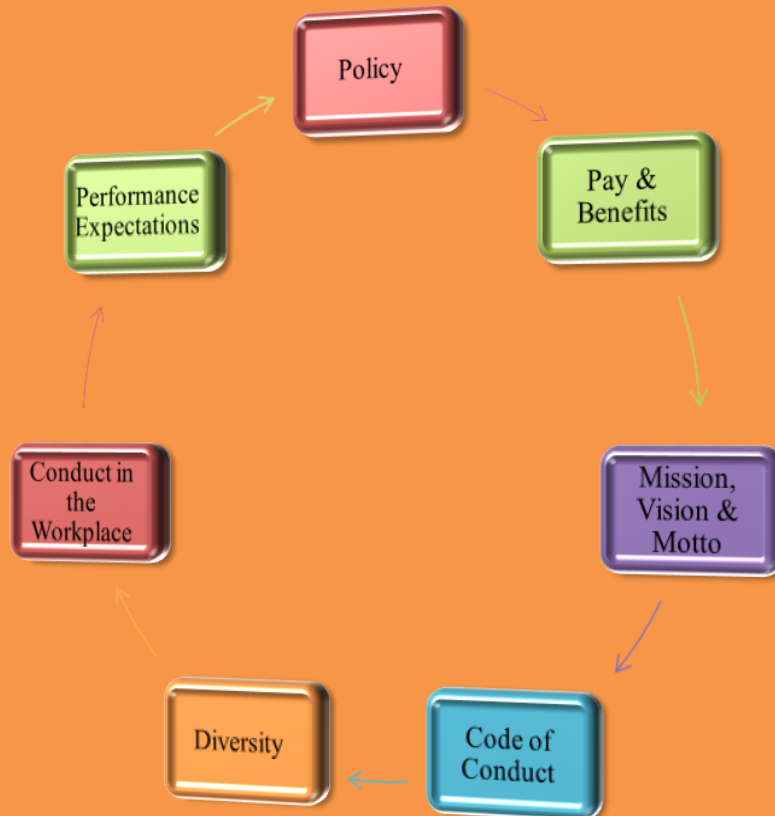


Employee Handbook



Mission Statement

Cherokee County Public Schools' mission is for every student to graduate from high school prepared for postsecondary education, work and life in the 21st century.

Vision Statement

The success of our school system depends on the commitment of all staff (administrators, teachers and support staff) to high quality standards, expectations and performances. Students need not only develop a deep understanding of essential knowledge and skills, but also need to develop a capacity to apply their learning, and to reason, solve problems and produce quality work. The goal of our educational programs is to prepare all students to become contributing members of society.

Motto

"Putting Students First"
"Discipulus Primo ponens"



**Andrews
Wildcats**



**Hiwassee Dam
Eagles**



**Murphy
Bulldogs**



**The Oaks
Academy
Mustangs**



**TCEC
Jaguars**



**Martins Creek
Hornets**



**Peachtree
Panthers**



**Ranger
Timber Wolves**

[illegible]

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CENTRAL OFFICE DIRECTORY

| | | |
|------------------------------------|--------------------|------|
| Superintendent | 837-2722 | 2401 |
| Accounts Payable | 837-2722 | 2423 |
| Admin Assistant/Board Liaison | 837-2722 | 2404 |
| Administrative Assistant | 837-2722 | 2403 |
| Assistant Finance Officer | 837-2722 | 2429 |
| Assistant Superintendent | 837-2722 | 2431 |
| Associate Superintendent | 837-2722 | 2420 |
| Bus Garage | 837-2730 | 2301 |
| Chief Financial Officer | 837-2722 | 2421 |
| Chief Tech Innovation Officer | 837-4950 | 3207 |
| Director, 21 st CCLC | 837-2722 | 2434 |
| Director, Accountability & Testing | 837-2722 | 2430 |
| Director, CTE | 837-2722 | 2424 |
| Director, Drug Coalition | 837-0160 | 3143 |
| Director, EC | 837-0945 fax: 4351 | 2981 |
| Director, School Nutrition | 837-2722 | 2432 |
| District Counselor | 837-2426 (MHS) | 3047 |
| District ESL Coordinator | 321-4415 (AMS) | 2207 |
| Educational Diagnostician | | 2961 |
| Exceptional Children Assistant | 837-0945 | 2999 |
| K-8 AIG/PreK Coordinator | 837-2424 | 2926 |
| Lead School Nurse | | 2920 |
| Licensure, K8 Curriculum | 837-2722 | 2425 |
| Payroll & Benefits Advisor | 837-2722 | 2428 |
| Purchasing | 827-2722 | 2436 |
| School Nutrition Supervisor | 837-2722 | 2435 |
| TIMS Coordinator | 837-2730 | 2301 |

DIRECTORY OF SCHOOLS

Andrews Elementary School

Principal: Melissa Godfrey
Assistant Principal: Bobby Barton
Phone: (828) 321-4415 Ext. 2001
FAX: (828) 321-0401

Andrews High School

Principal: Dr. Lisa Fletcher
Assistant Principal: Sarah Tatham
Phone: (828) 321-5415 Ext. 2101
FAX: (828) 321-3986

Andrews Middle School

Principal: Lance Bristol
Phone: (828) 321-5762 Ext. 2201
FAX: (828) 321-2009

Hiwassee Dam Elementary/Middle School

Principal: Ruby Cutshaw
Phone: (828) 644-5115 Ext. 2502
FAX: (828) 644-9463

Hiwassee Dam High School

Principal: Daniel McNabb
Phone: (828) 644-5115 Ext. 2501
FAX: (828) 644-9463

Martins Creek Elementary/Middle School

Principal: Paul Wilson
Lead Teacher: Jennifer Lugiewicz
Phone: (828) 837-2831 Ext. 2701
FAX: (828) 837-0023

Murphy Elementary School

Principal: Dane Rickett
Lead Teacher: Allison Brown
Phone: (828) 837-2424 Ext. 2901
FAX: (828) 837-3887

Murphy High School

Principal: Jason Forrister
Assistant Principal: Wendy Leatherwood
Phone: (828) 837-2426 Ext. 3001
FAX: (828) 837-2555

Murphy Middle School

Principal: Tiffany Clapsaddle
Assistant Principal: Kenneth Dockery
Phone: (828) 837-0160 Ext. 3101
FAX: (828) 837-5814

Peachtree Elementary School

Principal: Patricia Mathews
Phone: (828) 837-2479 Ext. 3301
FAX: (828) 837-6494

Ranger Elementary/Middle School

Principal: Kelley McDonald
Assistant Principal: Brandy Raper
Phone: (828) 644-5111 Ext. 3401
FAX: (828) 644-9828

The Oaks Academy

Principal: Michael Noe
Phone: (828) 837-6775 Ext. 2801
Fax: (828) 837-5364

Tri-County Early College High School

Principal: Alissa Cheek
Phone: (828) 835-4318 or 4298
FAX: (828) 835-4319

FORWARD

Cherokee County Public Schools' mission is for every student to graduate from high school prepared for postsecondary education, work and life in the 21st century.

Whether you have just joined our school system or have been a part of Cherokee County Schools for a while, we are confident that you will find our school system a dynamic and rewarding place in which to work, and we look forward to a productive and successful association. We consider the employees of Cherokee County Schools to be our most valuable resources.

There are several things to keep in mind about this handbook. First, it contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the Board policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit or the applicability of a policy or practice to you, you should address your specific questions to your immediate supervisor, principal, or a member of the central office staff.

This handbook confers no contractual rights, either expressed or implied, to remain in the school's employ. Nor does it guarantee any fixed terms and conditions of your employment. Your employment, if it is not contractually binding for a specified period of time, may be terminated at will for cause or due to a reduction in force, or you may resign for any reason at any time. Cherokee County Schools will follow all policies, to include federal and state law, that govern the termination of employment of schools personnel.

The procedures, practices, policies and benefits described herein may be modified or discontinued from time to time due to legislative updates or Board approved policy implementation. Accordingly, this document will be reviewed yearly to ensure the most current and accurate information is published.

This handbook and the information contained herein should be treated as confidential. No portion of this handbook should be disclosed to others, except Cherokee County School employees and others affiliated with this system whose knowledge of the information is required in the normal course of business.

Some subjects described in this handbook are covered in detail in official board policies. Refer to those policies for specific information as this handbook only briefly summarizes those guidelines and benefits. Please note that the terms of the written insurance policies are controlling and override any statements made in this or other documents.

PROFESSIONAL CODE OF CONDUCT

Professional Standards of Conduct & Performance for Teachers ~Board Policy 7931~

| | |
|---|---|
| <i>Cherokee County Board of Education Standard of Conduct & Performance for Teachers</i> | 1. Adhere to the Code of Ethics for North Carolina Educators. (Contained herein.) |
| | 2. Comply with all Board policies regarding appropriate and/or prohibited behavior with students including electronic communications with students directly or through the internet. |
| | 3. Direct all complaints regarding the work environment to the appropriate supervisors and/or file grievances instead of acting to undermine or diminish the authority of co-workers and supervisors. |
| | 4. Avoid confrontations with co-workers, including but not limited to, engaging in actions or conversations which the teacher knows or should know will result in an actual disruption. |
| | 5. Manage students' classroom behavior to minimize disruption to the educational environment and refer students, when necessary, to the administration for disciplinary action. |
| | 6. Respond to all parent inquiries, complaints and/or concerns in a timely and professional manner. |
| | 7. Comply with all administrative directives in a timely and professional manner, including written directives regarding specific issues or behaviors. |
| | 8. Perform all assigned and/or accepted extracurricular and non-instructional duties in a timely and professional manner. |
| | 9. Participate in and complete any required professional development activities. |
| | 10. Participate in all required staff meetings and student academic meetings, including required meetings for students with special needs, in a professional manner. |
| | 11. Complete and transmit all required reports and other documentation in a timely and professional manner. |
| | 12. Arrive at school each day at an appropriate time designated by the principal ready and prepared to complete all assigned duties. |
| <p>The failure or unwillingness of a teacher to comply with the professional standards of conduct and performance listed herein may result in contract non-renewal or disciplinary action up to and including dismissal from employment. In all matters concerning a teacher's compliance with this policy, consideration shall be given to the impact on the education of a student or group of students and on the overall educational environment of the school.</p> | |

North Carolina State Board of Education Policy Manual

The purpose of this Code of Ethics is to define standards of professional conduct

The responsibility to teach and the freedom to learn, and the guarantee of equal opportunity for all are essential to the achievement of these principles. The professional educator acknowledges the worth and dignity of every person and demonstrates the pursuit of truth and devotion to excellence, acquires knowledge, and nurtures democratic citizenship. The educator exemplifies a commitment to the teaching and learning processes with accountability to the students, maintains professional growth, exercises professional judgment, and personifies integrity. The educator strives to maintain the respect and confidence of colleagues, students, parents and legal guardians, and the community, and to serve as an appropriate role model.

To uphold these commitments, the educator:

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| I. Commitment to the Student. | A. Protects students from conditions within the educator's control that circumvent learning or are detrimental to the health and safety of students. |
| | B. Maintains an appropriate relationship with students in all settings; does not encourage, solicit, or engage in a sexual or romantic relationship with students, nor touch a student in an inappropriate way for personal gratification, with intent to harm, or out of anger. |
| | C. Evaluates students and assigns grades based upon the students' demonstrated competencies and performance. |
| | D. Disciplines students justly and fairly and does not deliberately embarrass or humiliate them. |
| | E. Holds in confidence information learned in professional practice except for professional reasons or in compliance with pertinent regulations or statutes. |
| | F. Refuses to accept significant gifts, favors, or additional compensation that might influence or appear to influence professional decisions or actions. |
| II. Commitment to the School and School System. | A. Utilizes available resources to provide a classroom climate conducive to learning and to promote learning to the maximum possible extent. |
| | B. Acknowledges the diverse views of students, parents and legal guardians, and colleagues as they work collaboratively to shape educational goals, policies, and decisions; does not proselytize for personal viewpoints that are outside the scope of professional practice. |
| | C. Signs a contract in good faith and does not abandon contracted professional duties without a substantive reason. |
| | D. Participates actively in professional decision-making processes and supports the expression of professional opinions and judgments by colleagues in decision-making processes or due process proceedings. |
| | E. When acting in an administrative capacity: |
| | 1) Acts fairly, consistently, and prudently in the exercise of authority with colleagues, subordinates, students, and parents and legal guardians. |
| | 2) Evaluates the work of other educators using appropriate procedures and established statutes and regulations. |
| | 3) Protects the rights of others in the educational setting, and does not retaliate, coerce, or intentionally intimidate others in the exercise of rights protected by law. |
| | 4) Recommend persons for employment, promotion, or transfer according to their professional qualifications, the needs and policies of the LEA, and according to the law. |

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| III. Commitment to the Profession. | A. Provides accurate credentials and information regarding licensure or employment and does not knowingly assist others in providing untruthful information. |
| | B. Takes action to remedy an observed violation of the Code of Ethics for North Carolina Educators and promotes understanding of the principles of professional ethics. |
| | C. Pursues growth and development in the practice of the profession and uses that knowledge in improving the educational opportunities, experiences, and performance of students and colleagues. |
| <p style="text-align: center;"><i>PURPOSE AND APPLICABILITY</i></p> <p>The purpose of the following rules is to establish and uphold uniform standards of professional conduct for licensed professional educators throughout the State. These rules shall be binding on every person licensed by the SBE, hereinafter referred to as "educator" or "professional educator," and the possible consequences of any willful breach shall include license suspension or revocation. The prohibition of certain conduct in these rules shall not be interpreted as approval of conduct not specifically cited.</p> | |
| Standards of Professional Conduct | (a) The standards listed in this Section shall be generally accepted for the education profession and shall be the basis for State Board review of performance of professional educators. These standards shall establish mandatory prohibitions and requirements for educators. Violation of these standards shall subject an educator to investigation and disciplinary action by the SBE or LEA. |
| | (b) Professional educators shall adhere to the standards of professional conduct contained in this Rule. Any intentional act or omission that violates these standards is prohibited. |
| | 1) Generally recognized professional standards. The educator shall practice the professional standards of federal, state, and local governing bodies. |
| | 2) Personal conduct. The educator shall serve as a positive role model for students, parents, and the community. Because the educator is entrusted with the care and education of small children and adolescents, the educator shall demonstrate a high standard of personal character and conduct. |
| | 3) Honesty. The educator shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties including the following: |
| | A. statement of professional qualifications; |
| | B. application or recommendation for professional employment, promotion, or licensure; |
| | C. application or recommendation for college or university admission, scholarship, grant, academic award, or similar benefit; |
| | D. representation of completion of college or staff development credit; |
| | E. evaluation or grading of students or personnel; |
| | F. submission of financial or program compliance reports submitted to state, federal, or other governmental agencies; |

Standards of Professional Conduct

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| G. submission of information in the course of an official inquiry by the employing LEA or the SBE related to facts of unprofessional conduct, provided, however, that an educator shall be given adequate notice of the allegations and may be represented by legal counsel; and |
| H. submission of information in the course of an investigation by a law enforcement agency, child protective services, or any other agency with the right to investigate, regarding school-related criminal activity; provided, however, that an educator shall be entitled to decline to give evidence to law enforcement if such evidence may tend to incriminate the educator as that term is defined by the Fifth Amendment to the U.S. Constitution. |
| 4) Proper remunerative conduct. The educator shall not solicit current students or parents of students to purchase equipment, supplies, or services from the educator in a private remunerative capacity. An educator shall not tutor for remuneration students currently assigned to the educator's classes, unless approved by the local superintendent. An educator shall not accept any compensation, benefit, or thing of value other than the educator's regular compensation for the performance of any service that the educator is required to render in the course and scope of the educator's employment. This Rule shall not restrict performance of any overtime or supplemental services at the request of the LEA; nor shall it apply to or restrict the acceptance of gifts or tokens of minimal value offered and accepted openly from students, parents, or other persons in recognition or appreciation of service. |
| 5) Conduct with students. The educator shall treat all students with respect. The educator shall not commit any abusive act or sexual exploitation with, to, or in the presence of a student, whether or not that student is or has been under the care or supervision of that educator, as defined below: |
| A. any use of language that is considered profane, vulgar, or demeaning; |
| B. any sexual act; |
| C. any solicitation of a sexual act, whether written, verbal, or physical; |
| D. any act of child abuse, as defined by law; |
| E. any act of sexual harassment, as defined by law; and |
| F. any intentional solicitation, encouragement, or consummation of a romantic or physical relationship with a student, or any sexual contact with a student. The term "romantic relationship" shall include dating any student. |
| 6) Confidential information. The educator shall keep in confidence personally identifiable information regarding students or their family members that has been obtained in the course of professional service, unless disclosure is required or permitted by law or professional standards, or is necessary for the personal safety of the student or others. |
| 7) Rights of others. The educator shall not willfully or maliciously violate the constitutional or civil rights of a student, parent/legal guardian, or colleague. |
| 8) Required reports. The educator shall make all reports required by Chapter 115C of the North Carolina General Statutes. |
| 9) Alcohol or controlled substance abuse. The educator shall not: |

Standards of Professional Conduct

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| A. be under the influence of, possess, use, or consume on school premises or at a school-sponsored activity a controlled substance as defined by N.C. Gen. Stat. § 90-95, the Controlled Substances Act, without a prescription authorizing such use; |
| B. be under the influence of, possess, use, or consume an alcoholic beverage or a controlled substance on school premises or at a school-sponsored activity involving students; or |
| C. furnish alcohol or a controlled substance to any student except as indicated in the professional duties of administering legally prescribed medications. |
| 10) Compliance with criminal laws. The educator shall not commit any act referred to in G.S. 115C-332 and any felony under the laws of the United States or of any state. |
| 11) Public funds and property. The educator shall not misuse public funds or property, funds of a school-related organization, or colleague's funds. The educator shall account for funds collected from students, colleagues, or parents/legal guardians. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay. |
| 12) Scope of professional practice. The educator shall not perform any act as an employee in a position for which licensure is required by the rules of the SBE or by Chapter 115C or the North Carolina General Statutes during any period in which the educator's license has been suspended or revoked. |
| 13) Conduct related to ethical violations. The educator shall not directly or indirectly use or threaten to use any official authority or influence in any manner that tends to discourage, restrain, interfere with, coerce, or discriminate against any subordinate or any licensee who in good faith reports, discloses, divulges, or otherwise brings to the attention of an LEA, the SBE, or any other public agency authorized to take remedial action, any facts or information relative to actual or suspected violation of any law regulating the duties of persons serving in the public school system, including but not limited to these Rules. |

History Note: Authority G.S. 115C-295.3; Eff. May 1, 1998

BASIC STANDARDS OF CONDUCT AND PERFORMANCE FOR NON-TEACHERS

Basic Standards of Conduct & Performance for Non-Teachers ~Board Policy 7932~

The Cherokee County Board of Education is dedicated and committed to providing all employees with a positive work atmosphere that gives employees opportunities to excel in the workplace. To achieve this goal, it is the Board's expectation that all employees are capable of and must adhere to certain minimum standards of conduct and performance as set forth in policy 7932.

All employees of the Cherokee County Board of Education shall comply with and adhere to the following standards of conduct and performance:

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| <i>Basic Standards of Conduct & Performance for Non-Teachers</i> | a. Comply with all Board policies, including those regarding appropriate and/or prohibited behavior with students and electronic communications with students. |
| | b. Direct all complaints regarding the work environment to the appropriate supervisors and/or file grievances instead of acting to undermine or diminish the authority of co-workers and supervisors. |
| | c. Avoid confrontations with co-workers, including but not limited to, engaging in actions or conversations which the employee knows or should know will result in an actual disruption. |
| | d. Comply with all administrative directives in a timely and professional manner, including written directives regarding specific issues or behaviors. |
| | e. Perform all assigned and/or accepted extracurricular and non-instructional duties in a timely and professional manner. |
| | f. Participate in and complete any required professional development activities required by the Board, Superintendent or supervisor. |
| | g. Attend and participate in all required staff meetings and other required meetings. |
| | h. Complete and transmit all required reports and other documentation in a timely and professional manner. |
| | i. Dress appropriately for job duties and in accordance with school district policy and supervisor's directives. |
| | j. Arrive at school each day at an appropriate time designated by the principal ready and prepared to complete all assigned duties. |
| | k. Develop, promote and maintain courteous and professional working relationships with other staff members, students, parents, and visitors. |
| | l. Exercise proper care and maintenance of school property. |
| | m. Attend to the safety and welfare of students and, if required by the position, provide adequate supervision of students. |

The failure or unwillingness of an employee to comply with the standards of conduct and performance listed herein is insubordination and may result in disciplinary action up to and including dismissal from employment. In all matters concerning an employee's compliance with this policy, consideration shall be given to the impact on the overall workplace and/or educational environment.

Statutory Authority: G.S. 115C-47 (1), (4), (9), (12), and (18)

CHAIN OF COMMAND

In a school system context, the chain of command is the line of authority and responsibility along which directives are passed within a school or department. Directives are transmitted down the chain of command from an individual of authority to subordinate employees who either execute the directive personally or transmit it down the chain of command as appropriate until the directive is received by the employee(s) expected to execute it.

Adherence to the chain of command is an integral component of maintaining a successful working environment. It is conducive to a consistent flow of information from the supervisor to the subordinates as well as from the subordinates to the supervisor.

HOW THE CHAIN OF COMMAND WORKS

An employee should never report any information to a supervisor outside the employee's individual chain of command. For example, an employee who wishes to seek assistance from a source within the NC Department of Public Instruction should only do so after consulting with his or her supervisor first. Likewise, a supervisor should pass directives to a subordinate supervisor (when applicable) who will then pass it on to subordinate employees to be accomplished; the supervisor should avoid by-passing a subordinate supervisor when issuing directives.

This example of a chain of command flow is provided to assist you in reporting matters of concern:

- a) Always report matters of concern to your immediate supervisor unless:
 - i. The matter of concern is directly related to that supervisor at which point you will report to your next higher level of leadership. For example: You suspect your immediate supervisor of inappropriate conduct and your supervisor is someone other than the school principal, you would report your concern to the principal. Likewise, if your supervisor is the principal, you would report your concern to the Director, Human Resources or the Superintendent.
- b) Matters of concern that are a violation of State or Federal law should be reported immediately to the next higher level of leadership unless conditions exist as explained above, then report the concern to the Superintendent. When safety is a concern such should be reported to law enforcement with an immediate follow-up report made to the next higher level of leadership and/or the Superintendent. *If in doubt, report the concern to law enforcement with an immediate follow up report the next higher level of leadership and/or the Superintendent.*

Violations of the Chain of Command will be addressed by informal counseling, formal counseling, issuance of a letter of reprimand, and possible termination should non-compliance of the Chain of Command policy persist.

EMPLOYEE DRESS & APPEARANCE

As outlined in board policy 7340 Employee Dress and Appearance, the board believes that the appearance and the conduct of its faculty are of supreme importance in establishing a positive image for education in the community and for presenting a good example for students. Therefore, the board affirms its expectation that all personnel will be professionally, neatly and appropriately attired for the work to be done. An employee's dress must not disrupt or distract from the educational process and must be in

accordance with health and safety standards. The superintendent shall develop and communicate to employees guidelines for appropriate dress and appearance. Such guidelines may authorize the principal or department supervisors to develop specific dress or appearance requirements for each school or department.

Administrative and supervisory personnel shall set a good example in personal appearance and good manners and shall encourage and expect employees to dress in accordance with the board's expectations. An employee's supervisor will make an initial determination of whether an employee's dress or appearance is inappropriate. In making this determination, the supervisor will consider the following factors:

1. the nature of the work;
2. whether the dress is consistent with a professional environment;
3. health and safety factors;
4. the nature of the employee's public contact and the normal expectations of outside parties with whom the employee will work;
5. the employee's interaction with students;
6. the prevailing practices of other workers in similar jobs; and
7. any properly established guidelines for dress or appearance.

If the supervisor determines that the employee's dress or appearance violates the established guidelines or is hazardous to the health or safety of the employee, fellow employees or students, the supervisor shall counsel the employee regarding attire that is consistent with this policy and shall determine whether the employee is allowed to remain at work or must leave work to change his or her dress. Any failure to follow the supervisor's directive and/or blatant or repeated violations of this policy will subject the employee to disciplinary action up to, and including, dismissal.

To further communicate the board's expectations, the following specific guidelines are established for employee dress and appearance.

I. DRESS AND APPEARANCE STANDARDS

A. Uniforms

1. Uniforms will be the official attire for employees in the following departments.
 - a. Cafeteria
 - b. Maintenance
 - c. Transportation
 - d. Security Officers
2. Employees must wear appropriate attire consistent with this regulation on any days that a uniform is not required.

B. Appropriate Attire

1. Administrators and administrative support employees are to project a professional image and should dress and groom appropriately for an office/business environment.

2. Teachers and teacher support personnel are expected to project a professional image that sets positive dress and grooming examples for students.

3. Appropriate attire means:

All clothing should be neat, clean, and free from rips, tears, and excessive wrinkles. The following generally are considered appropriate attire:

- Any short or long-sleeved shirts with collars, including polo shirts
- Sweaters and mock turtlenecks
- Shirts should be tucked in unless designed to be worn out
- Blouses, knit shirts, turtlenecks
- Any dress pant, including khakis and corduroys
- Skirts, dresses, skorts, professional dress shorts, or capris that are both modest in length and that enable the wearer to sit comfortably in public without exposing undergarments
- Closed-toe shoes
- Physical Education instructors and coaches may wear shorts that are modest in length, athletic sweat suits, and athletic shoes on days they are teaching P.E. or engaged in athletic activities.
- Employees performing duties in lab or shop settings, or certain extracurricular activities may require work-type clothes, special footwear, aprons, or other protective items as approved by the principal or supervisor.

4. Appearance

While on duty, employees should appear neat, clean, and professional.

C. Inappropriate Attire

The following attire is inappropriate while an employee is on duty:

- Blue denim jeans
- Low-waist or low-cut pants that expose undergarments
- Skirts, dresses, skorts, professional dress shorts, or capris that are not modest in length or do not enable a wearer to sit comfortably in public without exposing undergarments
- Shorts that are cut-offs (jeans or others) or bike shorts
- Tight, form-fitting, and/or revealing attire
- Low-cut or mid-drift blouses or tops
- Sheer or see-through clothing
- Backless or strapless tops
- Spaghetti straps and tank tops, unless covered
- Clothing that is frayed, excessively faded, torn, or excessively wrinkled
- Spandex, yoga pants, leotards, leggings (tights or leggings may be worn if covered by a dress of modest length)
- Casual footwear such as “flip-flops” (rubber, sport, leather) for pool/beach wear

- Shower shoes (thong-like shoes that resemble dressy/decorative sandals without a heel strap are acceptable)
- T-shirts or sweatshirts of any kind unless previously approved by the principal for a designated special occasion or spirit day
- Fleece sweatpants or wind suits
- Headwear, including hats or headgear inside the building (Exception: certain head covering required for religious purposes or to honor cultural tradition is allowed)
- Dress or appearance that would be disruptive to the safe and orderly learning environment
- Attire that contains slogans or messages that (1) are vulgar, indecent or obscene; (2) advertise any product or service not permitted to minors by law; or (3) that are likely to disrupt the educational environment of the school.
- Excessive jewelry affixed to an employee's nose, mouth, tongue, lip, chin, cheek, or eyebrow. Jewelry should be small, inconspicuous and expanders will not be allowed.
- While efforts should be made to cover tattoos, if an employee has a visible tattoo, the tattoo must not be offensive, promote alcohol/drugs, extremist, indecent, racist, or sexist.
- Extreme body art such as tongue splitting, unnaturally colored contact lenses, branding, or abnormal filing of teeth.

EMPLOYMENT

Employee Classification (Staffing Our Schools)

Cherokee County School employees are divided into two categories: licensed and classified. These categories are defined as follows:

Licensed positions include teachers, counselors, media coordinators, principals, assistant principals, psychologists, central office administrators, and other positions requiring licensure by the Department of Public Instruction.

Classified positions include clerical personnel, teacher assistants, custodians, school nutrition staff, transportation staff, maintenance staff, bus drivers and any other positions not requiring licensure by the Department of Public Instruction.

Allotment of Personnel

Allotments of licensed personnel within the school system are determined largely by student enrollment, state regulations, and budget constraints.

Licensed personnel are assigned by the Director, Human Resources as directed by the Superintendent to the respective schools, and every effort is made to assign personnel according to the principal's request and the individual's preference. It is the principal's responsibility to make assignment to grade and subject areas. Application screening, interview screening, and interviews by principals and appropriate supervisors are conducted to assure selection of the best candidates for positions available in our school system.

Employee Classification Definitions

The Board has established the following categories for both licensed and classified employees:

- **Permanent Employee:** A “permanent employee” means an employee who is either:
 - (a) Employed to fill a position that is to be permanent if needs and funds continue. A permanent employee is eligible to receive full or pro-rata benefits, or
 - (b) Employed for at least six full consecutive months of employment to either replace one or more employees who are on an approved leave of absence without pay, or to fill a vacancy until a qualified replacement is employed. A person employed for at least six full consecutive months is eligible to receive full or pro-rata benefits, therefore the eligibility for benefits must be determined at the time of the initial assignment, or when the assignment status changes.
- **Full time:** A full-time Employee is a person employed to fill a vacancy whose regular work week is the number of hours established as full-time for the class of work assigned, but not less than 30 hours per week. Two or more part-time assignments with the same LEA may be combined to satisfy requirements to become a full-time employee. An employee working in two or more positions may not earn more benefits than those allowed for a single, full-time position.
- **Part time:** Part-time Employee as used in these policies “part-time employee” means an employee who regularly works at least 20 hours per week, but less than the number of hours set as full time for that class of work. Any permanent employee who works at least 30 hours per week must be enrolled in the Retirement System and receive employer-paid medical insurance for self.
- **Interim Employee:** An interim employee may be employed when an opening occurs in a position by absence from employment, leave without pay, workers’ compensation, short-term disability or absence caused by an episode of violence in the school. An interim employee may not be employed to replace a permanent employee who is using paid leave. An “interim employee” means a person employed for less than six full consecutive months to replace an employee who is on an approved leave of absence and is expected to return.
- **Temporary Employee:** A “temporary employee” means a person who is either:
 - (a) Employed to fill a vacancy working less than 20 hours per week, or
 - (b) Employed to fill a vacancy for less than six full consecutive months of employment.
 - **Temporary employees:**
 - May be classified as full-time or part-time.
 - They are not eligible to earn paid leave and do not participate in the retirement system.
 - They do not receive nor can purchase health benefits through the State Health Plan.
 - Temporary employees may not use leave earned during any previous employment.
- **Full-time Substitute Teacher:** A *full-time substitute* is employed to fill in for a regular teacher when that teacher is absent and on paid leave. They may serve a single classroom, a school, or more than one school. Full-time substitutes must work at least 30 hours per week and are expected to be employed at least six consecutive months. They earn the same benefits as other employees and are paid the same rates as regular substitutes.
- **Substitute Teacher:** A substitute teacher fills in for a permanent teacher who is still on payroll and using paid leave. (*See the section on Substitute Teachers herein for more information.*)
- **Substitute Employee:** A “substitute employee” means a person employed to fill in for a permanent employee who is using paid leave. Substitute employees are considered temporary employees and:
 - Are not eligible to earn leave.
 - Do not participate in the retirement system.
 - May not use leave earned during any previous employment while assigned as a temporary employee.

- **Certified Personnel:** Certified personnel are personnel employed in positions within job classifications which require licenses issued by the Licensure Section based on the completion of approved education program requirements as specified by the State Board of Education.
- **Non-certified Personnel:** Non-certified personnel are in positions within job classifications, which do not require a professional educator's license issued by the Licensure Section, nor professional certification, prescribed by the State Board of Education.
- **Other Certified Personnel:** Certain positions require professional certification that is prescribed by the State Board of Education. These positions do not require a professional license issued by the Licensure Section. These positions are not required to complete an approved teacher education program or achieve a specified minimum score on the Praxis Examinations (formerly the National Teacher's Examination).

Background and Reference Checks

To ensure that individuals who are employed by the Board are well qualified and to ensure that the Board maintains a safe and productive work environment, it is the Board's policy to conduct pre-employment background checks on all applicants who accept an offer of employment. Background checks may include verification of any information on the applicant's resume or application form.

All offers of employment are conditioned on receipt of a background check report that is acceptable to the Board. All background checks are conducted in conformity of state and federal privacy and antidiscrimination laws. Reports are kept confidential and are only viewed by individuals involved in the hiring process.

If information obtained in a background check would lead the Board to deny employment, a copy of the report will be provided to the applicant (upon request), and the applicant will have the opportunity to dispute the report's accuracy. Background checks will include a criminal record check, although a criminal conviction does not automatically bar an applicant from employment.

Additional checks such as a driving record may be made on applicants for particular job categories if appropriate and job related.

The Board also reserves the right to conduct a background check for current employees to determine eligibility for promotion or reassignment in the same manner as described above.

Criminal History Checks for Child Care Providers

Before beginning initial employment or volunteer service and at least every three years thereafter, each child care provider must complete a criminal background check that meets the requirements of G.S. 110-90.2, 42 U.S.C. 9858f, and 45 C.F.R. 98.43 and present a letter issued by DCDEE indicating that the individual is qualified to have responsibility for the safety and well-being of children based on the individual's criminal history.

After September 30, 2019, no person shall (1) be employed, continue to be employed, or be permitted to volunteer as a child care provider, or to otherwise have unsupervised contact with students enrolled in a licensed classroom or program operated by the school system or (2) be counted in the staff/child ratio of such classroom or program, unless the person holds a current valid qualification letter issued by DCDEE. However, a child care provider with provisional status may be employed pending final results of the criminal background check but shall be subject to the restrictions established by 10A N.C.A.C. 09.2703(f).

The application fee and cost of fingerprinting associated with the DCDEE criminal history check process shall be borne by the board.

A child care provider who has incurred any pending charges, indictments, or convictions (other than minor traffic offenses) since the last qualification letter was issued by DCDEE shall notify the assistant superintendent of human resources in writing of such charges within five business days or before returning to work, whichever comes first. The assistant superintendent of human resources shall notify DCDEE within one business day of being notified.

For purposes of the above section, a “child care provider” is:

1. Any person who works or is a final candidate seeking to work in a classroom or program licensed by the Department of Health and Human Services, Division of Child Development and Early Education (DCDEE); and
2. Any person, including a volunteer, who has unsupervised contact with children enrolled in such classrooms or programs.

Refer to Board policy Recruitment, Selection and Retention of Personnel Policy Code: 7100 for additional information.

Employee-Initiated Transfer

A request by an employee for transfer to a different school shall be made in writing to the Director of Human Resources. The request shall set forth the reasons for the transfer request, the school sought, the position sought, and the applicant’s qualifications. Decisions regarding whether to grant the transfer request shall be discretionary and based on the best interest of the school system. A person requesting transfer or renewing a request shall make such request by June 30 prior to the school year for which the transfer is desired. Requests for transfer will not be honored during the school year unless approved by both site administrators and superintendent.

Resignations

All employees who wish to resign should:

1. Discuss resignation with immediate supervisor.
2. Submit a signed letter of resignation to the Director of Human Resources. Resignations may be accepted by the Superintendent on Behalf of the Board of Education. Submit the signed letter of resignation at least 30 days prior to your resignation date whenever possible to ensure the continued smooth operation of the schools, (see Classified below). For Teachers, a resignation requires a 30 day notice unless the superintendent consents to a shorter notice period, (see Licensed below).
3. Give the immediate supervisor the completed paperwork.

See Policy 7900 Resignations for more information.

Classified

A two-week notice is required for all classified resignations.

Licensed

All licensed employees are required to give a 30-day notice of resignation. A licensed employee, who finds it necessary to resign, should contact his/her principal and submit a letter of resignation. No teacher may resign without the consent of the Board of Education except upon a 30-day notice. Giving notice of resignation fewer than 30 days prior to the beginning of the school year constitutes grounds for revocation (at the discretion of the State Board of Education) of the teacher's license.

Contracted

All contract employees must adhere to the conditions for resignation as stated in their contract.

Return of Board Property

The separating employee must return all Board property at the time of separation, including uniforms, cell phones, keys, PCs and identification cards. Failure to return some items may result in deductions from the final paycheck.

Nepotism, Employment of Relatives and Personal Relationships

For purposes of this subsection, the following definitions apply:

- (a) "Immediate family" means spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.
- (b) "Central office staff administrator" includes coordinators, directors, supervisors, specialists, staff officers, assistant superintendents, area superintendents, superintendents, and principals.

For information concerning nepotism, employment of relatives and personal relationships refer to Board policy 7100 Recruitment, Selection, and Retention of Personnel.

Professional Personnel Reduction in Force

The purpose of this policy is to establish an orderly procedure for reducing the number of licensed, professional employees of the school system.

A reduction in force may be implemented when the board determines that any of the following circumstances have resulted in the need to decrease the number of licensed professional positions.

- (a) System Reorganization: System reorganization is defined as (a) the closing, consolidation or reorganization of schools, school buildings or facilities; (b) the elimination, curtailment or reorganization of a curriculum offering, program or school operation; or (c) the merger of two or more school systems.
- (b) Declining Enrollment: Declining enrollment exists (a) when the enrollment or projected enrollment for the next succeeding school year causes a decrease in the number of teaching or administrative positions allocated by the State or any other funding source; or (b) when the enrollment or projected enrollment of a curriculum offering or program for the next succeeding school year is inadequate to justify continuation of the course or program.
- (c) Financial Exigency: Financial exigency means (a) any significant decline in the board's financial resources that compels a reduction in the school system's current operational budget; (b) any

significant decrease or elimination in funding for a particular program; or (c) any insufficiency in funding that would render the board unable to continue existing programs at current levels.

The primary consideration in any reduction in force will be the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the school system. The superintendent shall consider a variety of factors, including the following, in determining which employees will be included in the reduction in force:

1. Performance ratings
2. Areas of licensure
3. Highly qualified status
4. Program enrollment
5. Service in extra duty positions and ability to fill such positions
6. Length of service, with higher priority given to service in this school system; and
7. Degree level
8. Employees that have attained retirement in a North Carolina School District or an out of state school district

The superintendent shall develop a system for using the above-mentioned factors to determine which employees will be recommended to the board for inclusion in the reduction in force.

Professional Employees: Demotion & Dismissal

Board Policy 7930 applies to this subsection. The board recognizes that an effective professional staff is critical to the smooth operations of the school system and to creating a learning environment where students are able to succeed. When a licensed employee is unable or unwilling to meet performance expectations, the supervisor and superintendent should consider whether dismissal or demotion is appropriate.

All legally required procedures, including those prescribed in the applicable state law, will be followed in the dismissal or demotion of employees. Career status teachers, non-career status teachers during the terms of their contracts, and school administrators during the terms of their contracts may be dismissed only for the following reasons:

1. inadequate performance, as defined by the applicable state statute;
2. immorality;
3. insubordination;
4. neglect of duty;
5. physical or mental incapacity;
6. habitual or excessive use of alcohol or non-medical use of a controlled substance as defined in Article 5, Chapter 90 of the General Statutes;
7. conviction of a felony or a crime involving moral turpitude;
8. advocating the overthrow of the government of the United States or of the state of North Carolina by force, violence, or other unlawful means;
9. failure to fulfill the duties and responsibilities imposed upon teachers or school administrators by the General Statutes;
10. failure to comply with such reasonable requirements as the board may prescribe;
11. any cause that constitutes grounds for the revocation of an employee's teaching or school administrator license;
12. a justifiable decrease in the number of positions due to school system reorganization, decreased

enrollment, or decreased funding, provided that there is full compliance with other statutory requirements;

13. failure to maintain one's license in current status;
14. failure to repay money owed to the state in accordance with the provisions of Article 60, Chapter 143 of the General Statutes; and
15. providing false information or knowingly omitting a material fact on an application for employment or in response to a pre-employment inquiry.

Resignation by a teacher who has been recommended for dismissal under the applicable state statute is subject to the provisions of policy 7900, Resignation.

Non-Career Status Teachers: Nonrenewal

Board Policy 7950 applies to this subsection. The board may refuse to renew the contract of any non-career status teacher for any cause it deems sufficient, so long as the cause is not arbitrary, capricious, discriminatory, prohibited by state or federal law, or for personal or political reasons.

If the superintendent decides to recommend nonrenewal of a non-career status teacher, the superintendent shall provide written notice of the recommendation no later than June 1. The teacher may, within 10 days of receipt of the superintendent's recommendation, request written notice of the reasons for the superintendent's recommendation for nonrenewal and the information that the superintendent may share with the board to support the recommendation for nonrenewal. If a teacher files a timely request, the superintendent shall provide the requested information, and the teacher will be permitted to submit supplemental information to the superintendent and board prior to the board's decision.

A non-career status teacher has the right to petition the board for a hearing no later than 10 days after receiving notice of the superintendent's recommendation for nonrenewal. If the teacher requests a hearing, the board will confer and determine whether such a hearing will be granted. The board will notify the teacher of its decision whether to grant a hearing.

In considering a recommendation of the superintendent to offer a teacher a new, renewed, or extended contract, the board may review any information that was in the teacher's personnel file at the time of the superintendent's recommendation. If the board determines that it needs additional information to reach a decision, the Board of Education will notify the teacher of the board's concerns and of the additional information that it is considering and provide an opportunity for the teacher to respond to the additional information.

The board will notify the non-career status teacher whose contract will not be renewed for the next school year of its decision by June 15. If, however, a teacher is granted a hearing, the board will provide the nonrenewal notification within 10 days of the hearing or such later date upon the written consent of the superintendent and teacher.

Non-career status teachers may be demoted or dismissed during the terms of their contracts only in accordance with policy 7930, Professional Employees: Demotion and Dismissal.

Details on employee dismissal can be found in the Cherokee County Board of Education Policy Professional Employees—Demotion and Dismissal (7930) and Classified Personnel—Suspension and Dismissal (7940). Termination of teachers and principals will be handled according to G.S. 115C-325.

For more information on reduction in force refer to Board policy Professional Personnel Reduction in Force Policy Code: 7920.

SUBSTITUTE TEACHERS

General Employment of Substitutes

The school system will employ substitute teachers as deemed appropriate by the administration and in accordance with State Board policies. The board recognizes the importance of employing licensed teachers as substitutes and will give first priority to substitutes who hold or have held any teaching license and second priority to those who have completed Effective Teacher Training or comparable professional development courses. Teaching experience also will be considered.

A criminal history check will be conducted on applicants for substitute teaching positions in accordance with policy 7100, Recruitment and Selection of Personnel, and administrative procedures.

Professional Responsibilities

The professional responsibilities and duties of substitutes shall be consistent with the regular teacher's responsibilities and duties for who they are substituting.

A substitute teacher may refuse a call to perform substitute duties. The Board may, in its sole discretion, unilaterally remove individuals from the substitute teacher list if the substitute demonstrates a pattern or practice of declining assignments.

A substitute who wishes to cancel an assignment on the current date must inform the principal by phone as soon as possible.

Dismissal & Removal from the Substitute List

Substitute teachers may be removed from the substitute call list at the discretion of the Board of Education or the Superintendent.

Substitutes who wish to terminate their services as a substitute teacher should notify the Central Office, Director of Human Resources in order to have their contact information removed from the District Substitute Listing.

INFORMATION FOR NEW EMPLOYEES

Sign-Up Procedures

Sign-up procedures have been established to help new employees complete the necessary forms and gain needed employment information. The following items are covered during the sign-up appointment:

- General employment information and benefits,
- Salary and pay periods,
- Tax,
- Form I-9 completion,
- Retirement, insurance, and health form

Note: New employees need to contact the Network Operations Center (NOC) at 837-4950 to request an ID Badge.

An employee will not receive a paycheck unless the sign-up process is completed to include completion of all necessary forms - excluding the health certificate. (Health certificates must be on file before a second paycheck can be issued.)

Contact the Personnel Benefits Supervisor for more information at 827-2722 extension 2428.

GENERAL INFORMATION

Board of Education Policy Access

To access any of the Board of Education policies visit www.cherokee.k12.nc.us and select the “Policy” tab located under the “Board” tab. All approved policies are listed sequentially at this site as well as forms (which are listed at the end of the index and the form name is preceded by an “F”).

Please note: Forms that have been created by CCS are considered an extension of policy. It is the intent of the Superintendent to ensure all forms are updated as policy revisions are approved by the Board. Should a circumstance arise wherein the form has not been revised, or an older version of the form has been used and said form contradicts Board policy, the revised policy will be considered the sole governing authority.

If you are unable to locate the policy you seek, contact the Administrative Assistant for the Superintendent at 837-2722 extension 2404.

Emergency Action Plan

Cherokee County Schools has a very comprehensive Emergency Action and Preparedness Plan. The complete plan may be accessed by contacting your school’s principal, immediate supervisor, School Resource Officer, or Central Office.

WORKDAY

As outlined in Policy 7500 Workday, all employees are expected to be present during all working hours. Absence without prior approval, chronic absences, habitual tardiness or abuses of designated working hours are all considered neglect of duty and will result in disciplinary action up to and including dismissal.

Certified Personnel

A. WORK SCHEDULES

The length of the school day for licensed and professional staff will be a minimum of seven hours and thirty minutes and will continue until professional responsibilities to the student and school are completed. Administrative meetings, curriculum development, pupil supervision, assigned duties, parent conferences, group or individual planning, and extracurricular activities may require hours beyond the stated minimum. Work schedules for other employees will be defined by the superintendent or designee, consistent with the Fair Labor Standards Act and the provisions of this policy.

B. WORKWEEK DEFINED

Working hours for all employees not exempted under the Fair Labor Standards Act (FLSA), including secretarial, cafeteria, janitorial, and maintenance personnel, will conform to federal and state regulations. The superintendent shall ensure that job positions are classified as exempt or non-exempt and that employees are made aware of such classifications. Supervisors shall make every effort to avoid circumstances that require non-exempt employees to work more than 40 hours each week. For purposes of FLSA Compliance, the workweek for school system employees will be 12:00 a.m. Saturday until 11:59 p.m. Friday. A copy of the FLSA and any administrative procedures established by the superintendent will be available to employees in the human resources office.

C. OVERTIME AND COMPENSATORY TIME

The board of education discourages overtime work by non-exempt employees. A non-exempt employee may not work overtime without the express approval of his or her supervisor. All overtime work must be approved by the superintendent or designee. All supervisory personnel shall monitor overtime use on a weekly basis and report such use to the superintendent or designee. Principals and supervisors shall monitor employees' work, shall ensure that overtime provisions of this policy and the FLSA are followed, and shall ensure that all employees are compensated for any overtime worked. Principals or supervisors may need to adjust daily schedules to prevent non-exempt employees from working more than 40 hours in a workweek. Accurate and complete timesheets of actual hours worked during the workweek must be signed by each employee and submitted to the finance officer. The finance officer shall review work records of employees on a regular basis to make an assessment of overtime use.

In lieu of overtime compensation, non-exempt employees may receive compensatory time off at a rate of not less than one and one-half hours for each one hour of overtime worked, if such compensatory time (1) is agreed to by the employee before the overtime work is performed and (2) is authorized by the immediate supervisor. Employees must be allowed to use compensatory time within a reasonable period after requesting such use (see policy 7510, Leave). Employees may accrue a maximum of 240 compensatory time hours before they must be provided overtime pay at the appropriate rate. In addition, upon leaving the school system, an employee must be paid for any unused compensatory time at the rate of not less than the higher of (1) the average regular rate received by the employee during his or her last three years of employment or (2) the final regular rate received by the employee.

Non-exempt employees whose workweek is less than 40 hours will be paid at the regular rate of pay for time worked up to 40 hours. Such employees will be provided overtime pay or compensatory time as provided above for working more than 40 hours in a workweek.

D. ATTENDANCE EXPECTATIONS

All employees are expected to be present during all working hours. Absence without prior approval, chronic absences, habitual tardiness, or abuses of designated working hours are all considered neglect of duty and will result in disciplinary action up to and including dismissal.

Non-Certified Personnel

Working hours for all employees not exempted under the Fair Labor Standards Act (FLSA), including secretarial, cafeteria, janitorial, and maintenance personnel, will conform to federal and state regulations. The standard workday for all full time classified (non-certified) employees, will be eight (8) hours, and the standard workday for part time will be less than six (6) hours per day.

The superintendent shall ensure that job positions are classified as exempt or non-exempt and that employees are made aware of such classifications. Supervisors shall make every effort to avoid circumstances that require non-exempt employees to work more than 40 hours each week. For purposes of FLSA Compliance, the workweek for school system employees will be 12:00 a.m. Saturday until 11:59 p.m. Friday. A copy of the FLSA and any administrative procedures established by the superintendent will be available to employees in the human resources office.

Workweek Defined

Working hours for all employees not exempted under the Fair Labor Standards Act (FLSA), including secretarial, cafeteria, janitorial, and maintenance personnel, will conform to federal and state regulations. The superintendent shall ensure that job positions are classified as exempt or non-exempt and that employees are made aware of such classifications. Supervisors shall make every effort to avoid circumstances that require non-exempt employees to work more than 40 hours each week. For purposes of FLSA Compliance, the workweek for school system employees will be 12:00 a.m. Monday until 11:59 p.m. Sunday. A copy of the FLSA and any administrative procedures established by the superintendent will be available to employees in the human resources office.

School Closure

Announcements for school delays or closings are typically made by 6:00 am.

The following Television & Radio stations will broadcast delays or closings for Cherokee County Schools and an ALERTNOW message is sent to all employees and students:

| | |
|------------------------------------|------------------------------------|
| WLOS.....Channel 13 Asheville | WTVC.....Channel 9 Chattanooga, TN |
| WRCB.....Channel 3 Chattanooga, TN | WKRK.....Radio Murphy |
| WCVP.....Radio Murphy | WLSB.....Radio Copperhill, TN |

Announcements are also posted to www.cherokee.k12.nc.us.

Absences Due to Inclement Weather

On a day that employees have the option to report for a workday, but pupils are not required to attend school due to inclement weather, employees have the following options:

- report to work;
- take accumulated annual (vacation) leave;
- take accumulated personal leave, if available (teachers only);
- take leave without pay;
- use compensatory leave already accumulated; or
- make up the time missed.

If an employee elects to make up time, it must be at a mutually agreed upon time between the employee and the immediate supervisor. For 10 month employees, it must be within the regular 10 month employment, or within the two non-work-months if approved by the supervisor.

When the school district is closed to staff and students due to inclement weather, the board will consider options for addressing the missed days, giving the greatest weight to how to best maintain the opportunity and environment for student learning.

Attendance Expectations

All employees are expected to be present during all working hours. Absence without prior approval, chronic absences, habitual tardiness, or abuses of designated working hours are all considered neglect of duty and will result in disciplinary action up to and including dismissal.

References

| | |
|--|------|
| Workday..... | 7500 |
| Leave of Absence..... | 7510 |
| Family and Medical Leave..... | 7520 |
| Military Leave..... | 7530 |
| Voluntary Shared Leave..... | 7540 |
| Absences due to Inclement Weather..... | 7550 |

TIME OFF—LEAVES OF ABSENCE

Bona Fide Religious Holidays

Absence from school for bona fide religious holidays may be allowed for a maximum of two days within any one school year with prior approval from the superintendent. Days designated may not be already scheduled as vacation or other holidays in the school calendar. Absence for these religious holidays will be with full pay.

The employee must agree to make up the amount of time for which his or her absence has been excused. The time must be made up at a time agreed upon by the employee and his or her immediate supervisor or principal.

When a substitute is employed on these holidays, payment must be made from the same source of funds as the employee’s salary (local, federal, or state funds).

Paid Legal Holidays

Permanent public school employees receive pay for the same number of legal holidays occurring within the period of employment as those designated by the State Personnel Commission for State employees. Permanent part-time employees are entitled to paid holidays on a pro rata basis. Paid holidays are granted only to employees who are in pay status through the day on which the holiday is scheduled, or in pay status for ½ or more of the workdays in the month. This includes Independence Day for summer employment.

Note: Employees would not earn holidays scheduled before their date of employment or after their date of separation or when the employee is on leave without pay for more than half of the workdays and holidays in the month.

Temporary employees are not entitled to paid holidays.

With the exception of Veteran's Day, the local board of education determines when holidays are scheduled in the school calendar. The following holidays are designated by the State Personnel Commission for State employees:

1. New Year's Day.....(January)
2. Martin Luther King Jr. Day.....(January)
3. Good Friday Holiday.....(April)
4. Memorial Day.....(May)
5. Independence Day.....(July)
6. Labor Day.....(September)
7. Veterans Day.....(November)
8. Thanksgiving Day (2-days).....(November)
9. Christmas Eve (2-days. Exception: when Christmas falls on
Tuesday, Wednesday, or Thursday it is 3-days.).....(December)

Should a holiday fall on a weekend, the holiday will be observed on the work day closest to the holiday.

Annual Vacation Leave

The purpose of paid annual vacation leave is to allow and encourage all employees to renew their physical and mental capabilities and to remain fully productive. Employees are encouraged to request annual vacation leave during each year in order to achieve this purpose.

Eligibility and Rate of Earning

All full-time and part-time permanent employees who work or are on paid leave (including paid holidays and workers' compensation) for one-half or more of the workdays in a monthly pay period are entitled to earn annual vacation leave at the same rate provided for state employees. Leave for a part-time employee is computed on a pro rata basis of the amount earned by a full-time employee in that class of work. A single employee working in two or more positions may not earn more than the benefits allowed for one full-time position.

The rate of earning is based on the length of total State service as follows:

| Vacation Leave Accrual Rate Years of State Service | Monthly Full-time Accrual Rates | 12 Month Full-time Accrual Rates |
|---|--|---|
| Less than 5 years | 1.17 days (9.33 hours) | 14 days (112 hours) |
| 5 but less than 10 years | 1.42 days (11.33 hours) | 17 days (136 hours) |
| 10 but less than 15 years | 1.67 days (13.33 hours) | 20 days (160 hours) |
| 15 but less than 20 years | 1.92 days (15.33 hours) | 23 days (184 hours) |
| 20 years or more | 2.17 days (17.33 hours) | 26 days (208 hours) |

LEAs have the authority to determine the number of hours in their employees' workday. The above chart is based on the Office of State Human Resources model of an 8-hr/day, 40 hr/week employee. Districts

should scale the leave accrual rates to reflect the appropriate number of annual leave days that the employee can accrue in a month. For example, an employee with less than 5 years of experience who works a 7.5 hour day (35 hr/week) would earn 8.78 hours (1.17 days) of annual leave per month. Employees cannot earn more annual leave days than are allowed by state law.

Bus drivers who work less than 20 hours per week and who are not otherwise entitled to earn vacation as described above are entitled to earn one day per year (equal in length to one regular workday for each driver) if:

- a) They are employed to drive a regular daily route (i.e., they are not substitute drivers), and
- b) They were employed as regular drivers the entire previous school year.

A bus driver who is terminated or resigns before taking the leave day is not entitled to compensation for the annual vacation leave day.

Use of Annual Vacation Leave

- (a) For 10-month employees the first 10 days of annual vacation leave must be scheduled in the school calendar and must be taken as scheduled.
- (b) **Approval:** All annual vacation leave taken by a public school employee must be with the authorization of the employee's immediate supervisor and must conform to policies established by the State Board of Education and the local board of education.
- (c) **Units of annual vacation leave:** Annual vacation leave may be used in one-half days, whole days, or hours as determined for earning purposes by the local board.
- (d) **Restrictions on use by instructional personnel and teacher assistants:** Classroom teachers who require a substitute, school media coordinators who require a substitute and teacher assistants who require a substitute may not take annual vacation leave at any time that students are scheduled to be in attendance except as provided in "Leave for Catastrophic Illness", or "Leave for New Parents" of this manual. However, local school boards of education may adopt policies permitting instructional personnel employed for 11 or 12 months in year- round schools to, with the approval of the principal, take annual vacation leave at a time when students are in attendance; local funds shall be used to cover the cost of substitute teachers.
- (e) Teachers (as defined by G.S. 325.a (6)) who do not require a substitute may, with their supervisor's approval, take annual vacation leave on any day school is in session. Employees who are restricted in their use of annual leave (i.e., when students are in school) shall accrue personal leave at the same rate as classroom teachers. Teachers who do not accrue personal leave shall not be restricted in their use of annual leave with prior approval.
- (f) **Annual vacation leave in lieu of sick leave:** Annual vacation leave may be used in lieu of sick leave. Instructional personnel who require substitutes are subject to the restrictions set forth in paragraph (d) above.
- (g) **Adverse weather:** Employees may elect to use annual vacation leave for absences due to adverse weather conditions only on days when students are not required to attend school due to the adverse weather conditions.
- (h) **Disability:** Employees may elect to exhaust annual vacation leave during the 60-day waiting period or in lieu of short-term disability benefits. Instructional personnel who require substitutes may use this leave only on days that students are not scheduled to be in regular attendance or in accordance with the provisions of "Leave for Catastrophic Illness", or "Leave for New Parents" of this manual. This election does not extend the 365--day duration of short-term disability.

- (i) **Use of annual vacation leave by interim or temporary employees:** An employee who had previously earned annual vacation leave may not use this leave while employed in an interim position of less than six months, a temporary position, or a position of less than 20 hours per week except.
- (j) **Accumulation and use during summer employment:** Any employee who earned annual vacation leave in the regular school term will continue to earn annual vacation leave during the summer if employed at least 20 hours per week in the same school system. The rate will be pro rata if the summer employment is less than full-time. Annual vacation leave may be used under the same conditions as during the regular term.
- (k) **Scheduling annual vacation leave and workdays in the calendar:** Local calendars must be designed to allow all employees an opportunity to take annual vacation leave. This applies to summer school calendars as well as calendars for the regular term. Days not scheduled in the calendar for student attendance, holidays, annual vacation leave, or optional workdays may be designated by the local board of education as mandatory workdays.
- (l) **Leave deficit:** An employee who has neither earned nor will earn sufficient annual vacation leave to cover any annual vacation leave day scheduled in the school calendar will be placed on leave without pay.
- (m) **Military caregiver:** An employee may choose to exhaust available sick and/or vacation/bonus leave, or go on leave without pay to care for an injured family member. (An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the employer's normal leave policy.)
- (n) **Qualifying Exigency:** When necessitated by one of the qualifying exigency reasons, employee may use available vacation/bonus leave, or go on leave without pay.

Accumulation/Conversion to Sick Leave

Annual vacation leave may be accumulated without any applicable maximum until June 30 of each calendar year. On June 30 or upon retirement accumulated annual vacation leave in excess of 30 days will be converted to sick leave so that only 30 workdays of annual vacation leave are carried forward.

Upon separation in order to retire, annual vacation leave over 30 days may be converted to sick leave for creditable service toward retirement.

Upon separation from service due to service retirement, resignation, (if not transferring to another LEA within 31 calendar days), dismissal, reduction in force or death, an employee shall be paid in a lump sum for accumulated annual vacation leave not to exceed a maximum of 30 days. Employees going onto disability may exhaust annual vacation leave rather than be paid in a lump sum.

Advancement

An employee may be advanced the amount of annual vacation leave that may be earned in the remainder of the fiscal year at the discretion of the local administrative unit. The local superintendent must assume full responsibility for use in excess of earnings.

Transfer of Leave

- (a) **Transfer between LEAs:** An employee who transfers between local administrative units must have all unused annual vacation leave transferred to the new administrative unit. Leave to be accepted by a school system must not result in leave being accrued at a greater rate than the rate afforded to school employees as set forth herein. Leave should be transferred between districts as "days", not hours. The transferring district calculates the days by dividing the number of total hours of annual vacation leave by the number of hours in the employee's defined workday. The receiving district multiplies the number of days by the number of hours in the employee's new role. This process ensures that no days are lost (or gained) when the employee transfers between districts that may define their workdays differently.

- (b) **Transfer to and from other state agencies:** If the agency is willing to accept it, leave may be transferred to and from a state agency or institution, community college, technical institute, or a position covered by the State Personnel Act in county agencies of mental health, public health, social services, or emergency management.
- 1) All or any portion of the unused annual vacation leave may be accepted. Leave to be accepted from a state agency must not result in leave being accrued at a greater rate than the rate afforded to school employees as set forth herein.
 - 2) If a receiving agency refuses to credit the employee with the unused annual vacation leave or any portion thereof, the employee must be paid in a lump sum for up to 30 days or 240 hours of accumulated annual vacation leave.
- (c) When an employee transfers between LEAs or to a state agency, if the new employment is obtained within 31 calendar days from the date of separation, (as reported by the resigning employee), the leave balances will transfer rather than being paid out.
- (d) There is no provision for public school employees to transfer leave to or from charter schools.

* NOTE: Upon Separation from employment with an LEA to work in a charter school, any vacation leave balance (up to 30 days) is paid by the LEA.

Separation from Employment

- (a) **Lump sum payment:** An employee must be paid in a lump sum for accumulated annual vacation leave, not to exceed a maximum of 30 days or 240 hours, upon separation from service. Separation from service includes resignation (unless the employee is transferring to another LEA or state agency), dismissal, reduction-in-force, death, service retirement, beginning long-term disability benefit or change to temporary status.
- (b) **Leave deficit:** If an employee separating from service is overdrawn with respect to annual vacation leave, a deduction in the appropriate amount must be made from the employee's final paycheck.
- (c) **Retirement:** A deduction for retirement must be made from all lump-sum payments of annual vacation leave. Receipt of lump-sum leave payment and retirement benefits is not considered to be dual compensation.
- (d) **Claims on behalf of deceased employee:** In the case of a deceased employee, unused annual vacation leave up to a maximum of 30 days or 240 hours must be paid to the deceased employee's administrator or executor upon the establishment of a valid claim. The claim must be made to the Clerk of Superior Court in the county of the deceased employee's residence.
- (e) **Accounting procedure:** When an employee separates from service, payment for leave may be on the regular payroll or on a supplement payroll. The number of leave days and amount of payment must be specified. Payment must be charged to the annual vacation leave budget codes provided for this purpose and from the same source of funds and in the same prorate amount from which the employee's salary is paid (local, federal or state funds).

Leave Records

Local administrative units must maintain leave records for each employee. It is the responsibility of the employee to record his or her leave time and the responsibility of the employee's immediate supervisor to verify that the leave record is accurate.

The local administrative unit must notify employees of leave balances at least once a year. Leave records must be retained for a period of at least five years from the date of the employee's separation from service.

Annual Vacation Leave for Catastrophic Illness

Benefit

Instructional personnel who require substitutes and may take annual vacation leave at a time when students are scheduled to be in attendance if the leave is due to a catastrophic illness of the employee and if the entire employee's available sick leave has been exhausted.

This leave is available only for the employee's personal illness.

Determining Eligibility

The local superintendent or a committee designated by the superintendent shall determine whether an illness is catastrophic by considering such factors as:

- (a) The debilitating nature of the condition,
- (b) The life-threatening potential of the condition,
- (c) The duration of the condition,
- (d) The monetary hardship incurred because of the condition,
- (e) The expected length of the leave, and
- (f) Other options available to the employee, such as state disability.

Annual Vacation Leave for New Parents

Annual Vacation Leave for New Parents

(a) Employees, including teachers, may use annual vacation leave, personal leave if applicable, or leave without pay to care for a newborn child or for a child placed with the employee for adoption or foster care. Use of annual vacation leave for this purpose is not limited to days when students are not scheduled to be in attendance. (An employee may also use up to 30 days of earned sick leave to care for a child placed with the employee for adoption.

(b) The leave must be for consecutive workdays during the first 12 months after the date of birth or placement of the child, unless the employee and local board of education agree otherwise.

Bonus Vacation Leave

Purpose

The purpose of the bonus vacation leave is to provide a leave benefit to employees whom the General Assembly designated in the 2002-2003, 2003-2004, and/ or 2004-2005 fiscal years.

Eligibility and Rate of Earning

Bonus vacation leave was received in three special distributions. For the 2002-2003 fiscal year, only full-time and part-time permanent employees who were eligible to earn leave on September 30, 2002 were eligible to receive bonus vacation leave. School employees who received salary increases based on the salary schedules approved in the 2001 modified budget (S.B. 1115) were not eligible for bonus vacation leave.

For the 2003-2004 and the 2004-2005 years, additional bonus vacation leave was awarded to certain employees (those eligible to earn paid leave that were not paid from a teacher or administrator salary schedule).

In each of the three special distributions, eligible employees in permanent full-time 12-month positions received the full amount of bonus vacation leave. The leave was received pro rata if employed less than full-time and/or less than 12-months.

The bonus vacation leave balance is tracked separately and carried forward each year until used or paid out at retirement or separation. (It is not included in the 30 day limit of the annual vacation leave which can be carried forward on June 30 each year and does not roll into sick leave.)

Use of Bonus Vacation Leave

Bonus vacation leave can be used under the same circumstances and provisions as annual vacation leave.

Transfer of Bonus Leave

An employee who transfers between LEAs or to or from a state agency or a community college, can have all unused bonus vacation leave transferred providing that the new agency accepts the bonus vacation leave.

Payout of Bonus Vacation Leave

When an employee transfers between LEAs or to a state agency or a community college, if the new employment is obtained within 31 calendar days from the date of separation, the bonus leave balance can be transferred rather than being paid out providing that the new agency accepts the bonus vacation leave.

Separation from Employment or Transfer to a Position Not Eligible for Leave

- (a) Upon separation from employment, any unused bonus vacation leave balance will be paid out at the daily rate at the time of separation. This payment is in addition to the annual vacation leave balance (up to 30 days) that is paid at separation.
- (b) If an employee transfers to a position where the employee is unable to earn or use vacation leave, the bonus leave balance is paid in a lump sum. This bonus vacation leave payment is in addition to any payment for an annual vacation leave balance.

Donation of Bonus Vacation Leave

Bonus vacation can be donated under the same rules and provisions as annual vacation leave is donated.

Sick Leave

Eligibility and Rate of Earning

- (a) **Full-time employees:** All permanent, full-time employees working or on paid leave (including paid holidays and workers' compensation) for one-half or more of the workdays in any monthly pay period earn one sick day per month or the number of hours worked daily by a full-time employee in that class of work up to a maximum of eight hours.
- (b) **Part-time employees:** All permanent, part-time employees working or on paid leave (including paid holidays and workers' compensation) for one-half or more of the workdays in any monthly pay period earn sick leave computed on a pro rata basis of the amount earned by a full-time employee in that class of work.
- (a) Permanent, part-time employees previously employed in a full-time position retain the balance of sick leave earned in the prior position upon transferring to a part-time position.
- (b) **Units:** Sick leave must be used in one-half days, whole days, or hours as determined for earning purposes by the local board. Only sick leave taken on an employee's workday shall be deducted from the employee's sick leave balance.
- (c) **Accumulation:** Sick leave may be accumulated indefinitely.

Purposes for Which Sick Leave May Be Used

Sick leave may be used for:

- (a) Any actual period of temporary disability caused by or contributed to by personal illness or injury, which prevents an employee from performing his or her usual duties. Sick leave due to pregnancy, miscarriage, abortion, childbirth, or postnatal recovery must be treated in the same manner as any other temporary disability. Sick leave may be used during the 60-day waiting period for short-term disability to supplement, or in lieu of, short-term disability benefits. Sick leave may also be used to supplement, or in lieu of, workers' compensation to maintain 100% salary.
- (b) Up to 30 days of earned sick leave may also be used to care for a child placed with an employee for adoption. (These days should be consecutive and within the first 12 months following the adoption, unless otherwise agreed upon between the employee and the LEA administration.) Note: the foster care benefit is afforded under FMLA and is not designated in state policy.
- (c) Medical appointments of the employee.
- (d) Illness in the immediate family and medical appointments related to the illness that necessitates the employee's attendance.
- (e) Death in the immediate family.
- (f) The length of leave granted for illness or death in the immediate family is determined by the local administrative unit based on individual employee need.
- (g) Whenever possible, employees should give 30 days advance notice of plans to take sick leave for elective medical or surgical procedures or for childbirth.
- (h) Military caregivers may choose to exhaust available sick and/or vacation/bonus leave, or any portion, or go on leave without pay to care for an injured family member.
- (i) Employees may use vacation/bonus leave, or go on leave without pay for military exigencies subject to the terms and conditions of the employer's normal leave policy. Military exigencies do not qualify for the use of sick leave, unless medically necessary. (*Only the NC General Assembly may give Bonus Leave.*)

Verification of Need for Sick Leave

The superintendent may require a statement from a medical doctor or other acceptable proof that the employee was unable to work due to personal illness, medical appointment, illness or death in the family, or adoption.

Accumulation and Use During Summer Employment

Any employee who earned sick leave during the regular school term will continue to earn sick leave during the summer if employed in the same school system at least 20 hours per week, even if employed in a temporary or interim position for the summer. The rate will be pro rata if the summer employment is less than full-time. The employee may use sick leave during the summer for the same reasons permitted during the regular term.

Limitations on Sick Leave

Sick leave may not be used while on leave without pay or on holidays and annual vacation leave days scheduled in the school calendar. An absence covered by workers' compensation is not considered to be a leave without pay.

Sick leave may be used on any workday or student day including the first day employees in permanent positions report to work.

An employee, who is not eligible to earn leave, cannot use previously accumulated leave.

Advancement of Sick Leave

An employee may have advanced to his or her credit at the beginning of each school year the number of days or hours of sick leave to which he or she is entitled for that school year. The local superintendent shall assume full responsibility for the decision to advance sick leave to an employee.

Reinstatement Following Sick Leave

When the period of temporary disability does not exceed 30 working days, the employee shall be reinstated to his or her position at the termination of the period of temporary disability.

When the period of temporary disability exceeds 30 working days, the local superintendent shall determine when the employee is to be reinstated based on a consideration of the welfare of the students and the need for continuity of instruction.

Sick Leave Upon Separation

- (a) In the event an employee separates from service before earning sick leave which has been advanced, a deduction will be made from the final salary check for the total unearned sick leave used.
- (b) Pay for unused sick leave is not permitted, except when an employee has been approved for long-term disability.
- (c) Accumulated sick leave counts as creditable service towards retirement. One month of credit is allowed for each 20 days of unused sick leave upon retirement. One more month is allowed for any part of 20 days left over. Sick leave converted from excess annual vacation leave is also creditable.
- (d) From the date an employee resigns or moves to a temporary position, the sick leave balance is retained for 60 or 63 months. (In order to have 63 months, the individual must have separated under a 10 months contract and returned to employment under a 10 months contract.) If the person is re-employed in a full-time or part-time permanent position, or retires within this 60 or 63 months, the sick leave balance is reinstated. After this point, the sick leave balance cannot be reinstated.

Transfer of Sick Leave

- (a) **Between school systems:** Unused sick leave must be transferred between local school administrative units. Leave to be accepted by a school system must not result in leave being accrued at a greater rate than the rate set forth in herein.
- (b) **To and from other state agencies:** Sick leave may be transferred in whole or in part to and from a state agency, institution, community college, technical institute, or position covered by the State Personnel Act in county agencies of mental health, public health, social services or emergency management if the receiving agency is willing to accept the leave. Leave to be accepted by a school system must not result in leave being accrued at a greater rate than the rate set forth in herein.
- (c) If the government agency refuses to accept sick leave earned by a school system employee, there is no lump-sum payout to the employee.
- (d) **Charter Schools:** There is **no** provision for public school employees to transfer leave to or from charter schools.*

** NOTE: Upon Separation from employment with an LEA to work in a charter school, any vacation leave balance (up to 30 days) is paid by the LEA, and the sick leave balance is retained by the LEA for 60 months (63 months for 10 month employees).*

Reinstatement of Accumulated Sick Leave

- (a) **Within or between LEAs:** A former employee must be credited with all sick leave accumulated up to the time of separation from an LEA provided the employee is reinstated as a permanent employee within 60 or 63 calendar months from the date of separation. (In order to have 63 months, the

individual must have separated under a 10 months contract and returned to employment under a 10 months contract.)

- (b) **From other state agencies:** Sick leave may be reinstated from a state agency or institution, community college, technical institute or position covered by the State Personnel Act in county agencies of mental health, public health, social services or emergency management when an individual is employed within 60 calendar months of separation from one of these. Leave to be accepted by an LEA must result in leave being accrued at a greater rate than the rate at which the LEA employees earn leave.

Payout of Sick Leave

With one exception, payout of sick leave is not allowed. To qualify for the exception and be paid a lump sum for unused sick leave, the employee must:

- Be approved for long-term disability
- Be unable to apply the sick leave toward retirement

The exception is, prior to receiving long-term disability benefits, if an employee is unable to apply the sick leave toward retirement, the employee approved for long-term disability must be paid in lump-sum for any accumulated, unused sick leave. Contact the Teachers' and State Employees' Retirement System to determine whether the sick leave balance can be applied to retirement.

At retirement, unused sick leave is credited to retirement service, but there is no payment.

Extended Sick Leave

Eligibility and Rate of Earning

Extended sick leave is available to classroom teachers and media coordinators who require substitutes if they are absent due to their own personal illness or injury and have exhausted all available accumulated paid leave (sick leave, annual vacation leave, and bonus leave). In order to be eligible, the employee must be in a permanent full- or part- time position. Those qualifying are allowed extended sick leave of up to 20 workdays throughout the regular (annual) term of employment.

Use of Extended Sick Leave

- (a) In order for a newly hired employee to be eligible for extended sick leave, he or she must have reported to work.
- (b) The local school system may request appropriate medical verification of the need for extended sick leave.
- (c) Extended sick leave days do not have to be used consecutively.
- (d) Unused extended sick leave days do not carry forward to succeeding school years.
- (e) Extended sick leave is not available beyond the waiting period of Workers' Compensation or Short Term Disability.

Deduction

Employees on extended sick leave receive full salary less the required substitute deduction. The deduction is mandatory whether or not a substitute is employed. The standard deduction is \$50 per day.

Voluntary Shared Leave

Purpose

The purpose of voluntary shared leave is to provide economic relief for employees who are likely to suffer financial hardship because of a prolonged absence or frequent short- term absences caused by a serious medical condition.

Eligibility

Only full-time and part-time permanent employees who have exhausted all available accumulated paid leave (sick leave, annual vacation leave, and bonus leave, if applicable) are eligible to receive donated leave. An employee need not exhaust personal leave and the 20 days of extended sick leave to be eligible for voluntary shared leave. Only employees in permanent (leave earning) status can participate in the voluntary shared leave program.

An employee who is receiving benefits or is eligible to receive benefits from the Disability Income Plan is not eligible to receive donated leave. Voluntary shared leave may be used only during the required waiting period.

The superintendent shall approve or deny all requests for receipt of donated leave.

Application for Voluntary Shared Leave

An employee who, due to a serious medical condition of self or of his or her immediate family faces prolonged or frequent absences from work may apply to the superintendent of the LEA for donated leave. Application may also be made by a third person acting on the employee's behalf, if the employee is unable to complete an application.

An employee may complete an application for shared leave at such time as medical evidence is available to support the need for leave beyond the employee's available accumulated leave.

The following items must be included in the application:

1. A doctor's statement, and
2. An authorization for release of medical information signed by the person who is suffering the medical condition (or parent or guardian of a minor). This release may also be signed by any legally authorized party.

Donation and Receipt of Leave

(a) **What Immediate Family Members May Donate.** An employee of a public school system (Local Education Agency) may donate vacation/bonus or sick leave to an immediate family member, who is eligible to receive shared leave, in any public school, state agency, or community college. An eligible employee of a public school system (LEA), may receive vacation/bonus and/or sick leave from an immediate family member in any public school system, state agency, or community college. See definition of Immediate Family. Bonus leave may also be donated.

There is no provision for public school employees to donate leave to or receive leave from employees or family members in charter schools, or in county agencies of mental health, public health, social services or emergency management including those covered by the State Personnel Act.

Employees who donate sick leave shall be notified in writing of the State retirement credit consequences of donating sick leave.

Donors may not reduce their leave balance(s) below one-half of what can be earned in a year.

(b) **What Non-Family Members May Donate.** An LEA employee may donate the following leave to a non-family member:

1. An employee may donate vacation or bonus leave to an employee of the same or another LEA. (Sick leave can be donated under the provisions described below.)
2. An employee may donate vacation or bonus leave to a coworker's immediate family who is an employee in a state agency or community college.
3. An employee of an LEA may donate sick leave to a nonfamily member in the same or another LEA under the following provisions:
 - i. The donor shall not donate more than five days of sick leave per year to any one nonfamily member;
 - ii. The combined total of sick leave donated to a recipient from a nonfamily member donors shall not exceed 20 days per year;
 - iii. Donated sick leave shall not be used for retirement purposes,
 - iv. Donors may not reduce their sick leave balances below one-half of what can be earned in a year
 - v. Employees who donate sick leave shall be notified in writing of the State retirement credit consequences of donating sick leave.

There is no provision for public school employees to donate leave to or receive leave from employees in charter schools, or in county agencies of mental health, public health, social services or emergency management including those covered by the State Personnel Act.

- (c) **Receiving Donated Leave.** Approved LEA employees may receive sick leave from both family members and non-family in LEAs. The combined total of sick leave received from nonfamily members shall not exceed 20 days per year. Approved LEA employees may receive sick leave only from immediate family members in community college institutions and state agencies. Donated sick leave shall not be used for retirement purposes.

Approved LEA employees may receive vacation/bonus leave from employees of their own or other LEAs and from immediate family and their coworkers in community college institutions and state agencies.

- (a) All leave donations must be to a designated employee approved for receipt of donated leave and may not be made to a pool or bank.
- (b) All donations must be in writing and must be signed by the donating employee. The employee receiving the leave must be named and the amount and type of leave donated must be specified.
- (c) For the purposes of voluntary shared leave, all leave donated will be credited to the recipient's sick leave account.
- (d) The minimum amount of leave donated must be one-half of a day.
- (e) The donating employee may not receive compensation in any form for the donation of leave. Local boards shall adopt policies stating that acceptance of remuneration for donated leave will result in dismissal.

Length of Leave

- (a) The superintendent of the LEA will determine the length of the leave. The leave granted may not exceed the maximum described below in (b). Under no circumstances may the use of voluntary shared leave exceed the employee's period of treatment and recovery.
- (b) An employee may normally receive no more than 130 workdays of donated leave, either continuously or for the same condition on a recurring basis. After 130 workdays have been used, the superintendent may extend this limit on a month- to-month basis until the maximum number of working days occurring between the first day of use of donated leave and twelve months have been used. (This provision is only available for those that are not eligible for short term disability).

Earning Leave While Using Voluntary Shared Leave

Holidays occurring while the employee is using donated leave will be paid. Annual vacation and sick leave will continue to be earned by the employee while he or she is using donated leave. Available earned leave accrued during this period must be used by the employee prior to continued use of any voluntary shared leave.

Unused Leave

At the expiration of the period approved for voluntary shared leave as determined by the superintendent of the LEA, any unused donated leave must be returned on a pro rata basis to the donors.

Voluntary Sick Leave Bank

Establishing a Voluntary Sick Leave Bank

An LEA may establish a voluntary sick leave bank for its employees. Any employee of an LEA that establishes a voluntary sick leave bank may, but is not required to, participate in the voluntary sick leave bank.

Factors Used to Develop a Sick Leave Bank

The LEA shall develop and implement a plan for participation that shall include the factors listed in G.S. 115C-336(b) (i)-(vii) and the following:

- (a) A uniform number of days to be contributed to the bank by participants,
- (b) Provisions for legitimate use of days by participants,
- (c) Means to protect against overdraft of total contributed days, and
- (d) Safeguards to prevent abuse by participants.

Sick Leave Bank Committee

The LEA shall establish a sick leave bank committee to administer the sick leave bank, subject to the following requirements:

- (a) The LEA shall assure that all local personnel are equitably represented on the committee.
- (b) The LEA shall develop operational rules for the efficient and effective functioning of the bank.
- (c) The LEA shall develop procedures for participants' use of days based upon requirements of the plan.
- (d) The LEA shall specify the limits of the committee's authority.
- (e) The committee shall notify all participating employees of the ways in which their participation will affect their state retirement account.

Required Operational Procedures

The LEA shall ensure that its operational procedures meet the following requirements:

- (a) State funds for substitute teachers shall be used to pay for substitute teachers on days that teachers use sick leave from voluntary sick leave banks.
- (b) The reporting to the division of School Business Services of the number of employees participating, itemized by job classification, the number of sick leave days withdrawn, the cost of the leave, and other data required for fiscal and programmatic accountability.

Disability Income Plan

Plan Administration

The Disability Income Plan of North Carolina is administered by the North Carolina Department of the State Treasurer and the Board of Trustees of the Teachers' and State Employees' Retirement System within the terms and conditions of the Plan as set forth in the North Carolina General Statutes.

For employees vested in the Teachers' and State Employees' Retirement System after July 1, 2003, definitions of disability and disabled have been revised. Employees and employers need to contact the Retirement System to determine whether situations meet the requirements for the Disability Income Plan.

The information in this section is provided as a brief overview of the Disability Income Plan and does not substitute for or in any way alter the detailed provisions of the Retirement System law.

Short-Term Disability Benefits

Employees with at least one year of contributing membership service with the Teachers' and State Employees' Retirement System earned within 36 calendar months preceding the disability are eligible for short-term disability benefits.

After a waiting period of 60 continuous calendar days from the onset of a disability, an eligible employee may receive a monthly short-term benefit equal to 50% of 1/12th of his or her annual base rate of compensation plus 50% of 1/12th of his or her annual longevity payment, if any, to a maximum of \$3,000 per month.

A person in receipt of short-term disability benefits is covered under the Teachers' and State Employees' Comprehensive Major Medical Plan, with the State contributing the cost of employee-only coverage, provided the person had contributed to the Retirement System at least five years as a public school or state employee at the time of disability. A person in receipt of benefits who did not meet the five year requirement at the time of disability may elect to continue coverage under the Major Medical Plan by paying the full premium required.

Short-term disability benefits may be extended for as many as 365 days beyond the original short-term period in cases where the Medical Board finds that the disability continues to be temporary and is likely to end during the extended period.

Long-Term Disability Benefits

Employees with at least five years of contributing membership service with the Teachers' and State Employees' Retirement System, earned within 96 calendar months prior to the end of the short-term disability period, are eligible for long-term disability benefits.

Long-term disability payments are payable after the conclusion of the short-term disability period. During the first 36 months of the long-term disability period, the monthly long-term benefit will equal 65% of 1/12th of the employee's annual base rate of compensation that was last payable prior to the beginning of the short-term benefit period plus 65% of 1/12th of the annual longevity payment, if any, to a maximum of \$3,900 per month. After the first 36 months of the long-term disability period, the long-term benefit is reduced by an amount equal to the primary Social Security disability benefit to which the employee might be entitled had he or she been awarded Social Security disability benefits.

A person in receipt of long-term disability benefits is covered under the Teachers' and State Employees' Comprehensive Major Medical Plan, with the State contributing the cost of employee-only coverage.

An employee approved for long-term disability benefits must terminate employment as a permanent employee prior to receiving long-term disability benefits.

An employee approved for long-term disability benefits who has not exhausted accumulated sick leave must be paid a lump sum for any available sick leave, if the employee is unable to apply the sick leave toward retirement. *(Note: This does not include extended sick leave, and this is the only time an employee may be paid in lump sum for unused sick leave.)*

More Information

Contact your Benefits Advisor at (828) 837-2722 for more detailed information or it may be obtained in the booklet “Your Retirement Benefits” published by the State Retirement System (919) 733-4191).

Personal Leave

Eligibility and Rate of Earning

Personal leave is earned by classroom teachers and school media coordinators who require substitutes. In order to be eligible, the teacher must be in a permanent full- or part-time position. Personal leave is earned at the rate of .20 days for each full month of employment not to exceed two days per year. Part-time personnel earn a pro rata share of the rate for full-time teachers. Unused personal leave may be carried forward from one year to another and may be accumulated without limitation until June 30th. On June 30, personal leave in excess of 5 days is converted to sick leave so that a maximum of 5 days of personal leave are carried forward to July 1st. Upon retirement, any personal leave may also be converted to sick leave.

Note: As used in this section the term “teacher” applies to classroom teachers and media coordinators who require substitutes. Teachers (as defined by G.S. 325.a (6)) who are restricted in their use of annual leave (i.e., when students are in school) shall accrue personal leave at the same rate as classroom teachers. Teachers who do not accrue personal leave shall not be restricted in their use of annual leave with prior approval.

Use of Personal Leave

- (a) Personal leave may be used only upon the authorization of the immediate supervisor.
- (b) A teacher shall not take personal leave on the first day the teacher is required to report for the school year, on a required teacher workday, on days scheduled for State testing, or on the day before or the day after a holiday or scheduled vacation day, unless the request is approved by the principal.
- (c) A teacher who requests personal leave at least five days in advance shall be automatically granted the request subject to the availability of a substitute teacher. A teacher making the request cannot be required to provide a reason for the request if the request is made at least five days in advance.
- (d) Personal leave may be used on any instructional day or workday except as noted in paragraph (b) above.
- (e) Teachers using personal leave receive full salary less the required substitute deduction, except for teachers using personal leave on teacher workdays. Teachers using personal leave on teacher workdays shall receive full salary. Teachers may use up to their accrued amount of personal leave on teacher workdays in accordance with paragraphs a, b, c and d above.

| USE OF PERSONAL LEAVE | | | | |
|------------------------------|----------------|---|--|--|
| Calendar Days | Workday | Can Use Personal Leave without a | Can Use Personal Leave With | Can Use Annual Vacation |

| | | Deduction? | Deduction? | Leave? |
|--|---------------------------|-----------------------|--------------------|---------------|
| Instructional Days | 185 ⁽²⁾ | Yes ⁽⁷⁾ | Yes ⁽¹⁾ | No |
| Optional Vacation Leave Non-Instructional Workdays | At least 2 ⁽⁴⁾ | Yes ⁽¹⁾⁽⁵⁾ | No ⁽³⁾ | Yes |
| Mandatory Workdays | Up to 8 ⁽⁶⁾ | No | No | No |

- (1) In accordance with NC Benefits & Employment Policy Manual
 - (a) Personal leave may be used only upon the authorization of the immediate supervisor.
 - (b) A teacher shall not take personal leave on the first day the teacher is required to report for the school year, on a required teacher workday, on days scheduled for State testing, or on the day before or the day after a holiday or scheduled vacation day, unless the request is approved by the principal.
 - (c) A teacher who requests personal leave at least five days in advance shall be automatically granted the request subject to the availability of a substitute teacher. A teacher making the request cannot be required to provide a reason for the request if the request is made at least five days in advance.
 - (d) Personal leave may be used on any instructional day or workday except as noted in paragraph (b) above.
 - (e) Teachers using personal leave receive full salary less the required substitute deduction, except for teachers using personal leave on teacher workdays. Teachers using personal leave on teacher workdays shall receive full salary. Teachers may use up to their accrued amount of personal leave on teacher workdays in accordance with paragraphs a, b, c and d above.
- (2) The State Board of Education may grant waivers to use some or all of the 5 additional instructional days (formally protected work days) as professional development workdays that will enhance students' performance. Any days for which a waiver has not requested and approved remain instructional days and the days that are waived become mandatory attendance workdays. ***(Effective July 1, 2011 there are no protected teacher workdays.)***
- (3) Optional Non-Instructional Workdays –Workdays that are not designated as mandatory attendance workdays when teachers and other employees can use accumulated vacation leave. See (6) below.
- (4) At least 2 of the 10 non-instructional days must be designated as days that teachers may take accumulated annual leave (optional workdays). Local boards may designate up to 10 non-instructional days as days on which teachers may take accumulated annual leave.
- (5) Limited to the accrued personal leave balance as of the leave date.
- (6) Workdays that the local board can designate as mandatory attendance workdays; if not mandatory, Optional Vacation Leave Non-Instructional workday provisions apply. When Christmas is on Tuesday, Wednesday or Thursday, the maximum will be 7 instead of 8.
- (7) May use personal leave without deduction only if no substitute is utilized to cover the absence.

NOTE: This chart was revised to reflect HB 200 (SL 2011-145, sec. 7.29) - Increase Number of Instructional Days. Effective July 1, 2011.

Limitations on Personal Leave

- (a) Personal leave should be used with due and proper consideration given to the welfare of the students and teachers alike and shall not be advanced.
- (b) Personal leave may not be used during summer employment.
- (c) When a teacher is no longer eligible to earn personal leave, that teacher may not use previously accumulated personal leave.

(d) When a teacher resigns or separates from service, personal leave cannot be paid out in lump sum.

Personal Leave Increments

Personal leave must be used in one-half or whole day units.

Deduction

Teachers using personal leave receive full salary less the required substitute deduction with the following exceptions:

- (a) Teachers using personal leave on teacher workdays shall receive full salary.
- (b) Teachers may use up to their accrued amount of personal leave on teacher workdays in accordance with paragraphs 5.1.3 a, b, and c above.

Transfer of Personal Leave

Personal leave must be transferred between local administrative units.

Reinstatement of Personal Leave

A teacher must be credited with all personal leave accumulated up to the time of reassignment or separation provided that the teacher is reinstated as an eligible permanent full-time or part-time teacher within 60 calendar months from the date of separation or reassignment.

History Note: *Until July 1 2007, Personal Leave earning was capped at 5 days. When the teacher accumulated 5 days s/he stopped earning Personal Leave so the teacher would have a personal leave balance of 5 days on July 1, 2007. Effective July 1, 2007 teachers continued to accumulate Personal Leave beyond 5 days and the excess balance rolls to Sick Leave each June 30.*

Educational Leave

Eligibility

Only full-time and part-time permanent employees are eligible for educational leave. Local districts may have established policies that differ from district to district.

In-Service School Projects

Permanent public school employees assigned by the local superintendent to participate in in-service school projects conducted by the school administrative unit retain full salary for such absences. Proper provisions must be made for the continuation of the employee's regular work either by the employment of a substitute or by making satisfactory arrangements within the school. Substitutes employed for absences under these conditions must be paid from the same funding source (local, federal, or state) as the employee's salary.

State-Sponsored Staff Development Activities

Permanent public school employees attending staff development activities sponsored by the state and for which state funds have been budgeted for substitutes will retain full salary for such absences. Substitutes employed for these absences will be paid from the appropriate budgeted state funds.

North Carolina Center for Advancement of Teaching (NCCAT)

Employees may be allowed to attend NCCAT seminars with pay upon the approval of the local superintendent. Pay for substitutes must be provided by the Center.

Other Educational Leave

Local boards of education may grant educational leave to permanent public school employees in accordance with local policies. State funds may not be used for this purpose.

Professional Leave

Eligibility

Only full-time and part-time permanent employees are eligible for professional leave.

Professional Leave with Deduction

Permanent certified public school employees who have professional responsibilities or who need to attend meetings of professional associations may be absent with pay minus a salary deduction for substitute teachers. The deduction is mandatory whether or not a substitute is employed. Such absences may be approved by the local superintendent and may be allowed for a period not exceeding three successive days for in-state meetings and five successive days for out-of-state meetings. Absences for this purpose may not exceed ten days for the school year. The limitation shall not apply to a person who is a local or district president or president-elect, state or national officer of a professional education association, or a person selected as the National Teacher of the Year. The Office of the Deputy State Superintendent shall upon request determine the eligibility of the professional association.

Professional Leave Without Deduction

Permanent public school employees attending meetings or performing duties as a member of the State Board of Education, the State Textbook Commission, the Board of Governors of the Governor's Schools, or required attendance at a case manager's hearing shall receive full salary. Permanent public school employees completing assignments for, or serving on a commission or committee appointed by the Governor, the State Superintendent, the State Board of Education, or the General Assembly shall receive full salary. Substitutes for these persons will be paid from the same source of funds as the employee being replaced.

Officers of Professional Organizations

Upon the recommendation of the local superintendent, local boards of education may grant leave with pay for elected officers of professional organizations, provided the organization pays the full salary and all benefit costs for the employee on leave. During such leave with pay, the employee will earn sick, personal, and annual vacation leave and receive paid holidays. Employees will be eligible to use leave as they would when in active status with the school system.

Community Responsibility

Upon approval of the supervisor, full-time or part-time public school employees may be granted leave to represent the school or administrative unit at community functions such as the funeral of a school child or his parent. Employees absent for these reasons shall retain full salary during the days absent.

Proper provision shall be made for the continuation of the employee's regular work by making satisfactory arrangements within the system or by employment of a substitute. Substitutes employed for these absences shall not be paid from state funds.

Jury Duty

Full-time or part-time public school employees retain full salary when absent from work to serve on a jury. The employee is entitled to regular compensation in addition to payment for jury duty.

Substitutes employed for these absences shall be paid from the same source of funds as the employee's salary (local, federal, or state).

Court Attendance

- (a) **Attendance by duty or subpoena:** Full-time or part-time public school employees retain full salary for absences from school due to court attendance related to their official duty. The employee also will receive full salary when subpoenaed, except as noted in paragraph (b) below. Out-of-state subpoenas are not binding on North Carolina residents, unless that state and North Carolina have an interstate subpoena agreement.

Any fees except travel reimbursement received by a school employee serving in an official capacity as a witness shall be returned to the employing school administrative unit to be credited to the same fund from which the employee is paid.

Substitutes employed for these absences shall be paid from the same source of funds as the employee's salary (local, federal, or state).

- (b) **Attendance for personal reasons:** Full-time or part-time public school employees who are absent for appearance in court as plaintiffs, defendants, or witnesses for personal matters, even if subpoenaed, shall not be entitled to receive any salary payment for those days, unless they are using appropriate, approved earned leave. (NOTE: School personnel who are responding to subpoenas for civic responsibilities, such as a witness to a crime, are eligible for paid court attendance leave.)

Elected Officials

Full-time or part-time public school employees serving as elected government officials may, with their supervisor's approval, choose to use appropriate earned leave to attend to the responsibilities of their elected office.

Precinct Election Officials

Precinct Election Officials may not be discharged or demoted because of serving on Election Day or canvas day provided they have given proper notice (at least 30 days). Full-time or part-time public school employees serving as precinct election officials may, with their supervisor's approval, choose to use appropriate earned leave in order to serve.

Parental Leave Without Pay

Eligibility

All full-time permanent or part-time permanent employees may take a leave of absence without pay for up to one calendar year from the date of birth or adoption to care for a newborn child or a newly adopted child.

Leave

The employee may elect to use appropriate earned leave during the time of the leave (See Annual Vacation Leave and Sick Leave herein). For the purposes of educational continuity, with the approval of the local board, the unpaid leave of absence may be extended for the remainder of the school year when the leave would otherwise end in the latter half of the school year.

Spouses who are both employed by the same school system are limited to a combined total of 12 months of parental leave during the year following the birth or adoption.

Whenever possible, an employee should give written advance notice of request for leave of absence. Local boards of education may establish procedures for giving such notice. The local board may also determine when the leave will begin or end, based on a consideration of the welfare of the students and the employee and the need for continuity of service.

Effect on Career Status

Tenured employees approved for a leave of absence retain career status upon return from the authorized leave. Probationary teachers must begin a new probationary period if a leave of absence, paid or unpaid, prevents the probationary teacher from completing four consecutive years of 120 workdays in each year in the same school system. Unless, the probationary teacher in a full-time, permanent position did not work for at least 120 workdays in a 215 day school year because the teacher was on sick leave, disability leave or both, that school year shall not be deemed to constitute:

- (a) A consecutive year of service for the teacher, or
- (b) A break in the continuity in consecutive years of service for the teacher.

Family Medical Leave Act of 1993 (FMLA)

Overview

The Family and Medical Leave Act of 1993 (FMLA) as amended, allows eligible employees to take 12 workweeks of unpaid, job-protected leave for their own serious medical condition or that of an immediate family member (parent, spouse or child).

In addition the FMLA allows eligible employees to take the same job-protected leave for the birth of a child or the placement of a child with the employee through adoption or foster care. Employers must maintain any employer-paid health benefits while the employee is on FMLA leave.

The summary in this section does not in any way alter the requirements of the Family and Medical Leave Act. If any part of this section is inconsistent with the Act, the Act takes precedence. School systems should not rely exclusively on this summary for administration of their legal responsibility under the FMLA. More information is available on the Internet at <http://www.dol.gov/esa/whd/fmla/>

Definitions Term

Parent: A biological, adoptive, step or foster father or mother or an individual who stood in loco parentis (a person who is in the position or place of a parent) to an employee when the employee was a child.

Child: A son or daughter who is:

- under 18 years of age, or
- is 18 years of age or older and incapable of self-care because of a mental or physical disability and who is:
 - a biological child,
 - an adopted child,
 - a foster child (a child for whom the employee performs the duties of a parent as if it were the employee's child),
 - a step-child (a child of the employee's spouse from a former marriage),
 - a legal ward (a minor child placed by the court under the care of a guardian), or
 - a child of an employee standing in loco parentis.

Spouse: A partner joined in a marriage recognized by the State of North Carolina.

Covered Service Member for Military Caregiver Leave: A covered service member is a member or veteran of any branch of the military who sustained a serious injury or illness while on active duty. The covered member who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is otherwise on the temporary disability retired list, must have received treatment for the injury or illness within the past 5 years.

Covered Service Member for Exigency Leave: An employee's spouse, son, daughter, or parent who is a member of any branch of the Armed Forces who was deployed or called to active duty in a foreign country.

Active Duty or Call to Active Duty for Exigency Leave: A call or order to active duty (or notice of an impending call) of any branch of the Armed Forces to be deployed or called to active duty in a foreign country.

Service member's Next of Kin: The nearest blood relative of the service member, other than spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave, in which case the designated individual shall be deemed to be the next of kin.

(To confirm that the employee and service member share one of the familial relationships or to confirm that the employee has been specifically designated as the service member's next of kin, the LEA may request a statement from the service member outlining the familial relationship or indicating that the employee has been designated as the "next of kin.")

Serious Health Condition: An illness, injury, impairment, or physical or mental condition that involves:

1. inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical facility, including any period of incapacity (defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from), or any subsequent treatment in connection with such impairment; or
2. continuing treatment by a health care provider involving one or more of the following:
 - a. a period of incapacity as defined above of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves:
 - b. any period of incapacity due to pregnancy or for prenatal care, even when the employee or family member does not receive treatment from a health care provider during the absence and even if the absence does not last more than three days (prenatal examinations, severe morning sickness)
 - c. any period of incapacity or treatment due to a "chronic serious health condition," even when the employee or family member does not receive treatment from a health care provider during the absence and even if the absence does not last more than three days, which is defined as one:
 - i. treatment two or more times (within 30 days of the beginning of the period of incapacity and the first visit must take place within seven days of the first day of incapacity) by a health care provider, by a nurse or physician's assistant under the

- direct supervision of a health care provider, or a provider of health care services (e.g., physical therapist) under orders of, or on referral by a health care provider, or
- ii. treatment on at least one occasion resulting in a regime of continuing treatment (the first visit must take place within seven days of the first day of incapacity) under the supervision of the health care provider (course of prescription medication, i.e., antibiotic, or therapy requiring special equipment to alleviate the health condition, i.e., oxygen)
- iii. requiring periodic visits (at least two visits per year) for treatment by a health care provider, or by a nurse or physician's assistant under the direct supervision of a health care provider,
- iv. continuing over an extended period of time (including recurring episodes of a single underlying condition), and
- v. which may cause episodic rather than continuing period(s) of incapacity (e.g., asthma, diabetes, epilepsy, etc.)
- d. incapacity for a permanent or long- term condition for which treatment may not be effective (Alzheimer's, a severe stroke or terminal stages of a disease)
- e. multiple treatments for restorative surgery or incapacity for serious conditions that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment (chemotherapy, radiation, dialysis, etc.)
- f. in case of a member of the Uniformed Services, "serious injury or illness" means an injury or illness incurred by the member in line of duty on active duty in the Uniformed Services or of an existing or pre-existing injury that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.

Advisory Note: Treatment includes, but is not limited to, examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. Ordinarily, unless complications arise, the following are examples of conditions that do not meet the definition: common cold, flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, cosmetic treatments, etc.

The following may meet the definition if all other conditions of this section are met: restorative dental or plastic surgery after an injury or removal of cancerous growths, mental illness resulting from stress or allergies, treatment from substance abuse.

Outpatient Status of Covered Service Member: "Outpatient status," with respect to a covered service member, means the status of a member of the Uniformed Services assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of the Uniformed Services receiving medical care as outpatients.

Qualifying Exigency: The reasons for which an employee may take leave because of a qualifying exigency are divided into seven general categories. (1) Short- notice deployment, (2) Military events and related activities, (3) Childcare and school activities, (4) Financial and legal arrangements, (5) Counseling, (6) Rest and recuperation, (7) Post-deployment activities and (8) Additional activities. **For an expanded definition of these reasons, see the paragraph at the end of the definitions.**

Health Care Provider: A Doctor of medicine or osteopathy who is authorized to practice medicine or surgery in the State of North Carolina, or any other person determined by statute, credential or licensure to be capable of providing health care services which include:

- Physician assistants
- Podiatrists
- Dentists
- Clinical psychologists
- Clinical social workers
- Optometrists
- Nurse practitioners
- Nurse midwives
- Chiropractors
- Health care providers from whom state approved group and HMO health plans will accept certification of a serious health condition to substantiate a claim for benefits
- Foreign health care providers in above stated areas who are authorized to practice in that country and who are performing within the scope of the laws
- Christian Science practitioners listed with First Church of Christian Scientists in Boston, MA.

(Note: In this situation, the employee cannot object to an LEA requirement to obtain a second or third certification other than a Christian Science practitioner.)

Workweek: The number of hours an employee is regularly scheduled to work each week, including holidays.

Reduced Work Schedule: A work schedule involving less hours than an employee is regularly scheduled to work.

Intermittent Work Schedule: A work schedule in which an employee works on an irregular basis and is taking leave in separate blocks of time, rather than for one continuous period of time, usually to accommodate some form of regularly scheduled medical treatment.

12-Month Period: For Military Caregiver Leave, the 12-month period measured forward from the date any employee's family and medical leave begins.

Qualifying Exigency Explanation

When an absence is necessary because a member of any branch of the Armed forces was deployed or called to active duty in a foreign country the following is a list of reasons for which an employee may take leave because of a qualifying exigency.

- 1) Short-notice deployment – leave to address any issue that arises from the fact that the employee is notified of an impending call or order to active duty seven or less calendar days prior to the date of deployment. This leave can be used for a period of seven calendar days beginning on the date the employee is notified.
- 2) Military events and related activities – leave to attend any official ceremony, program or event sponsored by the military and to attend family support and assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of the employee.
- 3) Childcare and school activities – leave to arrange alternative childcare when the active duty or call to active duty status necessitates a change in the existing childcare arrangement, to provide childcare on an urgent, immediate need basis when the need arises from the active duty or call to active duty, to enroll the child in or transfer the child to a new school or day care facility when necessitated by the

active duty or call to active duty, and to attend meetings with staff at a school or a day care facility when such meeting are necessary due to circumstances arising from the active duty or call to active duty status.

- 4) Financial and legal arrangements – leave to make or update financial or legal arrangements to address the employee’s absence such as preparing and executing financial and healthcare powers of attorney, transferring bank account signature authority, enrolling in DEERS, obtaining military identification cards, or preparing or updating a will or living trust.
- 5) Counseling – leave to attend counseling provided by someone other than a healthcare provider for oneself, for the covered military member, or for the child provided that the need for counseling arises from the active duty or call to active duty status of a covered military member.
- 6) Rest and recuperation – leave to spend time with a covered military member who is on short-term, temporary rest and recuperation leave during the period of deployment. Eligible employees may take up to five days of leave for each instance of rest and recuperation.
- 7) Post-deployment activities – leave to attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the employee’s active duty and to address issues that arise from the death of a covered military member while on active duty status, such as meeting and recovering the body of the military member and making funeral arrangements, and
- 8) Additional activities where the LEA and employee agree to the leave – leave to address other events which arise out of the covered military member’s active duty or call to active duty status provided the LEA and employee agree that such leave shall qualify as an exigency, and agree to both the timing and duration of such leave.

Covered Employees and Eligibility

An employee’s eligibility for family and medical leave shall be made based on the employee’s months of service and hours of work as of the date leave is to commence.

An employee is eligible if:

| | |
|---|--|
| <u>Full Time</u> (at least 30 hours per week or the number of hours established as full-time for the class of work) • Permanent Status • Interim Status (if more than 6 months) or <u>Part Time</u> (at least 20 hours per week) • Permanent Status • Interim Status (if more than 6 months) | • Has been employed for at least 12 months (need not be consecutive) • Has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave |
| <u>Full Time</u> (at least 30 hours per week or the number of hours established as full-time for the class of work) • Temporary* (less than 6 months of employment) <u>Part Time</u> (less than 20 hours per week) • Temporary* Note: *This leave is without pay. | • Has been employed for at least 12 months (need not be consecutive) • Has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave |

- 1) Employment periods prior to a break in service of seven years or more need not be counted in determining whether the employee has been employed by the LEA for at least 12 months.
- 2) Time spent in the National Guard or reserves count as time worked to determine eligibility for Family Medical Leave (FML)

Determining the 12-Month Leave Period

The employer may choose any one of the following methods for determining the 12- month period in which the 12 weeks of leave entitlement occur. The alternative chosen must be applied consistently and uniformly to all employees.

- (a) The calendar year.
- (b) Any fixed 12-month year such as a fiscal year or a year starting on an employee's anniversary date.
- (c) The 12-month period measured forward from the date an employee's first FMLA leave begins.
- (d) A rolling 12-month period measured backward from the date an employee uses any FMLA leave.

Districts shall communicate their method of determining the 12-month leave period to its employees.

Amount of Leave and Qualifying Reasons for Leave

- 1) An eligible employee is entitled to a total of 12 workweeks, paid or unpaid, leave during any 12-month period: An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the employer's normal leave policy.

Advisory Note: *Spouses who are eligible for FMLA leave and are employed by the same employer are limited to a combined total of 12 weeks during any 12-month period with the exception of leave needed to care for a child with a serious health condition. In this case, spouses may each take 12 weeks of FMLA leave if needed to care for their newborn child with a serious health condition, even if both are employed by the same employer, provided they have not exhausted their entitlements during the applicable 12-month FMLA leave period.*

- (a) for the birth of a child and to care for the newborn child after birth, provided the leave is taken within a 12-month period following birth, or

Note: An expectant mother may also take FMLA leave before the birth of the child for prenatal care or if her condition makes her unable to work, or requires a reduced work schedule.

- (b) for the placement of or to care for a child placed with the employee for adoption or foster care, provided the leave is taken within a 12-month period following placement, or

Note: FMLA leave must also be granted before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed.

- (c) for the employee to care for the employee's child, spouse, or parent, where that child, spouse, or parent has a serious health condition, or
- (d) because the employee has a serious health condition that prevents the employee from performing one or more essential functions of the position, or
- (e) because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in a foreign country.

- 2) Military Caregiver Leave (Covered Service Member Leave) – An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of up to 26 workweeks of leave during a single 12- month period (commencing on the on the date the employee first takes leave) to care for a covered service member who has a serious injury or illness

incurred in the line of duty while on active duty for which he or she is undergoing medical treatment, recuperation or therapy; or otherwise in outpatient status; or on the temporary disability retired list. Qualifying events are serious illnesses and injuries, incurred in the line of duty, for which the service member has received treatment within the past 5 years. If an eligible employee does not take all of his or her 26 workweeks of leave entitlement to care for a covered service member during this “single 12-month period,” the remaining part of his or her 26 workweeks of leave entitlement to care the covered service member is forfeited. The 26-workweek entitlement is to be applied as a per-covered service member, per-injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered service members or to care for the same service member with a subsequent serious injury or illness.

During the single 12-month period, an eligible employee shall be entitled to a combined total of 26 workweeks of leave under (1) and (2) above.

Determining the 12 or 26 weeks of leave

Paid or Unpaid Leave - All approved periods of paid leave and periods of leave without pay (including leave without pay while drawing short-term disability benefits) count towards the 12 (or 26, as appropriate) workweeks to which the employee is entitled. This includes leave taken under the Voluntary Shared Leave Policy. An employee’s ability to substitute accrued paid leave is determined by the terms and conditions of the employer’s normal leave policy.

Holidays occurring during a FMLA period of a full week count toward the FMLA leave entitlement. Holidays occurring during a partial week of FMLA leave does not count against the FMLA leave entitlement, unless the employee was otherwise scheduled and expected to work during the holiday.

If the LEA closes for one or more weeks, the days that the LEA is closed do not count against the employees’ FMLA leave entitlement (e.g. a school closing two weeks for the Christmas holidays, spring break or summer vacation).

Workers’ Compensation Leave - If an employee is out on workers’ compensation leave drawing temporary total disability, the time away from work is considered as a part of the FMLA entitlement.

Breaks – Weeks when other employees in the job classification do not work are not counted against the FMLA leave entitlement

Compensatory Time – Compensatory time can be used during the FMLA leave entitlement. When used, it runs concurrent with FMLA leave.

Intermittent Leave or Reduced Work Schedule

Leave may be taken intermittently or on a reduced schedule for the following:

- 1) When medically necessary, to care for the employee’s child, spouse, or parent who has a serious health condition, or because the employee has a serious health condition. (This would also apply to next of kin to care for a service member.)
- 2) Because of any qualifying exigency arising out of the fact that the spouse, son daughter, or parent is on active duty or has been notified of an impending call or order to active duty.
- 3) When leave is taken after childbirth or for adoption/foster care, the employee may take leave intermittently or on a reduced schedule only if the LEA agrees.

There is no minimum limitation on the amount of leave taken intermittently; however, the LEA may not require leave to be taken in increments of more than one hour.

If leave is foreseeable, based on planned medical treatment, the LEA may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave.

Only the time actually taken as leave may be counted toward the leave entitlement.

Example: An employee normally works 40 hours each week. The employee is on a reduced work schedule of 20 hours per week. The FMLA leave may continue for up to 24 calendar weeks.

Procedure: If an employee works a reduced or intermittent work schedule and does not use paid leave to make up the difference between the normal work schedule and the new temporary schedule to bring the number of hours worked up to the regular schedule, the LEA must submit a personnel action form showing a change in the number of hours the employee is scheduled to work.

This will result in an employee earning pay and leave at a reduced rate. The LEA remains responsible for paying the employee's medical premium.

Limitations on Taking Leave Near the End of an Academic Term

- 1) An instructional employee begins leave more than five weeks before the end of a term. The employer may require the employee to continue taking leave until the end of the term if
 - (a) the leave will last at least three weeks, and
 - (b) the employee would return to work during the three-week period before the end of the term.
- 2) The employee begins leave during the five-week period before the end of a term because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a serious health condition; or to care for a covered service member. The employer may require the employee to continue taking leave until the end of the term if
 - (a) the leave will last more than two weeks, and
 - (b) to employee would return to work during the two-week period before the end of the term.
- 3) The employee begins leave during the three-week period before the end of a term because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a serious health condition; or to care for a covered service member. The employer may require the employee to continue taking leave until the end of the term if the leave will last more than five working days.

For purposes of these provisions, “academic term” means the school semester, which typically ends near the end of the calendar year and the end of spring each school year. In no case may a school have more than two academic terms or semesters each year for purposes of FMLA. An example of leave falling within these provisions would be where an employee plans two weeks of leave to care for a family member which will begin three weeks before the end of the term. In that situation, the employer could require the employee to stay out on leave until the end of the term.

Employee Responsibilities

Notice

The employee shall give notice to the supervisor of the intention to take leave under this policy unless the leave is a medical emergency. The notice must follow the LEA's usual and customary call-in procedures for reporting an absence. The employee must explain the reasons for the needed leave in order to allow the LEA to determine that the leave qualifies under the Act.

| If the reason for leave is foreseeable and is: | the employee shall: |
|---|--|
| For Birth/Adoption/Foster Care | Give the LEA not less than a 30-day notice, in writing. If the date of the birth or adoption requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable, which means within one or two business days of when the need for leave becomes known to the employee. |
| For Planned Medical Treatment | (1) Make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations and (2) Give not less than a 30-day notice. If the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable. |
| Due to Active Duty of Family Member | Provide such notice as is reasonable and practicable. |

If the employee will not return to work after the period of leave, the LEA shall be notified in writing. Failure to report at the expiration of the leave, unless an extension has been requested, may be considered as a resignation.

Parental Involvement in Schools Leave

Eligibility and Rate of Earning

In accordance with G.S. 95-28.3, any employee who is a parent, guardian or person in loco parentis may take up to four hours per fiscal year to attend or otherwise be involved at his or her child's school.

There is no requirement that the employer pay an employee while taking this leave. However, the local school district may allow the employee to use eligible accrued leave in lieu of non-paid parental involvement leave. Consistent with 16 N.C.A.C. 6C.0405 and any rules adopted by the local board of education, a superintendent may grant a public school employee a leave of absence without pay in his discretion.

Conditions for Leave

Leave granted for this purpose is subject to the following conditions:

- (a) The leave shall be at a mutually agreed upon time between employer and employee,
- (b) The employer may require an employee to provide a written request at least 48 hours before the time desired for the leave, and
- (c) The employer may require that the employee furnish written verification from the child's school that the employee attended or was otherwise involved at the school during the time of leave.

Definition of School

For the purpose of this policy, "school" is defined as any:

- (a) Public school,
- (b) Private church school, church of religious charter, or nonpublic school that regularly provides a course of instruction,
- (c) Preschool, or

- (d) Child day care facility.

Compensatory Leave (FLSA)

Eligible Employees

Employees classified as nonexempt under the Fair Labor Standards Act (FLSA) who work more than 40 hours in a workweek must be paid overtime pay. Compensatory time off in lieu of overtime pay may be given if agreed to by the employee and employer before the performance of the work. Note that hours paid may include holidays, sick leave, and vacation and may not equate to hours worked.

Examples of nonexempt employees are bus drivers, cafeteria workers, custodians, maintenance workers, secretaries, and teacher assistants. Teachers and certified professional staff are examples of exempt employees.

Regulations for the Use of Compensatory Time

When compensatory time off is used in lieu of overtime pay, it must be at the rate of one and one-half hours of compensatory time for each hour of overtime worked.

Compensatory leave may be accumulated to a maximum of 240 hours (160 hours actually worked). When hours of compensatory leave have accrued to the maximum of 240, all additional overtime hours worked must be paid at the overtime rate.

An employee must be permitted to use accrued compensatory leave within a reasonable time after it is requested, unless to do so would unreasonably disrupt operations. Although the LEA may adopt a policy that sets a time limit within which an employee should use accrued compensatory leave, an employee who fails to use the compensatory time within the designated time frame cannot lose the time earned.

There is no FLSA requirement that compensatory time be used in the same pay period in which it is earned.

Employment Agreements

The agreement to provide compensatory time off in lieu of cash overtime compensation may be used as a condition of employment if the employee knowingly and voluntarily agrees to it as a condition of employment and the employee is aware of the conditions for use of compensatory time, as outlined in this policy.

Payment Upon Termination

Upon termination of employment, a nonexempt employee must be paid for unused compensatory time earned at a rate not less than:

- (a) The average regular rate received by such employee during the last three years of the employee's employment, or
- (b) The final regular rate received by the employee, whichever is higher.

Workers' Compensation Leave

I. Purpose

The purpose of this policy is to ensure that employees injured on the job are provided compensation in accordance with the North Carolina Workers' Compensation Act and to provide consistent application of these rules and regulations. Further, the purpose is not only to provide swift and certain remedy to an injured employee, but also to ensure a limited and determinant liability for the employer.

II. Coverage

North Carolina Public School Law, G.S. 115C-337, states that provisions of the Workers' Compensation Act shall be applicable to all school employees and the State Board of Education shall make such arrangements as necessary to carry out the provisions of the Workers' Compensation Act applicable to such employees paid from state school funds. Liability of the state for compensation shall be confined to school employees paid by the state from state public school funds for injuries or death caused by accident arising out of and in the course of their employment in connection with the state-operated school term.

III. Administration

Each Local School Administrative Unit is responsible for submitting all reportable injuries on Form 19 and other related documentation. The State Board of Education is responsible for administering the provisions of the Workers' Compensation Act.

IV. Responsibility of Employee and Cherokee County Schools

Responsibility for claiming compensation is on the injured employee. A claim must be filed within two (2) years from the date of injury or knowledge thereof. Otherwise, the claim is barred by law. The local unit must submit the Form 19 no later than (5) days after knowledge of injury.

V. Use of Leave During Required Seven Day Waiting Period

No compensation, as defined in the Workers' Compensation law shall be allowed for the first seven calendar days of disability resulting from an injury, except medical treatment and supplies as defined in G.S. 97-28. One of the following two options may be chosen during the 7-day waiting period:

Option 1: Elect to take earned sick leave during the required waiting period and then go on workers' compensation leave and begin drawing workers' compensation weekly benefits.

Option 2: Elect to go on workers' compensation leave with no pay for the required waiting period and then begin drawing workers' compensation weekly benefits.

If the injury results in disability of more than 21 days, , as indicated in G.S. 97-28, the workers' compensation weekly benefit shall be allowed from the date of disability. If this occurs in the case of an employee who elected to use leave during the 7-day waiting period, no adjustment shall be made in the leave used for these workdays.

VI. Workers' Compensation Benefits

A. Under G.S. 97-28 the state paid (in full or in part) employees receive 66 2/3% of their average weekly salary from the state workers' compensation fund which is paid directly to the employee.

B. In order to provide an income approximately equal to, but not to exceed, the employee's weekly salary, earned sick leave days may be used while an employee is receiving workers' compensation weekly benefits. Use of sick leave for this purpose is governed by conditions set forth herein.

VII. Continuation of Benefits

While on workers' compensation leave, an employee is eligible for continuation of the following benefits:

- a. Performance Increase: Upon reinstatement, an employee's salary will be computed based on the last salary plus any legislative increase to which entitled. Any performance increase which would have been given had the employee been at work may be included in the reinstatement salary, or it may be given on any payment date following reinstatement.

- b. **Vacation and Sick Leave:** While on workers' compensation leave, the employee will continue to accumulate vacation and sick leave to be credited to his/her account for use upon return. If the employee does not return, vacation leave accumulated up to 240 hours will be paid in a lump sum payment.
- c. **Hospitalization Insurance:** While on workers' compensation leave an employee is in pay status and will continue coverage under the state's health insurance program. Monthly premiums for the employee will be paid from the same source of funds (state, federal, local or other) and in the same proration amount from which the regular monthly salary is paid.
- d. **Retirement Service Credit:** While on workers' compensation leave an employee does not receive retirement credit. As a member of the Retirement System, the employee may purchase credits for the period of time on an approved leave of absence. Upon request by the employee, the Retirement System will provide a statement of the cost and a date by which purchase must be made. If purchase is not made by that date, the cost will have to be recomputed.
- e. **Longevity:** For positions eligible for longevity, workers' compensation leave pay status will continue to earn longevity. Longevity pay shall be paid from the same source of funds (state, federal, local or other) and in the same proration amount from which the regular annual salary is paid on their anniversary, separation or retirement date; Longevity payments must be included within the remuneration Statement of Days Worked and Earnings of Injured Employee (Form 22), and will become part of the employee's lost time wages paid under temporary total disability benefits under NCGS 97-2. Employer does not need to make annual longevity payments to employees out on workers' compensation when longevity is calculated in this manner.

VIII. Return to Work

When an employee, who has been injured on the job and placed on workers' compensation leave, has been released to return to work by the treating physician, there are three possible returns to work situations.

- a. **Full Duty Return:** When an employee has reached maximum medical improvement and has been released to full duty return to work by the treating physician, the agency shall return the employee to the original position he/she held prior to workers' compensation leave.
- b. **Transitional Return:** When an employee has not reached maximum medical improvement and is ready to return to limited work duty with approval of the treating physician, but retains some disability which prevents successful performance in the original position, the employer will provide transitional work suitable to the employee's capacity which is both meaningful and productive, and advantageous to the employee and the employer. This work reassignment shall be a temporary assignment and shall not exceed 9 months, ; unless otherwise directed by the treating physician .
- c. **Return To Work With Permanent Restriction:** When an employee has reached maximum medical improvement and has been released to return to work by the treating physician, but has received a disability which prohibits employment in his/her previous position, the employer shall place the employee in another position suitable to the employee's capacity which is both meaningful and productive, and advantageous to the employee and the employer This work placement may be a permanent assignment or either a part-time or temporary assignment until a permanent assignment is found.

DIVERSITY

Equal Employment Opportunity Statement

The Board provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, gender, sexual orientation, gender identity, national

origin, age, disability, genetic information, marital status, amnesty or status as a covered veteran in accordance with applicable federal, state and local laws. The Board complies with applicable state and local laws governing nondiscrimination in employment in every location in which the Board has facilities. This policy applies to all terms and conditions of employment, including hiring, placement, promotion, termination, Reduction in Force, recall, transfer, leaves of absence, compensation and training.

The Board expressly prohibits any form of unlawful employee harassment based on race, color, religion, gender, sexual orientation, national origin, age, genetic information, disability or veteran status. Improper interference with the ability of Cherokee County School's employees to perform their expected job duties is absolutely not tolerated. Board of Education policies: Prohibition against Discrimination, Harassment, and Bullying *Policy Code: 1710/4021/7230*, Discrimination, Harassment & Bullying Complaint Procedure *Policy Code: 1720/4015/7225*, and Nondiscrimination on the Basis of Disabilities *Policy Code: 1730/4022/7231* should be reviewed in their entirety and it is expected that each employee of Cherokee County Schools adheres to the same while employed by the Board.

Cherokee County School's Anti-harassment Policy and Complaint Procedure

The board acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring, and inviting school environment to facilitate student learning and achievement. The board prohibits discrimination on the basis of race, color, national origin, sex, disability, or age and will provide equal access to the Boy Scouts and other designated youth groups as required by law. The board will not tolerate any form of unlawful discrimination, harassment, or bullying in any of its educational or employment activities or programs.

It is the policy of the Board to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, gender, sexual orientation, gender identity, national origin, age, disability, genetic information, marital status, amnesty or status as a covered veteran. The Board prohibits any such discrimination or harassment. Refer to Board policy Prohibition against Discrimination, Harassment, and Bullying *Policy Code: 1710/4021/7230* for more information.

The Board encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the Board to promptly and thoroughly investigate such reports. The Board prohibits retaliation against any individual who reports discrimination or harassment or who participates in an investigation of such reports. Refer to Board policy "Prohibition against Retaliation *Policy Code: 1760/7280* for more information.

Definitions of Harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

- a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- c) 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.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, citizenship, genetic information or any other characteristic protected by law or that of his/her relatives, friends or associates, and that:

- a) has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- b) has the purpose or effect of unreasonably interfering with an individual's work performance; or
- c) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company time or using company equipment via e-mail, phone (including voice messages), text messages, tweets, blogs, social networking sites or other means.

Individuals and Conduct Covered

These policies apply to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to Cherokee County Schools (e.g., an outside vendor, consultant, parent or student).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during school trips, meetings and school-related social/sporting events.

Complaint Process

Individuals who believe they have been the victims of conduct prohibited by this policy statement or who believe they have witnessed such conduct should discuss their concerns with their immediate supervisor, or the superintendent or his designee.

When possible, the Board encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. The Board recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

The Board encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, although no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of Board policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately.

If a party to a complaint does not agree with its resolution, that party may appeal to the Board per Board policy.

False and malicious complaints of harassment, discrimination or retaliation may be the subject of appropriate disciplinary action.

To report such acts refer to Board policy Discrimination Complaint Procedure for Employees *Policy Code: 1751* wherein it states: all forms of discrimination, including harassment are prohibited. Any employee with a complaint of discrimination or harassment, is encouraged to submit a grievance in accordance with policy 1750/7220, Grievance Procedure for Employees.

Americans with Disabilities Act & the ADA Amendments Act

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act, known as the ADAAA, are federal laws that prohibit employers with 15 or more employees from discriminating against applicants and individuals with disabilities and that when needed provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of the Board to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the Board’s policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment. Refer to Board policy Non-Discrimination on the Basis of Disabilities Policy Code: 1730/4022/7231 wherein it states: The board of education will not discriminate against qualified persons with disabilities on the basis of a disability. This non-discrimination policy includes, but is not limited to, benefits of and participation in system programs and activities. The system will provide aids, benefits and school services to a person with disabilities in the most integrated school setting appropriate to his or her needs so that he or she may have an opportunity commensurate to that provided to persons without disabilities to obtain the same results, gain the same benefit or reach the same level of achievement.

References

Non-Discrimination..... 1705
Prohibition against Discrimination, Harassment and Bullying.....1710-4021-7230

| | |
|---|----------------|
| Discrimination, Harassment, Bullying Complaint Procedure..... | 1720-4015-7225 |
| Nondiscrimination on the Basis of Disabilities..... | 1730-4022-7231 |
| Responding to Complaints | 1742-5060 |
| Grievance Procedure for Employees..... | 1750-7220 |
| Discrimination Complaint Procedure for Employees | 1751 |
| Prohibition against Retaliation..... | 1760-7280 |

WORKPLACE BULLYING

The Board defines bullying as “repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment.” Such behavior violates Board policy Prohibition against Discrimination, Harassment, and Bullying 1710/4021/7230, which clearly states that all employees will be treated with dignity and respect.

The purpose of this policy is to communicate to all employees, including supervisors, managers and staff, that the Board will not tolerate bullying behavior. Employees found in violation of this policy will be disciplined up to and including termination.

Bullying may be intentional or unintentional. However, it must be noted that where an allegation of bullying is made, the intention of the alleged bully is irrelevant and will not be given consideration when meting out discipline. As in sexual harassment, it is the effect of the behavior upon the individual that is important. The Board considers the following types of behavior examples of bullying:

Verbal bullying

This type of bullying is saying or writing malicious things. Verbal bullying includes:

- Teasing
- Name-calling
- Inappropriate sexual comments
- Taunting
- Threatening to cause harm

Social bullying

This is sometimes referred to as relational bullying, involves hurting someone’s reputation or relationships.

Social bullying includes:

- Leaving someone out on purpose
- Telling others not to be friends with someone
- Spreading rumors about someone
- Embarrassing someone in public

Physical bullying

This type bullying involves hurting a person’s body or possessions.

Physical bullying includes:

- Hitting/kicking/pinching
- Spitting
- Tripping/pushing
- Taking or breaking someone's things
- Making mean or rude hand gestures

Cyberbullying

This is a type of bullying that takes place using electronic technology. Electronic technology includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites.

Examples of cyberbullying include:

- mean text messages or emails
- rumors sent by email or posted on social networking sites
- embarrassing pictures, videos, websites, or fake profiles

References

| | |
|--|----------------|
| Prohibition Against Discrimination, Harassment and Bullying..... | 1710-4021-7230 |
| Discrimination, Harassment, Bullying Complaint Procedure..... | 1720-4015-7225 |
| Responding to Complaints | 1742-5060 |
| Grievance Procedure for Employees..... | 1750-7220 |
| Prohibition Against Retaliation..... | 1760-7280 |

Enumeration of Specific Characteristics

North Carolina: N.C. Gen. Stat. § 115C-407.15(a) (2010): "Bullying or harassing behavior includes, but is not limited to, acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics."

Bullying Assessment Chart

Step 1: Determination of Bullying

(Is the behavior bullying or an isolated incident?)

| Did aggressive behavior include: | Yes | No | | Did aggressive behavior include: | Yes | No |
|---|-----|----|--|----------------------------------|-----|----|
| An imbalance of power | | | | Threats | | |
| Embarrassing information | | | | Spreading rumors | | |
| Popularity | | | | Physical attack | | |
| Repetition of behavior | | | | Verbal attack | | |
| | | | | Exclusion on purpose | | |
| If "Yes" is selected for any of the above indicators, the behavior should be considered bullying. | | | | | | |

Step 2: Determine Type of Bullying

(If the behavior is determined to be bullying, ascertain the type to better address the problem.)

| | | | | | | |
|--|-----|----|--|--|-----|----|
| Did aggressive behavior include: | Yes | No | | Did aggressive behavior include | Yes | No |
| Teasing | | | | Exclusion on purpose | | |
| Name calling | | | | Telling others not to be friends | | |
| Inappropriate sexual comment | | | | Spreading rumors | | |
| Taunting | | | | Public Embarrassment | | |
| Threatening to cause harm | | | | | | |
| If “Yes” is selected for any of the above indicators, the bullying should be considered Verbal. | | | | If “Yes” is selected for any of the above indicators, the bullying should be considered Social. | | |
| | | | | | | |
| Did aggressive behavior include: | | | | | Yes | No |
| Hitting | | | | | | |
| Spitting | | | | | | |
| Tripping or pushing | | | | | | |
| Taking something from... | | | | | | |
| Breaking something... | | | | | | |
| Rude or mean hand gestures | | | | | | |
| If “Yes” is selected for any of the above indicators, the bullying should be considered Physical. | | | | | | |
| | | | | | | |
| Did media include | Yes | No | | Did aggressive media contain | Yes | No |
| Mean text messages | | | | Spreading rumors | | |
| Mean chats | | | | Embarrassing pictures | | |
| Other mean social media | | | | Embarrassing videos | | |
| | | | | Fake profiles | | |
| If “Yes” is selected for any of the above indicators, the bullying should be considered Cyber Bullying. | | | | | | |

VIOLENCE IN THE WORKPLACE

The board will not tolerate assaults, threats or harassment from any employee.

Prohibited Behavior:

- Assault
- Threatening Acts
- Harassment

All employees and students must be treated with courtesy and respect at all times. Employees are expected to refrain from conduct that may be dangerous to others. Conduct that threatens, intimidates, or coerces another employee student, or visitor to a school or school function will not be tolerated.

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported as soon as possible to 911, a supervisor, or SRO. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

Employees should promptly inform the principal or SRO of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns with regard to intimate partner violence. The Board will not retaliate against employees making good-faith reports. The Board is committed to supporting victims of intimate partner violence.

The Board will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. The Board will not retaliate against employees making good-faith reports of violence, threats or suspicious individuals or activities. In order to maintain workplace safety and the integrity of its investigation, the Board may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.

Anyone found to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

The Board encourages employees to bring their disputes to the attention of the school administrator before the situation escalates. The Board will not discipline employees for raising such concerns.

References

| | |
|--|----------------|
| Non-Discrimination..... | 1705 |
| Prohibition Against Discrimination, Harassment and Bullying..... | 1710-4021-7230 |
| Discrimination, Harassment, Bullying Complaint Procedure..... | 1720-4015-7225 |
| Nondiscrimination on the Basis of Disabilities..... | 1730-4022-7231 |
| Responding to Complaints | 1742-5060 |
| Grievance Procedure for Employees..... | 1750-7220 |
| Discrimination Complaint Procedure for Employees | 1751 |
| Prohibition Against Retaliation..... | 1760-7280 |

CONDUCT IN THE WORKPLACE

Drug-free & Alcohol-free Workplace

Board policy 7240 outlines the Board's policy on a Drug-free and Alcohol-free workplace. The policy states: The board of education recognizes that reducing drug and alcohol abuse in the workplace improves the safety, health and productivity of employees. It is the policy of the board of education that a drug-free and alcohol-free workplace must be maintained.

The board prohibits employees from engaging in the unlawful manufacture, sale, distribution, dispensing, possession, or use of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid, alcohol, stimulants, synthetic cannabinoids, counterfeit substance, or any other controlled substance as defined in (1) schedules I through VI of the North Carolina Controlled Substances Act or in (2) schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and further defined by regulation at 21 C.F.R. 1300.01 through 1300.04 and 21 C.F.R. 1308.11 through 1308.15. Employees must not be under the influence of alcohol or be impaired by the excessive use of prescription or nonprescription drugs at any time this policy is applicable. This policy is not violated by an individual's proper use of a drug lawfully prescribed for that individual by a licensed health-care provider.

This policy governs each employee before, during, and after school hours while the employee is on any property owned or leased by the board of education; at any time during which the employee is acting in the course and scope of his or her employment with the board of education; and at any time that the employee's violation of this policy has a direct and adverse effect upon his or her job performance. This policy does not apply to an employee's consumption of alcoholic beverages that are served at a reception or other similar function that occurs outside the regular workday and that the employee is authorized or required to attend as a part of his or her employment duties.

Employee Assistance and Drug-Free Awareness

Violation of policy 7240 will subject an individual to disciplinary action by the board of education that could result in non-renewal or termination of employment with the school system or the requirement that the employee participate satisfactorily in a drug or alcohol abuse assistance or rehabilitation program approved by the board of education or federal, state or local health, law enforcement, or other appropriate agency. Information concerning available counseling, rehabilitation, and re-entry programs will be provided to employees.

Work Rules

The following work rules apply to all employees:

Whenever employees are working, are operating any school owned vehicle, are present on school property, or are conducting related work off-site, they are prohibited from:

- Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia).
- Being under the influence of alcohol or an illegal drug as defined in this policy.

The presence of any detectable amount of any illegal drug or illegal controlled substance in an employee's body while performing school business or while in a school facility is prohibited.

The Board will not allow any employee to perform their duties while taking prescribed drugs that are adversely affecting the employee's ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist or be prepared to produce it if asked.

Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

Drug & Alcohol Testing for Commercial Motor Vehicle Operators Policy Code: 7241

The purpose of this policy is to help ensure safe operation of school vehicles and to comply with federal law and regulations by establishing a comprehensive program of drug and alcohol testing for school bus drivers and all other commercial motor vehicle operators employed by the board of education.

The Board retains the right to require the following tests:

- **Pre-employment:** All applicants must pass a drug test before beginning work as a bus driver. Refusal to submit to testing will result in disqualification of further employment consideration.
- **Reasonable suspicion:** Employees are subject to testing based on observations by a supervisor of apparent workplace use, possession or impairment. The Superintendent must be consulted before sending an employee for reasonable suspicion testing.
- **Post-accident:** Employees are subject to testing when they cause or contribute to accidents requiring off-site medical attention. The investigation and subsequent testing must take place within two (2) hours following the accident, if not sooner.
- **Follow-up:** Employees who have tested positive, or otherwise violated the policy, are subject to discipline up to and including discharge. Depending on the circumstances and the employee's work history/record, the Board may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms. If the employee either does not complete his/her rehabilitation program or tests positive after completing the rehabilitation program, he/she may be subject to immediate discharge from employment.

Consequences

Applicants who refuse to cooperate in a drug test or who test positive will not be hired. Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy will be terminated. The first time an employee tests positive for alcohol or illegal drug use under this policy, the result will be discipline up to and including discharge.

Confidentiality

Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations provided to the medical review officer (MRO) shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files.

Inspections

The Board reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline up to and including discharge.

Crimes Involving Drugs

The Board prohibits all employees from manufacturing, distributing, dispensing, possessing or using an illegal drug in or on school premises or while conducting school business. Employees are also prohibited from misusing legally prescribed or over-the-counter (OTC) drugs. The School Resource Officer and/or Law enforcement personnel shall be notified, as appropriate, when criminal activity is suspected.

Safety

It is the responsibility of each employee to conduct all tasks in a safe and efficient manner complying with all local, state and federal safety and health regulations and program standards, and with any special safety concerns for use in a particular area.

Although most safety regulations are consistent throughout each department and program, each employee has the responsibility to identify and familiarize her/himself with the emergency plan for his/her working area. Each facility shall have posted an emergency plan detailing procedures in handling emergencies such as fire, weather-related events and medical crises.

It is the responsibility of the employee to complete an Accident and Incident Report for each safety and health infraction that occurs.

Weapons & Explosives Prohibited

Board policy 5027/7275 applies to this subsection. The board of education is committed to providing a safe school environment that is free from violence, to the maximum extent possible. Employees, students, visitors, and other persons are prohibited from possessing, carrying, using, or threatening to use, or encouraging another person to possess, carry, use, or threaten to use, weapons or explosives on school property or while attending curricular or extracurricular activities sponsored by the school system. This policy applies to weapons or explosives carried openly or concealed.

For purposes of this subsection, a weapon includes, but is not limited to, any gun, rifle, pistol, or other firearm of any kind; any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors, and razor blades (except solely for personal shaving), or fireworks; and any sharp-pointed or -edged instrument, except instructional supplies, unaltered nail files, and clips and tools used solely for the preparation of food, instruction, and/or maintenance on educational property. For purposes of this policy, an explosive includes, but is not limited to, any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1.

School property is any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by the board of education.

Staff Responsibilities

All school employees shall:

- be familiar with, support, comply with and, when appropriate, enforce board policies, administrative procedures, school rules and applicable laws;
- attend to the safety and welfare of students, including the need to provide appropriate supervision of students;
- demonstrate integrity, respect and commitment to the truth through attitudes, behavior and

- communications with others;
- address or appropriately direct any complaints concerning school employees, the school program or school operations;
- support and encourage good school-community relations in all interactions with students, parents and members of the community;
- Faithfully and promptly attend work;
- Diligently and promptly submit required reports;
- Comply with the employee dress code; and
- Maintain and protect school property.

Employees shall notify the assistant superintendent for human resources if they are arrested for, charged with or convicted of a criminal offense (including entering a plea of guilty or nolo contendere) other than a minor traffic violation (i.e., speeding, parking or a lesser violation). Notice must be in writing, must include all pertinent facts and must be delivered to the assistant superintendent for human resources no later than the next scheduled business day following the arrest, charge or conviction, unless the employee is hospitalized or incarcerated, in which case the employee must report the alleged violation within 24 hours after his or her release. Upon judicial action in the matter, the employee must report the disposition and pertinent facts in writing to the assistant superintendent for human resources no later than the next business day following adjudication.

In addition, all driver education instructors must immediately report to the board any conviction that results in three or more points, and any conviction that could cause suspension or revocation of the driver license in any state. The board will notify the Department of Public Instruction when an instructor loses his or her privilege to drive in North Carolina or any other state. The superintendent or designee shall conduct annual checks of the driving records of all driver education instructors.

Failure by an employee to provide timely notice as described in this policy may lead to disciplinary action up to, and including, dismissal.

References

| | |
|--|-----------|
| Weapons and Explosives Prohibited..... | 5027/7275 |
| Staff Involvement in Decision Making..... | 7210 |
| Drug-Free and Alcohol-Free Workplace | 7240 |
| Drug and Alcohol Testing of Commercial Motor Vehicle Operators..... | 7241 |
| Occupational Exposure to Blood-borne Pathogens | 7260 |
| Occupational Exposure to Hazardous Chemicals in Science Laboratories | 7265 |
| Employee Use of Social Media..... | 7335 |
| Confidential Information..... | 7315 |
| Staff-Student Relations | 7310 |
| Reading Policy Manual | 7305 |
| Staff Responsibilities | 7300 |

SALARY DETERMINATION

Licensed Personnel

Salaries of licensed personnel are determined by the State Salary Schedule and any legislative action pertaining to its implementation. Teachers (including counselors, media specialists, and school

psychologists) are placed on the salary schedule according to the level of license and experience showing on the license. Principals and assistant principals have separate salary schedules, which are experience based.

Classified Personnel

Beginning Salaries

Beginning salaries for classified employees in the Cherokee County Schools system are based on State Salary Schedules. Experience credit is given to employees coming to the system with previous North Carolina school system experience in similar jobs. A chart showing specific guidelines is available in the Human Resources Department. This beginning salary schedule does not include child nutrition employees. Child nutrition employees are paid based on a Board approved wage schedule.

Salary Increases

Each year the North Carolina General Assembly acts to determine the salary of state employees. Legislators may decide to grant pay-level increases, percentage increases, a combination of the two or no increase at all. As a rule, salary increases based on legislative decisions are effective July 1 of each year.

Overtime/Compensatory Time

Only employees classified as *nonexempt under the Fair Labor Standards Act (FLSA)* who work more than 40 hours in a work week are eligible for overtime pay. Compensatory time off in lieu of overtime pay may be given if agreed to by the employee and employer prior to the performance of the work. Compensatory time off is calculated at the rate of one and one-half hours for each hour of overtime worked. Compensatory leave may be accumulated to a maximum of 240 hours. When the maximum is reached, additional overtime work must be paid. If a non-exempt employee terminates employment, he/she must be paid for any unused compensatory leave. Employees should contact their supervisors to determine if they will receive compensatory time or overtime pay, if applicable. For the purpose of this subsection, nonexempt employee positions include:

- a. clerical personnel
- b. teacher assistants
- c. custodians
- d. school nutrition staff
- e. transportation staff
- f. maintenance staff
- g. bus drivers
- h. and any other positions not requiring licensure by the Department of Public Instruction.

Longevity

Longevity is paid to permanent full-time non-teaching employees who have completed the required years of qualifying North Carolina service. This annual payment is a percentage of the yearly base salary and the percentage increases as years of state service increase. Longevity payments are paid during the pay period following a person's anniversary date.

The laws governing payment of longevity were significantly amended with the passage of Senate Bill 744 (An Act to Make Base Budget Appropriations for Current Operations of State Departments, Institutions, and Agencies, and for Other Purposes). Accordingly, for more information about longevity pay refer to the aforementioned law or contact the Central Office Personnel Benefits Supervisor.

Payday

- a. Ten-month employees and substitute teachers are paid monthly on the last workday of a calendar month.
- b. Eleven- and twelve-month employees are paid on the last workday of a calendar month.
- c. Cafeteria employees and classified employees (custodians, cafeteria employees, and teacher assistants) receive their checks on the last workday of a calendar month. Bus drivers receive their checks on the 15th of each month.
- d. Overtime checks, checks for hourly paid employees, and longevity checks are released on the last workday of the calendar month.
- e. If a payday falls on the weekend, checks will be released on Friday.

Only ten and eleven month employees can select the 12-month pay option. This is done prior to the beginning of school. Individuals who select the 12-month option should examine their August check stubs to verify that they are being paid accordingly. (A “Y” in the block called “Installment Pay” indicates 12-month option.) An individual on 12-month option whose payroll status changes during the school year will be taken off 12-month option.

Vouchers for coaching and other extracurricular activities will be paid on regular teacher paydays.

All paychecks, if not direct deposit, are picked up from the central office finance department by school principals (or designees).

Salary schedules are available in the secretary’s office at the schools and in the Central Office Finance Department.

Deductions

The finance department will deduct from each employee’s check the mandatory deductions for federal and state withholding taxes, social security, and retirement. Other mandatory deductions are tax levies, child support, alimony, bankruptcy, and NC Teacher Assistance Authority payments.

Deductions for voluntary contributions (insurance premiums, tax-sheltered annuities, cafeteria benefits, United Way, State Employees Credit Union, College Foundation of North Carolina) are made as authorized by the employee.

Each employee is responsible for making sure their deductions are correct and must notify the payroll supervisor immediately if there is a deductions error.

Timesheets

Employees will submit their timesheets at the end of each month. Each employee is to maintain an accurate daily record of his or her hours worked. All absences from work schedules should be appropriately recorded. Note: Timesheets must be completed in ink (or printed), signed, and dated. Timesheets not meeting this requirement will be returned with no action taken.

References

| | |
|----------------------------------|------|
| Defense of Board Employees | 7610 |
| Payroll Deductions | 7620 |

INSURANCE BENEFITS

Health Insurance

Employees have Teachers' and State Employees' Comprehensive Major Medical Plan. Cherokee County Schools pays for individual coverage for full-time employees in the basic 70/30 plan wishing to enroll in the Teachers' and State Employees' Comprehensive Major Medical Plan. Employees enrolled in the standard 80/20 plan will pay a monthly premium of \$22.76. Coverage for dependents and part-time employees may be added at the employee's expense through payroll deduction. ****Rates are subject to change in December.**

Employees who work at least half of the workdays in the pay period in which they terminate will have their coverage continued for one calendar month after the month in which they terminate. If they work less than half of the workdays, their coverage will end on the last day of the month during which termination occurs.

Employees on approved leave of absence may continue their health insurance by paying the entire premium to Cherokee County Schools by the 1st of each month.

Dental Insurance

Dental insurance is offered for all full-time and permanent part-time employees. The employee must pay the full amount of the premium for this coverage. Eligible employees may also insure their dependents. Dental insurance must be applied for within 30 days of employment (or during annual enrollment). If an employee does not enroll when first hired, they will be subject to limited coverage for the first year of coverage when they do enroll.

Questions concerning health and dental insurance should be directed to the benefits supervisor at Central Office.

Unemployment Insurance

School employees are entitled to unemployment insurance. Eligibility is determined individually, and benefit amounts are based on a percentage of a person's earnings, up to the allowable limit.

Group Term Life Insurance

Cherokee County Schools pays for \$12,000 of basic group term life insurance on permanent part-time and permanent full-time employees. Enrollment forms must be completed within thirty days of eligibility. Eligible employees can purchase additional life insurance on themselves in \$10,000 increments. They can also purchase coverage on spouse and eligible children. Participants who enroll more than thirty days beyond their eligibility period and those who request an increase in coverage will be required to provide evidence of insurability to the insurance company. Increments of \$10,000 up to \$300,000 not to exceed five (5) times your salary.

Disability Income

A comprehensive short-term and long-term disability income plan is provided at the employer's expense for regular, full time employees who are members of the Teachers' and State Employees' Retirement System and who meet certain state service requirements. For more information, contact the worker's compensation specialist.

Worker's Compensation

All public school employees are entitled to receive workers' compensation under the North Carolina Workers' Compensation Act. Employees must have suffered an accidental injury or contracted an occupational disease in the course of employment to be eligible for medical payments, compensation for lost salary, or death benefits under this program.

When an accident occurs, school employees are responsible for notifying his/her principal immediately. Employees at the IT department, transportation, and maintenance services should notify their immediate supervisor. The employee or principal/supervisor is responsible for completing the Injury Report, to file a workers' compensation claim. The completed form is then forwarded to the Worker's Compensation Specialist located in Central Office. Individuals on workers' compensation continue to earn sick leave and annual leave and can buy retirement time. However, an individual cannot earn teaching experience while on workers' compensation.

Before going for treatment a signed medical authorization form must be picked up at Central Office or emailed to the employee.

Liability Insurance for Public School Employees

Excess Professional Liability coverage is provided to all employees up to \$1 million per occurrence with a \$1 million aggregate.

Coverage for consultation with an attorney regarding violation of professional or employment related right is provided at \$2,500 per claim, subject to a \$5,000 aggregate per employee, per policy year.

Reasonable and necessary attorney's fees and costs incurred by an employee arising from a criminal proceeding alleging a criminal act was committed within the professional activities of an employee are covered up to \$50,000. Employee must be found "not guilty" of all criminal charges.

Employees are encouraged to visit www.ncpublicschools.org for a copy of the insurance contract.

Employees are encouraged to visit www.professionalliabilitync.com for information about this state-funded program and details on How to File a Claim.

Liability Insurance for Public School Employees is provided to all employees, including volunteers of public and charter schools. There is no enrollment process, nor is there a fee or premium charge to employees.

For additional information or questions, contact Eileen Townsend.

E B Townsend, CPCU, AU

Chief of Insurance

Department of Public Instruction

919-807-3522

eileen.townsend@dpi.nc.gov

RETIREMENT BENEFITS

Retirement if employed Before August 1, 2011

Permanent full-time employees are covered by the North Carolina Teachers' and State Employees' Retirement System. For more information, check out this web address: <http://www.nctreasurer.com>,

- Employees may retire with unreduced benefits if they: (1) reach age 65 and have completed at least five years of service, (2) reach age 60 with 25 years of service, or (3) have 30 years of service at any age.
- Employees may retire with reduced benefits if they: (1) reach age 50 and have completed 20 years of service or (2) reach age 60 with 5 years of service.
- When an employee resigns or is terminated, the accumulated EMPLOYEE contributions may be withdrawn. Members with five or more years of service may leave contributions in the retirement system and receive future retirement benefits. For additional information on retirement records/change of beneficiary, see section on "Updating Personal Information."

Retirement if employed After August 1, 2011

- Employees may retire with unreduced benefits if they: (1) reach age 65 and have completed at least ten years of service, (2) reach age 60 with 25 years of service, or (3) have 30 years of service at any age.
- Employees may retire with reduced benefits if they: (1) reach age 50 and have completed 20 years of service or (2) reach age 60 with 10 years of service.

Death Benefit

After one year of membership in the retirement system, employees are automatically covered by a death benefit. Upon death, the beneficiary will receive a lump sum equal to the employee's salary for the previous 12 months, with a minimum of \$25,000 and a maximum of \$50,000.

Social Security

Employees are members of the Federal Social Security System, and contributions are made by both employee and employer. The contribution rate is 7.65%.

Other Retirement Plans

- 403 (B) Plan: Each employee who is regularly scheduled to work 20 or more hours per week is eligible to make voluntary contributions to the Cherokee County Schools 403 (b) Plan either on a pre-tax basis or on an after tax basis. The minimum annual contribution is \$200 per year or \$20 per pay period. The benefits administrator at Central Office can answer specific questions about this plan.
- 401 (K) Plan: Each employee who is regularly scheduled to work 20 or more hours per week is eligible to make voluntary contributions to the State of North Carolina Supplemental Retirement Plan known as the NC 401 K Plan. There are maximum contribution limits on annual contributions to the plan which change each year based on IRS guidelines. The benefits administrator at Central Office can answer specific questions about the plan.
- 457 (B) Plan: Each employee who is regularly scheduled to work 20 or more hours per week is eligible to make voluntary contributions to the State of North Carolina Supplemental Retirement Plan known as the NC 457 B Plan. There are maximum contribution limits on annual

contributions to the plan which change each year based on IRS guidelines. The benefits administrator at Central Office can answer specific questions about the plan.

OTHER BENEFITS

Flexible Benefits

Permanent full-time and permanent part-time employees are eligible to participate in the Cherokee County Schools Flexible Benefits Plan. Under this plan, employees may elect to spend benefit dollars for benefits that meet their needs. Some of the pre-tax benefits available are cancer insurance, vision insurance, dental insurance, and medical expense and dependent care reimbursement accounts. Other benefits are available to be payroll deducted after-tax such as life insurance, disability insurance and long term care insurance. This is only a partial list of the benefits available. Additional information can be obtained from the benefits specialist. The Section 125 Plan year for Cherokee County Schools is September 1 through August 31. To qualify for reimbursement, expenses must be incurred during the Plan year for which you are requesting reimbursement. The following are examples of qualifying expenses:

1. Unreimbursed Medical Account: This account can be used for medical expenses for you or your family that are not covered by any other health plan. Reimbursement cannot exceed \$400 per year.
 - a. deductibles/coinsurance
 - b. certain defined medical, dental and vision services
 - c. hearing exams or aids
 - d. eyeglasses, contacts or eye exams
2. Dependent/Child Care Account: Reimbursement for care of your child or other tax dependent while you are at work. For reimbursement services at a dependent care center, the center must comply with all state and local laws. Specifications for this account are:
 - a. your child must be age 12 or under
 - b. your child or other dependent over the age of 13 must be incapable of self-support and must spend eight hours a day or more in your home
 - c. the individual caring for your child (age 12 and under or other dependent) must not be a tax dependent
 - d. reimbursement cannot exceed \$5,000 annually (\$2,500 if married filing separate returns) or the earned income of you or your spouse, whichever is less

The benefits specialist at Central Office can answer specific questions about this plan.

Credit Union

Permanent public school employees are eligible for membership in the State Employees' Credit Union. The Credit Union offers savings accounts, checking accounts, credit cards, loan services, and direct deposit of paychecks.

PESTICIDES IN CHEROKEE COUNTY SCHOOLS

In accordance with board policy 9205 Pest Management, the below schedule of anticipated pesticide use on school property is provided. In addition to this schedule of anticipated pesticide use there may be occasion when pesticides are used not in keeping with the schedule. Parents, guardians, and custodians

have a right to request notification of nonscheduled pesticide use. To request to be notified of nonscheduled pesticide use, at least 72 hours in advance of such use, to the extent possible, contact the school principal. For more information contact Mr. John Higdon at 828-837-2722.

| 1 st Wednesday | 2 nd Wednesday | 4 th Wednesday | 1 st Friday |
|---------------------------|---------------------------|---------------------------|------------------------|
| MES | AES | MCEMS | PES |
| MHS | AHS | REMS | TCEC |
| MMS | AMS | HDS | Central Office |
| Bus Garage/CN Cooler | The Oaks Academy (Marble) | MYS (Martins Creek) | EC Office |
| | Network Operations | Maintenance/CN Cooler | |

PERFORMANCE EVALUATION

Board policy Evaluation of Licensed Employees Policy Code: 7810 applies to this section.

The board recognizes that an effective staff is critical to the smooth operation of the school system and to creating a learning environment in which students can succeed. The board further believes that students will not excel in performance unless those who most directly affect students, including school administrators, teachers, and other licensed professionals, excel in their performance. It is the intent of the board to employ only those licensed employees who continuously exhibit a pattern of behavior that exemplifies excellent performance.

All licensed personnel must be evaluated at least annually using state-approved evaluation instruments in conformance with any processes established by the State Board for that class of personnel. For a career teacher, the abbreviated evaluation process established in State Board Policy TCP-C-004 is sufficient to satisfy the annual evaluation requirement; however, a teacher receiving an abbreviated evaluation may request that the evaluator conduct a formal evaluation. In addition, in any given year, the principal may elect to use the formal evaluation process set forth in the State Board Policy TCP-C-004 to evaluate a career teacher. The annual evaluation of principals and assistant principals must include a mid-year review.

The evaluation system must incorporate the following directives.

1. Evaluators must clearly identify exemplary performance as well as deficiencies in performance.
2. Evaluators are encouraged to use supplementary means of assessing and documenting performance in addition to the state performance standards, assessment rubrics, and evaluation instruments, including, but not limited to, additional formal observations, informal observations, conferences, reviews of lesson plans and grade books, interactions with the employee, plans of growth or improvement, and any other accurate indicators of performance.
3. Student performance and growth data will be considered as a part of the evaluation of licensed personnel, as provided in the assessment rubric for the class of employees under evaluation. For teachers, such data shall include analysis of student work for performance-based courses and student performance as measured by the statewide growth model for educator effectiveness or as otherwise authorized by the State Board of Education and approved by the local board. Multiple

means of assessing student performance must be used whenever possible. If only one method is used to measure student performance, it must be a clearly valid tool for evaluating an employee's impact on student performance.

4. Peer observations of probationary teachers must be conducted as required by law using the evaluation instrument and process established by the State Board and must be considered by the school administrator in evaluating teacher performance.
5. Supervisors and principals should facilitate open communication with employees about performance expectations.
6. An employee who is unclear about how performance is being assessed or who desires additional evaluation opportunities should address these issues with his or her immediate supervisor.
7. Evaluators will be held accountable for following the evaluation system and all applicable state guidelines on the evaluation of employees.
8. Evaluation data will be submitted to the central office personnel file in accordance with state law and policy 7820, Personnel Files.
9. Evaluation data will be used in making employment decisions, including decisions related to professional and staff development (see policy 1610/7800, Professional and Staff Development) and suspension, demotion, and dismissal of employees (see policy 7930, Professional Employees: Demotion and Dismissal and policy 7940, Classified Personnel: Suspension and Dismissal). Employment decisions may be made by the board and administrators regardless of whether evaluators have followed the evaluation system, so long as there is a legally sufficient basis for the decisions.
10. The superintendent and all evaluators are encouraged to develop ways to recognize distinguished performance and to capitalize on the abilities of such exemplary employees in helping other employees. The superintendent and evaluators are encouraged to involve employees in developing these processes.

Plans for Growth and Improvement of Licensed Employees

The board expects all professionally licensed employees to maintain high levels of performance. If an employee does not meet this standard, the superintendent and administrative staff shall address any identified performance or other deficiencies through appropriate means, including placing the employee on a monitored growth, directed growth, or mandatory improvement plan when required by state law, State Board policy or the board policy, or when otherwise deemed necessary. Refer to Board policy Plans for Growth and Improvement of Licensed Employees Policy Code: 7811 for more information.

Definitions

As used in the board policy, "teacher" means an individual defined as a teacher in G.S. 115C-325(a)(6) (for career status teachers) or G.S. 115C-325.1(6) (for non-career status teachers).

As used in the board policy, "licensed employee(s)" includes school administrators as defined in G.S. 115C-325.1(5) and teachers.

Individual, Monitored, and Directed Growth Plans

Use of Growth Plans

Teachers who receive an overall rating of at least "proficient" on all standards on the North Carolina Teacher Evaluation Rubric as indicated on the Teacher Summary Rating Form shall develop an individual growth plan designed to improve performance on specifically identified standards and elements.

A teacher who is performing below a proficient level on the Teacher Summary Rating Form shall be placed on a monitored growth plan or a directed growth plan unless dismissal, demotion, nonrenewal, or placement on a mandatory improvement plan is warranted. A monitored growth plan developed in accordance with State Board policy is required for a teacher who is rated “developing” on one or more standards of the North Carolina Teacher Evaluation Rubric. State Board policy also requires that a teacher who is rated “not demonstrated” on any standard or who is rated “developing” on any standard for two sequential years be placed on a directed growth plan. The superintendent may establish other criteria that will be deemed evidence that performance is below a proficient level or otherwise represents unsatisfactory or below standard performance and warrants placement on either a monitored growth plan or a directed growth plan.

Unless otherwise limited by state law or State Board policy, the principal is authorized to place a teacher on a monitored or directed growth plan or other plan of improvement at any point during the school year if the principal determines that the teacher is performing below the expected level.

School Administrators

Professional growth plans will be developed for school administrators as provided in State Board policy. A professional growth plan will include mutually agreed upon performance goals and recommendations based upon the school administrator’s self-assessment, the consolidated assessment and the summary evaluation using the *North Carolina School Executive; Principal and Assistant Principal Evaluation Process*. Development of the professional growth plan will be discussed at a meeting between the school administrator and the superintendent or designee when completing the annual evaluation process.

The superintendent may move to dismiss or demote a licensed employee whether or not the employee has been first placed on a growth or other improvement plan. See policy 7930, Professional Employees: Demotion and Dismissal.

Components of Growth Plans

Individual growth plans may contain, but are not limited to, any of the components listed below. However, monitored or directed growth plans must include at least the following components.

- a. **Identification of Deficiencies:** All performance deficiencies, including all specific standards and elements of the Teacher Evaluation Rubric identified for improvement during the teacher’s evaluation, must be identified and addressed in the growth plan.
- b. **Performance Expectations and Goals:** For each problem identified, the growth plan must include a statement of the expected level of performance and/or other goals to be accomplished.
- c. **Strategies:** The growth plan must set forth a strategy or strategies designed to correct each identified deficiency. The strategies should be specific and clearly state the activities the teacher should undertake to achieve the expected level of performance. The strategies also should identify all individuals responsible for implementing the plan.
- d. **Dates for Monitoring and Completion:** The growth plan must include dates upon which the teacher’s progress under the plan will be reviewed and the date by which performance is to be improved to the expected level. Under a monitored growth plan, the teacher must achieve proficiency within one school year. A directed growth plan may provide for a shorter period to achieve proficiency, not to exceed one school year.

Review of Growth Plans

Individual and professional growth plans should be reviewed at least annually with the licensed employee's supervisor and/or the principal, the superintendent, or their designees, as applicable.

In the case of a teacher's monitored or directed growth plan, once the designated time period for completion of a plan has elapsed, the principal or supervisor shall review the teacher's performance, including the results of any subsequent evaluation and determine whether the teacher continues to perform below the expected level in any area or whether the teacher's performance has improved sufficiently. If the teacher's performance remains below proficient, the principal or supervisor shall recommend to the superintendent one of the following:

- a. the board dismiss the teacher or demote or transfer the teacher to a position in which the teacher can be successful;
- b. the teacher be placed on a mandatory improvement plan in accordance with the provisions of Section C below; or
- c. the teacher be moved to a new monitored or directed growth plan or continue on a previous growth plan that has been revised as necessary, provided the principal or supervisor determines that:
 - 1) the teacher's continuing performance problems are not having an adverse impact on student learning or the school environment, or
 - 2) the teacher is making good progress toward improvement in deficient areas and is likely to improve to an acceptable level within a reasonable, additional time period.

Mandatory Improvement Plans

A mandatory improvement plan is an instrument designed to improve a licensed employee's performance by providing the employee with notice of specific performance areas that have substantial deficiencies and a set of strategies, including the specific support to be provided to the employee, so that he or she may satisfactorily resolve such deficiencies within a reasonable timeframe.

The use of mandatory improvement plans as provided in this policy is discretionary and will be determined on a case-by-case basis. Nothing in this policy will be interpreted so as to require the use of mandatory improvement plans in addition to, or in lieu of, growth plans or other disciplinary action, including dismissal from employment as provided by law.

Initiating a Mandatory Improvement Plan

a. Licensed Employees in Low-Performing Schools

If a licensed employee in a low-performing school receives a rating on any standard on an evaluation that is below proficient or otherwise represents unsatisfactory or below standard performance in an area that the licensed employee was expected to demonstrate, the individual or team that conducted the evaluation shall recommend to the superintendent that (i) the employee receive a mandatory improvement plan designed to improve the employee's performance or (ii) the superintendent recommend to the board that the employee be dismissed or demoted. If the individual or team that conducted the evaluation elects not to make either of the above recommendations, the said individual or team shall notify the superintendent of this decision. The superintendent shall determine whether to develop a mandatory improvement plan or to recommend a dismissal proceeding.

b. Teachers in Schools Not Identified as Low-Performing

If, in an observation report or year-end evaluation, a teacher in a school not identified as low-performing receives a rating that is below proficient or otherwise represents unsatisfactory or below standard performance on any standard that the teacher was expected to demonstrate, the principal may place the employee on a mandatory improvement plan. The mandatory improvement plan will be utilized only if the superintendent or designee determines that an individual, monitored or directed growth plan would not satisfactorily address the deficiencies.

c. **Any Licensed Employees Engaging in Inappropriate Conduct or Performance**

A principal may recommend to the superintendent or designee that a licensed employee be placed immediately on a mandatory improvement plan if the employee engages in inappropriate conduct or performs inadequately to such a degree that the conduct or performance causes substantial harm to the educational environment, but immediate dismissal or demotion of the employee is not appropriate. The principal must document the exigent reason for immediately instituting such a plan.

Components of a Mandatory Improvement Plan

A mandatory improvement plan for any licensed employee must include the following components.

- a. **Identification of Deficiencies:** The performance areas in which the employee is deficient must be identified and addressed in the mandatory improvement plan.
- b. **Performance Expectations:** For each problem identified, the plan must include a statement of the expected level of performance.
- c. **Strategies:** The plan must establish a strategy or strategies designed to correct each identified deficiency. The strategies should be specific and clearly state the activities the employee should undertake to achieve the expected level of performance and the specific support to be provided to the employee. The strategies also should identify all individuals responsible for implementing the plan.
- d. **Dates for Monitoring and Completion:** The plan must include dates upon which the employee's progress under the plan will be reviewed and the date by which performance is to be improved to the expected level.

Development and Implementation of the Plan

a. **Licensed Employees in Low-Performing Schools**

When directed by the superintendent, a mandatory improvement plan to improve the performance of a licensed employee will be developed by the person who evaluated the licensed employee or the employee's supervisor, unless the evaluation was conducted by an assistance team. If the evaluation was conducted by an assistance team, that team shall develop the mandatory improvement plan in collaboration with the employee's supervisor. Mandatory improvement plans will be designed to be completed within 90 instructional days or before the beginning of the next school year.

b. **Teachers in Schools Not Identified As Low-Performing**

When a principal decides to put a teacher on a mandatory improvement plan, the principal shall develop the plan in consultation with the teacher. The teacher shall have five instructional days after receiving the plan to request a modification to the plan before it is implemented. The principal must

consider the requested modification before finalizing the plan. The teacher shall have at least 60 instructional days to complete the mandatory improvement plan.

A teacher has five workdays after finalization of the mandatory improvement plan within which to submit a request to the principal for a qualified observer, as defined in G.S. 115C-333.1(c)(1), to observe the teacher in the area or areas of concern identified in the plan. In accordance with G.S. 115C-333.1(c)(2), the board will create and maintain a list of qualified observers who are employed by the board and available to conduct observations. The board will strive to limit the list to administrators and teachers who have excellent reputations for professionalism.. Selection of the qualified observer and submission of the qualified observer’s report to the principal will be in accordance with G.S. 115C-333.1(c)(3).

Reassessment

Licensed Employees in Low-Performing Schools: After the expiration of the time period for the mandatory improvement plan, the superintendent or designee or the assistance team shall assess the employee’s performance. If the assessor determines that the employee has failed to become proficient in any of the performance standards articulated in the mandatory improvement plan or to demonstrate sufficient improvement toward such standards, the superintendent shall recommend that the employee be dismissed or demoted under applicable state law.

Teachers in Schools Not Identified As Low-Performing: Upon completion of a mandatory improvement plan, the principal or supervisor shall assess the performance of the employee. For teachers, the principal shall also review and consider any report provided by the qualified observer if one has been submitted before the end of the mandatory improvement plan period. If, after the assessment of the employee and consideration of any report from the qualified observer, the superintendent or designee determines that the teacher has failed to become proficient in any of the performance standards identified as deficient in the mandatory improvement plan or demonstrate sufficient improvement toward such standards, the superintendent may recommend that the employee be dismissed or demoted under applicable state law.

References

Evaluation or Supervision of Employees 7810
Plan for Growth and Improvement of Licensed Employees 7811
Evaluation of Non-Licensed Employees..... 7815
Personnel Files 7820
Petition for Removal of Personnel Records 7821

PROFESSIONAL DEVELOPMENT

The board believes a strong relationship exists between the quality of education provided to students and the competency and training of all personnel employed by the school system. The board places a high priority on securing the most competent personnel available and, once they are employed, providing them with opportunities for professional growth and development throughout their careers. The goal of professional and staff development programs and opportunities for licensed professional employees and support staff is to improve the instructional program and create a safe learning environment for all students by improving and expanding the skills of the professional staff and support personnel. Refer to Board policy Professional and Staff Development Policy Code: 1610/7800 for more information.

School based staff development programs share the following components:

- The school's professional development program helps administrators and teachers attain and develop the content knowledge and pedagogical skills necessary to design and deliver high quality curriculum.
- The school's professional development program prepares teachers to use research based teaching strategies to support students' achievement of the essential knowledge and skills for their learning.
- The school's professional development program assists administrators and teachers in using strategies that demonstrate high expectations for all students and the belief that all students can learn.
- The school's professional development program facilitates the development and implementation of school and classroom-based management to maximize student learning and to provide a safe and orderly environment for learning.
- The school's professional development program addresses diversity by providing awareness and training related to the knowledge, skills, and behaviors needed to ensure that an equitable and quality education is provided to all students.

Required Training

1. Harassment and Bullying Prevention
 - 1.1 All Employees will complete online training modules annually
 - 1.2 Conducted for new teachers during summer training
 - 0.3 Conducted for Substitutes during ETT sessions
2. OSHA Blood-borne Pathogen, Chemical Hygiene Training
 - 2.1 New Hires will complete online training module at the beginning of each year as a required training.
 - 3.0 Volunteer Training: Conducted at each school in the fall

Professional and Staff Development

The superintendent shall provide ongoing development opportunities for licensed and support staff and shall require participation by such personnel as appropriate. The superintendent shall seek input from employees when developing system-wide programs. The principal shall seek input from school personnel when planning professional and staff development programs for his or her school.

Professional and staff development must be provided, at the system or school level, on the effective delivery of the required curriculum. In addition, as required by policy 3220, Technology in the Educational Program, the superintendent shall plan and provide a program of technology-related professional development to prepare the instructional staff to integrate technology into the student learning process and to address other relevant issues related to the use of digital tools and resources in the instructional program.

Self-Improvement

Licensed employees are expected to engage in self-directed activities to improve their professional skills. These employees are encouraged to seek information and training through professional development programs as well as other opportunities in order to meet this responsibility.

Plans for Growth and Improvement

Supervisors and principals also may require licensed employees to enter into plans, including mandatory improvement plans established by state law and individual, monitored and/or directed growth plans established by the State Board of Education, for professional growth and improving performance. (See policy 7811, Plans for Growth and Improvement of Licensed Employees.) A performance improvement plan could involve participation in a professional development program or encompass a variety of strategies that are related to professional growth or improving performance.

Payment of Costs

The school system will consider paying reasonable costs, within budget limits, for any courses, workshops, seminars, conferences, in-service training sessions, or other sessions an employee is required to attend by the local administration. The employee must seek prior approval for payments.

The school system will not bear the responsibility of the cost of training taken solely for the purposes of licensure renewal.

Graduate Incentive Policy

The Board of Education's prime objective is to secure the best possible education for the children of Cherokee County. In pursuing this goal, the Board recognizes the great importance of maintaining, developing, and extending the professional knowledge and skills of all staff members. The Board strongly encourages staff members, at all levels, to engage in programs and activities that will lead to their professional goals and growth, expand their skills, and increase their job competence. College and university course work can be an important and significant method to ensure staff growth and development that will be reflected in increased personal and professional ability.

Within budgetary limits and subject to approval of the superintendent, reimbursements will be made for tuition payments to staff members from a portion of available staff development funds. The following procedures and guidelines will apply:

1. Reimbursements for college tuition will be limited to certified personnel employed by the Cherokee County Board of Education pursuing an advanced degree in areas of their current job assignment or in an area approved by the superintendent.
 - a. Persons pursuing advanced degrees in areas of their current job assignment or an area approved by the superintendent or his designee.
 - b. Persons adding areas of certification due to state requirements and/or local assignment.
 - c. Persons fulfilling requirements to implement the Basic Education Plan.
 - d. Persons taking a course specified on their professional development plan.
2. As funds are available reimbursement will be made based on the following terms:
 - a. "Professional Component" (12 semester hours 4 core courses) of the Master's Degree Program (M.A.) as outlined in an approved university course of study.
 - b. "Professional Component" (12 semester hours 4 core courses) of an Advanced Degree Program (Ed.S) as outlined in an approved university course of study.
 - c. "Core Component" (12 semester hours 4 core courses) of a Doctoral Degree Program as outlined in an approved university course of study.
 - d. Courses required by the Division of Certification, State Department of Public Instruction to meet requirements in present teaching assignment.
 - e. Courses required and specified on an employee's professional development plan.

f. Reimbursement will be made for 4 courses per school year.

Note: Reimbursements will be made to those employees entitled to 100% reimbursement at three times during the year:

February 1 for Fall Semester

June 15 for Spring Semester

September 15 for Summer Semester

3. Reimbursements of 50% will be made if funds are available for courses leading to an advanced degree. In the event there are more reimbursement requests than there are funds available, then the amount of reimbursement will be determined by the number of teachers submitting requests, classification of course(s), and the amount of available funds.

References

Professional and Staff Development..... 1610-7800

LICENSURE

Highly Qualified Teachers Defined

Elementary School Teachers: To be a “highly qualified” teacher at the elementary school level, a teacher must have an appropriate license for the core academic subjects taught. A teacher must also demonstrate subject knowledge and teaching skills in reading/language arts, writing, mathematics, and other areas of the basic elementary school curriculum by passing the Praxis II exams required for the license.

Middle and High School Teachers: To be a “highly qualified” teacher at the middle and high school levels, a teacher must have a middle school or secondary license in the teaching area required for each teaching assignment. A teacher must also demonstrate a high level of competency by:

- a. Passing the required PRAXIS II test(s) in each academic subject in which he or she teaches; or
- b. Successfully completing in each academic subject in which he or she teaches any of the following:
 - 1) an undergraduate major;
 - 2) coursework equivalent to an undergraduate major;
 - 3) a graduate degree in the core teaching subject area(s);
 - 4) master’s level licensure or above in the appropriate subject area; or
 - 5) National Board for Professional Teaching Standards certification in the related subject area(s).

Exceptional Children’s and English as a Second Language (ESL) Teachers: To be a “highly qualified” teacher in an exceptional children’s class or ESL class, a teacher must have the exceptional children’s and/or ESL license required for the teaching assignment. The teacher must also demonstrate the subject knowledge and teaching skills in the content areas taught by passing the PRAXIS II exams required for the license. This paragraph applies to exceptional children’s teachers and ESL teachers who are the teachers of record for core academic areas.

Out-of-State Teachers: An out-of-state teacher who submits documentation that he or she has been deemed “highly qualified” in another state will be designated “highly qualified” in North Carolina

provided that he or she has at least a bachelor's degree from an accredited college or university. This documentation may include satisfactory test scores from the originating state, verification of satisfactory completion of the High Objective Uniform State Standard for Evaluation (HOUSSE) for the originating state, or verification of National Board Certification, as authorized by the No Child Left Behind Act.

Veteran Teachers: Prior to April 2007, a veteran teacher may have used the NC HOUSSE to establish that he or she is “highly qualified,” provided that the teacher had taught full time with a reciprocal state license for not less than six successive calendar months in one school system, charter school or non-public institution.

LICENSURE CLASS CODES

A. LICENSURE CLASS CODES AND SALARY

The licensure class code corresponds to the educational level at which an individual has completed licensure requirements.

Effective July 1, 2000, licensed public school personnel are to be paid on the salary schedules applicable to their assignment at the highest license level held. The Form G process for non-educational master's, advanced or doctoral degrees is unaffected by this policy.

1. Below bachelor's level

| Licensure Class Code | Licensure Area |
|-----------------------------|---|
| V | Workforce Development areas are based on experience and academic preparation below the bachelor's level |
| | Provisional Workforce Development (Vocational) |

2. Bachelor's level

| Licensure Class Code | Licensure Area |
|-----------------------------|--|
| A | Regular teaching area |
| | Provisional Workforce Development (Vocational) |
| | Workforce Development (Vocational) |
| | School Social Worker |
| PP | Provisional Assistant Principal |

3. Master's level

| Licensure Class Code | Licensure Area |
|-----------------------------|---|
| M | Regular teaching area |
| | Curriculum Instructional Specialist (Supervisor/Director) |
| | Workforce Development (Vocational) |
| | Counselor |
| | Instructional Support Personnel (School Social |

| | |
|----------|--------------------------------------|
| | Worker, Speech Language Pathologist) |
| P | Principal |

4. Advanced (sixth-year) level

| Licensure Class Code | Licensure Area |
|----------------------|---|
| S | Regular teaching area |
| | Curriculum Instructional Specialist (Supervisor/Director) |
| | Workforce Development (Vocational) |
| | Counselor |
| | Instructional Support Personnel (School Social Worker, Speech Language Pathologist) |
| AP | Principal |
| AS | Superintendent |

5. Doctoral level

| Licensure Class Code | Licensure Area |
|----------------------|---|
| D | Regular teaching area |
| | Supervisor/Director |
| | Workforce Development (Vocational) |
| | Counselor |
| | Instructional Support Personnel (School Social Worker, Speech Language Pathologist) |
| DP | Principal |
| DS | Superintendent |

BEGINNING TEACHER SUPPORT PROGRAM PLAN

The plan for beginning teacher support must:

- Describe adequate provisions for efficient management of the program.
- Designate an official to verify eligibility of beginning teachers for a continuing license.
- Provide for a formal orientation for beginning teachers that includes a description of available services, training opportunities, the teacher evaluation process and the process for achieving a continuing license.
- Address compliance with the optimum working conditions for beginning teachers identified by the SBE.
- Address compliance with the mentor selection, assignment and training guidelines identified by state law and the SBE.
- Provide for the involvement of the principal or designee in supporting the beginning teacher.
- Provide for a minimum of four observations per year in accordance with G.S. 115C-333 or G.S. 115C-333.1, using the instruments adopted by the SBE for such purposes. The plan must also address the appropriate spacing of observations throughout the year and specify a date by which the annual evaluation is to be completed.

- Provide for the preparation of a Professional Development Plan (PDP) by each beginning teacher in collaboration with the principal or designee and the mentor teacher.
- Provide for a formal means of identifying and delivering services and technical assistance needed by beginning teachers.
- Provide for the maintenance of a cumulative beginning teacher file that contains the PDP and evaluation of report(s).
- Provide for the timely transfer of the cumulative beginning teacher file to successive employing LEAs, charter schools, or non-public institutions within the state upon the authorization of the beginning teacher.
- Describe a plan for the systematic evaluation of the Beginning Teacher Support Program to assure program quality, effectiveness and efficient management.
- Document that the board has adopted the plan.

Teachers who hold initial licenses are assigned a mentor/support team to provide guidance and help during the transition into the profession. Observations and evaluations are conducted on a specified schedule during the three-year period of licensure. Beginning Teachers (BT) are expected to submit Interim Requirements adopted by the State Board of Education (SBE) to the Department of Public Instruction by June 16th of the second year of employment.

The Interim Requirements are:

- Individual Growth Plan for all 3 years of BT
- 4 observations and 1 summative from all 3 years
- Documentation of professional development from 3 years
- Documentation of beginning teacher/mentor meetings for all 3 years of BT

There is not a pass/fail score; however, there is state level review of the Interim Requirements. The review will tell if:

- Professional development is tied to the IGP, Professional Teaching Standards and if it is individualized.
- Mentors are meeting regularly with BTs.
- Observations are timely and feedback is given.
- Information on the required observations is reflected on the Summative Evaluation.

The Beginning Teacher (BT) does not participate in a five-year renewal cycle until the completion of the probationary period. However, BTs must attend staff development workshops/activities to meet the Interim Requirements to clear initial license status. Beginning with the teacher's fourth year of employment or after successful completion of an Beginning Teacher period, a five-year renewal cycle will begin.

License Conversion

The superintendent or designee shall designate a school official in the Beginning Teacher Support Program plan to be responsible for approving the acceptance of all continuing (Standard Professional 2) licenses automatically converted from the initial (Standard Professional 1) license. The designated official shall reject an automatic conversion license and immediately notify DPI if (1) the teacher has not taught three years; or (2) the official has knowledge of any reason related to conduct or character to deny the individual teacher a continuing license.

Beginning teachers must be rated “Proficient” on North Carolina Professional Teaching Standards I through V on the most recent Teacher Summary Rating Form in order to be eligible for the Standard Professional 2 License.

Licensing is a state decision and cannot be appealed at the local level. The superintendent or designee shall ensure that teachers not qualifying for continuing licensure are informed of the process for appealing the state decision.

District Office Copy

By law, a copy of the teaching license must be on file with the employing school system. Once issued, a teaching license or license is renewed; each employee must login to their account in the NC Online Licensure system through DPI and should keep a copy of their NC teaching license on file. The district licensure specialist will place a copy of the NC teaching license in the individual’s personnel record and it will be kept on file at the central office.

License Renewal

Licensure renewal is the responsibility of the individual, not of the school system. Any employee who allows a license to expire must have it reinstated prior to the beginning of the next school year. A teacher whose license has expired is subject to dismissal.

The school system may offer courses, workshops and independent study activities to help school personnel meet license renewal requirements. Any renewal activity offered must be consistent with State Board of Education policy. In addition, the superintendent or designee shall develop a procedure to determine the appropriateness of any credit offered in advance of renewal activities.

All licenses have a 5-year renewal cycle during which they must be renewed with 8.0 units of appropriate credit. Licenses are always dated to expire on June 30, and the renewal credit **MUST** be completed by the date. Credit may not be carried from one renewal cycle to the next with the exception of National Board Certification. Course work may not be repeated within the 5-year cycle, and duplications will not be allowed.

Changes to Renewal Credits: SB 402, Section 9.3(f) state, “For teachers who are in their fourth or fifth year of their current five-year license renewal cycle, the changes required by G.S. 115C-296(b)(1)b., as enacted by subsections (b)* and (c)** of this section, shall apply beginning with the first year of their next five year license renewal cycle.”

| License Expiration Date | Renewal Requirements |
|-------------------------|--------------------------|
| Everyone—June 30, 2016 | K—8 Teachers—8.0* |
| | 3—Content* |
| | 3—Literacy** |
| | 2—General*** |
| | All other Educators—8.0* |
| | 3—Content* |
| | 5-General*** |
| Everyone—June 30, 2017 | SB 168, Section 5(c) |

***The General credit breakdown is subject to change based on N.C. State Board of Education policy.

Changes to Renewal Credits (SB 168 Section 59(c) effective July 1, 2017).

“The State Board of Education, in consultation with local boards of education and the Board of Governors of the University of North Carolina, Shall (i) reevaluate and enhance the requirements for renewal of teacher licenses, and (ii) consider modifications in the license renewal achievement and to make it a mechanism for teachers to renew continually their knowledge and professional skills. Skills, and (iii) integrated digital teaching and learning into the requirements for licensure renewal.

Credit must be directly applicable to the license field(s), professional responsibilities, and/or educational goals of the individual, or be directly applicable to school system needs. Renewal credit may be earned in the following ways:

1. College/University Courses - Courses may be at graduate or under-graduate level and may be taken through any accredited college or university-including technical and community colleges. For these courses, 1.5 renewal credits will be awarded for each semester hour and 1.0 renewal credits for each quarter hour. A course which is audited (not taken for college credit) may not be used for renewal credit. Up to 10 semester hours, which equates to 15 units, may be recorded for licensure renewal.
2. Local Courses or Workshops – sponsored by Cherokee County Schools. To receive renewal credit the course must be approved by a Curriculum Director or principal and be research based in nature.
3. Other Activities - Renewal credit may be awarded for other activities if credit has been established by an entity empowered to determine credit (workshops set up by State Department of Public Instruction; independent study activities; or conferences/seminars set up to award CEUs). One Renewal credit is awarded for each 10 clock hours.
4. NBPTS – 7.5 credit hours is awarded for completion of the portfolio for National Board Certification. This credit may be used during current renewal cycle or carried forward. The employee does not have to successfully achieve National Board Certification to receive renewal credit. However, the employee must submit verification of action taken by the National Board. 2.0 credit hours is awarded for NBPTS renewal.

Procedure for Receiving Renewal Credit

To receive renewal credit for any activity, participants should receive prior approval by an administrator. For NBPTS credit, the employee may submit a copy of the letter indicating action taken by the National Board.

Outlined below are procedures to follow for various types of staff development activities.

College/University Courses

1. Courses carrying credit in semester hours, quarter hours, or CEUs may be used for renewal if they are related to one’s license areas or professional growth.
2. It is necessary to complete a prior approval form, but the school system reserves the right to deny credit for course work not deemed appropriate. Across the top of the prior approval form, please write “For Credit Only”.
3. When you complete the course, attach the ORIGINAL (not a copy) grade report and/or transcript and submit to the licensure specialist. We will record up to 10 semester hours, which equals 15.0 units, per 5-year period.

Activities (Workshops, Conferences) Approved by DPI

These activities also require the completion of a prior approval form. However, credit will be denied if the activity is not appropriate for an individual’s area of licensure or professional growth.

When the activity is completed, login to Timekeeper and submit your CEU request. A certificate of completion must be uploaded for approval. The district licensure coordinator will approve CEUs.

Institutes/Seminars/Workshops NOT Approved by DPI or Other Certifying Entity

1. Prior approval is required. Before attending, follow the procedure below:
 - a) The participant will be notified when the activity is approved.
 - b) When the activity is completed, login to Timekeeper and submit your CEU request. A certificate of completion must be uploaded for approval. The district licensure coordinator will approve CEUs.

Locally Planned Workshops

1. Register for the workshop after receiving administrator approval.
2. Each workshop will have a sign in sheet. Make sure you sign in and that your name is legible. This sign in sheet will be forwarded to the appropriate person for credit entry.
3. If you receive a Certificate of Credit for the workshop, make a copy for your records.
4. The workshop coordinator will send an agenda and sign-in sheet to the district licensure coordinator and CEU credit will be approved and entered in Timekeeper.

The School System reserves the right to deny credit for any activity not deemed appropriate or not having sufficient documentation of completion.

Tracking Renewal Progress

Keeping careful records of your renewal activities will enable you to know your renewal status. You may go to Timekeeper to view your record of CEU.

While in Timekeeper, click on CEUs under the Employee Profile section to view your CEU report.

Please do not request a renewal credit update by phone.

Provisional Licenses

Law requires teachers to be licensed for all classes they teach. If you are assigned out of field, a provisional license will be necessary, and you will be required to complete six (6) semester hours each year until you have met licensure requirements. Provisional licenses are issued for one year at a time. They are dated to expire June 30; however, holders of provisional licenses are allowed the summer as a “grace” period to complete the six (6) semester hours required to extend the license for another year.

The State Board of Education policy for the new reading methods renewal requirement states that “individuals teaching kindergarten through eighth grade must complete three (3) renewal credits in reading methods courses during each five-year renewal cycle. This reading methods requirement applies to individuals renewing their licenses on or after July 1, 2003.”

Experience Credit

Teaching experience earned anywhere other than a North Carolina public school must be verified on Form E and submitted to the licensure specialist to be added to the license.

Full credit for experience as a teacher assistant counts **if it occurs after an individual becomes licensed. One year of credit is granted for every two years served as a teacher assistant if the experience occurred before the date the person becomes eligible to receive a license.** Contact the licensure specialist for forms and/or details.

References

Licensure 7130

PERSONNEL RECORDS AND INFORMATION

Personnel Records

All employees have a personnel file in the Central Office. Whenever any complaint, commendation, or suggestion is placed in the personnel file, the employee will be notified in writing. The following have access to personnel files: superintendent, immediate supervisor, appropriate director or coordinator, employees in the Human Resources Department, and Board of Education members, if access relates to specific duties of the Board member.

An employee may review his/her personnel record during regular office hours with a member of the Human Resources Department present. Pre-employment records are not available to the employee. (Additional details concerning personnel files can be found in section 115C-325(b) of the North Carolina General Statutes.)

Updating Personal Information

If your name or address changes for any reason, please notify the Personnel Benefits Supervisor by completing a “Name and/or Address Change” form. This form may be obtained from the school administrative assistant or from the benefits advisor.

IMPORTANT: The name on your records should agree with the name on your Social Security card.

Name changes must be reflected on the teaching license. A form for this purpose may be obtained from the licensure specialist at Central Office. The retirement system must also be notified of your name change. A Retirement Form 2-C should be completed by the Personnel Benefits Supervisor at Central Office since notarization is required. Forms can be downloaded from the DPI website. Beneficiaries of your retirement account may be changed at any time by completing a “Change of Beneficiary” form. Employees please go to the Retirement System website, www.myncretirement.com to complete the change form. To assign someone as a beneficiary, you will need his/her name, address, and date of birth. Each spring, the State Retirement System provides all members with a report of their retirement contributions and years of service. If you have questions about the figures on this report, you should contact the Retirement System at the address on their form.

North Carolina (NC-4) and Federal (W-4) tax forms may be changed at any time. Forms may be obtained from the school administrative assistant or the Personnel Benefits Supervisor at Central Office. The completed tax form is sent to the finance department for entry and is later filed in your personnel file.

If you would like to update any other personal information, please contact the Personnel Benefits Supervisor at Central Office.

References

| | |
|---|------|
| Personnel Files | 7820 |
| Petition for Removal of Personnel Records | 7821 |

USE OF CHEROKEE COUNTY SCHOOLS’ COMPUTER NETWORK

Cherokee County’s computer network is in place to enhance the ability of educators to teach and students to learn. Use of the computer network and Internet connections should be limited to job performance.

- Do not transmit confidential information concerning students or others via e-mail. These transmissions could violate FERPA.
- All data in school computers and the computer network itself are considered school business and subject to being monitored. Employees should have no expectation of privacy concerning files on any computer.
- Employees can expect adverse employment action, including termination, for illegal use of the computer network and/or Internet connections. It is illegal to use e-mail or the network in a manner that creates a hostile work environment. This includes, but is not limited to, unsolicited religious or political information.
- Cherokee County employees are prohibited from advertising and solicitation via the system’s computer network
- Employees are reminded to safeguard your password. You will be held accountable for the consequences of intentional or negligent disclosure of this information. You are required to “log off” at the end of each workday.
- Please note: In the event of any investigation (internal, criminal, legal, etc.), your computer and/or back-up tapes of information contained on your computer may be confiscated. Confiscated computers will be secured at the Network Operation Center and released only when written notification to release said computer(s) is received from the investigating agent(s).
- It is the duty of the Technology Director to implement technology policies. Employees are reminded to contact the Technology Director in the event you have questions regarding the policies. In addition, all violations of the policies should be reported to the Technology Director.

USE OF PERSONAL TECHNOLOGY TO CONDUCT SCHOOL BUSINESS

The board recognizes that employees may use a variety of personal technology devices and accounts in their personal lives. At times, it may be convenient for employees to use their personal technology devices and accounts to conduct school business. Although such use of personal technology devices and accounts may be convenient, it is likely to produce a conflict between employees’ interests and the school’s obligations: employees ordinarily expect privacy in their personal technology devices and accounts, but the school is legally obligated to preserve certain school business-related electronically stored information (“ESI”).

School business-related ESI (including text messages and e-mails) sent and/or received by an employee using a personal technology device or account may constitute public records or student education records, and as a result may require retention and disclosure by the school system. In the event of litigation, school business-related ESI located on a personal technology device or account may be subject to discovery and a litigation hold.

REQUIRED NOTICES AND CONSENT

All employees must be informed annually of the terms of policy 3228-7323 and the methods by which they may obtain a copy of the policy. Employees must sign a statement indicating that they understand and will comply with the requirements of the policy. To obtain a copy of policy 3228-7323 visit www.cherokee.k12.nc.us website or contact your principal or supervisor.

By receiving this Employee Handbook you are acknowledging that you understand and will comply with the requirements of policy 3228-7323 .

References

Technology Acceptable Use Policy3225-4312-7320
Internet Safety 3226-4205
Security Awareness3222-7321
Use of Personal Technology to Conduct School Business3228-7323

BOARD OF EDUCATION POLICY MANUAL

Policy Manual

Cherokee County Schools has a policy manual that includes policies and procedures adopted by the Board of Education. These policies and procedures are the rules and regulations that govern the employees and students of the school system. Copies of the policy manual may be found at your principal’s office or on the Cherokee County Schools website at www.cherokee.k12.nc.us. Employees should be familiar with all policies dealing with personnel as contained in the policy manual.

Per Policy 7305 Reading the Policy Manual All employees must read policies that relate to codes of conduct, standards of conduct, harassment, bullying, and discrimination, and grievance procedures.

The below listed policies should be read in their entirety:

- ☐ School Safety: Policy Code.....1510/4200/7270
- ☐ Professional & Staff Development: Policy Code.....1610/7800
- ☐ Prohibition against Discrimination, Harassment, and Bullying: Policy Code.....1710/4021/7230
- ☐ Discrimination, Harassment & Bullying Complaint Procedure: Policy Code.....1720/4015/7225
- ☐ Nondiscrimination on the Basis of Disabilities: Policy Code.....1730/4022/7231
- ☐ Grievance Procedure for Employees: Policy Code.....1750/7220
- ☐ Discrimination Complaint Procedure for Employees: Policy Code.....1751
- ☐ Prohibition against Retaliation: Policy Code.....1760/7280
- ☐ Network Security: Policy Code.....3224/7323
- ☐ Technology Acceptable Use: Policy Code.....3225/4312/7320

| | |
|--|-----------|
| <input type="checkbox"/> Dress Code: Policy Code..... | 4311 |
| <input type="checkbox"/> Prohibition of Alcoholic Beverages: Policy Code..... | 5025 |
| <input type="checkbox"/> Weapons and Explosives Prohibited: Policy Code..... | 5027/7275 |
| <input type="checkbox"/> Drivers: Policy Code..... | 6315 |
| <input type="checkbox"/> Personal use of Equipment, Materials and Supplies: Policy Code..... | 6521 |
| <input type="checkbox"/> Employee Health Certificate: Policy Code..... | 7120 |
| <input type="checkbox"/> Licensure: Policy Code..... | 7130 |
| <input type="checkbox"/> Drug-free & Alcohol-free Workplace: Policy Code..... | 7240 |
| <input type="checkbox"/> Drug & Alcohol Testing for Commercial Motor Vehicle Operators: Policy Code..... | 7241 |
| <input type="checkbox"/> Reading the Policy Manual: Policy Code..... | 7305 |
| <input type="checkbox"/> Staff Use of Cell Phones: Policy Code..... | 7316 |
| <input type="checkbox"/> Employee Use of Social Media: Policy Code..... | 7335 |
| <input type="checkbox"/> Employee Dress and Appearance: Policy Code..... | 7340 |
| <input type="checkbox"/> Evaluation of Licensed Employees: Policy Code..... | 7810 |
| <input type="checkbox"/> Evaluation of Non-licensed Employees: Policy Code..... | 7815 |
| <input type="checkbox"/> Personnel Files: Policy Code..... | 7820 |
| <input type="checkbox"/> Petition for Removal of Personnel Records: Policy Code..... | 7821 |
| <input type="checkbox"/> Resignation: Policy Code..... | 7900 |
| <input type="checkbox"/> Retirement: Policy Code..... | 7910 |

Training Links

Training for the following areas may be conducted at the below link.

Protection against sex discrimination; Prohibition Against Discrimination and Harassment; Sexual Harassment; Blood-borne Pathogens: [HTTPS://SITES.GOOGLE.COM/A/CHEROKEE.K12.NC.US/CCS-EMPLOYEE-HANDBOOK/](https://sites.google.com/a/CHEROKEE.K12.NC.US/CCS-EMPLOYEE-HANDBOOK/)

When you access this CCS site you will see the District Events and Professional Development calendar as well as a list of training links. They are:

- 1) Employee Handbook
 - a. Clicking this link will take you to the current year Employee Handbook.
- 2) Classroom and Workplace Bullying Prevention Training
- 3) Chemical Hygiene Training
- 4) Bloodborne Pathogen Training
- 5) Sexual Harassment & Discrimination Training
- 6) Asbestos Training Video
- 7) Asbestos Training Completion Certificate

At the end of this Handbook is the *Employee Handbook Acknowledgement and Receipt* signature page. The training requirements listed on this page are for:

- 1) Preventing Sexual Harassment and Bullying—completion of this training is associated with viewing number 2) & 5) above.
- 2) Bloodborne Pathogens—completion of this training is associated with viewing number 4) above.
- 3) Chemical Hygiene—completion of this training is associated with viewing number 3) above.
- 4) Asbestos Training—completion of this training is associated with viewing number 6) above.

Cherokee County Schools Bloodborne Pathogens Exposure Plan

Cherokee County Schools is committed to providing a safe and healthy working environment for all employees to minimize occupational exposure to Hepatitis B Virus (HBV), Human Immunodeficiency Virus (HIV), and other blood borne pathogens. Occupational exposure includes any reasonably anticipated skin, eye, mucous membranes or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. Universal precautions shall be observed to prevent contact with blood or other potentially infectious materials. In case of emergency or accidents, all blood and body fluid should be handled as if infectious. The following is a list of job classifications in which employees may have reasonably anticipated occupational exposure:

- School administrators
- School nurse
- School Resource Officers
- First responders for school medical emergencies
- Health Occupations teachers
- Coaches
- Athletic trainers
- Bus drivers
- Preschool teacher and assistants
- Teachers and assistants for developmentally delayed or handicapped students
- Secretaries
- Custodians

Principals will assume responsibility for assuring work practice controls are implemented in their schools and that personal protective equipment is available. Employees will use gloves when it can be reasonably anticipated that the employee may have hand contact with blood or other potentially infectious materials, or when handling or touching contaminated items or surfaces. Employees will wash their hands immediately after removal of gloves or other personal protective equipment. Employees will be instructed to wash hands or any other skin with soap and water, or flush mucous membranes with water immediately following contact with blood or body fluids. When hand washing facilities are not available, antiseptic cleansers or wipes will be used.

Possible exposure to blood borne pathogens may include: injury by a contaminated needle or sharps, exposure to an individual's blood or body fluids to non-intact skin or mucous membrane, or through a human bite that breaks the skin. An employee who suspects that he or she has a body fluid exposure must report the incident to their principal or immediate supervisor and complete an employee injury report. The immediate supervisor will notify the school nurse and the Workers Compensation Administrator at Central Office to arrange for medical consultation if needed.

Blood & Body Fluid Exposure Protocol

All employees who have an exposure incident to blood or other potentially infectious material should immediately report to the school principal or immediate supervisor. Following a report of an exposure incident, Cherokee County Schools will make immediately available to the exposed employee a confidential evaluation and follow-up.

In the event of an exposure:

1. Perform Wound Care: Wash the exposed area thoroughly with soap and water. If there was a splash to the face, thoroughly flush the eyes and/or mouth with water.
2. Immediately report the exposure to the principal and school nurse.
3. For disinfection of surfaces, immediately arrange for decontamination with an EPA-approved disinfectant or with a 1:10 ratio of bleach to water solution.
4. Documentation of the exposure and circumstances under which the exposure occurred on the Employee Injury Report.
5. The exposed employee will be referred to the district's Employee Workers Compensation Administrator in order to receive instruction and referral to specified health care providers for medical evaluation and post exposure serological testing.
6. If consent is obtained, the principal will ensure that the source individual's blood is tested in order to document the HBV, Hepatitis C, and HIV infectivity status. The source individual will be referred to the health department, local physician or emergency room for "source" exposure testing. Results should be made available to the exposed employee with confidentiality requirements.
7. The Workers Compensation Administrator will refer to the local health department, emergency room, or local physician for post exposure testing. Collection and testing of the employee's blood for Anti-HBS (if not vaccinated), Hepatitis B Surface Antigen, Hepatitis C Virus Antibody, and HIV Antibody will be done as soon as possible, preferably within 2 hours of exposure but no later than 24 hours.
8. Post-exposure prophylaxis when medically indicated will be made available to the employee in addition to repeated serological testing as required by the medical provider. Repeated lab work testing may be required at 6 weeks, 3 months, 6 months, and 12 months post-exposure. Information will be provided to the employee's healthcare provider if requested including documentation of the routes of exposure, the circumstances under which the exposure occurred, and the source individual's vaccination records if available.

Hepatitis B Vaccination and Post-Exposure Evaluation and Follow Up:

Cherokee County Schools shall make available the Hepatitis B vaccine and vaccination series to all employees who have occupational exposure risk, and post-exposure evaluation and follow-up to all employees who have had an actual exposure. The Hepatitis B vaccination series will be offered at no cost to Cherokee County School employees through the Cherokee County Health Department. In order for the vaccination to be effective, employees must complete the series of three vaccinations. If an employee has already received the vaccination series or declines, then it must be indicated on the "Hepatitis B Vaccination Information Form". All new employees will be required to complete this form.