

THE SCHOOL BOARD OF ESCAMBIA COUNTY, FLORIDA

**NOTICE OF INTENT TO ADOPT AMENDMENTS TO
RULES AND PROCEDURES OF THE DISTRICT SCHOOL BOARD:
CHAPTER 2, HUMAN RESOURCE SERVICES**

Pursuant to **Sections 120.54 and 120.81(1), Florida Statutes**, any person affected by this rule may appear before the School Board of Escambia County, Florida, on the proposed adoption of the instant School District Rule(s) at the date and time listed herein:

NUMBER: 6Gx17-2.03; 2.04; 2.06; 2.10; 2.17; 2.26; 2.29; 2.33; 2.36; 2.37

TITLE: Chapter 2, HUMAN RESOURCE SERVICES

PURPOSE & EFFECT: To update specific sections of Chapter 2 of the Rules and Procedures of the District School Board.

CODING DEFINITION: Words ~~stricken~~ are deletions; words underlined are additions.

TEXT: The full text of this proposed amendment is available for inspection and copying by the public in the Office of the Superintendent, located in the Vernon McDaniel Building, 75 North Pace Blvd., Pensacola, FL 32505; or online at <http://www.escambia.k12.fl.us/board/agendas.asp>

Notice of Rule Advertisement appeared in the Pensacola News Journal on Dec. 18, 2012 – Legal No. 1585852 1T

SUMMARY: The goal of these proposed revisions is to update specific sections of Chapter 2 of the Rules and Procedures of the District School Board. The Superintendent in his capacity as Executive Secretary of the School Board is authorized to correct article and section designations, punctuation, and cross references and to make other technical and conforming changes as may be necessary to reflect the intent of this Board in connection with the policy adopted.

RULEMAKING AUTHORITY: Sections 1001.41; 1012.22; 1012.23; 1012.27, F.S.

LAWS IMPLEMENTED: 104.31; 106.15; 110.122; 112.312; 112.3173; 119.07; 120.57; 121.091; 435.04; 440.102; 800.04; 943.051; 1000.04; 1001.01; 1001.03; 1001.10; 1001.41; 1001.42; 1001.43; 1003.02; 1003.32; 1003.451; 1004.02; 1008.41; 1009.22; 1010.215; 1011.60; 1011.80; 1012.22; 1012.27; 1012.32; 1012.33; 1012.34; 1012.335; 1012.37; 1012.39; 1012.42; 1012.55; 1012.56; 1012.61; 1012.62; 1012.66; 1012.795, F.S.

SMALL BUSINESS IMPACT: None

ECONOMIC IMPACT: None

PERSON ORIGINATING RULE: Alan Scott, Assistant Superintendent, Human Resource Services

SUPERVISOR APPROVING RULE: Malcolm Thomas, Superintendent

DATE APPROVED FOR SUBMISSION: October 15, 2012

ANY PERSON AFFECTED BY THIS RULE MAY APPEAR AT A PUBLIC HEARING TO BE HELD:

TIME AND DAY: 5:30 p.m., Tuesday

DATE: January 22, 2013

PLACE: J. E. HALL EDUCATIONAL SERVICES CENTER
ROOM 160
30 EAST TEXAR DRIVE
PENSACOLA, FLORIDA 32503

If you are a person with a disability who needs an accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Request for such assistance must be made in writing, directed to the Superintendent of Schools, 75 North Pace Blvd., Pensacola, FL 32505. Such request must be received by the Superintendent of Schools at least forty-eight (48) hours prior to the meeting. If you are hearing or voice impaired, call TDD 1-800-955-8771.

Any person who decides to appeal a decision of the School Board at such meeting is hereby advised that, for such purpose, such person may need to ensure that a verbatim record of the meeting is made, which record includes the testimony and evidence upon which the appeal is to be based.

THE SCHOOL DISTRICT OF ESCAMBIA COUNTY, FLORIDA

Adopted on this 22nd day of January, 2013, at Pensacola, Escambia County, Florida.

Malcolm Thomas, Superintendent

APPROVED FOR LEGAL CONTENT

FOR January 2013 AGENDA

JAN 10 2013

GENERAL COUNSEL
ESCAMBIA COUNTY SCHOOL BOARD

2.03 NON-CERTIFICATED INSTRUCTIONAL PERSONNEL

- (1) Non-certificated instructional personnel are those employees who possess expert skill in or knowledge of a particular subject or talent. Such personnel provide certain instructional services, but are not required to possess a certificate issued by the Florida Department of Education or by the District. Non-certificated instructional personnel shall meet applicable requirements and only be employed as specified.

- (2) Speech Pathologists, Occupational Therapists, Physical Therapists, and Audiologists

Speech Pathologists, Occupational Therapists, Physical Therapists, and Audiologists may be employed without a teaching certificate to provide instructional services in the individual's field of specialty pursuant to State Board of Education Rules under the following conditions:

- A. The employment procedures shall be the same as those for certificated instructional personnel.
 - B. The employee's personnel records shall contain evidence of the individual's specialty consisting of at a minimum, copies of degree(s) earned, transcripts of courses taken in obtaining the degree(s), and a Florida licensure or registration. Additionally, the personnel records shall contain the employee's job-related work experience and the Board-approved job description including, if applicable, any duties of an instructional nature not within the scope of the employee's licensure or registration.
 - C. Prior to assuming responsibility for the health, safety, and welfare of pupils or for promoting pupil learning, the immediate supervisor shall inform and instruct the employee on the relevant State Board of Education and School Board Rules, policies and practices regarding instructional responsibilities and shall ascertain that the employee possesses a clear understanding of such rules, policies, and practices. Additionally, the immediate supervisor shall determine that the employee possesses the necessary knowledge to perform such duties in a proper and reasonable manner.
 - D. The procedural protection of law regarding employment shall be the same as that for certificated instructional personnel.
 - E. Obtaining and maintaining a Florida licensure or registration in the field of specialty is the sole responsibility of the employee and is a condition of employment.
- (3) Vocational/Technical Training Instructional Personnel
- A. Individuals possessing expert skill or knowledge of a particular subject or talent taught in vocational or technical job courses may be employed as

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vocational/technical training instructional personnel without a teaching certificate to provide instructional services in the individual's field of expertise or specialty pursuant to State Board of Education Rules under the following conditions:

1. The employment procedures shall be the same as those for certificated instructional personnel except that these employees shall not be entitled to a probationary, ~~an~~ annual, professional services, professional, or administrative contract.
2. The employee's personnel records shall contain evidence of his or her expertise, knowledge, or specialty. Additionally, the personnel records shall contain the employee's Board-approved job description including instructional duties.
3. The job performance evaluation and assessment procedures shall be in compliance with Florida laws and any applicable collective bargaining agreement.
4. The Principal of George Stone Vocational Technical Center shall be responsible for instructing such employees in the responsibility for the health, safety and welfare of students and in the State Board of Education and School Board Rules, policies and practices regarding instructional responsibilities and for ascertaining that the employee possesses a clear understanding of such rules, policies and practices. Additionally, the Principal shall determine that the employee possesses the necessary knowledge and skill needed to fulfill the instructional responsibilities and perform other assigned duties in a proper and reasonable manner.
5. Employment during a fiscal year shall not exceed one hundred sixty (160) hours.
6. The procedural protection of law regarding employment shall be the same as that for annual contract certificated instructional personnel.

(4) Non-degreed Vocational Instructional Personnel

- A. Individuals possessing occupational expertise in the career and technical education program cluster areas that are recognized in the state may be employed as full-time or part-time non-degreed vocational instructional personnel based primarily on successful occupational experience and industry certification credentialing rather than academic training provided the following requirements are met:
 1. Submit fingerprints as required for all personnel through the online computer system.
 2. Documentation of education, industry certification credential, and

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successful occupational experience including documentation of:

- a. high school diploma or the equivalent; and
- b. when a valid industry certification is available, an industry certification or license issued by a recognized state or national credentialing agency in an area specific to the area of assignment.
 - i. The list of appropriate credentials and the recognized credentialing agencies is compiled and published July 1 of each year by the State of Florida ~~Agency for Workforce Innovation~~ Department of Economic Opportunity.
 - ii. Persons are required to present the appropriate valid certificate, registration or license previously described at the time of hire; and
- c. occupational expertise in the area of assignment by one of the plans specified below:
 - i. Plan One: A minimum of six (6) years of full-time occupational experience, or the equivalent in part-time experience in the occupational field of the teaching assignment; or
 - ii. Plan Two: A minimum of two (2) years of full-time occupational experience, or the equivalent in part-time experience in the occupational field of the instructional assignment in combination with one of the options listed below:
 - (A) A bachelor's degree earned at an acceptable accredited institution with an undergraduate or graduate degree major related to the instructional assignment; or
 - (B) Thirty-six (36) semester hours of college credit earned at an acceptable accredited institution in skills or theory courses related to the instructional assignment; or
 - (C) Successful completion of a program of training specific to the area of assignment and completed at a post-secondary vocational or technical institution approved by the State Board of Education for Vocational Education in the state in which the institution is located; or

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- (D) A certificate of completion of an apprenticeship as established by the United States Department of Labor, the Florida Department of Labor, or any state apprenticeship department, which is specific to the area of assignment; or
 - (E) Thirty (30) semester hours of college credit earned by occupational competency tests (NOCTI tests) in the area of assignment at an institution which is approved by the State Board for Vocational Education in the state in which the institution is located; or
- iii. Other requirements regarding occupational experience are
- (A) Occupational experience shall be gained as a wage earner after age sixteen (16).
 - (B) The occupational experience shall be verified by former employers. For self-employment, experience in a family- owned business, or experience at a firm no longer in business, the prior occupational experience shall be verified by an individual knowledgeable of the applicant's service. Employment verification shall not be accepted from the person or family members. The verification shall be provided on business stationery or a notarized affidavit and specify the dates of employment, job title, and whether the employment was full-time or part-time. If employment was part-time, the number of hours worked per week shall be included.
 - (C) Recency of experience or training shall be required in the occupational field of the teaching assignment as follows:
 - i. At least six (6) weeks of occupational experience gained within the five (5) year period immediately preceding the date of application for employment; or
 - ii. At least three (3) semester hours of college credit earned within the five (5) year period immediately preceding the date of application for employment at an acceptable accredited institution, completed in skills or

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theory courses related to the area of assignment; or

- iii. Completion of a vocational training program or an apprenticeship program as described above, within the five (5) year period immediately preceding the date of application for employment; or
 - iv. One (1) year of successful teaching experience in the program area of assignment during the five (5) year period immediately preceding the date of application for employment.
- B. Non-degreed vocational instructional personnel shall only be assigned to teach vocational courses when the Course Code Directory specifies non-degreed vocational instructional personnel as appropriate.
- C. The Superintendent shall insure that personnel in non-degreed vocational instructional positions meet minimum requirements for employment and shall maintain records of such information in each employee's personnel file.
- D. To be eligible for appointment to a full-time Junior Reserve Officers' Training Corps (JROTC) instructional position, a person must:
- 1. Submit fingerprints as required for all personnel through the online computer system.
 - 2. Hold at least a high school diploma or the equivalent based on general education development tests or other achievement tests approved by the State Board of Education which establishes the equivalency for a high school diploma.
 - 3. Provide verification that the applicant is retired from active military duty, pursuant to 10 U.S.C. 102.
 - 4. Provide documentation that the applicant was a commissioned or noncommissioned military officer at the time of official separation from active military duty with an exemplary military record.
 - 5. Satisfy criteria established by the appropriate military service for certification by the service as a JROTC instructor.
- E. Full-time JROTC instructional personnel shall apply and qualify for a full-time certificate issued by the Board covering JROTC.

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1. The initial JROTC certificate issued shall be valid for three (3) school years with a validity period from July 1 to June 30.
2. A full-time JROTC certificate valid for five (5) school years will be issued when the following requirements are met:
 - a. Completion of two (2) years full-time successful teaching experience; and
 - b. Verified demonstration of a Florida-approved Professional Education Competence Program.

F. Local Certificates

1. Full-time non-degreed vocational instructional personnel shall apply and qualify for a full-time vocational certificate issued by the Board covering the occupational field to be taught.
2. The initial vocational certificate issued shall be valid for three (3) school years with a validity period from July 1 to June 30.
3. A full-time vocational certificate valid for five (5) school years will be issued when the following requirements are met:
 - a. Completion of two (2) years full-time successful teaching experience in the area for which occupational expertise was established; and
 - b. Completion of twelve (12) semester hours of college credit in education as specified below:
 - i. Three (3) semester hours in principles and philosophy of vocational education;
 - ii. Three (3) semester hours in general methods of teaching vocational education which includes testing and evaluation;
 - iii. Three (3) semester hours in methods of teaching agriculture, business, health occupations, home economics, industrial, marketing, or public service education. The methods course shall be specific to the area of the teaching assignment to include course construction, lesson planning and management and safety procedures for the vocational classroom and laboratory; and
 - iv. Three (3) semester hours in vocational education designed for the special needs student.

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- c. Verified demonstration of a Florida-approved Professional Education Competence Program.
- G. Part-time non-degreed vocational instructional personnel shall apply and qualify for a part-time vocational certificate covering the occupational field to be taught.
 - 1. The part-time vocational certificate issued at the local district level shall be valid for five (5) school years with a validity period from July 1 to June 30.
 - 2. A part-time vocational certificate issued at the local district level will require no course work for renewal.
 - 3. The application and selection procedures and employment opportunities for full-time and part-time non-degreed vocational instructional personnel shall be the same as the procedures for certificated instructional personnel. An application for a Florida teaching certificate shall not be required. However, an application for a full-time or part-time local certificate covering the occupational field to be taught shall be required. A nonrefundable processing fee shall be required with each application.
 - 4. Full-time non-degreed vocational instructional personnel shall be given the same probationary or annual contract as they would be qualified for if they were certificated instructional personnel. Annual contracts shall be issued to the full-time non-degreed vocational instructional personnel in accordance with Florida laws and any applicable collective bargaining agreement.
- H. For individuals awarded a professional service contract prior to July 1, 2011, in order to retain and be reappointed to a professional service contract, the employee shall maintain a current and valid full-time Professional Vocational Instructional Certificate issued by the Board in the area of occupational expertise by completing at least six (6) semester hours of college credit, which shall include three (3) semester hours specific to each area of the teaching assignment during each five-year validity period of each certificate. However, sixty (60) inservice points approved in the District Master Inservice Plan shall be considered equivalent to three (3) semester hours of credit.
- I. Part-time non-degreed vocational instructional personnel shall be employed as if they were full-time non-degreed instructional personnel except that they shall not be entitled to contractual status.
- J. Full-time non-degreed vocational instructional personnel shall be eligible for the same salary and salary increases as certificated instructional personnel with corresponding contractual status, years of service, and levels of training. Levels of training for full-time non-degreed vocational instructional personnel shall be comparable to levels of training for certificated instructional personnel for

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purposes of the salary schedule as described below:

1. Occupational expertise which establishes eligibility for employment shall be considered equivalent to a bachelor's degree level of training.
- K. Full-time non-degreed vocational instructional personnel shall be a member of the instructional personnel bargaining unit and shall be accorded the same rights and protections of the laws as certificated instructional personnel.
- L. Part-time non-degreed vocational instructional personnel shall be eligible for the same salary established for part-time certificated non-degreed vocational personnel. For purposes of salary schedule placement, levels of training for part-time non-degreed vocational instructional personnel shall be comparable to levels of training for full-time non-degreed vocational instructional personnel.
- M. Non-degreed vocational instructional personnel shall comply with the resignation policy established for certificated instructional personnel.
- N. Non-degreed vocational instructional personnel may be suspended or dismissed at any time during the school year pursuant to the provisions set forth for other certificated instructional personnel.
- O. Discontinuation of Positions
 1. Full-time non-degreed vocational instructional personnel shall be governed by the same provisions established for certificated instructional personnel if positions are discontinued. Should it be necessary to choose from among certificated and non-certificated instructional personnel, non-certificated instructional personnel shall have the same rights and protections as certificated instructional personnel.
 2. Part-time non-degreed vocational instructional personnel shall be governed by the same provisions established for part-time certificated instructional personnel if positions are discontinued. Should it be necessary to choose from among certificated and non-certificated part-time, non-degreed vocational instructional personnel, non-certificated part-time non-degreed vocational instructional personnel shall have the same rights and privileges as certificated part-time instructional personnel.

(5) Part-time Adult Educational Instructional Personnel

Instructional personnel who are employed to teach part-time in the Adult Education Program shall be employed under and governed by the same rules regarding part-time non-degreed vocational instructional personnel except that, instead of meeting the occupational expertise requirements, these personnel shall hold a bachelor's degree or higher with an undergraduate or graduate degree major in the area of assignment or hold a bachelor's degree or higher in another area and thirty (30) semester hours in courses

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related to the area of assignment. The degree or college credit must have been earned at an acceptable accredited institution.

(6) Part-time Adjunct Certificates

- A. An applicant may be issued a part-time adjunct certificate in accordance with Florida laws, which shall be valid for the term of an annual contract.
- B. An applicant may renew a part-time adjunct certificate for additional years provided he or she receives a satisfactory performance evaluation.

(7) Degreed Career Specialist Certificates

- A. To be eligible for a degreed career specialist position, a person must:
 - 1. Submit fingerprints as required for all personnel through the online computer system.
 - 2. Hold a bachelor's degree or higher from an U.S. accredited or approved institution as specified in 6A-4.003, F.A.C., and provide verification of at least two (2) years of full-time occupational experience or equivalent in part-time experience.
- B. The initial temporary certificate issued shall be valid for three (3) school years with a validity period from July 1 to June 30.
- C. A full-time degreed certificate covering career specialist valid for five (5) years will be issued when the following requirements are met:
 - 1. Completion of two (2) years full-time successful teaching experience;
 - 2. Passing scores on the General Knowledge Exam;
 - 3. Passing scores on the Professional Education Exam;
 - 4. Completion of career education training conducted through the District Master Inservice Plan; and
 - 5. Verified demonstration of a Florida-approved Professional Education Competence Program.

(8) Non-Degreed Career Specialist Certificates

- A. To be eligible for a non-degreed career specialist position, a person must:
 - 1. Submit fingerprints as required for all personnel through the online computer system;

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2. Provide verification of at least six (6) years of full-time occupational experience or the equivalent in part-time experience; and
 3. Hold at least a high school diploma or the equivalent based on general education development tests or other achievement tests approved by the State Board of Education which establishes the equivalency for a high school diploma.
- B. The initial temporary certificate issued shall be valid for three (3) school years with a validity period from July 1 to June 30.
- C. A full-time non-degreed certificate covering career specialist valid for five (5) years will be issued when the following requirements are met:
1. Completion of two (2) years full-time successful teaching experience;
 2. Completion of career education training conducted through the District Master Inservice Plan; and
 3. Verified demonstration of a Florida-approved Professional Education Competence Program.
- (9) Denial, Revocation, or Non-Renewal of Local Certificates
- A. The Board issues to certain non-certificated instructional personnel a local certificate issued in accordance with Section (4), Non-degreed Vocational Instructional Personnel. Those eligible to receive local certificates include full-time non-degreed vocational instructional personnel, part-time non-degreed vocational instructional personnel, full-time ROTC instructors, part-time Adult Educational instructors, part-time adjunct instructors, and under provisions set forth in 2.09, S.B.R, Substitute Teachers.
- B. Local certificates are issued at the discretion of the Board and only upon completion of the requirements for the area of local certification. The issuance of a local certificate is for the purpose of enhancing administrative control and supervision over those instructional personnel who may teach in non-certificated positions. The issuance of a local certificate at the discretion of the Board and the utilization of that certificate by the Board or any school administration shall not create any property right in the holder of a local certificate or any right to employment or the continuation of employment.
- C. In exercising its discretion to deny issuance of a local certificate, to revoke an existing local certificate or to deny renewal, the Board may consider the following:
1. If the applicant or certificate holder has supplied fraudulent information or obtained a local certificate by fraudulent means;

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2. If the applicant or certificate holder has demonstrated through application or employment less than satisfactory qualifications or performance;
 3. If the applicant or certificate holder meets hiring guidelines as defined in 2.04, S.B.R., Recruitment and Selection of Personnel;
 4. If the applicant or certificate holder has met background screening requirements, has been convicted of a misdemeanor or felony, gross immorality or an act involving moral turpitude, or any other criminal charge other than a minor traffic violation;
 5. If there is reasonable cause to believe the applicant or certificate holder is guilty of personal conduct which seriously reduces that person's effectiveness as an employee; and/or
 6. Any other ground which the Board, in the reasonable exercise of its discretion, considers sufficient to deny local certification.
- D. Any person denied local certification or any person whose existing local certificate is revoked or non-renewed, upon notice of denial, non-renewal or revocation, may appear before a panel of personnel, as appointed by the Superintendent. The person shall have reasonable opportunity to contest the truth or accuracy of information relied upon in denying, revoking or non-renewing a local certification.

Statutory Authority:	Chapter 120 and 1012 and Sections 1000.04; 1001.01; 1001.03; 1001.10; 1001.32 to 1001.54; 1003.02; 1003.32; 1004.02; 1008.405; 1008.41; 1009.22; 1010.22; 1010.215; 1011.80; 1001.41; 1012.22; 1012.23, F.S.
Laws Implemented:	10 U.S.C. § 2301 et seq. Chapter 120 and 1012 and Sections 1000.04; 1001.01; 1001.03; 1001.10; 1001.32 to 1001.54; 1001.43; 1003.02; 1003.32; 1004.02; 1008.405; 1008.41; 1009.22; 1010.22; 1010.215; 1011.80; 1012.42; 1012.55, F.S.
History:	New 11/27/90. Revised/Amended 11/20/01; 09/23/03; 05/17/05; 06/20/06; 03/26/07; 07/15/08; 02/15/11; 01/17/12.

2.04 RECRUITMENT AND SELECTION OF PERSONNEL

(1) Application

All prospective employees shall have a completed application on file with Human Resource Services before they may be considered for employment for any position. All personnel required to hold certification shall be employed in accordance with federal statutes, Florida Statutes, State Board of Education Rules, and School Board Rules. Although applications may be submitted at any time, only those applications for a particular position which meet the deadline specified in the advertisement shall be considered.

(2) Diversity Action Plan

The recruitment and selection of personnel shall be influenced and guided by the Diversity Action Plan approved by the Board.

(3) Position Advertising

- A. Instructional positions shall be advertised in accordance with requirements of any applicable collective bargaining agreement.
- B. Vacancies for administrative and professional positions with the exception of the Deputy Superintendent, Assistant Superintendent, Director of Human Resource Services, Director of Elementary School Education, Director of Middle School Education, Director of High School Education, and Executive Assistant to the Superintendent, shall be advertised for a period of no less than ten (10) days prior to the application deadline with the intent of establishing a pool of qualified candidates. Interviews of each member of this candidate pool shall be held. Recommendations for employment shall be made to the Board by the Superintendent only from said qualified candidate pool.
- C. The advertising requirements in Section B shall not be required where the Superintendent determines a vacancy should be filled by a lateral transfer or demotion of existing personnel. A lateral transfer or demotion is a reassignment of an employee from one position to another in the same or lower pay grade. This provision only applies to administrative and/or professional positions.
- D. Should no qualified candidates be found after advertising as set forth in Section B, the Superintendent shall re-advertise the position and repeat the process set forth herein until such time as a qualified candidate is identified.
- E. However, for each vacancy advertised as set forth in Section B the Superintendent may request in writing that the Board waive the advertising requirements of this rule, provided that the Superintendent first certifies that no qualified candidates have been determined pursuant to advertising under this rule and sets forth in

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detail the reasons why waiver of the advertising provisions of the rule are deemed necessary.

- F. Upon receipt of the written certification and request in Section D E, the Board may, in its discretion by a majority vote of its members, waive the advertising requirements of this rule as the Board deems necessary and proper.
- G. The Board may reject for good cause, any recommendation(s) for employment not made in compliance with this rule and its subparts.
- H. Other positions shall be advertised no less than ten (10) days prior to application deadline and in accordance with the requirements of any applicable collective bargaining agreement.

(4) Recommendation of Candidate for Employment

- A. Nomination of persons to fill positions shall be made to the Board by the Superintendent with the exception of the Board Attorney and the Auditing Department.
- B. A promotion to a higher pay grade under this provision shall not result in an employee's reduction in pay.
- C. The Superintendent may recommend step placement within the position's grade level, noticing the Board through memorandum of any placement exceeding five (5) steps.

- (5) All individuals applying for temporary and permanent employment including students working with the District, shall submit a full set of fingerprints through the online computer system via the District's home web page. All fingerprint results will be reviewed by authorized personnel in Human Resource Services. These fingerprints shall be submitted to the Florida Department of Law Enforcement and to the Federal Bureau of Investigation. The reports from such processing shall be used to complete background checks on new employees and to evaluate the requirement for good moral character. The fingerprint processing required by the Florida Department of Education for teacher certification shall meet the requirements of this rule. Applicants found through fingerprint processing to have been convicted of a crime involving moral turpitude shall not be employed. Probationary employees terminated because of their criminal record or failure to meet the requirements of good moral character shall have the right to appeal such decision. The appeal procedure shall be as provided for in the Florida Administrative Procedure Act, Chapter 120, F.S., Good moral character and moral turpitude shall be interpreted in accordance with Florida laws, State Board of Education Rules, related Florida court decisions, and School Board Rules. Prospective employees shall pay the cost of fingerprint processing and shall make such payment before being considered for appointment.

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(6) Hiring guidelines which may disqualify applicants from employment:

- A. Conviction (as defined in Sections 435.04, F.S. and/or 1012.315, F.S.) of a crime of moral turpitude (Section 1012.33, F.S.). Moral turpitude as defined by the District includes, but is not limited to, crimes listed in Sections 435.04, F.S. and/or 1012.315, F.S.
- B. Two (2) or more misdemeanor charges within the past five (5) years, with final dispositions of guilty or plea of nolo contendere (no contest), regardless of adjudication(s) withheld.
- C. A criminal history screening which demonstrates irresponsibility in private or social environments. Examples include, but are not limited to, the use of weapons, acts of violence, or patterns of irresponsibility including insufficient funds incidents, shoplifting, petty theft, robbery, loitering, larceny, breaking and entering, immoral conduct, etc.
- D. Any other felony crime not listed in Sections 435.04, F.S. and/or 1012.315, F.S. with a final disposition of guilt or plea of nolo contendere (no contest), regardless of adjudication of guilt.
- E. Enrollment in or failure to successfully complete a pre-trial diversion or intervention program for a disqualifying offense.
- F. Any unlawful possession, sale, manufacture or association of controlled substances and drug related activities, including prescription forgery, regardless of the date of the incident or level of offense. (Arrests which resulted in dropped charges, dismissal, nolle prosequi, or a not guilty verdict will not disqualify the applicant.)
- G. More than one (1) DWI, DUI, or BUI conviction. School bus operators cannot have a DUI or DWI conviction, regardless of adjudication(s) withheld.
- H. Any incidence of violence misdemeanor or felony, with final disposition of guilt or plea of nolo contendere (no contest), regardless of adjudication(s) withheld. Examples include, but are not limited to, battery, aggravated battery or assault, or domestic-related violence.
- I. Any omission, misrepresentation or falsification of information listed on any employment application or documents related to employment and benefits.
- J. Noncompliance with the District hiring requirements under Sections 435.04, F.S., 1012.465, F.S., 1012.315, F.S., and 1012.56, F.S. A record clear of disqualifying offenses as defined in Section A above is required for employment and continued employment with the District.

(7) Applicants who have pending criminal charges for an offense which would disqualify the

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applicant from employment or who are currently on probation or participating in a program for first-time offenders as a result of the offense will be automatically disqualified from employment until resolution of the charge(s).

- (8) Offers of employment may be suspended, postponed, or withheld pending final disposition of the charges through the judicial process. Additionally, offenses in which youthful offender status was applied or where adjudication was withheld are considered convictions and shall be used in making employment decisions.
- (9) All applicants have the right to appeal before the Human Resources Appeals Committee. The Assistant Superintendent of Human Resource Services or designated representative will select the members of this committee to ensure diversity. The Committee is responsible for following and abiding by all local, state, and federal employment procedures and laws. A second applicant appeal will be granted only when new facts or additional information has been presented that was not considered in the first appeal hearing.
- (10) The Superintendent will review decisions made by the Human Resources Appeals Committee and has the authority to overturn the decisions made by the Committee, excluding appeals from offenses listed in Sections 435.04, F.S. and/or 1012.315, F.S.
- (11) Felonies involving breach of public trust and other specified offenses by public officers and employees are subject to forfeiture of rights and benefits under any public retirement system (Section 112.3173, F.S.). Conviction of felonies defined in Section 800.04, F.S., (lewd and lascivious offenses committed upon or in the presence of persons less than 16 years of age) or Chapter 794, F.S., (unlawful sexual activity with certain minors) when committed on or after October 1, 2008 by the employee if the offense occurred through the use of the power, rights, privileges, duties or position on a victim younger than 18, are subject to forfeiture of retirement benefits.
- (12) Prior to an appointment request in an instructional (~~by a principal~~) or school administrator (~~by a director~~) position that involves direct student contact, the District must contact each candidate's previous employer and screen the candidate through the educator screening tools provided in Section 1001.10, F.S.. The District must document the results from:
 - A. Professional Practices Database of Disciplinary Actions;
 - B. Teacher Certification Database; and
 - C. Candidate's previous employer. (If unable to contact previous employer, the District must document the efforts to contact the employer)
- (13) Additional Requirements
 - A. All candidates for employment shall submit to pre-employment drug/tobacco screening testing. Refusal to submit to drug/tobacco testing or having a confirmed

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positive drug/tobacco test shall be used as a basis for denial of employment.

- B. All personnel shall take the Oath of Loyalty to the Constitutions of the United States and the State of Florida.
- C. All personnel shall submit to Human Resource Services, completed withholding allowance certificates, mandatory direct deposit forms, and retirement forms. All personnel shall submit to the Risk Management Department completed insurance forms.
- D. All personnel shall submit to Human Resource Services, a service record of all previous service claimed.

(14) Instructional Candidate Pool

- A. Human Resource Services shall establish and maintain a pool of qualified candidates for instructional positions.
- B. All full-time instructional employees shall be hired from candidates registered with the Instructional Candidates Pool.
- C. Human Resource Services shall identify and catalogue candidates according to the candidate's professional training and credentials. Additionally, Human Resource Services shall identify those candidates in critical shortage areas.
- D. For purposes of this rule critical shortage areas shall be as defined by current state law.
- E. Principals shall make a sincere effort to recommend for employment qualified minority candidates. A minority candidate is defined as a person who is a member of an ethnic, racial, or gender group that is underrepresented in the District's instructional ranks.
- F. Principals shall make all recommendations for hiring of instructional positions from qualified candidates identified by Human Resource Services.
- G. Principal evaluations shall include a diversity component which shall measure the principal's annual performance in hiring a diversified staff.
- H. The Superintendent shall report in writing to the Board in February and September, data by school and by each critical shortage area identified herein, detailing information regarding the diversity initiatives for the previous reporting period.
- I. Notwithstanding any provision herein to the contrary, no part of this rule shall be construed to supersede any provision in any applicable collective bargaining agreement.

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(15) Re-employment of Retired Instructional Employees

A retired instructional employee who is otherwise qualified under this rule may be re-employed as an instructional employee in accordance with Florida Statutes.

(16) Hiring Freeze

- A. In the fulfillment of its budgetary control and fiscal oversight responsibilities the Board may, by majority vote of its members, designate any administrative or professional position(s) above the school level within the District to remain vacant until further action by the Board. This designation shall be known as a hiring freeze.
- B. The Board shall have good cause to reject any recommendation for employment to a frozen position.
- C. The Superintendent may recommend frozen positions be filled by the Board, provided the Superintendent provides the Board with current job descriptions and pay grades of the referenced positions.

Statutory Authority:	Chapters 120, 794 and 1012 and Sections 112.3173; 435.04; 440.102; 800.04; 943.051; 1001.01; 1001.10; 1001.32 to 1001.54; 1003.02; 1003.32; 1003.45 <u>1001.41; 1012.22; 1012.23, F.S.</u>
Laws Implemented:	Chapters 120, 794, and 1012 and Sections 112.3173; 435.04; 440.102; 800.04; 943.051; 1001.01; 1001.10; 1001.32 to 1001.54; 1001.42; 1001.43; 1003.02; 1003.32; 1003.451; 1012.22; 1012.27; 1012.32; 1012.335; 1012.39, F.S.
History:	New 11/27/90. Revised/Amended 02/20/01; 06/19/01; 11/20/01; 12/17/02; 06/16/03; 09/23/03; 10/21/03; 11/18/03; 05/17/05; 09/20/05; 06/20/06; 03/26/07; 05/20/08; 07/15/08; 10/21/08; 11/17/09; 02/15/11; 01/17/12.

2.06 CONTRACTS AND CONDITIONS

(1) Administrative and Professional Contracts

- A. Administrative and professional personnel issued continuing contracts in their present positions prior to July 2, 1974, shall retain such contracts until they resign, voluntarily relinquish such contracts, or have their position abolished by the Board.
- B. Administrative and professional personnel may initially be employed under an annual contract, or for a lesser period. The initial annual contract shall include a 97-day probationary period during which the employee's contract may be terminated without cause or the employee may resign without breach of contract. Following a probationary period of not less than three (3) consecutive years of successful performance in an administrative or professional position, such personnel may, upon the recommendation of the Superintendent, become eligible for a multi-year contract not to exceed three (3) years.
- C. Administrative and professional personnel holding multi-year contracts who are not recommended for reappointment to the same position shall be so notified at least one (1) year prior to the expiration of their contract.
- D. Generally, administrative and professional contracts shall have beginning and ending dates which shall coincide with those of the Board's fiscal year.
- E. Administrative and professional personnel shall work a minimum of eight (8) hours per day, unless otherwise approved by the Board. Work schedules shall be approved in advance by the Superintendent.
- F. District administrative or supervisory staff, including any principal, on continuing contract as defined in Section 1012.33(4), F.S., may be suspended or dismissed at any time during the school year; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude.
- G. District administrative or supervisory staff, including any principal, except those defined in sSection F above, may be suspended or dismissed at any time during the term of the contract; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or being convicted or found guilty of, or entering a plea of guilty, regardless of adjudication of guilt, any crime involving moral turpitude.

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(2) Instructional Contracts

- A. Instructional personnel shall receive a written contract in accordance with Florida law (including Section 1012.335, F.S.) and any applicable collective bargaining agreement.
- B. No legal cause shall be required of the Board in the event that the probationary or annual contract employee is not re-employed after the last day of the contract term.
- C. Instructional personnel holding a continuing contract shall retain such contract and all rights arising therefrom unless the continuing contract is voluntarily relinquished in accordance with Florida law. Instructional personnel holding a continuing contract may be dismissed, suspended or returned to annual contract status for another three (3) years as provided by law.
- D. Instructional staff on continuing contract as defined in Section 1012.33(4), F.S., may be suspended or dismissed at any time during the school year; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude.
- E. Instructional staff, except those defined in section D above, may be suspended or dismissed during the term of the contract; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, two consecutive annual performance evaluation ratings of unsatisfactory under Section 1012.34, F.S., two annual performance evaluation ratings of unsatisfactory within a 3-year period under Section 1012.34, F.S., three consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory under Section 1012.34, F.S., gross insubordination, willful neglect of duty, drunkenness, or being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude.
- F. Instructional personnel on annual contract, hired on or after July 1, 2011, may be suspended or dismissed at any time during the term of the contract for just cause. Just cause, as defined in Section 1012.335, F.S., includes, but is not limited to, immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, or being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude.
- G. Probationary contract means an employment contract for a period of 1 school year awarded to instructional personnel upon initial employment in a school district. Probationary contract employees may be dismissed without cause or may resign without breach of contract. A district school board may not award a probationary contract more than once to the same employee unless the employee was rehired

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after a break in service for which an authorized leave of absence was not granted.
A probationary contract shall be awarded regardless of previous employment with another school district or state.

(3) Compensation

- A. Salaries of all personnel shall be in accordance with Florida law and any applicable collective bargaining agreement and be based on salary schedules approved by the Board. Promotions for administrative and professional employees, including step increases, shall comply with the pertinent provisions of School Board Rules.
- B. In-grade step increases for administrative and professional employees may be awarded by the Superintendent provided:
 - 1. The employee has a significant increase in job responsibilities; or
 - 2. The employee has demonstrated continued outstanding performance; or
 - 3. The employee's performance has resulted in substantial improvements in the performance of the employee's department/work section.

(4) Transfers

- A. Requests for transfer shall be made in the manner prescribed by Florida law and any applicable collective bargaining agreement.
- B. The Superintendent shall recommend all transfers, promotions, or demotions of personnel to the Board for approval.
- C. During any valid emergency, the Superintendent may make any necessary transfer of personnel and shall report any such transfer to the Board for approval at its next regular meeting.

(5) Assessments

Performance assessments shall be in accordance with Florida laws and any applicable collective bargaining agreement.

(6) Summer Employment

Individuals who have resigned or were not employed the previous year shall not be eligible for summer employment, unless recommended by the Superintendent and approved by the Board. Instructional personnel employed in the summer must be certified in the area to which assigned.

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Statutory Authority:	Chapters 120 and 1012 and Sections 119.07; 435.04; 943.051; 1001.10; 1001.32 to 1001.54 ; 1003.02; 1003.32; 1004.02; 1010.215 <u>1001.41</u> ; <u>1012.22</u> ; <u>1012.23</u> , F.S.
Laws Implemented:	Chapters 120 and 1012 and Sections 119.07; <u>120.57</u> ; 435.04; 943.051; 1001.10; <u>1001.43</u> ; 1001.32 to 1001.54 ; 1003.02; 1003.32; 1004.02; 1010.215; <u>1011.60</u> ; <u>1012.22</u> ; <u>1012.32</u> ; <u>1012.33</u> ; <u>1012.34</u> ; <u>1012.335</u> ; <u>1012.56</u> , F.S.
History:	New 11/27/90. Revised/Amended 11/20/01; 11/19/02; 09/23/03; 09/27/04; 05/17/05; 10/18/05; 06/20/06; 03/26/07; 05/20/08; 07/15/08; 10/21/08; 11/17/09; 02/15/11; 01/17/12.

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2.10 TEACHER ASSISTANTS

- (1) Teacher assistants, if needed, shall be appointed by the Board to assist instructional personnel in carrying out their instructional or professional duties and responsibilities. Newly hired permanent teacher assistants must be in compliance with NCLB standards. This requirement is not applicable to ~~bus aides (teacher assistant specials)~~ School Bus Assistants.
- (2) The principal and instructional personnel assisted by a teacher assistant shall ensure that the duties assigned to each teacher assistant are consistent with Florida Statutes, State Board of Education Rules, and School Board Rules.

Statutory Authority:	Chapter 1012 and Sections 435.04; 1001.32 to 1001.54; 1003.02 <u>1001.41; 1012.22; 1012.23, F.S.</u>
Laws Implemented:	Sections 435.04; 1001.32 to 1001.54; <u>1001.43; 1003.02; 1012.22;</u> <u>1012.32; 1012.37, F.S.</u>
History:	New 11/27/90. Revised/Amended 11/20/01; 06/20/06; 07/15/08; 11/17/09; 02/15/11.

2.17 SICK LEAVE

(1) Accrual

- A. All instructional, administrative and professional personnel employed on a full-time basis are entitled to four (4) days of sick leave as of the first day of employment of each contract year and thereafter accrue one (1) day for sick leave at the end of each month of employment.
- B. Instructional employees employed on a permanent part-time basis shall earn sick leave in direct proportion to the fraction of the day worked.
- C. All personnel shall be entitled to earn no more than one (1) day of sick leave times the number of months of employment during the year of employment.
- D. Sick leave after accrual shall be credited at the end of each month of employment.

(2) Conditions

- A. Absence due to illness shall be reported as sick leave on the payroll time report. The supervisor shall ensure that the sick leave form has been properly completed and shall sign the form. Employees shall be provided a signed copy of the leave form.
- B. Upon return from sick leave, personnel shall submit a leave form to the proper authority within five (5) days of returning to work. School based personnel shall submit a leave form to the principal; all other personnel shall submit a leave form to the supervisor responsible for signing payroll reports.
- C. Personnel shall accrue no more than a total of one (1) day of sick leave for each month of employment.
- D. Sick leave shall be cumulative from year to year with no limit as to the number of days that may accumulate except that at least one-half of this cumulative leave must be earned in this District.
- E. Sick leave shall not be used prior to the time it has been accrued and been credited.

(3) Illness or Injury in the Line-of-Duty Leave

Leave with pay for illness or accident incurred in the performance of duty shall be as provided by law and according to the following:

- A. Any employee who must be absent from duty due to personal injury received in the performance of duties or due to illness certified by a physician to be from a contagious or infectious disease contracted in school work shall be entitled to

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illness/injury in line of duty leave. Such leave shall be authorized for a period not to exceed ten (10) days per fiscal year and shall be applicable only to the year during which the illness/injury occurred. Authorization for additional leave due to unusual circumstances may be granted by the Board. Pay will be at the employee's established rate of pay. Such authorized leave shall not be deducted from the employee's accumulated sick leave.

- B. Claims for such leave shall be filed within five (5) business days after returning to work.

(4) Terminal Pay

Payment of accrued sick leave shall be made to personnel only upon retirement as defined by the Florida Retirement System (FRS), completion of participation in DROP, or upon termination of employment by death. When employment is terminated by death, the beneficiary designated in the person's personnel file shall be paid the allowable terminal pay which is not transferred to the Special Pay Plan. This rule only applies to persons who are employed by the District at the time they qualify for terminal payment of sick leave. Personnel who resign from the District or are terminated waive any entitlement to future payment of accrued sick leave. The amount of terminal pay shall be determined as follows:

- A. During the first three (3) years of service in Escambia County, the daily rate of pay multiplied by thirty-five percent (35%) times the number of days of accumulated sick leave.
- B. during the next three (3) years of service in Escambia County, the daily rate of pay multiplied by forty percent (40%) times the number of days of accumulated sick leave.
- C. During the next three (3) years of service in Escambia County, the daily rate of pay multiplied by forty-five percent (45%) times the number of days of accumulated sick leave.
- D. During the next three (3) years of service in Escambia County, the daily rate of pay multiplied by fifty percent (50%) times the number of days of accumulated sick leave.
- E. During and after the thirteenth (13th) year of service in Escambia County, the daily rate of pay multiplied by one hundred percent (100%) times the number of days of accumulated sick leave.
- F. To compute payment of sick leave at retirement, the daily rate of pay shall be determined by the minimum number of days the person must be on the job to earn the full annual salary for the fiscal year of retirement.

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- G. For employees other than instructional and educational support personnel, the amount of terminal sick leave shall be determined in accordance with Sections A through F, however, the daily rate shall be determined as follows:
1. For unused sick leave accumulated prior to July 1, 2004, the daily rate payable shall be based on the daily rate in effect at the time the employee qualifies for payment of terminal sick leave.
 2. For unused sick leave accumulated on or after July 1, 2004, each individual year's daily rate of pay will be used to calculate the terminal pay for leave accrued for that year. Moreover, the following conditions apply:
 - a. The daily rate of pay shall be determined by the minimum number of days the person must be on the job to earn the full annual salary for the fiscal year of retirement.
 - b. Sick leave earned after July 1, 2004 will be used on a First In, First Out (FIFO) basis.
 - c. If the sick leave days used after July 1, 2004 exceed the days earned after July 1, 2004, those days shall be subtracted from the balance earned as of June 30, 2004.
 3. This section is retroactive to July 1, 2004.

(5) Pre-Retirement Terminal Pay

- A. Personnel may formally resign a maximum of three (3) years in advance of their normal retirement date (and DROP participants may apply for a payment a maximum of three (3) years in advance of their designated DROP deferred resignation and final termination date) for purposes of this rule by submitting an irrevocable written resignation and retirement notification to the Superintendent through Human Resource Services. Personnel resigning in advance shall, upon request, be paid a pro rata portion of the allowable terminal pay in advance at the current compensation rate as follows:
1. If the resignation is three (3) years in advance, one-quarter (1/4) of the total allowable terminal pay upon submission of notification; one-third (1/3) of the remaining allowable terminal pay one (1) year after notification; one-half (1/2) of the remaining allowable terminal pay two (2) years after notification; and the balance upon the effective date of normal retirement (62 years of age or thirty (30) years of service). This applies only to administrative and professional personnel.

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2. If the resignation is two (2) years in advance, one-third (1/3) of the total allowable terminal pay upon submission of notification; one-half (1/2) of the remaining allowable terminal pay one (1) year after notification; and the balance upon the effective date of normal retirement (62 years of age or thirty (30) years of service).
 3. If the resignation is one (1) year in advance or during the fiscal year in which retirement occurs, one-half (1/2) of the total allowable terminal pay on or prior to December 31 of that fiscal year; and the balance upon the effective date of normal retirement (62 years of age or thirty (30) years of service).
- B. The irrevocable written resignation for normal retirement notification shall be maintained in each participant's personnel file. The resignation shall be presented to the Board for final acceptance, ~~only at the meeting immediately prior to the designated time of retirement.~~

Statutory Authority:	Chapters 121 and 1012 and Sections 110.122; 121.091; 1001.32 to 1001.54, 1001.41; 1012.22; 1012.23, F.S.
Laws Implemented:	Chapters 121 and 1012 and Sections 110.122; 121.091; 1001.32 to 1001.54, 1001.43; 1012.61; 1012.62; 1012.66, F.S.
History:	New 12/14/93. Revised/Amended 03/21/94; 07/23/96; 06/23/98; 10/27/98; 12/18/01; 03/19/02; 10/26/04; 11/22/05; 07/15/08; 01/20/09; 11/17/09; 02/15/11.

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2.26 LEGAL DUTY

Personnel under subpoena to testify in relation to an incident that occurred in the performance of their official duties shall be granted leave for legal duty. Personnel shall receive their regular salary pay while on legal duty. Any remuneration received because of such service shall be endorsed over to the Board. Any mileage allowances resulting from such services shall be retained by the employee. Leave granted under this provision shall be reported as "Legal Duty". Personnel who are a party to litigation not connected with official duties may be granted personal leave or annual leave to attend proceedings related to the litigation.

Statutory Authority:	Chapter 1012 and Sections 1001.32 to 1001.54 <u>1001.41; 1012.22; 1012.23, F.S.</u>
Laws Implemented:	Chapter 1012 and Sections 1001.32 to 1001.54 <u>1001.43; 1012.66, F.S.</u>
History:	New 11/27/90. Revised/Amended 06/20/06; 02/15/11.

2.29 SICK LEAVE POOL

- (1) Personnel employed full-time having completed one (1) year of employment with the ~~Board District~~ and having a minimum of ten (10) days or equivalent hours of accrued sick leave at the beginning of the fiscal year and the date of application, may participate in the Sick Leave Pool. Participation in the pool is voluntary.
- (2) Any sick leave contributed to the Sick Leave Pool shall be deducted from the balance on the participant's official sick leave record.
- (3) A maximum of thirty (30) days or equivalent hours of sick leave may be granted at the discretion and upon the authority of the Sick Leave Pool Committee, after consideration of all outstanding eligible applications. Additional days or equivalent hours of sick leave may be granted in hardship situations at the sole discretion of the Sick Leave Pool Committee.
- (4) Any sick leave awarded from the Sick Leave Pool to a participant shall be used for absence due to personal illness, accident, or injury.
- (5) A participant shall be eligible for sick leave from the Sick Leave Pool only if the person:
 - A. Has used all accrued sick leave and annual leave;
 - B. Has used all accrued compensatory time;
 - C. Is not eligible for workers' compensation pay;
 - D. Is not eligible for illness or injury in-the-line-of-duty leave;
 - E. Has been without pay for ten (10) consecutive working days or equivalent hours; and
 - F. Has an application approved by the Sick Leave Pool Committee.
- (6) Membership applications shall only be accepted annually during October. All new members shall contribute one (1) day or equivalent hours of accrued sick leave to the Sick Leave Pool during the month of October. New members become eligible for participation in the Sick Leave Pool on the January 1 after approval of their membership applications.
- (7) A participant shall not be required to pay back any sick leave awarded except as otherwise provided in this rule.
- (8) Each participant shall contribute, upon request, one (1) day or equivalent hours of sick leave any time the balance of the Sick Leave Pool falls below twenty percent (20%) times the number of participants. Any participant who fails to contribute upon request or who lacks four (4) days or equivalent hours of accrued sick leave at the time contribution is to

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be made shall be removed from membership, except that member currently drawing days or equivalent hours from the Sick Leave Pool may continue as a member until the total number of days or equivalent hours granted have been drawn. No participant shall be required to contribute more than two (2) days or equivalent hours in any one (1) fiscal year.

- (9) Each membership shall be on a continuing basis unless a written request for withdrawal is received by the Sick Leave Pool Committee before October 1 of any fiscal year. Any member who chooses to withdraw from participation in the Sick Leave Pool shall not withdraw sick leave days or equivalent hours contributed.
- (10) Alleged abuse or violation of any provision contained in this rule by a participant shall be investigated by the Sick Leave Pool Committee. If a participant is found to have violated any of these provisions he or she shall be expelled from further participation, shall repay all the sick leave drawn from the Sick Leave Pool and shall be subject to disciplinary action, as deemed appropriate by the Board.
- (11) The Sick Leave Pool Committee shall annually review the operation and rules of the Sick Leave Pool and issue a written report including any recommendations for changes to the Superintendent.

Statutory Authority:	Sections 1001.32 to 1001.54 <u>1001.41, 1012.22; 1012.23</u> , F.S.
Laws Implemented:	Sections 1001.32 to 1001.54 <u>1001.43; 1012.61</u> , F.S.
History:	New 11/27/90. Revised/Amended 12/19/91; 06/25/96; 11/21/00; 11/20/01; 05/17/05; 02/15/11.

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2.33 MERITORIOUS SERVICE AWARD

- (1) The Superintendent shall establish a program of awards to recognize individuals with meritorious or distinguished service in the performance of their duties.
- (2) The criteria for awards shall be developed by the Superintendent with the assistance of representatives of the administrative, professional, and instructional staff and educational support personnel.
- (3) An award may be a certificate, plaque, ribbon, medal, trophy, photograph or other appropriate recognition form.

Statutory Authority:	Chapter 1012 and Sections 1001.32 to 1001.54 <u>1001.41; 1001.42</u> , F.S.
Laws Implemented:	Chapter 1012 and Sections 1001.32 to 1001.54 1001.43; 1012.22, F.S.
History:	New 11/27/90.

2.36 POLITICAL ACTIVITIES OF PERSONNEL

- (1) Personnel shall not engage in political activity that conflicts or interferes with their own or another's performance of employment duties while on duty or during any time for which the employee is expected to perform services for compensation received from the Board. This shall not preclude discussion of political candidates, parties or issues for instructional purposes in the classroom.
- (2) At no time shall individual Board members, the Superintendent or any personnel use the authority or influence of their position to secure support for or oppose any candidate, party, or issue in an election or affect the results thereof.
- (3) Personnel shall not use any promise of reward or threat of loss to encourage or coerce other personnel to support or contribute to any political issue, candidate, or party.
- (4) The posting of non-school related notices, circular or petitions on Board property shall be subject to the reasonable regulation and approval of the administrator or designee responsible for the particular site.
- (5) If not otherwise prohibited by law, personnel may be candidates for, actively campaign for and serve in an elective public office, as long as such activities do not conflict or interfere with their employment with the District. During such times that it is necessary to be away from assigned duties for political activities or serve in elective public office, personnel may be granted a leave of absence without pay. However, the Board reserves the right to decide each case and to grant leaves or make any other adjustments affecting the person's assignment or status as may be in the best interest of the District.
- (6) Personnel elected to full-time public office which requires full-time responsibilities, upon written request to Human Resource Services shall be granted a personal leave of absence. Employees whose terms of elected office extend beyond one (1) year shall be required to request a leave of absence each year during their term of office. Upon termination of the personal leave for holding of public office, the employee shall be offered an available position for which the employee is qualified to hold, in accordance with any applicable collective bargaining agreement.
- (7) Notwithstanding any other provision of law to the contrary, district school board members and their relatives, as defined in Section 112.312 (21), F.S., may not directly or indirectly solicit any gift, or directly or indirectly accept any gift in excess of \$50, from any person, vendor, potential vendor, or other entity doing business with the school district. The term "gift" has the same meaning as in Section 112.312 (12), F.S.
- (8) No person(s) shall solicit, contribute, or receive political contributions on Board property. Dues or deductions made by a collective bargaining agent, pursuant to Chapter 447, F.S., are exempt from this section.
- (9) District personnel, including Board members and the Superintendent, shall not engage in activities supporting or opposing any political candidate on ~~District~~ Board property, with

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the exception of wearing political buttons, displays on their personal vehicles and as otherwise provided elsewhere in this rule.

- (10) Candidates may campaign on Board property provided it is not during school hours or a school sponsored function.
- (11) Nothing in this rule shall preclude the use of Board property as a polling place for any public election. Nothing in this rule shall preclude District personnel from serving as poll workers during any election in which a polling place is located on Board property, or employees acting as a polling place advocate on election day for candidates, issues or initiatives, provided that said employees take the appropriate leave from their regular duties.
- (12) Political posters, signs, banners, or any other writing which promotes a political issue, cause, position, or candidate, shall not be posted in or on Board property, except that political materials may be displayed temporarily in or on Board property while the facility is in use by a political group or as permitted by elections laws/rules when a facility is used as a polling place. When such use is terminated, all political materials must be removed. This section shall not apply to displays on employee's personal vehicles. In no instance shall any political materials be displayed on Board property in excess of one (1) day.
- (13) Use of the District's internal mail system, including non-mail placement ("stuffing") of personnel or department mailboxes, for political purposes is prohibited. However, political literature that is mailed via the U.S. Postal Service may be delivered to personnel or departmental mailboxes. This paragraph does not apply to the following:
 - A. Labor organizations acting in fulfillment of their statutory duties as collective bargaining agents;
 - B. School-sponsored student elections and campaigns; and
 - C. Any activities, though political in nature, conducted in the classroom during the school day as part of the regular curriculum such as debates between local, state, or national candidates.
- (14) Administrators for each facility are responsible to ensure that this policy is enforced. Administrators failing to enforce said policy will be subject to disciplinary action.

Statutory Authority:	Chapters 447 and 1012 and Sections 104.31; 112.312; 1001.32 to 1001.54, 1001.41; 1012.22; 1012.23, F.S.
Laws Implemented:	Chapters 447 and 1012 and Sections 104.31; 106.15; 112.312; 1001.32 to 1001.54, 1001.41; 1001.43, F.S.
History:	New 11/27/90. Revised/Amended 11/20/01; 09/23/03; 11/18/03; 05/17/05; 07/15/08; 02/15/11; 01/17/12.

2.37 DRUG-FREE WORKPLACE

- (1) Personnel shall not manufacture, distribute, dispense, possess, or use on or in the workplace any alcoholic substance, any intoxicating or auditory, visual or mental altering chemical or substance or narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance, as defined by federal or state laws or rules, or any counterfeit of such drugs or substances all being collectively referred to as drugs.
- (2) Workplace is defined as the site for the performance of work done in connection with employment. That includes, but is not limited to, any school building or any school premises, any vehicle used to transport students to and from school and school activities off Board property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the Board.
- (3) As a condition of employment, each employee shall notify his or her supervisor of his or her conviction of any criminal drug statute no later than five (5) days after such conviction. (Also see 2.43, S.B.R., Self-Reporting of Arrests and Convictions by Employees) An employee who violates the terms of this policy may be non-renewed or his or her employment may be suspended or terminated. However, at the discretion of the Board, such employee may be allowed to satisfactorily participate in and complete a drug abuse assistance or rehabilitation program approved by the Board in lieu of a non-renewal, suspension or termination. Sanctions and discipline against personnel, including non-renewal, suspension and termination, shall be in accordance with prescribed Board procedures and shall be commenced within thirty (30) days of receiving notice of an employee's conviction. Within ten (10) days of receiving notice of an employee's conviction in violation of this rule, the Superintendent shall notify the State Department of Education when applicable.
- (4) Pursuant to Section 440.102, F.S., a drug-free awareness program is hereby established and is to be implemented by the Superintendent to inform personnel of the dangers of drug abuse in the workplace, of the Board's policy on maintaining a drug-free workplace, of available drug counseling, rehabilitation, and assistance programs and of the penalties to be imposed up to termination, for drug abuse violations. As a part of this program, all personnel and applicants for employment shall be given notice of the Board's policy regarding the maintenance of a drug-free workplace in the following form:

NOTICE TO EMPLOYEES REGARDING DRUG-FREE WORKPLACE PROGRAM

YOU ARE HEREBY NOTIFIED that it is a condition of employment that you refrain from the use of illegal drugs or the abuse of legal drugs on or off the job. As part of the Drug-Free Workplace Program the Board has instituted a drug-testing program. It is a violation of the policy of the Board for any employee to manufacture, distribute, dispense, possess, or use drugs, whether in the workplace or away from the workplace including non-working hours. Lawful consumption of alcohol during non-working hours and away from the workplace that does not adversely impact the employee's work performance or fitness for duty is not a violation of the Board's Drug-Free Workplace Program. All employees are subject to drug testing. Refusal to submit to a drug test may subject the employee to termination and, where on-the-job injury is at issue, loss of workers' compensation medical and indemnity benefits. The Drug-Free Workplace Program adopted by the Board authorizes the following types of drug tests:

- A. Pre Employment Screening. An employer must require a candidate for employment to submit to a drug test. The employer may use a refusal to submit to a drug test or a confirmed positive drug test as a basis for denial of employment.
- B. Reasonable Suspicion. An employer must require an employee to submit to reasonable suspicion drug testing.
- C. Routine Fitness For Duty. An employer must require an employee to submit to a drug test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of the employer's established policy or that is scheduled routinely for all members of an employment classification or group.
- D. Follow-up. If the employee in the course of employment enters an employee assistance program for drug-related problems or an alcohol and drug rehabilitation program, the employer must require the employee to submit to a drug test as a follow-up to such programs and on a quarterly, semiannual or annual basis for up to two (2) years thereafter.
- E. On-the-job Injury. If the employee is injured in the course of employment the employee shall be required to submit to a drug test. Necessary medical care will not be denied pending completion of, or submission to, a drug test.
- F. Post accident. If an employee operating a District vehicle is involved in an at-fault traffic accident satisfying the parameters defined in the Transportation Department SOP entitled, "Post-Accident Drug/Alcohol Testing," which requirements are incorporated herein by reference, the employee shall be required to submit to a drug/alcohol test. Necessary medical care will not be denied pending completing of, or submission to, a drug test.

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All information, interviews, reports, statements, memoranda and drug test results, written or otherwise, received or produced as a result of a drug testing program are confidential communications, but may be used or received in evidence, obtained in discovery or disclosed in any public or private proceedings, as authorized by law.

Employees may confidentially report the use of prescription or non-prescription medications, both before and after being tested. The reports of the use of prescription drugs should include a copy of the medical prescription. Reports may be made to the employee's supervisor, principal or director. Reports must be in writing identifying the use of prescription or nonprescription medications. Attached to this notice is a list of the most common drugs or medications by brand name or common name, as applicable as well as by chemical name, which may alter or affect a drug test. (See Attachment "A")

The Board has instituted an employee assistance program providing alcohol and drug rehabilitation. Employees seeking information or assistance through the program should contact the Director of Risk Management for further information.

Pursuant to Section 440.102(3)(a)8, F.S., an employee or job applicant who receives a positive confirmed drug test may contest or explain the result to the medical review officer (MRO) within five (5) working days after written notification of the positive test. If an employee or job applicant's explanation or challenge is unsatisfactory to the MRO, the MRO shall report a positive test result back to the employer. A person may contest the drug test result pursuant to law or to rules adopted by the Agency for Health Care Administration. (See Attachment "B")

The employee or job applicant has the right to consult the testing laboratory for technical information regarding prescription or nonprescription medication. A list of drugs for which the employer will test, described by brand names or common names as applicable, as well as by chemical names, is attached to this notice. (See Attachment "C")

In addition to the right of the employee to challenge or contest the results of any drug test, the employee has the right to appeal to the Public Employees Relations Commission or applicable court and may have additional rights under a collective bargaining agreement, if any. Questions regarding the collective bargaining agreement may be directed to the appropriate bargaining unit representative.

The Board is required to report an employee conviction of drug violations occurring in the workplace to the State Department of Education within ten (10) days of receiving such notice, when applicable, and is also required to commence disciplinary action against such employee within thirty (30) days of receipt of the notice of violation.

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ATTACHMENT "A"

OVER-THE-COUNTER AND PRESCRIPTION DRUGS WHICH COULD AFFECT THE OUTCOME OF A DRUG TEST:

ALCOHOL - All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vicks Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).

AMPHETAMINES - Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex

CANNABINOIDS - Marinol (Dronabinol, THC)

COCAINE - Cocaine HCl topical solution (Roxanne)

PHENCYCLIDINE - Not legal by prescription.

METHAQUALONE - Not legal by prescription.

OPIATES - Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, etc.

BARBITURATES - Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butabital, Phrenilin, Triad, etc.

BENZODIAZEPINES - Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrex, etc.

METHADONE - Dolphine, Methadose

PROPOXYPHENE - Darvocet, Darvon N, Dolene, etc.

ATTACHMENT "B"

CHALLENGES TO TEST RESULTS

- (1) A requirement of the Drug-Free Workplace Program is that within five (5) working days after receiving notice of a positive confirmed test result, the employee or job applicant must be allowed to submit information to the MRO explaining or contesting the test results. If an employee's or job applicant's explanation or challenge of the positive test result is unsatisfactory to the MRO, within fifteen (15) days of receipt of the explanation or challenge, a written explanation as to why the employee's or job applicant's explanation is unsatisfactory along with the report of positive results, shall be provided by the employer to the employee or job applicant. All such documentation shall be kept confidential by the employer and shall be retained by the employer for at least one (1) year.
- (2) An employee or job applicant may undertake an administrative challenge by filing a claim for benefits with a judge of compensation claims pursuant to Chapter 440, F.S. If no workplace injury has occurred, the person must challenge the test result in a court of competent jurisdiction. When an employee or job applicant undertakes a challenge to the results of a test, it shall be the employee's or job applicant's responsibility to notify the laboratory and the sample shall be retained by the laboratory until the case is settled.

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ATTACHMENT "C"

DRUGS FOR WHICH THE EMPLOYER WILL TEST

Alcohol 0.05g/dl% or above

Amphetamines

Cannabinoids

Cocaine

Phencyclidine

Methaqualone

Opiates

Barbiturates

Benzodiazepines

Synthetic Narcotics: Methadone, Propoxyphene

Statutory Authority:	Chapters 440 and 1012 and Sections 435.04; 1001.10; 1001.32 to 1001.54, <u>1001.41; 1012.22; 1012.23; 1012.27</u> , F.S.
Laws Implemented:	Chapters 440 and 1012 and Sections 435.04; <u>440.102</u> ; 1001.10; 1001.32 to 1001.54, <u>1001.41; 1001.43; 1012.795</u> , F.S.
History:	New 11/27/90. Revised/Amended 10/27/92; 08/27/96; 11/20/01; 06/20/06; 02/15/11.