

THE SCHOOL BOARD OF ESCAMBIA COUNTY, FLORIDA

**APPROVAL TO ADVERTISE NOTICE OF INTENT TO ADOPT
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: 6Gx17-2.00 – 2.48

TITLE: HUMAN RESOURCE SERVICES

PURPOSE & EFFECT: To update and ratify 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 rule is available for inspection and copying by the public in the Office of the Superintendent, located in the Vernon McDaniel Building, 75 N. Pace Blvd., Pensacola, FL 32505; or online at <http://www.escambia.k12.fl.us/board/Activities.asp>

SUMMARY: The goal of the adoption is to update and ratify 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; 1001.42; 1001.43, F.S.

LAWS IMPLEMENTED:

Chapter 1012; Sections 1001.42(5); 1001.42(6); 1001.42(7); 1001.42(24); 1001.43(9); 1001.43(11), F.S.

SMALL BUSINESS IMPACT: None

ECONOMIC IMPACT: None

PERSON ORIGINATING RULE: Norm Ross, Deputy Superintendent

SUPERVISOR APPROVING RULE: Malcolm Thomas, Superintendent

DATE APPROVED FOR SUBMISSION: September 17, 2013

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

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

DATE: November 19, 2013

PLACE: 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
Approved for advertising on this 15th day of October, 2013, at Pensacola,
Escambia County, Florida.

Malcolm Thomas, Superintendent

APPROVED FOR LEGAL CONTENT
FOR Oct 2013 AGENDA

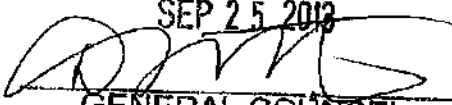
SEP 25 2013

GENERAL COUNSEL
ESCAMBIA COUNTY SCHOOL BOARD

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CHAPTER 2 – HUMAN RESOURCE SERVICES

2.00 HUMAN RESOURCE SERVICES

The rules contained in Chapter 2 shall be controlling in all matters of personnel administration governed by the Rules and Procedures of the District School Board Escambia County, Florida; however, provisions of Chapter 77-547, Laws of Florida, shall apply to employees transferred to the Escambia County School District (the District) from the Escambia Electronic Data Processing Board.

Statutory Authority: ch. 77-547, Laws of Florida, effective July 1, 1977. Chapter 1012 and Sections 1001.32; 1001.41; 1001.42, F.S.

Laws Implemented: ch. 77-547, Laws of Florida, effective July 1, 1977. Chapter 1012 and Sections 1001.32; 1001.41; 1001.42, F.S.

History: New 01/22/91. Revised/Amended 09/23/03; 05/17/05; 06/20/06; 07/15/08; 02/15/11.

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2.01 ADMINISTRATIVE AND PROFESSIONAL

(1) Superintendent of Schools

The Superintendent is responsible for the administration and management of the school system and for the supervision of instruction. The Superintendent exercises all powers, duties and responsibilities as specified in the Florida Constitution, Florida Laws, State Board of Education Rules, and the rules of the Escambia County School Board (the Board).

(2) Administrative Personnel

A. Administrative personnel are those employees in positions specified on the current Administrative Classification Guide.

B. Administrative personnel other than principals who are assigned responsibility for working directly with instructional or other personnel in the improvement of the instructional program shall have the following qualifications:

1. Master's degree from an accredited educational institution;
2. Certification in Administration and Supervision, Educational Leadership, or appropriate specialty area, by the State of Florida;
3. Minimum five (5) years successful teaching experience in a specific subject area or five (5) years' experience in the area to be supervised;
4. Satisfactory completion of an approved Administrative Training Program or initial acceptance into the District Administrative Training Program; and
5. Qualifications may vary from the above requirements to such a degree as the Superintendent and the Board determine necessary and appropriate to ensure properly qualified personnel in each specialized assignment.

C. Administrative personnel who are not assigned responsibility for working directly with instructional or other personnel in the improvement of the instructional program shall have the following qualifications:

1. Master's degree from an accredited educational institution;
2. Appropriate experience in the field in which they are employed; and

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3. Qualifications may vary from the above requirements to such a degree as the Superintendent and the Board determine necessary and appropriate to ensure properly qualified personnel in each specialized assignment.
- (3) Principals, Assistant Principals, Interim Principals, and Interim Assistant Principals shall have the following qualifications:
- A. Principals and Interim Principals
 1. Master's degree from an accredited educational institution;
 2. Certification as a School Principal by the State of Florida;
 2. Minimum five (5) years successful classroom teaching experience; and
 4. Satisfactory completion of an approved Administrative Training Program.
 - B. Assistant Principals and Interim Assistant Principals
 1. Master's degree from an accredited educational institution;
 2. Certification in Educational Leadership, School Principal or Administration and Supervision, by the State of Florida;
 3. Minimum five (5) years successful classroom teaching experience; and
 4. Satisfactory completion of an Administrative Training Program or initial acceptance into the District Administrative Training Program.
 - C. Qualifications may vary from the above requirements to such a degree as the Superintendent and the Board determine necessary and appropriate to ensure properly qualified personnel in each specialized assignment.
 - D. Recruitment and Selection

The recruitment and selection of Principals, Assistant Principals, Interim Principals, and Interim Assistant Principals shall conform to the objective based process contained in the currently adopted William Cecil Golden Professional Development Program for School Leaders.

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(4) Professional

- A. Professional personnel are those employees in positions specified in the Professional Classification Guide.
- B. Professional personnel shall meet the qualifications prescribed in the approved job description.
- C. Qualifications may vary from the requirements to such a degree as the Superintendent and the Board determine necessary and appropriate to ensure properly qualified personnel in each specialized assignment.

Statutory Authority: Chapters 120 and 1012 and Sections 1001.03; 1001.10; 1001.32 to 1001.54; 1003.02; 1003.32, F.S.

Laws Implemented: Chapters 120 and 1012 and Sections 1001.03; 1001.10; 1001.32 to 1001.54; 1003.02; 1003.32, F.S.

History: New 11/27/90. Revised/Amended 11/20/01; 09/23/03; 05/17/05; 03/26/07; 07/15/08; 11/17/09; 02/15/11; 01/17/12.

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2.02 CERTIFICATED INSTRUCTIONAL PERSONNEL

- (1) Certificated instructional personnel are those employees who are assigned duties that require certificates issued by the Florida Department of Education or by the local district and who are assigned direct responsibility for the supervision, instruction, and evaluation of students or the provision of instructional support activities and services, including those full-time instructional personnel in the Adult Education Program.
- (2) Certificated instructional personnel shall have the following minimum qualifications:
 - A. A Florida teaching certificate, a Florida vocational certificate, or a local district certificate based on experience in business or industry in the subject area of assignment, or eligibility to obtain such certification.
 - B. A Florida teaching certificate in a subject other than the assignment area and documentation of subject content competency and knowledge in core academic subject(s) other than reading and English to Speakers of Other Languages (ESOL) the experienced teacher is teaching using the High, Objective, Uniform State Standard of Evaluation (HOUSSE) plan as outlined in 6A-1.0503, F.A.C., and 20 U.S.C. §7801(23). (If applicable)
 - C. Compliance with No Child Left Behind (NCLB) standards.
- (3) Certificate Related Requirements and Conditions
 - A. Certificated instructional personnel shall be solely responsible for obtaining and maintaining proper certification for initial and continued employment.
 - B. Certificated instructional personnel shall submit all certificate numbers, changes in certificates, and new certificates to Human Resource Services.
 - C. Certificated instructional personnel shall be given a contract for employment only after a valid and appropriate certificate, or evidence of eligibility for such certificate, has been submitted to Human Resource Services and the employee's appointment by the Board.
 - D. Certificated instructional personnel shall be eligible for a salary supplement based on the attainment of a masters, specialist, or doctorate degree, or an advanced occupational certificate in accordance with Florida laws. Any increased rate of pay shall commence on the first working day following the completion date as verified on the official transcript.

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- E. Certificated instructional personnel shall be reappointed contingent upon having valid and proper certification for the assigned position or if out of field, having attained six (6) semester hours of credit in the field of certification required for the assignment.
- F. Out-of-Field Teachers
1. Out-of-field teachers shall have priority consideration in professional development activities and a plan of assistance will be prescribed by the principal and supervisor and/or director.
 2. The subject area supervisor or appropriate director will be provided a list of the out-of-field teachers. The supervisor and/or director will be advised to contact the principal for an appointment to discuss an out-of-field teacher and conduct a classroom visit during the teacher's probationary period.
 3. The principal and supervisor and/or director will review the inservice workshops available and prepare an appropriate plan of assistance for the out-of-field teacher.
 4. It is the responsibility of the coordinator of educator certification to follow-up with the out-of-field teachers to ensure that the six (6) semester hours credit is taken each school year.
- G. Prior to July 1, 2006, an experienced teacher may meet the designation of highly qualified teacher status by using the federal HOUSSE plan as outlined in 6A-1.0503, F.A.C., and 20 U.S.C. §7801(23).
1. HOUSSE forms incorporating the required components and points for designation of highly qualified teacher status are to establish and document the experienced teacher's highly qualified status in a core academic subject other than reading and ESOL pursuant to NCLB standards. A copy of the HOUSSE form bearing the teacher's signature and the signature of the designated administrator and documentation of the basis for establishing highly qualified status are to be included in the teacher's personnel file.
- H. Certificated instructional personnel may be assigned other duties by the principal.

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- I. Certificated instructional personnel shall teach assigned courses in an efficient and faithful manner using the prescribed materials and methods, keep accurate and timely records and reports required by law or rule, and fulfill the terms of any contract unless released from the contract by the Board.

Statutory Authority: 20 U.S.C. §7801(23). Chapters 120 and 1012 and Sections 1001.01; 1001.03; 1001.10; 1001.32 to 1001.54; 1002.20; 1003.02; 1003.32, 1004.02, F.S.

Laws Implemented: 20 U.S.C. §7801(23). Chapters 120 and 1012 and Sections 1001.01; 1001.03; 1001.10; 1001.32 to 1001.54; 1002.20; 1003.02; 1003.32, 1004.02, F.S.

History: New 11/27/90. Revised/Amended 11/20/01; 08/20/02; 09/23/03; 01/18/05; 05/17/05; 03/26/07; 07/15/08; 11/17/09; 02/15/11; 01/17/12.

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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.

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(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 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, 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

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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 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 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

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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
- (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.

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- (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 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.

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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.
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 supply 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:

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- 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.
 - 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.

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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 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.

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- 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 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.

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(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;
 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.

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- 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;
 - 2. If the applicant or certificate holder has demonstrated through application or employment less than satisfactory qualifications or performance;

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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: Sections 1001.41; 1012.22; 1012.23, F.S.

Laws Implemented: Sections 1000.04; 1001.01; 1001.03; 1001.10; 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; 01/22/13.

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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

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have been determined pursuant to advertising under this rule and sets forth in 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 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., 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.

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

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(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 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,

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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.

(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: Sections 1001.41; 1012.22; 1012.23, F.S.

Laws Implemented: Sections 112.3173; 435.04; 440.102; 800.04; 943.051; 1001.01; 1001.10; 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; 01/22/13.

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2.05 ETHICS

(1) The Code of Ethics adopted by the Board shall be the code and principles for all employees. In addition to the Code of Ethics, employees covered by other regulatory agencies or boards are subject to their established codes and principles. It shall be the responsibility of each employee to become thoroughly familiar with the provisions of the codes and principles.

(2) Non-School Employment

Personnel shall not accept employment which conflicts or interferes with the performance of their assigned duties and responsibilities to the Board, unless approved in advance by the Superintendent or designee. The District does not authorize nor will it be held liable for the use of the District background screening requirement for employment purposes outside of the District.

(3) Tutoring

Tutoring is a learning or instructional activity which is not part of the assigned duties of instructional personnel. Instructional personnel shall neither tutor students for a fee on Board property nor grant students credit or promotion for being tutored. Instructional personnel providing supplemental educational services (SES) pursuant to an outside contract with an authorized SES provider shall not be precluded from providing such services to students on Board property for a fee, provided that such fee is paid solely by the SES provider. Instructional personnel who are hired to provide SES shall not render such services to students currently enrolled in their regular classes or for that portion of the day in which the instructional personnel are under contract with the Board.

(4) Psychological or educational testing and/or evaluations of students for a fee by District personnel is prohibited.

(5) Unlawful Discrimination and Harassment

A. Personnel shall not unlawfully discriminate against anyone on the basis of race, color, religious creed, gender, sexual orientation, national origin, age, disability or marital status in the admission or access to employment, employment opportunities, or instructional programs or activities.

B. Personnel shall not tolerate harassment of employees or students on the basis of race, color, religious creed, gender, sexual orientation, national origin, age, disability or marital status. Harassment is defined as:

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1. Unwelcome sexual advances;
 2. Requests for sexual favors;
 3. Slurs;
 4. Innuendos; or
 5. Verbal or physical conduct reflecting on an individual's race, color, religion, sexual orientation, national origin, age, disability or marital status which has the purpose or effect of creating an intimidating, hostile or offensive educational or work environment. Verbal or physical conduct of a sexual nature constitutes harassment when:
 - a. Submission to the conduct is made either an explicit or implicit condition of employment or educational opportunities;
 - b. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed person; or
 - c. The conduct has the purpose or effect of unreasonably interfering with the persons work performance or creates an intimidating, hostile or offensive work environment.
- C. Any person, student, or employee who believes that he or she has suffered unlawful discrimination or harassment shall immediately report the incident(s) to his or her teacher, supervisor, guidance counselor, coach, dean, assistant principal, principal, the EEO Officer, the Assistant Superintendent of Human Resource Services, the Deputy Superintendent, or the Superintendent.
- D. The District shall immediately investigate reports of alleged unlawful discrimination and harassment and shall attempt to resolve same. In determining whether the alleged conduct constitutes unlawful discrimination or harassment, the totality of the circumstances, the nature of the discrimination or harassment, and the context in which the alleged incident occurred will be considered. A report recommending an appropriate resolution and discipline, if any, shall be made to the Superintendent with copies being sent to the complainant and the accused. The Superintendent shall take action and/or recommend to the Board immediate and appropriate action when the discipline, if warranted, exceeds the Superintendent's authority.

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- E. Unlawful discrimination and harassment are major offenses which will result in disciplinary action. Personnel found to have unlawfully discriminated against or harassed any student or employee shall be subject to disciplinary action up to and including termination of employment, regardless of the offender's station in the District.
- (6) Ethical conduct requires all instructional and administrative personnel as defined in Section 1012.01, F.S., to complete training on the reporting of child abuse and educator misconduct. It is the duty of all employees to report alleged misconduct by other instructional personnel and school administrators which affects the health, safety or welfare of students. Individuals who report are granted immunity from liability under Sections 39.203 and 768.095, F.S. The District, the Board or any of their employees may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel, school administrators, other personnel or administrators who resign in lieu of termination based in whole or in part on misconduct that affects the health, safety or welfare of a student. The District, the Board or any of their employees may not provide employment references or discuss the personnel's or administrator's performance with prospective employers in another educational setting without disclosing the employee's or administrator's misconduct. Instructional personnel and administrators who fail to report misconduct which affects the health, safety or welfare of a student, are subject to termination and forfeiture of certification.

(7) Employee Use of Social Media

A. Purpose

As a leader in using technology as an accelerator of learning, the District recognizes the value of teacher inquiry, investigation, and innovation using new technology tools to enhance the learning experience. The District also recognizes its obligation to teach and ensure responsible and safe use of these technologies.

This policy addresses employees' use of publicly available social media networks including: personal Web sites, Web logs (blogs), wikis, social networks, online forums, virtual worlds, and any other social media. While the District takes no position on the employees' decision as to the legal and ethical participation in the use of social media networks for personal use on personal time, please be mindful of District and State Code of Ethics while online.

B. General Statement of Policy

The District recognizes the importance of online social media networks as a communication and e-learning tool. Toward that end, the District provides password-protected social media tools for all District-approved technologies for e-learning and encourages use of District tools for collaboration by employees. However, public social media networks, outside of those sponsored by the

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District, may not be used for classroom instruction or school-sponsored activities without the prior authorization of the Superintendent or designee. It is in the employee's best interest to avoid posting any information or engaging in communications that violate state or federal laws or District policies.

The line between professional and personal relationships is blurred within a social media context. When employees choose to join or engage with District students, families, or fellow employees in a social media context they are advised to maintain their professionalism as District employees and to observe their responsibility for addressing inappropriate behavior or activity on these networks, including requirements for mandated reporting.

C. Requirements

As set forth in the District's Vision, all employees are expected to serve as positive ambassadors for our schools and to remember they are role models to students in this community. Because readers of social media networks may view the employee as a representative of the schools and the District, it is in the employee's best interest to observe the following rules when referring to the District, its schools, students, programs, activities, employees, volunteers and communities on any social media networks:

1. It is in the employee's best interest when using any social media network or electronic communication (including texting) and postings, displays, or communications on any social media network, to comply with all state and federal laws and any applicable District policies. Following Florida Administrative Code 6B-1.001 and 6B-1.006, it is in the employee's best interest to be respectful and professional in all communications (by word, image, or other means).
2. Employees should not use their District e-mail address for communications on public social media networks that have not been approved by the District. Employees must make clear that any views expressed are the employee's alone and do not necessarily reflect the views of the District. Employees may not act as a spokesperson for the District or post comments as a representative of the District, except as authorized by the Superintendent or designee.
3. Employees may not disclose information on any social media network that is protected by law, confidential or proprietary to the District, its students, or employees or that is protected by data privacy laws.
4. Employees may not use or post the District logo on any social media network without permission from the Superintendent or designee.

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This policy will continually evolve as new technologies and social networking tools emerge. It is each employee's responsibility to be familiar with this policy. This policy is guided by the principle of personal responsibility and accountability, what you write is ultimately your responsibility. This policy is not intended to restrict your participation but rather to provide both a caution and guidance if you choose to engage in online activities.

Statutory Authority: Chapter 120, 440, and 1012 and Sections 39.203; 435.04; 768.095; 1000.05; 1001.10; 1001.32 to 1001.54; 1002.20; 1002.311; 1003.02; 1003.02; 1003.32; 1006.061; 1006.147, F.S.

Laws Implemented: Chapter 120, 440, and 1012 and Sections 39.203; 435.04; 768.095; 1000.05; 1001.10; 1001.32 to 1001.54; 1002.20; 1002.311; 1003.02; 1003.02; 1003.32; 1006.061; 1006.147, F.S.

History: New 11/27/90. Revised/Amended 02/22/94; 11/20/01; 09/23/03; 10/26/04; 05/17/05; 01/17/06; 10/21/08; 11/17/09; 02/15/11; 06/21/11.

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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 section 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, 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.

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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 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.

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(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.

Statutory Authority: Sections 1001.41; 1012.22; 1012.23, F.S.

Laws Implemented: Sections 119.07; 120.57; 435.04; 943.051; 1001.10; 1001.43; 1003.02; 1003.32; 1004.02; 1010.215; 1011.60; 1012.22; 1012.32; 1012.33; 1012.34; 1012.335; 1012.56, 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; 01/22/13.

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2.07 EDUCATIONAL SUPPORT PERSONNEL

Educational support personnel shall be governed by Florida Statutes, any applicable collective bargaining agreement and applicable School Board Rules. The selection, employment, and assignment of classified service personnel shall be coordinated through Human Resource Services.

Statutory Authority: Chapters 120 and 1012 and Sections 1001.32 to 1001.54; 1003.02; 1010.215, F.S.

Laws Implemented: Chapters 120 and 1012 and Sections 1001.32 to 1001.54; 1003.02; 1010.215, F.S.

History: New 11/27/90. Revised/Amended 11/20/01; 05/17/05; 02/15/11.

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2.08 DATA PROCESSING BOARD PERSONNEL

Personnel transferred from the Escambia Electronic Data Processing Management Board to the Board by operation of Chapter 77-547, Laws of Florida, shall have at a minimum, the same pension, retirement, and fringe benefits, as provided them by the Escambia Electronic Data Processing Management Board on the date this special act became law.

Statutory Authority: ch. 77-165, Laws of Florida, effective July 1, 1977. Chapter 1012 and Sections 1001.32; 1001.41; 1001.42; 1001.49; 1001.51, F.S.

Laws Implemented: ch. 77-165, Laws of Florida, effective July 1, 1977. Chapter 1012 and Sections 1001.32; 1001.41; 1001.42; 1001.49; 1001.51, F.S.

History: New 11/27/90. Revised/Amended 02/15/11.

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2.09 SUBSTITUTE TEACHERS

- (1) Only those persons listed in the substitute management system of approved substitute teachers maintained by Human Resource Services shall be utilized as substitute teachers. Utilization as a substitute or being listed in the substitute management system shall not create any property right in or expectation of employment.
- (2) Eligibility Requirements for Placement in the Substitute Management System
 - A. Compliance with the applicable recruitment and selection rules of the Board;
 - B. Application for or hold a valid Florida teaching certificate issued on at least a bachelor's degree from a U.S. accredited or approved institution; or
 - C. Application for or hold a local certificate issued by this Board or another school board in the State of Florida with equivalent requirements for substitute teachers.
 - D. Completion of the District initial orientation and training program.
 - E. The Superintendent or designee reserves the right to change the criteria for acceptance as a substitute teacher in Sections A and B or C at any time during the year.
 - F. Individuals may be eligible provided such persons are first approved by Human Resource Services and have an Associate of Arts or Associate of Science Degree or the equivalent of sixty (60) credit hours of coursework from an academically accredited college or university.
 - G. Conditional substitutes who substitute within the District at any school other than the ones listed in Section F are required to have:
 1. A high school diploma;
 2. The recommendation of the principal requesting the substitute; and
 3. A minimum of five-hundred (500) hours (may be waived in critical situations) of volunteer or aide work in a classroom setting.
- (3) The individual teacher shall be the responsible party for reporting the assignment to the substitute management system. However, if the teacher does not specify a substitute teacher and the substitute management system does not assign a substitute teacher to the assignment, the principal shall be responsible for obtaining substitutes for instructional personnel who have to be absent. This responsibility shall not be delegated to instructional personnel without prior agreement between the employee and the principal.

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- (4) Each substitute teacher shall be paid at a daily rate specified by the Board. If a certified and NCLB compliant substitute teacher is in an approved long-term substitute position and exceeds twenty (20) consecutive school days in the same assignment or like assignment without a break in time, the substitute teacher shall be paid at two (2) times the daily rate while in that assignment.
- (5) When a substitute teacher is required for twenty (20) or more consecutive days covering the area of assignments in core courses of English, Mathematics, Science, Reading, Foreign Language, Civics and Government, Economics, Arts, History and Geography, the substitute teacher must hold or be eligible for a Florida educator certificate and meet NCLB standards. Approval must be granted by Human Resource Services and notification provided to parents in emergency situations when a substitute teacher that does not meet certification requirements or NCLB standards is used in the previous stated core subject areas.
- (6) Local certificates issued by the Board to those persons who desire to serve as substitute teachers pursuant to requirements identified in Section (2) Eligibility Requirements for Placement in the Substitute Management System, and where such persons meet the requirements for substitute teachers otherwise set by the Board, the State Board of Education, and state law, are issued at the discretion of the Board for the purpose of enhancing administrative control and supervision over those instructional personnel who may serve as substitute teachers. 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 of employment or the continuation of employment.
- (7) The Board has discretion to deny issuance of a local certificate, to revoke an existing local certificate or to deny renewal of a local certificate. In the exercise of its discretion, the Board may consider the following:
 - A. If the applicant or certificate holder has supplied fraudulent information or obtained a local certificate by fraudulent means;
 - B. If the applicant or certificate holder has demonstrated through application or employment less than satisfactory qualifications or performance;
 - C. If the he applicant or certificate holder has been guilty of gross immorality or a crime of moral turpitude, as defined in 2.04, S.B.R., Recruitment and Selection of Personnel, or no longer meets hiring guidelines of the District;
 - D. If the applicant or certificate holder has been convicted of a misdemeanor or felony or any other criminal charge other than a minor traffic violation, regardless of adjudication(s) withheld;

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- E. If there here 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
 - F. Any other ground which the Board, in the reasonable exercise of its discretion, considers sufficient to deny local certification.
- (8) 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 District personnel 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.
- (9) Human Resource Services has the authority to terminate or remove any substitute teacher.

Statutory Authority: Chapters 120 and 1012 and Sections 435.04; 943.051; 1001.32 to 1001.54; 1003.02, F.S

Laws Implemented: Chapters 120 and 1012 and Sections 435.04; 943.051; 1001.32 to 1001.54; 1003.02, F.S.

History: New 11/27/90. Revised/Amended 02/15/11.

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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 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: Sections 1001.41; 1012.22; 1012.23, F.S.

Laws Implemented: Sections 435.04; 1001.43; 1003.02; 1012.22; 1012.32; 1012.37, F.S.

History: New 11/27/90. Revised/Amended 11/20/01; 06/20/06; 07/15/08; 11/17/09; 02/15/11; 01/22/13.

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2.11 FAIRNESS AND IMPARTIALITY IN THE SUPERVISION OF EMPLOYEES

- (1) Basis for Implementation
 - A. The impartial hiring and promoting of qualified personnel to provide the best human resources available to educate and provide support services to our students is critical to the success of our school district. In performing the duties of interviewing, evaluating, promoting, hiring or disciplining persons hired or being considered for hire in our school district, administrative persons must be void of any bias or appearance of bias for or against the employees within the school site or department they administer. Any such bias or appearance of bias increases the potential for allegations of improperly awarding bonuses, unfairly promoting individuals, waiving disciplinary action and providing special privileges not being equally availed to all employees. Recognizing the components of fairness and impartiality must be standards within the human resource policies under which we govern, a policy concerning having two (2) or more employees related, as defined in Section (3) Definitions for Purposes of Implementing this Policy, to one another in the same school site or department is adopted.
- (2) It shall be against the policy of the District for any employee related to another employee to be employed in a position at the same school site, or within the same department, if either employee holds an immediate supervisory position at that site or department. The employee referenced as related for purposes of this policy shall be termed a relative.
- (3) Definitions for Purposes of Implementing this Policy
 - A. Supervisory position – any position in a school or department of the District that includes as a part of the duties and responsibilities of that position, the immediate supervision of any other employee under the employment of the District.
 - B. Relative – the terms related or relative as used in this policy refer to the following family relationships: spouse, parent, grandparent, sibling, child, stepchild or grandchild.
- (4) In the event of a change in family status, which would place an employee in violation of this policy, it is the responsibility of the employee to notify Human Resource Services of this change in family status.
- (5) Recommendations that fall outside the guidelines of this policy must be approved by the Board.

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- (6) Implementation of this policy shall begin July 16, 2008.
- A. It is the intent of the Board that all existing conditions as of the adoption of this policy shall not constitute violations hereof. However, this waiver shall not prejudice the Board's right to exercise its authority under this policy at a later date or in any subsequent situation which may arise under this policy.

Statutory Authority: Chapter 1012 and sections 1001.32 to 1001.54; 1003.02, F.S.

Laws Implemented: Chapter 1012 and sections 1001.32 to 1001.54; 1003.02, F.S.

History: New 11/27/90. Revised/Amended 11/20/01; 07/15/08; 02/15/11.

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2.12 COMMUNITY INVOLVEMENT

Community and parent involvement are essential elements in effective education. Studies show that two factors are necessary to improve learning: a sound instructional program and consistent involvement of parents and the community. It is therefore the policy of the District to actively and safely bring together families of students, schools, and the community in the education of children.

The District and each school principal are encouraged to strengthen family involvement and family empowerment of the school. The District will coordinate and integrate parental involvement strategies with school improvement, Title I, community involvement programs, business partnerships and other community activities.

(1) School Volunteers

- A. Persons performing services for the Board for no compensation are volunteers and not employees. Volunteers may include parents, students or other members of the community.
- B. The Coordinator for community involvement shall be responsible for the volunteer program and compliance with all laws, rules, and regulations pertaining to volunteers.
- C. The principal, administrator, or supervisor in whose school or department volunteers are to be used shall be responsible for the screening and selecting volunteers for that school or department and shall ensure that the duties assigned to volunteers are consistent with all laws, rules, and regulations and shall ensure that volunteers and personnel being assisted by volunteers possess a clear understanding of all relevant laws, rules, and regulations regarding volunteers. Use of a volunteer's services is at the discretion of the principal, administrator, or supervisor.
- D. All volunteers shall complete a School Volunteer Application Form that will be available through each school office or the Community Involvement Office. A Single or Short Term Volunteer Form can be completed in lieu of the School Volunteer Application Form when a volunteer or organization serves the students or schools for a single or short-term event only.
- E. All volunteers who complete the School Volunteer Application Form shall complete and sign an Affidavit of Good Moral Character.

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- F. Eligibility to volunteer will be determined by the following:
1. Criminal offenses disclosed on the Affidavit of Good Moral Character must meet Sections 435.04 and 1012.315, F.S., screening standards and have no evidence of involvement with controlled substances, even at the misdemeanor level.
 2. The volunteer applicant must not appear on the FDLE Florida Sexual Offenders and Predators Registry. The principal, program or site director is responsible for assigning an employee the responsibility of checking all volunteers against the registry and documenting the appropriate volunteer form.
- G. A log to record volunteer names, addresses, dates and hours of service shall be maintained in each school or department where volunteers are used. Volunteers shall sign in and out on the volunteer log and shall wear name tags at all times while performing volunteer services on Board property.
- H. Volunteers shall not be allowed access to personally identifiable student information, records or reports, unless student privacy rights with regard thereto are waived. Volunteers shall maintain the confidentiality of personally identifiable student information.
- I. Principals and department heads shall follow established procedures in screening volunteer applicants and ensure as reasonably as possible that a potential volunteer does not pose any threat to persons or property.
- J. Volunteers who participate as mentors in the District's mentoring programs will attend training and be fingerprinted at the District's expense before being assigned a student.
- K. All groups or agencies who provide mentors on the property of the District must have the mentors fingerprinted by the District at the mentor's or the organization's expense. Each group or agency will register with the District Community Involvement Office.
- L. Volunteer Coaches. In addition to complying with the requirements of Section E, prior to providing services for student athletes, volunteers who participate as athletic coaches in any District-approved sport shall submit to a drug screening and a criminal background check that requires fingerprinting through the online computer system listed on the District's home web page. The drug screening and criminal background check shall be at the District's expense. Individuals convicted of a crime involving moral turpitude as defined in 2.04, S.B.R., Recruitment and Selection of Personnel, or who fail to meet hiring guidelines of the District shall be prohibited from serving as volunteer coaches.

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(2) Business Partnerships

- A. Business/organizations may become Partners in Education with schools and departments to enrich and support the educational process. A District partnership may be formed when a business/organization serves broadly within the District. A Partner in Education agreement is non-binding.
- B. The active cooperation of colleges and universities should be sought to provide learning opportunities for students, staff, and parents.
- C. When representatives from any business/organization are present at a school site, they shall be considered school volunteers and shall follow all rules applicable to school volunteers.

(3) Parental Involvement

- A. Schools should encourage parents of students to become advocates of education. The Board encourages practices which will engender parental support of school activities.
- B. In accordance with state law, parents will be represented on the District and School Advisory Councils. Additionally, school personnel will encourage parental involvement and participation in the deliberations of the School Advisory Councils in order to comply with the requirements of federal statutes regarding parent rights to develop the school plan for the use of federal funds under Title I, Part A. Further, school personnel shall encourage parental involvement and participation in parent-teacher-student associations or organizations and parenting programs. Parents of students eligible for Exceptional Students Education (ESE) services shall be notified of the additional availability of services and support of IDEA funded ESE parent liaisons.
- C. Reasonable efforts shall be made to communicate with parents in their primary language or in the language in which they feel comfortable. The mode of communication should also be adjusted, where necessary, to promote comprehension, acceptance, and trust.
- D. Where feasible, schools shall set aside space within the building for parents to meet and review communications and information relative to the school system and their child/children's education.

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- E. School personnel shall take appropriate steps to ensure that parents who are new to the District are aware of their options for school choice.
- F. School curricula shall include opportunities for young adults to learn how to become effective adult parents in the future. Appropriate programs to improve parenting skills shall also be provided to those who are already parents. As funding is available, the District shall support such family literacy programs as Even Start and other Title I funded programs, to increase parent capacity for involvement.
- G. The importance of what the parent teaches at home, through formal as well as informal activities, shall be recognized and encouraged by the school. In order to assist parents, resources shall be made readily available such as video, print and computer programs, to check out and use at home and pamphlets and books developed especially to aid the parent-teacher.
- H. The Board acknowledges the importance of the parent as a child's first and most important teacher. School and district-level programs shall be implemented to support and develop parent capacity for preparing their child to succeed in school and to assist the parents of children in school to be productively involved in their student's learning. Further, resources such as video, print and technology-based programs shall be made readily available for use at home.
- I. The District shall discuss parental choices and responsibilities with parents.
- J. The District shall provide professional development opportunities for staff members to enhance understanding of effective parent involvement strategies through the District Professional Development Plan.
- K. The District shall conduct, with the involvement of parents, an annual evaluation of its parent involvement policies, programs, and practices:
 - 1. To determine the effectiveness in increasing parent participation;
 - 2. To identify barriers to greater parent participation; and
 - 3. To report the findings to the State Board of Education.
- L. The District will use the findings of the evaluations in designing strategies for school improvement and revising, if necessary, the parent involvement policies, programs, and practices.

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(4) Parent Guide

In compliance with the Family and School Partnership for Student Achievement Act, Section 1002.23, F.S., the District will provide a Parent Guide to families of students in Escambia County Schools.

Statutory Authority: Chapter 1012 and Sections 411.01; 435.04; 943.051; 1001.20; 1001.32 to 1001.54; 1002.01; 1002.20 to 1002.31; 1003.02; 1003.04; 1003.05, F.S.

Laws Implemented: Chapter 1012 and Sections 411.01; 435.04; 943.051; 1001.20; 1001.32 to 1001.54; 1002.01; 1002.20 to 1002.31; 1003.02; 1003.04; 1003.05, F.S.

History: New 11/27/90. Revised/Amended 08/24/93; 11/20/01; 11/18/03; 04/20/04; 05/17/05; 06/20/06; 03/26/07; 10/21/08; 11/17/09; 02/15/11.

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2.13 COORDINATOR OF BOARD AFFAIRS

(1) Purposes and Qualifications

- A. The Coordinator of Board Affairs shall provide customary secretarial assistance to the members of the Board in the performance of their official duties and responsibilities.
- B. The Coordinator of Board Affairs is directly responsible to the Chair of the Board for the general performance of the duties and responsibilities of the position and is responsible to each member for the performance of specific secretarial tasks reasonably assigned by each.
- C. Qualifications for the position of Coordinator of Board Affairs shall be as established by the Board.

(2) Selection and Appointment

- A. The person who will serve as Coordinator of Board Affairs shall be selected by the Board and, upon selection, his or her name will be submitted to the Superintendent for recommendation to the Board for appointment to that position.
- B. The Coordinator of Board Affairs shall serve at the pleasure of the Board and shall be employed under a professional contract as provided for in Section 2.06(1), S.B.R., Administrative and Professional Contracts, which may be renewed or extended.

(3) Duties and Responsibilities

- A. Secretarial duties of the Coordinator of Board Affairs shall include, but are not limited to, the following tasks and such others, as from time to time, may be reasonably requested by individual Board members:
 - 1. Preparing correspondence from, and replies by, individual members.
 - 2. Arranging appointments for individual members with citizens, civic groups and District officials and personnel.
 - 3. Obtaining and analyzing reports and other materials at the request of individual members to reasonably assist them in preparation for Board meetings or in the discharge of their official duties.

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4. Assisting the individual members with personal contacts with citizens and groups on matters concerning official duties.
 5. Assisting the individual members with pay, travel and other administrative details incidental to official duties.
 6. The Chair of the Board shall, if need be, determine allocation of the Coordinator of Board Affairs' time, the propriety of the tasks assigned to him or her, and whether he or she is performing those tasks satisfactorily.
- B. The Coordinator of Board Affairs may not be delegated the responsibility of being custodian of the public records of individual members. Unless otherwise required by law, the Coordinator of Board Affairs is prohibited from releasing to anyone, any document that may be in his or her physical possession although in the custody of the individual member, without written permission from the individual member to release the document.
- C. The Coordinator of Board Affairs shall be subject to all laws and rules regarding political activities of the Board personnel and further, shall not be used, directly or indirectly, by any Board member, the Superintendent, or any other personnel in or for political activities relating to the Board and Superintendent election campaigns.
- D. The Coordinator of Board Affairs is not a member of the administrative or professional personnel staff and is expressly prohibited from engaging in any of the following or similar activities:
1. Interfering in any manner with the operation and administration of a school or the District.
 2. Issuing orders or directives of any type to any personnel of a school or the District.
 3. Requesting information or reports other than to the Superintendent or designee upon the direction of a member.
- (4) Salary and Benefits
- A. The salary shall be as provided in the Professional salary schedule.
- B. The Coordinator of Board Affairs shall be employed on a full-time basis and shall be entitled to the same fringe benefits as professional personnel.

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- C. The working hours and other job-related details of the position of Coordinator of Board Affairs shall be set by the Chair of the Board. The Superintendent shall be responsible for approving required job related documents. The processing of such documents shall be done by the appropriate personnel.
- (5) In addition to provisions of law and rules relative to termination of personnel, violation of this rule by the Coordinator of Board Affairs shall be sufficient grounds for termination.

Statutory Authority: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 05/26/98; 10/27/98; 11/20/01; 05/17/05; 07/15/08; 02/15/11.

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2.14 LEAVES OF ABSENCE

- (1) All leaves of absence for all employees, except those prescribed by law, shall be with or without compensation pursuant to rules adopted by the Board. Such leaves authorized by the Board shall include, but are not limited to, professional leave and extended professional leave, personal leave, military leave granted in compliance with Chapter 115, F.S., and maternity/paternity leave.
- (2) Personnel applying for leave, except personal leave and sick leave, shall clearly state the purpose for which the leave is requested. Leave granted with pay and used for purposes other than set forth in the application will be considered an attempt to defraud and be grounds for termination of employment. If the condition under which the leave is granted changes and the employee wants the leave to continue, the employee shall report this to the Superintendent and have the leave re-approved for the changed conditions.
- (3) The Board may at its discretion, grant a non-paid general leave of absence for up to one (1) year upon written request from an employee. The Board may, upon request from said employee, approve the extension of such leave for an additional one (1) year period.
- (4) Principals and district-level administrators are granted authority to approve sick leave and leave without pay for personnel under their supervision.
- (5) Unless otherwise provided in any applicable collective bargaining agreement, the workday shall be deemed eight (8) hours for the purposes of leave administration.
- (6) Personnel on an approved non-paid leave of absence shall have the option to continue eligible insurance benefits at their own cost in accordance with the applicable collective bargaining agreement.
- (7) Personnel performing assigned employment duties one (1) day more than 50% of the contracted number of days for the fiscal year in which leave is taken shall be credited with a year of service for the purposes of salary schedule placement.
- (8) Upon approval of the Board and the Superintendent, personnel may take a leave of absence without pay to accept employment in a Charter School. While employed by the Charter School for one (1) year and on leave approved by the Board, the employee may retain seniority accrued in the District and may continue to be covered by the District Health, Life and Dental Benefits Programs, if the employee on leave of absence pays the full cost of these programs.
- (9) Leave of absences will not be granted for employment outside the District except as provided by School Board Rules or federal and state law.

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- (10) Personnel may, upon recommendation of the Superintendent, be granted personal leave without pay by the Board for a period not to exceed one (1) year. At the end of the first leave period and upon the recommendation of the Superintendent, the leave may be extended once for up to an additional year by the Board after which no further extensions will be granted except in emergency situations.

Personnel on personal leave without pay shall, by April 1 of each year, notify Human Resource Services in writing of intentions to return to employment, apply for additional leave or resign. Failure to notify Human Resource Services shall be deemed a voluntary resignation of employment.

- (11) Leave of Absence for Natural Disaster

- A. An employee may be granted a Leave of Absence for Natural Disaster with pay for a maximum of five (5) days per fiscal year after the employee has exhausted all available annual leave, personal leave, and compensatory time, and if the employee or the employee's immediate family member is affected by a declared natural disaster in the county in which the employee resides. For purposes of this rule a natural disaster is a tornado, hurricane, flood, fire or similar event.
- B. An employee may be eligible for a Leave of Absence for Natural Disaster if the employee or the employee's immediate family member (spouse, parent, grandparent, sibling, child, stepchild, and grandchild) has been directly affected by the natural disaster. A person is directly affected by the natural disaster under the following circumstances:
1. Personal injury as a result of the natural disaster; or
 2. Substantial loss of personal primary residential property because of the natural disaster.
- C. An eligible employee may file an application for a maximum of five (5) days of paid leave for a Leave of Absence for Natural Disaster. The application must include documentation to support the employee's eligibility and the number of days requested. An eligible employee must file an application for a Leave of Absence for Natural Disaster within the same fiscal year as the natural disaster.
- D. A determination of eligibility and the number of days granted for a Leave of Absence for Natural Disaster lies solely within the discretion of the Superintendent. A committee appointed by the Superintendent will review all requests and make recommendations to the Superintendent.

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- E. The Leave of Absence for Natural Disaster shall be paid retroactively to eligible employees as a reimbursement after their application has been approved by the Board.

Statutory Authority: Chapters 115 and 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: Chapters 115 and 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 10/27/98; 12/14/04; 05/17/05; 06/20/06; 07/15/08; 11/17/09; 02/15/11.

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2.15 ANNUAL LEAVE

Administrative, professional and other eligible personnel employed twelve (12) months per fiscal year shall be entitled to annual leave. Instructional personnel whose normal assignments are extended to twelve (12) months are eligible to accrue annual leave on the same basis with the same restrictions and limitations as administrative and professional personnel except that they shall not be entitled to the release holidays granted to ten (10) month instructional personnel.

(1) Accrual

- A. For the first five (5) years of employment, one (1) day of annual leave shall accrue for each full month of employment.
- B. For the sixth through the tenth year of employment, one and one-quarter (1 ¼) days of annual leave shall accrue for each full month of employment.
- C. For the years of employment thereafter, one and one-half (1½) days of annual leave shall accrue for each full month of employment.
- D. Annual leave after accrued shall be credited at the end of each month of employment.
- E. For employees participating in the Deferred Retirement Option Program (DROP), once terminal pay has been paid, employees will continue to accrue annual leave as above.

(2) Conditions

- A. Annual leave shall be in addition to the holidays designated by the Board.
- B. Accrued annual leave shall be adjusted at the end of each fiscal year so that no more than 500 hours (62.5 days) shall be carried forward into the next fiscal year.
- C. The use of annual leave must be approved in advance by the Superintendent or the appropriate assistant superintendent or designee.
- D. Annual leave shall not be used before it has accrued and been credited.
- E. No more than thirty (30) days of annual leave shall be used during a fiscal year. This section applies to administrative and professional employees only.
- F. Annual leave accrued after entry into DROP shall be accrued at the normal rate. Accrued annual leave shall be adjusted at the end of each fiscal year so that no more than 500 hours (62.5 days) shall be carried forward into the next fiscal year.

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(3) Terminal Pay

- A. Payment of accrued annual leave, not to exceed 500 hours (62.5 days) for employees hired on or before June 30, 1995, shall be made upon retirement, upon transfer (upon request by employee) from leave accruing status to non-leave accruing status or upon leaving the employ of the Board.
- B. Payment of accrued annual leave, not to exceed 480 hours (60 days) for employees hired on or after July 1, 1995, shall be made upon request upon retirement, upon transfer (upon request by employee) from leave accruing status to non-leave accruing status or upon leaving the employ of the Board.

(4) Computation of Terminal Pay Upon Transfer from Leave Accruing Status to Non Leave Accruing Status Upon Leaving the Employ of the District or Death

- A. Payment shall be made at the rate of pay on the final date of employment, final date of leave accruing status, or date of death.
- B. Payment shall be made on the next regular pay date following the change in employment status provided there are five (5) working days to process the claim.
- C. If the employment is terminated by death, upon request, the beneficiary designated in the employee's personnel file shall be paid the allowable accrued leave which is not transferred to the Special Pay Plan.

(5) Computation of Terminal Pay at Retirement

To compute payment of annual 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.

(6) Computation of Terminal Pay Upon Entering DROP

- A. Upon entering DROP, an election may be made to receive a lump sum payment for accrued annual leave balance which, if allowed by law, will be included in the calculation of the member's average final compensation.
- B. The employee electing such lump sum payment upon beginning participation in DROP will not be eligible to receive a second lump sum payment upon termination except to the extent the employee has earned additional annual leave which, combined with the original payment, does not exceed the maximum lump sum payment as stated in Section (3) Terminal Pay.

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- C. To compute payment of annual leave upon entering DROP, 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.

Statutory Authority: Chapter 121 and 1012 and Sections 110.122; 1001.32 to 1001.54, F.S.

Laws Implemented: Chapter 121 and 1012 and Sections 110.122; 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 03/21/94; 06/23/98; 11/20/01; 09/23/03; 05/17/05; 06/20/06; 03/26/07; 01/20/09; 11/17/09; 02/15/11.

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2.16 PERSONAL LEAVE

With Pay

Personnel with accrued sick leave may use up to six (6) days per fiscal year (non-cumulative) of sick leave for personal reasons, if approved by the Superintendent or designee. Requests for personal leave must be approved prior to taking leave. Personal leave may not be taken at a time when fulfillment of assigned duties will be unduly impaired by the interruption. Such personal leave shall be deducted from accrued sick leave.

Statutory Authority: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 10/16/01; 05/17/05; 06/20/06; 02/15/11.

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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:

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- 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 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.

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- 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.
- 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:

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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.
 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.

Statutory Authority: Sections 1001.41; 1012.22; 1012.23, F.S.

Laws Implemented: Sections 110.122; 121.091; 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; 01/22/13.

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2.18 U.S. FAMILY AND MEDICAL LEAVE ACT OF 1993, AS AMENDED

The District shall make good faith attempts to comply with the current minimum requirements of the U.S. Family and Medical Leave Act of 1993, as amended (FMLA), {including the National Defense Authorization Act for FY 2008, Public Law [110-181] enacted January 28, 2008, and Section 108 of the Act (29 U.S.C. § 2618) providing special rules providing intermittent leave or leave on a reduced schedule for serious health conditions for employees employed principally in an instructional capacity. Generally, these rules provide for FMLA leave to be taken in blocks of time when intermittent leave is needed or the leave is required near the end of a school term.} All employees covered by the FMLA are provided with at least the minimum entitlements provided therein. However, as provided by the FMLA, if both a husband and wife are employees, the aggregate number of work weeks of FMLA leave (for other than personal illness) to which both may be entitled is twelve (12) work weeks. Information concerning employee rights and responsibilities under the FMLA is provided in the form of the most current edition of the U.S. Department of Labor publication entitled "FMLA Summary" available in Human Resource Services and/or on-line. The District does not construe the FMLA to diminish its obligation to comply with any collective bargaining agreement or employment benefit program or plan that provides greater family or medical leave rights to covered employees than the rights established under the FMLA. Also, the rights established for covered employees under FMLA shall not be diminished by the District in any future collective bargaining agreement or employment benefit program or plan. However, nothing in the FMLA or this rule should be construed as creating leave policies more generous than any District policies that comply with the requirements of the FMLA.

(1) Substitution of Accrued Paid Annual, Personal, or Sick Leave for FMLA Leave

Any covered employee may elect, or the District may require the covered employee, to substitute any of the covered employee's accrued paid annual, personal, or sick leave for FMLA leave taken for the serious health condition of an immediate family member (spouse, child or parent) or for the employee's own serious health condition that makes the covered employee unable to work, except that the District is not required to permit substitution of paid sick leave in any situation in which the District would not normally provide such paid sick leave. In the event the covered employee takes FMLA leave for the covered employee's own serious health condition, the District will require a fitness-for-duty certification to return to work.

(2) Substitution of Accrued Paid Annual and Personal Leave for FMLA Leave

A covered employee may elect, or the District may require the covered employee, to substitute paid annual and personal leave for:

- A. The birth of a child and to care for such child; or

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- B. The placement of a child with the covered employee for adoption or foster care and to care for such child; or
 - C. The care of a spouse, child or parent who has a serious health condition.
- (3) The twelve (12) weeks of FMLA leave shall be determined according to the District's fiscal year. This means that every fiscal year of the District a covered employee will have available twelve (12) weeks of FMLA leave.
 - (4) An employee who requests FMLA leave will be required to furnish medical certification of a serious health condition for himself or herself or for that of a seriously ill spouse, child, or parent. If the employee refuses or fails to provide the requested medical certification in a timely manner, the District may delay the continuation of FMLA leave until the employee submits the requested certification or deny FMLA leave in its entirety if the employee never produces the certification.
 - (5) An employee who is taking FMLA leave is responsible to continue paying premiums required under the District's group health insurance coverage. The District will continue to pay all individual and family group health coverage according to the contributions that it was obligated to pay for the employee.
 - (6) An employee who returns from FMLA leave taken because of his or her own serious health condition which made him unable to work will be required to present a fitness-for-duty certificate in order to be restored to employment. If the employee fails or refuses to provide the requested fitness-for-duty certification, the District may delay restoration to employment until the employee submits the certificate.
 - (7) An employee who returns from FMLA leave is entitled to be restored to the same or equivalent job. The FMLA provides for different rules to be applied to an instructional employee as defined in current FMLA.
 - (8) An employee who fails to return to work after taking FMLA leave shall be required to reimburse the District for payment of individual and family group health insurance coverage by the District during the FMLA leave except as provided for in current FMLA.
 - (9) Military Family Leave. An eligible employee as defined in current FMLA is entitled to up to twenty-six (26) weeks of leave in a single 12-month period to care for the service member. This provision became effective immediately upon enactment. This military caregiver leave is available during "a single 12-month period" during which an eligible employee is entitled to a combined total of twenty-six (26) weeks of all types of FMLA leave. Additional information concerning employee rights and responsibilities under the Military FMLA is provided in the form of the most current edition of the U.S. Department of Labor publication entitled "FMLA Summary" available in Human Resource Services and/or on-line.

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Statutory Authority: 29 U.S.C. §2601 et seq. Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: 29 U.S.C. §2601 et seq. Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 07/23/96; 07/15/08; 01/20/09; 02/15/11.

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2.19 FAMILY SICK LEAVE TRANSFER

- (1) A full-time employee may donate accrued sick leave to a family member (spouse, parent, grandparent, sibling, child, stepchild or grandchild) who is also a full-time employee.
- (2) Sick leave transfer between employees is provided for extending paid sick leave time in the event of a personal illness or the illness of a family member documented by a physician.
- (3) The recipient may not receive or use the donated sick leave until all of his or her sick leave has been depleted, excluding sick leave from the Sick Leave Pool.
- (4) The transferred leave may not be included in leave for which payment is provided upon the retirement or death of the receiving employee.
- (5) Any unused transferred leave shall be reinstated to the transferring employee in the event of the retirement, death, or resignation of the receiving employee.
- (6) Any unused transferred sick leave shall be reinstated to the transferring employee upon the return to work of the receiving employee.
- (7) The Payroll and Benefits Accounting Office will process all requests within ten (10) working days. Credit of transferred sick leave will only be applied prospectively from the date of receipt in the Payroll and Benefits Accounting Office. Requests shall not be processed retroactively.
- (8) The minimum number of sick leave days which can be transferred is five (5).
- (9) Days will be converted to hours which are proportional to the number of hours the receiving employee works per day. (Example: The receiving employee works six (6) hours per day. The transferring employee will transfer thirty (30) hours of sick leave (5 days x 6 hours = 30 hours.)
- (10) Transferred leave dates may not exceed the end of the recipient's work year.
- (11) Leave transfer records will be maintained on a fiscal year basis.
- (12) Donated time will reduce leave balances based on the most recent time earned.

Statutory Authority: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 12/14/93; 07/23/96; 06/23/98; 10/27/98; 11/20/01; 12/18/01; 03/19/02; 09/23/03; 10/26/04; 05/17/05; 06/20/06; 07/15/08; 02/15/11.

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2.20 BEREAVEMENT LEAVE

A full-time employee who has completed the probationary period and has exhausted all available leave may apply for up to three (3) days paid bereavement leave in the event of a death in his or her immediate family to make funeral arrangements and to attend the funeral. Immediate family is defined as a spouse, parent, grandparent, sibling, child, stepchild or grandchild. An employee may apply for a maximum of three (3) days paid bereavement leave per fiscal year. Bereavement leave is not accumulative. Employees will not be paid bereavement for days not scheduled to work. Employees are required to provide a copy of the obituary or other satisfactory document to be attached to the leave request form.

Statutory Authority: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 06/20/06. Revised/Amended 03/26/07; 07/15/08; 02/15/11.

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2.21 MATERNITY/PATERNITY LEAVE

Personnel shall be entitled to maternity/paternity leave without pay for childbearing or child rearing for up to one (1) year, provided sufficient notice is given to the appropriate supervisor prior to the commencement of leave. Accrued sick leave may be utilized for childbearing, if so requested.

Statutory Authority: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 02/15/11.

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2.22 VICTIMS OF SEXUAL/DOMESTIC VIOLENCE LEAVE

Employees may request and take up to three (3) working days of un-paid leave in any 12-month period if the employee or a member of the employee's family or household is the victim of domestic violence or sexual violence and the leave is sought pursuant to Section 741.313, F.S. Employees must use all other available leave before using this leave and, except in cases of imminent danger, must notify their employer of their planned absence. Leave request requires confidential documentation of the sexual violence. Employers are prohibited from interfering with or retaliating against the employee for use of this leave, pursuant to Section 741.313, F.S.

Statutory Authority: Chapter 1012 and Section 741.313, F.S.

Laws Implemented: Chapter 1012 and Section 741.313, F.S.

History: New 10/21/08. Revised/Amended 02/15/11.

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2.23 MILITARY LEAVE

Personnel shall be granted military leave with pay, except as provided by Section 115.07, F.S., and this rule, when they are required to serve in the armed forces of the United States or this state in fulfillment of obligations incurred under selective service laws or because of membership in reserves of the armed forces or National Guard. Personnel may be granted military leave in accordance with the Uniformed Service Employment and Reemployment Rights Act (USERRA), 38 U.S.C. § 4301, et seq. Personnel ordered by the selective service system to report for physical examinations shall be granted leave with pay, the duration of which shall be determined by the circumstances.

(1) Reserve Duty

- A. Personnel who are members of the reserves of the armed forces or National Guard shall be granted a maximum of seventeen (17) calendar days military leave in any one (1) contract year, without loss of pay, time or efficiency rating, for annual field training or other active duty for training exercises upon presentation of a copy of official orders.
- B. Personnel who are members of the reserves of the armed forces or National Guard shall make written requests to the appropriate authorities to have their annual active duty for training scheduled during the summer months between regular school sessions and shall furnish a copy of such requests to the Board in order to be entitled for consideration for leave with pay in the event their tours are not scheduled as requested.

(2) Conditions for Military Leave with Pay

- A. The person has completed any applicable probationary employment period prior to the granting of such leave.
- B. The person has received notification from proper authorities to report for active duty with the armed forces. Except during a national emergency, voluntary enlistment into the armed forces shall void any claim for military leave or for reemployment preference.
- C. The person shall present to Human Resource Services the official notice of induction or recall into active duty or a verified copy within five (5) days of receipt. A copy of this notice shall be placed in the person's personnel file.

(3) Return to Employment

Return to District employment after military deployment or service shall be governed by the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. § 4301, et seq.

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(4) Extended Active Duty During National/Regional Emergency

- A. Employees who are members of the reserves of the armed forces or National Guard shall be granted the benefits in Section B if the following conditions are met.
 - 1. A national or regional emergency has been declared by the appropriate federal or state authority.
 - 2. The employee called to active duty provides a copy of his or her official orders for active duty.
 - 3. The period of active duty exceeds seventeen (17) days.
- B. For the first thirty (30) days of active duty, the employee shall receive all District salary and benefits, regardless of compensation received from the active duty service.
 - 1. For any period exceeding an initial thirty (30) days of active duty, the employee shall be entitled to receive from District salary/wages equal to the difference between the employee's military pay and the employee's District salary, provided the employee's military pay does not exceed his or her District salary/wages and the employee provides District with all documentation necessary to permit the aforementioned computation prior to the expiration of the initial thirty (30) day period.
 - 2. Employees who do not request district pay or fail to provide the documentation required in Section (1) Reserve Duty, shall not be entitled to receive any District salary or wages as set forth in that paragraph, but shall be entitled to continue to receive District health and other insurance benefits at the District's expense during the period of active duty service.

Statutory Authority: 38 U.S.C. § 4301, et seq. Chapter 1012 and Sections 115.01 to 115.14; 1001.32 to 1001.54, F.S.

Laws Implemented: 38 U.S.C. § 4301, et seq. Chapter 1012 and Sections 115.01 to 115.14; 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 11/20/01; 09/23/03; 05/17/05; 06/20/06; 12/18/07; 02/15/11; 01/17/12.

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2.24 PROFESSIONAL LEAVE

- (1) Personnel may be granted professional leave with pay, for a maximum of twelve (12) days per fiscal year, in full or in part, to attend professional meetings or to enroll at an accredited college or university for periods of short duration. A full report of the professional meeting shall be presented upon the Superintendent's request.
- (2) Instructional personnel may be granted professional leave with pay for a maximum of five (5) days per fiscal year during preschool or post-school periods, to attend summer school when their attendance conflicts with employment. Personnel must be returning to employment with the Board for post-school professional leave to be granted.
- (3) Personnel shall not accept non-Board assigned responsibilities which require them to be absent from their regular assigned duties without the prior approval of the Superintendent. Requests for such approval shall contain the estimated number of days the person will be away from assigned duties.

Statutory Authority: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 05/17/05; 06/20/06; 02/15/11.

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2.25 JURY DUTY

Personnel selected for jury duty during a time in which they would normally be engaged in employment shall be granted leave for jury duty. Personnel shall receive their regular pay while on jury duty and shall remit to the Board the amount of fees, less travel allowance, received for jury duty. Such leave shall be granted provided the person:

- (1) Reports the summons to jury duty to his or her supervisor upon receipt and immediately arranges for the absence.
- (2) Reports to the supervisor the number of days served and the number of hours per day during which his or her presence was required.
- (3) Reports to the supervisor for work on any day he or she has been excused in time to work at least half or more of the regularly scheduled work day.

Statutory Authority: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

•Laws Implemented: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 05/17/05; 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 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: Sections 1001.41; 1012.22; 1012.23, F.S.

Laws Implemented: Sections 1001.43; 1012.66, F.S.

History: New 11/27/90. Revised/Amended 06/20/06; 02/15/11; 01/22/13.

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2.27 TEMPORARY DUTY ELSEWHERE

Personnel may be assigned to temporary duty by the Superintendent or designee for performing educational services, including participation in school surveys, professional meetings, study courses, workshops, etc.

A leave form denoting "Temporary Duty" shall be completed and approved in advance by a principal or supervisor and forwarded to Human Resource Services in order for the time spent away from regular duties not to be classified as leave. However, if time spent away from regular duties for such purposes is at the employee's request, the employee shall apply for and may be granted other appropriate leave.

Statutory Authority: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 05/17/05; 06/20/06; 07/15/08; 02/15/11.

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2.28 ABSENCE WITHOUT LEAVE/JOB ABANDONMENT

- (1) Personnel willfully absent from duty without leave shall forfeit compensation for the time of such absence and shall be subject to discipline, including termination of employment.
- (2) Job Abandonment
Personnel willfully absent from duty five (5) or more days without approved leave for such absence may be subject to discipline, including termination of employment.

Statutory Authority: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 02/15/11.

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2.29 SICK LEAVE POOL

- (1) Personnel employed full-time having completed one (1) year of employment with the 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.

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- (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 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 1001.41; 1012.22; 1012.23, F.S.

Laws Implemented: Sections 1001.43; 1012.61, 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; 01/22/13.

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2.30 MEDICAL AND HEALTH INSURANCE

(1) Payroll Deduction

The Board is cognizant of the merits of comprehensive health care insurance, life insurance, income protection and various other forms of insurance. Enrollment in a Board benefit plan authorizes the Board to payroll-deduct all required premium(s) (including any missed premiums due to the timing of enrollment or changes or premiums missed due to internal processing errors).

(2) Recovery of Overcharges

Reimbursement to personnel and responsibility for a reduction of overcharges discovered in medical bills is as follows:

- A. The employee shall submit documentation to the Risk Management Department establishing the basis of the claim on approved forms signed by the employee.
- B. The Risk Management Department shall forward the documentation to the third party administrator for verification and recovery action.
- C. If the overcharges have already been paid, the third party administrator shall attempt to have the overcharge returned and credited to the Board Employee Trust Claims Account.
- D. If the overcharges have not been paid, the third party administrator shall negotiate an adjustment to the medical bill and advise the Risk Management Department of the results.

Statutory Authority: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 05/17/05; 06/20/06; 02/15/11.

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2.31 WORKERS' COMPENSATION

The Board provides workers' compensation benefits pursuant to Chapter 440, F.S. Payment of any leave and workers' compensation benefits shall be coordinated so that double coverage is not provided during any period of disability.

Statutory Authority: Chapters 440 and 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: Chapters 440 and 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 06/20/06; 02/15/11.

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2.32 TAX SHELTERED ANNUITIES

Tax sheltered annuity plans have been approved by the Board and are available for voluntary participation by personnel. The company from which the annuity contract is purchased shall be selected by the employee and the Board is in no way responsible for the selection made. The purchase of an annuity contract shall be through payroll deduction, in accordance with the provisions of Section 403(b) of the Internal Revenue Code, as amended.

Statutory Authority: 26 U.S.C. § 403. Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: 26 U.S.C. § 403. Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 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: Sections 1001.41; 1001.42, F.S.

Laws Implemented: Sections 1001.43; 1012.22, F.S.

History: New 11/27/90. Revised/Amended 02/15/11; 01/22/13.

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2.34 RETIREMENT INCENTIVE

- (1) Normal Retirement Incentive
 - A. Personnel who retire by the end of the fiscal year in which they first become eligible under the FRS shall be paid a retirement incentive of twenty-five percent (25%) of their gross annual salary, provided they have a minimum of fifteen (15) years of service with the District. For purposes of calculating this incentive, gross annual salary shall be the salary actually paid, excluding supplements or extra pay, during the fiscal year in which the retirement occurs or the twelve (12) months preceding the date of retirement if the retirement occurs prior to the end of a fiscal year.
 - B. Personnel participating in Deferred Retirement Option Program (DROP) are not eligible to receive the normal retirement incentive bonus unless their termination date and the DROP retirement date fall within the same fiscal year in which they first become eligible for normal retirement as defined in FRS Rules.
- (2) Special Retirement Incentive
 - A. Available to Administrative and Professional employees immediately and to Instructional and Educational Support employees upon agreement with the Union.
 - B. To qualify, employees must be vested FRS members, have a minimum of ten (10) years of service and make their election on or before April 30, 2012, to participate in this Special Retirement Incentive and MUST retire or exit DROP no later than June 30, 2012. Employees that qualify will agree to not seek post-retirement employment in the Escambia County School District during the 2012-2013 fiscal year.
 - C. All eligible employees who qualify will receive an incentive of 25% of their gross annual salary. For purposes of calculating this incentive, gross annual salary shall be the salary actually paid, excluding supplements or extra pay, during the fiscal year in which the retirement occurs or the twelve (12) months preceding the date of retirement if the retirement occurs prior to the end of a fiscal year. It is the intent of the District to replicate FRS procedures when calculating gross annual salary in cases involving workers compensation claims as the result of an on-the-job injury. In the case of an individual who has missed work due to a worker's compensation claim resulting in a reduced salary (66.66%) as the result of an on-the-job injury, the calculation will be based on the gross annual salary the individual would have earned if not for the on-the-job injury.

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- D. Employees not qualifying for this Special Retirement Incentive:
1. FRS members that will qualify for the Normal Retirement Incentive outlined in section (1) above.
 2. Employees who are current DROP participants that have a DROP exit date prior to or on December 31, 2012.
 3. Employees who have been re-employed after FRS retirement or previous DROP exit.
 4. Annual contract teachers.
- E. The Special Retirement Incentive will sunset June 30, 2013.

Statutory Authority: Chapters 121 and 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: Chapters 121 and 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 11/27/90. Revised/Amended 06/22/93; 06/23/98; 03/25/99; 11/20/01; 09/23/01; 05/17/05; 05/11/09; 11/17/09; 02/15/11; 01/17/12.

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2.35 HOLIDAYS

(1) Holidays for personnel shall be as set forth in the School Calendar adopted by the Board.

(2) Religious Holidays

Personnel may use personal leave for the observance of religious holidays provided:

A. An application is made prior to the holiday and approved by the supervisor; and

B. The holiday is recognized by the faith to which the person subscribes.

Statutory Authority: Chapter 1012 and Sections 683.01; 1001.32 to 1001.54; 1003.21, F.S.

Laws Implemented: Chapter 1012 and Sections 683.01; 1001.32 to 1001.54; 1003.21, F.S.

History: New 11/27/90. Revised/Amended 02/15/11.

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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.

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- (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 Board property, with 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.

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- (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: Sections 1001.41; 1012.22; 1012.23, F.S.

Laws Implemented: Sections 104.31; 106.15; 112.312; 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; 01/22/13.

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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:

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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, Biphedamine, 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, Guiatuss 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.

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

Laws Implemented: Sections 435.04; 440.102; 1001.10; 1001.41; 1001.43; 1012.795, F.S.

History: New 11/27/90. Revised/Amended 10/27/92; 08/27/96; 11/20/01; 06/20/06; 02/15/11; 01/22/13.

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2.38 ALCOHOL AND DRUG TESTING POLICY

All employees required to hold a commercial driver's license (CDL) and who perform safety-sensitive functions, such as driving a school bus, are required to adhere to the provisions of the Federal Omnibus Transportation Employee Testing Act (OTETA) of 1991. Such employees are subject to drug and alcohol testing under the provisions of OTETA and Florida Statutes. The specific requirements of such drug and alcohol testing shall be prescribed in the most current edition of the Board publication entitled: Federal Drug and Alcohol Testing Program, as has been adopted and published by the Board. All employees subject to being tested for drugs and alcohol here and hereafter are to be informed of the contents of the program.

Statutory Authority: 49 C.F.R. Parts 40, 382 and 391. Chapters 440 and 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: 49 C.F.R. Parts 40, 382 and 391. Chapters 440 and 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 07/24/95. Revised/Amended 09/23/03.

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2.39 COMPENSATORY TIME AND COMPENSATORY TIME OFF

Compensatory time and compensatory time-off are defined as hours during which an employee, as defined in the Fair Labor Standards Act, is not working, which are not counted as hours worked during the applicable work week or other work period for purposes of overtime compensation, and for which the employee is compensated at the employee's regular rate, as defined in the Fair Labor Standards Act. This policy shall not preclude employees from receiving overtime pay for overtime worked.

(1) Accrual

- A. Employees who are required or directed to work for more than forty (40) hours per week, as defined in the Fair Labor Standards Act, shall be granted compensatory time at the rate of one and one-half (1½) hours for each hour of employment for which overtime compensation is required by Section 7 of the Fair Labor Standards Act or shall be compensated at the rate of one and one-half (1 ½) times the employee's normal rate of pay. All other compensatory time granted shall be at the rate of one (1) hour for each hour of employment or compensated at the rate of one (1) times the employee's normal rate of pay. Exception: Bus Operators/Bus Assistants.
- B. Employees who are eligible to earn compensatory time and compensatory time-off and who have accrued two-hundred forty (240) hours of compensatory time shall, for additional overtime hours of work, be paid overtime compensation.

(2) Conditions

- A. Earning compensatory time requires prior approval from an appropriate supervisor, director or administrator, except in the case of an emergency. In the case of an emergency, the appropriate supervisor, director, or administrator is required to document specific approval on the next working day following the emergency.
- B. The accounting for earned and used compensatory time and time-off for each employee shall be maintained by the appropriate supervisor, director, or administrator and shall be made available to the employee upon request. Compensatory time balances shall carry forward to the next fiscal year.
- C. Compensatory time-off may be used in any increment and at any time agreed to by the employee and the appropriate supervisor, director, or administrator. If such mutual agreement is not reached, the supervisor, director, or administrator may, with a minimum of ten (10) working days' notice, require the employee to use his or her compensatory time.

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- D. After April 1 of each fiscal year, an employee will not be required to use compensatory time-off if the use of compensatory time-off would cause the employee to lose accrued annual leave in excess of the maximum number of allowable hours.
- E. Upon transfer from a compensatory time accruing position to a non-accruing position or from one cost center to another, payment shall be made for unused compensatory time at the employee's current straight-time hourly rate prior to the transfer.
- F. Payments for unused compensatory time may be made at intervals as determined by the District. The employee will be notified thirty (30) days in advance if such payment is to be made.

(3) Terminal Pay

Payment of accrued compensatory time shall be made upon retirement or upon leaving the employ of the Board. If employment is terminated by death, the beneficiary designated in the person's retirement plan shall be paid the allowable accrued compensatory time. Payment shall be made at the employee's current straight-time hourly rate.

Statutory Authority: 29 U.S.C. § 201, et seq. Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: 29 U.S.C. § 201, et seq. Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 06/25/96. Revised/Amended 05/17/05; 06/20/06; 02/15/11.

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2.40 DROP-DEFERRED RETIREMENT OPTION PROGRAM

- (1) Effective July 1, 1998, eligible employees may make an irrevocable election to participate in the Deferred Retirement Option Program (DROP) subject to the conditions and limitations found in School Board Rules.
- (2) DROP Extension
 - A. Employees who are defined as instructional personnel and who have completed their sixty (60) months participation in DROP may request an extension to their participation for a period of up to ninety-six (96) months provided they:
 1. Are recommended for reappointment by the school principal or site administrator;
 2. Are recommended for reappointment by the Superintendent to the Board;
 3. Agree to return on an annual contract basis.
 - B. The definition of instructional personnel in this policy shall apply only to student assigned full-time instructional personnel.

Statutory Authority: Chapters 121 and 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: Chapters 121 and 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 06/23/98. Revised/Amended 09/23/03; 05/17/05; 02/15/11.

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2.41 RESIGNATION

- (1) An employee who wishes to resign shall submit his or her resignation in writing addressed to the supervisor. The letter of resignation or separation of employment form shall state the reasons for the resignation and the desired effective date. The supervisor shall forward the resignation to Human Resource Services for processing as the Superintendent's recommendation to the Board. No resignation shall be effective until accepted by the Board.
- (2) The employee is responsible for completing any additional paperwork in Human Resource Services prior to his or her exit from the District.
- (3) An employee who terminates employment and does not work on the first day following a holiday shall not receive pay for the holiday. The termination date shall be considered the last work day in which the employee worked.

Statutory Authority: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 06/20/06. Revised/Amended 07/15/08; 02/15/11.

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2.42 RETIREMENT

An employee who wishes to retire must complete the necessary paperwork in Human Resource Services which will include his or her resignation pursuant to 2.41, S.B.R., Resignation.

Statutory Authority: Chapter 121 and 1012 and Sections 112.3173; 1001.32 to 1001.54, F.S.

Laws Implemented: Chapter 121 and 1012 and Sections 112.3173; 1001.32 to 1001.54, F.S.

History: New 06/20/06. Revised/Amended 02/15/11.

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2.43 SELF-REPORTING OF ARRESTS AND CONVICTIONS BY EMPLOYEES

- (1) Obligation to the profession of education requires that an employee shall self-report within forty-eight (48) hours to the Assistant Superintendent of Human Resource Services any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, the individual shall self-report to the Assistant Superintendent of Human Resource Services any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program or entering of a plea of guilty or nolo contendere (no contest) for any criminal offense other than a minor traffic violation, within forty-eight (48) hours after the final judgment.
- (2) The District will comply with the confidentiality provisions of Sections 943.0585(4)(c) and 943.059(4)(c), F.S., when handling sealed and expunged records disclosed under this rule.

Statutory Authority: Chapters 440 and 1012 and Sections 943.0585(4)(c); 943.059(4)(c); 1001.32 to 1001.54, F.S.

Laws Implemented: Chapters 440 and 1012 and Sections 943.0585(4)(c); 943.059(4)(c); 1001.32 to 1001.54, F.S.

History: New 06/24/99. Revised/Amended 11/20/01; 05/17/05; 02/15/11.

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2.44 PROFESSIONAL TEACHER ASSOCIATIONS

- (1) Upon application to the Superintendent and determination by the Board that an organization is a bona fide professional teacher association qualified pursuant to this rule and Section 1001.03(4), F.S., the professional teacher association shall be permitted:
 - A. To participate in voluntary teacher meetings in the area of teacher training and staff development.
 - B. To place professional literature directly in teacher mailboxes (without access to the District courier or internal mail service).
 - C. To collect voluntary membership fees through payroll deduction.
 - D. To establish qualification criteria.
- (2) In order to qualify as a bona fide professional teacher association under this rule, an organization must:
 - A. Provide to the District, written verification that it is a not-for-profit organization. Written verification must be in the form of a letter from the United States Internal Revenue Service or the Florida Department of Revenue; and
 - B. Provide to the District a copy of the organization's current by-laws indicating:
 1. The purpose of the organization is the promotion of professional education issues;
 2. The organization is not-for-profit and non-partisan;
 3. The organization is not a labor organization as defined in Section 447.02, F.S.;
 4. The organization offers membership to all District employees, including teachers, educational support personnel, and administrators;
 5. The organization offers teacher training and staff development at no fee to the District;
 6. The organization provides the District with copies of the organization's current teacher training and staff development materials; and

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7. The organization provides the District with a proposed schedule of teacher training and staff development courses, including dates, times, and total hours of training for each course.

(3) Board Action

- A. Upon determination that an organization is qualified pursuant to this rule, the Superintendent shall, at the next regularly scheduled meeting of the Board, recommend that the Board grant the organization status as a bona fide professional teacher association.
- B. The Board shall review the recommendation and may accept, reject, or modify the Superintendent's recommendation.

(4) Disqualification, Enforcement, and Notice

- A. In order to be entitled to the guarantees of Section (1), an organization must remain a bona fide professional teacher association and must conduct itself in good faith at all times for which qualification as a bona fide professional teacher association is claimed in accordance with Section 1001.03(4), F.S., this rule, and the representations made pursuant to Section (2).
- B. Failure to comply with any provision of this rule shall result in disqualification as a bona fide professional teacher association.
- C. Upon determination that the organization has failed to comply with any provision of this rule, and/or that the organization is not a bona fide professional teacher association, the Superintendent shall immediately suspend the organization's guarantees under Section (1).
- D. The Superintendent shall notify the organization of the suspension in writing, stating the reasons for the suspension and notifying the organization that it has ten (10) days from the date of the notice in which to respond to the notification of suspension.
- E. Within ten (10) days of the date of the notice, the organization may file a written response stating reasons why the suspension should be rescinded. The response may include supporting documents.
- F. Should the organization not file a response within ten (10) days as set forth in Section E above, or should a written response be timely filed but the Superintendent determine the reasons stated by the organization are insufficient to rescind the suspension, the Superintendent shall:

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1. Recommend to the Board at its next regularly scheduled meeting that the organization's status as a bona fide professional teacher association be revoked; and
 2. Notify the organization in writing of said determination. The notice shall comply with the requirements of Chapter 120, F.S., and shall advise the organization of its rights of administrative review pursuant to Chapter 120, F.S.
- G. The Board may accept, reject, or modify the Superintendent's recommendation or should a dispute as to material facts exist, refer the matter to a hearing officer for an evidentiary finding pursuant to Chapter 120, F.S.
- H. As is necessary for enforcement and to ensure compliance with this rule and Section 1001.03(4), F.S., the District may request from the organization, information or documentation to determine whether the organization is a bona fide professional teacher association.

Statutory Authority: Chapters 120 and 1012 and Sections 447.02; 1001.03; 1001.32 to 1001.54, F.S.

Laws Implemented: Chapters 120 and 1012 and Sections 447.02; 1001.03; 1001.32 to 1001.54, F.S.

History: New 01/23/01. Revised/Amended 06/20/06; 02/15/11.

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2.45 DECEASED EMPLOYEE ACCOUNT

- (1) Definitions
 - A. Employee means any employee of the District.
 - B. Money due means all the pay, allowances, monetary benefits and remunerations owed by the District to a deceased employee at and up to the time of death including, but not limited to, any of the following:
 1. Life insurance proceeds;
 2. Retirement benefits;
 3. Tax sheltered annuities;
 4. 401(a) plan proceeds;
 5. Annual or sick leave terminal pay;
 6. Retirement bonus, if eligible;
 7. Per diem and reimbursement for travel expense;
 8. Unpaid overtime or compensatory time; or
 9. Un-negotiated paycheck(s) that were not received by the employee during his or her lifetime.
- (2) Human Resource Services shall notify each employee of his or her right to designate a beneficiary for disbursement of life insurance monies, retirement benefits and other money due at the time of an employee death.
- (3) Each employee shall complete a form provided by Human Resource Services generally naming a beneficiary for all money due for which the employee has not already designated a beneficiary.
- (4) In the event that an employee's general designation of a beneficiary conflicts with the specific designation of a beneficiary in another document, such as a life insurance policy, the other document which names a specific beneficiary for receipt of specific benefits, takes precedence.

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- (5) The employee has the right to modify or revoke the designation of a beneficiary at any time by providing written notice to Human Resource Services.
- (6) In the absence of a designated beneficiary or beneficiaries, all money due as described in Section (1) B of 2.39, S.B.R., Compensatory Time and Compensatory Time Off, shall be paid to the estate of the deceased employee.

Statutory Authority: Chapters 121 and 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: Chapters 121 and 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 09/27/04. Revised/Amended 05/17/05; 06/20/06; 02/15/11.

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2.46 EMERGENCY DUTY

- (1) Administrative personnel may be assigned to emergency duty by the Superintendent or designee for the purpose of actively supervising Board emergency shelters or serving as the District contact at the Emergency Operation Center during non-duty hours.
- (2) Administrators shall be paid for all hours worked at their equivalent hourly rate of pay. This pay shall be in addition to any amount paid pursuant to their regular contract.

Statutory Authority: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

Laws Implemented: Chapter 1012 and Sections 1001.32 to 1001.54, F.S.

History: New 12/21/06. Revised/Amended 02/15/11.

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2.47 TOBACCO-FREE HIRING POLICY

- (1) The School District is committed to promoting health, wellness, and disease prevention within the community and to providing a safe, clean and healthy environment for our employees and citizens. The use of tobacco and tobacco products is a known and established hazard to the health and well-being of those who use them as well as those around them. The health problems created by the use of these products contribute to the increase in health care costs and the rise in insurance premiums. Use of tobacco and tobacco products has been shown to decrease employee productivity and efficiency and increase absenteeism. It is in recognition of these factors that the District is taking measures to develop a tobacco-free workforce. The School Board hereby establishes a tobacco-free hiring policy for all individuals applying for any position which qualifies for health insurance benefits within the District. It is the intent of this policy that employees hired after the effective date of this policy remain tobacco-free for the duration of their employment.

- (2) For the purposes of this policy, “tobacco” is defined to include products that include tobacco/nicotine and are intended or expected for human use or consumption, including but not limited to, any lighted or unlighted cigarette, cigar, pipe, bidi cigarette, clove cigarette, and any other smoking product, and spit tobacco, also known as smokeless, dip, chew and snuff, in any form (i.e. lozenges, strips, pouches, etc.).

Rulemaking Authority: Sections 1001.41; 1001.42, F.S.

Laws Implemented: Sections 1001.42; 1001.43, F.S.

History: New: 06/21/11. Amended: 01/17/12; 04/23/13.

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2.48 ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES

- (1) Unless a provision of law enacted after July 1, 2000, specifically prohibits the use of an electronic record for the specified purpose, the School Board hereby authorizes the acceptance and distribution of electronic records and electronic signatures to and from District staff and other persons, as well as between District staff members. Additionally, the School Board further authorizes District staff to create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures.
- (2) The Superintendent shall consult with the state of Florida's Agency for Enterprise Information Technology (Agency) regarding the District's authorized acceptance and distribution of electronic records and electronic signatures. After giving due consideration to security, the Agency may specify the following:
 - A. The manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored and the systems established for those purposes.
 - B. If electronic records must be signed by electronic means, the type of electronic signature required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met, by any third party used by a person filing a document to facilitate the process.
 - C. Control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and audibility of electronic records.
 - D. Any other required attributes for electronic records which are specified for non-electronic records or reasonably necessary under the circumstances.
- (3) The Superintendent shall require District staff to comply with all provisions of the Uniform Electronic Transaction Act when creating, generating, communicating, storing, process, using, and relying upon electronic records. Further, the Superintendent shall require District staff and other persons who use electronic signatures to do so in compliance with State law.

Rulemaking Authority: Sections 1001.41; 1001.42, F.S.

Laws Implemented: Sections 668.002; 668.006; 668.50, F.S.

History: New: 04/23/13.