

## ACKNOWLEDGMENT

Appreciation is extended to the members of the Personnel Policy Committees for their valuable contribution to the development of written school board policies for the School District. Many hours of work by the members of these committees are represented by the policies that are contained in this manual.

Members of the 1987 personnel Policy Committee were as follows:

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### DATE OF EFFECT

This is to advise that the policy statements contained in this manual were officially adopted on date displayed on each respective statement. However, in order to promote consistency and fairness in their implementation, the policies displayed in this section will become effective throughout the School District on the date shown below. Further, the personnel policy statements contained in this manual hereby supersede all other personnel policies previously adopted by the Colbert County Board of Education.

Signed \_\_\_\_\_  
Mr. Roger L'Don Moore, Superintendent

Date \_\_\_\_\\_\_\_\_\\_\_\_\_\_

## G – PERSONNEL

### File

GAAA	Equal Opportunity Employment
GAE	Grievances
GAE-R	Grievance Procedure
GAE-F1	Grievance Claim Form
GAIA	Solicitations by and of Staff Members
GAID	Conflict of Interest
GAJA	Gifts by and to Staff Members
GAJDB	Code of Conduct for School District Personnel
GAJDBG	Personnel/Student Relationships and Conduct
GAJDBH	Sexual Harassment of Employees
GAK	Recruitment of Personnel
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GAKB	Criteria For Employment
GAKC	Applications For Employment
GAKE	Job Vacancies
GAKF	Job Description Development
GAKG	Orientation of Personnel
GAKH	Assignment of Personnel
GAKHG	Inservice for Personnel
GAKI	Personnel Records
GAL	Salary Deductions
GALA	Overtime Wages and Compensatory Time
GALAD	Fringe Benefits for Personnel (Also DJCD)
GALAE	Athletic Passes
GALB	Sick Leave for Personnel
GALBA	Sick Leave for On-the-Job Injuries
GALBAT	Reporting On-The-Job Injuries
GALBB	Sick Leave Days for Retirement Purposes
GALBBC	Application of Sick Leave to Superintendent
GALBBD	Guidelines for Establishing A Sick Leave Bank(s)
GALBBI	Bereavement Leave for Personnel
GALBD	Military Leave for Personnel
GALBE	Maternity Leave for Personnel
GALBEA	Family and Medical Leave for Personnel
GALBF	Legal Service Absences for Personnel
GALBF-F1	Legal Service Leave Request Form
GALBG	Temporary Professional Leaves of Absence for Personnel
GALBI	Vacation Leave for Personnel
GALC	Retirement of Personnel
GALD	Salary Schedules for Personnel
GALDC	Payroll Checks for Personnel
GALE	Travel Expenses for Personnel

**File**

GALG	Possession of Firearms by Personnel
GAMA	Health Examinations for Personnel
GAMAA	Communicable Diseases
GAMAB	Tuberculosis Test for Employees
GAMBC	Drug-Free Workplace Policy
GAMBCD	Drug Testing of Designated Employees
GAMC	Tobacco Use by Personnel
GAN	Suspension for Disciplinary Purposes
GANF	Supervising Family Members
GAQ	Use of School District Owned Equipment and Materials (also DICB)
GAQD	On-the-Job Use of Electronic Communication Devices
GBA	Certified Personnel Defined
GBAA	Contracts for Certified Personnel (also DJC)
GBBA	Certified Personnel Qualifications
GBG	Probation of Certified Personnel
GBI	Evaluation of Professional Personnel
GBL	Tenure for Certified Personnel
GBM	Transfer of Certified Personnel
GBN	Termination of Certified Personnel
GBNA	Reduction in Force of Certified Personnel
GBO	Resignation of Certified Personnel
GBRB	Time Schedules and Work Loads for Certified Personnel
GBRD	Staff Meetings
GBRE	Extra Duties
GBRH	Annual Leaves of Absence for Certified Personnel
GBRHB	Conferences and Visitations
GBRI	Personal Leaves and Absences for Certified Personnel
GBRJ	Substitute Teachers (Also IFBAA)
GBRJA	Special Arrangements for Substitute Teachers
GBS	Professional Organizations for Certified Personnel
GCA	Non-certified Personnel Defined
GCI	Probationary Period for Non-certified Personnel
GCL	Permanent Status for Non-certified Personnel
GCM	Transfer of Non-certified Personnel
GCMA	Evaluation of Non-certified Personnel
GCN	Termination of Non-certified Personnel
GCNA	Reduction in Force of Noncertified Personnel
GCRB	Time Schedules and Work Loads for Non-certified Personnel
GCRI	Personal Leaves and Absences for Non-certified Personnel
GCS	Sex Offender Notification Policy

## **EQUAL OPPORTUNITY EMPLOYMENT**

It is the policy of the Board that no person in the School District shall, on the basis of race, color, creed, religion, sex, age, national origin, or disability, be denied the benefits of or be subject to discrimination in any educational program or activity. This includes employment, retention, and promotion.

The Superintendent shall designate a member(s) of the staff to investigate any and all complaints, which may be brought against the School District in regard to any alleged discriminatory action. The name(s), address(es), and telephone number(s) of the reporting officer(s) shall be published annually in the School District's Personnel Directory. Grievance procedures shall be applicable and shall be in accord with the procedure filed GAE under this cover.

Any complaint of sex discrimination practices or any noncompliance with Section 504 of the Rehabilitation Act, or Title IX requirements, or the School District's Sexual Harassment policy should be registered according to Board policies with the appropriate complaint officer. All employees of the Board are by presentation of this policy duly notified of School District's procedure for making known the reporting officer(s) and the procedures for registering a complaint.

See Policy GAE for applicable Grievance Procedures.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987; REVISED: Jul 12, 1995

LEGAL REF: Civil Rights Act of 1964 and Amendments; U S Const. Amend. XIV, 1; 42 USC 20003-1 to -17; 20 USC 1681, et. seq.; 29 USC 794; 29 USC 621 et. seq., Section 504 of the Rehabilitation Act of 1973, Singleton V. Jackson Municipal Separate School District, 419 F. 2d 1211 (5th Cir. 1969); Title IX, Education Amend., 1971; School Board Minutes, Oct. 23, 1975.

## GRIEVANCES

It is the policy of the Board to reduce, as much as possible, the potential area of grievances; to assure each employee the opportunity for an orderly presentation and review of grievances; to establish and maintain appropriate channels of communication between the staff and administration; and to resolve each grievance at the most immediate level of administration.

It shall be understood that the Board is the final authority in all matters pertaining to grievances unless an employee should desire to exercise proper redress through the courts or utilize appeal procedures as established by law.

With the ultimate objectives of serving the educational welfare of children and youth, the following grievance procedure is designed to accomplish an equitable and expeditious resolution of grievances.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987

LEGAL REF: *The Code of Alabama*, §16-9-13, Pickering v. Board of Education, 88 S. Ct. 1731 (1968); Givhan v. Western Line Consolidated School, S.Ct.(1979)

## **GRIEVANCES**

(Procedures)

### Section I - Purpose

The purpose of this procedure is to provide an orderly and systematic method whereby the Board and its employees can resolve differences that might develop between them in an equitable and expeditious manner.

### Section II - Definitions

**Grievance** – Grievance shall mean a claim submitted by an employee of a violation, misinterpretation or inequitable application of Board policy, local school rules and regulations, or District administrative procedures. The term "grievance" shall apply to matters, which fall within the discretionary powers of the Board but shall not apply to areas where the Board has no authority to act.

**Employee** – Employee shall mean any staff member employed by the Board to perform services, either on a full- or part-time basis.

**Immediate Supervisor** – Immediate Supervisor is the employee possessing administrative authority next in rank above any grievant.

**Days** – Days shall mean working days exclusive of Saturday, Sunday, or official holidays, as established by the school calendar.

**Parties in Interest** – Any persons involved in the processing of the grievance.

**Grievance Claim Form** – Form provided by School District upon which all written grievances must be submitted.

### Section III - Informal Procedures

Hopefully, most grievances can be resolved informally and at the most immediate administrative level. With this objective in mind, simple, honest and straightforward communication is encouraged between the employee, the principal and the Superintendent. An employee who feels he/she has a grievance should present the matter orally to the immediate supervisor within ten (10) days of the occurrence. The immediate supervisor to whom the grievance is presented shall hear and attempt to resolve the grievance within five (5) days from the time presented and advise the grievant of the decision within two (2) days thereafter. If the grievance is resolved, or if no further action is needed, the matter is closed.

If an employee feels his/her grievance has not been resolved, he/she may resort to the formal procedure as outlined in Section IV.

#### Section IV - Formal Procedure

In order to resolve grievances in the most appropriate fashion and in the shortest period of time possible, each grievant should start at the most immediate level of administration (level one in most cases) and progress to the next level until the matter is resolved. If level one does not apply to a particular grievant, such as a supervisor in the Central Office, that level should be omitted from the process.

The grievance, including relief sought, must be filed in writing at each level on forms provided by the Board and the grievant shall indicate with his/her filing at each level who will accompany or represent him/her in any meetings or hearings that might be conducted.

All decisions rendered at each level shall be set forth in writing and promptly transmitted to all parties involved.

All meetings and hearings shall be conducted at a specified time, which does not interfere with the employee's workday or the normal operation of the schools. Scheduled meetings or hearings can be changed with mutual consent of the parties in interest. All records of meetings and hearings shall be maintained in confidence; however, this shall not be interpreted to prevent such records from becoming a part of the grievant's personnel file.

#### **Level One -- Principal or Immediate Supervisor**

**Representation --** The grievant must present the grievance, but may be accompanied by a fellow employee.

If the grievance is not resolved to the satisfaction of the aggrieved at the informal level, the aggrieved party may file the grievance in writing with the principal or immediate supervisor. The written communication will be signed by the grievant. The principal or immediate supervisor shall set a time to discuss the grievance that is mutually convenient for the parties in interest and shall seek an amicable solution to the problem. Within five (5) days after receipt of the grievance, the immediate supervisor shall hear the grievance and within two (2) days after hearing the grievance shall notify the aggrieved party in writing of the final decision. If the grievance is not resolved by the principal or immediate supervisor to the satisfaction of the aggrieved at level one, the grievant may appeal within ten (10) days to the Superintendent.

## **Level Two -- Superintendent**

**Representation --** The grievant must be present to present the grievance initially, but may be represented by a fellow employee or by anyone of his/her choosing. However, the grievant must be present at all meetings where his/her grievance is discussed.

Within ten (10) days after receipt of the decision at level one, the aggrieved party may appeal to the Superintendent. The Superintendent shall, within a ten (10) day period following the appeal do one or more of the following, as he/she may deem appropriate:

1. Review written decisions at level one together with any and all other documentary evidence that may be submitted.
2. Conduct a hearing with all persons whom he/she may choose to invite including the principal parties. The principal parties shall be provided with a list of hearing participants prior to said hearing.
3. Designate such person or persons as he/she deems appropriate to investigate the grievance and to offer recommendations prior to making his/her final decision. The Superintendent will decide the matter within seven (7) days from the review or hearing and advise the parties concerned within two (2) days thereafter. All parties shall be notified of the decision in writing.

## **Level Three -- Board of Education**

**Representation --** The grievant must be present, but may be represented by a fellow employee or by anyone of his/her own choosing.

Within ten (10) days after the receipt of the decision at level two, the aggrieved party may appeal to the Board. The Board shall conduct a hearing, which may be an open, or closed session as requested by the grievant and all parties having direct interest shall be permitted to attend. All hearings and appeals shall be conducted according to the following procedures:

1. The aggrieved party shall file a written request with the Superintendent for a hearing before the Board. The request shall contain a detailed description of the grievance as well as previous action or inaction relative to the grievance.



2. Within fifteen (15) days following the receipt of the written request the Board shall set a time, date and place for the hearing. All parties in interest shall be given written notice of the time, date and place for the hearing. After written notice is given, the time, date and place can be changed only by mutual consent of the Board and the aggrieved party.
3. All parties and the Board shall have the right to legal counsel, to present witnesses and documentary evidence and to cross-examine witnesses offered by other parties.
4. All parties shall be given an opportunity to present oral arguments and written briefs within reasonable time limits (30 minutes). All such arguments and briefs shall be made available to the opposing parties.
5. The Board shall reach a decision concerning the grievance within ten (10) days after the hearing and shall convey the decision to all parties in interest within two (2) days.

The decision of the Board of Education shall be final unless the grievant decides to appeal to the courts or to utilize any other duly recognized procedure as established by law.

**GRIEVANCE CLAIM FORM**  
**COLBERT COUNTY BOARD OF EDUCATION**  
**Tuscumbia, Alabama**

Date Filed: \_\_\_\_\_  
Name of Grievant: \_\_\_\_\_ Grievance # \_\_\_\_\_  
Employment Position: \_\_\_\_\_

- A. Date Cause of Grievance Occurred: \_\_\_\_\_
- B. Statement of Grievance: \_\_\_\_\_  
\_\_\_\_\_
- C. Relief Sought: \_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**STEP I**

- A. Date received by Immediate Supervisor: \_\_\_\_\_
- B. Disposition by Immediate Supervisor: \_\_\_\_\_  
\_\_\_\_\_
- C. Position of Grievant: \_\_\_\_\_  
\_\_\_\_\_

**STEP II**

- A. Date submitted to Superintendent: \_\_\_\_\_
- B. Disposition by Superintendent: \_\_\_\_\_  
\_\_\_\_\_
- C. Position of Grievant: \_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**STEP III**

- A. Date submitted to Board: \_\_\_\_\_
- B. Disposition by Board: \_\_\_\_\_  
\_\_\_\_\_

Signature of Board Chairperson: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## **SOLICITATIONS BY AND OF STAFF MEMBERS**

### By Staff Members

Staff members shall not solicit or sell any goods or services on school property except as may be approved by the local school principal and the Superintendent.

All fund raising campaigns conducted by school employees in the community or away from school premises to obtain funds for the school, student body, class or club must have prior approval by the local school principal and the Superintendent. Such fund raising campaigns shall not be conducted during regular school hours.

Staff members shall not sell school related supplies and/or equipment or reference books for personal gain in the attendance area served by his/her school.

Staff members shall not furnish lists of students or parents to any commercial firm or non-school persons.

### Of Staff Members

The School District shall not solicit funds from or attempt to sell goods or services to employees. All charity or fund raising campaigns shall be participated in on a voluntary basis by employees of the School District.

The School District shall not allow commercial advertising or selling on school property during school or office hours without prior approval by the local school principal and/or Superintendent. (This does not apply to those commercial firms that supply goods and services for school use.)

The School District or schools within the School District shall not furnish lists of staff members or students to any commercial firm.

Membership in professional organizations shall be on an individual basis; however, the Board encourages personnel to affiliate with professional organizations.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987; REVISED: Jul 12, 1995

LEGAL REF: *The Code of Alabama*, §16-11-18, §36-25-1 (9), §36-25-2 (a), §36-25-2(b), §36-25-2(d), §36-25-5(a), §§36-25-6 to -7.

## **CONFLICT OF INTEREST**

### **Part 200 Uniform Guidance for Federal Programs**

Generally, a conflict of interest exists when a board member, board employee, or agent of the board participates in a matter that is likely to have a direct effect on his or her personal and financial interests. A financial interest may include, but is not limited to, stock ownership, partnership, trustee relationship, employment, potential employment, or a business relationship with an applicant, vendor, or entity. A board member, board employee, or agent of the board may not participate in his or her official capacity in a matter that is likely to have direct and predictable effects on his or her financial interests.

A board member, board employee, or agent of the board will abide by the Federal and state laws and regulations that address conflict of interest standards. In general, the Federal rules provide that:

*No employee, officer, or agent of the board shall participate in selection, or in the award or administration of a contract supported by Federal funds if he or she has a real or apparent conflict of interest. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs, or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from the firm considered for a contract. The board's officers, employees, or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subcontracts.*

The board's conflict of interest policies include adherence to the Alabama Ethics Law, which defines conflict of interest as:

*A conflict on the part of a public official or public employee between his or her private interests and the official responsibilities inherent in an office of public trust. A conflict of interest involves any action, inaction, or decision by a public official or public employee in the discharge of his or her official duties which would materially affect his or her financial interest or those of his or her family members or any business with which the person is associated in a manner different from the manner it affects the other members of the class to which he or she belongs.*

A board member, board employee, or agent of the board may not review applications, proposals, or participate in the evaluation or selection process where his or her participation in the review process would create the appearance that he or she is:

1. giving preferential treatment;
2. losing independence and impartiality;
3. making decisions outside official and appropriate channels; or
4. harming the public's confidence in the integrity of the board.

Situations and circumstances presenting an actual conflict of interest or the appearance of a conflict of interest, should be brought to the immediate attention of the superintendent. A board employee, board member, or agent of the board who has knowledge of a possible conflict of interest should identify the conflict and notify the superintendent. The superintendent will document his or her actions related to the reported conflict of interest. Resolution can consist of disqualification, recusal, waiver, or other appropriate measures. Appropriate measure may include reporting a conflict of interest to the State Ethics Commission, the Alabama State Board of Education, or the appropriate federal agency.

SOURCE: Colbert County Board of Education, Tuscumbia, AL  
ADOPTED: Nov 14, 2016  
REF: Part 200 Uniform Guidance for Federal Programs

## **GIFTS BY AND TO STAFF MEMBERS**

### By Staff Members to Students

Staff members may, at their discretion, present personal gifts to students on special occasions provided the gift is not unduly elaborate or expensive. Staff members should always use good taste and professional judgment when giving gifts to students.

### By Staff Members to Staff Members

Staff members may present gifts to other staff members. Staff members may not use school funds encumbered for specific purposes to purchase gifts for staff members or students.

### From Students to Staff Members

Staff members may accept gifts from students on special occasions, provided the gift is not unduly elaborate or expensive. Staff members should always use good taste and adhere to the code of professional ethics when accepting gifts from students. In no case shall a staff member accept a gift from a student group, school organization, etc., in excess of a nominal value. In no case shall school funds be used to purchase gifts for the express purpose of providing a gift to staff members.

### From Staff Members to Other Staff Members

Staff members may accept gifts from other staff members provided the gifts are not unduly elaborate or expensive and are given on a voluntary basis.

### Acceptance of Gifts from Outside Agencies or Individuals

Staff members shall not accept personal gifts from outside agencies or individuals that are a result of or a precondition to business transactions between the School District and said agency or individual, except that nominal-value advertising items which are widely distributed may be accepted. In accordance with rulings by the Alabama Attorney General, employees may accept a meal and/or other similar nominal-value items if such are offered through a general invitation to all attendees, groups, etc.

### Gifts Resulting from School Related Transactions

Gifts or rewards given by business agencies as a result of school-related business transactions shall become the property of the school or School District.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987; REVISED: Jul 12, 1995

LEGAL REF.: *The Code of Alabama*, §16-11-19.

## **CODE OF CONDUCT FOR SCHOOL DISTRICT PERSONNEL**

School District personnel are employed for the express purpose of contributing in a positive way to the education of the youth of the community. The community desires and deserves School District employees who will provide an environment that will engender a well-rounded educational program and a safe and conscientious place for the children to learn.

In order to provide such educational programs and school environments in the respective schools of the School District, all employees of the Board are expected to abide by (1) all federal and state laws, (2) all State Board of Education policies, (3) all local ordinances, and (4) all local Board policies; and to adopt and follow ethical and professional codes of conduct that reflect favorably upon the School District. Failure to comply with the above-noted expectations may result in disciplinary actions.

Note: Certified Personnel should refer and adhere to the Code of Ethics for Educators attached hereto as FILE: GAJDB-F1, pages 1-7, inclusive.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jul 12, 1995; REVISED: Nov 20, 2008

LEGAL REF.: *The Code of Alabama*, §16-8-10, §16-9-15.

## ALABAMA EDUCATOR CODE OF ETHICS

### Introduction

The primary goal of every educator in the state of Alabama must, at all times, be to provide an environment in which all students can learn. In order to accomplish that goal, educators must value the worth and dignity of every person, must have a devotion to excellence in all matters, must actively support the pursuit of knowledge, and must fully participate in the nurturance of a democratic citizenry. To do so requires an adherence to a high ethical standard.

The Alabama Educator Code of Ethics defines the professional behavior of educators in Alabama and serves as a guide to ethical conduct. The code protects the health, safety and general welfare of students and educators; outlines objective standards of conduct for professional educators; and clearly defines actions of an unethical nature for which disciplinary sanctions are justified.

### Code of Ethics Standards

#### **Standard 1: Professional Conduct**

***An educator should demonstrate conduct that follows generally recognized professional standards.***

Ethical conduct includes, but is not limited to, the following:

- Encouraging and supporting colleagues in the development and maintenance of high standards.
- Respecting fellow educators and participating in the development of a professional and supportive teaching environment.
- Engaging in a variety of individual and collaborative learning experiences essential to developing professionally in order to promote student learning.

Unethical conduct is any conduct that impairs the certificate holder's ability to function in his or her employment position or a pattern of behavior that is detrimental to the health, welfare, discipline, or morals of students. Unethical conduct includes, but is not limited to, the following:

- Harassment of colleagues.
- Misuse or mismanagement of tests or test materials.
- Inappropriate language on school grounds.
- Physical altercations.
- Failure to provide appropriate supervision of students.



**Standard 2: Trustworthiness**

*An educator should exemplify honesty and integrity in the course of professional practice.*

Ethical conduct includes, but is not limited to, the following:

- Properly representing facts concerning an educational matter in direct or indirect public expression.
- Advocating for fair and equitable opportunities for all children.
- Embodying for students the characteristics of intellectual honesty, diplomacy, tact, and fairness.

Unethical conduct includes, but is not limited to, the following:

- Falsifying, misrepresenting, omitting, or erroneously reporting professional qualifications, criminal record, or employment history when applying for employment or certification.
- Falsifying, misrepresenting, omitting, or erroneously reporting information submitted to federal, state, and/or other governmental agencies.
- Falsifying, misrepresenting, omitting, or erroneously reporting information regarding the evaluation of students and/or personnel.
- Falsifying, misrepresenting, omitting, or erroneously reporting reasons for absences or leaves.
- Falsifying, misrepresenting, omitting, or erroneously reporting information submitted in the course of an official inquiry or investigation.

**Standard 3: Unlawful Acts**

*An educator should abide by federal, state, and local laws and statutes.*

Unethical conduct includes, but is not limited to, the commission or conviction of a felony or of any crime involving moral turpitude. As used herein, conviction includes a finding or verdict of guilty, or a plea of *nolo contendere*, regardless of whether an appeal of the conviction has been sought or a situation where first offender treatment without adjudication of guilt pursuant to the charge was granted.

**Standard 4: Teacher/Student Relationship**

*An educator should always maintain a professional relationship with all students, both in and outside the classroom.*

Ethical conduct includes, but is not limited to, the following:

- Fulfilling the roles of trusted confidante, mentor, and advocate for students' growth.
- Nurturing the intellectual, physical, emotional, social, and civic potential of all students.
- Providing an environment that does not needlessly expose students to unnecessary embarrassment or disparagement.
- Creating, supporting, and maintaining a challenging learning environment for all students.

Unethical conduct includes, but is not limited to, the following:

- Committing any act of child abuse, including physical or verbal abuse.
- Committing any act of cruelty to children or any act of child endangerment.
- Committing or soliciting any unlawful sexual act.
- Engaging in harassing behavior on the basis of race, gender, national origin, religion, or disability.
- Soliciting, encouraging, or consummating an inappropriate written, verbal, or physical relationship with a student.
- Furnishing tobacco, alcohol, or illegal/unauthorized drugs to any student or allowing a student to consume alcohol or illegal/unauthorized drugs.

***Standard 5: Alcohol, Drug and Tobacco Use or Possession***

***An educator should refrain from the use of alcohol and/or tobacco during the course of professional practice and should never use illegal or unauthorized drugs.***

Ethical conduct includes, but is not limited to, the following:

- Factually representing the dangers of alcohol, tobacco and illegal drug use and abuse to students during the course of professional practice.

Unethical conduct includes, but is not limited to, the following:

- Being under the influence of, possessing, using, or consuming illegal or unauthorized drugs.
- Being on school premises or at a school-related activity involving students while documented as being under the influence of, possessing, or consuming alcoholic beverages or using tobacco. A school-related activity includes, but is not limited to, any activity that is sponsored by a school or a school system or any activity designed to enhance the school curriculum such as club trips, etc., where students are involved.

***Standard 6: Public Funds and Property***

***An educator entrusted with public funds and property should honor that trust with a high level of honesty, accuracy, and responsibility.***

Ethical conduct includes, but is not limited to, the following:

- Maximizing the positive effect of school funds through judicious use of said funds.
- Modeling for students and colleagues the responsible use of public property.

Unethical conduct includes, but is not limited to, the following:

- Misusing public or school-related funds.

- Co-mingling public or school-related funds with personal funds or checking accounts.
- Failing to account for funds collected from students or parents.
- Submitting fraudulent requests for reimbursement of expenses or for pay.
- Using school property without the approval of the local board of education/governing body.

**Standard 7: Remunerative Conduct**

*An educator should maintain integrity with students, colleagues, parents, patrons, or businesses when accepting gifts, gratuities, favors, and additional compensation.*

Ethical conduct includes, but is not limited to, the following:

- Insuring that institutional privileges are not used for personal gain.
- Insuring that school policies or procedures are not impacted by gifts or gratuities from any person or organization.

Unethical conduct includes, but is not limited to, the following:

- Soliciting students or parents of students to purchase equipment, supplies, or services from the educator or to participate in activities that financially benefit the educator unless approved by the local governing body.
- Accepting gifts from vendors or potential vendors for personal use or gain where there appears to be a conflict of interest.
- Tutoring students assigned to the educator for remuneration unless approved by the local board of education.

**Standard 8: Maintenance of Confidentiality**

*An educator should comply with state and federal laws and local school board policies relating to confidentiality of student and personnel records, standardized test material, and other information covered by confidentiality agreements.*

Ethical conduct includes, but is not limited to, the following:

- Keeping in confidence information about students that has been obtained in the course of professional service unless disclosure serves professional purposes or is required by law.
- Maintaining diligently the security of standardized test supplies and resources.

Unethical conduct includes, but is not limited to, the following:

- Sharing confidential information concerning student academic and disciplinary records, health and medical information, family status/income, and assessment/testing results unless disclosure is required or permitted by law.

- Violating confidentiality agreements related to standardized testing including copying or teaching identified test items, publishing or distributing test items or answers, discussing test items, and violating local school system or state directions for the use of tests or test items.
- Violating other confidentiality agreements required by state or local policy.

***Standard 9: Abandonment of Contract***

***An educator should fulfill all of the terms and obligations detailed in the contract with the local board of education or educational agency for the duration of the contract.***

Unethical conduct includes, but is not limited to, the following:

- Abandoning the contract for professional services without prior release from the contract by the employer;
- Refusing to perform services required by the contract.

**Reporting**

Educators are required to report a breach of one or more of the Standards in the Alabama Educator Code of Ethics as soon as possible, but no later than sixty(60) days from the date the educator became aware of the alleged breach, unless the law or local procedures require reporting sooner. Educators should be aware of their local school board policies and procedures and/or chain of command for reporting unethical conduct. Complaints filed with the local or state school boards, or with the State Department of Education Teacher Certification Section, must be filed in writing and must include the original signature of the complainant.

*Alabama Administrative Code 290-3-2-.05*

(1)-5-c Each Superintendent shall submit to the State Superintendent of Education within ten calendar days of the decision, the name and social security number of each employee holding an Alabama certificate or license who is terminated, or nonrenewed, resigns, or is placed on administrative leave for cause, and shall indicate the reason for such action.

**Disciplinary Action**

Disciplinary action shall be defined as the issuance of a reprimand or warning, or the suspension, revocation, or denial of certificates. "Certificate" refers to any teaching, service, or leadership certificate issued by the authority of the Alabama State Department of Education.

*Alabama Administrative Code 290-3-2-.05*

(1) Authority of the State Superintendent of Education

(a) The Superintendent shall have the authority under existing legal standards to:

1. Revoke any certificate held by a person who has been proven guilty of immoral conduct or unbecoming or indecent behavior in Alabama or any other state or nation in accordance with Ala. Code 16-23-5 (1975)
2. Refuse to issue a certificate to an applicant whose certificate has been subject to adverse action by another state until after the adverse action has been resolved by that state.
3. Suspend or revoke an individual's certificate issued by the Superintendent when a certificate or license issued by another state is subject to adverse action.
4. Refuse to issue, suspend, or recall a certificate for just cause.

Any of the following grounds shall also be considered cause for disciplinary action:

- Unethical conduct as outlined in the Alabama Educator Code of Ethics, Standards 1-9.
- Order from a court of competent jurisdiction.
- Violation of any other laws or rules applicable to the profession.
- Any other good and sufficient cause.

An individual whose certificate has been revoked, denied, or suspended may not be employed as an educator, paraprofessional, aide, or substitute teacher during the period of his or her revocation, suspension, or denial.

**RESOLUTION ON THE ALABAMA EDUCATOR CODE OF ETHICS  
RECOMMENDED BY THE  
GOVERNOR'S CONGRESS ON SCHOOL LEADERSHIP**

WHEREAS, on November 30, 2004, the first-ever Governor's Congress on School Leadership was convened in Montgomery, Alabama; and

WHEREAS, over 250 delegates from education and business were in attendance, including members of the State Board of Education and guests from the Wallace Foundation (Reader's Digest) and the Southern Regional Education Board; and

WHEREAS, on May 11, 2005, the various task forces of the Congress reported on their work and made recommendations; and

WHEREAS, one specific recommendation was the *Alabama Educator Code of Ethics*, which serves as a guide to ethical conduct:

NOW, THEREFORE, BE IT RESOLVED, that the State Board of Education does hereby find that the proposed *Alabama Educator Code of Ethics* is a fitting addition to the goals of the *Educational Ruler* and, to facilitate the goal of Alabama schools being led by “Effective School Leaders,” the State Board of Education does hereby adopt the *Alabama Educator Code of Ethics* as the official guide to ethical conduct for public school administrators in Alabama.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Nov 20, 2008

LEGAL REF.: *The Code of Alabama*, §16-8-10, §16-9-15; Governor’s Congress on School Leadership, Nov 30, 2004.

## **PERSONNEL/STUDENT RELATIONSHIPS AND CONDUCT**

The Board encourages all personnel and students of the School District to work toward the development of positive relationships that foster quality educational and social experiences. Through such school-related experiences, life-long professional relationships and friendships are developed and play an important role in the lives of both students and personnel.

The Board expects that all personnel will encourage positive student relationships that are based on acceptable ethical, moral, and professional standards of conduct. To this end, School District personnel are hereby prohibited from "dating" students attending schools within the School District and are discouraged from engaging in any similar relationships with such students.

## **SEXUAL HARASSMENT OF EMPLOYEES**

### General

It is the policy of the Board that sexual harassment of employees by other employees is unlawful behavior and will not be permitted in the employment setting. The Board is committed to providing a working environment that is free of unlawful sexual harassment and will seek to utilize available measures to deter such conduct.

### Sexual Harassment Defined

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when

1. submission to such conduct is made either explicitly or implicitly, a term or condition of the individual's employment; or
2. submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
3. such conduct has the purpose or effect of substantially interfering with the individual's performance or creating a hostile or offensive working environment.

### Examples of Sexual Harassment

Examples of sexual harassment include, but are not limited to, continued or repeated offensive sexual flirtations; advances or propositions; continued or repeated verbal remarks about an individual's body; sexually degrading words used toward an individual or to describe objects or pictures. Sexual harassment does not include personal compliments welcomed by the recipient.

### Designation of Reporting Officer

The Board hereby directs the Superintendent to appoint an administrative employee to serve as the reporting officer for all complaints of sexual harassment involving employees of the Board. The name, address, and telephone number of the reporting officer(s) shall be published annually in the School District's Personnel Directory. All employees of the Board are by presentation of this policy duly notified of School District's procedure for making known the reporting officer and the procedure for entering a sexual harassment complaint.



### Reporting Incidents of Sexual Harassment

An individual employee who feels that he/she has been sexually harassed should report the incident to the designated reporting officer. Such report shall be made as soon as possible after the incident or, if a series of incidents, as soon as possible after the latest occurrence. The Board requires the employee to make such report no later than ninety (90) calendar days following the incident or the latest occurrence in the series of such incidents. The complaint may be made to the designated reporting officer in person or may be made in writing, signed by the complainant, and so delivered to the reporting officer. If such report is first made verbally then it will be the responsibility of the complainant to reduce the same to writing and to sign the written complaint. The reporting officer shall promptly commence an investigation of such written complaint.

### Complaint Resolution Procedure

Upon completing an investigation of the complaint, the designated reporting officer shall report to the Superintendent the results of the investigation of the complaint. Such report shall be in writing and a copy shall be provided both the complainant and the charged employee. The Superintendent shall meet with the complainant and the charged employee, together with the designated reporting officer, and make every effort to resolve such complaint to the satisfaction of both parties. If such complaint cannot be resolved at this level, the Superintendent shall report the same to the Board, and if in his/her discretion it is warranted, he/she may recommend a hearing be held by the Board in accordance with the laws and statutes applicable to such charged employee's contract status. However, after receiving the Superintendent's report, the Board, at its discretion, may by a majority vote decide to conduct a hearing to ascertain any additional information relative to the charge.

### Legal Recourse

Provided the complainant is not satisfied with the decision reached through the above administrative remedy, he/she may seek legal redress through the court system.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jul 12, 1995

LEGAL REF.: *The Code of Alabama*, §16-8-23; Meritor Savings Bank FSB v. Vinson, 477 U.S. 57 (1986); Civil Rights Act of 1964, Title VII; EEOC Guidelines.

## **RECRUITMENT OF PERSONNEL**

It shall be the duty of the Superintendent or designee to insure that all certified and non-certified employees satisfactorily meet all requirements of State Law and State Board of Education rules and regulations. In addition, the Superintendent or designee shall always seek to employ the best qualified personnel for employment positions without regard to sex, age, marital status, race, religion, national origin, ethnic group, or disability. The Superintendent shall establish and maintain a plan for actively recruiting promising personnel for employment by the School District.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987; REVISED: Jul 12, 1995

LEGAL REF.: *The Code of Alabama*, §16-4-9, §16-8-23, §16-9-23, §16-9-24; Civil Rights Act of 1964, Title VII, and amendments.

## EMPLOYMENT OF PERSONNEL

When the Superintendent is notified and determines that a job vacancy exists in the School System, he/she and other appropriate personnel will conduct a review of the applications on file to determine the most qualified applicants for the position. The most qualified applicants will be determined by reviewing, analyzing, and comparing the non-prioritized objective criteria data shown on the employment application forms. The applicants determined to be best qualified will then be scheduled for interviews by the Superintendent and the applicable principal/work site supervisor(s) and other person(s) designated by the Superintendent. Interviews will be scheduled and conducted, writing sample (if applicable) collected, and references contacted. All information from the objective criteria, interviews, writing sample analyses, and reference contacts will be reviewed and analyzed to determine the top candidate(s) to be considered for employment.

The Superintendent will recommend the employment of all perspective employees to the Board for review and approval. In order to be employed by the School System, all applicants must be recommended by the Superintendent and receive a majority vote of the whole Board.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987; REVISED: Jul 12, 1995

LEGAL REF: *The Code of Alabama*, §16-4-9, §16-8-23, §§16-9-23 to 24; Attorney General's Op., Jul 7, 1960.

## **CRITERIA FOR EMPLOYMENT**

The selection of personnel in the School District shall be made without regard to sex, age, marital status, race, religion, national origin, ethnic group, or disability. The criteria shall be used in selecting personnel for employment within the schools of the School District. The non-prioritized criteria listings are as follows:

### **Certified Personnel**

- College transcript
- Degree held and date awarded
- Type of Alabama teaching certificate and area of endorsement on certification
- Rank and class of teaching certificate
- Number of years of teaching experience within the School District
- Number of years of teaching experience in public elementary/secondary education
- Number of years of work experience outside of education
- Number of years of teaching experience outside of public education
- Physical and mental health
- Grades, subjects, or positions in which professional experience has been gained
- Student teaching level
- Number of hours of college credit earned above highest degree held
- Number of hours held in current participation in seminars and workshops (within past 5 years)
- Analysis of written material submitted
- Date of original application

### **Non-Certified Personnel**

- Appropriate transcripts
- Hours completed in apprenticeship or training program(s)
- Job-related courses or training
- Number of years worked within the School District
- Number of years of successful job-related work experience
- Physical and mental health
- Evidence of insurability (Required only of applicants for bus driver positions and/or positions that require the driving of fleet insured vehicles on a regular basis)
- Analysis of written material submitted

After the use of Criteria for Employment, a subjective evaluation in each of the following categories shall be made:

- Past performance
- Character
- Ability
- Leadership
- Personality

The subjective evaluation shall be based upon a personal interview and information obtained in individual references.

Political and social favoritism shall not be a part of the employment process.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987; REVISED: Jul 12, 1995

LEGAL REF.: U.S. Const. Amend. XIV, S.1.; 42 U.S.C.. SS. 2000e-3 to -17; 20 U.S.C. S. 1681; 19 U.S.C. S. 794; 29 U.S.C. S. 621.

## **APPLICATIONS FOR EMPLOYMENT**

### Application Forms

Employment Application Forms shall be standard throughout the School District and shall be designed to gather only information permitted by various laws. Employment Application Forms for certified and classified employment positions shall be available at the Central Office.

### Completion Requirements

All certified and non-certified personnel seeking employment with the School District must complete an approved Employment Application Form. Applicants are responsible for providing all credentials required for employment purposes and for any associated costs. Employment Application Forms are considered complete when the listing of required information and credentials specified on the Form are provided by the applicant. The employment process cannot and will not be continued until the Employment Application Form is fully completed, including a teaching certificate or letter of completion from a college or university, if applicable, etc. In every case, applicants must specify on the Employment Application Form the type of position for which they are applying (example: elementary teacher, principal, supervisor, bus driver, etc.).

### References

The names of persons knowledgeable of the applicant's abilities, qualifications, character, physical condition, etc. are important to the selection process. It shall be the responsibility of the applicant to include the names of not less than five (5) such references on the Employment Application Form. The Superintendent or designee may, at his/her discretion, secure additional information from appropriate reference sources not listed on the Employment Application Form by applicants.

### Active Status of Application Forms

Completed Employment Application Forms will remain on file and active for not less than one calendar year from the date of application. Following the year of active status, all active Employment Application Forms will be placed in inactive status. During Jan each year, all such Forms that have been placed on inactive status during the calendar year will be discarded. Prospective employees may continue the active status of their Employment Application Forms for one additional year by submitting a written request to the Superintendent. After two years in active status, all applicants must submit a new and updated Employment Application Form.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987; REVISED: Jul 12, 1995

LEGAL REF.: *The Code of Alabama*, §16-8-38, §16-9-27.

## **JOB VACANCIES**

When personnel vacancies occur within the school system, the superintendent shall post a notice of vacancy for each vacant position. The notice shall be posted in a conspicuous place at each school campus or work site and at the Central Office. The notice shall be printed on standardized forms and shall include but not be limited to the following:

1. the school or work site where the vacancy exists,
2. the job description and title of the vacancy,
3. the grade level and/or work area of the vacancy,
4. the minimum certificate or qualifications required,
5. the minimum experience required to qualify,
6. other important criteria, as determined by the superintendent
7. the procedure(s) and deadlines for making application for said position, and
8. salary schedule and amount for the position.

Any person who possesses the qualifications for an advertised vacancy may apply. It shall be the policy of the Board to employ personnel based upon the intent of the Equal Opportunity Employment policy filed GAAA under this cover. In keeping with the intent of said policy, job vacancies in the School District may be made known to persons outside the School District.

For vacancies that occur during the time school is in session, the position will be posted for not less than seven calendar days. During the time schools are not in session and for all vacancies involving jobs that are supervisory, managerial, or newly created, the positions will be posted for at least 14 calendar days. In extreme emergencies, however, personnel may be employed promptly to protect the educational interests of students.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama  
ADOPTED: Jan 2, 1987; REVISED: Jul 12, 1995; April 4, 2002  
LEGAL REF.: *The Code of Alabama*, §16-22-15

## **JOB DESCRIPTION DEVELOPMENT**

It shall be the duty of the Superintendent or designee to prepare or cause to be prepared job descriptions for all certified and non-certified employment positions within the School District. The Superintendent or designee shall periodically review and update job descriptions for said positions. Further, he/she or designee shall familiarize said personnel with their duties and responsibilities as defined by job descriptions.

As a minimum, each job description shall provide information related to the following areas:

- Title
- Reporting channel/supervisor
- Qualifications
- Basic job responsibilities
- Evaluation method

In an effort to provide maximum educational opportunities for students and comparable working arrangements for employees, it is expected the employees will meet the minimum conditions and qualifications spelled out in job descriptions at the time of employment, and will continue to maintain the ability to perform the job related responsibilities during the course of employment. However, reasonable accommodations for employees who are unable to perform certain duties delineated in their job descriptions due to illnesses, surgeries, etc. will be made on a temporary basis.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987; REVISED: Jul 12, 1995

LEGAL REF.: *The Code of Alabama*, §16-8-8 to 10, §16-9-15, §§16-9- 23 to 24.



## **ORIENTATION OF PERSONNEL**

It shall be the responsibility of the Superintendent or designee to conduct annual orientation programs for personnel regarding policies of the Board and such other topics as may be necessary for the effective operation and improvement of the School District.

### Newly Appointed Employees

The Board hereby directs the administrative staff of the School District to develop and implement annual orientation and inservice programs for all newly appointed personnel in the following categories:

- Teachers
- Administrators
- Substitute teachers
- Teacher aides
- Local school volunteers
- All categories of non-certified personnel

Such orientation and inservice programs could serve to orient said personnel with the policies of the Board, rules and regulations of the Board, and other matters that will assist them in becoming better acquainted with School District procedures and operational methods and in having a better understanding of their employment responsibilities.

Such orientation and inservice programs shall be conducted prior to the opening of or during the school year. Further, local school principals are required to conduct an orientation program for all newly appointed personnel in their schools to acquaint them with schedules, extra duties, community factors, student demographics, school rules and regulations, etc.

### On-Going Orientation and Inservice Opportunities

In addition, the Board encourages the administrative staff to develop orientation and inservice programs on an as-needed basis for all categories of employees for the purpose of enhancing and updating skills and competencies, acquainting employees with any newly adopted programs, curricula, etc.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987

LEGAL REF: *The Code of Alabama*, §§16-8-8 to 10, §16-9-13, §§16-23-7 to 9.

## **ASSIGNMENT OF PERSONNEL**

The Superintendent has the authority to make the initial assignment of personnel as the needs of the School District shall require. Such assignments shall be made with the advice and counsel of respective local school principals, work site supervisors, and appropriate members of the administrative staff. However, certified personnel are generally certificated and qualified in specialized fields of study and in all possible cases shall be assigned to employment positions based upon certification and other qualifications. Non-certified personnel generally shall be employed for specific positions and shall be assigned initially to such positions.

Reassignment may be considered as a transfer and should be handled in accordance with applicable state laws and Board policies related to certified and non-certified personnel.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987; REVISED: Jul 12, 1995

LEGAL REF.: *The Code of Alabama*, §16-8-23, §16-8-25, §§16-9-23 to 24, §§16-24-1 to 13, §§36-26-100 to 108.

## **INSERVICE FOR PERSONNEL**

### Certified Personnel

The State Board of Education has mandated that all certified personnel will develop and implement a plan for professional growth and improvement annually. It is the policy of the Board that all certified personnel comply with any such mandate through the guidelines established by the School District. Further, the Board encourages the School District to establish an inservice plan that will provide meaningful professional growth opportunities for certified personnel. In addition, the Board encourages certified personnel to participate in professional growth opportunities outside the School District through activities such as workshops, seminars, reading, travel and graduate study.

### Non-Certified Personnel

The Board encourages the School District to establish an on-going plan of inservice opportunities for all non-certified personnel. In addition, the Board directs the School District to establish annual inservice seminars for all food service personnel, custodians and maids, bus drivers, secretaries and other such personnel to instruct them on such things as community relations, school rules and regulations, Board policy, legal limits of authority, student relations, etc. Through such seminars and workshops employees should be encouraged to reach higher goals and, thus, improve the total school program.

## **PERSONNEL RECORDS**

### Responsibility for Maintaining Records

The Superintendent or designee shall have responsibility to initiate and maintain a current personnel record/file at the Central Office on each employee. The Central Office file shall be considered as the primary file; with local schools/work sites maintaining such files as are necessary for the operation of the school/work site and storage of adequate evaluation data on employees.

### Security of Records

All information regarding certified and non-certified personnel shall be collected, maintained, and disseminated under such safeguards of privacy as may be obtained through informed consent, verification of accuracy, limited access, selective discard, and appropriate use. Such records shall be considered as confidential and shall not be transmitted to other persons or agencies without the written consent of the employee involved except as noted below.

### Review of Records by Employees

An employee or any person designated in writing by the employee shall have the right, after signing appropriate request forms in the Central Office, to examine the contents of his/her personnel record/file during normal business hours and in the presence of a designated employee of the Central Office. The total contents of the record/file shall be available to the employee except application references. Such references shall not be made available to employees or other persons or agencies, unless an appropriate release or permission is granted by the reference source. A representative of the employee may accompany him/her during the personnel file review. The employee may object in writing to any material contained in his/her record/file. A School District representative shall attach the written objection to the appropriate material. Any material pertaining directly to work performance may be placed in the personnel record of the employee, with a copy of the materials provided to the employee. Any material that may tend to diminish an employee's professional or work status or reflect adversely on the employee shall be provided to the employee by a School District representative.

### Anonymous Complaints/Materials

Anonymous complaints or material received by school officials regarding an employee shall be transmitted immediately to the Superintendent. The Superintendent or designee may investigate such complaints or materials if the Superintendent deems an investigation appropriate. The results of the investigation shall be reduced to writing, signed by the Superintendent or designee, dated and attached to the material or complaint description and placed in the employee's personnel file. Anonymous complaints not investigated within 30 calendar days of receipt shall not be retained and shall be destroyed.

Transfer of Records

An employee may request the transfer of his/her personnel record/file or any parts thereof upon written request to the Central Office. The School System may transfer an employee's personnel record/file or copies or parts thereof to another perspective employer or employer. Any associated duplicating/coping costs shall be borne by the employee and/or other employer or perspective employer.

Releasing Records to Government Agencies

Any document, which may be lawfully contained in the personnel file, shall be made available to a lawfully authorized hearing officer or panel conducting an investigation into the competency or performance of an employee and to all appropriate law enforcement officials and/or any court of jurisdiction based on a lawful subpoena. Statistical data on employees or former employees may be transmitted by the School System to appropriate governmental agencies for historical research/information.

Arranging to Review Personnel Files by Employees

Should an employee wish to review his/her Central Office personnel file, he/she may make an appointment with the Superintendent or designee. Personnel files shall be reviewed in the Personnel Office and in the presence of the person in charge of personnel records. An employee may review local school personnel records after notice and in the presence of the principal or assistant principal.

The following documents must be on file for all employees of the School System:

**Certified Personnel**

1. An Application Form
2. A current Alabama Teaching Certificate
3. A record of previous teaching experience (if applicable)
4. Tax Exemption Forms (W-4)
5. A Sick Leave Transfer Form (if applicable)
6. An Alabama Teacher Retirement Form
7. A Social Security Number
8. College Transcripts (2)
9. Writing Sample
10. Negative Tuberculin Skin Test or X-Ray
11. Employment Verification Form
12. Insurance Forms

**Non-certified Personnel**

1. An Application Form
2. A Social Security Number
3. Tax Exemption Forms (W-4)
4. A Sick Leave Transfer Form (if applicable)
5. An Alabama Teacher Retirement Form
6. Transcripts (if applicable)
7. Non-Certified Personnel Employment Request Form
8. Negative Tuberculin Test or X-Ray
9. Employment Verification Form (I-9 Form)
10. Insurance Forms

Additional File Information

Beginning on the date this policy is adopted, all applicants for all certified positions and secretary, bookkeeper, or aide must submit a writing sample prior to employment. Such writing samples will be required only from applicants scheduled for interviews. Such writing samples must be completed in one's own handwriting, on-site at the Central Office, and on forms and topics provided by Central Office personnel.

Use of Personnel Files

Central Office and local school personnel files are the property of the Board and should remain in the Central Office and/or the local school principal's office. Such files cannot be removed from the Central Office or local schools.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987; REVISED: Jul 12, 1995; Sep 2, 1999

LEGAL REF: *The Code of Alabama*, §16-11-9, §16-11-17, §16-11-21, §16-12-12, §16-23-1 to -13; Legislative Act 98-374; Family Educational Rights and Privacy Act, 1974 (P.L. 93-380).

## **SALARY DEDUCTIONS**

The School District shall make all salary deductions required by law. In no cases will the School District make other deductions unless approved in writing by the employee.

### Federal and State Income Deductions

The School District shall deduct federal and state income tax from all employees in accordance with law. Each employee of the School District shall file with the Superintendent all necessary income tax withholding forms when initially employed and when adjustments are necessary.

### FICA - Social Security Deductions

The School District shall deduct FICA tax from all employees in accordance with law.

### Teacher Retirement Deductions

The School District shall deduct teacher retirement contributions from all employees participating in the State Teacher Retirement System. Said deduction shall be made in accordance with law.

### Prohibited Deductions Notwithstanding

Notwithstanding any other policy provision, no salary deductions will be made for any organization which does not provide proper certification or reports of expenditures in accordance with the requirements of *The Code of Alabama*, §17-17-5(b)(2).

### Insurance and Annuity Deductions

The School District shall make deductions for specified insurance and annuity plans as a service to employees. Said deductions shall be made in accordance with administrative rules and regulations filed GAL-R under this cover.

SOURCE: Colbert County Board of Education, Tuscumbia, AL

ADOPTED: Jul 27, 1995; REVISED: Jun 24, 2014

LEGAL REF.: *The Code of Alabama*, §16-22-6; Legislative Act 83-207; Attorney General's Op., Aug. 15, 1975, Apr. 18, 1984.

## OVERTIME WAGES AND COMPENSATORY TIME

### Eligibility for Overtime Compensation

In accordance with Title 29, Part 541 of *The Code of Federal Regulations*, revised June, 1983, certain employment categories/positions are defined as being "exempt." Exempt positions are not entitled to overtime pay or compensatory release time. As outlined in *The Code of Federal Regulations*, exempt employees are those that meet one or more of the following criteria:

1. Executive, administrative, and professional (certified) employees including teachers and academic administrative positions (e.g., "director," "supervisor").
2. Non-certified employees (a) whose primary duties consist of the management of the enterprise in which they are employed, (b) who customarily direct the work of two or more employees, (c) who have the authority to hire or fire or whose suggestions and recommendations as to the hiring, firing, or other changes of status decision for employees will be given particular weight, and (d) who customarily and regularly exercise discretionary powers.

Employees not meeting one of the above criteria are defined as "nonexempt" and subject to the provisions of the FLSA and as such are eligible for additional compensation or "comp time" at the individual employee's discretion for work performed in excess of forty (40) hours per week.

### Approvals Required

Non-exempt employees will be compensated for over-time work based upon the following procedures:

1. Requests to work in excess of the normal duty day established by the Board will be approved in advance.
2. The approval will be in writing and include name of employee(s), date, purpose, and estimated time to complete the task.
3. It will be approved and signed by designated supervisors as follows:
  - a. Transportation requests - Director of Transportation
  - b. System maintenance requests - Director of Maintenance
  - c. School custodial requests - Director of Maintenance
  - d. System and school clerical requests - Chief School Financial Officer.



4. Copies of the approved form will be submitted to the Superintendent prior to the overtime task unless prevented by emergency or unusual circumstances.

#### Time Sheet Requirements

1. Time sheets will be kept for employees eligible to work overtime. The sheets will be maintained on a daily basis and accumulate the following information on a weekly (Monday-Sunday) basis:
  - a. The number of regular duty hours worked per week will be determined. The employee will be paid for regular duty hours on a monthly basis at the rate of one-twelfth (1/12) the annual salary schedule amount.
  - b. The number of duty hours and the total number of hours worked per week will be determined.
2. Copies of time sheets initiated by employee and supervisor will be submitted to the Business Office each month by the designated "cut-off" date.

#### Calculation Method for Reimbursement for Overtime Hours

Overtime hours will be paid based on the following calculations:

1. Extra duty hours will be paid at the employee's hourly rate, calculated from the salary schedule (Annual salary  $\div$  240 days  $\div$  hr/day), until total hours/per week reaches forty (40) hours.
2. Overtime hours will be paid at the employee's hourly rate multiplied by time and one-half (1.5), calculated from the salary schedule (Annual salary  $\div$  240 days  $\div$  hr/day X 1.5), after total hours worked per week exceeds forty (40) hours.

#### Compensatory Time ("Comp" Time)

A non-exempt employee may be granted time off as compensation for extra duty hours worked. To qualify for "comp" time there must be a written agreement between employee and supervisor prior to the extra duty work performed.

Until total hours worked per week reach forty (40) hours, one (1.0) hour "comp" time is granted for each hour of extra duty. After total hours per week exceed forty (40) hours, one and one-half (1.5) hours "comp" time is awarded for each hour of extra duty.

"Comp" time must be used within a year after the date extra duty is performed.

Flexible Scheduling and Alternative Duty Schedules:

To benefit employees and the School System, duty schedules may be temporarily adjusted on a daily basis to accommodate certain unexpected personal need situations that may arise. Adjustments of this type will allow employees to address the situations during the normal duty and make up lost time, without penalty, either before or after normal duty hours or by adjusting lunch/break periods. Flexible scheduling must be by advance mutual agreement between the employee and supervisor.

There may be times when a school or work site requires an alternate duty schedule for an employee based primarily on the needs of that school or work site. If such a need is determined by the principal/work site supervisor, a written rationale and plan should be submitted to the Business Office for approval following a compliance review with FLSA.

Wages Paid by Local Schools:

Local school support personnel to be paid from local school funds for work above that paid by the School System must have those wages and fixed charges directed to the Business Office for disbursement to the employee.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama  
ADOPTED: Jul 12, 1995; REVISED: Jul 10, 1997  
LEGAL REF.: Fair Labor Standards Act of 1938, as amended.

## **FRINGE BENEFITS FOR PERSONNEL**

### Full-Time Personnel: Certified and Non-certified

Currently the School District provides the following fringe benefits for full-time (20 or more hours per week and adult bus drivers) personnel:

#### **Insurance**

1. The Public Education Employee Health Insurance Program (PEEHIP) and Complete Health insurance are offered to employees in accordance with rules and regulations of the plan provider.
2. Supplementary insurance is available at a fixed monthly rate per supplement. Dental, vision, cancer and indemnity policies are offered at no cost to employees if PEEHIP hospitalization insurance is not used. Those employees who are applying their state PEEHIP insurance allocation toward hospitalization insurance may purchase any or all of the supplemental insurance coverage by paying applicable costs.
3. Term life insurance is carried on each employee with the premium costs paid by the Board.

#### **Retirement**

All full-time employees are eligible for and required to participate in the Teachers' Retirement System of Alabama. Employees contribute five (5) per cent of their salary or wages each month, with the state contributing an actuarially determined amount. Part-time employees are not eligible to participate in the Retirement program.

#### **Leave Days and Vacation**

1. Sick Leave -- Each full-time employee will accrue sick leave at the rate of one day per month of contract (the 12-month employee will earn 12 sick leave days per year; the 9-month employee will earn 9 days, etc.). Accumulated sick leave days may be used for retirement purposes (see GALBB) and bereavement purposes (see GALBBI). In addition, other sick leave days may be available for on-the-job injuries (see GALBA) and family and medical leave (see GALBEA).

2. Personal Leave -- Each full-time certified and non-certified employee may accrue up to four (4) personal leave days per year that are noncumulative from year to year based on the provisions of the personal leave policies (see GBRI and GCRI).
3. Professional Leave -- Certified and non-certified employees may request professional leave days for educationally related purposes. These requests must be approved by the principal/work site supervisor and the Superintendent. Any such days approved may be with or without pay, with or without pay for any needed substitute personnel, and/or with or without travel or lodging expenses based on funds available (see policy GALBG).
4. Vacation Leave -- Full-time, twelve-month employees may earn up to ten (10) days of paid vacation each year. Vacation days must be earned and taken in accordance with provisions of policy GALBI)

Part-Time Personnel: Certified and Non-certified

Part-time (employed for less than 20 hour per week) personnel are eligible only for the following benefits:

**Insurance**

Part-time employees will be eligible for insurance benefits in accordance with the following provisions:

**Certified Personnel** -- Working at least 1/4 time will be eligible for the applicable insurance benefits provided by the state insurance plan (PEEHIP) in effect at the time of and during employment. Such personnel working less than 1/4 time will not be eligible for insurance benefits.

**Non-certified Personnel** -- Working at least 5 hours weekly will be eligible for the applicable insurance benefits provided by the state insurance plan (PEEHIP) in effect at the time of and during employment. Such personnel working less than 5 hours per week will not be eligible for insurance benefits.

Part-time employees meeting the work hour requirement noted above may purchase one or more of the supplemental insurance policies depending on the number of hours worked or apply the credit(s) towards hospital insurance and pay the difference. A pre tax cafeteria-type plan is available for the purchase of hospital and supplemental insurance through American Fidelity Assurance Company. (All of the above costs are subject to change from year to year.)

Leave Days and Vacation

Part-time employees will not be eligible to earn leave days or vacation days. The term leave day includes any leave days available to full-time employees.

Fringe Benefits While on Approved Leave Without Pay

All fringe benefits end when an employee goes on approved leave without pay, except that;

1. employees currently participating in the Public Education Employee Health Insurance Program (PEEHIP) may apply for COBRA coverage through PEEHIP.
2. employees on an approved Family and Medical Leave will receive a PEEHIP insurance allocation while on such leave.

Leave Days

Employees on an approved leave without pay will not earn any leave days (sick, vacation, personal, etc.) while on such leave.

Placement on the Salary Schedule

Employees on an approved leave without pay will not receive a yearly experience credit for placement on the salary schedule unless they work at least one-half (1/2) of their respective contract days during that year.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama  
ADOPTED: Jul 12, 1995

FILE: GALAE

## **ATHLETIC PASSES**

In order to enhance the school's program by improving school morale, Colbert County Board of Education employees shall be admitted free to school sponsored athletic events by presenting their current picture identification badge.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama  
ADOPTED: Sep 7, 2000

## **SICK LEAVE FOR PERSONNEL**

Leave with pay may be granted employees of the School District for absences from their assigned duties due to illness or some other unavoidable cause which prevents such employees from discharging their duties. Authorization is granted under provision of State Law, rules and regulations of the State Board of Education, and policies of the Board.

### Definition

Sick leave is defined as the absence from regular duty by an employee because of the following:

1. Personal illness
2. Bodily injury which incapacitates an employee.
3. Attendance upon an ill member of the immediate family (husband, wife, father, mother, son, daughter, brother, sister) of the employee, or a person standing in loco parentis.
4. Death in the immediate family of the employee (husband, wife, father, mother, son, daughter, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, nephew, niece, granddaughter, grandson, grandfather, grandmother, uncle and aunt).
5. Where unusually strong personal ties exist, due to an employee's having been supported or educated by a person of some relationship other than those listed, this relationship may be recognized for sick leave purposes. In each such case the employee concerned shall file with the Superintendent a written statement of the circumstances, which justify an exception to the general rule.

### Authorization

Sick leave shall apply to all full-time employees of the Board and shall be in accordance with rules and regulations as follows:

1. One day of sick leave per month is allowed for the total months of full-time employment per scholastic year (Jul 1 through June 30). Certified personnel, i.e., teachers, administrators, etc., and non-certified personnel, i.e. bus drivers, custodians, etc., shall be allowed one day per month for each month of full-time employment, and may carry over unused sick leave to the next consecutive year or years of employment.

2. Authorization for, and verification of, sick leave shall be the responsibility of the employee's immediate supervisor.
3. The Superintendent based on reasonable cause to believe that sick leave day usage is being abused, may require an employee to provide a physician's statement and/or other acceptable documentation, and may, at the Board's expense, designate a physician to render a second opinion verifying absences as shown under the Definition Section above.
4. Each employee shall receive an accounting of accrued sick leave days monthly with the payroll check.

#### Restrictions

The following restrictions shall apply to sick leave in the School District:

1. Sick leave days will not be granted in increments of less than one-half (1/2) day.
2. Full pay for sick leave shall be allowed only if the absences fall within the definition of sick leave as defined in this policy and the employee has sufficient accumulated sick leave/personal leave days.
3. Using the balance of accrued sick leave at the time of retirement will not be permitted. Even if an employee meets one of the conditions of illness as defined herein, and seeks to exhaust his/her sick leave days leading up to retirement, it shall not be permitted. The employee shall retire and receive service credits for the accrued and unused sick leave days.
4. No cash payments for unused sick leave days will be made by the School District.

#### Transfer of Sick Leave

The following provisions shall apply to the transfer of sick leave into the School District:

1. Unused sick leave days may be transferred into the School District provided employees seeking to have such days transferred earned the sick leave days at schools/agencies/institutions covered by either The Teachers' Retirement System of Alabama or The Employees' Retirement System of Alabama. Sick leave days will not be transferred into the School District from any other sources, i.e. out-of-state, private schools, business and industry, etc.



2. Sick leave days transferred into the School District from other schools/agencies/institutions must be available to the individual for illnesses and retirement.
3. It shall be the responsibility of individual employees to request any eligible previous employer(s) to supply the Central Office with written verification of the number of unused sick leave days earned with such employer(s). Such verification papers must be on file prior to the sick leave days being accepted for transfer by the School District.

The following provisions shall apply to the transfer of sick leave days within the School District:

1. Sick leave days may not be given, loaned, or transferred, etc. by one employee to another employee except as provided for in the guidelines specified in a duly approved sick leave bank.
2. Employees working in two different full-time positions (i.e. teacher/bus driver) may not transfer accumulated sick leave days from one position to the other. Neither may sick leave days earned in one position be taken for the other position.

#### Physician's Release

Provided an employee has experienced a long-term, debilitating illness which may affect his/her ability to perform job-related tasks, the Board, in such cases, reserves the right to require such employee to secure a physician's statement certifying that the employee is able to return to work and perform job-related responsibilities.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987; REVISED: Jul 12, 1995; Jul 10, 2000; Nov 2, 2006

LEGAL REF: *The Code of Alabama*, §16-1-18, §16-3-36, §16-8-25; Title 16, Chapter 25; Legislative Acts, §84-251; §84-253; and §84-383; Attorney General's Op., Mar 3, 1969, Mar 7, 1973, Nov 3, 1986, May 20, 1988.

## **SICK LEAVE FOR ON-THE-JOB INJURIES**

Based on State Legislative Act 96-614 (May 21, 1996), School District personnel may be granted up to ninety (90) workdays of sick leave for on-the-job injuries. The salary of an employee of the Board will be continued for a period of not more than ninety (90) days at 100 percent of his/her regular daily salary for each day that he/she is absent due to an on-the-job injury. The payment for absences due to on-the-job injury is additionally limited by the following conditions:

1. The absence must be the result of an on-the-job injury.
2. Payments are not for total disabilities but only for temporary disabilities where there is a reasonable expectation of the employee's return to work.
3. The employee must provide notice of the on-the-job injury to the executive officer or the school principal within 24 hours after the accident (GALBAT-F1). The employee may secure the assistance of any person, agent, or attorney that he/she may choose in presenting this evidence to the Board.
4. The Colbert County Board of Education requires that a physician complete the Physicians Certification Form for on-the-job injuries (GALBAT-F2).
5. Sick leave shall not be deducted from an employees' account if absence from work is a result of an on-the-job injury.
6. The salary of the injured employee will be continued for a period of up to 90 working days.
7. During such leave personnel shall not receive salary in excess of 100% of regular salary.

### On-The-Job Injuries Defined

On-the-job injuries are defined as those injuries occurring during the normal school day, at school-sponsored activities when responsibility is assigned, or when conducting school business at the request of administrative/supervisory personnel.

### Notification of Employees

Any additional expenses including unreimbursed medical expenses and costs which the employee incurs as a result of the injury, may be filed with the Board of Adjustments. Forms for

making a claim with the Alabama State Board of Adjustments shall be available at each school or work site where employees work and a notice worded in a manner to inform the employees of their availability shall be conspicuously posted in all such buildings. The notice shall also state that employees of the Board may have a right to payment from the State Board of Adjustments for partial or total permanent disability.

Application Procedures

Personnel sustaining a verifiable on-the-job injury complete and submit On-the-job Injury Form (Filed GALBAT-F1) to the Superintendent in accordance with policy GALBAT.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987; REVISED: Jul 12, 1995; REVISED: May 16, 1996; REVISED:  
Apr 10, 1997

LEGAL REF: Legislative Act 96-614.

## **REPORTING ON-THE-JOB INJURIES**

An employee suffering an on-the-job injury must comply with the following procedures in order to file any claims as noted.

### On-the-Job Injury Defined

On-the-job injuries are defined as those injuries occurring during the normal school day, at school-sponsored activities when responsibility is assigned, or when conducting school business at the request of administrative/supervisory personnel.

### Immediate Actions

1. Notify immediate supervisor of injury within 24 hours.
2. File an On-The-Job Injury Report Form (GALBAT-F1) with the immediate supervisor who will immediately send a copy of the completed form to the Superintendent or designee. Make certain proper information is provided to show that injury occurred on the job.

### Claiming On-The-Job Sick Leave Days

An employee sustaining an on-the-job injury must comply with the provisions of policy GALBA and the following reporting requirements:

1. Complete an On-The-Job Injury Report Form as specified in item II above.
2. Submit a statement from a licensed medical doctor outlining in specific detail the nature and severity of the injury and that the injury is the direct cause of the necessity of any absence(s) from work. This statement must be specific and in detail. (GALBAT-F2)
3. Both documents noted above must be submitted to the Superintendent or designee before any recommendation can be made to the Board for granting on-the-job sick leave days (90 days maximum, see policy GALBA).

### Claims for Out-Of-Pocket Expenses Through the State Board of Adjustment

Employees injured on the job should file any medical claims through their personal health insurance carrier. The State Board of Adjustment makes it a rule to award only expenses not covered by insurance (out-of-pocket expenses).

Evidence must be documented to show what treatment was provided, when it was provided, and what charges were made (an itemized bill). Along with an itemized bill, evidence of insurance filing and the amount paid and not paid by insurance should be provided (an insurance company summary sheet, etc.).

Claims for out-of-pocket from the State Board of Adjustment generally would include those items not paid for by personal health insurance carrier, such as travel expense incurred to and from doctor, home care by nurse, etc. Claimants should be prepared to provide evidence (receipts, bills, etc.) to substantiate the expense award.

#### Claims for Lost Wages Through the State Board of Adjustment

After an employee has been absent from work in excess of ninety (90) working days, the employee has the option of filing a claim for lost wages with the State Board of Adjustment or using accumulated sick leave days. Should the employee choose to incur lost wages, a claim for lost wages should only be filed after the employee has returned to work. The claimant must provide evidence (usually a letter from employer) to show the number of days, weeks, etc., lost from work as a result of an on-the-job injury and the claimant's rate of pay.

#### Use of Regular Sick Leave/Personal Leave Days

An employee may use any accumulated sick leave or personal leave days in association with absences due to an on-the-job injury. Use of such day must be in accordance with the provisions of applicable polices (see GALB, GBRI, and GCRI).

## **SICK LEAVE DAYS FOR RETIREMENT PURPOSES**

Based on *The Code of Alabama*, all personnel of the School District, who are members of the Alabama Retirement System and whose retirement date is on or after June 1, 1984, may use unused, accrued sick leave for retirement purposes. The following provisions shall apply:

1. Those eligible to receive credit for accrued sick leave for retirement purposes are
  - a. those retiring on service, and
  - b. those retiring on disability who are otherwise eligible for service retirement by being over age sixty (60) and having ten (10) or more years of service credit or having more than twenty-five (25) years of service credit.
2. Retirement service will be granted based on a ratio of accrued sick leave days to 180 days, rounded to the nearest whole month.

Example:  $90/180 = 6/12$  or  $150/180 = 10/12$

3. Accrued sick leave may be used to meet the twenty-five (25) year service credit requirement or ten (10) year service credit requirement, if the employee is at least sixty (60) years of age.
4. An employee participating in the program shall not attain vested status (10 years) or eligibility for disability retirement nor add service credit to one retiring on disability (except in 1b above).
5. All sick leave days to be used toward retirement must be certified by the School District. Each employee receives an accounting of accrued sick leave days monthly with the payroll check.
6. Long-term sick leave for purposes of retirement only will not be permitted; however, an employee is entitled to apply for retirement service credit based on individual unused, accrued sick leave days.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987; REVISED: Jul 12, 1995; Nov 2, 2006

LEGAL REF: *The Code of Alabama*, §16-3-36, §16-25-11.1; Legislative Acts, 84-251, 84-253, and 84-383; Attorney General's Opinion, Oct. 24, 1985.

FILE: GALBBC

## **APPLICATION OF SICK LEAVE TO SUPERINTENDENT**

The policies of the Board and the state laws of Alabama as to sick leave shall be applicable to the Superintendent.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987; REVISED: Aug 2, 1990; Jul 12, 1995

## **GUIDELINES FOR ESTABLISHING A SICK LEAVE BANK(S)**

The Board, upon the request of a minimum of 10% of its full-time certified personnel or non-certified personnel may, at its discretion, establish a sick leave bank or banks for each or either category of employees. The plan(s) if established shall allow each employee to deposit into either the certified bank and/or non-certified bank, an equal number of his/her earned sick leave, not exceed five (5) days. These days shall be available for loan to any other participating employee whose sick leave has been exhausted.

The accounting & administration of the sick leave bank(s) shall be the responsibility of the Board. Proposed rules & regulations for the operation of the sick leave bank(s) shall be developed by a committee comprised of an equal number of employees and representatives of the Board. Members of the committee shall serve for no more than five (5) years.

The following minimum regulations will apply to the sick leave bank:

1. No employee shall be allowed to owe more than 10 days more than the employee has on deposit to the sick leave bank, unless over 50% of the participating members of the bank vote to extend said limit.
2. Applications for sick leave loans shall be developed by the committee.
3. Upon the resignation or other termination of an employee who has an outstanding loan of sick leave days, said value of loan shall be deducted from the final pay check & at the prevailing rate.
4. Participation in the sick leave bank shall at all times be voluntary on the part of the employee.
5. Any alleged abuse of the use of the sick leave bank shall be investigated by the committee, and on a finding of wrong doing, the employee shall repay all of the sick leave credits drawn from the sick leave bank and be subject to other appropriate disciplinary action as determined by the Board.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987

LEGAL REF: *The Code of Alabama*, §16-3-36; Title 16, Chapter 25 Legislative Acts, 84-251, 84-351; Alabama State Board of Education Resolution, 219184.



## **BEREAVEMENT LEAVE FOR PERSONNEL**

### Immediate Family

Employees may receive leave for bereavement related to members of the employee's immediate family. Such leave will be with pay provided the employee has sufficient accrued sick leave and/or personal leave days. Such leave shall be chargeable to sick leave or personnel leave.

Normally, absence for bereavement will not exceed five (5) working days; however, additional days may be granted upon request to the Superintendent when exceptional circumstances exist. Provided said personnel has not accrued sufficient sick leave and/or paid personal leave days, said leave shall be without pay.

The immediate family is defined as: husband, wife, father, mother, son, daughter, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, nephew, niece, granddaughter, grandson, grandfather, grandmother, uncle, and aunt.

### Non-Member of Immediate Family

If the deceased is not a member of the employee's immediate family, said employee may receive up to three (3) days leave for bereavement with pay. Such leave is subject to the approval of the Superintendent and is chargeable to personal leave. Provided said employee does not have personal days, said leave shall be without pay.

When unusually strong personal ties exist, due to an employee having been supported or educated by a person other than those defined as immediate family, such relationship may be recognized for bereavement leave purposes. In each case, said employee shall file with the Superintendent a written statement of the circumstances which justify an exception to the general rule. When approved, such leave shall be chargeable to sick leave and/or personal leave.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987

LEGAL REF: *The Code of Alabama*, §16-3-36.

## **MILITARY LEAVE FOR PERSONNEL**

### General Policy

All employees are entitled to military leave of absence when ordered to active duty for training as members of the Alabama National Guard or any component of the U.S. Armed Forces. Employees who volunteer, are drafted, or are ordered to extended active duty with any component of the U.S. Armed Forces shall be entitled to reinstatement to their former positions or comparable positions if the right is exercised in a timely manner as noted below.

### Military Leave for Training or Short Term Duty

Employees who are required to attend annual training or special active duty for training shall not suffer any loss of salary during the first twenty-one (21) days of such absence in any calendar year. Such employees who are ordered for such duty shall provide one copy of their orders to the Superintendent. Such leave will be without loss of benefits. Such arrangements shall apply to any "military call-ups."

### Reinstatement to Positions After Extended Duty

Employees who volunteer, are drafted, or are called to active duty for extended periods will be placed on "Military Leave of Absence" upon written application by such employees and be entitled to reinstatement to their former or similar positions upon their return under the conditions that follow:

1. They must not have remained on active duty beyond their first opportunity for honorable or general release; and
2. They must report to claim reinstatement within ninety (90) days after completion of such service (31 days in case of individuals who undergo only six (6) months' active training or less).

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987

LEGAL REF: *The Code of Alabama*, §16-24-13, §31-2-13; Attorney General's Op., May 13, 1974, Mar 4, 1986.

## **MATERNITY LEAVE FOR PERSONNEL**

An employee of the School District shall be eligible for maternity leave in accordance with the following provisions:

1. Maternity leave shall be without pay, except that accumulated sick leave days may be utilized at the discretion of the employee once pregnancy has been confirmed.
2. Maternity leave normally shall not extend over a period of time exceeding 12 calendar months.
3. Maternity leave shall become effective under ordinary circumstances, when,
  - a. the employee requests and has such leave approved by the Board, and
  - b. the attending physician notifies the Board that it is in the best interest of the teacher to take such leave.
4. Maternity leave ends, under ordinary circumstances, when,
  - a. the employee requests to return to work and/or
  - b. when the attending physician states that the employee is able to resume normal duties.
5. Maternity leave shall not be counted as experience in the determination of placement on the salary schedule, except that, a professional employee who has served at least 90 days during that scholastic school year shall be placed on the salary schedule on the step she would have reached had she completed the full year.
6. A certified employee on returning from maternity leave shall be restored to her former position. She shall maintain her tenure status and all accruable benefits; except that, days are not to be accrued for sick leave or annual leave while on maternity leave without pay.

### Application Procedure

An employee may apply for maternity leave by submitting a completed Maternity Leave Request Form (Filed: GALBE-F1) to the Superintendent or designee through the principal/supervisor. The application must include the estimated date of delivery, the expected beginning and ending dates of the leave, and the intent to use or not to use any accumulated sick leave or personal leave days as a part of the proposed leave. A duplicate copy of the written request shall be filed with the principal or supervisor.

FILE: GALBE  
(continued)

Upon being granted maternity leave, the employee shall be subject to any applicable laws, including the transfer provisions of Titles 16 and 36 of *The Code of Alabama*. Such leave shall not jeopardize the employee's unused sick leave, status, or other applicable benefits.

The Superintendent or designee may require a doctor's statement to verify an employee's fitness to continue working or to return to work.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987; REVISED: Jul 12, 1995

LEGAL REF: *The Code of Alabama*, §16-8-10, §16-9-15, §16-24-13, §§36-26-100 to 108; Board of Education v. LaFleur, 414 U.S. 632; P.L. 103-3 -- Feb 5, 1993; Scott v. Opelika City Schools, 63 F.R.D. 144; Bravo v. Chicago Board of Education, 345 F.Supp. 501; Attorney General's Op., Mar 21, 1971, Mar 7, 1973.

## **FAMILY AND MEDICAL LEAVE FOR PERSONNEL**

It is the policy of the Board to make available to eligible employees of the School District family and medical leave in accordance with the Family and Medical Leave Act (FMLA). The leave will be without pay for up to 12 weeks in any 12-month period (26 weeks for military family leave under certain specified conditions), will be gender-neutral, and may be taken for one or more of the following reasons:

1. Birth of a child.
2. Adoption of a child or placement of a foster child.
3. Care of a sick spouse, child, or parent.
4. Serious health condition of the employee.
5. Military Family Leave conditions. (Service member with medical problems and a family member being called to active duty).

### Definitions

1. **Eligible employee**--One employed with the School District for at least 12 months during which time the employee worked at least 1,250 hours.
2. **Health Care Provider**--State licensed medical doctor (Military doctor in cases of Military Family Leave.)
3. **Family Member**--A legal spouse, biological parent(s), and a biological son or daughter, an adopted or foster child, or stepchild, or a legal ward, or a child of a person standing in loco parentis who is under 18 years of age or 18 years of age or older and incapable of self care, and, for Military Family Leave purposes, next-of-kin of a service member (nearest blood relative).
4. **Parent**--The biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter.
5. **Serious Health Condition**--An illness, injury, impairment, or physical or mental condition involving inpatient or continuing treatment by a health care provider.
6. **Spouse**--A husband or wife, as the case may be.
7. **Week**--A workweek.

Eligibility for Family and Medical Leave

1. The employee must have been employed by the Board for at least 12 months and for at least 1,250 hours during the prior 12-month period.
2. Upon the birth of a child, the mother is eligible for up to 12 weeks of leave under the FMLA. The law provides that when the mother's leave period is over, the child's father is eligible for up to 12 weeks of leave. However, if both parents are employees of the Board, the aggregate amount of leave granted to both parents during any 12 months is limited to a total of 12 weeks. The mother may utilize any accrued sick leave, paid accrued personal leave, and/or accrued vacation leave as a part of the 12 weeks FMLA leave, provided any such leave taken is in accordance with Sick Leave policy filed: GALB; the Maternity Leave for Personnel policy filed: GALBE; the Vacation Leave policy filed: GALBI; and the Personal Leave policies filed: GBRI and GCRI.
3. In the event a child is placed in an employee's home for adoption or foster care, the employee is eligible for up to 12 weeks of leave under FMLA. The employee may utilize any accrued paid personal leave and/or accrued vacation leave as a part of the 12 weeks FMLA leave provided such leave is taken in accordance with the Vacation Leave policy filed: GALBI; and the Personal Leave policies filed: GBRI and GCRI.
4. In the event of a serious health condition of an employee or a family member as determined by a licensed physician(s), the employee is eligible for leave under the FMLA for up to 12 weeks, (26 weeks for military family leave under certain specified conditions). In such case, the employee may choose to utilize any available accrued sick leave, paid personal leave, and/or any authorized paid vacation as a part of the FMLA 12/26-week leave period provided any such leave taken is in accordance with the Sick Leave policy filed: GALB; the Vacation Leave policy filed: GALBI; and the Personal Leave policies filed: GBRI and GCRI.
5. A new category of leave has recently been added to the FMLA. Military Family Leave offers two types of leave – (1) leave to care for a family member who is in the military service and has medical problems; (2) leave related to a family member being called to active duty. The provisions regarding leave for a family member being called into active duty are not effective until the Secretary of Labor issues regulations defining “qualifying exigencies.” Under the MFL, leave may be given to “the spouse, son, daughter, parent, or next-of-kin” of a service member, “who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.”

Employees who take leave to care for a service member undergoing medical treatment may take up to 26 weeks of unpaid leave in a 12 month period. A combined total of FMLA leave (old FMLA and new FMLA) cannot exceed 26 weeks in any 12 month period.

Note: The birth or placement of a child for adoption or foster care entitlement to leave expires at the end of the 12-month period beginning on the date of the birth or placement. However, if both parents are employed by the Board, the aggregate amount of leave granted to both parents in such instances shall not exceed 12/26 weeks in any 12-month period.

Note: The Board will not permit the use of sick leave, personal leave, and/or vacation leave in relation to FMLA leave when such leave is not permitted by state statute, State Board of Education Policy, or Board policy.

#### Intermittent Leave or Reduced Leave Time

Leave granted for the birth of a child or placement of a child for adoption or foster care may not be taken on an intermittent or reduced leave basis unless agreed to by Board and the employee. However, when leave is taken to care for a sick family member or due to the employee's own serious health condition, or to care for a service member, leave may be taken intermittently or on a reduced leave basis when medically necessary.

If an employee requests intermittent leave or leave on a reduced leave basis due to the serious health condition of the employee or of a family member and the leave is foreseeable based on planned medical treatment, the Board may require the employee to transfer to a temporary alternative job (where available) for which the employee is qualified and which better accommodates the leave than the employee's regular job. However, the temporary job will have the equivalent pay and benefits of the employee's regular job.

#### Notice of Leave and Initial Certification

An employee requesting leave under the provisions of the FMLA is required to give notice to the Board as to when leave is to be taken.

1. **Birth or Placement of a Child, Adoption, or Foster Care** - a 30-day written notice of intent to take FMLA leave is required. If the date of birth or placement requires leave to begin in less than 30 days, the employee must provide such notice as soon as practicable.

2. **Serious Health Conditions of the Employee or Family Member or Service Member** - Where the necessity for FMLA leave is due to the serious health condition of a family member or of the employee and is foreseeable based on planned medical treatment, the employee must give at least 30 days written notice or notice as soon as practical, if treatment starts in less than 30 days.
  
3. **Certification** - For any leave requested based on the serious health condition of the employee or of a family member or a service member, the employee must provide certification from a state licensed medical doctor or military physician, supporting the request for leave. The employee must provide a copy of the certification to the Board in a "timely manner." The certification must contain the following information:
  - The date the serious health condition began.
  - The probable duration of the condition.
  - The appropriate medical facts regarding the condition.
  - If the leave is based on the care of the spouse, child, or parent, a statement that the employee is needed to provide the care and an estimate of the amount of time the care will need to be continued.
  - If the leave is based on the employee's own serious health condition, a statement that the employee is unable to perform the functions of the job.
  - In the case of intermittent leave or leave on a reduced schedule for planned medical treatment, the dates the treatment is expected to be given and the duration of the treatment.
  - For Military Family Leave, where the request is based on a family member having been notified that he/she will be called up to active duty or is on active duty – a copy of the military order.

#### Procedure for Giving Notice

The employee will give written notice on the Family and Medical Leave Form to the employee's immediate supervisor in accordance with criteria outlined under the "Notice of Leave and Initial Certification Section" of this policy. Failure to give notice may lead to denial of the request for leave.

#### Medical Treatment

The employee must make a reasonable effort to schedule the medical treatment so as not to unduly disrupt the operations of the Board, subject to the approval of the health care provider. Where the need for leave is unforeseeable, notice as soon as practical is required



### Recertification of Health Condition

The Board may at its discretion require:

1. The employee to provide later certification "on a reasonable basis" as to the status of the health condition for which leave was granted.
2. The employee to report periodically on his/her health status.
3. The employee's intention to return to work.
4. The employee to obtain certification from an authorized health care provider verifying that the employee is able to resume work when the employee is taking leave due to the employee's serious health condition.

### Subsequent (Second & Third) Medical Opinions

Except for Military Family Leave purposes, The Board at its discretion and expense may require the employee to get a second medical opinion. In such instance, the second health care provider will be designated by the Board; but, that provider will not be an employee of the Board. If the medical opinions of the employee's health care provider and the opinion of the medical official designated by the Board conflict, the Board at its discretion and expense may require a third medical opinion by a medical official jointly designated by the Board and the employee. The opinion of the third provider will be final.

### Maintenance of Benefits

Health insurance coverage must be maintained under any group health plan for any employee requesting and being granted leave under FMLA. The coverage will be continued for the duration of the leave at the same level and under the same conditions coverage would have been provided if no leave had been taken.

However, if an employee fails to return to work after the period of leave expires, the Board may recover any premium the Board may have paid for coverage during the leave period.

### Entitlement to Reemployment and Benefits

With limited exceptions, an eligible employee who takes leave will be entitled to be restored to his/her old job or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. No employment benefits that accrued before the date leave

began will be lost. An employee is not entitled to an accrual of any seniority or employment benefits (sick leave, personal leave, vacation leave, etc.) that would have occurred during the leave period.

#### Fair Labor Standards Act

Providing unpaid leave will not affect an employee's status as an exempt employee under the Fair Labor Standards Act provisions governing overtime pay.

#### Unemployment Compensation

During the FMLA leave period the employee is not entitled to unemployment compensation, even if the leave is unpaid.

#### Combining Other Leave With FML

Once an application for leave under the FMLA has been filed, the provisions of that Act takes precedent over types of leave. However, other types of accumulated leave (sick leave, personal leave, etc.) may be used as a part of the total number of FML leave days (60 days or 12 weeks) or (130 days or 26 weeks for qualified military family leave) to reduce the number of unpaid leave days. Further, other types of accumulated leave (sick leave, personal leave, etc.) may be used prior to or after leave under the FMLA.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jul 12, 1995; REVISED: Apr 23, 2009

LEGAL REF.: Federal Family and Medical Leave Act of 1993. National Defense Authorization Act of 2008

## **LEGAL SERVICE ABSENCES FOR PERSONNEL**

### Jury Service

Personnel may be excused without loss of pay for jury service. To be eligible for jury service leave with pay, personnel must present the jury summons to their immediate supervisor as far in advance of the leave date as possible in order to secure appropriate substitutes.

### Court Appearances

Personnel may be excused without loss of pay for serving as a witness (not as a plaintiff) under a subpoena in a court of law on court cases directly related to work in the School District. To be eligible for court appearance leave with pay, personnel must present the subpoena to their immediate supervisor as far in advance of the leave date as possible in order to secure appropriate substitutes.

### Disposition of Applicable Court Fees

Personnel are not required to return to the School District the fee paid to them for jury or court service; however, a court attendance form must be provided to verify court attendance.

### Return to Work

When School District personnel are released from jury service and/or court appearances, they are to report promptly (same day if possible) to their employment positions.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jul 12, 1995

LEGAL REF: Legislative Act, 1977 No. 759; Attorney General's Op., Jun 8, 1971, Aug 10, 1971, Feb 23, 1979.

## LEGAL SERVICE LEAVE REQUEST FORM

COLBERT COUNTY BOARD OF EDUCATION  
Tuscumbia, Alabama

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**Request for leave with pay for Jury Service or Court Appearances (Jury Summons or Subpoenas must be attached). The Board does not provide leave with pay for court appearances as the plaintiff.**

Name: \_\_\_\_\_

School/Work Site: \_\_\_\_\_

I hereby request leave from my official job duties based on the following: (explain in full)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Day(s) employee expects to be absent: \_\_\_\_\_ Date(s): \_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Principal/Supervisor Approval: \_\_\_\_\_ Date: \_\_\_\_\_

***Note: Upon returning to work, personnel must submit a court attendance form to verify attendance.***

## **TEMPORARY PROFESSIONAL LEAVES OF ABSENCE FOR PERSONNEL**

### Professional Leave

The Board authorizes the Superintendent to grant release time for personnel to participate in conferences and general educational development activities related to common goals and objectives held by personnel and the School District.

### Detached Duty Leaves

The Board authorizes the Superintendent to grant release time for personnel to perform extended duty directly related to the goals and objectives of the School District. Such duty would include but not be limited to such activities as System-wide curriculum-related work, serving on System-wide committees, System-wide administrative-related matters, etc.

### Accreditation Visits

School District personnel may be permitted to serve on only one (1) accreditation visit per year.

### Conditions of and Approval for Temporary Professional Leaves

All temporary professional leave as noted above must be approved in advance by the Superintendent and/or the principal/work site supervisor. Such leave time shall be at the discretion of the Superintendent based on available finances, number of other personnel on leave, and educational value to the School District.

If an employee travels to a professional activity at the request of that individual's supervisor (with the approval of the Superintendent), the school or School District will accept responsibility for the cost of a substitute teacher, if needed, and reimbursement of travel, meals, and registration expenses.

If the employee initiates the request to attend a professional activity the terms of the leave and reimbursement will be negotiable subject to approval of the Superintendent and the leave may be with or without pay, with or without pay for any needed substitute, and/or with or without travel or lodging expenses.

Application Procedure

An employee must complete a copy of the Temporary Professional Leave Request Form (Filed: GALBG-F1) to their school principal/work site supervisor for approval and then to the Superintendent for approval.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jul 12, 1995

LEGAL REF.: *The Code of Alabama*, §16-11-18, §§16-23-12 to 13, §16-24-13.

## **VACATION LEAVE FOR PERSONNEL**

### Vacation Days

#### Twelve Month Personnel

All personnel who are employed on a twelve- (12) month basis are entitled to two (2) weeks vacation per year. Vacation days may not be carried over from one year to the next.

Vacation days shall be earned by the month, and accountable by the year, October 1 through September 30 up to ten (10) days. One vacation day will be earned for each month of employment.

New Employees will begin earning vacation days on the effective date of employment, provided employment is on or before the 15th day of the month. Provided employment is after 15th of the month, said employee will not earn vacation days for that month. Provided employees resign prior to the 15th of the month, they will not earn vacation day for that month. Provided said employees resign on, or after the 15th of the month they shall earn a vacation day for that month.

No vacation days will be granted before they are earned.

All vacation days must be approved prior to their use by the immediate supervisor and the Superintendent.

All vacation days must be used prior to an effective resignation date. The School District shall not make cash payments for unused vacation days.

Holidays for the School District are defined in the annual school calendar. Twelve (12) month personnel shall be considered "on-call" and/or assigned duties during school holidays which occur during the regular school year in order to accomplish maintenance, custodial and educational related tasks that cannot be accomplished while schools are in session.

Only twelve (12) month personnel earn vacation days.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987; REVISED: Jul 12, 1995

LEGAL REF: *The Code of Alabama*, §16-8-25.

## RETIREMENT OF PERSONNEL

### Retirement Age

By state law there is no mandatory retirement age; however, the Board encourages retirement by age seventy (70). In accordance with state law, employees seventy (70) years and older may be required to make annual application, to include evidence of physical and mental fitness, to the Board for review and approval.

### Teacher Retirement System

All full-time regular employees must participate in the State Teachers' Retirement System and be retired in accordance with provisions of *The Code of Alabama* and current policies of the Alabama Teachers' Retirement System.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jul 12, 1995

LEGAL REF: *The Code of Alabama*, §16-22-9, Title 16, Chapter 25; Legislative Acts, 85-208.



## **SALARY SCHEDULES FOR PERSONNEL**

### General

The Board, in compliance with state law, directs the Superintendent or designee to develop salary schedules for all regular and temporary categories of employees of the School District. Such salary schedules shall be based on training, qualifications, on-the-job experiences, and other fair and equitable criteria as may be determined by the Board. The salary schedules shall be presented to the Board for review and approval and shall be available at each school and work site.

When System-wide changes occur in the general salary schedules, the Superintendent or designee shall prepare or cause to be prepared new salary schedules for all personnel employed by the School District.

### Initial Placement on Salary Schedule - Certified Personnel

The number of years of acceptable experience for **initial** placement on the salary schedules shall be determined and agreed upon prior to employment. Job applicants must provide verification of all past on-the-job experience from their former employers. The determination of such credit shall be based on the following criteria:

1. All teaching/administrative experience gained in all public elementary and secondary schools and/or state or regionally accredited public institutions of higher learning shall be approved as credit for placement on the salary schedule.
2. Teaching/administrative experience gained in private elementary and secondary schools, which are regionally accredited, shall be approved for credit for placement on the salary schedule.
3. No teaching/administrative experience gained in any branch of the U.S. military will be granted for placement on the salary schedule (See policy GALBD).
4. In determining experience for placement on the salary schedule, credit shall be given for whole and parts of a year greater than one-half of the total annual contract days for the School District.

### Initial Placement on the Salary Schedule- Non-certified Personnel

Under normal circumstances, the number of years of acceptable experience for initial placement on the salary schedule shall be determined and agreed upon prior to employment.

Years of experience granted for placement on the salary schedule shall be based on an analysis of past on-the-job experiences by the Superintendent or designee.

In instances where job applicants have gained prior work experience in Alabama public elementary and secondary schools, credit for initial placement will be granted for past on-the-job experience based on written verification from their former employers. The determination of such credit shall be based on the following criteria:

1. The on-the-job experience must have been gained in an Alabama public elementary and/or secondary school.
2. The on-the-job experience must have been gained in the exact employment position for which the job-applicant seeks employment in the School District, i.e. secretarial experience applicable only to a secretarial position; custodial experience applicable only to a custodial position; etc.
3. In determining experience for placement on the salary schedule, credit shall be given for whole and parts of a year greater than one-half of the total annual contract days for the School District at the time the experience was gained.

All other experience credit for placement of the salary schedule (i.e., out-of-state, business/industry, etc.) shall be determined and agreed upon by the Superintendent or designee and the prospective employee prior to employment.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama  
ADOPTED: Jul 12, 1995  
LEGAL REF.: Legislative Act 90-325.

## **PAYROLL CHECKS FOR PERSONNEL**

### Pay Periods

The principal/work site supervisor is required to furnish the Business Office a payroll report containing the names of his/her staff each month. This report must show the number of days worked by each teacher/non-certified employee and the number of days absent and cause of absences for each monthly reporting period as determined by Business Office staff. The report must also show the names of any substitute used, the dates he/she served, and for whom he/she worked.

### Payroll Checks

The first paycheck of the scholastic year for the staff employed for nine (9) months shall be due and payable on the last working day of September. Monthly payroll checks for personnel will be issued to employees on the last day of each calendar month.

### Twelve Month Pay Periods

Salaries for some personnel are earned based on differing employment contracts, normally in nine (9), ten (10), or eleven (11) months; however, all regularly employed personnel shall be paid over twelve (12) months.

### Salary Deductions

Since personnel are paid to work for a specified number of days on a monthly basis, employees working less than the number of specified monthly days, excluding approved sick, personal, and other approved leave days, will have a day's pay deducted for each such absence and receive a pro rata share of the contracted salary in the following month's payroll check.

Personnel absent from work in association with the School District's Extra Personal Leave Day which requires them to reimburse the School District for a substitute shall have the amount the School District's Substitute Salary Schedule authorizes deducted from their next subsequent monthly payroll check. This provision applies even though a substitute may not have been employed. In accordance with Board policy, under no circumstances shall employees be permitted personally to pay substitutes. All such payments shall be deducted through the Business Office.

Holding Payroll Checks

The Board reserves the right to hold salary checks of personnel who fail to furnish required data such as signed contracts, retirement forms, I-9 forms, etc. Checks will be held only after such personnel have been requested to complete their files and have failed to comply.

Final Pay-Off

**Prior to Completing Contract** - An employee who for any reason (retirement, disability, termination, etc.) leaves the School District prior to completing his/her annual contract period shall be "paid off" on the last working day of the month following the last active payroll period. The payoff shall include all remuneration owed said employee by the School District.

**After Completing Contract** - An employee who leaves the School District after completing his/her annual contract period shall have his/her final "pay off" extended over the months of his/her contract, normally June, July, and August.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jul 12, 1995

LEGAL REF: *The Code of Alabama*, §16-9-32.

## TRAVEL EXPENSES FOR PERSONNEL

### Approvals

Personnel may be provided travel expenses that are required or requested by their immediate supervisor and the Superintendent. To encumber Central Office funds requires the written approval of the immediate supervisor and the Superintendent or designee. To encumber local school funds requires the approval of the immediate supervisor and the principal. All out-of-county travel requires the approval of the Superintendent. (Part 200) Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by board employees who are in travel status on official business of the board. The board's travel policy provides for reimbursement and payments for travel costs of employees paid from federal funds that is consistent with the travel costs for board employees paid from state or local funds.

### Information Required

Claims for travel reimbursement must be made on forms approved by the Board. Such forms must include the following information: name of traveler, date, reason for trip, and other pertinent data as requested (receipts, etc.). The signatures of the employee and his/her immediate supervisor must be affixed to the travel request form prior to submission for approval by the principal and/or the Superintendent.

### Mileage Rates

Mileage for all private vehicle travel shall be reimbursed at the state rate approved for School District employees for all approved travel.

## REGULAR IN-STATE (OUT-OF-COUNTY) TRAVEL

### Reimbursement for Travel Expenses

Personnel may be reimbursed for actual expenses incurred in attending conferences and in other travel of benefit to the school system. Reimbursement is allowed only for expenses of personnel. Maximum reimbursement shall be for actual expense not to exceed the following amounts:

1. Mileage: the maximum amount allowed by the U. S. Internal Revenue Service;
2. Hotel or motel: no more than \$300.00 per night
3. Meals: No more than \$55.00 per day.

#### ITINERANT TRAVEL

Employees required to travel on a continuing basis from school to school or work site to work site to conduct the activities associated with their jobs shall be paid mileage at the state rate (no expenses or subsistence) as specified below:

An employee assigned to teach classes at two or more different campuses (example - mornings at one campus, afternoons at a second campus which requires automobile use) may claim one-way-only mileage for travel between campuses.

Employees may not claim mileage when they are assigned to work all day at different schools or work sites on alternate days (example - Mondays at one school, Tuesdays at a second school, or any like combinations). Reimbursement for itinerant travel shall be paid monthly on travel claim forms signed by the employee and the employee's principal/work site supervisor. Principal's, Central Office administrators, and supervisors may be reimbursed for job-related travel.

#### OUT-OF-STATE TRAVEL

Reimbursement for travel expenses outside the state shall not exceed the actual, documented expenses. Prior approval for all travel must be obtained from the Superintendent before any travel expenses can be incurred. All travel expense claims must be made on forms prescribed by the Superintendent for reclamation of travel outside the state or county. All expenses claimed for out-of-state travel must be supported by documented receipts.

The mode of transportation shall be designated by the Superintendent. Reimbursement for travel shall not exceed the cost of a coach fare airline ticket, unless an emergency is declared by the Superintendent. The cost of out-of-state travel and lodging should be shared with other employees when possible. Provided a person not employed by the School District shares a room with an employee, the School District employee shall be eligible for reimbursement at single room rate only. Personnel shall not be reimbursed for more than three meals per day at a maximum of \$55.00 per day. If it is necessary to rent an automobile it should be no more than a mid-size car. Transportation from the airport to the hotel should be by hotel shuttle or cab. Reimbursement for personal items and entertainment will not be made.

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DJD  
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### TRAVEL EXPENSE ADVANCES

Advance payment for conference registrations and hotel lodging may be made with the approval of the Superintendent. In no case shall cash advances or checks be issued to individual employees to cover travel expenses.

SOURCE: Colbert County Board of Education, Tuscumbia, AL  
ADOPTED: Jan 2, 1987; REVISED: Jul 8, 1993; Jul 27, 1995; Sep 2, 1999; Oct 20, 2016  
LEGAL REF.: *The Code of Alabama*, §§16-8-8 to 10, §16-9-15, §16-13-3; Attorney General's Op., May 30, 1968, Jul. 28, 1980. Part 200 Uniform Guidance for Federal Programs

## **POSSESSION OF FIREARMS BY PERSONNEL**

With the exception of the Board appointed school resource officers whose positions warrant the possession of a registered firearm on their person and who have been authorized by their appointment and possess a permit to carry a firearm, no employee shall be permitted to have a firearm in his/her bodily possession or attendant belongings while on school property or in School District buildings or facilities during regular employment hours or at any scheduled school function or activity when parents, students, or teachers are present. In addition, no employee shall have in his/her possession an unlicensed firearm in or on school property or within 100 feet of a school except as provided for in the *U.S. Code*.

School principals and other work site supervisors as may be designated are directed to post signs at the doors of all school buildings and on the grounds of school property. The signs should display the following statement: "Possession of a gun in a school zone is a violation of federal law. Conviction of a violation of the Gun Free School Zone Act of 1990 could result in a \$5,000 fine and/or five (5) years in a federal penitentiary."

Parents and other persons are hereby notified that they are prohibited from bringing firearms or other weapons on school property at any time.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987; REVISED: Jul 12, 1995; Jun 17, 1999

LEGAL REF.: *The Code of Alabama*, §16-8-10, §16-9-15; Sec. 1702. Gun-Free School Zone Act of 1990, 18 U.S. Code 921.



## **HEALTH EXAMINATIONS FOR PERSONNEL**

The Board reserves the right to require an employee of the School District, at any time, to submit to a physical or mental examination whenever circumstances reasonably indicate that further retention of the employee may be detrimental to the best interest of the School District. The required examination shall be at Board's expense. A choice of two or more physicians, at least one of each gender, shall be made available to the employee. In all cases, such requirement by the Board shall be based on reasonable cause. The Board may terminate the employment of any employee whose condition of health, as disclosed by such examination, makes further retention of such employee detrimental to the best interest of the School District. Refusal to submit to such examinations may constitute grounds for dismissal.

## COMMUNICABLE DISEASES

The School District personnel will work cooperatively with local and state health agencies to enforce and comply with applicable health codes for the prevention, control, and containment of communicable diseases in schools.

1. **Certificates of Immunization**

Required Alabama certificates of immunization against diseases designated by the state health officer shall be required before a student can be enrolled initially in kindergarten or first grade in the schools of the School District. This requirement also applies to any new student transferring into the School District.

2. **School Attendance**

A student with common communicable or contagious diseases, i.e. mumps, measles, or other like diseases, shall be ineligible to attend schools in the School District for a period of time as maybe prescribed by the local Health Department or a physician. A statement of clearance from the Department of Health or physician may be required before the student may reenter schools of the School District.

Regarding Human Immunodeficiency Virus (HIV): The evidence is overwhelming that the risk of transmitting HIV is extremely low in school settings when current guidelines are followed. A student with HIV infection has the same right to attend school and receive services as any other student, and will be subject to the same rules and policies. HIV infection shall not factor into decisions concerning class assignments, privileges, or participation in any school-sponsored activity.

School authorities will determine the educational placement of a student known to be infected with HIV on a case-by-case basis by following established policies and procedures for students with chronic health problems or students with disabilities. Decision makers must consult with the student's physician and parent or guardian; respect the student and family's privacy rights; and reassess the placement if there is a change in the student's need for accommodations or services.

3. **HIV and Employment**

The School District does not discriminate on the basis of HIV infection or association with another person with HIV infection, in accordance with the Americans with Disabilities Act of 1990. An employee with HIV infection is welcome to continue working as long as he or she is able to perform the essential functions of the position, with reasonable accommodation if necessary.

4. **HIV and Athletics**

The privilege of participating in physical education classes, athletic programs, competitive sports, and recess is not conditional on a person's HIV status. School authorities will make reasonable accommodations to allow students living with HIV infection to participate in school-sponsored physical activities.

All employees must consistently adhere to infection control guidelines in locker rooms and all play and athletic settings. First aid kits must be on hand at every athletic event.

5. **Procedures for Handling Blood and Body Fluids**

Irrespective of the disease presence, routine procedures shall be used and adequate sanitation facilities will be available for handling blood and/or body fluids within the school setting. School personnel will be trained in the proper procedures for handling blood and body fluids and these procedures will be strictly adhered to by all school personnel. (Routine Procedures for Sanitation and Hygiene When Handling Body Fluids in GAMAA-R1).

A school staff member is expected to alert a person responsible for health and safety if a student's health condition or behavior presents a reasonable risk of transmitting any infection.

If a situation occurs at school in which a person might have been exposed to an infectious agent, such as an instance of blood-to-blood contact, school authorities shall counsel that person (or, if a minor, alert a parent or guardian) to seek appropriate medical evaluation.

6. **Confidential Information**

All persons privileged with any medical information that pertains to students or employees shall be required to treat all proceedings, discussions, and documents as confidential information. Breach of confidentiality by a staff member may be considered as other good and just cause for dismissal.

Regarding HIV and Confidentiality: Pupils or staff members are not required to disclose HIV infection status to anyone in the education system. HIV antibody testing is not required for any purpose.

Every employee has a duty to treat as highly confidential any knowledge or speculation concerning the HIV status of a student or other staff member. Violation of medical privacy is cause for disciplinary action, criminal action, and/or personal liability for a civil suit.

No information regarding a person's HIV status will be divulged to any individual or organization without a court order or the informed, written, signed, and dated consent of the person with HIV infection (or the parent or guardian of a legal minor). The written consent must specify the name of the recipient of the information and the purpose for disclosure.

All health records, notes, and other documents that reference a person's HIV status will be kept under lock and key. Access to these confidential records is limited to those named in written permission from the person (or parent or guardian) and to emergency medical personnel. Information regarding HIV status will not be added to a student's permanent educational or health record without written consent.

7. **Instructions Regarding Communicable Diseases**

Instruction on the principle modes by which communicable diseases, including, but not limited to HIV infection, are spread and the best methods for restriction and prevention of these diseases shall be taught to students and employees. The goals of HIV prevention education will be to promote healthful living and discourage the behaviors that put people at risk of acquiring HIV. The educational program will:

- a. be taught at grade levels five through twelve;
- b. use methods demonstrated by sound research to be effective;
- c. be consistent with community standards;
- d. follow content guidelines prepared by the Centers for Disease Control and Prevention (CDC);
- e. be appropriate to students' developmental levels, behaviors, and cultural backgrounds;
- f. stress the benefits of abstinence from sexual activity, alcohol, and other drug use;
- g. address students' own concerns;
- h. be an integral part of a coordinated school health program.

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Parents and guardians will be able to preview all HIV prevention curricula and materials at their written request. School staff members shall assist parents or guardians who ask for help in discussing HIV infection with their children. If a parent or guardian submits a written request to a Principal that a child not receive instruction in specific HIV prevention topics at school, and assures that the topics will be discussed at home or elsewhere, the child shall be excused without penalty.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jun 8, 1995; REVISED: Sep 4, 2003

LEGAL REF.: *The Code of Alabama*, §§16-29-1 to 30; State Department of Public Health Guideline, Jan 3, 1983; State Department of Education Memorandum, Apr 14, 1978; *Control of Communicable Diseases in Manual*, p. 447

## TUBERCULOSIS TESTS FOR EMPLOYEES

The following provisions shall apply to employees of the School District with respect to testing for tuberculosis:

1. Only newly employed personnel, including teachers, janitors, bus drivers, food handlers, aides, and other persons who have direct contact with children are recommended for an initial examination for tuberculosis.
2.
  - a. New employees should be tuberculin skin tested initially at the time they are employed. If the skin test is negative, no further skin testing or examinations are required.
  - b. If the tuberculin test is positive, a chest x-ray is recommended. If the chest x-ray is essentially negative, INH preventive therapy will be highly recommended for persons under 35 years of age, unless there are medical contradictions.
  - c. Persons over 35 with a positive skin test and negative chest x-ray will be considered for INH preventive therapy on an individual basis, depending upon other risk factors and the clinical judgment of the physician.
  - d. After the initial examination of all new employees for tuberculosis, no further annual skin testing or x-raying is recommended unless the local health officer or physician considers it necessary. Further procedures, such as sputum examinations, may be requested by the local health officer or clinician as deemed necessary.
3. If a female employee is employed in the first trimester of her pregnancy and is found to be skin test positive and asymptomatic, she may be x-rayed on the anniversary date of her employment or within a calendar year.
4. The State Committee of Public Health recommends that routine measure of supervision, as indicated by the Tuberculosis Control Program Guidelines, should be followed where a case is found in a school. The contacts should be investigated, examined, and considered for preventive therapy in accordance with the tuberculosis program guidelines.
5. Educational programs relating to respiratory diseases including tuberculosis, for students and employees should be encouraged at both the local and state levels.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987

LEGAL REF: State Department of Public Health recommendation, dated Jul 1, 1982.

## **DRUG FREE WORKPLACE POLICY**

Illegal drugs in the workplace within the jurisdiction of the Board are contrary to our educational purposes. The safety, education, health, morals and proper guidance of our students demand that the presence of drugs in our midst be considered and are, totally reprehensible.

1. It is, therefore, the stated policy of the Colbert County Board of Education that the unlawful manufacture, distribution, dispensing, possession, sale or use of a controlled substance in the workplace within the jurisdiction of the Board of Education is prohibited.
2. The Board does not distinguish among persons who manufacture, distribute, dispense, possess, sell, or use controlled substances within the workplace within its jurisdiction or while performing assigned and approved work duties for the Board.
3. As used in this policy, workplace shall mean any locale where an employee of the Board is performing duties as directed by the Board or its duly authorized representatives.
4. Any violation of this policy shall result in disciplinary action which may include termination from employment.
5. Any employee who is convicted of a violation of any criminal drug statute, the violation of which occurred during the employee's performance of duties assigned by the Board or its duly authorized representative, shall, as required by law, notify his/her principal/supervisor of the conviction within five (5) days of said conviction.
6. The superintendent or designee, will inform such federal agency or agencies as may be required by law or regulation of any conviction as set forth under paragraph 5 above.
7. All employees of the Board shall acknowledge in writing the receipt, reading and understanding of the foregoing Drug Free Workplace Policy. The written and signed acknowledgement form shall be maintained by the principal of the employees' assigned school and a copy by the office of the superintendent and, for system-wide employee, which shall include bus drivers and bus garage employees, in the office of the Superintendent.

## **DRUG TESTING OF DESIGNATED EMPLOYEES**

In compliance with the Omnibus Transportation Employee Testing Act of 1993, as a condition of employment, the Colbert County Board of Education (hereafter referred to as the Board) reserves the right to require designated employees to sign an Application/Employee Consent Form and to submit at any time to drug tests to determine the presence of prohibited substances.

### Objectives

1. To create and maintain a safe, drug-free working environment for all employees.
2. To encourage any employee with a dependence on, or an addiction to, alcohol or other drugs to seek help in overcoming the problem.
3. To reduce problems of absenteeism, tardiness, carelessness, and/or unsatisfactory matters related to job performance.
4. To reduce the likelihood of incidents of accidental personal injury and/or damage to students, or property.
5. To comply with Federal regulations and requirements of the Omnibus Transportation Employee Testing Act of 1993.
6. To reduce the likelihood that school property will be used for illicit drug activities.
7. To protect the reputation of the School District and its employees.

### Enforcement

1. As a condition of employment, the Board reserves the right to require all designated employees (defined in its broadest sense as anyone who has a school bus driver's license with the School District or anyone who drives a vehicle belonging to the Board on a regular basis) to submit at any time to determine the presence of prohibited substances.
2. Pursuant to Board policy and procedures, designated employees will undergo testing:
  - a. at the time of initial employment;
  - b. when the Board or its designee has reasonable cause to believe an employee has violated its drug and alcohol policies;



- c. on a random basis without advance notice;
  - d. following any reportable accident as defined by federal law.
3. The Board also reserves the right to search desks, cabinets, tool boxes, vehicles, including personal vehicles brought on the School District's property, bags, or any other property at the school or in their personal vehicles.
  4. Violation of these rules, including testing positive, will subject the employee to discipline, including discharge. Refusal to cooperate with the School District's procedures in any test investigation will result in discipline, including discharge.

Procedures for implementing the required drug testing will be developed and approved by the Board

Results of drug testing shall not be released by the Board, beyond the NRO, and the School District's management without the individual's written authorization, except as may be required by law.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 5, 1995

LEGAL REF.: Omnibus Transportation Employee Testing Act of 1993, *Federal Register/Volume 59*, No. 31. Tuesday, February 1994.

## TOBACCO USE BY PERSONNEL

**PHILOSOPHY:** The Board believes that all employees have the right to be in a school environment that promotes, enhances, strives to become, and maintains a drug-free School District.

The Board, in recognition of the high degree of evidence available, views the use of prohibited substances as being detrimental to health and as being a significant contributor to mouth, lung, heart, and other diseases. The Board also considers the area of personal health as being a primary objective of education. It is also the belief of the Board that School District employees should, by example, demonstrate to the students they serve their concerns for the dangers inherent in the use of these products.

### Employee Tobacco Use Policy

Smoking and/or use of tobacco, in any form, by all employees, both certified and non-certified, is hereby prohibited on, or in, all school property at all times, including extracurricular activities. Extracurricular activities are those activities that occur at any time and place that are school related and/or supervised. They include, but are not limited to, all athletic events, proms, field trips, class trips, academic competitions, riding of school buses for any purpose, etc.

### Disciplinary Actions

#### 1st offense:

Supervisor and/or principal will inform the Superintendent, in writing, of violation. Superintendent will write a letter of reprimand, with a copy given to the employee and the original to the employee's personnel folder in the Central Office.

#### 2nd offense:

Supervisor and/or principal will inform the Superintendent, in writing, of violation. The employee will be asked to come before the Board in executive or public session (employee's choice) to explain why he/she is unable to comply with the Tobacco Use Policy.

#### 3rd offense:

Supervisor and/or principal will inform the Superintendent, in writing, of violation. The Superintendent will recommend to the Board to start termination procedures in compliance with Title 16, *The Code of Alabama*.

**SOURCE:** Colbert County Board of Education, Tuscumbia, Alabama

**ADOPTED:** Jul 12, 1995

**LEGAL REF.:** *The Code of Alabama*, §16-8-10, §16-9-15.

## **SUSPENSION FOR DISCIPLINARY PURPOSES**

As circumstances require, an employee may be suspended for disciplinary purposes by the Superintendent if the alleged incident threatens the health, safety, educational mission, and/or peaceful operation of the School District. Due process shall be a part of the procedure and shall include the following:

1. The Superintendent shall conduct an investigation to determine the facts of the case. The investigation shall be conducted in a manner that insures the parties in interest an opportunity to be heard. If the Superintendent deems the charges proper, written notice will be given to the employee containing specific charges and the possible consequences of such charges, the nature of the hearing, and the rights of the employee in the hearing.
2. If suspension without pay for disciplinary purposes is a consideration and the employee involved is not found to be a threat to health, safety, educational mission, and/or peaceful operation of the School District, the Board shall conduct the due process hearing prior to any suspension without pay. The Board, based on the facts of the hearing, shall determine if the suspension for disciplinary purposes shall be with or without pay.
3. If the employee is considered to be a threat to the health, safety, educational mission, and/or peaceful operation of the School District, the Superintendent may suspend said employee at that time for disciplinary purposes with pay with the due process hearing to be held within ten (10) working days to determine if suspension is to continue with or without pay.
4. If a certified employee is to be suspended pending a hearing before the Board to terminate said employee's contract, said suspension may be invoked by the Superintendent and shall be without pay.
5. The Board may suspend any person in its employment for the following reasons:  
(1) immorality (2) incompetency (3) insubordination (4) willful neglect of duty, or  
(5) other good and just causes.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jul 12, 1995

LEGAL REF: *The Code of Alabama*, §16-8-10, §16-9-15, §16-24-9, §§36-26-100 to 108.

FILE: GANF

## **SUPERVISING FAMILY MEMBERS**

No principal shall have a member of his/her immediate family (defined here as husband, wife, father, mother, son, daughter, brother, or sister) working directly under his/her supervision.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jul 12, 1995

LEGAL REF.: *The Code of Alabama*, §16-8-10, §16-9-15.

## USE OF SCHOOL DISTRICT-OWNED EQUIPMENT AND MATERIALS

### General

All equipment and materials owned by or purchased in the name of the School District shall be used exclusively for educational purposes as defined by the Board. Employees are authorized to use such equipment and materials while performing assigned on-the-job duties at their respective work sites/classrooms during regular work hours.

### Use of Equipment Away From School Work Sites/Classrooms

The use of School District-owned equipment away from work sites/classrooms shall be limited to Board employees only.

**Fixed Asset Equipment and Certain Electronic Equipment** -- Under no circumstances are School District employees authorized to take equipment shown on the Fixed Asset Inventory List or electronic equipment with a per unit cost of \$50.00 or more away from their work sites/classrooms without the prior written approval of their immediate supervisor/principal. When an employee is approved to use such equipment away from the work site/classroom, the equipment must be checked out by serial number or other appropriate identification and returned to the work site/classroom on a daily basis. However, when the schools are not in session, the principal may approve the use of such equipment away from the classroom/work site for longer periods of time.

**Non-Fixed Asset Equipment and Certain Electronic Equipment** -- Employees may be authorized to take School District equipment not shown on the Fixed Asset Inventory List or electronic equipment with a per unit cost of \$50.00 or less away from their classrooms /work sites to complete school related tasks by signing the school's equipment sign-out sheet in the principal's office.

**Use of School District-Owned Equipment for Personal Gain** --Under no circumstances shall an employee lend, rent, or lease School District-owned equipment to a non-employee or use such equipment for personal gain.

## **ON-THE-JOB USE OF ELECTRONIC COMMUNICATION DEVICES**

The possession and/or use of a pager, cellular telephone or other personal communication device during a school workday by school personnel are prohibited. Provided, however, that such device or devices may be authorized by the superintendent when, in his sole discretion, the possession and/or use thereof may be necessary for the safe and efficient performance of the employee's official duties on behalf of the school. Said authorization by the superintendent shall be effective only when in writing.

Provided, however, that for those administration employees-Central Office staff, who are provided a pager, cellular telephone or other personal communication device by the Board for business use, the same may be possessed on school system premises, including the schools and elsewhere as the performance of the employee's respective tasks require, without the necessity of written permission from the superintendent.

Each cellular telephone provided by the board has a basic plan providing for a maximum number of minutes which may be consumed per month before an excess per minute charge is levied. It is the position of the board that the number of plan minutes assigned per phone is adequate for the performance of the business of the board per month by the employee assigned that cellular telephone. Therefore, with the exception of the superintendent and the transportation supervisor, the employees whose cellular telephone use of minutes exceed the plan minutes in a month shall be charged the excess cost incurred by that cellular telephone excess use.

SOURCE: Colbert County Board of Education

ADOPTED: Jan 7, 1999; REVISED: Jul 1, 1999; Dec 1, 2005

FILE: GBA

## **CERTIFIED PERSONNEL DEFINED**

Certified personnel are defined as persons employed by the Board who are regularly certified by the teacher certifying authority of the State of Alabama.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama  
ADOPTED: Jan 2, 1987; REVISED: Jul 12, 1995

LEGAL REF: *The Code of Alabama*, §16-23-1, §16-24-1.



## CONTRACTS FOR CERTIFIED PERSONNEL

The Board and its certified employees shall enter into contracts for fixed compensation. Such fixed compensation may be changed for any succeeding year in accordance with the Board's approved salary schedule. The Superintendent shall issue contracts to certified employees at the time of employment and annually thereafter. The contract periods for certified personnel shall conform to the following schedule:

### Contracts for Full-Time Personnel

1. ***Nine-Month Personnel's*** work period shall encompass 182 workdays and normally shall begin each year on the date set for Institute Day. The work period shall conclude at the end of 182 working days. All workdays shall be in accordance with the Annual School Calendar approved by the Board.
2. ***Ten-Month Personnel's*** work period shall encompass 202 workdays and normally shall begin ten (10) workdays prior to the date set for Institute Day. The work period normally shall conclude ten (10) workdays after the last contract day for nine- (9) month personnel. Based upon the needs of the School District, the Superintendent shall be authorized to establish alternate work periods for ten(10)-month personnel.
3. ***Eleven-Month Personnel's*** work period shall encompass 222 workdays and normally shall begin twenty (20) workdays prior to the date set for Institute Day. The work period normally shall conclude twenty (20) workdays after the last contract day for nine- (9) month personnel. Based upon the needs of the School District, the Superintendent shall be authorized to establish alternate work periods for eleven- (11) month personnel.
4. ***Twelve-Month Personnel's*** work period shall begin on Jul 1 each year and conclude on June 30 of the following year. All twelve-month personnel shall be considered as on call during the Thanksgiving, Christmas, and Spring holidays.

### Contracts for Part-Time Personnel

The School District, upon issuing written contracts to part-time temporary personnel, shall insure that the following minimal terms are specified: (1) the date the contract begins, (2) the date or the condition(s) upon which the contract ends, (3) the fringe benefits to be paid by the Board, and (4) the rate of pay.

Other

All employees who do not plan to be in service the subsequent year should give written notice to the Superintendent as soon as possible so that the best replacement can be found.

The School District shall notify in writing non-tenured certified personnel on or before the last day of the school term if their contract is to be non-renewed by the Board.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987; REVISED: Jul 12, 1995, Sep 2, 1999

LEGAL REF: *The Code of Alabama*, §16-4-9, §§16-8-8 to 10, §16-9-15, §16-13-51, §16-13-147, §16-13-196, §16-24-4.

FILE: GBBA

## **CERTIFIED PERSONNEL QUALIFICATIONS**

Certified personnel employed by the School District shall meet all certification and other requirements as are specified in applicable job descriptions.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987; REVISED: Jul 12, 1995

LEGAL REF: *The Code of Alabama*, §16-3-16, §16-8-23, §§16-23-1 to -3, §16-23-5, §16-23-9,  
Harrah Independent School District v. Martin, 99 S.Ct. 1062 (1979).

## **PROBATION OF CERTIFIED PERSONNEL**

In accordance with *The Code of Alabama*, all certified personnel eligible for tenure shall be considered as on probationary status until continuing service status (tenure) is attained. Continuing service status is attained when a person serves in the School District for three (3) consecutive years and is reemployed for the next succeeding school year, except that a person promoted from within the School District to principal or supervisor shall attain continuing service as a principal or supervisor upon serving three (3) consecutive years in the respective position.

The Board may non-renew the contracts of probationary certified personnel on the written recommendation of the Superintendent and a majority vote of the board.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987; REVISED: Jul 12, 1995

LEGAL REF: *The Code of Alabama*, Title 16, Chapter 24; Attorney General's Op., Apr 19, 1976, Feb 2, 1982, Feb 12, 1986.

## EVALUATION OF PROFESSIONAL PERSONNEL

The evaluation of professional personnel shall be the responsibility of said employee's immediate supervisor and other assigned evaluators. The evaluation of an employee's effectiveness, especially teaching personnel, is a difficult task and subjective in nature. However, the effectiveness of the total instructional program of the School District is dependent upon effective and competent professional personnel. Evaluation of professional personnel should be carried out by the School District in a systematic, uniform and honest manner. In order to ensure and promote the welfare of professional personnel, the evaluation of said personnel shall always encompass the provisions that follow:

1. Evaluation for re-employment purposes shall be completed after not less than three (3) classroom or work area visitations and conferences by the evaluator for all non-tenured employees. Evaluations shall be completed after not less than two (2) classroom or work area visitations and conferences by the evaluator for all tenured employees. Professional personnel may request additional work area or classroom visitations by their immediate supervisors; such requests must consider time restraints placed upon the evaluators. If it is determined through prior evaluation visitations and conferences that an employee needs to strengthen certain skills and practices, an evaluator may initiate additional evaluation visitations to said employee's work site/classroom.
2. The evaluator shall reduce the findings of each visitation to writing and submit to the employee at a conference scheduled not less than ten (10) school days following each visitation. Said personnel shall always retain the right to disagree with the evaluation. In such cases, said personnel shall request the Superintendent to appoint an evaluator in addition to said employee's immediate supervisor.
3. When, in the opinion of the evaluator, the employee needs to improve certain skills required in his/her work, the evaluator and employee should cooperatively develop a plan through which such skills might be acquired.
4. Every effort should be made by the School District to provide meaningful inservice opportunities for said personnel. (Local instructional specialists and consultants should be made available to work with employees needing and desiring their services.)
5. The Supervisor of Instruction may be requested to assist local school principals in making recommendations related to the development of instructional improvement strategies for selected professional personnel.

FILE: GBI  
(continued)

6. However, when all attempts to help professional employees grow professionally have failed, the best interest of the School District and the well-being of the students must be considered.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama  
ADOPTED: Jan 2, 1987

## TENURE FOR CERTIFIED PERSONNEL

All eligible certified personnel shall attain tenure in accordance with *The Code of Alabama* and legally rendered opinions. Provisions of *The Code of Alabama* grant continuing service status (tenure) to all persons regularly certificated by the Teaching Certifying Authority of the State of Alabama provided: Such persons serve in the School District for three (3) consecutive school years and are reemployed for the next succeeding school year. A teacher who has gained continuing service status and who is promoted to principal or supervisor shall serve for three consecutive years in said capacity before gaining continuing service status as a principal or supervisor. The promotion shall in no way jeopardize the employee's original continuing service status as a teacher.

All official recommendations to place personnel on continuing service status shall be made to the Board by the Superintendent. The contracts of certified, continuing service employees shall remain in full force unless superseded by a new contract signed by both parties or canceled in accordance with applicable laws.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987; REVISED: Jul 12, 1995

LEGAL REF.: *The Code of Alabama*, §16-24-2; Attorney General's Op., Apr 19, 1976, May 3, 1979, Feb 2, 1982, Feb 12, 1986, Jan 15, 1987, Jul 30, 1987.

## **TRANSFER OF CERTIFIED PERSONNEL**

In accordance with *The Code of Alabama*, certified personnel on continuing service status may be transferred for any succeeding year from one position, school or grade to another by being given a written notice of such intention to transfer based upon the written recommendation of the Superintendent and approval of the Board, except that such transfer may not be for political or personal reasons.

Certified personnel may contest a proposed transfer in accordance with provisions set forth in Title 16-24-5, 6 and 7 of *The Code of Alabama*.

Certified personnel may request transfer to other employment positions for which they are qualified. Such written request shall be submitted to the Superintendent through their immediate supervisor. Request for transfer will be given consideration by the Superintendent and the Board in consultation with the local principals involved.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987

LEGAL REF: *The Code of Alabama*, §§16-24-5 to -7.



## **TERMINATION OF CERTIFIED PERSONNEL**

The Board may cancel the employment contract of any employee only in accordance with Chapter 24 of Title 16 of *The Code of Alabama*. Cancellation of an employment contract of a teacher on continuing service status may be made for incompetency, insubordination, neglect of duty, immorality, justifiable decrease in the number of teaching positions, or any good and just cause, but cancellation may not be made for political or personal reasons.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987; REVISED: Jul 12, 1995

LEGAL REF.: *The Code of Alabama*, §16-4-8, §16-8-23, §16-9-23, §16-24-8, §16-24-9, §16-24-10, §16-24-12.; Foster v. Blount County Board of Education, 340 So. 2d 751 (1976); Singleton v. Jackson Municipal Separate School District, 419 F. 2d 1211 (5th Cir. 1970); Pickens County Board of Education v. Keasler, 82 So. 2d 197 (Ala. 1955); Robinson v. Brown, 328 So. 2d 291 (1976).

## REDUCTION IN FORCE OF CERTIFIED PERSONNEL

In the event it becomes necessary to reduce the number of certified personnel employed by the School District due to a decrease in student enrollment, financial exigency, changes in curriculum, consolidations or reorganization, the following procedure shall be followed to determine certified personnel to be affected.

### Procedure

1. Attrition by resignation, retirement or voluntary leaves of absence shall be the first method used to reduce the force of certified personnel.
2. Based on the philosophy of maintaining the best educational program possible, the Board, upon recommendation of the Superintendent of Schools, shall identify the grade level(s) and discipline area(s) from which certified personnel are to be reduced in force. For the purpose of reduction in force the following terms are defined:
  - a. **Grade Level** - Elementary grades K-6, secondary grades 7-12, administration and supervision, special education, counseling and guidance, and career technical programs.
  - b. **Discipline Area** - Certificate endorsement area(s) and current major teaching or administration/supervisory assignment(s) within the School District.
3. Following the identification of the grade level(s) and discipline area(s), the number of certified personnel to be reduced from each area(s) will be determined by the Board, based on a recommendation by the Superintendent of Schools. All certified personnel within the identified area(s) will be rank ordered from the greatest amount of service time to least amount of service time within the school District. The certified person(s) with the least amount of continuous service time (seniority), based on actual date of employment as reflected in the Board minutes, shall be the first to be reduced in force. In the event two or more staff members have the same amount of continuous service time within the School District based on Board minutes, the following additional criteria will be used to determine the order of reduction in force:
  - a. Degree(s) held by the certified persons (the certified person with the lower degree to be reduced).
  - b. Total years of experience in education (the certified person with the least number of years experience to be reduced first).
  - c. If tied at this point, the certified person with the lowest last four (4) numbers of their social security number will be reduced first.

4. In order for a certified person selected to be reduced in force by these procedures to displace a certified person in another discipline area with less service time, said certified person must be certified to handle the entire position of the certified person they seek to displace. No tenured teacher will be reduced in force when a position for which the person is certified is either vacant or occupied by a nontenured teacher. In no case shall a certified person from the Central Office work site be able to displace a staff member from the local school work site or vice versa.
5. In no instance shall the above procedure conflict with any applicable Court Ruling or with the Tenure Law of the State of Alabama.
6. The names of certified personnel reduced in force shall be placed in a School District employment pool. Said certified personnel shall be given the opportunity in reverse order of their lay off to fill the first comparable employment vacancies for which they are qualified.
7. Provided certified personnel in the employment pool are recalled, they shall be issued a letter of reappointment by registered mail at least fifteen (15) work days prior to the date of re-employment. Said certified personnel must accept or reject the offer of re-employment in writing by registered letter within five (5) working days of receipt of the offer.
8. It is understood that reduction in force constitutes termination of employment and all benefits provided by the School District ceases on the effective date of the termination.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jul 2, 1998; REVISED: Oct 16, 2008

LEGAL REF.: May v. Alabama Tenure Commission, Civ. 4801 (1985); Woods v. Board of Walker County, 67 So. 2d 840 (1953); Pickens County Board of Ed. V. Keasler, 82 So. 2d 197 (1968); Civil Actions, 604-E and 3098-N.

## **RESIGNATION OF CERTIFIED PERSONNEL**

Certified personnel shall resign in accordance with provisions of *The Code of Alabama*. *The Code of Alabama* states:

"No teacher, whether in continuing service status, or not, shall be permitted to cancel his/her contract during the school term or for a period of forty-five (45) days previous to the beginning of such school term, unless such cancellation is mutually agreed upon; any such teacher shall be permitted to cancel his/her contract at any other time by giving five (5) days written notice to the employing board."

Persons canceling contracts in any other manner shall be deemed unprofessional and subject to have certificate revoked or suspended.

LEGAL REF.: *The Code of Alabama*, §16-24-11.

## **TIME SCHEDULES AND WORK LOADS FOR CERTIFIED PERSONNEL**

### Time Schedules

Time schedules for certified personnel may be designated by the Superintendent and/or the immediate supervisor of said personnel. Certified teaching personnel are generally required to be on duty fifteen (15) minutes prior to the start of school and fifteen (15) minutes after the dismissal of school, Monday through Friday, and the necessary time to successfully transact faculty meetings, school business, the safe and orderly dismissal of students, etc. If a school is the first to receive students and the last to dismiss students in one of the three attendance centers, the Superintendent may approve an earlier departure time.

### Work Loads

Work loads for certified personnel shall consist of all duties and responsibilities as may be assigned by the Superintendent, immediate supervisor and job descriptions. The Superintendent and/or immediate supervisor shall assign work loads to certified personnel on an equitable basis. All work load assignments shall conform to standards outlined by *The Code of Alabama*, the State Board of Education, and appropriate accreditation agencies. Further, certified personnel allotted for teaching purposes shall not be assigned work loads which remove them from teaching duties that result in an average increase in the pupil-teacher ratios for other teachers.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987

FILE: GBRD

## **STAFF MEETINGS**

All certified personnel are required to attend staff meetings as may be called by the Superintendent and/or immediate supervisor, except that, when said personnel are exempted by the Superintendent and/or immediate supervisor.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama  
ADOPTED: Jan 2, 1987

## **EXTRA DUTIES**

Extra duties may be assigned to and/or requested by certified personnel employed by the School District. When extra duties are assigned to said personnel, the following provisions shall be followed:

1. Extra duties shall not be assigned during regular school hours that require certified teaching personnel to be removed, on a continuing basis, from teaching responsibilities.
2. Extra duties for certified teaching personnel shall not be compensated for by the assignment to positions, which take teachers out of the classrooms.
3. Extra duties that are assigned shall be made on a fair and equitable basis, taking into consideration the nature of the activity and the teacher involved.



## ANNUAL LEAVES OF ABSENCE FOR PERSONNEL

Personnel may be granted annual leaves of absence at the discretion of the Board. If leave is granted, certain employment rights of the employee continue as if he/she were in regular employment. Upon completion of an approved leave, the employee is entitled to return to the school and position occupied when leave was granted unless transferred by the Board under the provisions of Chapter 24 of *The Code of Alabama*. Leaves of absence shall be without pay and in accordance with laws of the Alabama Teachers' Retirement System; leave time will not count for retirement purposes. A leave of absence does not impair the tenure status of an employee. The causes for and conditions under which annual leaves of absence may be granted are as follows:

1. Study (tenured/non-probationary personnel only)
2. Illness (tenured and non-tenured personnel; for non-tenured personnel the illness must be severe in nature)
3. Teaching abroad (tenured only)
4. Military Service (tenured/non-probationary and non-tenured non-probationary personnel; only for those non-tenured/non-vested personnel who are called to active duty by a reserve or National Guard unit in which they are serving)
5. Other Good and Just Causes (tenured/non-probationary personnel only)

Annual leaves of absence are normally granted for a period of time not to exceed one (1) year; however, if in the opinion of the Board there is valid reason(s), such leave may be extended for one (1) additional year. Under no circumstances will such leave be granted for an employee to hold full-time teaching and/or other employment position with another educational agency or business.

Personnel granted a full year's leave of absence must notify the Board in writing by April 1 of that year as to his/her intention to return for the coming school year. If the leave is for less than a full year, written notification of his/her intent must be received thirty (30) days prior to the official end of the leave. If written notification is not received within the prescribed time period, the Board shall assume that the employee does not plan to return.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama  
ADOPTED: Jan 2, 1987; REVISED: Jul 12, 1995; Jun 19, 2003  
LEGAL REF: *The Code of Alabama*, §16-8-25, §16-24-13.

## **CONFERENCES AND VISITATIONS**

Certified personnel holding primary offices (President or President's designee) or other similar offices in professional organizations may be granted a reasonable number of days leave (not to exceed three days per year) to attend professional meetings related to the organization in which said office is held. Application to and approval by the principal and the Superintendent must be made in adequate time for arrangements to be made to protect the interest of students. The Board will pay the expense of substitute teachers in cases where such leaves are granted to certified personnel. The salary of said person will not be reduced for approved leave time.

## **PERSONAL LEAVES AND ABSENCES FOR CERTIFIED PERSONNEL**

Each certified employee shall be entitled to a maximum of five (5) days of non-cumulative personal leave annually, to be granted at the request of the employee, authorized by his/her immediate supervisor and approved by the superintendent. The authorization by the supervisor and approval by the superintendent shall not be unreasonably withheld. Provided that the following conditions shall apply:

1. Four (4) of the five (5) days granted will be paid personal leave, the first two (2) of which shall be considered as personal leave days paid for by the State and the next two (2) as days paid for by the local board of education. The certified employee shall pay for the fifth (5th) day as provided below under paragraph 2.
2. The fifth (5th) day of personal leave provided for under paragraph 1, above granted to certified employees, when and if taken, shall be paid for by the employee. In such case, the local board of education will deduct the amount of a degreed substitute's daily pay from the employee's next pay check, whether or not a substitute is used.
3. All certified employees are expected to give notice of the intended use of the personal leave days to their supervisor as far in advance of the intended date as is possible so that any necessary substitutions or scheduling matters may be timely addressed.
4. The annual personal leave days herein granted are earned and accumulated and fully vested during the first full year of employment and each year thereafter. Only following the first full year of employment may a certified employee use the earned days in his/her second year of employment, and each year thereafter, subject to paragraphs 5. and 6. below, at the end of the first full school year. Provided, however, should an employee not complete his/her full first year of employment, the days earned shall be prorated for the time served and credit given therefore. For example, should a certified employee serve for only one semester he/she would be entitled to only one-half of the allotted days.
5. Personal leave days not used at the end of the year may, at the written request of the teacher, be reimbursed to the teacher at the end of the school year at the same daily rate as is paid to substitute teachers. The number of unused personal leave days subject to reimbursement shall be the number of personal leave days for which State or local funding is provided, including the extra personal leave day provided under the first paragraph above.

6. Further, certified employees may convert unused personal leave days to sick leave days at the end of the school year, which shall include the extra personal leave day provided under the first paragraph above.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987; REVISED: Jan 7, 1993; Jul 12, 1995; Jul 10, 2000; Jun 13, 2006.

LEGAL REF: *The Code of Alabama*, 1975, as amended, §16-8-25 to §16-8-26; SDE Memo dated Mar 18, 1998, "Converting Personal Leave to Sick Leave".

## **SUBSTITUTE TEACHERS**

### Employment

All substitute teachers must make application for employment by completing an application form at the Central Office prior to being approved to substitute in the schools of the School District.

### Qualifications

To be eligible for employment as a substitute teacher in the School District, one must meet the following criteria:

1. Have a high school diploma; some college training preferred.
2. Possess a valid Alabama Substitute Teacher's Certificate or a valid Alabama Professional Teacher's Certificate.
3. Have a Tuberculin Skin Test on file in the Office of the Superintendent.
4. Attend training session on Special Education, Confidentiality and IDEA.

### Annual List of Substitute Teachers Compiled

A list of eligible substitute teachers shall be compiled at least annually by the Superintendent or designee. The approved list shall be disseminated to local school principals. The list shall include the names, addresses, phone numbers, educational levels, and schools where substitutes are willing to work. Local school principals or designees shall have the authority to call substitute teachers from the list at their discretion.

### Plan for Calling Substitute Teachers

Each local school principal or designee is responsible for developing a plan for calling substitute teachers from the approved list as needed. This plan will also include procedures for emergency situations or when a substitute is difficult to secure; however, no teacher will be denied sick leave due to the difficulty of securing a substitute.

### Teachers Required to Notify Principal

Certified personnel who must be absent from work due to illness must notify their school principal or designee as soon as possible.

Pay for Substitute Teachers

The pay for substitute teachers shall be at least the per day amount reimbursed by the state.

Part-Day Pay for Substitutes

Substitute personnel may be employed for any part of a school day based on prior verbal arrangements between the substitute and the principal or designee. When such verbal arrangements are made with a substitute to work for an agreed upon number of hours on a given day, the substitute shall be paid for the number of hours agreed upon for that day, even if the regular employee returns to work and assumes his/her duties, the school day is suspended, or when other similar situations occur. However, the substitute employee must have reported to work. Example: No pay would be due in the event school is canceled due to inclement weather when notice of such cancellation is properly and timely given through the media. Pay for the agreed upon hours would be due when the substitute employee has duly reported to work and incurred the expense of reporting to work and school is canceled during the work day for inclement weather.

Paying for Own Substitute

By law certified personnel shall under no circumstances be permitted personally to pay for a substitute to assume their duties for any length of time. All days that certified personnel are away from their jobs must be reported by the local principal and charged to respective employees as sick leave, personal leave, etc.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jul 12, 1995; REVISED: Nov 19, 2009

LEGAL REF: *The Code of Alabama*, §16-25-26; The State Department of Public Health recommendation, dated Jul 1, 1982.

## **SPECIAL ARRANGEMENTS FOR SUBSTITUTE TEACHERS**

### Hiring for Specific Periods of Time

Provided funds are available, the Board, upon the recommendation of the Superintendent, may employ temporary substitute teachers for a specific period of time. Said substitute teachers must have at least a bachelor's degree and a valid professional teacher's certificate. In order to meet the widest range of teaching situations, said temporary substitute shall be employed on a short-term basis and be paid on a monthly pay scale. Substitute teachers employed on a monthly basis shall be considered as a temporary employee and shall not be eligible for fringe benefits.

### Substituting For Extended Periods of Time

In the event that certified teaching personnel are temporarily unable to perform their assigned duties for an extended period of time (defined as more than 20 school days), the Superintendent and Board may authorize the employment of fully certified temporary teaching personnel. In such cases, substitute teaching personnel employed at this rate must: (1) Possess at least a bachelor's degree, (2) Possess a valid Alabama Teacher's Certificate, (3) Be available to teach until the regular teacher is able to assume normal duties. If a temporary substitute meets the three criteria noted above and is employed as a substitute for 20 or more consecutive days in the same position, he/she shall be eligible to receive retroactive pay based on the board approved salary scale for substitutes.

FILE: GBS

## **PROFESSIONAL ORGANIZATIONS FOR CERTIFIED PERSONNEL**

Certified personnel of the School District shall respect each other's rights to choose for themselves the professional organizations with which they affiliate. Membership in professional organizations shall be on a voluntary basis. Administrators of the School District or local schools shall not take punitive action against employees because of their membership in professional organizations, or because of their failure to affiliate with said organizations.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama  
ADOPTED: Jan 2, 1987



## **NON-CERTIFIED PERSONNEL DEFINED**

The term "non-certified personnel" is deemed to mean all persons employed full-time by the Board who are employed as bus drivers, lunchroom or cafeteria works, maids and janitors, custodians, maintenance personnel, secretaries and clerical supervisors and all other personnel not otherwise certified by the State Board of Education. Full-time employed personnel include:

1. adult bus drivers, and
2. other personnel whose duties require twenty (20) or more hours in each normal working week.

Substitute teachers and other employees are excluded from this personnel category.

The Board recognizes the importance of the work of non-certified employees. We believe the quality of service rendered by such employees has a direct influence on the effectiveness of the service rendered by the School District as a whole.

Although there is diversity in the jobs they perform and in the training necessary for those jobs, each employee has an important place in the School District and should be encouraged to improve himself/herself through education and training in the field in which he/she is employed.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987

LEGAL REF: *The Code of Alabama*, §§36-26-100 to 108.

FILE: GCI

## **PROBATIONARY PERIOD FOR NON-CERTIFIED PERSONNEL**

All personnel as defined under GCA of this manual shall be employed on probationary status for a period not to exceed three (3) consecutive calendar years from the date of his/her initial employment. During probationary years, the Board shall cause said personnel's performance to be evaluated. During the probationary period, the Board, upon the written recommendation of the Superintendent, may terminate said personnel's employment by furnishing said personnel written notification at least fifteen (15) days prior to the termination date.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987

LEGAL REF: *The Code of Alabama*, §§36-26-100 to 108.

## **PERMANENT STATUS FOR NON-CERTIFIED PERSONNEL**

The Board shall grant permanent status to eligible non-certified personnel as defined in policy GCA, i.e. adult bus drivers, cafeteria workers, custodians, secretaries, and all other persons not certified by the State Board of Education who are employed full-time by the Board and who have successfully served a probationary term of three (3) calendar years from the date of initial employment.

Upon successfully completing the probationary period, said employee shall be deemed to be employed on a permanent status. Termination of an employee on permanent status shall only be undertaken for the reasons and in accordance with the procedures outlined in *The Code of Alabama*, §36-26-100, et seq.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jul 12, 1995

LEGAL REF.: *The Code of Alabama*, §§36-26-100 through 116.

## **TRANSFER OF NON-CERTIFIED PERSONNEL**

The Superintendent shall have the authority to transfer non-certified personnel from one position to another when such transfers are in the best interest of the School District. All such transfers shall be in accordance with the provisions of *The Code of Alabama*, §§36-26-100 through 116.

All non-certified personnel shall have the right to request transfers to other positions for which they are qualified. Such requests shall be made in writing through said person's immediate supervisor to the Superintendent who shall consider the matter in consultation with the supervisors/principals involved.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987

LEGAL REF: *The Code of Alabama*, §16-9-23, §§36-26-100 through 116.

## EVALUATION OF NON-CERTIFIED PERSONNEL

The evaluation of non-certified personnel shall be the responsibility of said employees' immediate supervisor and appropriate supervisory personnel. The evaluation of an employee's effectiveness is a difficult task and subjective in nature. However, the effectiveness of the total school program is dependent upon effective and competent personnel. Evaluation of non-certified personnel should be carried out by the School District in a systematic, uniform, and honest manner. In order to insure and promote the welfare of non-certified personnel, the evaluation of said personnel shall always encompass the provisions that follow:

1. Probationary and permanent personnel --
  - a. Evaluation for re-employment purposes shall be completed annually after not less than one (1) work area visitation and conference by the evaluator for all probationary employees, with not less than one (1) formal evaluation form completed.
  - b. Probationary and permanent-certified personnel may request additional work area visitations by their immediate supervisors; such requests must consider time restraints placed upon the evaluators. If it is determined through prior evaluation visitations and conferences that a probationary or permanent employee needs to strengthen certain skills and practices, an evaluator may initiate additional evaluation visitations to said employee's work area.
2. The evaluator shall reduce the findings of such visitation to writing and transmit a copy to the employee within a reasonable amount of time. Said findings shall be written on Board approved forms which outline a set of predetermined evaluation criteria. Employees will acknowledge having reviewed the evaluation summary by signature. Said personnel shall always retain the right to disagree with the evaluation through inclusion of written comments on the evaluation form.
3. When, in the opinion of the evaluator, the employee needs to improve certain skills required in his/her work, the evaluator, in consultation with the employee, shall develop a plan through which such skills might be acquired.
4. Every effort shall be made by the School District to provide meaningful job improvement opportunities for said personnel. Evaluators should make reasonable efforts to help non-certified personnel become a contributing member of the School District's staff.
5. When attempts to assist employees through the cooperatively developed skills improvement plan have failed, the best interest of the School District must be considered.

6. A copy of the evaluation report shall be submitted to the Superintendent or designee, one kept in the principal's/work site office, and one given to the employee. The evaluation shall be signed by the principal/work site supervisor and employee.
7. Evaluations should be based on sufficient observations and documentation to justify decisions made concerning job performance.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987; REVISED: Jul 12, 1995

LEGAL REF.: *The Code of Alabama*, §16-8-10, §16-9-15, §§36-26-100 to 108.

## **TERMINATION OF NON-CERTIFIED PERSONNEL**

### By Employee

A non-certified employee who wishes to terminate his/her services with the Board shall at least ten (10) working days prior to date of termination notify his/her immediate supervisor, who shall notify the Superintendent or designee.

### By the Board

A non-certified probationary employee whose service is to be terminated by the Board shall be notified in writing fifteen (15) days prior to the date of termination. Non-certified employees on permanent status shall be terminated from employment only in accordance with the provisions outlined in *The Code of Alabama*, §§36-26-100 through 116.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987; REVISED: Jul 12, 1995

LEGAL REF.: *The Code of Alabama*, §16-8-23, §16-9-23, §§36-26-100 through 116;  
Attorney General's Op., Nov. 2, 1988.

## **REDUCTION IN FORCE OF NONCERTIFIED PERSONNEL**

In the event it becomes necessary to reduce the number of noncertified staff employed by the School District due to a decrease in student enrollment, financial exigency, changes in curriculum, consolidations or reorganization, the following procedure shall be followed to determine staff members to be affected.

### Procedure

1. Attrition by resignation, retirement or voluntary leaves of absence shall be the first method used to reduce the force.
2. Based on the philosophy of maintaining the best educational program possible, the Board, upon recommendation of the Superintendent of Schools, shall identify the work area(s) and work site(s) from which staff members are to be reduced in force at respective times. For the purpose of reduction in force the following terms are defined:
  - a. Work Areas - Child Nutrition Program managers, Child Nutrition Program workers, custodians, bus drivers, D.O. bus drivers, secretaries/bookkeepers, secretarial aides, para-professionals, certified mechanics, maintenance lead man, and maintenance helpers.
  - b. Work Sites - Central Office to include: bus drivers, D.O. bus drivers, certified mechanics, maintenance lead man, and maintenance helpers.
  - c. Local schools to include: Child Nutrition Program managers, Child Nutrition Program workers, custodians, secretaries/bookkeepers, secretarial aides, and para- professionals.
3. Following the identification of the work area(s) and work site(s), the number of staff to be reduced from each area(s) and site(s) will be determined by the Board, based on a recommendation by the Superintendent of Schools. All staff members within the identified work area(s) and site(s) will be rank ordered from the greatest amount of service time to least amount of service time within the school District. The staff member(s) with the least amount of continuous service time (seniority), based on actual date of employment as reflected in the Board minutes, shall be the first to be reduced in force. In the event two or more staff members have the same amount of continuous service time within the School District based on Board minutes, the following additional criteria will be used to determine the order of reduction in force:
  - a. Formal education attained by the staff member (the staff member with the least amount of formal education to be released).
  - b. Total years of work related experience (the staff member with the least number of experience to be reduced first).



- c. If tied at this point, the staff member with the lowest social security number (last 4 numbers) will be reduced first.
4. In order for a staff member selected to be reduced in force by these procedures to displace a staff member in the same work area at another work site with less service time, said staff member must be capable of handling the entire position of the employee they seek to displace and must submit a written request for such transfer within five days of receipt of the notice of reduction in force. In no case shall a staff member from the Central Office work site be able to displace a staff member from the local school work site or vice versa.
5. The names of noncertified personnel reduced in force shall be placed in the school district employment pool. Said personnel shall be given the opportunity in reverse order of their lay off to fill the first comparable employment vacancies for which they are qualified.
6. Provided personnel in the employment pool are recalled, they shall be issued a letter of reappointment by registered mail at least fifteen working days prior to the date of reemployment. Said personnel must accept or reject the offer of reemployment in writing by registered mail within five working days of receipt of the offer.
7. It is understood that reduction in force constitutes termination of employment and all benefits provided by the School District ceases on the effective date.

## **TIME SCHEDULES AND WORK LOADS FOR NON-CERTIFIED PERSONNEL**

### Time Schedules

Time schedules for non-certified personnel may be designated by the Superintendent or the immediate supervisor of said personnel. In all cases, the Superintendent and/or supervisor in charge shall have the right to establish time schedules to encompass said employee's work day.

### Work Load

Work loads for non-certified personnel shall consist of all duties and responsibilities as may be assigned by the Superintendent and/or immediate supervisor and as outlined by individual job descriptions.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jan 2, 1987

## **PERSONAL LEAVES AND ABSENCES FOR NON-CERTIFIED PERSONNEL**

Non-certified employees employed on a less than twelve months per year basis shall be entitled to four (4) days of non-cumulative paid personal leave days annually. Twelve month non-certified employees shall be entitled to five (5) personal leave days per annum. These days shall be granted at the request of the employee, authorized by his/her immediate supervisor and approved by the superintendent. Provided, however, that the following conditions shall apply:

1. Non-certified employees employed on a less than twelve months basis shall be entitled to three (3) paid personal leave days. Non-certified employees employed on a twelve month basis shall be entitled to four (4) paid personal leave days, each year.
2. In addition to the days provided for under paragraph 1. above, each non-certified employee who is employed on a less than twelve month basis may have one additional personal leave day (4th) and each non-certified employee who is employed on a twelve month basis may have one additional personal leave day (5th) each year. In the event the non-certified employee (whether twelve months employee or less than twelve months employee) elects to take the extra day of personal leave, whether or not a substitute is employed to work that day, the board of education will deduct the amount of a substitute pay per day, from the non-certified employee's next pay check.
3. All non-certified employees are expected to give notice of his/her intended use of the personal leave days to their supervisor as far in advance of the intended date as is possible so that any necessary substitutions or scheduling matters may be timely addressed.
4. The annual personal leave days herein granted are earned and accumulated and fully vested during the first full year thereafter. Only following the first full year of employment may a non-certified employee use the earned days in his/her second year of employment and each year thereafter. Provided, however, should an employee not complete his/her full first year of employment, the days earned shall be prorated for the time served and credit given thereafter. For example, should a non-certified employee serve for only one semester he/she would be entitled to only one-half of the allotted days.
5. Non-certified employees may convert unused personal leave days at the end of the school year to sick leave days, which shall include the extra personal leave day that is granted under paragraph 2. above.

6. No monetary reimbursement will be paid to the non-certified employee for unused personal leave days.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: January 2, 1987; REVISED: December 3, 1992; July 12, 1995; Jun 13, 2006

LEGAL REF: *The Code of Alabama*, 1975, as amended, §16-8-8, §16-8-25 to §16-8-26; §36-26-100; SDE Memo dated March 18, 1998, "Converting Personal Leave to Sick Leave".

## **SEX OFFENDER NOTIFICATION POLICY**

This policy is implemented pursuant to the provisions of *The Code of Alabama*, §15-20A-17. In accordance with that section, any adult sex offender, after having been convicted of a sex offense involving a minor, shall not enter onto school property or attend any K-12 school activity without: (1) notifying the principal or the principal's designee that he or she intends to enter onto the premises for a legitimate purpose, which purpose shall be communicated to the principal or the principal's designee; and (2) immediately reporting to the school principal or the principal's designee upon entering the school property or arriving at the K-12 school activity.

Nothing in this policy shall be construed as imposing an affirmative duty on the school principal; the principal's designee; any member of the school board, staff, faculty, or any other agent, representative, or other associated party of the school board to investigate or determine the sex offender status of any individual prior to, or upon, that individual's entering on school property or arriving at a K-12 school activity.

SOURCE: Colbert County Board of Education, Tuscumbia, AL

ADOPTED: Jul 31, 2014

LEGAL REF: *The Code of Alabama*, 1975, §15-20A-17.