CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP

No District officer or employee shall have or hold any employment or contractual relationship with any business entity or any agency which is conducting business with the officer or employee's school or work location.

No District officer or employee shall engage have or hold any employment or contractual relationship or have any interest, direct or indirect: 1) that results in any conflict between his/her private interests and the performance of his/her duties; 2) that results in a benefit to any other organization or agency apart from or over the interests of the District; 3) in which he/she acts, or has cause to act, in a manner adverse to the interests of the District; or 4) that impedes the full and faithful or proper discharge of his/her duties.

District officers and employees have a duty to disclose any employment or contractual relationship that represents a conflict of interest, as described above, in accordance with applicable District policies and administrative guidelines.

Approved: 00/00/00
Revised & Adopted: 00/00/00
Reviewed: 00/00/00
Revised & Adopted: 00/00/00
CRIMINAL HISTORY RECORD CHECK

Before the District hires any employee (full or part-time) or allows any individual under contract to continuously and regularly work in the schools, a criminal history records check shall be conducted in accordance with State law.

"Under contract" shall apply to all individuals, as well as owners and employees of entities, who contract directly with the District or with a third party vendor, management company, or similar contracting entity.

Prior to allowing an individual, who is subject to the criminal history record check requirement, to work in the District, the District shall submit a fingerprint-based check on the individual, using Michigan State Police (MSP) Form RI-030 (7/2012), regardless of whether the individual will work directly for the District or be contracted through a third-party vendor, management company or similar contracting entity ("Private Contractors"). Except as provided below, the report from the MSP must be received, reviewed and approved by the District prior to the individual commencing work.

Private Contractors cannot receive or retain criminal history record information ("CHRI"). Information Technology contractors and vendors may be granted access to CHRI subject to successful completion of fingerprint-based records criminal history records check. In cases where the District contracts with a Private Contractor for the services of an individual, the District will notify the Private Contractor(s), after review of the MSP report, whether the individual has been approved to work within the District. The District may not give any details, including the fact that a criminal history check was run. Notice for approval to work in the District should use the Affidavit of Assignment or similar "red light/green light" procedure.
Should it be necessary to employ a person or contract for a person to maintain continuity of the program prior to receipt of the criminal history report, the Superintendent may contract on a provisional basis until the report is received. Any such provisional hire requires that:

A. the record check has been requested;

B. the applicant has signed a disclosure of all convictions and acknowledges that employment may be terminated if there are discrepancies; and

C. the hiring occurs during the school year or not more than thirty (30) days before the beginning of the school year.

For substitute teachers or substitute bus drivers, or for an individual who regularly and continuously is currently working or under contract in another district, public school academy or non-public school in the State, the Superintendent may use a report received from the State Police by such school to confirm the individual has no criminal history. Absent such confirmation, a criminal history record check shall be performed.

Individuals working in multiple districts may authorize the release of a prior criminal history records check with another district in lieu of an additional check for either direct employment or working regularly and consistently under contract in the schools.

Individuals who previously received a statutorily required criminal background check and who have been continuously employed by a school district, intermediate school district, public school academy or non-public school within the State, with no separation, may have their previous record check sent to the District in lieu of submitting to a new criminal background check. If this method is used, the Superintendent must confirm that the record belongs to that individual and whether there have been any additional convictions by processing the individual’s name, sex and date of birth through the Internet Criminal History Access Tool (ICHAT).

"No separation," for purposes of the preceding paragraph, means a lay off or leave of absence of less than twelve (12) months with the same employer; or the employee transfers without a break in service to another school district, intermediate school district, public school academy or non-public school within the State.
The District shall implement administrative guidelines for the review of criminal history reports, including the results of fingerprint-based checks and physical records, from all external entities.

All criminal history record check reports received from the State Police or produced by the State Police and received by the District from another proper source, will be maintained in the individual's confidential file.

When the District receives a report that shows an individual has been convicted of a listed offense under State statutes or any felony, the Superintendent and his/her designee shall take steps to verify that information using public records, in accordance with the procedures provided by the State Department of Education.

Verified convictions may result in termination of employment or rejection of an application. The District will not hire or continue to employ any individual, either directly or as a contracted employee to work regularly and continuously in the schools, who has been convicted of a "listed" offense as defined in M.C.L. 28.722. The District will not hire or continue to employ any individual, either directly or as a contracted employee to work regularly and continuously in the schools, who has been convicted of any non-listed felony or misdemeanors, related to child abuse or controlled substances unless both the Superintendent and the Board provide written approval.

The District must report as directed by and to the State Department of Education the verified information regarding conviction for any listed offense or conviction for any felony and the action taken by the District with regard to such conviction. Such report shall be filed within sixty (60) days of receipt of the original report of the conviction.

The Superintendent shall establish the necessary procedures for obtaining from the Criminal Records Division of the State Police any criminal history on the applicant maintained by the State Police. In addition, the Superintendent shall request the State Police to obtain a criminal history records check from the Federal Bureau of Investigation.

An applicant must submit, at no expense to the District, a set of fingerprints, prepared by an entity approved by the Michigan State Police, as part of his/her employment application or as required by State law for continued employment.

Confidentiality
All information and records obtained from such criminal background inquiries and disclosures are to be considered confidential and shall not be released or disseminated to those who have not been given access to CHRI by the Superintendent. Violation of confidentiality is considered a misdemeanor punishable by a fine up to $10,000.

Criminal history reports may be released with the written authorization of the individual.

Records may also be released, in accordance with statute, upon the request of a school district, intermediate school district, public school academy or non-public school when the individual is an applicant for employment at such school and there has been no separation from service, as defined in this policy and by statute.

M.C.L. 380.1230 et. seq., 380.1535, 380.1535a, 380.1809, 28.722, 380.1539b

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CONDITIONS FOR EMPLOYMENT AND REEMPLOYMENT
OF PROFESSIONAL STAFF

Applicants for employment or reemployment must submit an employment application, a copy of the social security card with correct name, and a minimum of three (3) acceptable references. Candidates shall meet the District’s hiring guidelines and employment prerequisites prior to consideration for any vacancy.

False or misleading statements or responses, or omissions made by a person in connection with seeking employment may bar a person from employment with the District or, if discovered after employment, may result in disciplinary action, including termination upon the recommendation of the Superintendent and the approval of the Board. Each case shall be considered on its own merits.

Approved: 00/00/00
Revised & Adopted: 00/00/00
Reviewed: 00/00/00
Revised & Adopted: 00/00/00
EMPLOYEE MISCONDUCT

District employees are required to self-report within forty-eight (48) hours any arrest, arraignment or charge, other than a minor traffic violation, to their supervisor and the Detroit Public Schools Community District Police Department Criminal Convictions, Background and Fingerprinting Unit (DPSCD PD CBFU), and if required by law, to the appropriate state agency. The notice shall not be considered an admission of guilt nor be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory.

Self-reporting shall also be required for any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering a plea of guilty or nolo contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment. When handling sealed and expunged records disclosed under this policy, the District shall comply with all confidentiality provisions.

The Superintendent shall require that all legally sufficient complaints be filed in writing to DPSCD PD CBFU and the District’s Office of Employee Relations. All employees shall promptly report any felonious criminal complaint against any staff member that comes to the employee’s attention that may be grounds for the revocation or suspension of a teaching certificate or employment license. The willful failure by an employee to promptly report a complaint shall subject the employee to discipline as provided by law and policy.

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Revised & Adopted: 00/00/00
Reviewed: 00/00/00
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Revised 5/23/18
FITNESS FOR DUTY

If an instructional staff member is endangering the safety of students and/or is unable to perform essential functions of the position to which the staff member is assigned, with or without reasonable accommodations, the staff member will be offered the opportunity for a meeting to discuss these issues.

The Superintendent and his/her designees may require an instructional staff member to submit to an appropriate examination by a health provider designated by the Superintendent and his/her designee to determine whether or not the staff member is a danger to the safety of students and/or is able to perform essential functions of the position to which the staff member is assigned, with or without reasonable accommodations. The District shall pay any uninsured fees for such examinations.

The staff member shall execute a release that complies with the Health Insurance Portability and Accountability Act (HIPAA) to allow the report of the medical examination to be released to the Board/Superintendent and to allow the Superintendent to speak to the health care provider who conducted the medical examination for clarification. Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for disciplinary action according to the terms of the applicable employee agreement.

Pursuant to State law, the Americans with Disabilities Act and the Genetic Information Nondiscrimination Act (GINA), the results of the examination shall be treated as a confidential medical record and will be exempt from release, except as provided by law.

Upon the recommendation of the Superintendent and approval of the Board, a staff member may be placed on a leave of absence related to fitness for duty. This leave shall be without pay but an employee may use available accrued leave or request leave in accordance with the Family Medical Leave Act (FMLA). Under certain circumstances, the Superintendent may recommend the instructional staff member’s dismissal.

The staff member is entitled to a hearing as provided in law or the applicable collective bargaining agreement.

Revised 5/23/18
Revised 5/23/18
Society has charged public education with trust and responsibility that requires of professional educators the highest ideals and quality service. The Michigan State Board of Education Code of Ethics articulates the ethical standards to which District staff are expected to adhere in their job performance.

All members of the Board, and district employees, regardless of their position, because of their dual roles as public servants and educators are to be bound by Code of Ethics. Adherence to the Code of Ethics shall create an environment of honesty and integrity and aid in achieving these common missions for all District students, to provide a high quality education and to improve their health, safety and wellbeing.

As stated in the Michigan Professional Educator’s Code of Ethics:

Ethical Standards: The following ethical standards address the professional educator’s commitment to the student and the profession.

1. Service toward common good

   Ethical Principle: The professional educator’s primary goal is to support the growth and development of all learners for the purpose of creating and sustaining an informed citizenry in a democratic society.

2. Mutual respect:

   Ethical principle: Professional educators respect the inherent dignity and worth of each individual.

3. Equity

   Ethical principle: Professional educators advocate the practice of equity. The professional educator advocates for equal access to educational opportunities for each individual.
4. Diversity

Ethical principle: Professional educators promote cross-cultural awareness by honoring and valuing individual differences and supporting the strengths of all individuals to ensure that instruction reflects the realities and diversity of the world.

5. Truth and honesty

Ethical principle: Professional educators uphold personal and professional integrity and behave in a trustworthy manner. They adhere to acceptable social practices, current state law, state, and national student assessment guidelines, and exercise sound professional judgment.

Personnel Matters

This Code of Ethics applies to all members of the Board, administrators, teachers, and all other employees regardless of full or part time status. It also applies to all persons who receive any direct economic benefit from the District.

A. Confidentiality.

An educator shall comply with State and Federal laws and regulations, and Board policies relating to the confidentiality of student records. Unethical conduct includes, but is not limited to, sharing of confidential information concerning student academic and disciplinary records, personal confidences, health or medical information, family status and/or income, and assessment/testing results.

B. Enforcement.

Enforcement will be pursuant to State law and to Board policies, which may include penalties for violations of the Code of Ethics that will be imposed pursuant to the applicable State law or Board policy.

C. All District employees will be required to certify that the employee has read, understands, and agrees to abide by this Code of Ethics as well as the state
laws and Board policies and regulations cited in the Code. A failure to sign the
Certificate will not excuse a failure to comply with the Code of Ethics. The
certification shall be submitted according to a process determined by the
Division of Human Resources and Talent. Infractions shall be reported to the

Employees are subject to various other laws, rules, and regulations including but not
limited to this Code of Ethics which should be viewed as additive to these laws, rules
and regulations. To the extent it does not in conflict with any laws, Board policies, or
governmental regulations, this Code of Ethics shall control with regard to conduct. In
the event of any conflict, the law, regulation, or Board policy shall control.
USE OR STORAGE OF PERSONAL PROPERTY

From time-to-time employees may wish to bring personal property to work either for reasons associated with professional or employment responsibilities or for use during off-duty time. This practice is permitted provided it is understood that the District is not responsible or liable for any loss, damage, or misuse of said property.

Except in extraordinary circumstances, the District will provide all employees with the equipment and tools necessary to perform their assigned duties.

The owner of the personal property bears all responsibility and assumes all risk for loss, damage or misuse of personal property while it is on Board property and waives any and all claims for loss or damage against the Board and the District. This provision applies, without limitation, to trespassers, invitees, visitors, and independent contractors.

Under no circumstances shall District employees store, for any period of time, any motor vehicle capable of transporting person(s) or any material(s), floating watercraft or vessels, commercial equipment and heavy machinery on school premises without the express written consent of the Superintendent and his/her designees.

The limitation of liabilities set forth in the previous paragraphs applies to all personal property, regardless of any benefit the District receives from its use or its intended use.

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Revised & Adopted: 00/00/00
Reviewed: 00/00/00
Revised & Adopted: 00/00/00
OUTSIDE EMPLOYMENT

Outside employment is regarded as employment for compensation that is not within the duties and responsibilities of the employee’s regular position with the school system. Employees shall not be prohibited from holding employment outside the District as long as such employment does not result in a conflict of interest nor interfere with assigned school duties as determined by the District.

The Board expects employees to disclose outside employment. The Board expects employees to devote maximum effort to the position in which employed. An employee will not perform any duties related to an outside job during regular working hours or for professional employees during the additional time that the responsibilities of the District’s position require; nor will an employee use any District facilities, equipment or materials in performing outside work.

When the periods of work are such that certain evenings, days or vacation periods are duty free, the employee may use such off-duty time for the purposes of non-school employment.

This policy prohibits outside supplemental employment while on any type of leave.
PERSONNEL FILE

A personnel information system shall be prepared for the retention of appropriate files bearing upon an employee's duties and responsibilities to the District and the District's responsibilities to the employee.

Sufficient records shall exist to ensure an employee's qualifications for the job held, compliance with Federal, State, and local benefit programs, conformance with District policies, and evidence of completed evaluations. The records will be maintained in compliance with the laws of the State of Michigan.

"Personnel file" shall mean all records, information, data, or materials maintained by the District, in any form or retrieval system, with respect to any of its staff, which are uniquely applicable to that employee, whether maintained in one (1) or more locations.

Information relating to the professional role of the employee and submitted by authorized school administrative personnel and the Board may be entered in the official record file. An employee may submit a statement to be included in the file if there is disagreement with information contained within the personnel file. A copy of each entry shall be provided to the employee upon request.

Personnel files shall be maintained, handled and accessible to employees as required by the Bullard-Plawecki Employee Right to Know Act, M.C.L.423.501 et. seq. The employee shall have access to his/her file upon request.

M.C.L. 423.501 et. seq.

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Revised & Adopted: 00/00/00
Reviewed: 00/00/00
Revised & Adopted: 00/00/00

Revised 5/23/18
TERMINATION AND RESIGNATION

TERMINATION

Except as set forth in an applicable negotiated, collectively bargained agreement, an employee may be terminated for reasons that are lawful and not arbitrary or capricious. Terminations may only occur upon a majority vote of the Board. When considering termination the Board shall abide by District policy and administrative guidelines. An employee shall be provided due process.

When the Board approves the termination of an individual from employment, the termination shall apply to all positions that the individual may hold at that time.

No person who has been separated from employment by the Board shall be reemployed in any department on any basis, unless a special request for doing so, is recommended by the Superintendent and approved by the Board.

RESIGNATION

A staff member may resign by submitting a written resignation with the Superintendent, his/her designees, or the employee’s immediate supervisor with a suggested timeframe of thirty (30) days prior to the effective date of the resignation. The District will respectfully request that a written confidential statement of reasoning for resignation, subject to FOIA, be submitted to the Board. A resignation, once accepted by Superintendent and his/her designees, or an employee’s immediate supervisor shall not then be rescinded. The Superintendent may act for the Board in the acceptance of employee resignations.

The Superintendent shall present to the Board a report of monthly personnel transactions providing District terminations and resignations.

M.C.L. 28.722, 38.74, 380.1230 et seq.,

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Revised 5/23/18
policy

BOARD OF EDUCATION
DETOURPUBLIC SCHOOLS COMMUNITY DISTRICT

42 Approved: 00/00/00
43 Revised & Adopted: 00/00/00
44 Reviewed: 00/00/00
45 Revised & Adopted: 00/00/00
WORK PLACE SAFETY

All staff members shall be responsible for maintaining a safe work environment and participating in investigations as necessary. Reasonable action shall be taken to ensure that persons involved in an investigation, or in providing information during an investigation do not suffer any form of retaliation, inclusive of unconsented transfers, because of their good faith participation. Steps to avoid retaliation may include placing a party to the investigation on administrative leave or other reasonable action. Additional steps may be taken to address workplace safety issues. See Policy 1244.

It is the Superintendent and his/her designees intent to create and maintain an environment free from disruptive, threatening, and violent behavior. The Board will not tolerate inappropriate or intimidating behavior within the workplace (see examples below).

PROCEDURE

The Board will respond appropriately to every reported incident of disruptive, threatening, or violent behavior.

A. Definitions:

Examples of inappropriate behavior by staff members include but are not limited to:

1. Behavior that distracts, interferes with, or prevents normal work functions or activities. This behavior includes but is not limited to yelling, using profanity or vulgarity, verbally abusing others; Behavior that includes physical actions short of actual contact/innjury (e.g., moving closer aggressively), oral or written threats to a person or property, whether in person, over the telephone or through other means of communication;

2. Behavior that includes physical assault, with or without weapons behavior that a reasonable person would interpret as being violent, (e.g., throwing things, pounding on a desk or door, or destroying property), and specific threats to inflict physical harm; and
3. Behavior(s), which creates incidents that are stressful or traumatic that interfere with an individual's or group of individual's ability to function in his/her educational or work environment.

B. Reporting:

Employees experiencing workplace safety issues are required to notify, in writing, their immediate supervisor. When appropriate, complaints under this policy may be reported to the local law enforcement agencies, by the Superintendent and his/her designees. All reports or complaints under this policy shall be investigated and include confidentiality where appropriate. Once an investigation is complete, a recommendation on how to handle the complaint shall be submitted to the Superintendent for disposition.

Counseling for staff will be coordinated by the District for both the victim and any others within the District affected by a violent traumatic incident.

C. Protective Orders:

Members of the staff who have obtained a protective order should supply a copy of the order to the Superintendent and his/her designees. Other parties may also be informed when deemed necessary for the safety of the School District personnel.

D. Discipline/Corrective Steps:

Staff who violate this policy may be subject to discipline up to and including discharge.

E. Any retaliation by the District

In accordance with applicable law, the Superintendent and his/her designee shall implement appropriate procedures to implement this policy.

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policy
NURSING MOTHERS

Staff members who breastfeed their children shall be provided additional unpaid break time, as necessary, to express breast milk on District premises.

Prior to returning to work from maternity leave, the employee shall notify her supervisor of her need to express milk during work hours. The employee shall also keep her supervisor informed of these needs throughout the period of lactation.

The building administrator shall designate a mutually agreed upon private area, other than a restroom, where an employee can express breast milk. The designated area shall be a space where intrusion from coworkers, students, and the public can be prevented and an employee using this area can be shielded from view. Employees can reasonably expect that the area have a door with a functional lock or that the room will have a sign advising that it is in use and not accessible to other employees or the public. Other factors to consider in deciding upon an area for nursing mothers are location of space and nearby amenities (such as proximity to employee’s work area, availability of sink for washing, location of refrigerator or storage place for milk (refrigerator or cooler).

An employee can express milk during regularly scheduled break periods. The Principal or employee’s supervisor shall make an accommodation if the time of regular breaks needs to be adjusted or if additional and/or longer breaks are needed. If more breaks are needed or the break(s) need to be longer than legally required, the additional time required shall be unpaid, and the employee’s work schedule or work day shall be modified accordingly. The Principal, or the employee’s supervisor, shall work with the employee to make these necessary modifications.

29 U.S.C. 207
policy

BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT

38
39 Approved: 00/00/00
40 Revised & Adopted: 00/00/00
41 Reviewed: 00/00/00
42 Revised & Adopted: 00/00/00
MILITARY LEAVE

The Board provides military leave, reemployment, and other rights as established by the Federal Uniformed Services Employment and Reemployment Rights Act (USERRA) and State law.

To qualify:

A. the employee (or an appropriate officer in the uniformed service in which the employee’s military service is performed) provided advance written or verbal notice of his/her military duty unless excused;

B. the cumulative length of all periods of military service with the employer do not exceed five (5) years, except as provided under State or Federal statute;

C. the employee timely reports to work after the period of military service ends; and

D. the employee has not separated from service with a disqualifying or other than honorable conditions.

The Superintendent and his/her designees shall post notices of employees’ rights under USERRA at conspicuous locations within the District.

Employees shall contact the U.S. Department of Labor or the Michigan Department of Military and Veteran's Affairs to obtain more information regarding their rights under these statutes.

This policy is intended to comply with and explain the service person’s rights under USERRA and State law. To the extent there is any conflict, the USERRA, State law and applicable regulations shall govern.

38 U.S.C. 4301-4333
M.C.L.A. 32.271 et seq.

Revised 5/23/18
Revised 5/23/18
EMPLOYMENT-RELATED EXPENSES

The Superintendent and his/her designee may provide for the payment of the actual and necessary expenses, including traveling expenses, of any support staff member of the District incurred in the course of performing services for the District, under the direction of the Superintendent and his/her designee in accordance with District administrative guidelines whether within or outside the District.

The Superintendent and his/her designees shall establish administrative guidelines to implement this policy.

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Revised & Adopted: 00/00/00
Reviewed: 00/00/00
Revised & Adopted: 00/00/00
CORPORAL PUNISHMENT AND USE OF REASONABLE FORCE AND RESTRAINT

District employees shall assume full-authority over students under their span of control and maintain order. Under no circumstance shall District employees find it necessary to resort to physical force or violence to compel student obedience and manage disruptive behavior. Instead, district employees shall consider the application of alternative discipline approaches that include, but are not limited to, counseling, student mediation, conflict resolution, parental involvement, alternative education programs, restorative justice, and other forms of positive reinforcement. If all other means fail, professional staff shall consider the administrative removal of disruptive students through detention and indoor/outdoor suspension. By no means, shall corporal punishment ever be exercised to manage disruptive behavior.

Corporal Punishment

While recognizing that students may require disciplinary action in various forms, the Board does not condone, in any form, the use of corporal punishment as an appropriate means to discipline students. Corporal punishment is therefore strictly prohibited.

If any staff member, full-time, part-time, or substitute intentionally inflicts, or causes physical pain to be inflicted by hitting, paddling, spanking, slapping, head-butting, forcing prolonged maintenance of physically-painful positions, or make use of any other kind of physical force as a means of disciplining a student, the professional or support staff member shall be subject to discipline up to and including discharge.

When an employee inflicts unnecessary, unreasonable, irrational, or inappropriate force upon a student, he/she shall also be subject to criminal charges and prosecution.

Revised 5/23/18
Reasonable Force and Restraint

Staff may use or apply incidental, minor, or reasonable physical contact (reasonable physical force) as necessary to maintain order and control in a school or school-related setting for the purpose of providing an environment conducive to safety and learning, under limited circumstances, as described below:

a) if after requesting that the student refrain from further disruptive acts, staff may restrain a student whose behavior is interfering with the orderly exercise and performance of school district functions;

b) for self-defense or defense of another;

c) to quell a disturbance threatening physical injury to others;

d) to obtain possession of weapons or other dangerous objects upon or within the control of the student; or

e) for the protection of property.

The above referenced policy governs the use of reasonable force and restraint. Appropriate District staff and contractors will be trained in accordance with this policy. The Board directs all staff to comply with Michigan law and policy, as well as, District policy related to the use of emergency seclusion and emergency physical restraint as defined and prohibited, as well as, permitted.

M.C.L. 380.1312, 1307-1307h

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Revised & Adopted: 00/00/00
Reviewed: 00/00/00
Revised & Adopted: 00/00/00

Revised 5/23/18
AUTHORIZATION TO ACCEPT AND DISTRIBUTE ELECTRONIC RECORDS AND USE ELECTRONIC SIGNATURES

Unless a provision of law specifically prohibits the use of an electronic record for the specified purpose, the Board of Education authorizes the acceptance and distribution/transmission of electronic records and electronic signatures to and from District staff and other persons, as well as between District staff members. The Board further authorizes District staff to create, generate, send, communicate, receive, store, process, use, and rely upon electronic records and electronic signatures.

The Superintendent is authorized to develop administrative guidelines and procedures concerning the acceptance and distribution/transmission of electronic records and electronic signatures. After giving due consideration to security, risk, and opportunity for fraud, the Superintendent may specify the following:

A. The manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored, and the systems established for those purposes.

B. If electronic records must be signed by electronic means, the type of electronic signature that is required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met by any third party used by a person filing a document to facilitate the process.

C. Control processes and procedures as appropriate to provide for adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records.

D. Any other required attributes for electronic records that are specified for nonelectronic records or reasonably necessary under the circumstances.
The Board of Education affirms the establishment of a full-time program of investigation to provide increased accountability, promote integrity and fiscal responsibility, assist District leadership and management in the establishment and maintenance of internal control processes within District operations, and prevent, detect and deter waste, fraud, abuse, financial mismanagement and misconduct in programs and personnel within the District.

The Office of Inspector General shall function as an independent office of the School Board. This independence is essential to freely and objectively carry out its mission, without impairment or prohibition, in accordance with the professional standards that relate to fields of investigation and auditing in governmental environments.

The head of the office shall be the Inspector General. The Inspector General shall be selected without regard to political affiliation and on the basis of integrity, capability for strong leadership, and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, investigation, law enforcement and/or criminal justice administration, or other closely related fields.

The Inspector General shall serve as a full-time employee of the School District. He\She should hold at appointment, or be required to obtain within a time certain after appointment, certification as a Certified Inspector General.

The Inspector General shall functionally report to the Board, and administratively to the Superintendent for the School District. The Inspector General shall establish the organizational structural appropriate for carrying out the responsibilities and functions of the Office of Inspector General.

Prior to the expiration of his or her contract, the Inspector General may be removed by the Board only for just cause; based upon the following: neglect of duty, malfeasance, abuse of power or authority, discrimination, ethical misconduct, failure to obtain or maintain certification as a Certified Inspector General as provided herein, or other good cause. Any allegations of misconduct involving the Inspector General, other than ethical or criminal, shall be handled by the appropriate internal administrative office of the School District. Other allegations relating to violations of the Code of Conduct and/or other professional standards governing members of the Association of Inspectors General, or criminal misconduct, shall immediately be referred to an external office or law enforcement agency that the Board determines to have authority to investigate such allegations.
To facilitate its functions, the Office of Inspector General is provided immediate, complete and unrestricted access to all employees, contractors, vendors, agents and representatives of the School District; who shall report all instances of suspected waste, fraud, and abuse; and provide testimony and/or requested documents (including automated or electronic data) within their custody, pertaining to the business of the School District, to the Office of Inspector General upon request.

As promulgated by the Association of Inspectors General, the Inspector General shall ensure that investigations are conducted in accordance with the Principles and Standards for Offices of Inspector General (Green Book). Accordingly, the Inspector General shall:

a) Initiate, conduct, supervise, and coordinate investigations resultant of complaints, or upon its own initiative, designed to detect, deter, and prevent fraud, waste, abuse, financial mismanagement, and fiscal misconduct;

b) Maintain a confidential fraud hotline to receive complaints via telephone, email, fax, and internet, regarding suspected waste, fraud and abuse, and circulate and communicate the hotline’s existence and purpose districtwide;

c) Receive and consider complaints, and conduct inquiries, reviews and/or investigations as the Inspector General deems appropriate;

d) Pursuant to State of Michigan’s Whistleblowers’ Protection Act (Act 469 of 1980) and the School District’s policy regarding Whistleblower Protection, receive complaints and ensure protections to employees who report violations or suspected violations in good faith;

e) Conduct investigations and forensic audits free of actual or perceived impairment to the independence of the Inspector General or the Office of Inspector General. This shall include freedom from any interference with investigations and timely access to records, personnel and other sources of information;

f) Refer to the appropriate District administrators and/or offices matters related to employee misconduct that do not involve fraud, waste of District resources, financial mismanagement, or abuse of District assets;
g) Refer substantiated employee wrongdoing (non-criminal) to the District’s Human Resources for administrative discipline;

h) Refer to the appropriate law enforcement agency, where there are reasonable grounds to believe there has been a violation of state, federal or local law;

i) Timely submit Final Investigative Reports to members of the School Board, Superintendent, and other appropriate District administrators with a need to know and who have responsibility for corrective actions recommended by the Office of Inspector General (Investigative reports are not made public);

j) Monitor implementation of recommendations made by the Office;

k) Engage in Fraud prevention activities, training and education;

l) Maintain information regarding monetary benefits to the District as result of investigative activities, including but not limited to: cost avoidance, court ordered restitution, monetary loss prevented, and funds recouped from persons or entities involved in willful misconduct against the School District;

m) Issue an Annual Report summarizing prominent activities and accomplishments of the office during the immediately preceding fiscal year;

n) Attend any public meetings held by the School Board; and

o) Do all things necessary to carry out the functions set forth in this section.

The Inspector General shall immediately report to the Superintendent whenever he/she becomes aware of particularly serious or flagrant abuses, or deficiencies resultant of investigative matters, or matters that may result in media attention.

Inspector General Act of 1978, As Amended

Approved: 00/00/00
Revised & Adopted: 00/00/00
Reviewed: 00/00/00
Revised & Adopted: 00/00/00
EMPLOYMENT OF RETIRED STAFF

The District is under no obligation to employ any retired staff member and further, there shall be no expectation of continued employment or re-employment when a staff member that retires from full-time District employment.

Retired staff formerly employed by the District may be reemployed if they retired in good standing. If the former employee separated from the District in good standing and is eligible for rehire, that employee shall adhere to District application and onboarding procedures and requirements as other applicants.

Staff members employed by the District after retirement will be entitled to a one (1) year limited contract only and his/her contract shall contain a resignation clause effective at the end of the one (1) year period. It is understood that all retire/rehire employment contracts shall expire without further action by the District or notice of contract expiration to the individual employee.

A retired professional or support staff member who may be eligible for rehire must waive his/her eligibility for continuing contract status as a professional or support staff member of the District.

Salary placement shall be at the staff member’s respective degree level (i.e. Bachelor’s, Master’s, etc.), if applicable, and will be at the first salary step for their specific job title as found in the tentative agreement between the Board and the staff member’s labor union. The retired staff member shall not advance on the salary schedule, and only be entitled to wage increases that may be granted to other professional staff members at the first salary step of negotiated wage schedules.
Retired staff hires shall return to employment with no sick leave balance and shall not carry over any sick leave or personal leave days. However, upon reemployment, he/she will be eligible to accumulate sick leave and personal leave time.

The performance review and evaluation of retired staff members shall be the same as other staff members with similar job titles.

Approved: 00/00/00
Revised & Adopted: 00/00/00
Reviewed: 00/00/00
Revised & Adopted: 00/00/00
NEW EMPLOYEE ONBOARDING

The Board is committed to supporting new employees in their successful transition to the District, as well as supporting the District’s need to enable new employees to achieve high levels of performance. A new hire’s successful transition requires an onboarding experience that engages each new employee beginning with the acceptance of a District employment offer, and continuing through the first year of employment.

The Department of Human Resources and Talent shall guide and support District onboarding efforts. This policy and associated training are intended to provide new employees with a comprehensive onboarding experience that reinforces their choice to work for the District and support employees in performing their duties and responsibilities. This policy calls for departments to support an onboarding program that meets the needs of each type of employee.

The ongoing collection and analysis of feedback from new employees about their onboarding experience shall inform and encourage program enhancements and additional training and support resources.

Onboarding Program Development and Training Requirements

The Department of Human Resources and Talent shall develop, implement, monitor and maintain a documented onboarding program for all new employees. Departments shall be provided the flexibility to develop customized onboarding programs to best meet the individual needs of each employee provided the departments’ onboarding programs comply with the onboarding process/programs of the Department of Human Resources and Talent. Each work location shall be required to have all new hires complete the onboarding program. The goal for program completion is thirty (30) days.

Onboarding Program Requirements

At a minimum, each program shall:

A. Reflect a time period that begins with the accepted job offer and spans the first 30 days of employment.
B. Describe each onboarding activity, which type(s) of employees each activity applies to, when the activity should occur, and who is responsible for each activity.

C. Designate an onboarding coordinator from among staff at the program location who shall possess accountability for initiating onboarding activities for each new hire at each work location. If the division/department has multiple functional areas that are delegated to division/department sub-units, an onboarding liaison shall be designated for each division/department sub-unit. The onboarding liaison shall possess the ultimate responsibility for ensuring new hires acquire foundational information needed to succeed and be productive in their new position.

Onboarding Program Feedback

To ensure onboarding programs remain up-to-date, active, and effective, the Department of Talent and Human Resources shall collect onboarding feedback. All new employees shall be provided the opportunity to provide feedback about their onboarding experience. The Department shall collect feedback on a regular basis from new employees about each component of their onboarding experience.
STANDARDS OF ETHICAL CONDUCT

All employees are representatives of the District and shall conduct themselves, both in their employment and in the community, in a manner that will reflect credit upon themselves and the school system.

A. All professional staff members shall:

1. teach efficiently and faithfully, using the books and materials required, following the prescribed courses of study, and employing approved core content standards, pedagogical approaches, and methods of instruction as provided by law and by the rules of the Michigan Department of Education, and as required by the District;

2. keep current in their subject area through attendance at professional meetings, acquaintance with professional publications, and participation in in-service activities;

3. make a reasonable effort to protect the student from conditions harmful to learning and/or to the student’s mental and/or physical health and/or safety;

4. not unreasonably restrain a student from independent action in pursuit of learning;

5. not unreasonably deny a student access to diverse points of view;

6. not intentionally suppress or distort subject matter relevant to a student’s academic program;

7. not intentionally expose a student to unnecessary embarrassment or disparagement;

8. not intentionally violate or deny a student’s legal rights;

9. not harass or discriminate against any student on any basis prohibited by law or the Board and shall make reasonable efforts to assure that each student is protected from harassment or discrimination;
10. not exploit a relationship with a student or any district staff member for personal gain or advantage;

11. keep confidential personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law;

12. take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated;

13. not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression;

14. not use institutional privileges for personal gain or advantage;

15. accept no gratuity, gift, except as permitted by Board Policy 3124, loan, reward, promise of future employment, favor, or service based upon an understanding that might influence professional judgment;

16. maintain honesty in all professional dealings;

17. maintain, prepare, and submit promptly all reports that may be required by State law, State Department of Education rules, Board rules, and administrative directives;

18. not deny a colleague professional benefits, advantages, or participation in any professional organization on any basis prohibited by law or the Board;

19. not interfere with a colleague’s exercise of political or civil rights and responsibilities;

20. not use abusive and/or profane language or display unseemly conduct in the workplace;

21. not engage in harassment or discriminatory conduct which interferes with an individual’s performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile,
intimidating, abusive, offensive, or oppressive environment; and, further, shall make reasonable efforts to assure that each individual is protected from such harassment or discrimination;

22. not make malicious or intentionally false statements about a colleague;

23. not use coercive means or promise special treatment to influence professional judgments of colleagues;

24. not misrepresent one's own professional qualifications;

25. not submit fraudulent information on any document in connection with professional activities;

26. not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position;

27. not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment;

28. provide upon the request of a certificated individual a written statement of specific reason for recommendations that lead to the denial of pay increases, significant changes in employment, or termination of employment;

29. not assist entry into or continuance in the profession of any person known to be unqualified in accordance to applicable statutes and State Board of Education rules;

30. self-report within forty-eight (48) hours to appropriate authorities any arrest and final dispositions of such arrest other than minor traffic violations, to their supervisor and the District’s Criminal Convictions, Background and Fingerprinting Unit, and if required by law, to the appropriate state agency. DDUI is not considered a minor traffic violation. Staff members shall self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment;
31. report any criminal act, and/or disruptive, and/or inappropriate behavior to the administrator or designee to whom the employee is responsible;
32. report all allegations of child abuse and/or neglect immediately upon knowledge, to the Michigan Department of Health and Human Services, call 855-444-3911 any time day or night, and the site administrator. Failure to immediately report child abuse and/or neglect to the proper authorities will lead to disciplinary action.
33. seek no reprisal against any individual who has reported any allegation of a violation; and
34. No staff member shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or hold any employment or contractual relationship; or incur any obligation of any nature that is in conflict with the proper or full and faithful discharge of his/her duties.
THREATENING BEHAVIOR TOWARD STAFF MEMBERS

The Board of Education believes that a staff member should be able to work in an environment free of threatening speech or actions.

Threatening behavior consisting of any words, deeds, or electronic communications including social media that intimidate a staff member or cause anxiety concerning his/her physical and/or psychological well-being is strictly forbidden. Any student, parent, visitor, staff member, or agent of this Board who is found to have threatened a member of the staff will be subject to discipline or reported to the authorities.

The Superintendent and his/her designees shall implement guidelines whereby students and employees understand this policy and appropriate procedures are established for prompt and effective action on any reported incidents.

Approved: 00/00/00
Revised & Adopted: 00/00/00
Reviewed: 00/00/00
Revised & Adopted: 00/00/00


FAMILY & MEDICAL LEAVES OF ABSENCE ("FMLA")

In accordance with Federal law, the District shall provide up to twelve (12) weeks of unpaid FMLA leave in any twelve (12) month period to eligible administrators for the following reasons:

A-1: the birth of a child and/or the care of a newborn child within one (1) year of the child's birth;

B-1: the placement of a child with the staff member by way of adoption or foster care and/or to care for the child within one (1) year of the child's arrival;

C-1: the staff member is needed to care for a spouse, parent or dependent child if such individual has a serious health condition, or

D-1: the staff member's own serious health condition prevents him/her from performing the functions of his/her position.

Employee Entitlement to Service Member FMLA

Leave Entitlement

Service member FMLA provides eligible employees unpaid leave for one, or for a combination, of the following reasons:

A-2: A "qualifying exigency" arising out of a covered family member's (spouse, son, daughter, or parent) covered active duty in the United States Armed Forces including the National Guard and Reserves. Qualifying exigencies, as defined by Federal regulations, include: 1) short-notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation (maximum fifteen (15) calendar days); 7)
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post-deployment activities; 8) caring for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty; and 9) additional activities not encompassed in the other categories, but agreed to by the employer and employee. Covered active duty means deployment with the Armed Forces to a foreign country.

B-2: To care for a covered family member, including next of kin as provided in the statute, who has incurred an injury or illness or aggravation of a pre-existing illness or injury while in the line of duty while on covered active duty in the United States Armed Forces, including the National Guard and Reserves, provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank, or rating. Covered active duty means deployment with the Armed Forces to a foreign country. This leave is also available to care for veterans of the United States Armed Forces, including the National Guard and Reserves, provided the veteran was a service member at any time within the five (5) years prior to the start of the treatment, recuperation or therapy. In accordance with applicable regulations, a veteran's serious injury or illness incurred or aggravated in the line of active duty can also be manifested by: 1) a physical or mental condition with a VA Service Disability Rating of 50% or greater and is the condition precipitating the need for leave; or 2) a physical or mental condition that substantially impairs the ability to secure or substantially follow a gainful occupation, or would do so absent treatment; or 3) an injury, including psychological, for which the veteran has been enrolled in the Dept. of V.A. Program of Comprehensive Assistance for Family Care Givers.

Duration of Service Member FMLA

A. When leave is due to a "Qualifying Exigency": An eligible employee may take up to twelve (12) work weeks of leave during any twelve (12) month period. Such leave shall be counted with regular FMLA leave time in calculating the twelve (12) weeks of allowable leave.
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B. When leave is to care for an injured or ill service member: An eligible employee may take up to twenty-six (26) work weeks of leave during a single twelve (12) month period to care for the service member 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. This is a one time benefit per service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed twenty-six (26) weeks in a single twelve (12) month period.

C. Service Member FMLA runs concurrent with other leave entitlements provided under Federal, State, and local law.

General FMLA Provisions

Administrators are "eligible" if they have worked for the District for at least twelve (12) months, and for at least 1,250 hours over the twelve (12) months prior to the leave request. Service time may be aggregated when the break in service is less than seven (7) years for military obligation or subject to recall under a collective bargaining agreement. All full-time administrators are deemed to meet the 1,250 hour requirement. All periods of absence from work due to or necessitated by USERRA-covered service is counted in determining an employee's eligibility for FMLA leave.

Twelve (12) month period for determining hours worked and use of leave is defined as a rolling twelve (12) month period measured backward from the date the staff member uses FMLA leave (i.e. the "leave year" is specific to each individual staff member).

For Service Member FMLA leave, the use of the twenty-six (26) weeks of leave will be measured forward from the first date on which the employee takes leave.

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves:

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A. inpatient care, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or

B. continuing treatment by a healthcare provider, including:

1. a period of incapacity of more than three (3) consecutive full calendar days and any subsequent treatment or period of incapacity relating to the same condition, that also involves either in person treatment two (2) or more times by a healthcare provider within thirty (30) days of the first date of incapacity absent extenuating circumstances beyond the employee's control, or in person treatment by a healthcare provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of a healthcare provider;

   The first visit to the healthcare provider must occur within seven (7) days of the first date of incapacity.

2. any incapacity due to pregnancy or for prenatal care;

   An expectant mother is entitled to FMLA leave for incapacity due to pregnancy even if she does not receive treatment from a healthcare provider during the absence, and even if the absence does not last for more than three (3) consecutive, full calendar days.

3. any period of incapacity or treatment for such incapacity due to a chronic serious health condition;

4. a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective;

5. any period of absence to receive multiple treatments by a healthcare provider either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive days in the absence of medical intervention or treatment, such as cancer (chemotherapy,
C. conditions for which cosmetic treatment are administered are not "serious health conditions" unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet this definition and do not qualify for FMLA leave.

Whenever the leave is foreseeable, the staff member shall provide the District with thirty (30) days notice. If there is insufficient time to provide such notice because of unforeseeable events, the staff member shall provide such notice as soon as possible and practical, generally not later than the next business day after the employee realizes the need for leave. Failure to follow the leave notice requirements may result in delay of obtaining the leave. Employees will still be required to comply with the absence reporting procedures at their buildings.

When planning medical treatment, the staff member must consult with the District and make a reasonable effort to schedule the leave so as not to unduly disrupt the regular operation of the District, subject to the approval of the healthcare provider.

The staff member may request to substitute any of his/her earned or accrued paid vacation leave, personal leave or family leave (per the applicable collective bargaining agreement) for unpaid FMLA leave provided for the birth, adoption or foster care placement of a child, or qualifying exigency for a Service Member Family Leave (see A-1, B-1, and A-2 on page one).

The staff member may request to substitute any of his/her earned or accrued paid vacation, personal leave or sick leave (per the applicable collective bargaining agreement) for unpaid FMLA leave provided for the staff member’s own serious health condition or to care for a spouse, parent or dependent child with a serious health condition (see C-1 and D-1 on page one and B-2 on page two).
If the staff member has not earned or accrued adequate paid leave to encompass the entire twelve (12) or twenty-six (26) week period of FMLA leave, any additional weeks of leave to which the staff member is entitled to shall be unpaid. Whenever a staff member uses paid leave for a qualifying leave under this policy, such leave will count towards the maximum allowable leave, the paid leave, and FMLA/Service Member Family leave to which the staff member is entitled will run concurrently.

The District may allow a staff member to take FMLA leave intermittently or on a reduced-leave schedule for the birth, adoption or foster care placement of a child (see A-1 and B-1 on page one). A staff member may take FMLA leave on an intermittent or reduced-leave schedule when medically necessary for his/her own serious health condition or to care for a spouse, parent or dependent child with a serious health condition (see C-1 and D-1 on page one). The taking of such leave results in the total reduction of the twelve (12) weeks only by the amount of leave actually taken. Leave will be accounted for in increments no greater than the smallest increment used for other similar leaves, but in no event greater than one (1) hour increments. Leave entitlement will not be reduced by more than the amount of leave actually taken.

If the intermittent or reduced-leave schedule is foreseeable based on planned medical treatment, the District may require the staff member to transfer temporarily to an available alternative position which better accommodates recurring periods of leave. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties. Instructional staff members (i.e. individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced-leave schedule which would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave must elect either to:

A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
policy

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B. transfer temporarily to an available alternative position offered by the District for which the instructional staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

The District will notify the staff member when the District intends to designate leave as FMLA-qualifying. Such notice may be given orally or in writing. When verbal notice is given, it will be followed by written notice within ten (10) business days. In the case of intermittent or reduced-leave schedule leave, only one (1) such notice is required unless the circumstances regarding the leave have changed. If the District does not have sufficient information about the reason for an employee’s use of paid leave, the District may inquire further to ascertain whether the paid leave is FMLA-qualifying. Once the District learns that a paid leave is for an FMLA leave-qualifying reason, the District will promptly notify the staff member that the paid leave will count toward the staff member’s twelve (12) week FMLA-leave entitlement.

In cases in which the District employs both spouses, the total amount of FMLA leave is twelve (12) weeks for the couple, except when the leave is due to the serious health condition of either spouse or a child, or twenty-six (26) weeks of FMLA leave for Service Member Leave.

When FMLA leave is taken for the staff member’s own serious health condition or to care for a spouse, parent or dependent child with a serious health condition (see C-1 and D-1 on page one), the staff member must provide medical certification from the healthcare provider of the eligible staff member or his/her immediate family member. When the staff member requests qualifying Service Member Leave, he/she must provide certification of a qualifying exigency or of the service member’s serious illness. For service member leave, any certification permitted under 29 C.F.R. 825.310 shall be allowed.

The staff member may either:

A. submit the completed medical certification to the District; or
B. direct the healthcare provider to transfer the completed medical certification directly to the District, which will generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

In the event the staff member fails to provide medical certification, any leave taken by the employee will not qualify for FMLA Leave/Service Member Family Leave.

When the need for FMLA leave is foreseeable and at least thirty (30) days notice has been provided, the staff member must provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the Superintendent within fifteen (15) calendar days after the staff member requests FMLA leave unless it is not practicable under the circumstances to do so despite the staff member’s diligent and good faith efforts.

Any dispute over eligibility for FMLA leave shall be discussed between the employee and District. The District shall be responsible for maintaining a record of those communications.

The District reserves the right to obtain, at its expense, the opinion of a second healthcare provider and, in the event of conflict, the opinion of a third healthcare provider whose decision shall be binding and final. The staff member may either:

A. submit the opinion of the second healthcare provider, and the opinion of the third healthcare provider if applicable, to the District; or

B. direct the second or third healthcare provider to transfer his/her opinion directly to the Superintendent, which will generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

In the event the staff member fails to provide the medical opinion of the second or third healthcare provider, if applicable, any leave taken by the employee will not qualify for FMLA leave.
A staff member who takes leave for his/her own serious health condition prior to returning to work, must provide the District with a statement from his/her healthcare provider that he/she is able to resume work.

Upon return from any FMLA leave, the District will restore the staff member to his/her former position or to a position with equivalent employment benefits, pay and conditions of employment. During FMLA leave, the District shall maintain the staff member's current coverage under the District’s group health insurance program on the same conditions as coverage would have been provided if the staff member had been continuously working during the leave period. If the staff member was paying all or part of the premium payments prior to going on FMLA leave, the staff member must continue to pay his/her share during the leave.

Any leave or return from leave during the last five (5) weeks of an academic term shall be reviewed individually by the District to minimize disruption to the students' program. Special rules under the FMLA may apply for instructional staff.

The staff member shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.

The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the staff member's leave.

If the staff member fails to return to work at the end of the leave for reasons other than the continuation, recurrence, or onset of a serious health condition of the staff member or of the staff member's immediate family member, or for circumstances beyond the control of the staff member, the staff member shall reimburse the District for the health insurance premiums paid by the District during the unpaid FMLA leave period.

Communication Requirements
When the need for FMLA leave is not foreseeable, an employee on FMLA shall comply with the employer’s usual and customary notice and procedural requirements for requesting leave. Employees on FMLA shall also follow District call-in guidelines like any other employee. Under FMLA regulations, an employee must comply with the District’s call-in procedures unless unusual circumstances prevent them from doing so. In such cases, the employee shall provide notice to his/her supervisor as soon as practicably possible. Failure to provide timely absence or tardy notice to the employee’s immediate supervisor shall lead to FMLA leave approval delays or denials, and are subject to progressive employee discipline where good cause is not shown. Failure to adhere to daily call-in requirements may also result in delays to processing intermittent and reduced schedule FMLA leave requests and associated compensation requests.

**Work Beyond District Employment While on FMLA Leave**

District Policy 3430.02 titled Outside Employment prohibits outside supplemental employment for all District employees while on any type of leave. An employee approved for FMLA leave shall therefore not work in any capacity that impedes the employee’s recovery from, or treatment for reported health condition(s). As such, employees found to be engaging in outside employment while on FMLA leave that potentially impedes the employee’s recovery efforts shall be subject to investigation, potential disciplinary action and dismissal.

FMLA fraud occurs when employees take FMLA leave for purposes other than those permitted under FMLA. For example:

- Working for another employer, performing same or similar duties that the employee’s FMLA medical certification form says he or she is not able to perform; or

- Engaging in off-duty activity, while on FMLA leave for one’s own serious health condition, that is inconsistent with the limitations the serious health condition imposes.

**Travel While on FMLA Qualifying Leave**
Whether District employees engage in personal travel while on FMLA leave and retain the law’s protections will depend on the nature of their activities while engaging in personal travel, and whether those activities stand in contrast to the reason FMLA qualifying leave was taken. This policy requires employees on medical leave to stay close to home and allows travel for purpose of obtaining treatment for themselves or to care for an immediate family member (spouse, child, or parent) with a serious health condition. Long distance travel requires written permission from the District.

Recertification

To the extent permitted by applicable law, if the District has reason to doubt the validity of a medical certification, the District shall exercise its right to obtain a second or third medical opinion at the District’s expense. If the District determines that the certification is incomplete, it shall provide a written notice indicating what additional information is required.

During an FMLA leave, employees shall be required to provide the District periodic status updates regarding expected date of return and/or intent to return to work.

Recertification shall be required no more often than every thirty (30) days in connection with an absence by the staff member unless the condition will last for more than thirty (30) days. For conditions that are certified as having a minimum duration of more than thirty (30) days, the District will not request recertification until the specified period has passed, except that in all cases the staff member must submit recertification every six (6) months in connection with an absence by the employee. Additionally, the District may require a staff member to provide recertification in less than thirty (30) days if the staff member requests an extension of leave, the circumstances described in the previous certification have changed significantly, or if the District receives information that casts doubt upon the staff member’s stated reason for the absence or the continuing validity of the certification. Finally, staff members must provide a new medical certification each leave year for medical conditions that last longer than one (1) year. If an employee fails to
provide a recertification within a reasonable time under the particular facts and circumstances, then the employer may deny continuation of the FMLA leave protections.

A staff member who takes leave for their own serious health condition that makes him/her unable to perform the functions of his/her position; prior to returning to work, must provide the District and his/her designees with a fitness-for-duty certification that specifically addresses the staff member’s ability to perform the essential functions of his/her job. The fitness-for-duty certification shall only apply to the particular health condition that caused the staff member’s need for FMLA leave. If reasonable safety concerns exist, the District shall under certain circumstances, require a staff member to submit a fitness-for-duty certification before he/she returns to work from FMLA leave. The cost of the certification shall be borne by the staff member.

Dishonesty, Fraud, and Misuse of FMLA

All credible reports of suspected FMLA abuse shall be investigated and documented. FMLA dishonesty, fraud, and abuse refers to employees’ legitimate use of FMLA qualifying leaves in a fraudulent manner, or in cases where FMLA was fraudulently obtained by the employee. All findings of FMLA malfeasance and or abuse shall be subject to disciplinary action and dismissal. Under all circumstances where an employee has committed fraud in obtaining FMLA leave, the District is exempted from all obligations to the employee under FMLA rules. A staff member who fraudulently obtains and uses FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

Compliance

Absent extenuating circumstances, if an employee fails to follow this policy, the District shall exercise its right to delay or deny the FMLA request. The District shall prepare administrative guidelines that are appropriate for this policy and shall ensure that the policy and associated administrative guidelines are posted and properly adhered to.
In any areas where discretion is allowed in the implementation of this policy or its guidelines for implementation, such discretion shall be exercised in a non-discriminatory manner. Similarly situated persons shall be treated similarly.

The District shall provide a copy of this policy to all staff members on any form of FMLA. A notice of Rights and Obligations shall also be provided each time an employee requests FMLA leave or the District has sufficient information to believe that the employee may qualify for FMLA leave.

The approval, denial and administration of leave under this policy will be governed by the Family Medical Leave Act of 1993, as amended, and its published regulations, as applied and interpreted by the Superintendent and his/her designees.

The District will not interfere with, restrain, or deny the exercise or attempted exercise of a right established under this FMLA policy. Further, the District will not discharge, fine, suspend, expel, discipline, or discriminate against a staff member with respect to any term or condition of employment because of the staff member's actual or potential exercise, or support for another employee's exercise, of any right established under this FMLA policy. Nothing herein shall prevent the District from taking an employment action that is independent of the exercise of a right under this FMLA policy. Finally, the District will not deprive an employee who takes FMLA pursuant to this policy of any benefit that accrued before the date that leave commences.

29 U.S.C. 2601 et seq.
29 C.F.R. Part 825
29 C.F.R. Part 1630
29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended,
34 C.F.R. Part 104

Revised 5/23/18
STUDENT NON-FRATERNIZATION

The Board expects all District internal and external stakeholders who directly engage with students on or off District property, to maintain the highest professional, moral and ethical standards in their conduct with students. The interactions and relationships between all District internal and external stakeholders should be based upon mutual respect and trust, an understanding of the appropriate boundaries between adults and students in an educational settings; and consistent with District and community standards.

The Board expects all professional and support staff, contractors, as well as all athletic coaches, counselors, administrators, volunteers, and other District stakeholder who directly engage with students on or off District property, to maintain appropriate professional relationships with students and be sensitive to the appearance of impropriety in their conduct with students. All professional and support members are encouraged to discuss issues and concerns with District administrators or other personnel who function in an administrative/supervisory capacity whenever they are unsure whether particular conduct may constitute or appear as a violation of this policy.

Fraternization of any type may create the perception of inappropriate conduct or may lead to allegations or instances of sexual harassment or child abuse. Accordingly, all staff members are prohibited from engaging in any of the following types of prohibited conduct, regardless of whether the conduct occurs on or off school property of whether the conduct occurs during or outside of school hours. The following list of prohibited conduct does not, and is not intended to, constitute the entire list of conduct for which discipline may be imposed:

A. allow a student into his/her home, or enter the home of a student, at any time without the express permission of the principal or the parent(s) or legal guardian of the student, and a record of the permission placed on file;
B. engaging in any romantic or sexual relationships with students, including dating, flirting, sexual contact, inappropriate physical displays of affection, or sexually suggestive comments between staff and students, regardless of whether staff or student initiates the behavior, whether the relationship is consensual, or whether the student has parental permission;

C. fostering, encouraging, or participating in inappropriate emotionally or socially intimate relationships with students in which the relationship is outside the bounds of the reasonable, professional staff-student relationship and in which the relationship could reasonably cause a student to view the professional or support staff person as more than an administrator, teacher, or coach;

D. initiating or continuing communications with students, including those through District and personal accounts, for reasons unrelated to any appropriate purpose, including oral or written communication; telephone calls; electronic communication such as texting, instant messaging, email, chat rooms, Facebook, or other social networking sites; webcams; or photographs;

E. providing any mood altering substances to students;

F. socializing with students outside of class time for reasons unrelated to any appropriate purpose; and

G. transporting students in personal vehicles, or ride in a personal vehicle with a student, before, during or after school hours without the express permission of the principal and the parent(s) or legal guardian(s) of the student, and a record of the permission placed on file.

Any person with knowledge or suspicion of an improper relationship between staff and a student must immediately report the conduct to school administration. Staff who makes a good-faith report of a suspected fraternization violation, or who cooperates in inquiries or investigations

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related to the investigation of such a report, shall be protected from 
retaliation in accordance with District policy.

Reports of suspected fraternization violations by represented staff shall follow 
the procedures set forth in accordance with the appropriate District 
disciplinary policies and guidelines. The District shall take appropriate 
disciplinary action, up to and including dismissal, against any staff found to 
have violated this non-fraternization policy.
UNAUTHORIZED WORK STOPPAGE

The Board is obligated and committed to provide certain basic services to students residing in the District under its jurisdiction and as contracted. Therefore, if the schools are open and students are in attendance, those basic services will be provided.

Recognizing the fact that the District, for various reasons, could experience an unauthorized work stoppage, the Board remains committed to providing educational and related services to the schools and will fulfill its obligations to operate the schools when possible.

Staff members who fail to perform their normal duties when so required as part of a concerted unauthorized work stoppage will be subject to loss of pay and fringe benefits, including paid insurance coverage, as well as disciplinary measures in accordance with the laws of the State.

M.C.L. 423.201 et seq.

Approved: 00/00/00
Revised & Adopted: 00/00/00
Reviewed: 00/00/00
Revised & Adopted: 00/00/00
CRIMINAL CONVICTION REVIEW

In an effort to maintain a safe environment for students, staff and visitors, the District performs a criminal background check of those individuals who apply for employment with the District, work for the District, or are contracted to work on a regular and continuous basis at the District. Employees and individuals who have applied or are applying for a position have a continuing duty to disclose any pending criminal charges or convictions.

Individuals convicted of crimes listed in Section 2 of the Sex Offender Registry Act, M.C.L. 28.722, cannot be employed by the District.

An employee convicted of a felony not listed in the Sex Offender Registry Act may not continue to work in the District, unless or until they have received written approval from both the Superintendent and the Board. Pending such approval, employee shall be placed on administrative leave.

Individuals convicted of a misdemeanor related to child abuse or controlled substances shall require the written approval of the Superintendent and the Board to continue or to obtain employment.

Individuals convicted of certain non-listed misdemeanors may be denied employment at the discretion of the Superintendent.

The Superintendent shall suspend consideration of any applicant who has a felony charge pending and shall determine whether an employee or person contracted to work in the District will be allowed to continue to work while a felony charge is pending against the individual.
In making the determination regarding whether to hire an applicant or allow an individual to continue working with pending felony charges or after a conviction, the Superintendent and the Board will consider the following factors:

A. the nature of the offense does, is it related to children, deviant behavior, drugs, violence or involve a matter of national security, etc.;

B. how long ago did the incident occur;

C. were there repeated incidents;

D. nature of assignment in District (access to children, role model, etc.);

E. whether any treatment or other rehabilitation has occurred;

F. the nature of the employee’s work record since offense (likelihood of repeated misbehavior) and

G. the individual’s record of working positively to promote the achievement, health and welfare of students since the occurrence of the incident.

Neither the Board nor the Superintendent shall consider criminal charges that did not result in conviction, or pending misdemeanor charges in determining whether to hire or continue the employment of any individual.

M.C.L. 28.722, 380.1230 et seq., 388.1535a, M.C.L. 38.74, MCL 380.1539b

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