

Employee Handbook



2016-2017



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SECTION I: DISTRICT INFORMATION

DISTRICT PURPOSE STATEMENT

Empowering all students to reach their full potential.

DISTRICT PHILOSOPHY STATEMENT

Democratic citizens believe that all children and youth have equal moral worth. Education is the concern of all. The home, school, church and community share in giving children a firm foundation on which to grow. Since education is a cooperative undertaking, the philosophy of education in the Brookhaven School District is:

- To provide for every child, regardless of ability, environment or status, the opportunity to develop to his/her highest capacity – physically, socially, and morally – so that he/she will become an effective member of society, capable and desirous of making definite, positive contributions to that society;
- To adapt our method of instruction to the individual as well as to the group; to set up goals within the grasp of the pupil's understanding; to train the mind to think critically; to afford opportunities for practical applications; to arouse curiosity and to stimulate further study;
- To lead the pupil into active participation in the learning process and to guide and inspire him/her;
- To continually evaluate, revise and maintain a varied and flexible curriculum which will meet the changing needs of society; and
- To take our community into our confidence and discuss, plan and work out together our educational problems under the professional leadership and guidance which we are able to give.

DISTRICT DIRECTION STATEMENT

Knowing that we are preparing the majority of our students today for careers of tomorrow, the Brookhaven School District is committed to ensuring a quality learning experience for every student. This experience is focused on developing analytical, strategic problem solvers that will be able to adapt to an ever changing economical and social landscape.

Our number one priority is students. It is our belief that all students have equal moral worth and that all students can grow and learn. We commit ourselves to doing what is best for the boys and girls in each of our classrooms.

All facets of the school program shall embody the ideals which will ultimately lead to the development of critical and analytical decision-making skills, a strong work ethic, constructive citizenship, and recognition of the worth of other individuals.

DISTRICT LEADERSHIP

The Central Office personnel and departments are here to serve the Brookhaven School District with administrative responsibilities which includes, but not limited to support services. Central Office hours are Monday - Thursday, 7:30 a.m. – 4:00 p.m. and Friday, 7:30 a.m. – 3:30 p.m. The Central Office is closed on district holidays.

2016-2017 BOARD OF TRUSTEES

Mrs. Erin Smith	Chairperson
Mr. Pat Lowery	Vice-Chairperson
Mr. Willie Harrison	Secretary
Mr. James Tillman	Member
Mrs. Lucy Shell	Member

CENTRAL OFFICE

Mr. Ray Carlock, Superintendent	601-833-6661
Mr. Roderick Henderson, Deputy Superintendent	601-833-6661
Dr. Danny Rushing, Director of Federal Programs	601-833-6661
Dr. Anjanette “Missy” Zinke, Director of Curriculum	601-833-6661
Ms. Linda Reeves, Director of Finance	601-833-6661
Ms. Brandy Myers, Director of Special Services	601-835-1211
Mr. Clay Fuller, Director of Bands	601-833-4498
Ms. Tonya Thomas-McSweyn, Director of Child Nutrition	601-833-2886
Ms. Nancy Wallace, Director of Technology	601-833-6150
Mr. Versie Rushing, 16 th Section Land Manager	601-833-0902
Mr. Jeff Richardson, Director of Transportation	601-835-1806
Mr. Tommy Clopton, Director of Athletics	601-835-5466
Mr. Greg Walker, Director of Maintenance	601-833-5993

SCHOOL LEADERSHIP

Mamie Martin Elementary

Rob McCreary, Principal
Randy Spring, Assistant Principal
Nancy Fisher, Assistant Principal
Alexya Irvin, Counselor
420 Vivian Merritt Street
Phone: 601-833-7359
Fax: 601-835-3964

Lipsey School

Rita Robinson, Principal
Eric Stokes, Assistant Principal
Deborah Bowman, Counselor
412 Drury Lane
Phone: 601-833-6148
Fax: 601-835-3968

Brookhaven High School

David Martin, Principal
Stacy Walker, Assistant Principal
LaTronda Gayten, Assistant Principal
Felicia Durr, Counselor
Tracy Risher, Counselor
Stepheniesa Butler, Counselor
443 E. Monticello Street
Phone: 601-833-4498
Fax: 601-823-3792

Brookhaven Elementary School

Shelley Riley, Principal
Jerrold Willis, Assistant Principal
LaTasha Swilley-Mason, Counselor
300 South Church Street
Phone: 601-833-3139
Fax: 601-833-8170

Alexander Jr. High School

Patrick Hardy, Principal
Derek Martin, Assistant Principal
Michelle Smith, Assistant Principal
Shantwanita Willis, Counselor
713 Beauregard Street
Phone: 601-833-7549
Fax: 601-835-5467

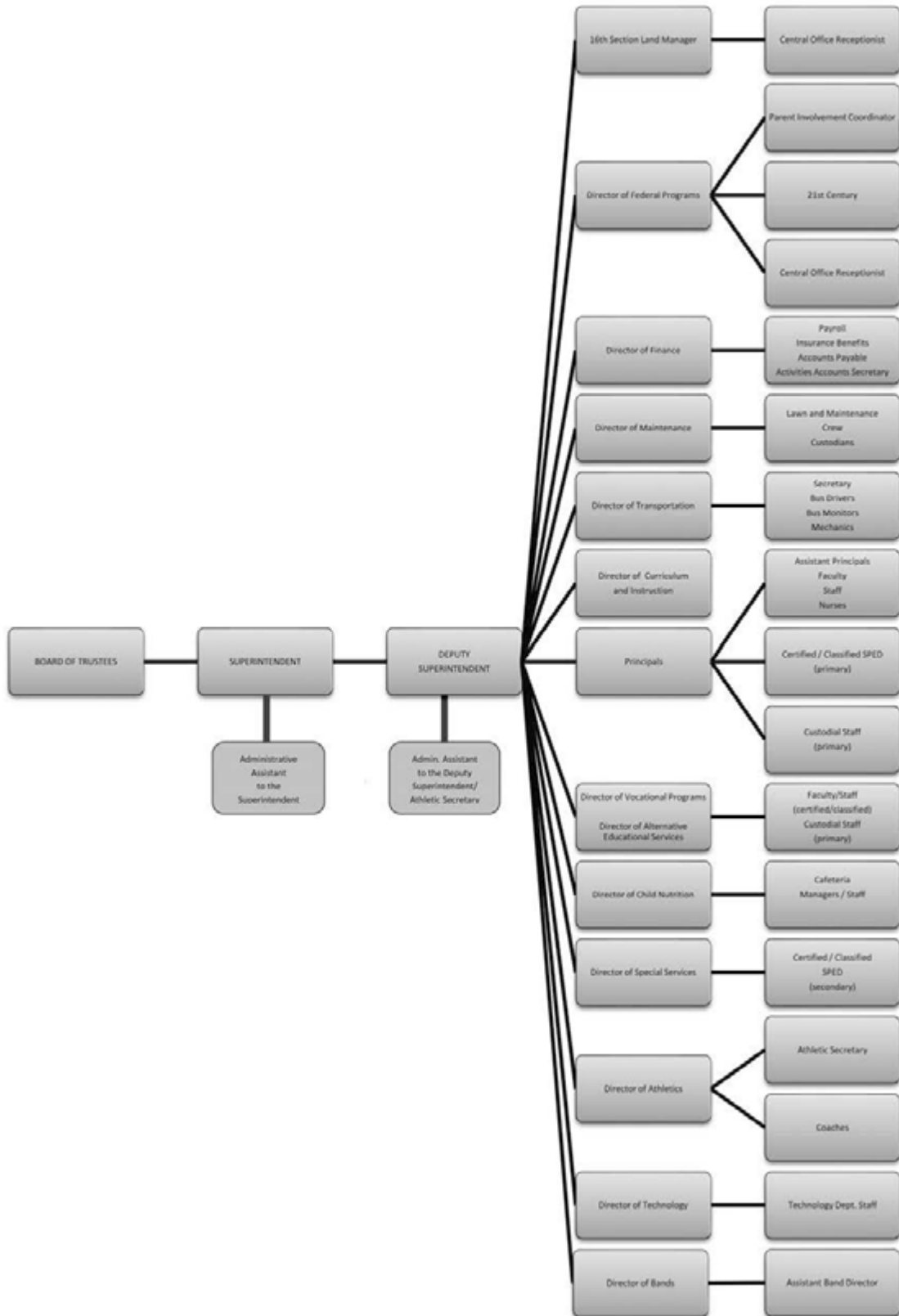
Brookhaven Technical Center

Trevor Brister, Director
Rochland Porter, Counselor
325 E. Court Street
Phone: 601-833-8335
Fax: 601-835-3985

Mullins School

Larenda Harrison, Director of Alternative Educational Services
711 Martin Luther King Jr. Drive
Phone: 601-833-7472
Fax: 601-823-6598

BROOKHAVEN SCHOOL DISTRICT
Organizational Chart 2016-2017



INTRODUCTION

Welcome to Brookhaven School District (hereinafter referred to as “BSD” or “the District”). We believe the contribution of your skills, knowledge, and positive attitude is essential to the continued success and growth of this school district. You are a valued employee and therefore we encourage you to let your supervisor know about achievements as well as problems and your ideas on solving them. We believe in you and your contributions and hope you will take pride in being a member of our team.

This handbook was developed to provide information you will need to be as effective as possible on your job. It outlines the District’s expectations, policies, and programs, serving as a resource throughout your employment. You should not interpret this handbook or any other documents (such as benefits statements, performance evaluations, or any other written or verbal communications) as an employment agreement or a contract of employment (either expressed or implied). BSD Board policy supersedes all documented material published or unpublished.

This handbook is not intended to be all-inclusive nor will it address every situation. Therefore, you are encouraged to address questions with your direct supervisor. The policies and other information contained in this handbook are subject to change at any time due to organizational needs. While the District will normally provide employees with advance notice of any change, the District reserves the absolute right to alter these policies at any time, and from time to time without advance notice.

Questions regarding the content of this handbook can be addressed to your immediate supervisor or the Central Office.

NOTICE OF NON-DISCRIMINATION/EQUAL OPPORTUNITY EMPLOYMENT

Brookhaven School District does not discriminate with regard to sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, mental disability and/or physical disability, age, marital or parental status or any other unlawful consideration in its employment practices or in providing educational services, activities, and programs.

*SECTION II: EMPLOYEE
EXPECTATIONS*

ALCOHOL AND CONTROLLED SUBSTANCES PROHIBITION

No employee of the Brookhaven Public School District, whether licensed or non-licensed, shall possess, sell, use, transmit, or be under the influence of any alcoholic beverage, or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, or marijuana while at work, prior to reporting to work, on school property, in school vehicles, or at school-sponsored activities. Valid drugs prescribed to employees are exempted. Violation may result in dismissal from employment with the school district.

AMERICAN WITH DISABILITIES ACT (ADA)

The ADA covers employers with 15 or more employees and generally prohibits discrimination against “qualified individuals with disabilities.” A qualified individual with a disability is an applicant or employee who can perform the essential functions of the job in question with or without reasonable accommodation. Disability is defined as: a physical or mental impairment that substantially limits one or more major life activities; a record of such impairment; or being regarded as having such impairment.

Brookhaven School District will reasonably accommodate qualified applicants and employees with disabilities unless making the accommodation imposes an undue hardship on the school district. Brookhaven School District will reasonably accommodate known disabilities. Therefore, employees needing accommodation should speak directly with their supervisor. The District expects the reasonable accommodation process to be a mutual process by which the District and employee search for a mutually acceptable reasonable accommodation.

Brookhaven School District is also committed to not discriminate against any qualified employees or applicants because they are related to or associated with a person with a disability.

All complaints of noncompliance with ADA should be reported to:

Dr. Danny Rushing, Federal Programs Director
Brookhaven School District
326 E. Court Street
Brookhaven, MS 39601
or
P.O. Box 540
Brookhaven, MS 39602
Telephone: (601)833-6661

CONFIDENTIALITY/FERPA

Unless expressly authorized to do so, employees are prohibited from sending, transmitting, or otherwise distributing proprietary information, data, or other confidential information belonging to the District. Unauthorized dissemination of such material may result in severe disciplinary action as well as substantial civil and criminal penalties under state and federal Economic Espionage laws.

The Brookhaven School District shall operate in compliance with the Family Educational Rights and Privacy Act of 1974 regarding student information and records.

The Family Educational Rights and Privacy Act (FERPA) and Protection of Pupil Rights Amendment (PPRA) have provided schools, school districts, and state educational agencies guidelines in disclosing student records. School officials with a “legitimate educational interest” in any student information can have access to educational records without specific consent of parents or eligible students. A legitimate educational interest is the person’s need to know in order to:

1. Perform an administrative task required in the school employee’s position description approved by the school board;
2. Perform a supervisory or instructional task directly related to the student’s education; or
3. Perform a service or benefit for the student or the student’s family such as health care, counseling, student job placement, or student financial aid.

However, the misuse or improper disclosure of confidential information by school officials or a third party is strictly prohibited and is punishable by federal statutes.

Electronic access to student information will be limited to job duty specifications of each employee. At no time should this information be printed, transferred, or shared under conditions other than those stipulated in FERPA. A complete explanation of FERPA may be found online at <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

CONFLICT OF INTEREST

An employee of the Brookhaven School District shall not have a financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with duties and responsibilities in the school district. No staff member shall engage in any type of private business during school time and on school property.

Employees shall not engage in work of any type where the source of information concerning customer, client, or employer originates from any information obtained through the school district. No gifts from any person or group desiring or doing business with the school district shall be solicited by a school employee except for normally valued instructional products or advertising items that are widely distributed.

CRIMINAL BACKGROUND CHECKS

Effective July 1, 2000 all personnel employed in a school district in Mississippi shall be required to have a criminal background check and a current child abuse registry check. The applicant shall also be fingerprinted and forwarded to the FBI for a national registry check. The fee for the fingerprinting shall be paid by the employee. If such fingerprinting or criminal record checks disclose a felony conviction, guilty plea, or plea of *nolo contendere* to a felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, sex offense, child abuse, arson, grand larceny, burglary, gratification of lust or aggravated assault which has not been reversed on appeal or for which a pardon has not been granted, the new hire shall not be eligible to be employed at such school.

(Mississippi Code § 37-9-17)

DRUG FREE WORKPLACE

No employee engaged in work in connection with a federal grant shall unlawfully manufacture, distribute, dispense, possess or use on or in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 CFR 1300.11 through 1300.15.

"Workplace" is defined to mean the site for the performance of work done in connection with a federal grant. That includes any school building or any school premises; any school-owned vehicle or any other school approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district where work on a federal grant is performed.

As a condition of employment in any federal grant, each employee who is engaged in performance of a federal grant shall notify his or her supervisor of his or her conviction of any criminal drug statute for a violation occurring in the workplace as defined above, no later than 5 days after such conviction.

As a condition of employment in any federal grant, each employee who is engaged in performance of a federal grant shall abide by the terms of the school district policy respecting a drug-free workplace.

An employee who violates the terms of this policy may be non-renewed or his or her employment may be suspended or terminated, at the discretion of the board.

Sanctions against employees, including nonrenewal, suspension, and termination shall be in accordance with prescribed school district administrative regulations and procedures.

DENIAL OF LICENSE

The State Board of Education, acting through the commission, may deny an application for any teacher or administrator license if the applicant is actively addicted to or actively dependent on alcohol or other habit-forming drugs or is a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having a similar effect, at the time of application for a license. ' 37-3-2 (11) (c)

SUSPENSION OF LICENSE

The State Board of Education, acting on the recommendation of the commission, may revoke or suspend any teacher or administrator license for specified periods of time if the teacher or administrator has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law. ' 37-3-2 (12) (d)

Dismissal or suspension of a licensed employee by a local school board pursuant to Section 37-9-59 may result in the suspension or revocation of a license for a length of time which shall be determined by the commission and based upon the severity of the offense. ' 37-3-2 (13) (a)

*LEGAL REF.: MS CODE as cited
21 U.S.C. 812*

EVALUATION OF EMPLOYEES

The evaluation of professional employees shall be in the form and manner prescribed by the State Department of Education. The School Board of this district directs the superintendent to formulate and implement a formal annual performance appraisal system based on job descriptions and on-the-job performance of every district employee.

GRIEVANCES/COMPLAINTS

As the primary means of solving staff complaints and grievances, the board expects each administrator to:

- (1) discover and practice effective means of resolving differences that may arise among employees and administrators;
- (2) reduce potential reasons of complaints and grievances; and
- (3) establish and maintain recognized channels of communication between the staff, administration, and board.

When and if the primary means fail, the administration shall have established and the board shall have approved formal procedures (Board Policies GAE and GAEA) for the prompt and equitable

adjustment of serious grievances. In this context, a serious grievance shall be defined as:

...a disagreement involving the work situation in which one individual or group of individuals believes that an injustice has been done because of a lack of policy or because of a policy that is unfair, deviation from, or misapplication, or interpretation of a policy or contract. Policies dictated by law are not included in this definition.

Such procedures shall provide for the resolution of grievances at the lowest possible administrative level.

HARASSMENT

BSD is committed to providing a work and school environment which is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Actions, words, jokes, or comments based on an individual's age, sex, race, color, national origin, religion, disability, or any other legally protected characteristic will not be tolerated.

It is the intent of BSD Schools to maintain an environment free from sexual harassment of any kind. Therefore, sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature are prohibited. It shall be a violation of School Board policy for any employee to use sexual harassment toward any other employee or student. The District will investigate all formal and informal, verbal and written complaints of sexual harassment. Any employee who is found to have used sexual harassment toward any employee or student will be disciplined.

This school district affirms employee protection provided under Title VII, and therefore "shall not tolerate verbal or physical conduct by any employee, male or female, which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment."

Further, this school district prohibits sexual harassment of or by any student. This policy applies to conduct during and relating to school and school-sponsored activities. Sexual harassment is inappropriate behavior and offensive. Any student who engages in the sexual harassment of anyone in the school setting may be subject to disciplinary action up to and including expulsion.

LEGAL REF.: MS CODE as cited
1972 Education Amendments, Title VII and Title IX

INTERNET USE

Recognizing that no filtering solution can be 100% effective, it is understood that all technology protection measures do not and will not work perfectly. In complying with the Child Internet Protection Act (CIPA), the District will engage in a “good faith effort” to abide by the requirements of CIPA. CIPA does not create a private right to action, meaning that the discovery of objectionable material on a computer cannot result in a lawsuit complaining that a school violated CIPA.

These guidelines are provided so that you, the user and/or parent of the user, are aware of the responsibilities you are about to assume. In general, this requires efficient, ethical, and legal utilization of the network resources. If a Brookhaven School District user violates any of these provisions, his or her account will be terminated and future access could possibly be denied. Additional consequences which may include termination and/or legal action are also possible.

Brookhaven School District Internet Terms and Conditions of Use Personal Safety

1. User will not disclose, use, disseminate or divulge personal and/or private information about him/herself or any others including personal identification information such as, but not limited to, credit card information, social security numbers, telephone numbers, addresses, etc.
2. User will immediately report to Brookhaven School District authorities any attempt by other Internet users to engage in inappropriate conversations or personal contact.

Illegal Activity

1. User agrees not to access, transmit or retransmit any material(s) in furtherance of any illegal act or conspiracy to commit any illegal act in violation of United States, Mississippi, local government, or Brookhaven School District laws, policies or regulations.
2. User shall not access, transmit, or retransmit: copyrighted materials (including plagiarism), threatening, harassing, or obscene material, pornographic material, or material protected by trade secret, and/or any other material that is inappropriate to minors.
3. Users shall not access, transmit or retransmit any material that promotes violence or the destruction of persons or property by devices including, but not limited to, the use of firearms, explosives, fireworks, smoke bombs, incendiary devices, or other similar materials.
4. User shall not use the network for any illegal activity including, but not limited to, unauthorized access including hacking.
5. User shall not access, transmit, or retransmit language that may be considered offensive, defamatory, or abusive.
6. User shall not access, transmit, or retransmit information that could cause danger or disruption or engage in personal attacks, including prejudicial or discriminatory attacks.
7. User shall not access, transmit, or retransmit information that harasses another person or causes distress to another person.

System Resource Limits

1. User shall only use the Brookhaven School District system for educational and career development activities and limited, high quality self-discovery activities as approved by the Brookhaven School District faculty for a limited amount of time per week.
2. User agrees not to download large files unless it is absolutely necessary. If absolutely necessary to download large files, user agrees to download the file at a time when the system is not being heavily used.
3. User agrees not to post chain letters or engage in “spamming” (that is, sending an annoying or unnecessary message to large numbers of people).
4. User agrees to immediately notify his teacher or other school administrator should user access inappropriate information. This will assist protecting user against a claim of intentional violation of this policy.

User Rights

1. The Internet is considered a limited forum, similar to a school newspaper, and therefore the Brookhaven School District may restrict user’s right to free speech for valid educational reasons. Brookhaven School District will not restrict user’s right to free speech on the basis of disagreement with the opinions expressed by user.
2. User shall have the responsibility to use computer resources for academic purposes only. Therefore, as mandated by CIPA, filtering will be utilized on all computers accessing the Internet. The only exception will be for academic research by a staff member with the approval of school administration.
3. Users should not expect files stored on school-based computers to remain private. Authorized staff will periodically inspect folders and logs of network usage will be kept at all times. Routine review and maintenance of the system may indicate that user has violated this policy, school codes, municipal law, state law or federal law. Parents of minor users shall have the right to inspect the contents of user’s files.
4. Brookhaven School District will fully cooperate with local, state or federal officials in any investigation related to illegal activities conducted through the user’s Internet account.

Individual schools within the district may create additional guidelines and procedures consistent with this policy. Such guidelines and procedures will be appropriate for the electronic information resources being used and the students served at the school. Use of the Internet is a privilege, not a right, and inappropriate use will result in cancellation of those privileges. The principal or his/her designee may deny, revoke, or suspend user privileges to any user determined to be using the system in an inappropriate manner. The decision of the principal will be final.

Consequences for Failure to Follow Terms and Conditions of Internet Use Policy

There will be consequences for any user who fails to follow Brookhaven School District and school guidelines and policies. The consequences may include paying for damage, denial of access to technology, detention, suspension, expulsion or other remedies applicable under the school disciplinary policy, and state or federal law. At the discretion of Brookhaven School District, law enforcement authorities may be involved and any violations of state and or federal law may result in criminal or civil prosecution.

When a user is using the Brookhaven School District system, it may seem as though these policies could be easily broken and that the user would not get caught. This is not true. Electronic footprints are left behind on a machine each time it is used, and the potential for apprehension always exists.

The following behaviors are not permitted on district computers:

1. Sharing confidential information on students or employees
2. Sending or displaying offensive messages or pictures
3. Using obscene language
4. Harassing, insulting or attacking others
5. Damaging computers, computer systems or computer networks
6. Violating copyright laws
7. Using others' passwords
8. Trespassing in others' folders, work or files
9. Intentionally wasting limited resources
10. Using computers for personal or commercial purposes
11. Supporting/opposing political candidates or issues
12. Engaging in practices that threaten the system (e.g. loading files that may introduce a virus)
13. Violating regulations prescribed by the provider
14. Conducting union business
15. Promoting, supporting, celebrating or opposing religion or religious institutions

No personal computer or other personal hardware device(s) may be used to connect to, to log into, or to interface with the Brookhaven School District network at any time. No personal removable media (including but not limited to floppy disks, PIN, thumb, jump drives, etc.) may be used in conjunction with Brookhaven School District equipment.

Brookhaven School District will archive all emails sent or received through the District network or on District equipment for a period of at least 60 days and that these emails are subject to review by the Technology Department staff and the Office of the Superintendent and/or his designee(s).

LINE OF RESPONSIBILITY

Each employee of the Brookhaven School District except the board attorney shall be responsible to the Board of Trustees through the superintendent. From students, responsibility flows directly through teachers, principals, administrative officers, superintendent, to the Board.

Whenever possible, each member of the staff shall be made responsible to only one immediate superior for any one function. All personnel shall refer matters requiring administrative action to the administrative officer immediately in charge of the area in which the problem arises. The administrative officer shall refer such matters to the next higher authority when necessary.

OUTSIDE EMPLOYMENT

Employees choosing to work outside BSD may do so as long as it does not create a conflict of interest or interfere with their work schedule or job performance. Outside employment that affects an employee's attendance, work performance, productivity, or conduct, either directly or indirectly, or that creates a conflict of interest of any kind, is strictly prohibited.

If employees choose to seek outside employment, they first must discuss this matter with their principal or primary supervisor and receive written approval of their plans from the superintendent. Schedules will not be adjusted and special considerations will not be made for employees who have outside employment.

PARTICIPATION IN COMMUNITY ACTIVITIES

The Brookhaven School District Board of Education encourages the staff from each school to interact regularly with the community at large. Specifically, interaction with city, county and state-wide governmental entities, civic groups, service organizations and clubs, churches and parents is critical to building and maintaining good community relationships and support. To that end, the District Board of Education encourages administrators to participate in civic clubs and service organizations to promote the school system as the heart of the community and to maintain outstanding community support.

This policy is in support of Standard 18 which follows:

There is an organized system to encourage community involvement, parental communication, and business partnerships in school district decision making. *{MS Code 37-7-337}*

PERSONAL APPEARANCE AND DEMEANOR

Employees, teachers and assistants are expected to be neat and well-groomed at all times while at work so as to reflect credit upon themselves and their profession. Personal appearance plays a great part in an employee's success in his/her professional position. Each faculty/staff member should consider it his/her responsibility to be dressed in a manner appropriate to the profession and set a good example for the students by wearing clothing that is clean/appropriate for the types of duties assigned.

In an effort to achieve the above goals Brookhaven School District employees shall not wear the following items unless the Principal has designated the day as a special occasion:

- Shorts
- Skorts
- Leggings (unless under a dress or skirt)
- Sweat suit/wind suits/jogging suits
- Tank or halter tops
- Tops that are extremely low cut
- Skirts and dresses should be of appropriate length

Exceptions will be made for teachers while instructing physical education classes.

Any employee may be asked to change attire deemed provocative, revealing, or inappropriate by the Principal, Superintendent, or his/her designee. Supervisors may ask an inappropriately dressed employee to leave work, using personal leave time, and return wearing proper attire.

PERSONNEL FILES

All personnel files are confidential and maintained by the Business Office in accordance with state and federal regulations. Forms pertaining to hiring, performance reviews, counseling statements, and termination should be included in these files.

Supervisors are responsible for documenting any interaction related to current employees and forwarding such information to the Central Office for filing in the employees' personnel file. Each employee is responsible for promptly notifying the Business Office of any changes in personal data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of emergency, educational accomplishments and other such status reports should be accurate and current at all times.

Personnel files are the property of BSD and access to the information they contain is restricted. Generally, only supervisors and BSD administrative personnel who have a legitimate reason to review information in a file are allowed to do so. Employees who wish to review their own file should contact the Central Office.

POLITICAL ACTIVITY OF STAFF MEMBERS

The Board recognizes the rights of its employees and encourages them as citizens to engage in activities which exemplify good citizenship. However, school property and school time shall not be used for political purposes.

PROFESSIONAL EDUCATOR CODE OF ETHICS AND STANDARDS OF CONDUCT

All professional educators in the Brookhaven School District shall comply with the Mississippi Professional Educator Code of Ethics and Standards of Conduct as outlined in Mississippi Department of Education policy 1710 and 1717.

The superintendent or his or her designee shall establish procedures to assure that all school district employees comply with this policy. The procedures shall include, but are not limited to:

1. Providing all employees with a copy of the *Mississippi Educator Code of Ethics and Standards of Conduct*.
2. Maintaining a signed statement in each employee's personnel file verifying that he or she has been given notice of the *Mississippi Educator Code of Ethics and Standards of Conduct*;
3. Advising all employees that his or her contract with the school district is subject to the *Mississippi Educator Code of Ethics and Standards of Conduct*, and may be revoked or suspended pursuant to its terms; and
4. Providing annual in-service training for all employees on the *Mississippi Professional Educator Code of Ethics and Standards of Conduct*.

The Superintendent shall report to the Mississippi Department of Education all license holders who engage in unethical conduct relating to an educator/student relationship (Standard 4).

VIOLATIONS

Violations of this policy shall be reported and discussed in a conference between the employee and the school principal/supervisor (or superintendent and principal if a principal is in violation of this policy). If the principal/supervisor or superintendent finds the complaint to be factual, he or she shall issue a written reprimand to the employee(s) involved. This reprimand shall become a part of the employee's personnel file.

Severe violations or continuous violation of this policy may lead to an employee being suspended, dismissed or non-renewed.

Employees shall have the right to appeal any disciplinary action taken against them by following the proper chain of command as specified in the district's "Employee Grievance Procedure" policy.

LEGAL REFERENCE: Mississippi Department of Education Policy 1710 and 1717
MS Code Sections: 37-3-51(1),(2)(a-1),(3)—Notification of Dept of Education; 37-3-2(11)(a-h), 37-3-2(12)(a-i)—Denial of application; 37-3-2 (13)(a-c) Dismissal; 37-9-57—Abandonment of employment; 37-16-4—Enforcement and penalty for test violations; MS Code Sections 37-9-59 & 37-9-101

PURCHASING

All employees are required to adhere to state law and school district policy concerning school district purchases. Each employee must obtain prior approval from their supervisor in order to obligate BSD funds. If proper permission is not obtained, the employee may be held personally liable for the purchase.

REPORTING REQUIREMENTS PREVENTION OF SCHOOL VIOLENCE ACT

Law Enforcement Agencies, Judges, and Courts must notify the school when a student is arrested for, lawfully charged with or convicted of a crime. The report must be made within one week after arrest, dismissal or conviction. Traffic tickets of less than \$50.00 are not included.

Any principal, teacher, or other school employees that have knowledge of any unlawful activity which occurred on educational property or during a school related activity or which may have occurred must report such activity to the superintendent of the school district or his/her designee who shall notify the appropriate law enforcement officials as required by this section. In the event of an emergency or if the superintendent or his/her designee is unavailable, any principal may make a report required under this subsection.

The principal may be fined up to \$1000.00 and/or jailed for up to six months for failure to report. (Mississippi Law 37-11-15) When a report is received, law enforcement must immediately dispatch an officer and an arrest may be made with probable cause.

Good Faith Immunity – A school employee making a report or in any resulting judicial proceeding is presumed to be acting in good faith. Any employee reporting in good faith is immune from civil liability.

Mississippi Law 37-11-29 (Revised, 1996)

REPORTS OF CHILD ABUSE/ NEGLECT

Any school employee having reasonable cause to suspect that a child is neglected or abused is required by Mississippi Code of 1972 (§43-21-353) to make an oral report immediately to the school principal/designated supervisor and by telephone or otherwise to the Department of Human Services (DHS). As soon as possible thereafter, a written report must be filed with DHS. Reports of abuse and neglect made under this law and the identity of the reporter are confidential except when the court in its discretion determines the testimony of the person reporting to be material to a judicial proceeding. A school employee who makes a required report pursuant to this law is presumed to be acting in good faith. Any person reporting in good faith is immune from civil or criminal liability. MS Code (§43-21-355)

SCHOOL PROPERTY

Employees are responsible for items issued to them by BSD or in their possession or control, such as the following:

- Laptops
- Slates
- Cell Phones
- Books and educational materials (including calculators)
- Official grade books and student work needed for grades
- Equipment
- Keys
- Manuals including this employee handbook
- Protective equipment
- Tools
- Vehicles
- Written materials
- ID Badge
- All other items purchased by federal and/or district funds

The employee must return all BSD property on or before the last day of work, according to procedures established by the school district. Failure to promptly return any school district property in the employee's possession will result in action to recover the property by any legal means.

In any case where vandalism or destruction occurs to school property, the person or persons responsible shall make complete financial restitution and an additional penalty may be assessed from the administrative office.

TELEPHONES/ CELL PHONES

Telephones are an integral part of communications within our District. Therefore, telephones should be used primarily for school business purposes. Personal calls are permitted to a reasonable extent; however, they must be limited and this privilege not abused.

The use of cell phones, iPods, and any other device, including but not limited to headphones or earphones, which may interfere with an employee's ability to operate a Brookhaven School District vehicle or to adequately observe and monitor the behavior of students while said students are under his or her supervision are strictly prohibited.

All District-issued cell phones are fixed assets of the District. All transfers and surplus of equipment must have the appropriate paperwork submitted to the person in charge of fixed assets. Upon resignation or termination, employees must return all District property on or before the last day of work.

TITLE IX REGULATIONS

Title IX prohibits discrimination on the basis of sex in educational programs or activities by recipients of federal financial assistance.

Title IX regulations require the Brookhaven School District to designate a Title IX coordinator, to adopt and disseminate a nondiscrimination policy, and to put grievance procedures in place to address complaints of discrimination on the basis of sex in educational programs and activities.

To be in compliance with Title IX regulations the Brookhaven School District has named Mr. Tommy Clopton, Director of Athletics as the District Title IX Coordinator. Responsibilities of the Coordinator include investigating complaints communicated to the Brookhaven School District alleging noncompliance with Title IX.

All complaints of noncompliance with Title IX should be reported to:

Mr. Tommy Clopton, Director of Athletics
Brookhaven School District
326 E. Court Street
Brookhaven, MS 39601
or
P.O. Box 540
Brookhaven, MS 39602
Telephone: (601)835-5466

Inquiries to the Brookhaven School District concerning the application of Title IX and its implementing regulations may be referred to the Title IX Coordinator or to the Office of Civil Rights of the United States Department of Education, Dallas Office, 1999 Bryan Street, Suite 2600, Dallas, TX 75201. Telephone: (214) 880-2459.

TOBACCO USE

The use of tobacco, electronic cigarettes, Advanced Personal Vaporizers (APVs or “Vape Pens”), or any similar products in all buildings owned by or under the direction and control of this school system is hereby prohibited and appropriate signs shall be placed in all buildings.

The use of tobacco, electronic cigarettes, Advanced Personal Vaporizers (APVs or “Vape Pens”), or any similar products by students or employees of the District is hereby prohibited on campus and the use thereof is further prohibited by employees and students while traveling to, attending, participating in or returning from any school function.

This policy complies with the requirements of the No Child Left Behind Act of 2001, which prohibits smoking in indoor school facilities.

MISSISSIPPI ADULT TOBACCO USE ON EDUCATIONAL PROPERTY ACT OF 2000 DEFINITIONS;

1. Adult: any natural person at least eighteen (18) years old.
2. Minor: any natural person under the age of eighteen (18) years old.
3. Person: any natural person.
4. Tobacco product: any substance that contains tobacco, including, but not limited to, cigarettes, cigars, pipes, snuff, smoking tobacco or smokeless tobacco.
5. Educational property: any public school building or bus, public school campus, grounds, recreational area, athletic field, or other property owned, used or operated by any local school board, school, or directors for the administration of any public educational institution or during a school-related activity; provided, however, that the term "educational property" shall not include any sixteenth section school land or lieu land on which is not located a public school building, public school campus, public school recreational area or public school athletic field. Educational property shall not include property owned or operated by the state institutions of higher learning, the public community and junior colleges, or vocational-technical complexes where only adult students are in attendance.

PENALTY FOR VIOLATION:

No person shall use any tobacco product on any educational property as defined in this act. Any adult who violates this section shall be subject to a fine and shall be liable as follows:

1. for the first conviction, a warning;
2. for a second conviction, a fine of Seventy-Five Dollars (\$75.00); and
3. for all subsequent convictions, a fine not to exceed One Hundred Fifty Dollars (\$150.00) shall be imposed.

ISSUANCE OF CITATION:

Any adult found in violation of this section shall be issued a citation by a law enforcement officer, which citation shall include notice of the date, time and location for hearing before the justice court having jurisdiction where the violation is alleged to have occurred. For the purposes

of this section, "subsequent convictions" are violations committed on any educational property within the State of Mississippi.

Anyone convicted under this act shall be recorded as being fined for a civil violation of the act and not for violating a criminal statute.

LEGAL REF.: MS CODE as cited; P. L. 107-110 (No Child Left Behind Act of 2001)

TRANSFERS

Transfer pertains to the movement of a certified or non-certified employee from one school to another within the school district. The superintendent has the authority to change the school assigned to all certified and non-certified personnel. Personnel wishing a transfer must make a request in writing to the principals involved and the superintendent for the following year. Such request must be approved by the superintendent. Any transfers will be considered on its own merit.

USE OF EQUIPMENT AND VEHICLES

Equipment and vehicles owned by the Brookhaven School District are expensive and may be difficult to replace. When using equipment and vehicles essential to accomplishing job duties, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and procedures.

If any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair, employees should notify their immediate supervisor. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees and others. The supervisor should be able to answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

VISITORS

Salespersons and other individuals desiring business transactions with the school must obtain permission for visitation from the principal to present to the appropriate individual. All visitors (business and personal) should sign in and receive a visitor's pass at the front office upon arriving at a school.

WEAPONS

BSD desires to maintain a work environment which is safe and secure in nature. Threats, threatening behavior, or any acts of violence against employees, students or other individuals on the premises will not be tolerated and may lead to disciplinary action, up to and including immediate termination, and/or criminal prosecution.

Any person who engages in violent behavior, such as making substantial threats, or intentionally hitting, kicking, or striking a person or property on BSD premises may be removed by administration from the premises as quickly as safety permits, and is to remain off BSD premises pending the outcome of an investigation.

Additionally, the District Policy prohibits firearms or weapons of any type on the premises. The BSD Board of Education recognizes the possession of pistols, firearms or other weapons on school premises or at school functions by persons other than duly authorized law enforcement officials creates an unreasonable and unwarranted risk of injury or death to District employees, students, visitors or guest. Possession of a firearm or weapon while on the premises will be handled with appropriate disciplinary action up to and including termination of employment.

All employees will fully cooperate with BSD Administration and with law enforcement agencies to eliminate workplace violence risks. All BSD personnel are responsible for immediately notifying their supervisor, Principal, Assistant Superintendent, or Superintendent of any threats, threatening behavior or acts of violence, which they have witnessed, received or have been told that another person has witnessed or received. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent when that behavior is employment or job-related or might be carried out on BSD premises. The supervisor or Principal who receives the report is responsible for informing the Superintendent so that proper documentation of the incident can be gathered.

SECTION III:
INSTRUCTIONAL EXPECTATIONS

DISCIPLINE

The code of student conduct is provided to all teachers, school personnel, students, and parents/guardians at the beginning of the school year. Each school principal is responsible for the dissemination of the district and school policies. A number of board policies are used in clearly defining the code of conduct. Parents, students, and teachers should refer to the school handbook for specific school policy. Board policies upon which school conduct codes are determined may be found in the *Brookhaven Public School District Board Manual* policies JCA, JCB, JCBC, JCBF/KP, JCBH, JD, JDD, and JDE.

Employees should give special attention to the policies which govern the reporting of school violence (JCBF/KP and JCBF-P/KP-P) and classroom management (JDACM).

GRADING/ PROMOTION AND RETENTION

Teachers are expected to follow the guidelines listed below when assigning students grades.

When numerical grades are used to assign letter grades, the following scale is used in grades seven through twelve:

A -- Superior	90 – 100
B -- Above Average	80 – 89
C -- Average	70 – 79
D -- Passing	65 – 69
F -- Failure	64 and Below

Exception – AP classes in grades nine through twelve, ELL Students, and Special Education Students.

Midterm progress reports are required for all students. Parents are expected to sign and return the progress report to the child's teacher to ensure knowledge of their child's academic status. Report cards will be issued every nine weeks. Please see the school calendar for dates when students will be given progress reports and report cards.

ALL course grades will be calculated as follows:

Daily/Homework: 25%

Tests: 25%

Course Projects/Other: 25%

9 weeks/Semester Exam: 25%

The **nine week grade** will be calculated by adding the 4 areas and dividing by 4.

The **semester grade** will be calculated by adding the 1st and 2nd nine weeks and dividing by 2.

The final grade will be calculated by adding the 1st and 2nd semesters and dividing by 2. Semester exams will be given in lieu of nine weeks exams at the end of each semester. These exams will be cumulative on the objectives learned during that semester only and will count as 25% of the 2nd and 4th nine weeks grade respectively.

Block courses and half-unit courses will use the same grading formula taking into account the differences in instructional times.

Teachers do not have the authority to alter the above grading policy

PROMOTION/RETENTION

Student progression in grades seven and eight is based on the student's achievement in terms of established instructional goals. Students may be retained in any of these grades for unsatisfactory academic performance.

Classification of Students in Grades 9-12:

Ninth Grade	Promotion from Grade 8
Tenth Grade	6 Carnegie Units
Eleventh Grade	13 Carnegie Units
Twelfth Grade	19 Carnegie Units and be in line for May Graduation

EXEMPTIONS AND EXAMS

Senior Privilege: Seniors who maintain a "B" average and meet the attendance requirement will be exempt from their final exams.

In order for seniors to be exempt from any examination, he or she must not have been absent more than (10) ten days during the year for year-long courses. For block courses, students must not have been absent more than (5) five days during the semester. Both excused and unexcused absences are counted when calculating the number of days missed by a student.

All term exams will determine 25% of the nine-week grade. In the case of exemptions the class average will be used as the nine-week grade.

Any student (grades 9-12) absent from an examination must contact his subject teacher on the day he/she misses an examination AND receive permission to make-up the exam from the principal. If the student fails to contact the teacher and principal, the student will receive a zero for that examination.

LEAVING SCHOOL GROUNDS OR DUTY POSTS

Except in cases of emergency, teachers are expected to remain on the school grounds from check-in until check-out and to remain in their classrooms during class sessions or on their duty posts for the entire assigned time. Failure to do so could result in termination. Any teacher who must leave the school campus during the school day because of an emergency, must first secure the principal's or assistant principal's permission.

LENGTH OF INSTRUCTIONAL STAFF WORK DAY

The school board establishes that the workday of full-time personnel shall be 7.5 hours in length Monday through Friday, exclusive of holidays.

The minimum length of time the classroom teacher is responsible for being at school is from 30 minutes before the student day officially begins until 10 minutes after the student day officially ends, except on days designated for staff development. Principals, with the consent of the superintendent, may adjust the time to fit their particular school hours/needs.

All teachers will sign in and out as directed by the principal. All teachers will be expected to comply with duty hours established by the administration and/or the school board. There will be a few special occasions when teachers will be asked to remain after hours. Teachers must sign in for themselves. Under no circumstances will one teacher be allowed to sign in or out for someone else.

If a teacher finds that he/she will be late for school, he/she must notify the principal or designee prior to the opening of school. When a staff member finds that he/she will be late for school, he/she must notify the principal or designee prior to the opening of school.

When a staff member finds that he/she will be absent for school (e.g., medical appointments, etc.), he/she must, in advance, notify the principal/supervisor or designee and complete the required "Request for Leave" paperwork. When there is no advance knowledge of an absence (as in the aforementioned examples), the principal/supervisor or designee must be notified by or before 6:30 A.M. of the day of the potential absence.

PARENT CONFERENCES

Classroom teachers are expected to maintain close contact with the parents or guardians of students throughout the school term. The parents or the classroom teacher may initiate parent-teacher conferences. The responsibility for the productivity of parent-teacher conferences rests

with the teacher who must set a positive, professional tone for the meeting. Conferences should be scheduled at times that are convenient for parents. Conferences shall not be scheduled during instructional time if possible and the setting for the conference should be somewhere other than the classroom. Conferences should always begin and end on a positive note.

PROFESSIONAL DEVELOPMENT

In accordance with the Brookhaven School District's commitment to excellence among its employees, the school district shall provide opportunities for professional development for all its employees that complements and supports the District's educational program.

STAFF MEETINGS

School faculty meetings and parent conferences are essential to efficient, effective, accountable operation of schools and often provide a mechanism for problem solving and input to the decision-making process. The number, time, place, and subject matter to be communicated at staff meetings are to be determined by each principal. Teachers will be required to attend staff meetings called by the principal or superintendent unless criteria for personnel absences are met.

STUDENT BULLYING

The Brookhaven School District does not condone and will not tolerate bullying or harassing behavior.

Bullying or harassing behavior will not be condoned or tolerated when it takes place on school property, at any school-sponsored function, or on a school bus, or when it takes place off school property when such conduct, in the determination of the school superintendent or principal, renders the offending person's presence in the classroom a disruption to the educational environment of the school or a detriment to the best interest and welfare of the pupils and teacher of such class as a whole. Bullying or harassing behavior is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication, or any act reasonably perceived as being motivated by any actual or perceived differentiating characteristic that (a) places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property, or (b) creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities or benefits. A "hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

The District recognizes the fundamental right of every student to take “reasonable actions” as may be necessary to defend himself or herself from an attack by another student who has evidenced menacing or threatening behavior through bullying or harassing. The Brookhaven School District defines “reasonable action” as promptly reporting the behavior to a teacher, principal, counselor, or other school employee when subjected to bullying or harassing behavior. Ref: SB 2015; Miss. Code Ann. § 37-7-301(e).

Procedures for Processing a Complaint Concerning Bullying

Any student, school employee or volunteer who feels he/she has been a victim of bullying or harassing behavior, or has witnessed or who has reliable information that a student, school employee or volunteer has been subject to bullying or harassing behavior shall report such conduct to a teacher, principal, counselor or other school official. The report shall be made promptly but no later than five (5) calendar days after the alleged act or acts occurred. The school official shall complete a Bullying/Harassing Behavior complaint which shall include the name of the reporting person, the specific nature and date of the misconduct, the names of the victim of the misconduct, the names of any witnesses and any other information that would assist in the investigation of the complaint. The report shall be given promptly to the principal or superintendent who shall institute an immediate investigation. Complaints against the principal shall be made to the superintendent and complaints against the superintendent shall be made to the Board chairman.

The complaint shall be investigated promptly. Parents will be notified of the nature of any complaint involving their student. The District official will arrange such meetings as may be necessary with all concerned parties within five (5) working days after initial receipt of the complaint by the District. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The District official conducting the investigation shall notify the victim and parents as appropriate when the investigation is completed and a decision regarding disciplinary action, as warranted, is determined.

If the victim is not satisfied with the decision of the District official, he/she may submit a written appeal to the superintendent. Such appeal shall be filed within ten (10) working days after receipt of the results of the initial decision. The superintendent will arrange such meetings with the victim and other affected parties as deemed necessary to discuss the appeal. The superintendent shall provide a written decision to the victim’s appeal within ten (10) working days.

If the victim is not satisfied with the decision of the superintendent, a written appeal may be filed with the Board. Such appeal shall be filed within ten (10) working days after receipt of the decision of the superintendent. The Board shall, within twenty (20) working days, allow the victim and parents as appropriate to appear before the Board to present reasons for dissatisfaction with the decision of the superintendent. The Board shall provide a written decision within ten (10) working days following the victim’s appearance before the Board.

SUPERVISION OF STUDENTS

Employees of the school have the responsibility for providing adequate supervision of students at all times. This responsibility has its foundation in two basic principles; one a legal responsibility and the other instructional. From a legal standpoint, unless adequate and reasonable supervision is provided for students, the teacher or principal may be found negligent in his/her duty and become involved in a legal action instituted by the child's parents. From an instructional standpoint, the student-to-student or student-to-adult relationships may break down if adequate supervision is not provided by the staff. Since it is the responsibility of the school to provide adequate supervision, supervision should be well organized and based on realistic standards of behavior so that effective teaching-learning situations in the various classrooms will not be threatened.

WELLNESS POLICY

The link between nutrition, physical activity, and learning is well documented. Healthy eating and activity patterns are essential for students to achieve their full academic potential, full physical and mental growth, and lifelong health and well-being. Healthy eating and physical activity, essential for a healthy weight, are also linked to reduced risk for many chronic diseases, like Type 2 diabetes. Schools have a responsibility to help students learn, establish, and maintain lifelong, healthy eating and activity patterns. Well-planned and effectively implemented school nutrition and fitness programs have been shown to enhance students' overall health, as well as their behavior and academic achievement in school. Staff wellness also is an integral part of a healthy school environment, since school staff can be daily role models for healthy behaviors.

All students in the Brookhaven School District School shall be provided the opportunity to gain the knowledge and skills necessary to make nutritious food choices and enjoyable physical activity choices for a lifetime. All staff in the Brookhaven School District are encouraged to model healthful eating and physical activity as a valuable part of daily life.

To meet this goal, the Brookhaven School District has adopted school wellness policy JGCA with commitments to nutrition, physical activity, comprehensive health education, marketing, and implementation. This policy is designed to effectively utilize school and community resources and to equitably serve the needs and interests of all students and staff, taking into consideration differences in culture.

SECTION IV:

*EMPLOYEE COMPENSATION AND
BENEFITS*

ABSENCE FROM DUTY

1. LICENSED EMPLOYEE

The term "licensed employee" means any employee of a public school district required to hold a valid license by the Commission on Teacher and Administrator Education, Certification and Licensure and Development. ' 37-7-307

2. SICK LEAVE ALLOWANCE

Brookhaven School District hereby establishes the following provisions for sick/emergency leave with pay:

- a. Each licensed employee, teacher assistant, and other regularly scheduled 12-month employee at the beginning of each school year, shall be credited with a sick leave allowance, with pay, of ten (10) days for absences caused by illness or physical disability of the employee during that school year.
- b. Any unused portion of the total sick leave allowance shall be carried over to the next school year and credited to such licensed employee and teacher assistant if the licensed employee or teacher assistant remains employed in the same school district. In the event any public school licensed employee or teacher assistant transfers from one public school district in Mississippi to another, any unused portion of the total sick leave allowance credited to such licensed employee or teacher assistant shall be credited to such licensed employee or teacher assistant in the computation of unused leave for retirement purposes under Section 25-11-109, Mississippi Code of 1972. Accumulation of sick leave allowed in the school district shall be unlimited.
- c. No deduction from the pay of such licensed employee or teacher assistant may be made because of absence of such licensed employee or teacher assistant caused by illness or physical disability of the licensed employee or teacher assistant until after all sick leave allowance credited to such licensed employee or teacher assistant has been used.
- d. For the first ten (10) days of absence of the licensed employee because of illness or physical disability, in any school year, in excess of the sick leave allowance credited to such licensed employee, there may be deducted from the pay of such licensed employee the established substitute amount of licensed employee compensation paid in that local school district, necessitated because of the absence of the licensed employee as a result of illness or physical disability. Thereafter, the regular pay of such absent licensed employee may be suspended and withheld in its entirety for any period of absence because of illness or physical disability during that school year.
- e. Full-time classified employees (excluding Bus Drivers and Bus Driver Assistants) scheduled for less than 12 months a year shall have five (5) days sick leave per year

with full pay unlimited accumulation. An employee may elect to use one (1) of the sick leave days per year for personal reasons. This day will be deducted from the employee's accumulated sick leave. This personal day will be granted only with the approval of the employee's immediate supervisor and only if the leave does not present a hardship to that work area. All accumulated sick leave shall terminate upon the expiration of employment in the Brookhaven School District and shall not be restored if the employee should later reenter the service of the school system.

3. PERSONAL LEAVE ALLOWANCE

a. PERSONAL LEAVE AS A RESULT OF EMERGENCY CLOSURE

The school board may, in its discretion, provide additional administrative leave with pay for all employees (professional, certified, and classified) in the event of declared emergency closures.

b. PERSONAL DAYS FOR LICENSED EMPLOYEES

Beginning with the school year 1983-84, each licensed employee at the beginning of each school year shall be credited with a personal leave allowance, with pay, of two (2) days for absences caused by personal reasons during that school year. These two (2) days are included in the ten (10) days of sick leave referenced in Section 2 above.

Such personal leave shall not be taken on the first day of the school term, the last day of the school term, on a day previous to a holiday or a day after a holiday, unless on such days an immediate family member of the employee is being deployed for military service. Personal leave may be used for professional purposes, including absences caused by attendance of such licensed employee at a seminar, class, training program, professional association or other functions designed for educators. No deduction from the pay of such employee may be made because of absence of such licensed employee caused by personal reasons until and after all personal leave allowance credited to such employee has been used.

c. PERSONAL LEAVE/VACATION FOR 12-MONTH CERTIFIED EMPLOYEES OR ADMINISTRATORS

Each certified employee and administrator who works from 50 to 52 weeks in the fiscal year will also be given 10 days paid vacation during the year. These days will accrue at the rate of one day per month up to the 10 day maximum each fiscal year. Vacations shall be scheduled in June, July, August, but terminated no later than one week prior to the opening of school, unless otherwise approved by the Superintendent.

Such personal leave/vacation shall not be taken on the first day of the school term, the last day of the school term, on a day previous to a holiday or a day after a holiday, unless on such days an immediate family member of the employee is being deployed for military service.

Twelve-month certified employees or administrators may accumulate up to 20 days of unused vacation leave. Any days over 20 will be converted to sick leave at the end of each fiscal year. Unused vacation will be forfeited if employment is terminated.

d. **PERSONAL DAYS FOR TEACHER ASSISTANTS AND OTHER REGULARLY SCHEDULED NON-LICENSED 12-MONTH EMPLOYEES**

At the beginning of each school year employees in this category shall be credited with a personal leave allowance, with pay, of two (2) days for absences caused by personal reasons during the school year. These two (2) days are included in the ten (10) days of sick leave referenced in Section 2 above.

Such personal leave shall not be taken on the first day of the school term, the last day of the school term, on a day previous to a holiday or a day after a holiday, unless on such days an immediate family member of the employee is being deployed for military service.

e. **PERSONAL LEAVE FOR BUS DRIVERS AND ASSISTANTS**

One day of personal leave each year shall be allocated to full-time, board approved bus drivers and bus driver assistants.

f. **HOLIDAY PAY**

(Teacher Aides who are covered under the Mississippi Department of Education Pay Scale do not receive “holiday pay.”) Brookhaven School District hereby establishes the following provisions for non-licensed employees and 240-day administrators who are not covered by the assistant teacher pay scale (full-time classified employees other than teacher aides) for seven paid holidays listed below:

Independence Day

Labor Day

Thanksgiving Day

Christmas Day

New Year’s Day

Martin Luther King’s Birthday

Memorial Day

To be eligible for the above holidays as paid, an employee must be:

A full-time, 5 hours per day/Board approved, twelve month employee, who must have worked two calendar months prior to the holiday and who must have worked the last working day prior to the holiday and the day after the holiday.

OR

A full-time, 5 hours per day/Board approved, academic year employee, who must have worked two calendar months prior to the holiday or who must have been a fulltime, 5 hours per day/Board approved, employee at the end of the prior academic year, and who must have worked the last working day prior to the holiday and the day after the holiday.

Academic year employees are not employed during the summer, therefore are not eligible for the Memorial Day or Independence Day paid holiday.

4. PROFESSIONAL LEAVE ALLOWANCE

Beginning with the school year 1992-93, each licensed employee shall be credited with a professional leave allowance, with pay, for each day of absence caused by reason of such employee's statutorily required membership and attendance at a regular or special meeting held within the State of Mississippi of the State Board of Education, the Commission on Teacher and Administrator Education, Certification and Licensure and Development, the Commission on School Accreditation, the Mississippi Authority for Educational Television and the meetings of the state textbook rating committees or other meetings authorized by local school board policy.

5. RETIREMENT

Upon retirement from employment, each licensed and non-licensed employee shall be paid for not more than thirty (30) days of unused accumulated leave earned while employed by the school district in which the employee is last employed. Such payment for licensed employees shall be made by the school district at a rate equal to the amount paid to substitute teachers and for non-licensed employees, the payment shall be made by the school district at a rate equal to the federal minimum wage. The payment shall be treated in the same manner for retirement purposes as a lump sum payment for personal leave as provided in Section 25-11-103 (e). Any remaining lawfully credited unused leave, for which payment has not been made, shall be certified to the Public Employees' Retirement System in the same manner and subject to the same limitations as otherwise provided by law for unused leave. No payment for unused accumulated leave may be made to either a licensed or non-licensed employee at termination or separation from service for any purpose other than for the purpose of retirement.

6. RULES AND REGULATIONS

Brookhaven School District hereby establishes the following provisions to implement the policy of sick and personal leave:

- a. Requiring the absent employee to furnish the certificate of a physician or dentist or other medical practitioner as to the illness of the absent employee, where the absence is for four (4) or more consecutive school days, or for two (2) consecutive school days immediately preceding or following a nonschool day;
- b. Providing penalties, by way of full deduction from salary, or entry on the work record of the employee, or other appropriate penalties, for any materially false statement by the employee as to the cause of absence;
- c. Forfeiture of accumulated or future sick leave, if the absence of the employee is caused by optional dental or medical treatment or surgery which could, without medical risk, have been provided, furnished or performed at a time when school was not in session;
- d. Enlarging, increasing or providing greater sick or personal leave allowances than the minimum standards established by this section is the discretion of the school board of each school district.

7. PAYMENT OF SUBSTITUTE EMPLOYEES

All such substitute employees shall be paid wholly from district funds, except as otherwise provided for long-term substitute teachers in Section 37-19-20.

8. VACATION AND PERSONAL LEAVE

Vacation leave granted to either licensed or non-licensed employees shall be synonymous with personal leave. Five (5) days paid vacation will be allocated to twelve-month hourly employees with twelve months continuous employment prior to July 1. Those same employees not having worked twelve continuous months will receive one half (1/2) day paid vacation per month worked up to five days. Unused vacation will be forfeited if employment is terminated. Unused vacation or personal leave accumulated by licensed employees in excess of the maximum days (20 days for 12-month certified and administrative positions and 10 days for non-licensed 12-month employees) which may be carried over from one (1) year to the next may be converted to sick leave. See SECTION 3. Such personal leave/vacation shall not be taken on the first day of the school term, the last day of the school term, on a day previous to a holiday or a day after a holiday, unless on such days an immediate family member of the employee is being deployed for military service.

9. DEFINITIONS

- a. For the purposes of this subsection, the following words and phrases shall have the meaning ascribed in this paragraph unless the context requires otherwise:

- i. "Catastrophic injury or illness" means a life-threatening injury or illness of an employee or a member of an employee's immediate family that totally incapacitates the employee from work, as verified by a licensed physician, and forces the employee to exhaust all leave time earned by that employee, resulting in the loss of compensation from the state for the employee. Conditions that are short-term in nature, including, but not limited to, common illnesses such as influenza and the measles, and common injuries, are not catastrophic. Chronic illnesses or injuries, such as cancer or major surgery, that result in intermittent absences from work and that are long-term in nature and require long recuperation periods may be considered catastrophic.
 - ii. "Immediate family" means spouse, parent, stepparent, sibling, child or stepchild.
- b. Any school district employee may donate a portion of his or her unused accumulated personal leave or sick leave to another employee of the same or another school district who is suffering from a catastrophic injury or illness or who has a member of his or her immediate family suffering from a catastrophic injury or illness, in accordance with the following:
- i. The employee donating the leave (the "donor employee") shall designate the employee who is to receive the leave (the "recipient employee") and the amount of unused accumulated personal leave and sick leave that is to be donated, and shall notify the school district superintendent or his designee of his or her designation.
 - ii. The maximum amount of unused accumulated personal leave that an employee may donate to any other employee may not exceed a number of days that would leave the donor employee with fewer than seven (7) days of personal leave remaining, and the maximum amount of unused accumulated sick leave that an employee may donate to any other employee may not exceed fifty percent (50%) of the unused accumulated sick leave of the donor employee.
 - iii. An employee must have exhausted all of his or her available leave and sick leave before he or she will be eligible to receive any leave donated by another employee. Eligibility for donated leave shall be based upon review and approval by the donor employee's supervisor.
 - iv. Before an employee may receive donated leave, he or she must provide the school district superintendent or his designee with a physician's statement that states the beginning date of the catastrophic injury or illness, a description of the injury or illness, and a prognosis for recovery and the anticipated date that the recipient employee will be able to return to work.
 - v. If the total amount of leave that is donated to any employee is not used by the recipient employee, the whole days of donated leave shall be returned to the donor employees on a pro rata basis, based on the ratio of the number of days

of leave donated by each donor employee to the total number of days of leave donated by all donor employees.

- vi. Donated leave shall not be used in lieu of disability retirement. ' 37-7-307 (2004)

10. JURY DUTY / OTHER LEAVE

Brookhaven School District will provide leave with pay for employees who serve as witnesses under subpoena and/or on juries. The school board cannot recover jury fees from employees who serve on juries. (Attorney General Opinion, *Middleton*, 1991)

The Brookhaven School District Board of Trustees gives the discretionary authority to the Superintendent to grant leave to non-certified employees on case-by-case basis without prejudice or bias to any employee or group of employees.

BENEFITS

INSURANCE AND RETIREMENT

The District is interested in the health and well-being of both employees and their families. This section of the employee handbook briefly describes each district-sponsored employee benefit program. Employees receive summary plan descriptions, which describe certain benefit programs in greater detail. The plan description and official plan documents (such as insurance master contracts) contain information regarding eligibility requirements, coverage limits, deductibles, premiums, and fees.

Employees are expected to read the plan descriptions carefully to understand rights and responsibilities. Should a conflict exist between the official benefit plan documents and this employee handbook or the plan descriptions, the official plan documents will control in all cases. The District reserves the right, at its sole and absolute discretion, to rescind or amend benefits, to change insurance carriers, or to require a change in employee contributions toward premium costs, deductibles, or co-payments. The District may make such changes at any time, for any reason; financial necessity is not required. Employees will be promptly notified of any such changes. While the District's intention is to continue offering the District-sponsored benefit programs, it cannot guarantee that such benefits will always be available.

BSD offers the following benefits to regular full-time employees. Part-time employees may or may not be eligible for these benefits based on the individual plan requirements:

MEDICAL INSURANCE – BSD participates in the State of Mississippi health insurance plan for school employees. Information regarding the options available to school employees may be obtained by contacting the Benefits Specialist in the school district's central administrative office.

CAFETERIA PLAN – BSD participates in the Section 125 Flexible Benefit Plan, commonly known as the cafeteria plan. Participation by employees in the cafeteria plan is optional. Additional information regarding the cafeteria plan is available in the Benefits Specialist's office.

RETIREMENT PLAN - All regular full-time employees must participate in the Mississippi Public Employees' Retirement System. Current Mississippi law requires eight (8) years of service as of July 1, 2007 for vested interest. Twenty-five (25) years are required for less than sixty (60) years of age for full retirement benefits without penalty. If hired after July 1, 2011, thirty (30) years are required for less than sixty (60) years of age for full retirement benefits. Employees desiring more specific information regarding their retirement should contact the Benefits Specialist or the Mississippi Public Employees' Retirement System.

403 (b) PLAN -All employees of BSD are eligible to participate in the 403(b) Plan(s) that is offered through the district.

COBRA

If the employee, the employee's spouse, or the employee's dependents lose group health insurance coverage due to employment termination or any other "qualifying event," any and all may be eligible to elect continuation of group health coverage in accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA).

COBRA entitles employees and their dependents to elect or decline continued group health insurance coverage upon a "qualifying event." Under federal law, a qualifying event is an event that would ordinarily cause an employee, spouse, or dependent to lose group health insurance coverage. Qualifying events include termination of employment, retirement, discharge for poor performance, reduction of work hours, death of a covered employee, divorce or legal separation from a covered employee, losing "dependent child" status, or Medicare eligibility. Employees discharged for gross misconduct may not be eligible for continuation benefits.

Employees and dependents are responsible for notifying the District's Benefits Specialist immediately following any qualifying event and upon any change in address of the employee and/or dependents. Employees and dependents who elect continued coverage following a qualifying event will be required to pay 100% of the applicable premium coverage cost plus any applicable administration fees.

The covered individual has sixty (60) days to elect coverage from the date of notification. If the covered individual chooses to continue coverage and pays all premiums, benefits will be continued for 18 months. A covered employee, spouse, or dependent who is disabled (according to the Social Security Administration) at the time of the qualifying event may be eligible to continue coverage for up to 29 months. An employee's covered spouse or dependent may be able to continue coverage up to 36 months in the event the covered employee dies, becomes entitled to Medicare, divorces or legally separates from the spouse, or the dependent child ceases to qualify as a dependent under the District's insurance plan provisions.

In the event of a second qualifying event occurring during the period of coverage for an original event, the period of coverage will be extended to 36 months from the date of the original qualifying event.

Employees may obtain additional information about COBRA from the Benefits Specialist.

COMPENSATION

Employees of BSD are paid on the last working day of the calendar month, except for December. Each employee is responsible for reviewing their pay and notifying their supervisor if any errors are noted.

CONTRACTS

The superintendent shall enter into a contract with each licensed employee who is elected and approved for employment by the school board. Such contracts shall be in such form as shall be prescribed by the State Board of Education and shall be executed in a duplicate with one (1) copy to be retained by the appropriate superintendent and one (1) copy to be retained by the licensed employee or person recommended for a licensed position contracted with. The contract shall show the name of the district, the length of the school term, the position held, the scholastic years which it covers, the total amount of the annual salary and how same is payable. The amount of salary to be shown in such contract shall be in the amount which shall have been fixed and determined by the school board, but as to licensed employees paid in whole or in part with minimum education program funds, such salary shall not be less than that required under the provisions of Chapter 19 of this title.

The contract entered into with any person recommended for a licensed position who is anticipating either graduation from an approved teacher education program before September 1 or December 31, as the case may be, or the issuance of a proper license before October 15 or February 15, as the case may be, shall be a conditional contract and shall include a provision stating that the contract will be null and void, if as specified in the contract, the contingency upon which the contract is conditioned has not occurred. If any licensed employee or person recommended for a licensed position who has been elected and approved shall not execute and return the contract within ten (10) days after same has been tendered to him/her for execution, then, at the option of this school board, the election of the licensed employee and the contract tendered to him/her shall be null and void and of no effect. Ms Code § 37-9-23 (1998)

RELEASE FROM CONTRACT

Any licensed employee in this school district who is under contract to teach or perform other duties and who desires to be released from such contract shall make application in writing to this school board for release there from, in which application the reasons for such release shall be clearly stated. If this board acts favorably upon such application for release, such licensed

employee shall be released from his contract, and said contract shall be null and void on the date specified in the school board's order. §37-9-55 (1997)

BREACH OF CONTRACT

If any licensed employee in any public school of this state shall arbitrarily or willfully breach his or her contract and abandon his or her employment without being released there from as provided in Section 37-9-55, the contract of such licensed employee shall be null and void. In addition thereto the license of such licensed employee may be suspended by the State Board of Education for a period of one (1) year as provided in Section 37-3-2(8) upon written recommendation of the majority of the members of this school board. ' 37-9-57 (1997)

NOTICE OF RENEWAL OF CONTRACT REEMPLOYMENT OF PRINCIPALS

On or before March 1 of each year, principals shall be given notice of non-renewal of a contract for a successive year.

REEMPLOYMENT OF TEACHERS

On or before April 15, or within ten (10) days after the Governor approves the appropriation bill for funding K-12 education (whichever date is later), teachers and other administrators shall be notified of non-renewal for a successive year.

REEMPLOYMENT DENIAL (LICENSED EMPLOYEES ONLY)

If a recommendation is made by the Brookhaven School District not to offer a renewal contract to a licensed employee for a successive year, the employee is entitled to an opportunity for a hearing (if requested in writing within ten (10) days of notice) as cited in the "Education Employment Procedures Law". (Ms Code § 37-9-101 through Ms Code § 37-9-113)

EXCLUDED EMPLOYEES

Licensed employees who have not been with the Brookhaven School District for two continuous years, or one year with the Brookhaven School District and two continuous years of employment in a Mississippi public school district are not entitled to the protections of this law.

References: Ms Code § 37-9-101 (2001)

Ms Code § 37-9-105 (2006)

Ms Code § 37-9-109 (2001)

MSBA: *Education Employment Procedures Law Handbook*

EMPLOYEE CLASSIFICATIONS

Brookhaven School District classifies its employees as follows:

Full-Time Employee - A full-time employee is an individual whose employment is for no definite term and who is scheduled to work 40 hours per week on a regular basis. In order for an employee to be eligible for insurance benefits, he/she must work a minimum of 20 hours per week.

Classified Employee – Classified non-instructional personnel re “at-will” employees whose duties do not require a certificate (or license) issued by the State Department of Education. Classified employees have no property rights in their employment, which may be terminated without notice at any time by either the employee or the employee or employer.

Certified Employee – Certified employees are personnel who possess a license issued by the State Department of Education.

Part-Time Employee - A part-time employee is an individual whose employment is for no definite term and who is scheduled to work less than 20 hours per week on a regular basis. Part-time employees are not eligible for benefits.

Temporary Employee – On occasion, Brookhaven School District may utilize the services of employees to temporarily supplement the workforce or help complete a specific project. Temporary employees are not eligible for benefits. Temporary employees are not eligible for comp time.

Non-Exempt Employees – Employees who are required to document time worked are eligible for comp time and/or overtime (i.e. comp/or overtime are calculated one-half their regular rate of pay for hours worked in excess of 40 hours in a workweek) in accordance with applicable state and federal law.

Exempt Employees – Employees who are not required to be paid overtime, in accordance with applicable federal and state wage and hour laws, for work performed beyond 40 hours in a work week. Administrators, managers, teachers, professional employees, and certain employees in administrative positions are exempt.

EXEMPT LICENSED CONTRACTED EMPLOYEES

Contracted Licensed employees must not work over their number of contracted days.

EXEMPT CLASSIFIED EMPLOYEES

BSD recognizes that all professional employees work beyond regular school hours on a regular basis, and the school district acknowledges and appreciates the dedication of its professional employees. However, professional employees are exempt and are not eligible for overtime.

FAMILY AND MEDICAL LEAVE

I. GENERAL REQUIREMENTS

A. Coverage

The Family and Medical Leave Act of 1993 (FMLA) which took effect on August 5, 1993, requires employers with at least 50 employees to provide up to 12 weeks of unpaid leave to an employee in the event of the following:

1. Birth, adoption or foster care placement where the employee is the parent, only within 12 months of the birth or placement of adoption or foster care. Foster care must be formal; State action is required.
2. A serious health condition involving the employee, the employee's spouse, child or parent.

B. Definitions:

1. "Eligible employee" – Any employee of the Brookhaven School District who has been employed for at least 12 months prior to the commencement of the leave (not necessarily 12 consecutive months) and has worked at least 1, 250 hours during the 12 month period prior to the leave. Based on this, the following groups of employees of the Brookhaven School District are **not** eligible for FMLA: a) bus drivers; b) cafeteria workers working less than six (6) hours per day; c) employees who work less than the minimum daily hours shown on the following scale:

<u>Days Employed</u>	<u>Minimum Daily Hours For Eligibility</u>
180	6.94
182	6.87
183	6.83
187	6.76
190	6.58
195	6.41
200	6.25
205	6.10
210	5.95

220	5.68
230	5.43
240	5.21
254	5.00

2. “Spouse” – Eligible employee’s legal spouse. Does not include “common-law” spouses.
3. “Child” – A biological, adopted or foster child, a step child, legal ward or a child of a person standing in place of the parent. The child must be under the age of 18 or incapable of self-care because of mental or physical disability. Includes any child for whom the employee is acting as parent.
4. “Parent” – The eligible employee’s biological parent or someone who stood in place of the parent to the employee. “Parent” does not refer to the parent of the employee’s spouse.
5. “Serious health condition” – Those that involve inpatient care or the continuous treatment or supervision of a health care provider. Examples include, but are not limited to: heart attacks and conditions requiring surgery (ex.: bypass or valve operations), most cancers, back conditions requiring extensive therapy or surgery, strokes, severe nervous disorders, severe respiratory conditions, pregnancy, severe morning sickness, pre-natal care, childbirth, recovery from childbirth, appendicitis, pneumonia, emphysema, severe arthritis, injuries caused by serious accidents. Health conditions **not** considered serious: short term illness, voluntary or cosmetic treatments (ex.: orthodontia, acne treatments), routine physical examinations.
6. “Inpatient care” – At least one (1) day’s stay in a hospital.
7. “Continuing treatment” - Includes the following: a) two or more visits to a health care provider; b) two or more treatments by a health care practitioner on referral from or under the direction of a health care provider; c) a single visit to a health care provider that results in continuing treatment under supervision of a health care provider.
8. “Health care provider” – Includes the following if authorized to practice by the State in which they practice: doctor of medicine or osteopathy, podiatrist, dentist, clinical psychologist, optometrist, chiropractors, nurse practitioner, nurse midwife, Christian Science practitioners listed with the First Church of Christ Scientist, Boston.

C. Leave Requirements:

1. An eligible employee is entitled to up to 12 weeks of unpaid leave in a 12-month period, calculated as a “rolling” 12-month period measured backward from the date of any FMLA leave usage.
2. Eligible employees of the Brookhaven School District shall use any accrued sick leave (including family illness days), extended sick leave, personal leave or vacation for FMLA events before using the unpaid leave provided by FMLA. Any paid leave provided counts toward the 12 week total required by FMLA. Events covered under the leave policies of the Brookhaven School District, e.g., death in

family, that are not covered by FMLA will not be counted against the eligible employee's 12 weeks of FMLA leave. Only enough unpaid leave under FMLA will be provided to total 12 weeks of accrued paid leave.

3. Employees with conditions that do not involve inpatient care or the continuous treatment or supervision of a health care provider, as defined in B6 and B7 of this policy, must be absent at least three (3) consecutive workdays before the event is eligible for FMLA coverage.
4. Eligible spouses employed by the Brookhaven School District are entitled to a maximum of 12 weeks total for birth, adoption, or care of a sick parent. Each spouse may take up to 12 weeks leave for serious illness of self or to take care of a sick child or spouse. Intermittent or reduced leave considerations: a) intermittent or reduced leave for family leave under FMLA must be approved in advance by the superintendent or his/her designee; b) eligible employees may take medical leave intermittently or on a reduced leave basis when medically necessary; c) if the eligible employee requests intermittent or reduced leave, the Brookhaven School District may transfer the employee to an alternative position with equivalent pay and benefits. The alternative position itself is not required to be "equivalent"; d) If an instructional employee asks for intermittent or reduced schedule leave, and the leave is based on planned medical treatment that would last longer than 20% of the total working days during the leave period, the district may require the employee to either (1) take leave for specified periods up to the duration of the treatment, or (2) transfer temporarily to another position that better accommodates the leave, with no loss in pay or benefits. Twenty-six workweeks of leave during a single 12-month period will be allowed to care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember (Military Caregiver Leave). (*29 USC §2601 et seq.; 29 CFR Part 825*)
5. Eligible employees are required to provide the superintendent written notice thirty (30) days in advance of the date on which leave is to begin for events that are foreseeable (the birth of a child, adoption, or a planned program of medical treatment). If the employee is unable to provide thirty (30) days written notice, he/she must provide such written notice as soon as possible and practical.
6. If the leave is unforeseeable and the thirty (30) day notice is not possible, the employee shall notify the superintendent within one or two business days of learning of the need for leave.
7. Teachers or others who directly provide instructional services are required to extend the leave to the end of the term if the request is for leave of: a) three weeks or more and the employee would return during the last three weeks of the term; b) more than two weeks and the employee would return during the last two weeks of the terms; or c) more than five work days and the leave begins less than three weeks before the end of the term. However, if the leave is based on the employee's own serious health condition, circumstances (b) and (c) do not apply.
8. FMLA and the Brookhaven School District impose an obligation on eligible employees in any case in which leave for a serious health condition "is foreseeable based on planned medical treatment," to make a reasonable effort to schedule the treatment so as not to disrupt the operation of the classroom, instructional program, or other operations of the Brookhaven School District.

9. The Brookhaven School District limits leave increments to one-quarter day as this is the shortest period of time used by the payroll system to account for absences or use of leave.

II. REQUIRED CERTIFICATION

- A. Eligible employees shall provide the superintendent certification of a serious health condition or that of a spouse, child, or parent. Medical certification to support a leave request is not required if leave is for the birth or placement of a child. The certification is to be signed by the health care provider, shall be attached to the required written notice or submitted in a timely manner which shall be no more than three (3) working days after providing written notice. No leave period may begin without the approval of the superintendent. No approval shall be granted by the superintendent without the required written notice and certification.
- B. The certification is to include the following:
 - a. The date on which the serious health condition commenced.
 - b. The probable duration of the condition.
 - c. “Appropriate medical facts” regarding the condition.
 - d. A statement that the employee is needed to care for a spouse, parent or child (along with estimate of the time required) and that the employee is unable to perform the function of their position.
 - e. For intermittent leave, the dates of planned care and expected durations.
 - f. Signature of the employee and the health care provider. This certification must be provided by the Brookhaven School District.
- C. The school district may require that a second opinion be obtained at the employer’s expense. The district can select the health care provider provided that the provider selected is not employed on a regular basis at the Brookhaven School District. In the event of conflicting opinions, the school district may pay for a third and final provider to offer a binding decision.
- D. The school district may require subsequent written recertification at “reasonable” intervals, but not more frequently than every thirty (30) days unless: 1) employee requests extension; 2) circumstances have changed (nature/duration of illness); 3) school district receives information casting doubt on validity of original certification; or 4) if employee fails return to work because of serious health condition and need not repay any employer’s premium contribution paid during leave. Recertification must be provided on forms provided by the Brookhaven School District.
- E. Records relating to medical certifications, recertification or medical histories of employees or family members shall be maintained in separate files/records and are to be treated as confidential except as follows: 1) managers/supervisors may be informed about work restrictions and necessary accommodations; 2) first-aid/safety personnel may be informed if emergency treatment is required; 3) government officials checking for FMLA compliance shall be provided information upon request.

Employment and Benefit Protection

- A. Any employee who takes FMLA leave must be restored to the same position they held prior to the leave or a position with “equivalent employment benefits, pay, and other terms and conditions of employment.”
- B. Leave may not result in the loss of seniority or any employee benefit accrued prior to the leave. This includes: 1) life insurance; 2) health insurance; 3) disability insurance; 4) sick leave; 5) retirement, etc. Benefit entitlement based upon length of service must be calculated as of the last paid work day prior to the start of the unpaid leave of absence.
- C. Employees can be denied restoration for the following reasons: 1) if the employee would have lost their job had they not been on leave (i.e., layoff); 2) if employee fraudulently obtains FMLA leave; 3) if the employee works elsewhere during FMLA leave; 4) an employee who is not restored shall be considered to be on leave for the duration of his/her period.
- D. While on unpaid FMLA leave, the employee is entitled to continue employer-provided health insurance on the same basis as in an active employee. The coverage shall be “at the same level and under the conditions” that would have applied to the employee if he/she had remained in active employment.
 - 1. In situations where the employee is responsible for premium, the premium shall be paid no later than what would have been the employee’s regular payday.
 - 2. If employee fails to make a premium payment as agreed, the district’s obligation to maintain health insurance ends when payment is more than thirty (30) days late.
 - 3. If employee’s coverage is canceled, it shall be reinstated upon employee’s return to work as if there had been no break in coverage. Employee will not have to wait until the next open enrollment period to reinstate coverage.
- E. FMLA leave is not a qualifying event for COBRA. COBRA event begins at end of leave or when district is made aware of employee’s intention not to return from leave.

IV. OTHER PROVISIONS

- A. Docking for partial day leave.

Any unpaid leave granted in compliance with the FMLA has no effect on the exempt status of employees for purposes of federal wage and hour laws.

Therefore, the district may dock an exempt employee's pay for a partial day absence, where the absence is due to leave under the FMLA, without rendering the employee eligible for overtime pay.

B. Records, reports, and notice posting.

1. Records concerning compliance with the FMLA shall be kept in accordance with the Fair Labor Standards Act, which requires preserving records for three years. In addition to basic payroll data, Brookhaven School District's records shall: a) specifically designate the dates on which FMLA leave is taken; b) show the number of hours of leave where any leave is taken in increments of less than one day; c) include copies of notices from and to employees; d) describe employees benefits and Brookhaven School District practices regarding paid and unpaid leave; e) state premiums paid by employees for continuing benefits; f) include descriptions of any disputes as to designation of FMLA leave; and g) keep medical certification in separate confidential files, although necessary disclosures can be made to supervisors concerning work accommodations, to first-aid and safety personnel, and to government officials.
2. Reports and records will be submitted to the Labor Department only upon request by that agency.
3. A Labor Department notice concerning the FMLA shall be posted at all applicable sites of the Brookhaven School District.

V. PROHIBITED ACTS

It is unlawful for the Brookhaven School District to interfere with, restrain, or deny the exercise of any right provided by this policy. It is also unlawful for the Brookhaven School District to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding under or relating to FMLA.

VI. EMPLOYEE NOTIFICATION

Distribution of this policy will be deemed as adequately informing covered Brookhaven School District employees of their rights and responsibilities under FMLA and this policy, including giving information when an employee gives notice of FMLA leave on what is required of the employee and what might happen in certain circumstances, such as if the employee fails to return to work after FMLA leave.

This policy shall take effect and be in force from and after August 5, 1993. An employee's service prior to this effective date shall be counted in determining whether the employee is eligible for leave.

MONTHLY ABSENTEE REPORT

All certified and salaried employees must turn in the Monthly Absentee Report by that month's cut-off date. This report is due whether or not the employee is absent.

Classified Employees (Non-Exempt Employees) are required to document any sick or personal time on their time sheet or time card. The approval of time sheets and time cards are approved by the immediate supervisor before the employee can be paid.

NON- EXEMPT EMPLOYEES

The workweek for full-time employees shall not exceed forty (40) hours. The school district encourages the completion of assigned tasks during the regular workday. Non-exempt employees are **not to work overtime** without prior approval from Principal/Supervisor. **Comp time** must have prior approval from Principal/Supervisor, can be accumulated but must be used by the last working day in June of the current fiscal year and can only be used when approved by Principal/Supervisor. Each supervisor shall maintain accurate records of all hours worked by each employee supervised.

Comp Time does not roll over from year to year.

NON-QUALIFYING FMLA REQUEST

An employee who does not qualify for leave based on the Family Medical Leave Act (FMLA) of 1993 may take a leave of absence up to 45 business days. The employee may be responsible for timely payments of all insurance premiums while on approved leave of absence.

GENERAL PROVISIONS:

In order to qualify for temporary medical leave of absence the following must apply:

1. An employee anticipating an absence of five days or more must apply for leave of absence with the Benefit Specialist prior to the absence or within seven (7) business days of the first day of absence.
2. New employees reported to work on the first day of employment.
3. The employee does not qualify for Family Medical Leave (FML) based on the following criteria:
 - a. Employee has not been employed with Brookhaven School District for at least 12 months;
 - b. Employee has not worked for Brookhaven School District at least 1250 hours.

4. Qualifying for the leave of absence follows the same criteria and procedure as described in FMLA regulations.
 - a. Birth of a child and/or to care for a newborn child of the employee.
 - b. Placement with the employee of a child through adoption.
 - c. Care for the employee's spouse, dependent child, or parent of the employee who has a serious health condition.
 - d. A serious health condition that renders the employee unable to perform the function of his/her job.
5. All leave of absences require final approval of the Superintendent.
6. Failure to return to work on the determined return-to-work day will be considered as a resignation by the employee.
7. The employee must use any available accrued paid leave concurrently with the leave of absence. Otherwise, compensation will not be paid during leave.
8. The leave of absence must be used continuously and can only be used once per fiscal year. It will not be available for intermittent use.

Procedures:

1. A request for leave of absence must be made on the Request for Leave of Absence form having the approval of the Principal/Supervisor and the Superintendent.
2. Medical documentation supporting the request must be provided to the Superintendent's Office within five (5) days of the request for leave.
3. The Request for Leave of Absence form must be filed in the employee's personnel file.
4. The Principal/Supervisor must be notified of the expected date the employee returns. The employee must provide documentation from the physician stating the employee's return to work date before returning to work.

PAYROLL DEDUCTIONS

The law requires payroll deductions to cover federal, state, and local income taxes and Social Security/Medicare (FICA) and retirement. These deductions are made automatically. Other deductions for other programs will be made upon a written authorization by the employee and with the approval of the District.

Deductions can be made for health, life and salary protection insurance as well as board approved tax-sheltered annuities, and teacher credit union contributions. All requests for changes in deductions must be submitted, in writing, prior to the 1st of each month. Deductions may also stem from garnishments. When a garnishment is imposed, the administration of BSD complies by withholding a percentage of the employee's salary, as mandated by law.

It is our policy to comply with the salary basis requirements of the Fair Labor Standards Act (FLSA). Therefore, we prohibit any improper deductions from the salaries of exempt employees. We want employees to be aware of this policy and that the District does not allow deductions that violate the FLSA.

Deductions from exempt employees' salaries are prohibited, except as allowed by applicable law.

REDUCTION IN FORCE

The Board of Trustees has the responsibility for providing and maintaining quality schools within the district. In order to carry out its responsibility, the board may: (1) abolish or combine job positions, (2) reduce the length of the work year with a concomitant reduction in salary (the same to be in no event less than 187 days per contract year), (3) reduce employee salaries, and/or (4) reduce the number of employees. Initially, staff reduction will be accomplished by attrition.

When reducing the number of licensed employees, the board will take into account the following reasons for such reduction in force:

2. Enrollment declines,
3. Financial decline/reduction
4. Educational program(s) elimination, and/or
5. Other good and/or just cause as defined by the Board

The primary objective of the board when reducing the work force will be the maintenance of a fair and balanced educational program consistent with the needs of the students and the functions and responsibilities of the school district. When deciding reduction in force, the board will consider the following factors, not necessarily in the order listed:

1. Importance of the position to the mission, goals, and objectives of the school district
2. Area(s) and level(s) of competence indicated by certification.
3. Experience, professional training, length of service within the district and work assignment.

4. Quality of performance including character, teaching capacity, and/or executive ability.
5. Skills in area(s) where the district has instructional and/or supervisory needs.

LEGAL REF.: MS Code Sections 37-9-101 through 37-9-113 and 37-9-59

SUBSTITUTES

SUBSTITUTE TEACHER PAY

The daily rate of pay for substitutes is published in the substitute teacher pay scale which is board approved annually.

The following documents must be on file in the Superintendent's office:

1. Copy of Transcript(s)
2. Copy of Degree
3. Current Teacher Certificate (if applicable)
4. Verification of Years of Experience (if applicable)
5. Letter of Recommendation by the Principal with the Superintendent's Approval

In addition to the aforementioned stipulations, all long term substitutes will:

1. Carry out all routine duties and/or assignments of the regular classroom teacher
2. Attend all scheduled Staff Development activities

It will be the responsibility of the building principal to ensure that substitute teachers and administrators have a working knowledge of the school's handbook and student handbook, including the discipline plan.

SUBSTITUTE ADMINISTRATOR PAY

Individuals serving as substitute administrators in the Brookhaven School District shall be paid the current rate of pay for the certificate held and years of experience as outlined in the Brookhaven School District's salary schedule.

UNEMPLOYMENT COMPENSATION

Employees are not eligible for unemployment benefits in the summer months between school terms. An employee hired during the school term that has reasonable assurance of employment for the same or similar work for the following school term will be denied.

Substitutes may receive unemployment compensation if they are only working part-time and not earning more than their allowed benefit for the week.

Substitute logs are to be sent to the Benefits Specialist each month documenting who was called and whether or not they accepted the work. This information is provided to the Miss Dept of Employment for those substitutes that file unemployment claims.

WORKER'S COMPENSATION

It is the District's goal to provide a safe work environment. Each employee shall comply with all occupational safety, health policies and standards. Should an accident occur, the employee must report any injury or illness, no matter how minor it may seem, immediately to the Supervisor/Principal. The supervisor must report the incident to the Workers' Compensation Coordinator. Failure to do so may jeopardize eligibility for workers' compensation.

Employees are covered against certain loss of earnings due to injuries on the job by a workers' compensation insurance policy furnished by the District. No compensation will be allowed for an injury, illness or death due to willful misconduct, intentional self-inflicted injury, intoxication, or willful failure or refusal to use safety devices or lack of compliance with prescribed safety procedures. The payment of medical bills and compensation payments will be in accordance with all applicable workers' compensation laws.

If an employee suffers an occupational injury or illness, the following steps should be taken:

- Any necessary first-aid treatment should be administered.
- When physically able, the employee should immediately report the injury or illness to his or her Supervisor or Principal.
- Both the employee and supervisor must complete a Report of Accident/Injury form within the first hour of the accident.

If medical attention is required, the employee may be seen by a medical doctor or facility approved by the District, unless in an emergency.

- Medical facilities will need a claim number in order to administer treatment. The insurance company will not provide a claim number without the Accident/Injury form. These forms are available from the employee's supervisor or on the district website under "Staff Documents". Both forms must be signed and dated by the supervisor and forwarded to the Workers' Compensation Coordinator in the Business Office of the Central Office as soon as possible.

SECTION V: SAFETY

Each employee is expected, as a condition of employment, to work in a safe manner. He/she is also expected to exercise maximum responsibility for the prevention of accidents and the safe use of machinery and equipment entrusted to his or her care.

Employee responsibilities include the following:

- Attend training sessions. Learn safe work procedures.
- Maintain good housekeeping in work area.
- Do not obstruct doorways, hallways, or stairways in any manner.
- Wear proper dress and use appropriate Personal Protective Equipment as required by the job.
- Keep machine guards in place.
- Report unsafe conditions or unsafe acts to the supervisor.
- Report all accidents and injuries to immediate supervisor at once.
- Know the location of the fire extinguishers and emergency exits in the building.
- Obey established rules of conduct and adhere to the safety plan.
- Be concerned about the safety of others. Refrain from horseplay or pranks while on the job.
- Identify and properly control hazardous materials within area of responsibility.
- All heavy objects should be lifted or moved by personnel trained in the use of the proper equipment and techniques.

AHERA COMPLIANCE

Dear Parents, Students, and Staff of Brookhaven School District:

In compliance with the U.S. Environmental Protection Agency (EPA) Asbestos Hazard Emergency Response Act (AHERA), in the spring of 2014, inspections were performed at each of our school buildings to identify and assess the condition of all Asbestos Containing Building Materials (ACBM). Management Plans were then developed to establish guidelines for managing the ACBM.

The EPA requires re-inspection for the asbestos materials every three years with continued surveillance reports and documentation of any and all activities involving the disturbance of asbestos materials to include: abatement, repairs, cleanup, etc.

Management Plans containing documentation of all activities involving ACBM are on file in the district administration office and at each school administrative office. The Management Plans are available for view by the general public anytime during normal school hours (M-F, 8:00 a.m. - 3:00 p.m.). The Asbestos Program Manager will be available to answer any questions you may have regarding asbestos in our buildings.

Sincerely,
Ray Carlock, Superintendent
Brookhaven School District

EMERGENCIES

To cope successfully with any emergency, it is essential that you be completely knowledgeable of your school's emergency procedures, that they are practiced, and that you remain calm throughout the emergency. Because each school is different, each school has its own procedure; therefore it is the employee's responsibility to contact the school principal/department administrator for specific directions.

FIRE – Be familiar with the fire evacuation routes and procedures from your building, and know the location of the nearest fire extinguisher and how to use it.

TORNADOS – Know the definitions of “watch” versus “warning”; does this school ring the bell or does the maintenance dept listen for the town's sirens?

BOMB THREAT and **TRAIN DERAILMENT** are less common emergencies, but there must be a plan on how to handle.

All emergency situations are reviewed in detail in the Brookhaven School District Crisis Response Plan, as well as at the local level. The BSD will ensure that all staff are properly trained to respond in emergency situations.

ID BADGES

Employees are required to wear an ID badge while on BSD property. Anytime an individual is seen on BSD properties without an ID badge, employees are to approach, offer assistance, and if possible walk with visitor to destination. Report any suspicious activity to school principal or central office immediately.

SCHOOL SAFETY

Each Principal shall provide detailed written instruction on procedures for carrying out all emergencies. These procedures shall be carefully explained to each class and drills will be conducted to ensure proper preparedness in case of an emergency. All school and district safety procedures shall be in accordance with Title 37 of the MS Code of 1972, the Mississippi School

Safety manual, and Standards 35, 36, and 37 of the Mississippi Public Schools Accountability Standards of 2012. Hard copies of both of these documents are available at the District Central

Office or they can be accessed at the links provided below.

MS Code of 1972 - <http://www.mscode.com/free/statutes/toc.htm>

Mississippi Public Schools Accountability Manual -
<http://www.mde.k12.ms.us/accreditation/accreditation-accountability-standards>

UNIVERSAL PRECAUTION STATEMENT

Universal precautions are work practices that help prevent contact with blood and certain other body fluids. Universal precautions are a person's best protection against AIDS, Hepatitis B, and other infectious diseases. To help prevent the spread of diseases communicated by body secretions, the following precautions are recommended:

- Wear disposable plastic or rubber gloves when in contact with body secretions and do not reuse the disposable gloves.
- Wash hands after contact with children with open wounds or who have body secretions of any kind. Use disposable paper towels. Encourage children to wash their hands after bathroom use or if they have any other body fluids on their hands.
- To clean up body fluids, always use an approved disinfectant. Clean work surfaces any time they become contaminated with blood or other body fluids.
- Do not eat or drink in work areas where blood and other body fluids may be present.

Board policy JGCC contains specific details regarding the appropriate procedures in regards to contagious, infectious, and communicable disease control. Each employee is expected to familiarize themselves with these procedures.