



From the Office for

# Employee Relations

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## Welcome to Sandy May, Equity Manager

Sandy May recently joined the Employee Relations' staff as our new Equity Manager. Sandy began her career in Pasco County 19 years ago as a classroom teacher and has most recently worked as an ESE Specialist for the Office for Student Support Programs and Services. As the Equity Manager, Sandy will be monitoring District policies regarding educational equity, access and civil rights and anti-discrimination and harassment laws as well as bullying prevention. She will develop and present trainings for the school community and evaluate the effectiveness of implementation efforts.

We are very excited that Sandy has joined the Office for Employee Relations! Please welcome her.

## Update on Instructional Evaluations

The District's negotiations team has already begun bargaining with USEP regarding changes that will be made to the teacher evaluation process for the 2013-2014 school year. Current discussions with USEP regarding changes to the teacher evaluation system have been focused on short, informal, unannounced and unscheduled observations designed to promote teacher growth and not scored for the purpose of the Instructional Practices. The District's negotiations team has also discussed the implementation of Marzano Domains Two, Three and Four as being observed but not scored. As more information is made available about the process that will be used this year, it will be shared.

The Office for Professional Development and School Supports and the Office for Human Resources and Educator Quality anticipate continuing to use podcasts to communicate with teachers and administrators about the teacher evaluation system.

## Instructional Negotiations - Staff Development Day 1 Information

One of the first issues discussed during Instructional negotiations was the addition of two (2) days for collaborative planning within Professional Learning Communities (PLCs) as a key initiative for the 2013-2014 school year. These two (2) days are being funded by dedicating a portion of Race To The Top funds to professional development.

### Time/Day(s)

Each school will receive 7.5 hours during pre-planning week to use for PLC time. This can be used as one continuous block of time or two 3.75 hour blocks of time. If schools plan to use on continuous block of time, Principals must also plan for a thirty (30) minute lunch. Principals may choose to implement staff development time on the day(s) that works best for their school. If a school plans on using Thursday,

August 15 for staff development time, only half the day can be used. The District Office will be scheduling half day meetings/trainings and there will be repeating sessions both AM and PM to allow for teachers to attend the District meetings and the school PLC work sessions.

### Faculty Make-up Time Options

Faculty members have two options to make up the 7.5 hours. They may choose to work 7.5 hours on Friday, August 9 or add 1.5 hours to each day during pre-planning week. There are some teachers (mainly K-1, 11<sup>th</sup> and 12<sup>th</sup> grade reading teachers, ICT Coaches, etc.) that have been invited to attend trainings on August 9. For those teachers, they may work 7.5 hours on either Wednesday, August 7 or Thursday, August 8. Instructional staff members on non-traditional calendars may choose to work one or two days prior to their calendar starts dates or add 1.5 hours to each day during pre-planning week. Faculty should use the Staff Development sign in sheets that will be forthcoming from Tammy Rabon.

### Purpose (Use of Time)

The majority of the time should be used for PLCs to begin planning, but it is appropriate to use part of the time for full faculty or small group kickoff efforts. Trained PLC facilitators should be part of the kickoff and schools should refer to their communication plans that were developed during PLC Facilitator training. School Improvement goals should also be included in the PLC kickoff so teachers see those efforts as aligned with PLC work. Please see the Singleton topic below for more information regarding this group of teachers.

### Critical Content

Day 1 and 2 PLC Facilitator Training PPTs and Materials have been placed in the Moodle site that we have been using for Common Core implementation (Module Implementations within the Discussion Forum): <http://learn.pasco.k12.fl.us/course/view.php?id=529>.

Please use this material to craft your kickoff plans. PLCs should spend time on Step 0, as those efforts lead to successful implementation and sustainability.

### Singletons/Non-Classroom Instructional Staff

The majority of the school should be assigned to subject area PLCs. For those teachers that teach a singleton subject (only one in the school that teaches the subject), efforts are underway to group those teachers regionally. Specific information will be forthcoming prior to pre-planning week for the Office of Teaching and Learning, the Office for Student Support Programs and Services, and the Office for Career and Technical Education. We understand that some schools have already grouped singleton teachers within the school priority/SIP areas, and that is perfectly appropriate at this time. The regional grouping structure is optional for the first Staff Development Day, but it is a goal for our singleton teachers for the second Staff Development Day. This regional grouping structure is designed to support connections to District and School Focus Areas and serve as a forum for strengthened discipline specific collaboration. Included in the grouping structure will be guidelines that should be followed

for those teachers that join the regional PLCs. Non-Classroom Instructional staff members are also being grouped regionally. Principals may also choose to include them in PLC work at the school site.

If you have any questions, please don't hesitate to contact the Office for Professional Development and School Supports. Also, please note that the Office for Teaching and Learning will be providing a specific form for recordkeeping as it relates to the additional time.

## Preplanning Time

During the five preplanning days, teachers are provided sixteen hours to plan for their own personal classroom activities. There are circumstances that may cause that time to be reduced as outlined in the contract. Please provide this planning time in blocks of two or more hours.

*Instructional Master Contract, Article VII, Section S (19)*

## Planning Time

Review the contract provisions related to teacher planning time. **Note:** Elementary school principals should review the planning time provisions in Article VII, Section S, Paragraphs 14 and 15.

*Instructional Master Contract, Article VII, Section S (12-20) and Article VII, Section S (14-15)*

## Sixty (60) Workday Probationary Provision for SRP

On September 11, 2002, a new probationary provision took effect for SRP hired on or after that date. The probationary period begins with the **starting date of the SRP and extends through the first sixty (60) workdays.**

Prior to beginning employment, each affected SRP signs "Employment Agreement - Probationary Period - School Related Personnel," MIS #318, which explains the terms of employment during the probationary period. This process applies to those SRP newly hired to the District and those who are rehired to the District following a break in service.

The following shall apply during the sixty (60) workday probationary period:

- The SRP's employment may be terminated without cause.
- The SRP may resign without giving prior notice and will be released from employment without prejudice.

**Please remember that you must check with the Office for Employee Relations before releasing a probationary employee.**

**Performance Review** The performance of all probationary SRP should be reviewed at least two (2) times during the probationary period. Newly hired SRP are to be given a copy and explanation of the applicable assessment instrument. All

performance reviews and evaluations are to be done using the performance dimensions listed on the applicable assessment instrument. Should serious performance concerns arise, the principal or worksite supervisor should immediately contact the Office for Employee Relations.

**Serious Infraction or Unacceptable Behavior** A singular incident of unacceptable performance or behavior may occur during the sixty (60) workday probationary period that may cause the principal or worksite supervisor to recommend immediate dismissal of the SRP. Should such action occur, the principal or worksite supervisor should immediately contact the Office for Employee Relations to coordinate the dismissal procedure.

**Expiration of Sixty (60) Workday Probationary Period** If employment of the SRP extends beyond the sixty (60) workday probationary period, the employment of the SRP shall continue from year to year unless the Superintendent gives written notice to the SRP of recommended termination which includes the reasons for the recommendation, a description of all evidence the Superintendent has to support the recommendation, and a description of the applicable appeal process.

A SRP's employment may also be affected by a reduction in force due to financial reasons or an allocation change.

*SRP Master Contract, Article VII, Section A*

## Instructional Probationary Contracts

Starting with the 2011-2012 school year, the probationary period for newly hired teachers was changed from **97 days to the end of the school year** for which the teacher was hired. In many cases, this represents an increase in the amount of time teachers are considered to be on probation. However, for teachers hired during second semester, it may actually represent a decrease in the amount of time a teacher is on probation. Please continue to monitor the performance of your new hires carefully, especially those teachers hired closer to the end of the school year. If you have ongoing questions or concerns about the behavior or performance of any teacher in his/her probationary period, please contact Employee Relations for assistance as soon as the need is identified.

## Master Duty Schedule

Exempting extenuating circumstances, by the last teacher workday in the preplanning week the master duty schedule is to be distributed to all teachers.

*Instructional Master Contract Article VII, Section N (2)*

## **Student Code of Conduct**

Within the first two (2) weeks of the school year Instructional and SRP staff are to be given a copy and explanation of the Student Code of Conduct.

Also included in this newsletter are the Florida Statutes Pertaining to Bus Drivers which should be copied and distributed to those noninstructional staff members at the beginning of the school year.

*Instructional Master Contract, Article VII, Section U (11)*  
*SRP Contract, Article VII, Section N (2) a), b), and c)*

## **Placement of ESOL Students Targeting and Notifying Teachers**

When possible, administrators should attempt to schedule English Language Learner (ELL) students with teachers who have already been targeted and/or trained as long as the student's right to equal access is not violated and as long as the course is appropriately identified on the student's ELL plan.

Administrators are responsible for verbally notifying teachers in a timely manner of the placement of ELL students in their classes.

*Instructional Master Contract, Article VII, Section I, Para. 5*

## **Addressing Employees' Social Media Use**

Facebook, Twitter and blogs have now become part of daily life for many district employees. Though social media and blogs have many positive uses, they also open the door to serious situations if caution is not exercised. Many do not realize that anything on the internet has the potential to be publicly viewed, regardless of privacy settings or attempts to remain anonymous. Last school year alone, the Office for Employee Relations received numerous concerns regarding inappropriate comments and pictures posted online. These concerns have ranged from complaints about co-workers and supervisors to inappropriate Facebook posts and pictures to "friending" or contacting students through the use of social media.

In some instances, what an employee does on their own time is their own business. However, when an employee's conduct outside of work causes a disruption at work, diminishes an employee's ability to be an effective employee, or creates a student boundary concern, these issues must be addressed. Please note that the current state of the law regarding off-duty conduct is evolving. You should contact the Office for Employee Relations before meeting with an employee, especially in circumstances where you plan to discuss comments made via social media or blogs. The First Amendment and labor laws are potentially implicated in these scenarios.

As you know, employees in the education profession are held to a high moral standard. School Board policy provides that all employees are bound by the Code of Ethics for the Education Profession that requires employees to maintain the

respect and confidence of their co-workers and supervisors. The Code of Ethics also prohibits harassing or discriminatory behavior towards others that disrupts the orderly operation of the school or worksite and requires employees to protect students from conditions harmful to learning and/or students' mental and physical health or safety.

Please take a few minutes to remind your staff about the proper uses for social media and the potential serious pitfalls when caution is not used.

## **Teaching Assignments and Duties**

As soon as possible, but no later than thirty (30) calendar days before the first day of classes, a teacher shall be informed in writing of any change in his/her assignment for the next school year.

*Instructional Master Contract, Article VII, Section S (1)*

## **Ethics Podcast Update**

We are updating the ethics podcast that is currently on our website. It should be complete in the next couple of weeks. Please be sure that all your new employees view it.

## 2013-2014 SRP/Teacher of the Year Selection Timelines

**August TBD** Employee Relations sends newsletter to worksite supervisors informing them of beginning of selection process for Worksite SRP/Teacher of the Year.

**August 12** USEP will send notices to Building Reps to elect members of the Worksite Selection Committee.

**September 5** Deadline to report to USEP the members of the Worksite Selection Committee.

**September 18** USEP holds an orientation for Worksite Selection Committee members at the USEP office in Land O' Lakes from 1:00-3:00 p.m. USEP provides selection criteria to Worksite Selection Committees.

**September 19 through October 24** Worksite Selection Committee conduct nominations and election of Worksite SRP/Teacher of the Year.

**October 25** Deadline to notify USEP of Worksite SRP/Teacher of the Year.

**October 28** USEP provides application to compete for District SRP/Teacher of the Year to all Worksite SRP/Teachers of the Year.

**October 31** USEP provides a listing of Worksite SRP/Teacher of the Year to Office for Employee Relations and Office for Communications and Government Relations.

**November 18** Deadline for receipt of District SRP/Teacher of the Year applications.

**November 18** USEP selects members of District SRP/Teacher of the Year Selection Committees, notifies the Offices for Employee Relations and requests worksite supervisors release SRP on Dec. 5 and 9, 2013, and Teachers Dec. 3-4, Dec. 10-12, 2013.

**December 3 & 4** Teacher District Selection Committee meets to determine three (3) finalists and notifies the Office for Employee Relations and the Office for Communications and Government Relations.

**December 5** SRP District Selection Committee meets to determine three (3) finalists and notifies the Office for Employee Relations and the Office for Communications and Government Relations.

**December 9** SRP District Selection Committee visits worksite of three (3) finalists and selects the District SRP of the Year. Office for Employee Relations and Office for Communications and Government Relations are notified.

**December 10-13** Teacher District Selection Committee visits worksite of three (3) finalists and selects District Teacher of the Year. Office for Employee Relations and Office for Communications and Government Relations are notified.

**February 1, 2014** Announcement of Pasco County SRP/Teacher of the Year at the Pasco Foundation Educational Awards Celebration, River Ridge High School.

**February TBA** Recognition of District SRP/Teacher of the Year and finalists at the School Board meeting.

**TBA** Postmark deadline for Florida SRP/Teacher of the Year application to DOE.

## Selection of Worksite & District Teacher & SRP of the Year

The United School Employees of Pasco County (Union) is responsible for conducting the process for selecting the worksite and District Teacher of the Year and SRP of the Year. A copy of the timeline for these processes is in this newsletter. If asked, please assist the staff managing these processes at your worksite any way that you can.

The Union has requested that your building representative contact you for the purpose of setting a time during a faculty meeting to select the members of your school's Teacher of the Year Selection Committee. A worksite Teacher of the Year Committee will be formed and a chairperson selected.

Additionally, five days of release time will be granted for up to five teachers (District total) serving on the District Teacher of the Year Selection Committee.

The Union's SRP building representative or designee will conduct the SRP of the Year process at your worksite. A worksite SRP of the Year Committee will be formed and a chairperson selected.

Chairpersons who are Bus Drivers, Relief Bus Drivers, or Transportation Assistants will only be granted such release time if their duties can be covered using personnel who normally cover such duties.

Additionally, two days of release time will be granted for up to five SRP (District total) serving on the District SRP of the Year Selection Committee.

The SRP chairperson shall be granted release time to attend the orientation meeting at the Union's office in Land O' Lakes from 1:00 to 3:00 p.m. on Wednesday, September 18, 2013. The release time for the SRP of the Year Chairperson is to include adequate travel time and the SRP is to return to the worksite if time permits.

The Teacher of the Year chairperson shall be granted one-half day of temporary duty to attend the orientation meeting on September 18<sup>th</sup>, 2013.

*Instructional Master Contract, Article VII, Section W  
SRP Master Contract, Article VII, Section O*

## Placement Review Committee

Instructional: At the beginning of the school year each school shall establish a Placement Review Committee. Guidelines for establishing this committee are described in the Instructional Master Contract.

*Instructional Master Contract, Article VII, Section U (7)*

## Physical Education and/or Driver Education Teachers Hired with Coaching Responsibilities

Any teacher initially employed as a physical education or driver's education teacher with a coaching responsibility and who subsequently resigns from the coaching responsibility may be transferred to another school to continue the basic teaching contract. All teachers employed after July 1, 1997 in this category will be notified in writing at the time of employment.

Principals should provide written notification to each affected teacher, have him/her acknowledge receipt with his/her signature, and forward a copy to the Office for Human Resources and Educator Quality.

*Instructional Master Contract, Article VII, Section F, 5*

## Instructional and SRP Rosters

By September 10th, a roster of all teachers and SRP assigned to a school or District Office department shall be provided to the Union worksite representative by the principal or District Office department head. Revised rosters shall be provided when issued. This is normally accomplished by updating staff rosters in staff handbooks.

*Instructional Master Contract, Article III, Section A (8)*  
*SRP Master Contract, Article III, Section A (10)*

## Non-Teaching Duties

It is necessary for instructional personnel to be assigned student supervision duty, and principals have a right to do so. The basic guidelines require that duties be assigned fairly and equitably among the staff. It can be expected that support personnel will be frequently utilized for lunch duty due to being more accessible. However, the length of their duty time should not vary significantly from that of a classroom teacher.

*Instructional Master Contract, Article VII, Section N*

## OTETA Drug & Alcohol Testing

The responsibility for drug and alcohol testing of employees falling under the rules of the Omnibus Transportation Employees Testing Act (OTETA) is assigned to the Office for Employee Relations. Covered employees are considered to hold "safety sensitive" positions. This includes transportation and maintenance department workers as well as some warehouse employees.

## Extended Personal Leave Without Pay

Whenever an employee requests an extended personal leave without pay, make sure that he/she meets the eligibility requirements before submitting the leave. To be eligible an employee:

- must have completed at least two years in the District,
- must not have had two extended leaves of any type in the last five-year period other than FMLA, and,
- the request cannot be for a second year of consecutive leave.

The employee must make the request for extended personal leave without pay in writing and include the reason for the leave as well as the statement that "the leave is not for the purpose of gainful employment." The written request and statement must be attached to the leave of absence form.

The employee must be informed in writing prior to granting the leave as to whether his/her position is held for any unpaid extended leave. Contact the Office for Human Resources and Educator Quality for a form letter specific to the leave type.

*IMC Contract Article VIII, Section A, B, C*  
*SRP Contract Article VIII, Section A, B, C*

## Remember interaction skills when you are attempting to improve employee performance...

- Describe the problem in a friendly manner.
- Ask for the employee's help in solving the problem.
- Discuss causes of the problem.
- Identify and write down possible solutions.
- Decide on specific action to be taken by each of you.
- Agree on a specific follow up date.

## Electronic Versions of Equity Policies

Listed below are the School Board policies related to equity and harassment for employees and students. This information should be distributed and discussed with employees as part of the yearly orientation process. It is especially important that new employees are aware of and familiar with this information. These policies can be found on the District's online policy manual (<http://www.neola.com/pasco-fl/>).

Please ensure that the applicable policy is provided to the appropriate members of your faculty and staff.

### Administration

Policy 1122 – Nondiscrimination and Equal Employment Opportunity

Policy 1362 – Anti-Harassment

Policy 1470 – Administrative Complaints and Grievances

### Instructional

Policy 3122 – Nondiscrimination and Equal Employment Opportunity

Policy 3362 – Anti-Harassment

Policy 3470 – Instructional Complaints and Grievances

### Non-Instructional

Policy 4122 – Nondiscrimination and Equal Employment Opportunity

Policy 4362 – Anti-Harassment

Policy 4470 – Support Staff Complaints and Grievances

In addition, please ensure that each of these student policies are distributed to and reviewed with all employees who have contact with students.

### Student

Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity

Policy 5517 – Harassment

Policy 2260.02 – Nondiscrimination Grievance Procedure

Personnel holding a certificate may benefit from reviewing the Code of Ethics and the Principles of Professional Conduct of the Education Profession in Florida, especially those sections that pertain to the prohibition of discrimination and unlawful harassment of students and other employees. You may also wish to provide an opportunity for employees to watch the District's Ethics Podcast, which can be downloaded (<http://www.pasco.k12.fl.us/er/>).

## Temporary Service Contract

Any instructional employee hired after the first preplanning day (August 12, 2013) will be issued a Temporary Service Contract. These employees will be non-reappointed at the end of the school year.

*Instructional Master Contract, Article VII, Section A (2)*

## Instructional Staff Who Work Eight (8) Hours a Day

Instructional staff in the following positions must work eight hours per day and receive a supplement for doing so:

- Behavior Specialist
- Guidance Counselor
- Instructional Trainer/Coach
- Pasco FDLRS Resource Teacher
- Pasco FDLRS Child Find Resource Teacher
- Prevention/Intervention Counselor
- School Psychologist
- School Social Worker
- Speech Language Pathologist
- Therapeutic Preschool Family Specialist

## Noncontinuous Positions

Positions that the District is required to provide to outside agencies and special grant-funded positions are noncontinuous. Individuals hired for these positions are to be informed of such and sign an acknowledgment statement at the time of initial employment and each subsequent year. The form can be obtained from the Office for Human Resources and Educator Quality.

*Instructional Master Contract, Article VII, Section A (4)*

## Contract Waiver Request Notification Requirement

As soon as possible but **no later than February 1**, the principal must submit the **Notification Form** (Appendix C) to the USEP President, the Director of Office for Employee Relations, and the faculty that a study is being undertaken of a program or activity that if implemented may alter provisions in the Instructional Master Contract was specified in Addendum F, paragraph 2. The **Waiver Request** (Appendix D) must be submitted to the President of USEP and the Director of Office for Employee Relations **before May 1**.

*Instructional Master Contract, Addendum F, Contract Waiver Request*

## Use of Facilities by USEP

In each school, for a maximum of five times per year, a meeting called by the Union for that school's teachers may be scheduled during fifteen minutes of the teacher workday provided that such schedule does not interfere with student contact time. Further, two additional meetings not to exceed two hours each may be held during the school day for purpose of contract explanation and/or ratification.

*IMC Article III, Section C, SRP Article III, Section C*



## Posting of Leadership Positions

Instructional Master Contract language in Addendum B Supplement Schedule requires each school to post supplemented leadership positions as they become vacant. The positions are those paid an academic supplement allocated under Department/Grade Level Chairperson/Team Coordinator. The vacancy could occur during the school year if someone leaves the position, or for an upcoming school year if changes are being made or if the school gets an additional allocation.

You do not need to post a position if an incumbent will remain in the position for the upcoming year. The posting is only at school where the position exists. The method used to post the position is the principal's decision, e.g. e-mail, memorandum, etc. The instructional staff must be told what method will be used and how and when to apply.

This does not change the selection process.

*IMC Contract, Addendum B-Supplement Schedule*

## Contract Negotiations

The Instructional and School Related Personnel (SRP) Bargaining teams began negotiating contracts for the 2013-2014 school year at the end of June. Both the Instructional and SRP teams have made good progress this summer. The teams have discussed new topics such as limiting teacher transfers, eliminating the early retirement benefit and the cost savings of transitioning all employees to paperless payroll. In addition the teams will soon begin discussing economic proposals, which include pay increases and health insurance.

We will keep you updated as negotiations progress. Please contact the Office for Employee Relations if you have any questions regarding this year's negotiations.

## Meeting Called by the Supervisor

The following contract language addresses an employee's right to representation. Please adhere to this requirement so that we can deal with the circumstances that made the meeting necessary rather than the employee not being afforded the opportunity for representation:

"Any SRP/Instructional employee required to attend a meeting called by the worksite supervisor or designee for the purpose of reprimand or for action leading to suspension or for an investigatory interview shall have the right of Union representation at such meeting.

A worksite supervisor or designee holding a meeting for the purpose of reprimand or for action leading to suspension or for an investigatory interview shall stop the meeting until Union representation can be obtained if the employee requests Union representation.

This section shall not be interpreted to apply to conferences relating to observation or evaluation of work responsibilities," however requests for representation should be honored in meetings where formal documentation is being issued to an employee.

*SRP Contract Article VII, Section A (4)*

*IMC Contract Article VII, Section B (5)*

## Personal Leave Charged to Sick Leave

Each employee shall be allowed up to six days of Personal Leave at full compensation during each year of employment. This leave will not be cumulative and shall be deducted from accrued sick leave when used. Such leave is not to be used for recreation or extending a holiday.

If a **noninstructional** employee requests a personal leave, the employee must identify one of the reasons as stated on the leave form.

If an **instructional** employee requests a personal leave, the employee does not have to state the reason and the supervisor should not ask.

However, if the supervisor believes that the employee is using it for recreation or extending a holiday, the supervisor should ask the employee if she/he is using it for such. If the employee says "no," that is sufficient. If the employee says "yes," then the supervisor may grant the day, but it is without pay.

If the supervisor believes that the employee is not being truthful, the supervisor should remind the employee that if he/she is not using the day for which it is intended, the employee will be subject to disciplinary action that could include the recommendation for his/her termination of employment.

*IMC Contract Article VIII, Section B (3) and SRP Contract Article VIII, Section B (23)*



## Florida Statutes Pertaining to Student Discipline and Reasonable Force

### 1006.09 Duties of school principal relating to student discipline and school safety.

(1) (a) Subject to law and to the rules of the State Board of Education and the district school board, the principal in charge of the school or the principal's designee shall develop policies for delegating to any teacher or other member of the instructional staff or to any bus driver transporting students of the school responsibility for the control and direction of students. Each school principal shall fully support the authority of his or her teachers and school bus drivers to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, place such students in an alternative educational setting. The principal or the principal's designee must give full consideration to the recommendation for discipline made by a teacher, other member of the instructional staff, or a bus driver when making a decision regarding student referral for discipline.

### 1006.11 Standards for use of reasonable force.

(1) The State Board of Education shall adopt standards for the use of reasonable force by district school board personnel to maintain a safe and orderly learning environment. Such standards shall be distributed to each school in the state and shall provide guidance to district school board personnel in receiving the limitations on liability specified in subsection (2).

(2) Except in the case of excessive force or cruel and unusual punishment, a teacher or other member of the instructional staff, a principal or the principal's designated representative, or a school bus driver shall not be civilly or criminally liable for any action carried out in conformity with the State Board of Education and district school board rules regarding the control, discipline, suspension, and expulsion of students, including, but not limited to, any exercise of authority under s. 1006.09 or s. 1003.32.



## Florida Statutes Pertaining to Student Discipline and Student Safety on School Buses

### 1006.10 Authority of school bus drivers and district school boards relating to student discipline and student safety on school buses.

(1) The school bus driver shall require order and good behavior by all students being transported on school buses.

(2) The district school board shall require a system of progressive discipline of transported students for actions which are prohibited by the Student Code of Conduct. Disciplinary actions, including suspension of students from riding on district owned or contracted school buses, shall be subject to district school board policies and procedures and may be imposed by the principal or the principal's designee. The principal or the principal's designee may delegate any disciplinary authority to school bus drivers except for suspension of students from riding the bus.

(3) The school bus driver shall control students during the time students are on the school bus, but shall not have such authority when students are waiting at the school bus stop or when students are en route to or from the school bus stop except when the bus is present at the bus stop.

(4) If an emergency should develop due to the conduct of students on the bus, the school bus driver may take such steps as are immediately necessary to protect the students on the bus.

(5) School bus drivers shall not be required to operate a bus under conditions in which one or more students pose a clear and present danger to the safety of the driver or other students, or the safety of the bus while in operation. The district school board shall have measures in place designed to protect the school bus driver from threats or physical injury from students.

(6) District school boards may use transportation, school safety, or FEFP funds to provide added security for buses transporting disruptive or delinquent students to and from school or other educational activities.

(7) In the case of a student having engaged in violent or blatantly unsafe actions while riding the school bus, the district school board shall take corrective measures to ensure, to the extent feasible, that such actions are not repeated prior to reassigning the student to the bus.

## School Related Personnel Workday

The following SRP contract language addresses the workday for SRP and most other noninstructional employees:

Each SRP shall be granted at least a thirty (30) minute duty-free non-paid lunch period. However, at an alternative school for disruptive students, the thirty (30) minute lunch period for Bus Driver/ Paraprofessionals may not be duty-free and shall be included within their eight hour workday. A SRP who does not receive a paid lunch period shall be permitted to leave the worksite during his/her lunch period.

### Paid Relief Periods/Breaks

Paid relief/break periods are intended to provide relief from the work schedule so as to reduce employee fatigue and to allow SRP to attend to personal needs. As such, paid relief/break periods should not be taken at either the start or end of the workday. The worksite supervisor shall designate the relief period for each SRP.

SRP who work six (6) to eight (8) hours a day shall be granted two (2) fifteen (15) minute relief periods during the workday, and SRP who work less than six (6) hours, but at least three (3) hours a day shall be granted one (1) fifteen (15) minute relief period during the workday. However, at an alternative school for disruptive students, the Bus Driver/Paraprofessional shall be granted at least thirty (30) minutes of relief/break time.

*SRP Master Contract, Article VII, Section I,1 and 2 a), b)*

## Orientation to Pasco's Reasonable Suspicion Drug Testing Program for New Employees

Per School Board policy and the Instructional and School Related Personnel (SRP) Master Contracts, Pasco's Reasonable Suspicion Drug Testing Program was implemented on September 1, 2008.

Please schedule approximately thirty minutes to show the video and review the manual with new employees who have not been oriented to the program.

The video and the manual are posted on the Employee Relations website. Employees covered by the Omnibus Transportation Employee Testing Act (OTETA) such as bus drivers and some warehouse and maintenance employees are not part of this program and need not be oriented.

After receiving the manual and hearing the overview, the employee must sign Pasco's Reasonable Suspicion Drug Testing Program Acknowledgement Form. This form is attached to the last page of the manual. The completed original of the acknowledgement form is to be sent to the Office for Human Resources and Educator Quality.

**The Office for Employee Relations is currently in the process of scheduling training for any administrative and supervisory employees who supervise others at the end of October 2013. We will be sending a memo with information**

**regarding this training shortly after the start of the school year.**

For additional information, please refer to the article in our May 2012 newsletter or feel free to call us.

## Excessive Absences

If an employee's absences become excessive during the school year, please let us know so we can help you address the problem. We would define excessive as 10 to 12 days per year, depending on length of contract, excluding periods of scheduled vacation.

This does not mean you should wait until an employee misses 10 or more days before addressing the problem. If absences are sporadic and questionable you may want to speak to the employee early on. Refer to the description of "Attendance" (page 11) as one of the 9 dimensions on MIS #321.

The "Attendance: Monitoring Performance" article on page 9 and 12 contains a corrective progressive discipline model which should be utilized when dealing with performance and behavioral concerns. Both the Instructional and SRP collective bargaining agreements address the use of progressive discipline when appropriate.

An attendance calendar, "Record of Attendance for 2013-2014 School Year," which can be used to monitor employee attendance are on pages 13 and 14. The calendar and action log can be downloaded from our website or copied, used to track employee attendance and as a tool to share with an employee when a discussion or other intervention is needed. It can be used to record the attendance of an individual or to monitor the attendance of large or small groups. Many administrators and managers have found it helpful in dealing with individual employee attendance issues.

*IMC Contract Article VII, Section B (6)*

*SRP Contract article VII, Section A (3)*

## Employee Workday and Flexible Scheduling

Employees and administrators often ask if an employee's work schedule can be adjusted/flexed to accommodate special circumstances, such as a request for an instructional assistant to leave work one-half hour early on a particular day of the week in order to attend a college class he/she is taking as part of an education degree program.

The administrator has the responsibility and authority to set an employee's work schedule, and with that ability to make needed adjustments. In such a case as described above, the instructional assistant could be allowed to come to work one-half hour early on that day and not miss any work. Obviously,

the example given is a simplistic one, and some requests would not be easy to accommodate, if at all.

Remember, your first priority is to make sure services to students are not compromised. However, we do wish to support employees in such efforts as the one described above. If you are asked to accommodate an employee request by adjusting his/her work schedule and are unsure as to the process or impact, please contact the Office for Employee Relations.

## Attendance Monitoring Performance

**District's Commitment** The District School Board of Pasco County is committed to providing students with an educational environment that promotes increased student achievement. It is also committed to providing an environment that enhances the safety and well-being of everyone involved in the school community.

A key to meeting these commitments is linked directly to professional behavior and level of performance of all employees. Effective principals and supervisors must monitor employee performance and recognize when it is marginal or unsatisfactory and take corrective action.

The principal or supervisor has a responsibility to take contextually appropriate action when it is necessary. If possible, this action should focus on professional growth and improved performance while providing assistance in the form of guidance, support, supervision, and other resources.

An Employee Assistance Program (EAP) is available to all employees to assist with issues that may or may not be work related. It may be particularly helpful when non-work factors are having a negative effect on job performance. Don't pry or be judgmental, but do not hesitate to discuss the program with the employee and encourage the employee to use the services if they may be helpful.

Attendance is an area in which it is often difficult to determine the level of performance because of the many factors which must be considered. It cannot always be measured by the number of hours or days an employee is absent. An absence of twenty (20) consecutive days by an employee has a much different impact than twenty (20) days of sporadic unscheduled absences. Employees with different lengths of annual work calendars earn different amounts of leave time. Employees in vacation earning positions earn vacation leave time based on length of service. Absences which are part of an American with Disabilities Act (ADA) accommodation or absences which are classified as leave under provisions of the Family and Medical Leave Act (FMLA) cannot be used to justify a negative employment action. Injury-in-Line-of-Duty, Workers Compensation, Judicial Leave, Military Leave, etc. are not indicative of poor performance. Plus, you would like to think that all absences are for legitimate reasons.

**What is satisfactory attendance?** In very general terms, if an employee's absences during a school year do not exceed the combined amount of sick and vacation time earned by the

employee during an annual period, the overall attendance is satisfactory. The following statement is used to generally describe satisfactory attendance for those employees evaluated using the Noninstructional Personnel Assessment form, MIS Form #321:

**Attendance** Satisfactory performance is characterized by being at work a sufficient number of days to accomplish the essential tasks of the position without having to distribute tasks to other employees or to delay those essential tasks. Satisfactory performance is generally characterized by not exceeding during an annual period the combined number of sick and vacation days earned by an employee during that period. While unexpected illnesses or other circumstances which may entail prolonged absences are understandable, frequent absences and/or questionable absences which may result in hardship to other employees or which result in the delay of essential tasks can result in documentation of unsatisfactory performance.

**Identifying an attendance problem** Maintaining an accurate record of each employee's attendance and reviewing it on a regular basis is a good method of identifying questionable attendance before it becomes a problem. This early identification of a potential problem allows timely intervention which might avoid a more serious problem later.

In this newsletter and on our website is a record of attendance calendar to be used to document individual employee attendance. Use of this form will allow quick review of attendance and early detection of problems. It will not only show numbers and types of absences, it will also show patterns of absences that may cause concern. This visual representation of an employee's record of attendance will make it easy to share this information with the employee.

Using the absence codes listed at the bottom of the form makes it easy to record the different types of absences. If the absence is for less than a full day, there is room in each cell to list the number of hours absent. Always verify the accuracy of an attendance record before discussing concerns with an employee that might lead to disciplinary action. Contact the Leaves Section of the Office for Human Resources and Educator Quality if you need assistance.

**What would indicate a "Performance Problem" in the area of attendance?** A principal or supervisor should suspect there is a performance problem in the area of attendance when an employee has used all available paid leave and absences continue, or if an employee is incurring absences at a rate that will far exceed the amount of paid leave the employee will earn in the annual period. Absences of a suspicious nature may also be addressed.

Periods of extended absence for expressed documented reasons are not generally an indication of poor performance.

**How to address the problem** A "Performance Problem" is a concern that should be addressed through the District evaluation process by providing a description of the problem along with suggestions and assistance for improvement. These problems should normally be dealt with using a form of "Corrective Progressive Discipline."

Corrective Progressive Discipline most frequently appears in the form of a sequential list of actions or events. The philosophical basis is that when a problem exists or occurs, the corrective action should proceed through the course of events or actions, beginning with the least severe. This premise is encouraged to the extent that this process would be the fair way (“due process”) to address a problem.

Action taken in this process usually falls into two distinct categories: “Informal Action” or “Formal Action.”

**Informal Action** That which occurs and is only shared between the principal or supervisor and the employee. It normally occurs in the form of a conference, written conference summary, or informal written notice or warning. When a written document is utilized, the employee’s signature is not required but it is always good to have, and only the employee and the principal retain a copy. The document does not go into the employee’s “official personnel file.”

**Formal Action** Always appears in the form of a written document. The document requires the signature of the employee or a witness and a copy of the document is placed in the employee’s “official personnel file” which is located at the District Office.

When a performance problem in the area of attendance is identified, the following course of action is recommended:

### **Corrective Progressive Discipline Model**

#### **Informal Action**

##### 1. Conference or Verbal Warning - Conference Summary

The principal or supervisor would have an informal conference with the employee with a view toward assisting the employee to improve his/her attendance. A conference summary would be completed after the conference. This form would not be placed in the employee’s “official personnel file.”

##### 2. Written Warning - Informal letter or informal NEAT letter (“Notice Explanation Assistance Time”).

If poor attendance continues, an informal written warning or informal NEAT letter may be given notifying the employee of administrative concern. This document would not be placed in the employee’s “official personnel file.”

#### **Formal Action**

##### 3. Written Warning - Formal NEAT letter or formal letter of reprimand.

If poor attendance continues, a formal NEAT letter or formal letter of reprimand may be given. This document would be signed by the employee or a witness and a copy would go into the employee’s “official personnel file.”

##### 4. Summative Evaluation - Use of District Assessment Instrument and NEAT letter.

If poor attendance continues, an unsatisfactory evaluation may be given. A formal NEAT letter must be issued in conjunction with an unsatisfactory evaluation. The assessment instrument and the NEAT letter must be signed by the employee or a witness. A copy of each of these documents would be placed in the employee’s “official personnel file.”

When using “Corrective Progressive Discipline,” any step of the procedure may be repeated at any time if circumstances warrant.

Be certain to keep a log of interventions or actions used with an employee. An Action Log is printed on the back of the record of attendance form. It is included in this newsletter and on-line. **Contact the Office for Employee Relations as soon as you have identified an employee with an attendance problem. You will be assisted with developing a strategy for addressing the problem.**

Discuss the EAP with the employee when appropriate.

Remember that any employee required to attend a meeting called by the principal or supervisor for the purpose of a reprimand or other action which may lead to disciplinary action has the right to representation. Review the appropriate sections of the SRP and Instructional Master Contracts before beginning this process.

## **Evaluations and Assessments**

All noninstructional and instructional employees must be evaluated at least once a year. Although this is a minimum requirement, it does not prohibit more formal assessments if necessary.

If you find that an employee’s performance is falling below an acceptable level, it will be important to maintain close communication with the Office for Employee Relations in order to plan a course of action designed to improve performance.

Prior to giving an employee an unsatisfactory evaluation, NEAT letter, letter of reprimand, or any other formal performance documentation which may be construed as a negative personnel action, please contact the Office for Employee Relations and we will review the documentation with you.

If you have an employee whose performance has been marginal in the past, it is especially important that you clearly explain performance expectations early in the school year. For example, if an employee’s performance borders on being unsatisfactory, it is **strongly recommended** that you put job expectations in writing. In grievances regarding unsatisfactory evaluations, the first question is usually whether the employee was sufficiently informed or provided explanation and/or instruction as to what level of performance is expected. If you have any questions about the assessment process, please do not hesitate to call us.

**District School Board of Pasco County**  
**Record of Attendance for the 2013-2014 School Year**

Sch/Dept	Wk Phone	Employee
Employee #	Title	Job No
		Hours Per Day

July 2013					August 2013					September 2013				
M	T	W	R	F	M	T	W	R	F	M	T	W	R	F
1	2	3	4	5				1	2	2	3	4	5	6
8	9	10	11	12	5	6	7	8	9	9	10	11	12	13
15	16	17	18	19	12	13	14	15	16	16	17	18	19	20
22	23	24	25	26	1st Day	20	21	22	23	23	24	25	26	27
29	30	31			26	27	28	29	30	30				
October 2013					November 2013					December 2013				
M	T	W	R	F	M	T	W	R	F	M	T	W	R	F
	1	2	3	4					1	2	3	4	5	6
7	8	9	10	11	4	5	6	7	8	9	10	11	12	13
14	15	16	17	18	11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	18	19	20	21	22	23	24	25	26	27
28	29	30	31		25	26	27	28	29	30	31			
January 2014					February 2014					March 2014				
M	T	W	R	F	M	T	W	R	F	M	T	W	R	F
		1	2	3	3	4	5	6	7	3	4	5	6	7
6	7	8	9	10	10	11	12	13	14	10	11	12	13	14
13	14	15	16	17	17	18	19	20	21	17	18	19	20	21
20	21	22	23	24	24	25	26	27	28	24	25	26	27	28
27	28	29	30	31						31				
April 2014					May 2014					June 2014				
M	T	W	R	F	M	T	W	R	F	M	T	W	R	F
	1	2	3	4				1	2	2	Sch Ends	4	5	6
7	8	9	10	11	5	6	7	8	9	9	10	11	12	13
14	15	16	17	18	12	13	14	15	16	16	17	18	19	20
21	22	23	24	25	19	20	21	22	23	23	24	25	26	27
28	29	30			26	27	28	29	30	30				

**Leave Codes:**

SK	SK - Sick	VC	VC - Vacation	RLSK	RL-SK - Recipient Sick Leave
SKUP	SK-UP - Sick Unpaid	TP	TP - Temporary Duty	FMLA	FMLA - Family Medical Leave
SKEL	SK-EL - Extended Health	JD	JD - Jury Duty	CR	CR - Child Rearing
PS	PS - Personal	ILD	ILD - Injury in Line of Duty	ML	ML - Military
PSUP	PS-UP - Personal Unpaid	WC	WC - Workers Comp	OT	OT - Other
PSEL	PS - EL Extended Personal				

No school students and teachers

No school for students



# Evaluation Information-Noninstructional Personnel Assessment

## Form MIS #321

In general terms the nine (9) dimensions listed on MIS Form #321, Noninstructional Personnel Assessment Form, may be defined as follows:

### Quality of Work

Satisfactory performance is characterized by work that is complete, accurate, within timelines, and results in no more than a minimal amount of rework.

### Quantity of Work

Satisfactory performance is characterized by the accomplishment of essential job tasks which have been set or which are expected for the position. Quantity of work may be measured in the completion of specific tasks to which the individual has been assigned, and may include the completion of tasks within specific time frames. Quantity of work may also be measured by time-on-task behavior during work hours, as opposed to non-work related or social activities that are engaged in by an employee during work hours.

### Work Attitude

Satisfactory performance is characterized by behavior at the worksite which is viewed by colleagues, subordinates, and supervising administrators as being positive and productive in nature. Work attitude may be considered in terms of on-task behavior during work hours, verbal and/or nonverbal messages which are given to others, and readiness to exceed the minimum which may be required to accomplish a task.

### Reliability

Satisfactory performance is characterized by work that is consistent as well as competent over time. Reliability may be considered in terms of the record of an individual in accomplishing those tasks to which he or she is assigned, whether those tasks are of a routine or are of a unique nature.

### Cooperativeness

Satisfactory performance is characterized by working effectively with others, both within the department and with other employees, applicants, or members of the public. Cooperativeness may include the degree to which an individual exhibits behaviors that demonstrate problem solving, working with others to accomplish a departmental or system task, or willingness to take on or assist with a task which is assigned by a supervisor.

### Health

Satisfactory performance is characterized by the ability to accomplish the essential tasks of a position, by having the stamina and the mental and physical ability to do so over time.

### Personal Appearance

Satisfactory performance is characterized by maintaining a personal appearance that is consistent with the educational profession. Satisfactory performance is characterized by dress that is professional in nature, and does not include casual or unkempt attire. Fashion trends notwithstanding, clothing that is too tight, too revealing, too suggestive, or which is generally considered to be out of place at the work site is not to be worn during normal work hours. However, special events or special days may call for the wearing of special casual attire.

### Gets to Work on Time

Satisfactory performance is characterized by arriving at the individual's work station by the established starting time for the position, and includes arrival back to the work station after breaks and after lunch by the established times. Getting to work on time also includes beginning to work on time, as opposed to arriving at the worksite and spending time on non-work related or social activities.

### Attendance

Satisfactory performance is characterized by working a sufficient number of days to accomplish the essential tasks of the position without having to distribute to other employees or to delay those essential tasks. Satisfactory performance is generally characterized by not exceeding during the annual period the combined number of sick or vacation days that are earned by an employee during that period. While unexpected illnesses or other circumstances that may entail prolonged absences are understandable, frequent absences and/or questionable absences which result in a hardship to other employees or which result in the delay of essential tasks can result in documentation of unsatisfactory performance. (Provisions of FMLA, ADA, Workers Comp., etc. must be considered.)

*The descriptions above are meant to not be exhaustive, but rather to provide general descriptions for each item on the evaluation form. Supervisors may provide additional information or descriptions that are specific to certain positions and/or areas of assignment.*

*If you have any questions about the assessment process, please see your supervising administrator.*