to confer, constitute, or give rise to any individual right, entitlement, or enforceable expectation of continued employment or advancement. Accordingly, except as may be specifically provided otherwise in state law applicable to “contract principals,” employees do not acquire any employment right or right of legal action based on any actual or alleged failure on the part of the Board or the evaluator to follow specific evaluation policies, regulations, or procedures.

[Approved: August 18, 2016]

5.09.4 Special Evaluation Situations – The Superintendent, the Chief School Financial Officer, and other employees who serve in positions of special trust or sensitivity may be evaluated by such means as may be permitted by law or applicable regulation or as agreed to in an employment contract.

[Approved: August 18, 2016]

5.09.5 Exempt Personnel – Except when required by law or contract, temporary, substitute, and occasional employees, or employees appointed to supplemental positions (e.g., coaches, extracurricular activity sponsors) will not be formally evaluated in those roles.

[Approved: August 18, 2016]

5.10 Personnel Records

5.10.1 Content of Personnel Files – A central personnel file will be maintained for all regular employees. The personnel file may contain information regarding the employee’s current assignment, payroll status, and work history, including but not limited to job qualifications, certification, licenses, employment contract(s), evaluation data, disciplinary information, and such other documents, written materials, and data as may be reasonably deemed necessary and appropriate by the Board for sound and efficient personnel administration. Anonymous material and other matters that are prohibited by law, regulation, or Board policy from being maintained in personnel files may not be included therein. Employees may reasonably supplement or respond in writing to any material contained in the

personnel file with which they disagree and such responses will also be included in the personnel file.

[Approved: August 18, 2016]

5.10.2 Alternate Data Storage – Personnel file data may be stored or maintained electronically or digitally.

[Approved: August 18, 2016]

5.10.3 Confidentiality – In general, the contents of an employee’s personnel file will be deemed confidential except for documents, information, and materials that are matters of public information or public record under applicable state or federal law.

[Approved: August 18, 2016]

5.10.4 Access to Personnel Files – Board members, the Superintendent, Board administrators (including principals), employees of the Human Resources and Payroll Department(s), and other persons whose duties reasonably require access to personnel files are authorized to view, copy, and use the contents of personnel files for purposes that are required by or in keeping with their official duties on behalf of the Board.

[Approved: August 18, 2016]

5.11 *Student Records*

Employees are required to comply with the requirements of the Family Educational Rights and Privacy Act (FERPA) which governs the confidentiality of student education records. FERPA applies to education records including, but not limited to, the following:

- Family information
- Personal information
- Grades
- Test records
- Special education records
- Disciplinary records
- Medical and health records
- Transcripts

Specific information regarding the school system’s implementation of FERPA is located in the Student Code of Conduct. Violations of FERPA or school system directives regarding the confidentiality of student education records may result in disciplinary action.

[Approved: August 18, 2016]

5.12 *Employee Leave*

5.12.1 Work Attendance an Essential Job Function – Punctual, regular attendance is an essential job function of every job and position, and employees are expected to report to work when scheduled to work and to remain at work each working day.

[Approved: August 18, 2016]

5.12.2 Absences – Except as otherwise authorized under Board policy, employees may be absent from work only in the following circumstances:

- a. Illness, injury or other qualifying reason for sick leave or on-the-job injury leave under state law or the Family Medical Leave Act;
- b. Personal leave;
- c. Vacation leave;
- d. Professional leave;
- e. Military leave;
- f. Court leave;
- g. Medical leave;
- h. Other unpaid leave that is specifically approved by the Board upon a showing of substantial hardship or extraordinary circumstances.

Employees who know in advance that they will be absent from work must notify the Board of the expected absence in accordance with procedures specified by the Superintendent or the Board. In the event of an emergency or incapacity that makes advance notice impractical, employees must notify the Board of their absence as early as possible. Except as otherwise provided or permitted, an employee who is absent from work without approved leave will be considered absent without leave in violation of Board policy and subject to appropriate disciplinary measures. Employees who are approved for paid leave or absences will be paid at the regular daily rate of pay; however, a day of paid leave or absence will not be counted as a day worked for the purposes of computing overtime under the Fair Labor Standards Act. Pay will be reduced on a *pro rata* basis for leaves or absences not covered by sick, vacation, personal, or other appropriate form of paid leave. The continuation of benefits during an approved absence is subject to the provisions of the particular benefit policy or plan.

[Approved: August 18, 2016]

5.12.3 Paid Sick Leave

- a. *Persons Eligible for Paid Sick Leave* – All regular full time employees are eligible for paid sick leave.
- b. *Earning and Accumulation of Paid Sick Leave* – All eligible employees earn sick leave days at the rate provided for in state law. Eligible employees may accumulate sick leave as provided by state law.
- c. *Use of Sick Leave* – Eligible employees may only use paid sick leave for absences caused by the following:
 1. Personal illness;
 2. Incapacitating personal injury;
 3. Attendance upon an ill member of the employee’s immediate family, defined as a spouse, parent, child, sibling or any person with a close personal tie;
 4. Death of a family member, including a spouse, parent, child, sibling, mother or father-in-law, son or daughter-in-law, brother or sister-in-law, nephew or niece, grandparent, grandchild, aunt or uncle;
 5. Death or care of an individual with whom unusually strong personal ties exist because of a relationship other than those listed above.
- d. *Certification* – By requesting sick leave in accordance with school system procedures, employees are certifying that sick leave was used for one of the reasons provided in state law. If the employee’s principal or department head has probable cause to believe that an employee has abused or misused sick leave, a physician’s statement verifying the existence and nature of the illness or medical condition may be required by the Board. Abuse of sick leave may subject the employee to disciplinary action.

[Reference: ALA. CODE §16-1-18.1 (1975)] [Approved: August 18, 2016]

- 5.12.4 On-The-Job Injury Leave – On-the-job injury includes an accident or injury to an employee that occurs in the course of performing job duties for the Board or when the employee is directed or requested by the employer to be on the property of employer and which prevents the employee from working or returning to the job. Employees who are accidentally injured on the job may be approved for paid “on-the-job injury” leave without using sick days, provided that:

- a. The employee submits a signed written account of the accident attested by a principal or department head within twenty-four (24) hours after the injury occurred. If the injured employee is not able to notify the Board, another person reasonably knowledgeable about the employee's condition and circumstances leading to the injury may provide the required notification.
- b. The injured employee submits written medical certification from the attending licensed physician stating that the employee was injured and cannot return to work due to a specified injury, if there is a reasonable expectation that the employee will return to work and, if so, the expected date of that return. The Board may require a second opinion from a Board specified physician, at its expense.

Upon a determination that the employee has been injured on the job and cannot return to work, the Board may maintain the employee's salary and benefits for the period of incapacity caused by the injury, not to exceed ninety (90) days. An employee who is injured on the job may file a request for unreimbursed medical expenses and costs with the State Board of Adjustment. The Board will provide such reasonable assistance to the employee in filing the Board of Adjustment claim as is required by law, but assumes and will have no responsibility or liability for processing the claim or directly reimbursing the employee any unreimbursed medical expenses and costs. On-the-job injury leave will be administered in accordance with and subject to the requirements and limitations imposed by state law regarding such leave.

[Reference: ALA. CODE §16-1-18.1 (1975)] [Approved: August 18, 2016]

5.12.5 Personal Leave – – All regular, full time employees are eligible for five (5) personal leave days annually (two days provided by State and three additional local days). Employees who take more than two (2) full days of personal leave during a school year will be charged either an amount determined by the board of education annually with the approved salary schedule or the employee's daily rate the current daily rate of pay for the employee's substitute, whichever is less. The employee will be charged regardless of whether or not a substitute is employed.

A request for personal leave must be in accordance with established procedures. Personal leave should not be taken immediately before or after a holiday or during the last two weeks of the school year or the first two weeks of the school year, except in those circumstances approved by the immediate supervisor of the employee in advance.

Any unused personal leave days will be converted to sick leave days on June 30th of each year, unless the employee has elected to be paid for the initial two (2) state-funded days at the highest daily rate paid to substitute teachers. The employee will only be paid if during the announced specified time period (month of May), the employee has filed the required paperwork with the board office to

be paid. All other unused personal leave converts to sick leave days. Personal leave payments are subject to flat tax rate.

[Reference: ALA. CODE §16-8-26 (1975)] [Approved: August 18, 2016]

5.12.6 Vacation

- a. *Vacation Benefits* – Eligible employees will earn vacation benefits as follows:
 1. Twelve-month employees employed with Trussville City Schools for less than fifteen (15) years are entitled to ten (10) days' vacation. Employees earn vacation at rate of .84 days per month and accrue on a monthly basis with the twelfth month earned at .76 days per month for a total of ten (10) days per year.
 2. Twelve-month employees employed with Trussville City Schools for fifteen (15) years or more are entitled to fifteen (15) days' vacation. Employees earn vacation at a rate of 1.25 days per month and accrue on a monthly basis as 1.25 days per month.
- b. *Administration and Accumulation of Vacation Time* – Vacation leave will be earned on a monthly basis. Only consecutive service with the Board will be considered in establishing length of service for purposes of determining vacation benefits. Vacation may not be taken in advance and is rounded down to the nearest half day when claim is made. Employees may carry over unused vacation days from one year to the following year, but no employee may carry over more than fifty (50) unused vacation days to the next year. Payment for up to fifty (50) days of unused accrued vacation leave shall be made at the employee's daily rate of pay in effect on the date of death, retirement, resignation, or other termination.
- c. *Scheduling* – Vacation exceeding five (5) consecutive days, must be submitted for approval to the employees' supervisor five (5) days in advance. Vacation may not be scheduled during the first ten (10) days of the school year or the last ten (10) days of the school year without prior approval.

[Approved: August 18, 2016] [Amended: July 20, 2020]

- 5.12.7 Professional Leave – The Superintendent or his or her designee is authorized to grant professional leave with pay to Board employees to engage in educational activities which, in the judgment of the person approving the leave, serve the needs and interests of the school system. The number of days approved for such leave will be at the discretion of the Superintendent or his or her designee; provided, however, that any such leave for building-level employees that may not exceed five (5) days during the school year unless special approval is granted.

[Approved: August 18, 2016]

5.12.8 Military Leave – Military leave is available to all eligible employees in accordance with state and federal law.

[Approved: August 18, 2016]

5.12.9 Court Leave – Permanent and full-time employees are entitled to regular compensation while performing jury duty (ALA. CODE §12-16-8) or when the employee is summoned for school-related purposes under subpoena or other legal requirement to testify at trial in a court of law or in an administrative proceedings constituted under the statutory authority of the agency conducting the proceedings. Paid leave is not authorized for employees to meet with attorneys, to attend depositions, or to otherwise prepare for legal proceedings unless the presence of the employee is requested or required by the Board.

[Approved: August 18, 2016]

5.12.10 Medical Leave – Notwithstanding the type of leave utilized, employees who know in advance that they will be absent from work for medical purposes for ten (10) or more days must provide written notification to the Superintendent and the leave must be approved by the Board.

Unless such notice is impossible or impractical, medical leave requests should be submitted 1) at least sixty (60) days in advance for leave great than thirty (30) days; or 2) at least thirty (30) days in advance for leave of less than thirty (30) days. If circumstances make advance notice impossible or impractical, employees must notify the Board of their absence as early as possible.

Nothing herein should be construed to allow employees to take a sabbatical.

[Approved: August 18, 2016]

5.12.11 Unpaid Medical Leave – Upon written application supported by medical certification issued by the appropriate health care provider, an unpaid medical leave of absence may be granted to an employee that has exhausted all of the leave otherwise provided to them by Board policy. The leave must be approved by the Board and may be granted for up to one year. Additional leave of one year may be granted upon written application approved by the Board. Except as provided to the contrary by applicable law, the employee shall not be entitled to return to the same position held before the commencement of leave, and may be assigned to a different work location or position upon return from leave at the discretion of the Board. The Board reserves the right to require an employee who has taken unpaid medical leave to provide the Board with a healthcare provider's certification in order to return to work.

[Approved: August 18, 2016]

5.13 *Family and Medical Leave Act (FMLA)*

5.13.1 Eligible Employees – The FMLA is applicable to all persons who have been employed for at least twelve (12) months and have worked a minimum of 1,250 hours during that twelve (12) month period. Immediate prior service in a public Alabama school system will be honored for FMLA hours in accordance with PEEHIP guidelines.

[Approved: August 18, 2016]

5.13.2 Notice – Employees seeking leave under the FMLA must provide thirty (30) days advance notice of the need to take leave when the need is foreseeable. When the need for leave is unforeseeable, employees should notify their supervisors as soon as possible. Employees must also provide notice of the need for qualifying exigency leave as soon as practicable.

[Approved: August 18, 2016]

5.13.3 Medical Leave Provided by the Act – Under the FMLA, eligible employees are entitled to twelve (12) weeks of unpaid leave during any twelve (12) month period for one or more of the following reasons:

- a. The birth and first year care of a newborn child;
- b. The placement of a foster child or adoption;
- c. The care of an immediate family member, defined as a spouse, child or parent, with a serious health condition;
- d. The taking of medical leave because of the employee’s own serious health condition.

For the birth, adoption, or foster placement of a child, the entitlement to leave for child care expires at the end of the twelve (12) month period beginning on the date of birth, adoption, or placement. Leave associated with the illness of a child will only be provided if the child is under eighteen (18) years of age or is incapable of self care due to physical or mental disability.

[Approved: August 18, 2016]

5.13.4 Serious Health Conditions – The term “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves the following:

- a. Any period of incapacity in connection with or following inpatient care in a hospital, hospice, or residential medical care facility.
- b. Continuing treatment by a health-care provider, to include any period of incapacity due to:

1. A health condition, including treatment and recovery, lasting more than three (3) consecutive days, and any subsequent treatment or period of incapacity relating to the same condition;
2. Pregnancy or prenatal care;
3. A chronic, serious health condition which continues over an extended period of time, requires periodic visits to a health care provider, and may involve episodes of incapacity (e.g., asthma and diabetes);
4. A permanent or long-term condition for which treatment may not be effective (e.g. Alzheimer's, severe stroke) and for which supervision of a health-care provider is required;
5. Multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three (3) days if not treated.

[Approved: August 18, 2016]

5.13.5 Military Family Leave Provided by the Act

- a. *Qualifying Exigency Leave* – Under the FMLA, an eligible employee with a spouse, child, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may utilize the twelve (12) week medical leave entitlement to address qualifying exigencies resulting from that service.
- b. *Military Caregiver Leave* – An eligible employee, who is the spouse, child, parent, or next of kin of a covered service member, is entitled to take up to twenty-six (26) weeks (including any medical leave provided by the Act) of unpaid leave during any twelve (12) month period (beginning the first day of the leave) to care for an individual covered service member with a serious injury or illness incurred in the line of duty while on active duty that may render the service member medically unfit to perform the duties of the member's office, grade, rank, or rating. A covered service member is a member of the Armed Forces, including the National Guard and 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 incurred in the line of duty on active duty.

[Approved: August 18, 2016]

5.13.6 Spouse Employed by the Board – Spouses who are both employed by the Board are limited to a combined total of twelve (12) weeks of family leave for the birth and care of a newborn child, for the placement of a child for adoption or foster

care, for the care of a parent who has a serious health condition, and for qualifying exigency leave. Spouses who are both employed by the Board are limited to a combined total of twenty-six (26) weeks for military caregiver leave.

[Approved: August 18, 2016]

- 5.13.7 Intermittent Leave – An employee may take leave intermittently or on a reduced leave schedule only when medically necessary to care for a spouse, parent, or child or to receive planned medical treatment. Intermittent leave should be scheduled to the extent practicable so as not to unduly disrupt the operations of the Board. Intermittent leave may be further limited for teachers in accordance with federal law.

[Approved: August 18, 2016]

- 5.13.8 Use of Vacation and Sick Leave – If an employee has available sick leave, vacation leave or other applicable paid leave, the employee must utilize those forms of leave before taking unpaid leave under the FMLA. In that instance, the paid leave and the FMLA leave will run concurrently and the employee's twelve (12) weeks of unpaid FMLA leave will be reduced by the paid leave utilized, as long as the need for such leave results from one or more of the qualifying reasons under the FMLA.

[Approved: August 18, 2016]

- 5.13.9 Certification for Medical or Military Caregiver Leave – Every request for FMLA leave based upon the serious health condition of the employee or employee's spouse, children, or parents, or leave as a military caregiver must be supported by medical certification issued by the appropriate health care provider on forms provided by the Board.

For leave based on a serious health condition of the employee or employee's spouse, child, or parent, the Board reserves the right to obtain a second opinion from an independent health-care provider designated by the Board. If the opinion received by the employee and the second opinion conflict, the Board and the employee must agree on a third provider to issue a binding opinion. Both the second and third opinions (if necessary) will be at the expense of the Board.

[Approved: August 18, 2016]

- 5.13.10 Certification for Qualifying Exigency Leave – Certification will be required by the Board for requests for qualifying exigency leave. Certification must be timely submitted on forms available from the Board. For the first such request, certification may include a copy of the military service member's duty orders or other military documentation.

[Approved: August 18, 2016]

- 5.13.11 Return to Work – The Board may require an employee who has taken leave due to the employee's own serious medical condition to provide the Board with a

healthcare provider's certification in order to return to work. Any employee who takes leave under these provisions will be entitled to be restored to the original position held when the leave commenced or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

[Approved: August 18, 2016]

- 5.13.12 Maintenance of Benefits – Benefits accrued by the employee before leave is taken are not lost when approved FMLA leave is taken. Employees who are on approved FMLA leave will remain eligible to participate in benefit programs in which the employee was enrolled at the time of the leave, provided that the employee will continue to be responsible for payment of employee's portion of any cost, premium, or like payment that is required to maintain eligibility for the coverage or benefit. An employee that does not return to work after FMLA leave, will be required to reimburse the Board for the cost of benefits coverage extended to the employee during the leave, unless the reason for the employee's failure to return to work is (i) a continuing serious health condition suffered by either the employee or a family member, or (ii) other circumstances beyond the employee's control.

[Approved: August 18, 2016]

- 5.13.13 Instructional Employees – Medical leave taken by eligible instructional employees is subject to further limitations and provisions established by the FMLA. The Superintendent or his designee is authorized to develop additional information and guidelines concerning Instructional Employees.

[Approved: August 18, 2016]

5.14 *Sick Leave Bank*

The Board shall administer the sick leave bank in accordance with the provisions of Alabama law. The Sick Leave Bank Committee will be established to write rules and regulations for the respective sick leave bank, in conformity with state law and board policies. Each committee member will be appointed/elected in accordance with the provisions of Alabama law.

[Reference: ALA. CODE §16-22-9 (1975)] [Approved: August 18, 2016]

5.15 *Administrative Leave*

The Superintendent is authorized to place an employee on administrative leave upon a determination that the best interests of the school system would be served by such action. Administrative leave relieves the employee of regular work responsibilities pending resolution of the matters or circumstances that gave rise to the leave. Administrative leave is not disciplinary in nature or purpose and does not affect the employee's compensation, benefits, tenure, or nonprobationary status. Administrative leave may be accompanied by such additional restrictions or conditions as may reasonably be imposed by the Superintendent under the circumstances (e.g., limitation on access to school

property). The status of employees who are on administrative leave will be reviewed and reported to the Board periodically or as otherwise may be directed by the Board.

[Approved: August 18, 2016]

5.16 *Equal Employment Opportunity*

5.16.1 Unlawful Discrimination Prohibited – The Board is an equal opportunity employer. Personnel actions and decisions will be made without regard to factors or considerations prohibited by federal or state law (as such laws may from time to time be amended), including but not limited to race, gender, age, disability, national origin, citizenship, and religious preference.

[Approved: August 18, 2016]

5.16.2 Implementing Regulations Authorized – The Superintendent is authorized and directed to implement such rules, regulations, procedures, and directives as necessary and appropriate to implement and enforce this policy and any law prohibiting discrimination in the workplace, including the designation of one or more complaint/grievance investigators, officials, or coordinators, the development of complaint or grievance procedures for responding to allegations of unlawful discrimination, the provision of training or dissemination of instructional materials and advisories to appropriate staff members, and the administration of corrective or remedial action in response to violations of the law and of this policy.

[Approved: August 18, 2016]

5.17 *Harassment/Bullying, Violence, Threats of Violence, Intimidation, Discrimination and Sexual Harassment of Employees*

The Trussville City School District is committed to providing all employees with a safe and supportive school environment in which all members of the school community are treated with respect. Teachers and other staff members are expected to teach and demonstrate by example that all members of the community are entitled to respect.

It is hereby the policy of the Trussville City School District to prohibit discrimination and harassment of its employees based on real or perceived race, color, religion (creed), national origin, marital status, sex, sexual orientation, gender identity and expression, disability, or on the basis of association with others identified by these categories and to prohibit sexual harassment.

This policy is intended to comply with Alabama as well as federal requirements. The School District shall act to investigate all complaints of harassment, formal or informal, verbal or written, and to discipline or take other appropriate action against any member of the school community who is found to have violated this policy.

[Approved: August 18, 2016] [Amended: April 22, 2019]

5.17.1 Definitions –

- a. *Adverse Action:* Includes any form of intimidation, reprisal or harassment such as diminishment of grades, suspension, expulsion, change in educational conditions, loss of privileges or benefits, or other unwarranted disciplinary action in the case of students and includes any form of intimidation, reprisal, or harassment such as suspension, termination, change in working conditions, loss of privileges or benefits, or other disciplinary action in the case of employees.
- b. *Employee:* For purposes of this policy, an employee includes any person employed by Trussville City Schools.
- c. *Gender Identity and Expression:* For purposes of this policy, gender identity or expression means having or being perceived as having gender-related characteristics, appearance, mannerisms, or identity, whether or not stereotypically associated with one's assigned sex at birth.
- d. *Harassment/Bullying:* Harassment means a continuous pattern of intentional behavior that takes place on school property, a school bus, or at a school-sponsored function including but not limited to written, electronic, verbal, or physical acts that are reasonably perceived as motivated by any characteristic of an employee, or by the association of an employee with an individual who has a particular characteristic, if the characteristic falls into one of the categories of personal characteristics set forth in this policy. Characteristics may include the employee's real or perceived race, religion (creed), color, national origin, marital status, gender, sexual orientation, gender identity and expression, disability, or on the basis of association with others identified by these categories. To constitute harassment, a pattern of behavior may accomplish any of the following:
 - 1) Interfere substantially or will interfere substantially with an employee's benefits, opportunities, or performance; or an employee physical or psychological well-being;
 - 2) Create an intimidating or hostile environment in the school, on school property, on a school bus, or at a school-sponsored function;
 - 3) Place an employee in reasonable fear of harm to his or her person or damage to his or her property;
 - 4) Disrupt or interfere substantially with the orderly operation of the school;

- 5) Demonstrate behaviors sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening or abusive working environment for the employee.
- e. Hostile environment:* Means the perception by an affected employee that the conduct of another employee constitutes a threat of violence or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person, under the circumstances, would agree that the conduct constitutes bullying, threat of assault, or assault.
- f. Intimidation:* As used in this policy, intimidation means a threat or other action intended to cause fear or apprehension in an employee, especially for the purpose of coercing or deterring the individual from participating in or taking advantage of benefit, activity, or opportunity for which the employee is or would be eligible.
- g. Retaliation:* An adverse action taken against a person for reporting a complaint of harassment, violence, threat of violence, or intimidation when the complainant honestly believes the act has occurred or is occurring, or for participating on or cooperating with an investigation.
- h. School Community:* Include but is not limited to all students, school employees, contractors, unpaid volunteers, work study students, interns, student teachers, and visitors.
- i. Sexual Harassment:* Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature when:
- 1) Submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of employment or other employment benefits provided by the Board;
 - 2) Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual's employment, or other benefits provided by the Board; or
 - 3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- j. Threat:* means a statement of an intention to inflict pain, injury, damage, or other hostile action to cause fear of harm. The intention may be communicated through an electronic, written, verbal, or physical act to cause fear, mental distress, or interference in the school environment. The intention may be expressly stated or implied and the person communicating the threat has the ability to carry out the threat.
- k. Threat of Violence:* means an unjustified expression of intention to inflict injury or damage that is made by a student and directed to an employee.

1. *Violence*: means the unjustified infliction of physical force with the intent to cause injury to another person or damage to the property of the person or the school system.

[Approved: August 18, 2016] [Amended: April 22, 2019]

5.17.2 Procedures for Reporting and Handling Complaints of Harassment of Employees

a. Reporting

- 1) Employee Victims: Any employee with reason to believe that he or she has been or is being subjected to any form of sexual harassment should report the matter immediately to the district equity coordinator.

However, an employee may choose to submit a sexual harassment complaint to a supervisor for investigation and resolution at the departmental or local level without resorting to formal complaint procedures. If the supervisor is the subject of the complaint, the complaint may be submitted to the district equity coordinator for informal resolution. If the complaint is not resolved informally to

the satisfaction of the complaining employee, the employee must contact the district equity coordinator to initiate formal complaint procedures.

Under no circumstances will an employee be required to present the complaint to the person who is the subject of the complaint. If the employee's complaint concerns the district equity coordinator, the complaint should be made directory to the Superintendent.

- 2) Privacy: Complaints will be kept confidential to the extent possible given the need to investigate and act on investigative results.

b. Response

- 1) School District Equity Coordinator(s). The superintendent shall designate at least one individual within the school district/supervisory union as the school district equity coordinator to receive reports of violations of this policy. If the report involves the school district equity coordinator, the reporter shall refer the complaint directly to the superintendent. The school district shall prominently post the name, mailing address, and telephone number of its equity coordinator (s).

c. Investigation

- 1) Who. The school district equity coordinator, or other special investigator appointed by the superintendent shall conduct an investigation upon receipt of a report or complaint alleging employee harassment.
- 2) How. The investigator shall interview individuals involved and any other persons who may have knowledge of the circumstances giving rise to the complaint and may use other methods and documentation. In determining whether the alleged conduct constitutes a violation of this policy, the investigator shall consider, among other things: the nature of the behavior; how often the conduct occurred; whether there were past incidents or past continuing patterns of behavior; and the relationship of the parties involved.
- 3) When. The investigator shall complete the investigation as soon as practicable, but in no event later than fourteen (14) calendar days following receipt of the complaint.
- 4) Result. Upon completion of the investigation, the investigator shall decide if a violation of this policy has occurred and report that decision, along with the evidence supporting it, to the superintendent or, if the complaint involves the superintendent, directly to the school board, for appropriate action in accordance with school district disciplinary policy.

d. *School District Action*

The district shall take disciplinary or remedial action as appropriate in order to ensure that further harassment does not occur. Such action may include, but is not limited to: counseling, awareness training, parent-teacher conferences, warning, transfer, suspension and/or expulsion of a student, and counseling, awareness training, transfer, suspension and/or termination of an employee.

School District action taken for violation of this policy will be consistent with the requirements of applicable Alabama and federal law, and Trussville City School District policies.

e. *Appeal*

A person judged to be in violation of this policy and subjected to action under it may appeal the determination and/or the action taken as follows:

- 1) Student. If the person filing the appeal is a student, the appeal shall proceed in accordance with School District policy governing discipline of students and with legal due process requirements.

- 2) Employee. If the person filing the appeal is an employee, the appeal shall proceed in accordance with School District policy governing employee discipline, including, if applicable, grievance procedures under any applicable collective bargaining agreement, and with legal due process requirements.

f. *Retaliation*

Any individual who retaliates against any employee or student who reports, testifies, assists, or participates in an investigation or hearing relating to a harassment complaint will be subject to appropriate action and/or discipline by the School District. Retaliation for reporting harassment or cooperating in an investigation of harassment is unlawful under state law.

g. *Record Keeping and Notification*

- 1) Record Keeping. The superintendent shall assure that a record of any complaint and investigation of harassment as well as the disposition of the complaint and any disciplinary or remedial action taken is maintained by the School District in a confidential file.
- 2) Notification. The superintendent shall assure that the complainant is notified whether allegations of harassment were found to be valid, whether a violation of the policy occurred, and whether action was taken as a result.

h. *Notice*

The superintendent shall use all reasonable means to inform students, employees, and parents or guardians that the district will not tolerate harassment. Copies of the policy and procedures shall appear in the student and employee handbooks (or other similar publications) as well as publications distributed to parents and community members and shall be posted prominently in each school.

i. *Training*

The superintendent shall develop age appropriate methods of discussing the meaning and substance of this policy with staff and students in order to help prevent harassment.

In addition to informing staff and students about the policy, these programs, implemented within the context of professional development and school curriculum, must also raise awareness about the different types

of harassment; how the harassment manifests itself, and the devastating emotion and educational consequences of harassment.

[Approved: August 18, 2016] [April 22, 2019]

5.18 *Reduction-In-Force*

5.18.1 Definition and Scope –

- a. This policy applies to reductions-in-force that are implemented by “layoffs” as contemplated by Ala. Code §16-1-33 (1975).
- b. A reduction-in-force may be declared by the Board of Education and layoffs approved thereunder if the Board determines that decreased student enrollment or a shortage of revenues requires a reduction in the work force (beyond normal attrition) in order to maintain effective provision of educational services or to meet the Board’s financial, legal, or operational obligations.
- c. A “layoff” within the meaning of this policy is a separation from employment with the Board of Education. However, employees who are laid off under authority of this policy are eligible for recall to employment as conditionally provided in this policy. The term “layoff” does not include or apply to the expiration of temporary, occasional, or “at-will” appointments or to decisions not to renew or extend employment beyond the expiration of annual or other specified terms of appointment.

[Approved: August 18, 2016]

5.18.2 Criteria for Implementing Layoffs.

- a. The order, priority, rank, or selection of individual employees who are to be laid off under authority of this policy shall be determined on the basis of objective criteria. However, nothing herein shall be deemed or construed to limit or abridge the Board’s legislative discretion to identify areas, departments, groupings, or classifications for reductions (layoffs). (For example, the Board is not required to justify by objective criteria or otherwise a decision to implement layoffs in noninstructional categories or employees before doing so with instructional staff).
- b. The criterion or criteria on which the layoffs are to be based shall be announced or otherwise made known by the Board to employees affected by the layoff no later than the date notice of the layoff is provided to the employees.

- c. “Objective criteria” within the meaning of this policy may include any lawful selection standard (or combination of standards) that is verifiable, calculable, measurable, or otherwise determinable by means or methods other than the personal or subjective judgments or opinions of the person(s) applying the criteria, and that would be expected to produce the same result if applied to the same employees or group of employees by different persons. For purposes of this policy, objective criteria may include, but are not limited to:
- Seniority, longevity, or time in service that will be more specifically described in the notice of layoff that is provided to affected employees
 - Years of experience
 - Degrees, certification, or licensure
 - Job classification
 - Written or otherwise documented performance evaluations that can be fairly, accurately, and objectively compared to other similarly situated employees for the purpose of ordering or ranking, provided that such evaluations predate the RIF announcement or declaration by not less than thirty days

[Approved: August 18, 2016]

5.18.3 Recall. Employees who have been laid off under the terms of this policy will be given priority in filling positions as enrollment or financial circumstances warrant, provided that:

- d. The nature of the position and qualifications therefore have not materially changed;
- e. The laid-off employee remains properly qualified, licensed, or certified; and
- f. The laid-off employee confirms in writing his or her availability for and interest in re-employment to the Board’s Director of Human Resources in accordance with any directives that may be contained in or transmitted in conjunction with the notice of layoff.

Circumstances permitting, and to the extent practicable, the selection of employees for recall will be based on the criteria that were applied to the layoffs themselves if there are more employees eligible for recall than positions available to fill. When layoffs occur over a period of time, the Board will take relative length of separation from service into consideration in assigning recall priority, other factors being equal. In no case will any right to be recalled to employment

extend beyond one year from the effective date of the employee's layoff. Recalled employees will retain credit for the tenure, years of service, and the pay and benefit status they held on the effective date of their layoff. No pay, benefits, status, or additional rights will accrue or be credited to the recalled employee for the time he or she has been laid off.

[Approved: August 18, 2016]

5.18.4 Notice. Notification of layoff and recall shall be by United States certified or registered mail, hand delivery, or such other means as are reasonable under the circumstances. Upon receipt of notification of recall, a laid-off employee shall respond affirmatively to the notice of recall in accordance with such specific directions or instructions as may be contained therein. Any laid-off employee who does not so respond or who otherwise declines an offer of reemployment by the Board will be deemed to have waived any right to be recalled under the terms of this policy.

[Reference: Ala. Code §16-1-33 (1975)] [Approved: August 18, 2016]

5.19 *Unauthorized Payments*

5.19.1 Notification to the Employee – Upon discovery of any unauthorized or erroneous payment or disbursement of funds to an employee, the Board will attempt in good faith to notify the employee of such unauthorized payment and to reach agreement with the employee, if possible, regarding the amount and terms of repayment.

If an agreement cannot be reached, official notification to the employee of the unauthorized payment will consist of a letter mailed or delivered to the employee's last known address. The notice will specify the amount owed, the method by which the amount was calculated, a proposed schedule of repayment, an opportunity for the employee to review or examine any documents or other evidence supporting the claimed overpayment, and an opportunity for the employee to object in person or in writing to the amount or manner of the proposed withholding to provide an alternative plan of repayment. Unless the Board's ability to recover funds in question could be jeopardized by doing so, the Board will arrange a reasonable schedule of repayment so as to avoid undue hardship to the employee.

[Approved: August 18, 2016]

5.19.2 Retention and Recovery Authorized – If no objection to the proposed withholding is received within a reasonable time (to be specified in the notification letter), monies may be retained in the manner and to the extent described in the notification. If the employee objects to the proposed withholding, the Superintendent or his designee may, upon consideration of the objection and information and argument (if any) submitted in connection therewith, take such action as may be warranted under the circumstances and inform the employee in writing of the decision. If the employee is dissatisfied, he may contest the decision through the Board's complaint procedure. Monies may be withheld by

the Board pending completion of the grievance process, provided that, should the Board later pay over to the employee monies that have been retained under authority of this policy, such payment(s) will reflect all appropriate deductions and will include accrued interest from the date of withholding at the rate specified by the then-effective rate applicable to interest on unpaid judgments under Alabama law. If, after exhausting reasonable efforts to do so, the Board is unable to contact the employee in the first instance, the Board may retain or withhold from compensation or other payments due the employee an amount sufficient to satisfy the indebtedness; provided that any such retention or withholding will be subject to review and reconsideration at the request of the employee.

[Approved: August 18, 2016]

5.19.3 Repayment Required as a Condition of Reemployment – The Board reserves the right to require repayment of any outstanding indebtedness as a condition to reemployment of any former employee.

[Approved: August 18, 2016]

5.19.4 Procedures Not Exclusive – The provisions, procedures, and method of review specified herein are in addition to those that are otherwise available to the parties under law for the retention or recovery of funds, and for administrative or judicial review thereof.

[Approved: August 18, 2016]

5.20 *Illegal Drugs and Alcohol*

5.20.1 Illegal Drugs and Alcohol Prohibited – The use of alcohol and the unlawful manufacture, distribution, dispensation, possession, or use of drugs is prohibited. Any employee violating this policy will be subject to disciplinary actions, up to and including termination of employment and referral to the appropriate law enforcement authorities.

[Approved: August 18, 2016]

5.20.2 Drug Testing Authorized – The Board reserves the right to require that sobriety or drug tests or screenings be performed whenever there is reasonable suspicion that an employee has used alcohol, illegal drugs, or other substances in violation of the Board’s substance abuse policies based on specific, contemporaneous, and articulable observations concerning the appearance, behavior, speech, or bodily odors of the employee.

Any employee that remains employed by the Board, following a determination that the employee requires assistance in resolving problems associated with alcohol misuse or the use of controlled substances, may be subject to

unannounced follow-up alcohol or controlled substance testing and referrals to an outside agency.

All testing or screening provided for in this policy will be performed in accordance with local, state, and federal laws and the program for testing for the presence of alcohol and controlled substances established by the Superintendent.

[Approved: August 18, 2016]

5.21 *Drug and Alcohol Testing of Safety Sensitive Employees*

5.21.1 Scope – The Board will conduct employee drug and alcohol testing for employees in safety sensitive positions as required by and in accordance with federal law. Testing will be required for all employees holding a commercial drivers’ license (CDL) or who occupy a safety sensitive position as designated by the Board (“covered employees”).

[Approved: August 18, 2016]

5.21.2 Prohibited Alcohol and Controlled Substance-Related Conduct – In addition to activities identified in other policies, rules, and procedures, Board employees are prohibited from the following:

- a. Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration in excess of the standard set by the Federal Highway Administration (FHWA);
- b. Being on duty or operating a vehicle while possessing alcohol
- c. Consuming alcohol while performing safety-sensitive functions;
- d. Consuming alcohol within eight hours following an accident for which a post-accident alcohol test is required, or prior to undergoing a post-accident alcohol test, whichever comes first;
- e. Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion, or follow-up testing requirements;
- f. Consuming alcohol or being under the influence of alcohol within four (4) hours of going on duty, operating, or having physical control of a vehicle;
- g. Reporting for duty or remaining on duty when using any controlled substance, except when instructed by a physician who has advised the driver and the Board that the substance does not adversely impact the performance of any safety-sensitive duty;
- h. Reporting for duty, remaining on duty, or performing safety sensitive functions with controlled substances in the employee’s system.

In the event of a violation of this policy, the employee shall be removed immediately from safety-sensitive duties and shall be subject to such further actions, including disciplinary action up to and including termination, as deemed appropriate by the Superintendent and the Board.

[Approved: August 18, 2016]

5.21.3 Testing Program Authorized – The Superintendent is directed to establish a testing program whereby all covered employees will be tested for the presence of alcohol and controlled substances. The following tests may be conducted:

- a. *Pre-employment Testing* – Prior to the first time a covered employee performs a safety-sensitive function for the Board, the employee must undergo testing for alcohol and controlled substances.
- b. *Post-accident Testing – Post-accident Testing* – Each surviving driver who is involved in an accident involving a school bus shall submit to testing as soon as practicable following such accident if such driver:
 1. Was performing a safety-sensitive function with respect to such vehicle and the accident involved the loss of human life, or
 2. Such driver receives a citation within eight (8) hours of the occurrence under state or local law for a moving traffic violation arising from the accident and the accident involved either:
 - (i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, or
 - (ii) One or more motor vehicles incurs disabling damage requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Each such driver shall remain readily available for such testing and if he does not remain so readily available, may be deemed to have refused to submit to testing. Transportation supervisors shall provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating the school bus, so that drivers will be able to comply with the requirements of this policy.

The tests required by this subsection shall be administered as soon as practicable following the accident. If the alcohol test is not administered within two hours following the accident, the supervisor will prepare and maintain a record stating the reasons. If the alcohol test is not administered within eight hours, and the controlled substances test within 32 hours, the same record shall be made and further efforts to administer such tests shall cease.

- c. *Random Testing* – The Board will conduct unannounced random alcohol and controlled substance testing of its covered employees.
- d. *Reasonable Suspicion Testing* – A covered employee must submit to alcohol or controlled substance testing whenever there is reasonable suspicion of alcohol misuse or the use of controlled substances based on specific, contemporaneous, and articulable observations concerning the appearance, behavior, speech, or bodily odors of the employee.
- e. *Return-to-Duty Testing* – A covered employee must submit to return-to-work alcohol and/or controlled substance test before being permitted to return to work following a positive alcohol or controlled substance test or other violation of this policy or federal regulations.
- f. *Follow-up Testing* – Any employee who continues performing safety-sensitive functions for the Board, following a determination that the employee requires assistance in resolving problems associated with alcohol misuse or the use of controlled substances, shall be subject to unannounced follow-up alcohol or controlled substance testing and/or referrals to an outside agency.

[Approved: August 18, 2016]

5.21.4 Administration of Program – The Superintendent is authorized to oversee the Board’s testing program, to contract with appropriate providers to implement the program, to develop guidelines, rules and regulations, to implement training programs, to develop and distribute educational materials and appropriate notices to covered employees, and to take such further action as may be required by federal law.

[Reference: Omnibus Transportation Employee Testing Act of 1991] [Approved: August 18, 2016]

5.22 Searches (Personnel)

- i. *Board Property* – All school system property, facilities, and grounds may be entered, inspected, and searched for any lawful purpose by Board officials or their designees at any time, without prior notice and to the fullest extent permitted by law. The right to enter, inspect, and search includes and extends to (but is not limited to) Board owned or controlled offices, desks, file cabinets, lockers, storage areas, computers, files, documents, data, and devices however and wherever kept, stored, or maintained.
- j. *Employee Property* – The Board reserves the right to inspect employees’ vehicles, purses, files, and other personal property if a supervisor forms a reasonable individualized suspicion that the property contains evidence of a violation of Board policy or contains any material, object, or substance that otherwise creates or presents a risk of harm or injury to the school, the workplace, or persons therein.

- k. *Use of Recovered Items* – Property, material, substances, information, or records that are obtained, discovered, or recovered as a result of a search may be retained and used for any lawful purpose.

[Approved: August 18, 2016]