

# POPLAR SCHOOL DISTRICT

## PERSONNEL

### 5000 SERIES

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Equal Employment Opportunity and Non-Discrimination

The District will provide equal employment opportunities to all persons, regardless of their race, color, religion, creed, national origin, sex, age, ancestry, marital status, military status, citizenship status, use of lawful products while not at work, physical or mental disability, if otherwise able to perform essential functions of the job and other legally protected categories.

The District will make reasonable accommodation for an individual with a disability known to the District, if the individual is otherwise qualified for the position, unless the accommodation would impose undue hardship on the District.

Persons who believe they have not received equal employment opportunities or have been retaliated against should report their claims to the building principal. Claims of sex or disability discrimination will be handled through the District's Title IX and Section 504 and ADA Grievance Procedures. All other claims will be handled through the Uniform Complaint Protocol. No employee or applicant will be discriminated against because he or she initiated a complaint, was a witness, supplied information or otherwise participated in an investigation or proceeding involving an alleged violation of this policy or State or federal laws. The District reserves the right to take action against any individual who knowingly makes false accusations or knowingly provides false information.

Retaliation against an employee who has filed a discrimination complaint, testified or participated in any manner in a discrimination investigation or proceeding is prohibited.

Cross Reference:                   1700   Uniform Complaint Protocol  
  Title IX Grievance Procedure  
  Section 504 and ADA Grievance Procedure

Legal Reference:                   Age Discrimination in Employment Act, 29 U.S.C. §§ 621, *et seq.*  
  Americans with Disabilities Act, Title I, 42 U.S.C. §§ 12111, *et seq.*  
  Equal Pay Act, 29 U.S.C. § 206(d)  
  Immigration Reform and Control Act, 8 U.S.C. §§ 1324(a), *et seq.*  
  Rehabilitation Act of 1973, 29 U.S.C. §§ 791, *et seq.*  
  Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), *et seq.*;  
  Title IX of the Education Amendments, 20 U.S.C. §§ 1681, *et seq.*;  
  Montana Constitution, Art. X, § 1 - Educational goals and duties  
  § 49-2-101, *et seq.*, MCA                   Human Rights Act

Policy History:

Adopted on:

Revised on: July 11, 2016

Sexual Harassment/Sexual Intimidation in the Workplace

The District shall provide employees an environment free of unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct, or communications constituting sexual harassment as defined and otherwise prohibited by State and federal law. Sexual harassment includes sexual violence, which are physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the use of drugs or alcohol or intellectual or other disability. Sexually violent acts could include rape, sexual assault, sexual battery and sexual coercion.

District employees shall not make unwelcome sexual advances or request sexual favors or engage in any unwelcome conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. The terms intimidating, hostile or offensive include, but are not limited to, conduct which has the effect of humiliation, embarrassment or discomfort. Sexual harassment will be evaluated in light of all the circumstances. A violation of this policy may result in discipline, up to and including discharge. Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action, up to and including discharge.

Employees should report claims of sexual harassment to the Principal or Superintendent or the District's Title IX Coordinator and/or use the District's Title IX Grievance Procedure. Initiating a complaint of sexual harassment shall not adversely affect the complainant's employment, compensation or work assignments.

Cross References: Title IX Grievance Procedure

Legal References:	42 USC § 2000(e) et seq.	Title VII of Civil Rights Act
	20 USC §1681 et seq.	Title IX
	§ 49-2-101, et seq. MCA	Human Rights Act
	§ 49-1-102, MCA	Freedom from discrimination
	§ 49-3-201, MCA et seq.	Governmental Code of Fair Practices

Policy History:

Adopted on:

Revised on: July 11, 2016

Bullying/Harassment/Intimidation

The Board will strive to provide a positive and productive working environment. Bullying, harassment or intimidation between employees or by third parties is strictly prohibited and shall not be tolerated. This includes bullying, harassment or intimidation via electronic communication devices (“cyber bullying”).

***Definitions***

- A “hostile” working environment is one in which the offensive speech or conduct of another person or persons is so severe or pervasive as to interfere with an employee’s ability to perform his or her job. To be sufficiently severe, the working environment must be one that a reasonable person would find hostile and abusive. In making its determination, the District shall look at all the circumstances, including the frequency of the offensive speech or conduct; its severity, whether it is physically threatening or humiliating or merely an offensive utterance; and whether it unreasonably interferes with an employee’s work performance. To be considered “hostile,” the speech or conduct must go beyond rudeness or casual joking, reaching a level of harassment, mockery, ridicule and/or unrelenting teasing. Isolated incidents or petty slights are generally not sufficient to create a hostile working environment. In the absence of any of the conditions described above, actions such as the issuance of a lawful directive, a disciplinary action, a negative performance evaluation, a recommendation for the nonrenewal of an employment contract or the denial for a request for an employment benefit may not constitute the basis for a claim under this policy, but may be pursued through other dispute resolution procedures.
- “Third parties” include but are not limited to coaches, school volunteers, parents, school visitors, service contractors, or others engaged in District business, such as employees of businesses or organizations participating in cooperative work programs with the District, and others not directly subject to District control at inter-district and intra-District athletic competitions or other school events.
- “District” includes District facilities, District premises, and non-District property if the employee is at any District-sponsored, District-approved, or District-related activity or function, such as field trips or athletic events, where the employee is engaged in District business.
- “Harassment, intimidation, or bullying” means any act that substantially interferes with an employee’s opportunities or work performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation, or anywhere conduct may reasonably be considered to be a threat or an attempted intimidation of a staff member or an interference with school purposes or an educational function, and that has the effect of:
  - Physically harming an employee or damaging an employee’s property;
  - Knowingly placing an employee in reasonable fear of physical harm to the employee or damage to the employee’s property; or
  - Creating a hostile working environment.
- “Electronic communication device” means any mode of electronic communication, including but not limited to computers, cell phones, PDAs, or the internet.

***Reporting***

All complaints about behavior which allege facts that, if true, could be reasonably found to violate this policy shall be promptly investigated. The investigation may be suspended or terminated if the employee files a claim in another forum making allegations that are the same or similar to those presented in the complaint. Any employee or third party who has knowledge of conduct in violation of this policy or feels he/she has been a victim of harassment, intimidation or bullying in violation of this policy is encouraged to immediately report his/her concerns to the building principal, who has overall responsibility for such investigations. Complaints against the building principal shall be filed with the Superintendent. Complaints against the Superintendent shall be filed with the Board.

The complainant shall be notified of the findings of the investigation and, as appropriate, that remedial action has been taken.

***Responsibilities***

The District Administrator shall be responsible for ensuring that notice of this policy is provided to staff and third parties and for the development of administrative regulations, including reporting and investigative procedures, as needed.

***Consequences***

Staff whose behavior is found to be in violation of this policy will be subject to discipline up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the District Administrator or the Board. Individuals may also be referred to law enforcement officials.

***Retaliation and Reprisal***

Retaliation is prohibited against any person who reports or is thought to have reported a violation, files a complaint, or otherwise participates in an investigation or inquiry. Such retaliation shall be considered a serious violation of Board policy, whether or not a complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

Cross Reference: 3325 Bullying, Harassment, Intimidation and Hazing

Legal Reference: 10.55.701(1)(g), ARM Board of Trustees  
10.55.801(1)(d), ARM School Climate

Policy History:

Adopted on:

Revised on: July 11, 2016

## Poplar School District

### PERSONNEL

5021

#### Applicability of Personnel Policies

Except where expressly provided to the contrary, personnel policies apply uniformly to the employed staff of the District. However, where there is a conflict between the terms of a collective bargaining agreement and the District's policy, the law provides that the terms of the collective bargaining agreement shall prevail for the staff covered by that agreement.

When a matter is not specifically provided for in an applicable collective bargaining agreement, the policies of the Board to effectively and efficiently manage the District shall govern.

Legal Reference: § 39-31-102, MCA Chapter not a limit on Legislative Authority

#### Policy History

Adopted on:

Revised on: July 11, 2016

## Poplar School District

### PERSONNEL

5120

#### Hiring Process and Criteria

The Superintendent is responsible for recruiting personnel, in compliance with Board policy, and for making hiring recommendations to the Board. The District will hire highly qualified personnel consistent with budget and staffing requirements and will comply with law on equal employment opportunities and veterans' preference. All applicants must complete a District application form to be considered for employment.

Every applicant must provide the District with written authorization for a criminal background investigation. The Superintendent will keep any conviction record confidential as required by law and District policy. Every newly hired employee must complete all necessary employment verification forms as required by federal and/or state law.

Every newly hired employee must provide the school district documentation of the results of a tuberculin skin test done within the year prior to initial employment, along with the name of tester and the date and type of test administered, unless the person provides written medical documentation that he/she is a known tuberculin reactor.

#### Certification

The District requires its contracted certified staff to hold valid Montana teacher or specialist certificates endorsed for the roles and responsibilities for which they are employed. Failure to meet this requirement shall be just cause for termination of employment. No salary warrants may be issued to a staff member, unless a valid certificate for the role to which the teacher has been assigned has been registered with the county superintendent within sixty (60) calendar days after a term of service begins. Every teacher and administrator under contract must bring their current, valid certificate to the personnel office at the time of initial employment, as well as at the time of each renewal of certification.

The personnel office will register all certificates, noting class and endorsement of certificates, and will update permanent records as necessary. The personnel office also will retain a copy of each valid certificate of a contracted certified employee in that employee's personnel file.

Cross Reference:	5122	Fingerprints and Criminal Background Investigations Administrative Procedures
Legal Reference:	§ 20-4-202, MCA § 39-29-102, MCA  Public Law 114-95 37.114.1010, DPHHS	Teacher and specialist certification registration Point preference or alternative preference in initial hiring for certain applicants - - substantially equivalent selection procedure Every Student Succeeds Act Employee of School: Day Care Facility Care Provider

#### Policy History:

Adopted on:

Revised on: July 11, 2016

Criminal Background Investigations

Board policy requires that any finalist recommended to be employed in a paid or volunteer position with the District, involving regular unsupervised access to students in schools, as determined by the Superintendent, shall submit to a criminal background investigation conducted by the appropriate law enforcement agency before appointment by the Board. The results of the criminal background check will be presented to and reviewed by the superintendent. Any concerns regarding the background check shall be communicated concurrent with the recommendation for employment or appointment, if applicable. Any subsequent offer of employment or appointment will be contingent on results of the criminal background check, which must be acceptable to the Board, in its sole discretion. In the event that the background check cannot be obtained in a timely fashion, an individual may be recommended for hire or appointment contingent upon positive results of a background check and allowed to work with students through an arrangement which provides for temporary supervision of the employee or volunteer on an as-needed basis.

The following applicants, as a condition for any offer of employment, will be required to authorize, in writing, a name-based and fingerprint criminal background investigation:

- A certified teacher seeking full- or part-time employment with the District;
- An educational support personnel employee seeking full- or part-time employment with the District;
- An employee of a person or firm holding a contract with the District, if the employee is assigned to the District;
- A volunteer assigned to work in the District, who has regular unsupervised access to students; and
- Non-licensed substitute teachers.

Any requirement of an applicant to submit to a fingerprint background check will be in compliance with the Volunteers for Children Act of 1998 and applicable federal regulations. If an applicant has any prior record of arrest or conviction by any local, state, or federal law enforcement agency for an offense other than a minor traffic violation, the facts must be reviewed by the Superintendent, who will decide whether the applicant will be declared eligible for appointment or employment. Arrests resolved without conviction will not be considered in the hiring process, unless the charges are pending.

Legal Reference:	§ 44-5-301, MCA	Dissemination of public criminal justice information
	§ 44-5-302, MCA	Dissemination of criminal history record information that is not public criminal justice information
	§ 44-5-303, MCA	Dissemination of confidential criminal justice information
	ARM 10.57.113	Substitute Teachers
	Public Law 105-251	Volunteers for Children Act

Policy History

Adopted on:

Revised on: July 11, 2016



Staff Health

***Medical Examinations***

Through its overall safety program and various policies pertaining to school personnel, the Board will promote the safety of employees during working hours and assist them in the maintenance of good health. The Board will encourage all its employees to maintain optimum health through the practice of good health habits. The Board may require physical examinations of its employees, under circumstances defined below. The District will maintain results of physical examinations in medical files separate from the employee's personnel file and will release them only as permitted by law.

***Physical Examinations***

The District participates in a Pre-Placement Physical Program for all custodial and maintenance personnel and other positions deemed inclusive of this policy as determined by specific Board action. Subsequent to a conditional offer of employment in a position for which the District may require participation in a pre-placement physical but before commencement of work, the District may require an applicant to have a medical examination and to meet any other health requirements which may be imposed by the state. The District may condition an offer of employment on the results of such examination, if all employees who received a conditional offer of employment in the applicable job category are subject to such examination. The report shall certify the employee's ability to perform the job-related functions of the position for which the employee is being considered. Such examination shall be used only to determine whether the applicant is able to perform with reasonable accommodation job-related functions.

All bus drivers, whether full-time, regular part-time or temporary part-time, are required by state law to have a satisfactory medical examination before employment.

***Communicable Diseases***

If a staff member has a communicable disease and has knowledge that a person with compromised or suppressed immunity attends the school, the staff member must notify the school nurse or other responsible person designated by the Board of the communicable disease which could be life threatening to an immune-compromised person. The school nurse or other responsible person designated by the Board must determine, after consultation with and on the advice of public health officials, if the immune-compromised person needs appropriate accommodation to protect their health and safety.

An employee with a communicable disease shall not report to work during the period of time in which the employee is infectious. An employee afflicted with a communicable disease capable of being readily transmitted in the school setting (e.g., airborne transmission of tuberculosis) shall be encouraged to report the existence of the illness so that precautions may be taken to protect the health of others. The District reserves the right to require a statement from an employee's primary care provider, before the employee may return to work.

***Confidentiality***

In all instances, District personnel will respect an individual's right to privacy and treat any medical diagnosis as confidential information. Any information obtained regarding the medical condition or history of any employee will be collected and maintained on separate forms and in separate medical files and will be treated as confidential information. Only those individuals with a legitimate need to know (i.e.,

those persons with a direct responsibility for the care of or for determining workplace accommodation for the staff person) will be provided necessary medical information.

Supervisors and managers may be informed of necessary restrictions on the work or duties of an employee and necessary accommodations. First aid and safety personnel may be informed, when appropriate, if a staff member with a disability might require emergency treatment.

Legal Reference:	29 U.S.C. § 794, 42 U.S.C. § 12101, et seq. 29 CFR, Section 1630.14(c)(1)(2)(3) Title 49, Chapter 2, MCA Title 49, Chapter 4, MCA § 20-10-103(4), MCA ARM 37.114.1010 ARM 37.111.825	Section 504 of the Rehabilitation Act Americans with Disabilities Act Examination of employees Illegal Discrimination Rights of Persons With Disabilities School bus driver qualifications Employee of School: Day Care Facility Care Provider Health Supervision and Maintenance
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Policy History:

Adopted on:

Revised on: July 11, 2016

## Poplar School District

### PERSONNEL

5140

#### Classified Employment and Assignment

Each classified employee not included in/covered by the Poplar Classified Employees Association Agreement will be employed under a written contract of a specified term, of a beginning and ending date, within the meaning of § 39-2-912, MCA, after the employee has satisfied the requisite probationary period of six months. During the probationary period of employment, the employment may be terminated at the will of either the School District or the employee on notice to the other for any reason or no reason. Should the employee satisfy the probationary period, such employee shall have no expectation of continued employment beyond the current contract term.

The District reserves the right to change employment conditions affecting an employee's duties, assignment, supervisor or grade.

The Board will determine salary and wages for classified personnel.

Legal Reference:                    § 39-2-904, MCA            Elements of wrongful discharge – presumptive probationary period  
   § 39-2-912, MCA            Exceptions to Wrongful Discharge from Employment Act  
*Hunter v. City of Great Falls* (2002), 2002 MT 331  
*Whidden v. Nerison*, 294 Mont. 346, 981 P.2d 271 (1999)  
*Bowden v. The Anaconda Co.*, 38 St. Rep. 1974 (D.C. Mont. 1981)  
*Prout v. Sears, Roebuck & Co.*, 236 Mont. 152, 722 P.2d 288 (1989)  
*Stowers v. Community Medical Center, Inc.*, 2007 MT 309, 340 Mont. 116, 172 P.2d 1252.

#### Policy History:

Adopted on:

Revised on: July 11, 2016

**Poplar School District**

**PERSONNEL**

**5213**

Vacancies

When the District determines that a vacancy exists, that vacancy may be posted in each school building or, during the summer, outside the office.

Vacancies may be advertised in-District only or they may be advertised in-District and through job service, Career Services at a college or university, local public advertising and, where appropriate, if time permits, through a broader regional and/or national basis. Except as required in negotiated agreements, a vacancy need not be advertised as determined by the Superintendent.

Policy History:

Adopted on:

Revised on: July 11, 2016

**Poplar School District**

**PERSONNEL**

**5221**

Work Day

***Length of Work Day – Certified Staff***

The current collective bargaining agreement sets forth conditions pertaining to the certified workday, preparation periods, lunches, etc. Arrival time shall generally be as directed by the principal or as stipulated in the Agreement.

***Length of Work Day – Classified Staff***

The length of a workday for classified staff is governed by the number of hours for which the employee is assigned. A “full time” employee shall be considered to be an eight (8) hour-per-day/forty (40) hour-per-week employee. The workday is exclusive of lunch, but inclusive of breaks, unless otherwise and specifically provided for by an individual contract. Supervisors will establish schedules. Normal office hours in the District will be 8:00 a.m. to 4:00 p.m.

Legal Reference:	29 U.S.C § 201 to 219 29 CFR 516, et seq. § 39-3-405 MCA § 39-4-107, MCA  10.65.103(2), ARM  24.16.102, et seq., ARM	Fair Labor Standards Act of 1985 FLSA Regulations Overtime Compensation State and municipal governments, school districts, mines, mills and smelters Program of Approved Pupil Instruction Related Days Wages and Hours
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Policy History:

Adopted on:

Revised on: July 11, 2016

## **Poplar School District**

### **PERSONNEL**

**5222**

#### Evaluation of Non-Administrative Staff

Each non-administrative staff member's job performance will be evaluated by the staff member's direct supervisor. The evaluation process includes scheduled annual evaluations using forms developed by the District and applicable to the job classification and description, and day-to-day appraisals.

Certified and/or classified staff members may be evaluated according to the terms stated in the current collective bargaining agreement, if applicable.

The supervisor will provide a copy of the completed evaluation to the staff member and will provide opportunity to discuss the evaluation. The original should be signed by the staff member and filed with the Superintendent. If the staff member refuses to sign the evaluation, the supervisor should note the refusal and submit the evaluation to the Superintendent.

#### Policy History:

Adopted on:

Revised on: July 11, 2016

**Poplar School District**

**PERSONNEL**

**5223**

Personal Conduct

Employees are expected to maintain high standards of honesty, integrity and impartiality in the conduct of District business.

In accordance with state law, an employee should not dispense or utilize any information gained from employment with the District, accept gifts or benefits, or participate in business enterprises or employment that creates a conflict of interest with the faithful and impartial discharge of the employee's District duties. A District employee, before acting in a manner that might impinge on any fiduciary duty, may disclose the nature of the private interest that would create a conflict. Care should be taken to avoid using or avoid the appearance of using official positions and confidential information for personal advantage or gain.

Further, employees are expected to hold confidential all information deemed not to be for public consumption as determined by state law, Federal law and Board policy. Employees also will respect the confidentiality of people served in the course of an employee's duties and use information gained in a responsible manner. The Board may discipline, up to and including discharge, any employee who discloses confidential and/or private information learned during the course of the employee's duties. Discretion should be used even within the school system's own network of communication.

Administrators and supervisors may set forth specific rules and regulations governing staff conduct.

Cross Reference:                      Staff Handbooks

Legal Reference:                      § 20-1-201, MCA                      School officers not to act as agents

Policy History:

Adopted on:

Revised on: July 11, 2016

**Poplar School District**

**PERSONNEL**

**5224**

Political Activity - Staff Participation

The Board recognizes its individual employees' rights of citizenship, including, but not limited to, engaging in political activities. An employee of the District may seek an elective office, provided that the staff member does not campaign on school property during working hours, and provided all other legal requirements are met. The District assumes no obligation beyond making such opportunities available. In the event the staff member is elected to office, the employee is entitled to take a leave of absence without pay in accordance with the provisions of § 2-18-620, MCA.

No person may attempt to coerce, command or require a public employee to support or oppose any political committee, the nomination or election of any person to public office or the passage of a ballot issue.

No District employee may solicit support for, or opposition to, any political committee, the nomination or election of any person to public office or the passage of a ballot issue while on the job or at his place of employment. However, nothing in this section is intended to restrict the right of a District employee to express his or her personal political views.

Legal Reference:

5 U.S.C § 7321, et seq.  
§ 2-18-620, MCA

§13-35-226, MCA

Hatch Act  
Mandatory leave of absence of public employees attending training camp or similar training program  
Unlawful acts of employers and employees

Policy History:

Adopted on:

Revised on: July 11, 2016



## Poplar School District

### PERSONNEL

5226

#### Drug-Free Workplace

All District workplaces are drug and alcohol free. All employees are prohibited from:

- Unlawfully manufacturing, dispensing, distributing, possessing, using or being under the influence of a controlled substance while on District premises or while performing work for the District; and
- Distributing, consuming, using, possessing or being under the influence of alcohol while on District premises or while performing work for the District.

For purposes of this policy, a controlled substance is one that is not legally attainable, being used in a manner other than as prescribed, legally obtainable but has not been legally obtained or referenced in federal or state controlled-substance acts. For purposes of this policy, a controlled substance includes medical marijuana. Any employee must notify his or her supervisor of his or her conviction under any criminal drug statute, for a violation occurring on District premises or while performing work for the District, no later than five (5) days after such conviction.

In order to make employees aware of dangers of drug and alcohol abuse, the District will endeavor to:

- Provide each employee with notice of the District drug- and alcohol-free workplace policy;
- Enlist the aid of community and state agencies with drug and alcohol informational and rehabilitation programs, to provide information to District employees; and
- Inform employees of available drug and alcohol counseling, rehabilitation, reentry, and any employee-assistance programs.

An employee who violates this policy may be subject to disciplinary action, including termination.

Should District employees be engaged in the performance of work under a federal contract or grant, or under a state contract or grant of \$5,000 or more, the Superintendent will notify the appropriate state or federal agency from which the District receives contract or grant moneys of an employee's conviction, within ten (10) days after receiving notice of the conviction.

Legal References:	20 U.S.C. § 7101	Safe and Drug Free Schools & Community Act
	41 U.S.C. § 702 <i>et al.</i>	Drug Free Workplace Act
	§ 50-46-101 <i>et al.</i> , MCA	Montana Medical Marijuana Act
	10.57.601a, ARM	Definition of Immoral Conduct

#### Policy History:

Adopted on:

Revised on: July 11, 2016

**Poplar School District**

**PERSONNEL**

**5228**

Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

The District shall adhere to federal law and regulations requiring a drug and alcohol testing program for school bus and commercial vehicle drivers.

This program shall comply with the requirements of the Code of Federal Regulations, Title 49, Section 382, et seq. The Superintendent shall adopt and enact regulations consistent with the federal regulations, defining the circumstances and procedures for the testing.

Cross Reference: Administrative Procedures

Legal Reference: 49 U.S.C. § 2717, Alcohol and Controlled Substances Testing  
(Omnibus Transportation Employee Testing Act  
of 1991)  
49 C.F.R. Parts 40 (Procedures for Transportation Workplace Drug and  
Alcohol Testing Programs), 382 (Controlled Substance and Alcohol Use  
and Testing), and 395 (Hours of Service of Drivers)

Policy History:

Adopted on:

Revised on: July 11, 2016

## Poplar School District

### PERSONNEL

5231

#### Personnel Records

The District maintains a complete personnel record for every current and former employee. The employees' personnel records will be maintained in the District's administrative office, under the Superintendent's direct supervision. Employees will be given access to their personnel records, in accordance with procedures developed by the Superintendent.

In addition to the Superintendent or other designees, the Board may grant a committee or a member of the Board access to cumulative personnel files. Counsel retained by the District or by the employee will also have access to a cumulative personnel file.

In accordance with federal law, the District shall release information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals to parents upon request, for any teacher or paraprofessional who is employed by a school receiving Title I funds, and who provides instruction to their child at that school.

Personnel records must be kept for 10 years after termination.

Cross Reference: Administrative Procedures

Legal Reference: Admin. R. Mont. 10.55.701(5) Board of Trustees  
Public Law 114-95 Every Student Succeeds Act  
§ 20-1-212(2), MCA Destruction of records by school officer

#### Policy History

Adopted on:

Revised on: July 11, 2016

**Poplar School District**

**PERSONNEL**

**5232**

Abused and Neglected Child Reporting

A District employee who has reasonable cause to suspect that a student may be an abused or neglected child shall report such a case to the Montana Department of Public Health and Human Services and notify the Superintendent or principal that a report has been made. An employee does not discharge the obligation to personally report by notifying the Superintendent or principal.

Any District employee who fails to report a suspected case of abuse or neglect to the Department of Public Health and Human Services, or who prevents another person from doing so, may be civilly liable for damages proximately caused by such failure or prevention and is guilty of a misdemeanor. The employee will also be subject to disciplinary action up to and including termination.

When a District employee makes a report, the DPHHS may share information with that individual or others as stated in 41-3-201(5). Individuals who receive information pursuant to the above named subsection (5) shall maintain the confidentiality of the information as required in 41-3-205.

Legal Reference:	§ 41-3-201, MCA	Reports
	§ 41-3-202, MCA	Action on reporting
	§ 41-3-203, MCA	Immunity from liability
	§ 41-3-205, MCA	Confidentiality – disclosure exceptions
	§ 41-3-207, MCA	Penalty for failure to report

Policy History

Adopted on:

Revised on: July 11, 2016

**Poplar School District**

**PERSONNEL**

**5250**

Non-Renewal of Employment/Dismissal From Employment

The non-renewal or termination of certificated and classified staff shall be determined by the Board after receiving the recommendation of the Superintendent in conformity with state statutes and applicable District policy.

Cross Reference: 5140 Classified Employment and Assignment

Legal Reference: 20-4-204, MCA Termination of tenure teacher services  
20-4-206, MCA Notification of nontenure teacher reelection -  
acceptance - termination.  
20-4-207, MCA Dismissal of teacher under contract

Policy History:

Adopted on:

Revised on: July 11, 2016

## **Poplar School District**

### **PERSONNEL**

**5251**

#### Resignations

The Board authorizes the Superintendent and/or building level administrator to accept on its behalf resignations from any school district employee. The Superintendent shall provide written acceptance of the resignation, including the date of acceptance, to the employee setting forth the effective date of the resignation.

Once the Superintendent and/or building level administrator has accepted the resignation it may not be withdrawn by the employee. The resignation and its acceptance should be reported to the Board at the next regular or special meeting.

Legal Reference: Booth v. Argenbright, 225 M 272, 731 P2d 1318, 44 St. Rep. 227 (1987)

#### Policy History

Adopted on:

Revised on: July 11, 2016

**Poplar School District**

**PERSONNEL**

**5253**

Retirement Programs for Employees

All employees of the District shall participate in the retirement programs under the Federal Social Security Act and either the Teachers' Retirement System or the Public Employees' Retirement System according to state retirement regulations.

Certified employees who intend to retire at the end of the current school year should notify the Superintendent according to the terms of the current collective bargaining agreement.

Those employees intending to retire who are not contractually obligated to complete the school year should notify the Superintendent as early as possible and no less than sixty (60) days prior to their retirement date.

The relevant and most current negotiated agreements for all categories of employees shall specify severance stipends and other retirement conditions and benefits.

Legal Reference:

Title 19, Chapter 1, MCA  
Title 19, Chapter 3, MCA  
Title 19, Chapter 20, MCA

Social Security  
Public Employees' Retirement System  
Teachers' Retirement System

Policy History

Adopted on:

Revised on: July 11, 2016

**Poplar School District**

**PERSONNEL**

**5255**

Disciplinary Action

District employees who fail to fulfill their job responsibilities or to follow reasonable directions of their supervisors, or who conduct themselves on or off the job in ways that affect their effectiveness on the job, may be subject to discipline. Behavior, conduct or action that may call for disciplinary action or dismissal includes but is not limited to reasonable job-related grounds based on a failure to satisfactorily perform job duties, disruption of the District's operation or other legitimate reasons.

Discipline will be reasonably appropriate to the circumstance and will include but not be limited to a supervisor's right to reprimand an employee and the Superintendent's right to suspend an employee, with or without pay, or to impose other appropriate disciplinary sanctions. In accordance with Montana law, only the Board may terminate an employee or non-renew employment.

The Superintendent is authorized to immediately suspend a staff member.

Legal Reference:                   § 20-3-210, MCA           Controversy appeals and hearings  
  § 20-3-324, MCA           Powers and duties  
  § 20-4-207, MCA           Dismissal of teacher under contract  
  § 39-2-903, MCA           Definitions  
*Johnson v. Columbia Falls Aluminum Company LLC*, 2009 MT 108N.

Policy History:

Adopted on:

Revised on: July 11, 2016



**Poplar School District**

**PERSONNEL**

**5256**

Reduction in Force

The Board has the exclusive authority to determine the appropriate number of employees. A reduction of certified employees may occur as a result of, but not be limited to, changes in the education program, staff realignment, changes in the size or nature of the student population, financial situation considerations or other reasons deemed relevant by the Board. The requirements stated in the collective bargaining agreement covering employees in the certified collective bargaining unit and the Board, regarding the reduction in force of such employees, shall be followed.

A reduction of classified employees may occur as a result of, but not be limited to, changes in the education program, staff realignment, changes in the size or nature of the student population, financial situation considerations or other reasons deemed relevant by the Board. The requirements stated in the collective bargaining agreement covering employees in the classified collective bargaining unit and the Board, regarding the reduction in force of such employees, shall be followed.

Legal Reference: § 20-4-206(4), MCA Notification of non-tenure teacher reelection

Policy History:

Adopted on:

Revised on: July 11, 2016

**Poplar School District**

**PERSONNEL**

**5314**

Substitutes

The Board authorizes the use of substitute teachers as necessary to replace teachers who are temporarily absent. Authorized school personnel shall arrange for the substitute to work for the absent teacher. Under no condition is a teacher to select or arrange for a private substitute.

The Board annually establishes a daily rate of pay for substitute teachers. No fringe benefits are given to substitute teachers.

Substitutes for classified positions will be paid by the hour. When a classified employee is called upon to substitute for a teacher, the teacher sub rate shall apply unless the classified rate of pay is higher.

Legal Reference:                      10.55.716, ARM                      Substitutes

Policy History

Adopted on:

Revised on: July 11, 2016

Leave of Absence

The District provides leave to its employees pursuant to Montana law, collective bargaining agreements and individual contracts. Those employees in paid leave status continue to accrue seniority and are eligible for District benefits. Employees in unpaid leave status do not accrue seniority and may not be eligible for benefits through the District.

***Sick Leave and Bereavement Leave***

Certified employees will be granted sick leave according to terms of the collective bargaining agreement and/or individual contracts. Administrators shall be granted sick leave pursuant to the terms of their individual contracts. Classified employees shall be granted sick leave pursuant to Montana law governing public employees. Unless otherwise stated by contract, “sick leave” means a leave of absence, with pay, for an illness suffered by an employee or his or her immediate family. Unless otherwise stated by contract, “immediate family” is defined as is stated in the PEA Agreement. A maximum of three (3) days of accumulated sick leave may be used per year because of death in the immediate family. Bereavement leave longer than five (5) days must be approved by the Board of Trustees.

If the District has established, either through collective bargaining or through policy, a sick leave fund, employees may contribute any portion of the employee's accumulated sick leave or accumulated vacation leave to a nonrefundable sick leave fund and become eligible to draw upon the fund pursuant to the rules established for the fund.

***Personal and Emergency Leave - Leave Without Pay***

Certified employees will be granted personal and emergency leave according to the terms of the current collective bargaining agreement (CBA). Administrators will be granted personal and emergency leave pursuant to the terms of their individual contracts, or at the discretion of the Board. Classified staff will be granted personal and emergency leave according to the terms of the current CBA, or if not covered by a CBA, they may be granted personal and emergency leave under the following circumstances:

- Personal and emergency leave is without pay unless otherwise stated;
- Leave will only be granted in units of half or full hours;
- Notice of at least one week is required for any personal leave of less than one (1) week. Notice of at least one (1) month is required for any personal leave exceeding one (1) week; and
- The Superintendent, with the approval of the Board, has the authority to grant leave without pay for other occasions in his/her sole discretion. During any personal leave of greater than fifteen (15) days, the employee will not receive fringe benefits. During the leave, the employee may pay the District's portion of any insurance benefit program in order to maintain those benefits, provided such is acceptable to the insurance carrier. Staff using personal leave shall not earn any sick or annual leave credit or any other benefit during the approved leave.

***Civic Duties Leave***

Employees shall be granted leave for service on a jury, in the Legislature or in response to a subpoena in accordance with state law. The District will notify employees of any reimbursement requirements in the board policies or employee handbook.

***Military Leave***

Employees shall be granted leave for service in the military in accordance with state and federal law. The District will comply with all federal regulations regarding the employee's return to service following military leave.

***Outside Employment (Including Firefighting)***

Employees will not accept employment outside of the Poplar School District that constitutes a conflict of interest, interferes with the efficient performance of duties outlined in their respective job descriptions, interferes with the employee's normal working hours, or involves duties which the employee should perform as part of his or her employment. Employees performing outside consultant work or any types of work not job related during normal working hours will be required to get prior approval from the Superintendent and must utilize annual leave.

***Vacation Leave***

Administrators will be granted vacation leave pursuant to the terms of their individual contracts and Montana law. Classified employees will be granted vacation leave pursuant to Montana law. The District, in its sole discretion and/or subject to the terms of the collective bargaining agreement, may provide cash compensation for unused vacation leave in lieu of the accumulation of vacation leave.

***Absence without Leave (AWOL)***

An employee shall contact his/her immediate supervisor by the quickest means possible when he or she is going to be late or absent from the assigned job responsibilities. Any unapproved absence constitutes grounds for disciplinary action. An employee accumulating any unapproved absence time, whether consecutive or cumulative, shall be automatically suspended pending recommendation for termination.

Certified staff must provide substantiated emergency reason for leave and present those reasons to the Superintendent within twenty four (24) hours of the return to duty. The Superintendent may excuse absences without leave only for life threatening illness, injury or bereavement in the immediate family. If absent without leave is not requested within twenty four (24) hours of the return to duty, the leave will constitute a violation of Board policy and the employee will be recommended for termination.

Classified staff will comply with the terms stated in the current collective bargaining agreement regarding absences without leave.

Legal References:	§ 2-18-601, MCA	Definitions
	§ 2-18-611, MCA	Annual vacation leave
	§ 2-18-617, MCA	Accumulation of leave -- cash for unused – transfer
	§ 2-18-618, MCA	Sick Leave

**Poplar School District**

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§ 2-18-619, MCA	Jury duty – service as witness
§ 2-18-620, MCA	Mandatory leave for employees holding public office – return requirements
2.21.222, ARM	Calculating Annual Vacation Leave Credits

Policy History:

Adopted on:

Revised on: July 11, 2016

## Poplar School District

### PERSONNEL

5325

#### Breastfeeding in the Workplace

The District shall provide reasonable unpaid break time each day to an employee who needs to express milk for the employee's child, if breaks are currently allowed. If breaks are not currently allowed, the District shall consider each case and make accommodations as possible. The District is not required to provide break time if to do so would unduly disrupt the District's operations. Supervisors are encouraged to consider flexible schedules when accommodating employee's needs.

The District will make reasonable efforts to provide a room or other location, in close proximity to the work area, other than a toilet stall, where an employee can express the employee's breast milk. The available space will include the provision for lighting and electricity for the pump apparatus. If possible, supervisors will ensure that employees are aware of these workplace accommodations prior to maternity leave.

Legal Reference: Title 39, Chapter 2, Part 2, MCA

#### Policy History

Adopted on:

Revised on: July 11, 2016

## Poplar School District

### PERSONNEL

5328

#### Family Medical Leave

In accordance with provisions of the Family Medical Leave Act of 1993 (FMLA), a leave of absence of up to twelve (12) weeks during a twelve (12) month period may be granted to an eligible employee for the following reasons: 1) birth of a child; 2) placement of a child for adoption or foster care; 3) a serious health condition which makes the employee unable to perform functions of the job; 4) to care for the employee's spouse, child or parent with a serious health condition; 5) because of a qualifying exigency (as the Secretary shall, by regulation, determine) arising out of the fact that the spouse or a son, daughter or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

Subject to Section 103 of the FMLA of 1993, as amended, an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member shall be entitled to a total of twenty-six (26) workweeks of leave during a twelve (12) month period to care for the service member. The leave described in this paragraph shall only be available during a single twelve (12) month period.

An employee is eligible to take FMLA leave, if the employee has been employed for at least twelve (12) months and has worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) months immediately prior to the date leave is requested, and there have been at least fifty (50) District employees within seventy-five (75) miles for each working day during twenty (20) or more workweeks in the current or preceding calendar year.

The Board has determined that the twelve (12) month period during which an employee may take FMLA leave is July 1 to June 30. Employees will be required to use appropriate paid leave while on FMLA leave. Workers' compensation absences will be designated FMLA leave. The Superintendent has discretion to require medical certification to determine initial or continued eligibility under FMLA as well as fitness for duty.

Legal Reference:	29 U.S.C § 2601, <i>et seq.</i> 29 C.F.R. Part 825, §§2-18-601, <i>et seq.</i> , MCA §§49-2-301, <i>et seq.</i> , MCA Section 585 – National Defense Public Law [110-181]	Family and Medical Leave Act of 1993 Family and Medical Leave Regulations Leave Time Prohibited Discriminatory Practices Authorization Act for FY 2008,
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#### Policy History

Adopted on:

Reviewed on:

**Poplar School District**

**PERSONNEL**

**5331**

Insurance Benefits for Employees

Newly hired employees will be eligible for insurance benefits offered by the District for the particular bargaining unit to which the employee belongs, with the exceptions noted below:

- Employees who are less than half time (that is, who are regularly scheduled to work less than 17.5 hours per week) will not be eligible for group health and life insurance, and will not be considered to be a member of the defined employee insurance benefit groups.
- Any permanent employee who works 17.5 hours per week or more is eligible for group health. District contributions for medical insurance premiums shall be established by the contracts with employees who are not members of a bargaining unit. Life insurance benefits shall be in accordance with Board policy.
- An employee who does not work during the summer, but who has been employed during the previous academic year, shall be eligible at the employee's election to continue group health and life insurance coverages during the summer months.

If an eligible employee wishes to discontinue or change health insurance coverage, it is incumbent upon the employee to initiate the action by contacting the personnel office and completing the appropriate forms. A medical examination at the expense of the employee may be required if the employee elects to join the District health insurance program after initially refusing coverage during the initial enrollment period, the employee and their dependents cannot enroll until the next group open enrollment period unless they qualify for a special enrollment period.

Legal Reference:	§ 2-18-702, MCA	Group insurance for public employees and officers
	§ 2-18-703, MCA	Contributions

Policy History:

Adopted on:

Revised on: July 11, 2016



Vacations for Classified Employees

All classified employees, except those in a temporary status, serving more than six (6) months, are eligible to earn vacation leave credits retroactive to the date of employment. Leave credits may not be advanced nor may leave be taken retroactively. A seasonal employee's accrued vacation leave credits may be carried over to the next season, if management has a continuing need for the employee, or paid out as a lump-sum payment to the employee when the season ends (generally in June). The employee may request a lump-sum payment at the end of each season.

Vacation is earned according to the following schedule:

***Rate-Earned Schedule***

<u>Years of Employment</u>	<u>Working Days Credit per Year</u>
1 day to 10 years	15
10 years and 1 day through 15 years	18
15 years and 1 day through 20 years	21
20 years and 1 day or more	24

Time as an elected state, county, or city official, as a school teacher, or as an independent contractor, does not count toward the rate earned. For purposes of this paragraph, an employee of the District or the university system is eligible to have school district or university employment time count toward the rate-earned schedule, if that employee was eligible for annual leave in the position held with the school district or university system.

***Maximum Accrual of Vacation Leave***

All full-time and part-time employees serving in permanent and seasonal positions may accumulate two (2) times the total number of annual leave credits they are eligible to earn per year, according to the rate-earned schedule.

***Annual Pay-Out***

The District may, in its sole discretion and/or subject to the terms of a collective bargaining agreement, provide cash compensation for unused vacation leave in lieu of the accumulation of vacation leave.

***Lump-Sum Payment Upon Termination***

An employee who terminates employment for reasons not reflecting discredit on the employee shall be entitled, upon the date of such termination, to cash compensation for unused vacation leave, assuming that the employee has worked the qualifying periods set forth in § 2-18-611, MCA. The District shall not pay accumulated leaves to employees who have not worked the qualifying period. Vacation leave contributed to the sick leave bank is nonrefundable and is not eligible for cash compensation upon termination.

Legal Reference: § 2-18-611 - § 2-18-618, MCA

Policy History:

Adopted:

Revised on: July 11, 2016

**Poplar School District**

**PERSONNEL**

**5336**

Compensatory Time and Overtime for Classified Employees

Non-exempt classified employees who work more than forty (40) hours in a given work week may receive overtime pay of one and one-half (1 ½) times the normal hourly rate, unless the District and the employee agree to the provision of compensation time at a rate of one and one-half (1 ½) times all hours worked in excess of forty (40) hours in any work week. The Superintendent must approve any overtime work of a classified employee.

Under Montana law and the Federal Fair Labor Standards Act, a classified employee may not volunteer to work without pay in an assignment similar to the employee's regular work.

A non-exempt employee who works overtime without authorization may be subject to disciplinary action.

Legal Reference:

29 U.S.C § 201, et seq.

Fair Standards Act

Policy History:

Adopted on:

Revised on: July 11, 2016

Employee Electronic Mail and On-Line Services Usage

Electronic mail (“email”) is an electronic message that is transmitted between two (2) or more computers or electronic terminals. Email includes all electronic messages that are transmitted through a local, regional or global computer network.

Because of the unique nature of email/Internet, and because the District desires to protect its interest with regard to its electronic records, the following rules have been established to address email/Internet usage by all employees:

The District email and Internet systems are intended to be used for educational purposes only, and employees should have no expectation of privacy when using the email or Internet systems for any purpose. Employees have no expectation of privacy in district-owned technology equipment, including but not limited to district-owned desktops, laptops, memory storage devices and cell phones.

Users of District email and Internet systems are responsible for their appropriate use. All illegal and improper uses of the email and Internet system, including but not limited to extreme network etiquette violations including mail that degrades or demeans other individuals, pornography, obscenity, harassment, solicitation, gambling and violating copyright or intellectual property rights, are prohibited. Abuse of the email or Internet systems through excessive personal use, or use in violation of the law or District policies, will result in disciplinary action, up to and including termination of employment.

All email/Internet records are considered District records and should be transmitted only to individuals who have a need to receive them. If the sender of an email or Internet message does not intend for the email or Internet message to be forwarded, the sender should clearly mark the message “Do Not Forward.”

In order to keep District email and Internet systems secure, users may not leave the terminal “signed on” when unattended and may not leave their password available in an obvious place near the terminal or share their password with anyone. The District reserves the right to bypass individual passwords at any time and to monitor the use of such systems by employees.

Additionally, District records and email/Internet records are subject to disclosure to law enforcement or government officials or to other third parties through subpoena or other process.

Consequently, the District retains the right to access stored records in cases where there is reasonable cause to expect wrongdoing or misuse of the system and to review, store and disclose all information sent over the District email systems for any legally permissible reason, including but not limited to determining whether the information is a public record, whether it contains information discoverable in litigation and to access District information in the employee’s absence. Employee email/Internet messages may not necessarily reflect the views of the District.

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Except as provided herein, District employees are prohibited from accessing another employee's email without the expressed consent of the employee. All District employees should be aware that email messages can be retrieved, even if they have been deleted, and that statements made in email communications can form the basis of various legal claims against the individual author or the District.

Email sent or received by the District or the District's employees may be considered a public record subject to public disclosure or inspection. All District email and Internet communications may be monitored.

Policy History:

Adopted on:

Revised on: July 11, 2016

Electronic Resources and Social Networking

The District recognizes that an effective public education system develops students who are globally aware, civically engaged and capable of managing their lives and careers. The District also believes that students need to be proficient users of information, media and technology to succeed in a digital world. Therefore, the District will use electronic resources as a powerful and compelling means for students to learn core subjects and applied skills in relevant and rigorous ways. The District intends to teach technology use that reflects and anticipates its application in workplaces and other real-life settings. The appropriate use of the District's technology will enable educators and students to communicate, learn, share, collaborate and create; to analyze and solve problems; to manage their work and to take ownership of their lives.

Because the use of technology as a communication tool presents a relatively new frontier in public education, the District reminds all staff to review the *Professional Educators of Montana Code of Ethics*. This Code, set forth by the Montana Department of Education, serves as a statement of the requirements for maintaining a professional relationship with each student, both in and outside the classroom. Staff is cautioned that the same relationship, exchange, interaction, information or behavior that would be unacceptable in a non-technological medium is equally unacceptable when brought about through the use of technology. In fact, staff should exercise extra caution when communicating through social media because of the potential for vastly increased dissemination, as well as the negative impacts on the learning environment and educational process brought about by communication indiscretions.

The District realizes that a certain degree of real-life connections and interactivity occurs between staff and students within an educational or living community. To provide an appropriate forum, the Board permits the following:

- The creation of administratively approved and sanctioned "groups" on social networking sites that allow the broadcast of information without granting students access to staff members' personal information; and
- The acceptance of student solicitations to be 'friends' or contacts on social networking sites.

Since staff misuse of social media could be a source of major disruption to the educational environment, indiscretions could potentially lead to disciplinary action being taken against the staff member, up to and including termination or nonrenewal of contract of employment. In order to help define the parameters of conduct, the following activities are expressly forbidden:

- Emailing students other than through and to school controlled and monitored accounts;
- Soliciting students as 'friends' or contacts on social networking sites; and

Sharing information with students that would allow access to personal websites or other media, through which the staff member would post personal information or narrative, may subject the staff member to disciplinary consequences if the personal information or narrative is not appropriate given the professional relationship between a staff member and student.

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**PERSONNEL**

**5460  
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Accessing social networking websites via district or personal technology equipment for individual use during school hours is prohibited, unless requested by administration or accessed during an employee's authorized break time (lunch for certified staff; lunch or other authorized breaks for classified staff). Use of District equipment under any circumstances must be appropriate, and the District retains the right to inspect all use of its equipment. The posting of any private or confidential school district material on social networking websites is strictly prohibited.

The Board directs the Superintendent or his/her designee to create safe and secure electronic educational systems that support innovative teaching and learning, to provide appropriate staff development opportunities and to develop procedures to support this policy.

Cross Reference:                   5013                   Bullying/Harassment/Intimidation  
  5223                   Personal Conduct  
  5255                   Disciplinary Action  
  *Professional Educators of Montana Code of Ethics*

Legal Reference:

Policy History:

Adopted on:

Revised on: July 11, 2016

**Poplar School District**

**PERSONNEL**

**5500**

Payment of Wages Upon Termination

When a District employee quits, is laid off or is discharged, wages owed will be paid on the next regular pay day for the pay period in which the employee left employment or within fifteen (15) days from the date of separation of employment, whichever occurs first.

In the case of an employee discharged for allegations of theft connected to the employee's work, the District may withhold the value of the theft, provided:

- The employee agrees in writing to the withholding; or
- The District files a report of the theft with law enforcement within seven (7) business days of separation.

If no charges are filed within thirty (30) days of the filing of a report with law enforcement, wages are due within a thirty (30) day period.

Legal Reference:

§ 39-3-205, MCA

Payment of wages when employee separated from employment prior to payday – exceptions

Policy History:

Adopted on:

Revised on: July 11, 2016