

## Chapter 6 – Human Resources

### EMPLOYMENT OF PERSONNEL 6.10\*+

- (1) All personnel shall be appointed or reappointed as prescribed by Florida Statutes and in conformance with applicable State Board of Education rules and School Board rules.
- (2) The Superintendent is directed to develop appropriate employment procedures governing the recruitment, screening, selection, appointment and employment of all personnel consistent with Florida Statutes, State Board of Education rules, federal requirements and School Board rules.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1012.22;  
1012.27; 1012.32; 1012.39, F.S.**

**STATE BOARD OF EDUCATION RULES: 6A-1.0502**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: 1.423;2.21;2.312;2.321;5.21**

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### EMPLOYMENT DEFINED 6.11

(1) Full-time. A regular full-time employee is a person who is employed for the school term or for the school fiscal year to render the minimum number of hours each day as established by the Board for that position or job.

(2) Part-time. A part-time employee is a person who is employed to render less than the number of hours each day as established by the Board for a regular full-time employee.

(3) Temporary. A temporary employee is a person whose employment is expected to be for a limited time to fill a vacancy for which a permanent employee is not available or to perform some work of a temporary nature. Such employment will cease at the close of the school term or school fiscal year or when the temporary work has been completed. A temporary employee may be a part-time or a full-time employee.

(4) Other Personnel Services (OPS).

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1012.22, F.S.**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: 5.11;5.111;5.112;.6.11;6.111;6.112;6.113**

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### **DEFINITION OF PERSONNEL 6.111**

Instructional, administrative, non-certificated and instructional support personnel shall be defined in accordance with the provision of Florida Statutes.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1012.01, F.S.**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: 2.20;2.31;2.32;5.11;6.11**

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### NEPOTISM 6.12

- (1) An employee's direct supervisor may not be a close relative.
- (2) A close relative is defined as mother, father, son, daughter, brother, sister and spouse and in-laws of the same.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 112.3135; 1001.43; 1012.22, F.S.**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: NEW**

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### **YEAR OF SERVICE DEFINED FOR PERSONNEL 6.13\***

(1) Administrative and Instructional Personnel:

(a) The minimum time which may be recognized as a year of service for contractual purposes shall be full-time actual service rendered under contract for more than one-half (1/2) of the number of days or more than one-half (1/2) the number of total hours required for the normal contractual period of service for the position held. In determining such service, sick leave and holidays for which the employee received compensation shall be counted, but all other types of leave and holidays shall be excluded.

(b) Individuals who have worked in the Jackson County School System for at least a total of 180 days (or in the case of bus drivers 360 trips), the last three consecutive years immediately prior to full-time employment will be given one (1) year of experience for pay purposes.

(c) Any claim to a year of service for salary purposes shall be the equivalent of the service required for a continuing, professional service, annual, or multi-year contract. Credit for service rendered in another state or as otherwise allowed under the adopted salary schedule shall be determined by using the minimum service required in the District for a comparable position and in accordance with the contract agreement between the School Board and the local education association.

(d) No credit for teaching experience shall be granted for substitute teaching unless service was rendered under a contract for employment with a valid certificate and meets other requirements of these rules.

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(e) Military service, with teaching experience and a valid certificate, not to exceed four (4) years will be allowed. One (1) year of service will be allowed for each year of military service with credit being allowed for a fractional part of a year if the person rendered not less than one hundred eighty-eight (188) days of service. Service shall be established from the date of active duty to the date of discharge or release from active duty must have been under honorable conditions.

(f) Prior experience must be verified on official stationary to be eligible for consideration for experience credit.

(g) All previous years of experience that have been filed and approved up to the time of making the payroll will be calculated in the current annual salary of the person as provided in the salary schedule. Experience verified after this date will be included in the next pay period. Adjustments for verified experience will be made only during the fiscal year in which the verification is placed on file in the Superintendent's Office.

### (2) Non-instructional Personnel:

Any provisions of (1) above that may apply;

(a) The experience was on a regular, full time basis;

(b) All Jackson County School Board work experience will be granted in a similar position.

(c) All "like" experience, from any verified employer, up to a maximum of 10 years, shall be granted.

### **CHAPTER 6.00 – HUMAN RESOURCES**

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1011.60; 1012.01, F.S.**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: 5.3213**

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### THE INSTRUCTIONAL STAFF 6.14\*

The instructional staff shall be composed of school-based personnel, as defined in Florida Statutes, other than administrators and school support personnel. The instructional staff shall be assigned direct responsibility for the supervision, instruction, and evaluation of students in disciplines that promote individual growth and development for becoming a member of society. Instructional staff members shall hold a valid Florida Educator's Certificate or the equivalent as prescribed by Florida Statutes and State Board of Education rules.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1012.01; 1012.32;**

**1012.39; 1012.53; 1012.54;**

**1012.56; 1012.57, F.S.**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: NEW**

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### **EMPLOYMENT OF ATHLETIC COACHES WHO ARE NOT FULL-TIME EMPLOYEES OF THE SCHOOL BOARD 6.141\***

Persons who are not full-time employees of the School Board and hold an athletic coach's certificate, issued by the state of Florida, may be recommended by the Superintendent and appointed by the School Board, on a contract basis, to perform designated secondary school athletic coaching responsibilities, subject to the following conditions:

- (1) The principal has determined that qualified full-time employees of the School Board are not available to perform these responsibilities.
- (2) The contracted employment conforms to rules and regulations of the State Board of Education and the bylaws of the Florida High School Athletic Association.
- (3) The employment procedures and contracted services conform to standards and procedures provided by the Superintendent including, but not limited to:
  - (a) Use of an approved agreement form for contracted services.
  - (b) Assessment of the qualifications of such persons.
  - (c) Agreement by the contracted employee to abide by the Code of Ethics of the Education Profession in Florida.
  - (d) Evaluation of performed services to be conducted by the principal and appropriate records maintained.
- (4) An individual who is employed only as an athletic coach must hold a valid cardiopulmonary resuscitation (CPR) certificate issued by the American Heart Association or the American Red Cross and must have received training about the dangers of drug use including performance enhancing drugs.
- (5) Payment for services shall be according to the approved District schedule of salary supplements for the services rendered.
- (6) The District shall attempt to ensure that community-based coaches reflect the diversity of racial, ethnic, and gender groups that the School Board believes to be important to the educational experiences of students.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 119.07; 1001.43; 1012.22; 1012.24; 1012.27; 1012.31; 1012.33; 1012.36; 1012.55; 1012.56, F.S.**

**STATE BOARD OF EDUCATION RULE(S): 6a-4.0282**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: NEW**

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### EMPLOYMENT OF NON-DEGREED VOCATIONAL AND ADULT INSTRUCTIONAL PERSONNEL 6.143\*

The Superintendent is authorized to develop a procedural manual for the employment of non-degreed vocational and adult instructional personnel which is entitled Handbook for Employment of Non-degreed Vocational Teachers per Florida Statutes. These procedures shall be consistent with Florida Statutes and shall be approved by the School Board.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1012.32;**

**1012.36; 1012.39, F.S.**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**Formerly: 5.215;5.216**

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### EDUCATIONAL PARAPROFESSIONAL 6.144\*

Paraprofessionals, instructional and non-instructional are persons assigned by the School Board to assist an instructional staff member in performing his/her instructional or professional duties or responsibilities. An instructional paraprofessional has additional responsibilities consistent with the requirements of the Federal No Child Left Behind Act.

(1) The conditions of employment of an instructional paraprofessional hired after the adoption of this policy and assigned in the classroom and working with students shall meet one of the following:

- (a) Complete more than 60 semester hours at an institution of higher education.
- (b) Obtain an associate's degree (or higher); or
- (c) Meet a rigorous standard of quality and demonstrate, through a formal State or local academic assessment:

1. knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or

2. knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

(2) The conditions of employment of a non-instructional paraprofessional not assigned to a classroom or working in the instructional program with students shall include the following.

- (a) Have a high school diploma or hold a high school equivalency diploma issued pursuant to State of Board of Education rules.
- (b) Be at least eighteen (18) years of age.
- (c) Complete level two (2) screening through the JCSB.

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(3) The principal shall assure that the paraprofessional assigned to the school possesses a clear understanding of state and District rules relating to paraprofessional responsibilities and to the safety, welfare, and health of students. It shall be the principal and the instructional staff member's responsibility to ascertain that a paraprofessional possesses the necessary knowledge about rules to perform duties of a special nature in a proper and reasonable manner.

(4) It shall be the principal's responsibility to assure the School Board and the Superintendent that each paraprofessional possesses a clear understanding of all state and District instructional practices and rules relevant to a paraprofessional's responsibilities if he/she is expected to assist a teacher in promoting learning activities. When a paraprofessional (instructional or non-instructional) is assigned duties requiring knowledge of instructional practices and policies or providing prescribed physical care for students of a specialized nature, it is the instructional staff member's responsibility to ascertain in advance whether the paraprofessional possesses the necessary knowledge and skills.

(5) The paraprofessional shall complete a period of supervised practice when assigned to a new instructional staff member or assigned a type of duty which he/she has not previously performed. The length of such supervised practice may vary depending upon previous experiences of the paraprofessional. A record shall be maintained in each school to show the length, nature, and inclusive dates of each supervised practice assignment for each paraprofessional.

(6) A paraprofessional shall not perform any of the following duties:

- (a) Establish instructional objectives;
- (b) Render decisions regarding the relevancy of certain activities or procedures to achieve instructional objectives;
- (c) Make decisions regarding the appropriateness of training materials for accomplishing instructional objectives; and,
- (d) Evaluate a student's attainment of instructional objectives unless clear and objective criteria such as a specific achievement standard on an objective test are defined.

(7) The principal and instructional staff members who are assigned paraprofessional personnel shall be responsible for assigning duties which are consistent with Florida Statutes, State Board of Education rules, and School Board rules and other controlling regulations.

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**STATUTORY AUTHORITY:** 1001.41; 1012.22; 1012.23, F.S.

**LAWS IMPLEMENTED:** 1001.43; 1012.22; 1012.32; 1012.37, F.S.

34 CFR 200

**STATE BOARD OF EDUCATION RULES:** 6A-1.070; 6B-1.006

**HISTORY:** ADOPTED:

REVISION DATE(S):

FORMERLY: 6.21

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### SUBSTITUTE TEACHERS 6.145\*

(1) Each school principal is authorized to employ a substitute teacher when an instructional staff member is unable to perform assigned duties. The principal shall obtain substitute teachers from the approved list published by the Personnel office.

(2) Applicants who seek employment as substitute teachers shall meet the following minimum qualifications and provide the appropriate materials as required by the Department of Human Resources:

- (a) Hold a high school diploma or equivalent;
- (b) Be at least eighteen (18) years of age;
- (c) Complete level two (2) screening through the JCSB;
- (d) Complete drug testing;
- (e) Complete an initial orientation and training program; and
- (f) Applicants who have no prior teaching experience as determined by the employing school district, must complete an additional training program that includes classroom management skills and instructional strategies.

(3) The Board shall approve applicants as substitute teachers provided their qualifications are found to be satisfactory.

(4) The compensation for substitute teachers shall be for services rendered in accordance with the salary schedule adopted annually by the School Board. Provided, however, substitutes for post-secondary education programs may be hired on an hourly basis when necessary.

(5) Any member of the Florida Retirement System who has been retired for at least one (1) calendar month from any state administered retirement system may be employed as a substitute or hourly teacher on a non-contractual basis.

(6) Substitute teachers shall hold

- (a) A valid Florida Educator's Certificate issued; or
- (b) A valid substitute certificate/document issued by the District or another Florida school district. The substitute certificate/document shall verify satisfaction of requirements specified in Subsection (2) herein. Procedures for issuance of District Certificates are described in the School Board Rule entitled "District Certificates."

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(7) The School Board shall establish performance appraisal measures for assessing the quality of instruction delivered by substitutes who provide instruction for thirty (30) or more days in a single classroom placement.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1012.32; 1012.39;  
1012.35; 1012.36; 1012.55; 1012.56, F.S.**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: 5.29**

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### **ASSISTING TEACHERS TO BECOME HIGHLY QUALIFIED 6.15**

The Superintendent shall develop procedures to assist experienced teachers to meet the highly qualified requirements of the No Child Left Behind Act.

**STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, FS**

**LAW(S) IMPLEMENTED; 1001.43, 1012.22, 1012.27, 1012.42, FS; No Child Left Behind Act of 2001, PL 107.110; 20 USC 7801**

**STATE BOARD OF EDUCATION RULE(S): 6A-1.0503**

**HISTORY: ADOPTED: 11/2009  
REVISED:  
FORMERLY: NEW**

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### APPOINTMENT OR EMPLOYMENT REQUIREMENTS 6.17\*

Any person desiring employment shall file a completed application on the form provided by the Superintendent.

(1) Qualifications

(a) Must be of good moral character.

(b) Must have attained the age of eighteen (18) years and have a high school diploma or equivalent with the exception of students employed by the Board. Individuals without a high school diploma may be employed on an annual contract basis only in food service, maintenance and transportation.

(3) Certificate requirements. Each applicant for an instructional or a certificated administrative position shall hold a certificate, have a receipt from the Florida Department of Education acknowledging that an application has been filed and that issuance of the certificate is pending, or have the proper license to perform services.

(a) To be considered for a position, an applicant shall be duly qualified for that position in accordance with State law, regulations of the Florida Department of Education and the approved job description. If it appears that the applicant is eligible for proper certification, appointment may be made subject to the conditions set forth in the annual contract of employment as approved by the School Board.

(b) Any person must provide proof of eligibility for a valid Florida certificate at the time of employment.

(3) Pre-employment Drug Testing. No person shall be employed without a pre-employment drug test.

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### (4) Driving Record

(a) The driving record of each applicant for the position of school bus operator or for any position that would require the person to drive a School Board vehicle shall be reviewed to determine if the record contains any infractions of the driving code that would make the applicant unqualified for the position in accordance with the District safe driver plan.

(b) The driving record of each current school bus operator shall be reviewed prior to the first day of the fall semester and periodically during the school year to determine if the record contains any infractions of the driving code that would make the operator unqualified for the position in accordance with the District safe driver plan. The driving record of any employee who is required to drive a School Board vehicle shall also be reviewed periodically during the year to determine whether the employee may continue in the position.

### (5) Initial Employment

(a) Any offer of employment with the School District is conditioned on submission of fingerprints as required by Florida Statute and a background investigation by the Superintendent's designee. After a job offer, but prior to beginning employment with the District, all candidates for all positions must undergo a criminal and employment background check to determine suitability for employment. The application for employment shall inform applicants they are subject to criminal background checks, and advise applicants that failure to be truthful on the application about prior criminal history will be grounds for ineligibility or dismissal from employment.

(b) As a condition of employment and prior to beginning work, an applicant who has received a conditional job offer must complete level two (2) screening through the Jackson County School Board. The applicant shall be required to pay for full costs of processing at the time of fingerprinting.

(c) The level two (2) screening results, the application and the report(s) concerning the individual shall be reviewed by the Superintendent's designee(s) prior to a recommendation for employment. In addition, the Superintendent or designee shall document, contact or attempts to contact all prior employers for a minimum of the past five (5) years and all private or public educational institutions by which the applicant was previously employed while age eighteen (18) or older.

(d) No applicant who has received a conditional job offer shall begin work before their fingerprints are processed, the criminal and pre-employment investigation is completed, and a determination is rendered as to suitability for employment.

(e) Based upon the facts of an application, criminal background check or other valid or reliable data sources, applicants who are, or have been convicted of certain serious offenses may be denied employment by the School district. As

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used in this section the term conviction is defined as a finding of guilt, a plea of guilty, or a plea of nolo contendere, or a verdict of guilty. The withholding of adjudication or the entry of an order sealing or expunging the record requiring a pre-trial intervention or pre-trial diversion shall not be considered an exception to this section. Other information derived from the pre-employment investigation, which indicates the applicant may not be suitable for employment by the School district, may be grounds for denying employment to an applicant.

(f) Any instructional or non-instructional person under contract to the School District to operate student programs, student teachers, persons participating in short-term teacher assistance experiences or field experiences who have direct contact with students must meet the requirements of (4) (a), (b) and (d).

### (6) Current Employees

(a) Whenever a personnel investigation of a complaint against an employee is required, a criminal background check may be conducted as part of the investigation.

(b) If it is discovered during the period of employment that a regular employee has a prior criminal record and that the employee was requested to provide this information at the time of hire, but did not do so, the employee may be subject to disciplinary action, including dismissal for submitting false information on the employment application, or otherwise having misled the district.

(c) If it is discovered during the period of employment that an employee has a prior criminal record and no falsification of an application nor attempt to mislead occurred, the record shall be reviewed by Superintendent or designee. The Superintendent or designee shall consider all information, including any mitigating conditions, and report findings of fact, possible mitigating circumstances and recommendations for action to the Superintendent. The employee shall have the opportunity to respond in writing to the findings and recommendation. The Superintendent shall review the record, recommendation and response before taking appropriate action. Appeal of the Superintendent's action shall follow collective bargaining agreements or School Board Policy, as appropriate.

(d) Instructional and non-instructional school district employees or contractual personnel who are permitted access on school grounds when students are present, who have direct contact with students or have access to or control of school funds must meet level 2 screening requirements as described in s. 1012.32. Contractual personnel shall include any vendor, individual, or entity under contract with the school board. Personnel whose fingerprints have not been maintained by the Department of Law Enforcement are required to be re-fingerprinted.

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### (7) Acceptance of Appointment.

Failure to signify acceptance of appointment within ten (10) days after receipt of the official notice of appointment shall be considered a rejection of the offer and the position shall be declared vacant.

### (8) Reconsideration and Appeal

(a) Applicants who have been denied employment, and probationary employees who have been denied permanent employment, on the basis of their criminal record and/or background check, may request reconsideration by the Superintendent or designee only if they present new information not previously available to the committee.

(b) Applicants who have been denied employment, and probationary employees who have denied permanent employment, because of their criminal record and/or background check, may appeal to the Superintendent. Applicants and probationary employees shall receive written notice of the right to appeal the decision by the Superintendent's designee to the Superintendent. Their appeal must be in writing, and may respond to the findings and decision of the Superintendent's designee. If new information is to be submitted, the applicant must first request reconsideration by the Superintendent's designee. The Superintendent's decision shall be final and not subject to further appeal.

(9) The District shall ensure that all aspects of the recruitment and selection process are job-related and are consistent with business necessity so as to ensure equal employment opportunity. Neither the District nor its agents shall engage in any discrimination with respect to employment in violation of any state or federal laws. Applicants shall be informed of the complaint procedure that may be used should they allege discrimination.

**STATUTORY AUTHORITY:** 1001.41; 1012.22; 1012.23; 1012.32, F.S.

**LAWS IMPLEMENTED:** 381.0056; 1001.43; 1012.22; 1012.27; 1012.32; 1012.39; 1012.465; 1012.56, F.S. STATE BOARD OF EDUCATION RULE(S): 6a-3.0141

**HISTORY:** ADOPTED:

**REVISION DATE(S):** 05/19/09

**FORMERLY:** 2.20; 2.24; 2.25; 2.27; 2.31; 2.311; 2.312; 5.21; 5.212; 5.213; 5.22; 5.22; 6.20; 6.21; 6.211; 6.2112; 6.2113

**Chapter 6 – Human Resources**  
**PHYSICAL EXAMINATIONS 6.171**

The Superintendent may require a physical, psychological, and/or psychiatric examination by a physician licensed in the state of Florida when in the Superintendent's judgment such an examination is relevant to the teaching performance or employment status of a School Board employee. The Superintendent shall select the physician(s), psychologist(s), or psychiatrist(s) and shall pay all costs incurred in the examination(s). The employee shall allow the report of the physician(s), psychologist(s), or psychiatrist(s) to be submitted to the Superintendent with a copy being forwarded to the employee.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1012.32, F.S.**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: NEW**

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**LICENSE OF SCHOOL BUS OPERATOR 6.172\***

Each school bus operator shall possess the minimum qualifications prescribed in School Board Policy, Florida Statutes, State Board of Education rules and other controlling regulations. All school bus operator must pass an annual physical examination administered by a licensed physician as well as the bus driving test administered by the Superintendent's designee.

- (1) All school bus operators shall hold a valid Commercial Driver's License for a Class B vehicle with passenger (P) and school bus (S) endorsements.
- (2) The license shall be displayed in a conspicuous place in the school bus or shall be carried by the driver while operating the bus.
- (4) Any school bus operator who should have known that his/her driver's license has expired or has been suspended or revoked and who drives a bus shall be subject to disciplinary action up to and including dismissal.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 322.57; 1001.43; 1012.45, F.S.**

**49 CFR 350, et al**

**STATE BOARD OF EDUCATION RULES: 6A-3.0141; 6A-3.0171(1)(d)**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: 6.1211**

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### RESPONSIBILITIES OF SCHOOL BUS OPERATORS 6.173\*

- (1) School bus operators shall be responsible for adhering to the requirements of federal laws and regulations, Florida Statutes, State Board of Education rules, driving regulations, School Board policies, District safe driver plan and the adopted District job description.
- (2) Responsibilities shall include, but not be limited to, the following:
  - (a) To maintain an appropriate Florida driver's license.
  - (b) To refrain from driving with an expired, suspended or revoked license.
  - (c) To complete annual school bus operator training.
  - (d) To participate in the substance abuse testing and alcohol detection program required by 49 CFR 382 and 49 CFR 391.
  - (e) To refrain from using a cellular telephone while actively driving a bus.
  - (f) To maintain order and discipline on the bus.
  - (g) To instruct students, teachers, and chaperones who are being transported on field and activity trips regarding the locations and proper use of school bus emergency exits prior to each trip.
  - (h) To perform a complete interior inspection of the bus after each run and trip to ensure that no students remain on the bus.
  - (i) To ensure that no one is on the bus while refueling.
  - (j) To avoid unnecessary idling of the bus while in the vicinity of students.
  - (k) To adhere to the requirements for the reduction of heavy-duty idling.
  - (l) Drivers are required to report any traffic violation, such as speeding, reckless driving, etc., to the director of transportation within 24 hours. This applies to violations that may occur in either a district vehicle or personal vehicle.
- (3) Failure to fulfill the responsibilities of a school bus operator may result in disciplinary action up to and including dismissal.

**STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.**

**LAW(S) IMPLEMENTED: 322.57, 1001.42, 1001.43, 1012.45, F.S. 49 CFR 382, 49 CFR 391**

**STATE BOARD OF EDUCATION RULE(S): 6A-3.0141, 6A-3.0171**

**DEPARTMENT OF ENVIRONMENTAL PROTECTION RULE(S): 62-285.420**

**HISTORY: ADOPTED:**

**REVISION DATE(S): 05/19/09**

**FORMERLY: 7.534**

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### CONTRACTS: INSTRUCTIONAL AND ADMINISTRATIVE PERSONNEL 6.18\*

- (1) Any person employed as a member of the instructional staff shall hold a valid Florida Educator's Certificate or professional license except as noted elsewhere in policy. Any person employed as an administrator shall meet those qualifications as enumerated in the Board adopted job description. All instructional and administrative staff shall be entitled to and shall enter into a written contract with the School Board as provided by law. All contracts shall include the requirements prescribed by the Commissioner of Education. Any member of the instructional or administrative staff who is willfully absent from duty without leave shall forfeit compensation for the time absent, and his / her contract shall be subject to cancellation by the Board.

(a) Contracts with instructional staff.

Each member of the instructional staff shall receive an annual or professional services contract in accordance with the provisions of law. The first ninety-seven (97) days of the initial contract shall be a probationary period during which the employee may be dismissed without cause. The contract shall be in accordance with the duly adopted salary schedule of the Board and shall be for a definite term of service. A true signed copy shall be retained by the Board in the office of the Superintendent.

(b) Contracts with administrative staff.

The first ninety-seven (97) days of the initial contract shall be a probationary period during which the employee may be dismissed without cause. Each member of the administrative staff on initial employment shall be given a written contract for a period not to exceed three (3) years subject to the condition that renewal of the contract from year to year will be based on an annual review of the services rendered and renewed only when acceptable and satisfactory service has been rendered.

When the administrative staff member has rendered three (3) years of satisfactory and acceptable service, the School Board may enter into a contract for a fixed period of time not to exceed three (3) years. Any further renewal of the contract shall be based on a review and evaluation made during the last year of the contract and any additional contract shall be for a period of time not to exceed three (3) years.

- (2) A contract year for principals, other school site administrators and instructional personnel may not exceed ten (10) calendar months of service unless otherwise approved by the School Board.

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**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 120.57; 1001.43; 1012.22;  
1012.32; 1012.33; 1012.56, F.S.**

**STATE BOARD OF EDUCATION RULE: 6A-1.0502, 6A-1.064**

**HISTORY: ADOPTED:**

**REVISION DATE(S): 11/2009**

**FORMERLY:**

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### **PROBATIONARY STATUS FOR NON-INSTRUCTIONAL PERSONNEL 6.181**

Upon initial employment, non-instructional employees shall serve a probationary period as specified in the collective bargaining agreement for that unit of employees.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1012.40, F.S.**

**HISTORY: ADOPTED**

**REVISION DATE(S):**

**FORMERLY: 6.2113**

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### TRANSFERS/REASSIGNMENT 6.182

- (1) The transfer of an employee from one school to another or from one position to another shall be made only on the recommendation of the Superintendent with the approval of the School Board.
- (2) When the employee desires to be transferred from one school to another, a request shall be filed with the Superintendent through the principal or other administrative supervisor.
- (3) The Superintendent shall consider the request and confer with both affected administrative supervisors prior to his recommendation.
- (4) As per 230.33(7) (d), F.S., during an emergency the Superintendent shall recommend employees for transfer and may transfer any employee. The transfer is to be placed on the agenda at the next regular meeting of the School Board.
- (5) Lateral transfers of instructional or administrative personnel is defined as movement from one position to another on the same or a lower line of the organizational chart.
- (6) Lateral transfer of non-instructional/support personnel is defined as movement from one position to another which does not have a subsequent change in salary.
- (7) Administrators/Instructional and Instructional Support personnel may be transferred or reassigned to other positions without advertising if:
  - (a) There is no actual vacancy but the individual is being reassigned to another position within the system on a lateral basis; or
  - (b) There is no vacancy but the individual is being reassigned to another position because of workload, responsibility, and assumption of duties beyond the current position; or
  - (c) If the individual's position itself is being upgraded or
  - (d) If two or more individuals at the same site are exchanging positions and no subsequent reduction in personnel or a vacancy occurs; or
  - (e) If an individual has been filling a part-time position and additional hours are to be added up to the full-time load and the individual meets the qualifications and performance requirements of the position.

## **Chapter 6 – Human Resources**

(8) All employees who have been re-assigned or who are assigned (transferred) to a position with lower pay will be paid on the salary schedule commensurate with the position to which they are assigned.

**STATUTORY AUTHORITY: 1001.41; 1001.42;**

**1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1012.27, F.S.**

**HISTORY: ADOPTED**

**REVISION DATE(S):**

**FORMERLY: 5.24;5.241;5.242**

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### **CERTIFICATION OF ADMINISTRATIVE AND INSTRUCTIONAL PERSONNEL 6.20\***

(1) No person shall be employed or continued in employment if he/she does not hold or is ineligible to hold a Florida Educator's Certificate, a local certificate, or a certificate issued by a Florida school district that has a reciprocal agreement with the School District or holds a professional license.

(2) However, a person may be employed under emergency conditions, pursuant to Florida Statutes, or may qualify as non-certificated instructional personnel pursuant to School Board rules.

(3) The staff member shall be responsible for maintaining a valid certificate. The staff member shall register his/her certificate and each certificate reissuance or renewal in the District office as soon as the Department of Education issues the new validity period on the certificate.

(4) The Superintendent shall designate a certification contact person to work directly with the Bureau of Educator Certification, Florida Department of Education, to assist personnel with certification issues.

(5) An individual nominated for an instructional position shall be properly certificated, be eligible for certification, meet conditions prescribed in State Board of Education rules or qualify for employment or re-employment as a non-degreed vocational education or adult education teacher based on School Board rules.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1011.60; 1012.24;**

**1012.54; 1012.55; 1012.56;**

**1012.57, F.S.**

**STATE BOARD OF EDUCATION RULES: 6A-1.0501; 6A-1.0502; 6A-1.0503**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: 2.311;5.22**

## Chapter 6 – Human Resources

### DISTRICT CERTIFICATES 6.21\*+

The School Board authorizes issuance of School District Certificates to substitute teachers, full or part-time adult education teachers, and full-time and part-time non-degreed vocational education teachers. Each certificate shall bear an effective date of July 1 of the school fiscal year for which it is issued and shall expire on June 30.

(1) The Substitute Orientation and Training Program Certificate shall be valid for five (5) school fiscal years and shall be issued to an individual who meets criteria established for employment in the School Board Rule entitled “Substitute Teachers.”

(2) To re-issue a valid Substitute Orientation and Training Certificate, an individual shall submit an application form to the Superintendent’s office.

(3) To re-issue an expired Substitute Certificate, an individual shall submit, to the Superintendent, an application form and a complete set of fingerprints taken by a law enforcement agency or properly trained District personnel to obtain a records check by the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI). The fingerprint processing fee shall be paid by the individual.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1012.32; 1012.39, F.S.**

**STATE BOARD OF EDUCATION RULE: 6A-1.0502**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: NEW**

## Chapter 6 – Human Resources

### TEACHING OUT-OF-FIELD 6.22

(1) The employment or assignment of out-of-field teachers may occur when a qualified and appropriately certificated teacher is unavailable. Any teacher who is employed or assigned out-of-field shall be required to satisfy the course credit requirement in State Board of Education rule if he or she is appointed in a subsequent school year(s). The deadline for earning the six (6) semester hours of college credit or equivalent in the appropriate field shall be one (1) calendar year from the date of initial appointment to the out-of-field teaching assignment.

(2) Each principal shall report to the Superintendent any teacher who is assigned to teach a subject(s) for which he or she is not properly certificated. Such reports shall be filed at the beginning of each school year and at each semester. The report shall include the following information: teacher's name, the certificate area(s) on the Florida Educator certificate, the out-of-field assignment, and the justification. The School Board minutes shall reflect such approvals.

(3) Recommendations will be given to a teacher to assist in meeting in-field certification requirements.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**  
**LAWS IMPLEMENTED: 1001.43; 1012.42; 1012.55; 1012.57, F.S.**  
**STATE BOARD OF EDUCATION RULE(S): 6A-1.0503**  
**HISTORY: ADOPTED:**  
**REVISION DATE(S):**  
**FORMERLY: NEW**

## Chapter 6 – Human Resources

### PROFESSIONAL ETHICS 6.27

- I. An effective educational program requires the services of personnel of integrity, high ideals, and human understanding. All employees shall be expected to maintain and promote these qualities. The Board shall also expect all administrative, instructional and support staff members to adhere to the *Code of Ethics of the Education Profession in Florida* and the *Principles of Professional Conduct for the Education Profession in Florida*.
- II. Administrative and instructional personnel, as defined by Florida Statute, shall be required to complete training on these ethical standards. All other employees shall be encouraged to participate in training related to professional ethics.
- III. All employees shall be responsible for reporting misconduct by School Board employees that affects the health, safety or welfare of a student.

**STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED: 112.313, 1001.42, 1012.01, 1012.22, 1012.27, 1012.796, F.S.**

**STATE BOARD OF EDUCATION RULE(S): 6B-1.001, 6B-1.006**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

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### REPORT OF MISCONDUCT 6.29

The School District of Jackson County shall adhere to all requirements related to employee misconduct that affects the health, safety or welfare of a student.

#### I. Mandatory Reporting of Misconduct

It is the duty of all employees to report to the Superintendent alleged misconduct by any School Board employee that affects the health, safety or welfare of a student. Failure of an employee to report such misconduct shall result in disciplinary action.

#### II. Investigation

The Superintendent shall immediately investigate any allegation of misconduct by an employee that affects the health, safety or welfare of a student.

- A. An employee who is alleged to have committed such misconduct shall be reassigned to a position not requiring direct contact with students pending the outcome of the investigation.
- B. Information related to the alleged misconduct shall be considered confidential during the investigation.
- C. The Superintendent shall report alleged misconduct to the Department of Education as required by Florida Statutes.

#### III. Legally Sufficient Complaint

The Superintendent shall file any legally sufficient complaint with the Department of Education within thirty (30) days after the date the District became aware of the subject matter of the complaint. A complaint is considered to be legally sufficient if it contains ultimate facts that show that an instructional or administrative employee has committed a violation as provided in 1012.795, F.S., and defined by State Board of Education rule.

#### IV. Resignation or Retirement in Lieu of Termination

If an instructional or administrative employee resigns or retires in lieu of termination for misconduct that affects the health, safety or welfare of a student, the Superintendent shall report the misconduct to the Department of Education as required.

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### V. Employment Reference

A representative of the School District shall not provide an employment reference or discuss the performance of an employee with a prospective employer in an educational setting without disclosing the person's misconduct that affected the health, safety or welfare of a student. A District official shall not enter into any confidentiality agreement regarding terminated or dismissed personnel or personnel who resigned or retired in lieu of termination.

### VI. Notification

The policies and procedures for reporting alleged misconduct by employees that affects the health, safety or welfare of a student shall be posted in a prominent place at each school and on each school's website. The notice shall include the name of the person to whom the report is made and the consequences for misconduct.

### VII. Protection from Liability

- a. Any individual who reports in good faith any act of child abuse, abandonment or neglect to the Department of Children and Family Services or any law enforcement agency shall be immune from any civil or criminal liability that might result from such action.
- b. An employer who discloses information about a current or former employee to a prospective employer, at the employee's request or at the prospective employer's request, shall be immune from civil liability for such disclosure as provided by Florida Statute.

### VIII. False or Incorrect Report

The Superintendent, a Board member or any District official shall not sign and/or transmit any report regarding employee misconduct to a state official that he/she knows to be false or incorrect. An individual who knowingly makes a false or incorrect report shall be subject to disciplinary action as prescribed by Florida Statute.

**STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED: 39.203, 112.313, 768.095, 1001.42, 1006.061, 1012.01, 1012.22, 1012.27, 1012.795, 1012.796, F.S.**

**STATE BOARD OF EDUCATION RULE(S): 6B-1.001, 6B-1.006**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

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### **VIOLATION OF LOCAL, STATE, AND/OR FEDERAL LAWS 6.30**

(1) Anyone known to be violating a local, state, and/or federal law on School Board property or at a school function will be subject to referral for prosecution to the appropriate law enforcement agency. The referral process will be subject to Florida Statutes and School Board rules.

(2) An employee in violation of the reporting requirements of this policy may be subject to disciplinary action by the Superintendent or Board up to or including dismissal.

(3) As required by the provisions of State Board of Education Rule 6B-1.006(5), The Principles of Professional Conduct of the Education Profession in Florida, and Florida Statutes, professional employees and non-instructional and contractual personnel who have direct contact with students or who have access to or control of funds are required to self-report within forty-eight (48) hours to Superintendent/designee any arrests/charges involving the abuse of a child, the sale and/or possession of a controlled substance or any disqualifying offense. 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, self-reporting shall also be required for any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or *nolo contendere* for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment.

(4) When handling sealed and expunged records disclosed under this rule, school districts shall comply with the confidentiality provisions of Sections 943.0585(4)(c) and 943.059(4)(c), Florida Statutes.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 887.13; 943.0585(4)(C);**

**943.059(4)(C); 1001.41; 1001.43;**

**1006.145; 1012.22; 1012.27; 1012.465, F.S.**

**STATE BOARD OF EDUCATION RULES: 6B-1.006(5)**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: 1.57;2.16;2.27;2.34;2.46;5.26**

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### **RECORDS AND REPORTS 6.31\***

All School Board employees shall faithfully and accurately maintain records and file reports as may be required by Florida Statutes, State Board of Education rules, and School Board rules, or as the Superintendent may deem necessary for the effective administration of the District school system. Such records shall include student attendance, property inventory, personnel, school funds and other types of information. Reports shall be submitted on forms prescribed for such purposes at designated intervals or on specified dates. All such reports shall be filed by the designated time. The Superintendent may withhold any salary warrants until the required report is submitted in acceptable form. School Board employees who resign shall receive the final salary warrant when all reports are current and officially checked.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1012.22; 1012.53, F.S.**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: 1.771;1.7724;1.773;3.444**

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### EMPLOYEE USE OF CELLULAR TELEPHONES 6.321

It is the policy of the School Board to provide selected employees cellular telephones in support of fulfilling their assigned duties. In order to ensure that cellular telephones are used only for the benefit of the School District, the following conditions shall exist:

- (1) Personal calls or calls unrelated to school business are prohibited except in emergency situations or as authorized by the Superintendent.
- (2) Should a personal call be made or received and the cost charged to the District, the employee shall reimburse the District for the actual cost.
- (3) The use of a cellular telephone by any school bus operator while actively driving the bus is prohibited.
- (4) In case of an emergency, the school bus operator shall pull off the road to a safe location before using the cellular telephone.
- (5) Employees will be informed of the Internal Revenue Service considers the issue of a cellular telephone as a fringe benefit.

Failure to follow this policy may result in disciplinary action including suspension or termination from employment.

**STATUTORY AUTHORITY: 1001.41, 1001.42, 1012.22, 1012.23, F.S.**

**LAW(S) IMPLEMENTED: 1001.43, 1012.27, F.S.**

**HISTORY: ADOPTED:**

**FORMERLY: NEW**

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### ALCOHOL AND DRUG-FREE WORKPLACE 6.33+

- (1) No employee shall possess, consume or sell alcoholic beverages or be under the influence of alcohol on the job or in the workplace.
- (2) No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of, on the job or in the workplace, any narcotic, drug, amphetamine, barbiturate, marijuana or any other controlled substance, as identified in the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulations at 21 CFR 1300 or Florida Statutes, Chapter 893, without a valid prescription.
- (3) The appropriate use of legally prescribed drugs and nonprescription medication is not prohibited. However, it is the employee's responsibility to inform the physician of the employee's job duties and to ask the prescribing physician to determine whether or not the prescribed drug may impair the employee's job performance. It is the employee's responsibility to remove himself/herself from service if unfit for duty.
- (4) An employee in a safety sensitive position must obtain a written release from the prescribing physician if he/she has prescribed any substance that carries a warning label indicating that mental functioning, motor skills, or judgment may be adversely affected. The release must state that the employee is able to perform safety sensitive functions.
- (5) "Workplace" is defined as the site for the performance of work done in connection with the duties of an employee of the School Board. That term includes any place where the work of the school district is performed, including a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; or any off-school property during a school-sponsored or school-approved activity, event or function, such as a field trip, workshop or athletic event.
- (6) As a condition of employment, each employee will:
  - (a) Pass a pre-employment drug test as a prerequisite to actual employment. Positive results may be grounds for termination and the individual's employment may be rescinded.
  - (b) Notify the Superintendent of any controlled substances prescribed for the job applicant by a physician or dentist before the applicant is tested.
  - (c) When employed, abide by the terms of this policy, and
  - (d) Notify the Superintendent of any criminal drug statute arrest or conviction for a violation occurring on the premises of the School Board, at the workplace, or during the conduct of any official activity related to the School Board within forty-eight (48) hours. Professional employees must be in compliance with 6.30, sections (2) and (3).

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- (e) Employees who are undergoing rehabilitation, counseling or other treatment for drugs or alcohol which is known to or required by the Superintendent, or other member of management, as a condition of continued employment, shall authorize the Superintendent to obtain all information from any source, including medical or psychological reports relating directly to the problem, the employee shall be required to follow the instructions of those providing assistance, including doctors and psychologist they may be required to see by the Superintendent.
- (f) Unless the law or a specific JCSB Policy provides otherwise, the cost of any assistance or rehabilitation not covered by Group Medical and Health Insurance provided by the JCSB, shall be borne by the employee. Any required follow-up testing shall be at the expense of the JCSB.

(7) The School Board shall:

- (a) Notify the appropriate agency within ten (10) days after receiving such notice from an employee of an arrest or conviction or otherwise receiving actual notice of such and,
- (b) Take one of the following actions, within thirty (30) days of receiving such notice, with respect to any employee who is so convicted:
  - (i) Require such an employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency; or,
  - (ii) If the employee fails to participate satisfactorily in such program, the employee may be non-renewed or his or her employment may be suspended or terminated, at the discretion of the School Board; or,
  - (iii) Take appropriate personnel action against such an employee, up to and including termination.

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(c) Test any employee under the circumstances listed below:

(i) When an employee is involved at any time directly in a serious or reportable equipment or vehicular work-related accident, or in any maintenance or operation of JCSB equipment or vehicles in which the employee incurs an injury.

(ii) When a supervisory employee has reasonable suspicion to believe that an employee is in violation of this policy. Reasonable suspicion will be based upon:

- Observable phenomena while at work, such as direct observation of drug use or the physical symptoms or manifestation of being under the influence of a drug.
- Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- A report of drug use, provided by a reliable and credible source, which has been independently corroborated.
- Evidence that an individual has tampered with a drug test during his employment with JCSB.
- Information that an employee has caused or contributed to, an accident while at work.
- Evidence that an employee has used possessed, sold, solicited or transferred drugs while working or while on School Board property or premises or while operating a School Board vehicle, machinery or equipment.

(d) The observations, on which reasonable suspicion for alcohol is based, must be made during, just before or just after the period of the work day the affected employee is required to be in compliance, and during the work day of all other employees.

(e) Conduct random testing of the employees who perform safety sensitive functions and who are required to hold a commercial drivers license as a condition of employment. (Omnibus Transportation Employee Testing Act).

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(f) Adhere to the following in conducting random testing: The District shall ensure that the tests are unannounced and spread reasonable throughout the year. Individuals scheduled for a random test will be provided a notification/consent form by the supervisor and must report immediately to be tested. Refusal to do so will be treated as a positive result and an employee governed by Omnibus Transportation Employee Testing Act will be removed from duty, and given the option of taking sick leave or leave without pay until the next regularly scheduled Board meeting at which time they will be subject to disciplinary action up to and including termination as allowed by law. The School Board will review each case and a recommendation will be made on the merits of each. Other employees will be subject to Florida Statutes and/or governing documents that may supersede this policy. The employee will be referred to a substance abuse professional for an evaluation and treatment if indicated by the substance abuse professional. The employee will assume the cost of the referral, and treatment. The employee will be given a list of substance abuse professionals from which he/she may choose. An employee will not be returned to duty after a positive test result, until the substance abuse professional has contacted the supervisor and submitted a written statement that it is safe for the employee to return, and that the employee has followed or is satisfactorily participating in the prescribed rehabilitation program.

### (8) Procedures

The Superintendent is authorized to adopt procedures to ensure notification and compliance with this policy as well as the specific procedures for implementation consistent with the Omnibus Transportation Employee Testing Act.

### (9) Employee Assistance

(a) Self-Referral. Employees who have a drug or alcohol related problem may seek assistance themselves. Self referrals will be confidential to the extent required or allowed by law; unless the medical provider or specialist determines the problem is of such magnitude that failure to report it to the Superintendent would constitute a safety or serious operational problem.

(b) Referral by Supervisor. If an employee voluntarily reports a drug or alcohol related problem to a supervisor, unless the problem is determined by the Superintendent to be of such a magnitude as to constitute a safety or serious operational problem, the Superintendent shall refer the employee for appropriate assistance. Such referrals will be confidential except that the specialist shall keep the Superintendent, or the Superintendent's designee, advised as to the progress of the assistance plan for the employee.

(c) Others. Employees who violate this policy, who have not sought voluntary assistance or reported their problem to their supervisor, under paragraphs (a) and/or (b) above shall be subject to immediate disciplinary action up to and including termination of employment. The action will be governed by Florida Statutes, this policy and/or other governing documents which supersedes this policy.

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### **(10) Performance Appraisal**

- (a) The performance evaluation of employees covered by paragraph (7) (a) and (b) will not be adversely affected by their participation in a rehabilitation program. If the supervisor determines they can perform satisfactorily, they may be allowed to continue to work while receiving assistance under conditions and restrictions agreeable to the Superintendent or his designee.
  
- (b) If the supervisor determines an employee covered by paragraph (7) (a) or (b) cannot perform the functions of the job, the Superintendent shall take, or recommend to the JCSB, appropriate action consistent with all due process procedures and Florida Statutes or other governing documents, which may supersede this policy.

**STATUTORY AUTHORITY: 893.01; 1001.41; 1012.22;  
1012.23; 1012.27, F.S.**

**LAWS IMPLEMENTED: 440.102; 1001.41; 1001.43; 1012.795, F.S.**

**DRUG FREE WORKPLACE ACT OF 1988;  
34 CFR PART 85, SUBPART F**

**HISTORY: ADOPTED:**

**REVISION DATE(S): 05/19/09**

**FORMERLY: 5.53; 5.54; 5.55; 5.551; 5.552; 5.553; 5.554; 6.53; 6.54; 6.55; 6.551; 6.552;  
6.553; 6.554**

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### POLITICAL ACTIVITIES OF EMPLOYEES 6.34

(1) An employee or officer of the Jackson County School Board while in the performance of official duties, shall not:

- (a) Solicit support of any political candidate, partisan or non-partisan, during regular work hours.
- (b) Participate in any political campaign for an elective office while on duty or within any period of time during which the employee is expected to perform services for which he or she receives compensation.
- (c) Use his or her official authority or influence for the purpose of interfering with an election or coercing or influencing another person's vote, or to secure support for, or oppose, any candidate, party or issue or affect the results thereof.
- (d) Coerce or attempt to coerce any other employee or officer to pay, lend, or contribute any part of his or her salary, money or anything else of value to any party, committee, organization, agency, or person for political purposes.
- (e) Engage in any campaign activities that will interfere with the performance of school district duties.
- (f) Distribute or display campaign materials on Jackson County School Board property. This includes but is not limited to distribution of pamphlets or flyers, displaying posters, or wearing clothing, campaign buttons or other items with a candidate's name or logo displayed. This policy shall not be interpreted to prohibit employees and officers from displaying campaign materials such as: magnetic signs, bumper stickers or other political advertisements on personal vehicles.

(2) A School Board employee who offers himself/herself as a candidate for public office shall notify the Superintendent immediately upon qualifying for election. He/she shall conduct his/her campaign so as not to interfere with his/her responsibilities.

- (a) Personal leave with or without pay may be taken during the campaign period.
- (b) Such candidate shall adhere strictly to Florida Statutes governing political activity on the part of public officials and public employees.
- (c) A successful candidate for an office requiring a part-time responsibility shall report immediately to the Superintendent after the election and thereafter, when deemed necessary by the Superintendent or School Board, to evaluate

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the compatibility of the dual responsibility and the need for personal leave without pay.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 104.31; 106.15; 1001.43, F.S.**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: NEW**

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### GRIEVANCE PROCEDURES FOR PERSONNEL 6.35\*

Whenever an employee feels that he/she has a complaint, every effort is to be made to arrive at a satisfactory resolution of the problem on an informal basis. When this cannot be done, employees not covered by a collective bargaining complaint procedure or alleging discrimination or harassment, can resort to the more formal procedures as provided herein.

#### (1) Definitions:

(a) “Complaint” shall mean any dispute or disagreement involving the interpretation or application of any existing Board rule or practice. It does not include disputes involving the interpretation or application of a collective bargaining agreement, or any provision thereof. Such disputes must be resolved through the grievance procedure in the bargaining agreement.

(b) “Complainant” shall mean any employee, or group of employees, directly affected by the alleged misinterpretation or violation, filing a complaint.

(c) “Employer” shall mean the School Board or its representatives.

(d) “Day” shall mean a working day.

(2) Time Limits - The number of days indicated at each level is to be considered the maximum. Time limits may be extended by mutual agreement between the parties.

(3) Released Time - The complaint procedure will normally be carried out during non-work time. If, however, the Board elects to carry out provisions during work time, the complainant shall lose no pay.

#### (4) Complaint Procedure:

(a) Informal discussion - If an employee believes there is a basis for complaint, he or she shall discuss the complaint with his or her immediate supervisor (except in cases of discrimination or harassment allegations involving the supervisor, in which case they shall report to the Equity coordinator) within five (5) days the occurrence of the alleged violation except in cases involving harassment or discrimination in which sixty (60) days will be allowed.

(b) Level one - If the complainant is not satisfied with the informal resolution he or she may, within ten (10) days, file a formal complaint on the proper form and deliver it to his or her immediate supervisor or designee. The supervisor or designee shall communicate his or her answer in writing to the complainant within ten (10) days after receipt of the complaint. Class complaints involving

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more than one (1) supervisor and complaints involving an administrator above the building level may be filed by the complainant at level two.

(c) Level two - If the complainant is not satisfied with the resolution at level one he or she may, within ten (10) days of the answer, file a copy of the complaint with the Superintendent. Within ten (10) days of receipt of the complaint the Superintendent shall indicate his or her disposition in writing to the complainant.

(d) Final decision - The Superintendent's decision shall be final and not open to appeal.

(5) Confidentiality and protection from retaliation will be provided to the extent possible to any employee, applicant or affected party who alleges discrimination or harassment.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 447.401; 1001.43; 1001.49;**

**1012.22, 1012.27, F.S.**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: 1.44;5.263; NEW**

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### COMPLAINTS AGAINST EMPLOYEES 6.36\*+

- (1) Any complaint involving serious charges against an employee of the School Board shall be referred to the Superintendent and shall be investigated by him/her.
- (2) Any formal complaint against an employee, which involves serious charges, shall be in writing and shall bear the signature of the person making the complaint.
- (3) When Board action is required, the Superintendent shall report the results of his/her investigation to the Board.
- (4) The Superintendent/designee shall report to the Department of Education legally sufficient complaints within thirty (30) days after the date on which the complaint comes to the attention of the school district.
- (5) The Superintendent shall develop procedures to comply with the reporting requirements for legally sufficient complaints.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1012.22; 1012.796, F.S.**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: 5.263**

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### SUSPENSION AND DISMISSAL 6.37

(1) No employee may be suspended from duty except by the Superintendent or the School Board. The Superintendent may suspend a member of the staff during an emergency for a period extending to and including the next meeting of the School Board or in accordance with the provisions of Rule 6.33.

(2) In the case of a suspension without pay by the School Board, an affected employee shall be entitled to a hearing on the charges as to why he/she should be suspended without pay. Said hearing shall be upon reasonable notice by the School Board.

(3) If any dismissal proceeding in which the substantial interest of the employee is affected, or in which the employee has a property interest, the employee shall be entitled to a hearing on the merits of the case in accordance with the provisions of Chapter 120, Administrative Procedures Act.

(4) In the event an employee is entitled to a hearing, the Superintendent shall notify the affected employee in writing of his/her right to a hearing at the time a petition for suspension or dismissal is filed. The petition for suspension or dismissal must set forth the charges against the employee and shall further notify the employee that in the event a written request for a hearing is not received by the Superintendent within ten (10) days after receipt of said notice, that the employee waives his/her right to a hearing. In the event no such notice is sent by the Superintendent, the employee shall be deemed to have requested a hearing.

(5) In the event a hearing is required as prescribed by law, pursuant to this policy, a written notice of hearing shall be furnished to the employee in a timely manner according to law stating the date, place and time of the hearing.

(6) No member of the staff may be dismissed except by action of the School Board.

(7) Dismissal during the term of a contract of a staff member shall be for cause. Such dismissal shall include:

(a) For an employee holding a continuing contract or its equivalent:

- (i) Immorality;
- (ii) Misconduct in office;
- (iii) Incompetence;
- (iv) Gross insubordination;
- (v) Willful neglect of duty;
- (vi) Conviction of any crime involving moral turpitude; or,
- (vii) Other actions which substantially impair the effectiveness of the employee.

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(b) For an instructional employee holding a professional service contract or permanent status:

- (i) Misconduct in office;
- (ii) Incompetency;
- (iii) Gross insubordination;
- (iv) Willful neglect of duty;
- (v) Conviction of a crime involving moral turpitude; or,
- (vi) Other actions which substantially impair the effectiveness of the employee.

(c) For an employee holding an annual or multi-year contract:

- (i) Immorality;
- (ii) Misconduct in office;
- (iii) Incompetency;
- (iv) Gross insubordination;
- (v) Willful neglect of duty;
- (vi) Drunkenness;
- (vii) Conviction of a crime involving moral turpitude; or,
- (viii) Other actions which substantially impair the effectiveness of the employee.

(d) For an employee holding an annual contract or its equivalent:

- (i) Misconduct in office;
- (ii) Incompetence;
- (iii) Gross insubordination;
- (iv) Willful neglect of duty;
- (v) Conviction of a crime involving moral turpitude; or,
- (vi) Other actions which substantially impair the effectiveness of the employee.

(e) Other actions which substantially impair the effectiveness of any employee include but are not limited to the following:

- (i) Inappropriate sexual conduct including, but not limited to lewd and lascivious behavior, indecent exposure, solicitation of prostitution, sexual battery, possession or sale of pornography involving minors or sexual relations with a student;
- (ii) Possession, sale, use or being under the influence of controlled substances;
- (iii) Committing or conviction\* of a criminal act (felony);

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- (iv) Committing or conviction\* of a criminal act (misdemeanor);
- (v) Possession of guns or weapons on School Board property;
- (vi) Alcohol related offenses;
- (vii) Driving under the influence of alcohol;
- (viii) Misuse of corporal punishment or inappropriate method of discipline;
- (ix) Falsification or alteration of employment paperwork, district forms or documents or certification;
- (x) Incompetence;
- (xi) Using position for personal gain;
- (xii) Harassment or discrimination of a student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, disability, sexual orientation or social and family background;
- (xiii) Harassment or discrimination which interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive or oppressive environment;
- (xiv) Inappropriate or disparaging remarks to or about students or exposing a student to unnecessary embarrassment or disparagement;
- (xv) Inappropriate relationship with a student;
- (xvi) Inappropriate interactions with colleagues including, but not limited to physical or verbal altercation;
- (xvii) Misappropriation of funds or theft of personal property;
- (xviii) Excessive absenteeism or tardiness;
- (xix) AWOL or abandonment of job;
- (xx) Failure to correct performance deficiencies;
- (xxi) Insubordination, which is defined as a continuing or intentional failure to obey a direct order, reasonable in nature, and given by and with proper authority;

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(xxii) Misconduct or misconduct in office;

(xxiii) Unauthorized use, theft or vandalism of School Board property.

(xxiv) Failure to comply with School Board policy, state law, or appropriate contractual agreement;

(xxv) Safe Driver Plan (Transportation Dept only); or

(xxvi) Smoking on School Board property.

\*Conviction is defined as a finding of guilt, a plea of guilty, a plea of Nolo Contendere or entering a pre-trial intervention program, whether or not there is a formal adjudication of guilt.

(f) Failure to include a particular act or type of conduct does not preclude the Board from disciplining an employee for such omitted act or conduct if it otherwise constitutes one of the grounds listed in Section 1012.33, F.S., or other Florida Statutes.

(8) The Superintendent or designee shall be authorized to investigate and take action on a complaint against a person who has an expired Florida Educator's Certificate and has committed an act during the validity period of this certificate. Pursuant to Florida statutes, all legally sufficient complaints shall be filed within thirty (30) days of said complaint that is brought to the Superintendent's attention.

(9) The Superintendent shall notify the Florida Department of Education of instructional personnel who have received two (2) consecutive unsatisfactory annual evaluations and have been given written notice and intent that his / her employment is being terminated or non-renewed.

(10) Non-renewal of employees during their probationary period or upon expiration of a time-limited contract shall not be considered dismissal and shall not be subject to this policy.

(11) Any provision in the Collective Bargaining Agreement, which is contrary, shall supersede this policy.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: CHAPTER 120.790.15; 1001.43; 1012.22; 1012.27; 1012.33; 1012.795, F.S.**

**STATE BOARD OF EDUCATION RULES: 6B-4.009**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

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**FORMERLY: 2.3122;2.3212;5.26;5.261;5.262;5.263;6.23**

### **ASSESSMENT OF EMPLOYEES 6.40+**

The Superintendent shall develop or select personnel performance assessment systems for all staff. Each member of the staff shall receive an annual evaluation by his immediate administrative supervisor. The purpose of the evaluation shall be to improve the services of personnel in all departments. The administrative supervisors and department heads shall use the evaluation form provided by the Superintendent.

- (1) A copy of each employee's evaluation report shall be filed in the District Personnel office.
- (2) The assessment of all employees shall be based on observations of the individual's work by his/her immediate supervisor and shall be made at least once each year prior to re-appointment.
- (3) The Superintendent shall arrange for the assessment of all principals, supervisors and administrative personnel as required by law.
- (4) The principal and/or administrator supervising personnel shall arrange for the assessment of all employees under his supervision as required by law.
- (5) Prior to preparing the written report of the assessment, the individual being assessed shall be informed as to the criteria and the procedure to be used.
- (6) The written report of the assessment shall be reviewed with the employee and discussed with him/her by the person who made the assessment.
- (7) An employee may respond to an assessment in the manner provided by law or other approved procedures.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1008.36; 1012.22;**

**1012.27; 1012.34, F.S.**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: 2.25;2.316;2.325;2.45;5.33;6.35**

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### **INSTRUCTIONAL EMPLOYEE PERFORMANCE CRITERIA 6.41\***

The Superintendent or designee shall develop and present, for School Board approval, instructional employee performance criteria and/or measures. Such performance criteria and/or measures shall be consistent with statutory requirements, but may include additional elements as deemed appropriate.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1008.36; 1012.22;**

**1012.27; 1012.34, F.S.**

**STATE BOARD OF EDUCATION RULE(S): 6B-4.010**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: 5.31;5.33**

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### LEAVE OF ABSENCE 6.50\*+

(1) Leave of absence. A leave of absence is permission granted by the School Board or allowed under its adopted policies for an employee to be absent from duty for a specified period of time with the right to return to employment upon the expiration of leave. Any absence of a member of the non-instructional staff from duty shall be covered by leave duly authorized and granted. Leave shall be officially granted in advance and shall be used for the purposes set forth in the leave application. Leave for sickness or other emergencies may be deemed to be granted in advance if prompt report is made to the proper authority. No leave will be granted for a period in excess of one year, during a fiscal year. Leave may be with or without pay as provided by law, regulations of the State Board and these rules. For any absence that is without pay, the deduction for each day of absence shall be determined by dividing the annual salary by the number of days/hours for the employment period.

(2) The Superintendent shall develop procedures to implement leave provisions.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1012.22; 1012.61;**

**1012.63; 1012.64; 1012.66, F.S.**

**STATE BOARD OF EDUCATION RULE: 6A-1.080**

**HISTORY: ADOPTED:**

**REVISION DATE(S): 05/19/09**

**FORMERLY: 2.23; 2.314; 2.323; 5.40; 5.41; 5.42; 6.40; 6.41; 6.42**

## **Chapter 6 – Human Resources**

### **LEAVE APPLICATION 6.501\***

An application for leave shall be in writing and on the form prescribed by the School Board and shall be directed to the School Board. The principal or supervisor, or other person under the direct supervision of the Superintendent, shall submit any leave application directly to the Superintendent. Leave granted for a school year or for the remaining part thereof will expire at the end of the school year or school fiscal year for which such leave is granted.

A District employee having leave for the year or for the remaining part thereof, who plans to return to duty the next school fiscal year, shall send a copy of such notice to the administrative supervisor by May 1 of that fiscal year. Return to employment is contingent upon an open position being available.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1012.66, F.S.**

**STATE BOARD OF EDUCATION RULE:**

**HISTORY: ADOPTED:**

**REVISION DATE(S): 05/19/09**

**FORMERLY:2.23;2.314;2.323;5.40;5.41;5.42;6.40;6.41;6.42**

## **Chapter 6 – Human Resources**

### **APPROVAL OF LEAVES 6.502\***

All requests for leave shall be submitted on the proper form and shall be approved either by the School Board or the Superintendent as provided herein.

- (1) The following types of leave require approval of the School Board:
  - (a) Extended Health Leave or Disability Leave including Maternity Leave
  - (b) Military Leave in excess of seventeen (17) days
  - (c) Personal Leave without pay in excess of seventeen (17) days
  - (d) Illness-or-Injury-in-Line-of-Duty Leave in excess of ten (10) days during any school year
  - (e) Leave to seek political office
  - (f) Professional Leave without pay in excess of six (6) days
  - (g) Family and Medical Leave
- (2) The Superintendent is authorized to grant the following types of leave:
  - (a) Sick Leave
  - (b) Illness-or-Injury-in-Line-of-Duty Leave not to exceed ten (10) days during any School year
  - (c) Personal Leave with pay not in excess of six (6) days
  - (d) Personal Leave without pay not in excess of seventeen (17) days at any one time
  - (e) Annual Leave
  - (f) Professional Leave without pay not to exceed six (6) days
  - (g) Jury Duty assignment
  - (h) Military Leave not to exceed seventeen (17) days within a school year
  - (i) Witness Duty absence
  - (j) Temporary Duty elsewhere

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**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1012.22; 1012.61;**

**1012.63; 1012.64; 1012.66, F.S.**

**STATE BOARD OF EDUCATION RULE: 6A-1.080; 6A-1.081;**

**6A-1.082; 6A-1.084**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY:**

**2.314;2.3142;2.315;2.3151;2.3152;2.3231.2.3232;2.3241;5.421;5.422;5.423;5.424;5.425;5.426;5.427;5.428;5.43;5.431;6.41;6.42;6.421;6.422;6.423;6.4231;6.424;6.425;6.426;6.43;6.443**

## Chapter 6 – Human Resources

### NOTIFICATION OF ABSENCE 6.51\*

(1) The principal shall notify and submit the appropriate leave form to the Superintendent when he/she plans to be away from school for a half-day or longer. The principal shall designate a responsible member of the administrative or instructional staff to be in charge during his/her absence. Where possible, the name of the person to be in charge of the school when the principal is absent shall be submitted to the Superintendent each year prior to the close of the pre-school conference.

(2) An employee who is absent from duty for any reason shall notify the principal or his/her immediate supervisor as early as possible. Such notification shall be given in advance unless conditions beyond the control of the employee make such advance notification impossible.

(3) In an extreme emergency, the principal may authorize the absence of an employee without pay for a period not to exceed ten (10) days; provided, such authorized absence is immediately reported to the Superintendent.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1012.22; 1012.66; 1012.67, F.S.**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: 2.314;2.323;5.41;5.42;6.41;6.42**

## Chapter 6 – Human Resources

### **ABSENCE WITHOUT LEAVE 6.511\***

(1) Administrative and instructional - Any member of the administrative or instructional staff who is willfully absent from duty without leave shall forfeit compensation for the time of the absence and the employee's contract shall be subject to cancellation by the School Board. In addition, such absence without leave shall interrupt continuity of service.

(2) Non-instructional - Any other employee who is willfully absent from duty without leave shall be subject to dismissal from employment and shall forfeit compensation for the time of the absence.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1012.33;**

**1012.66; 1012.67, F.S.**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: 5.41;6.41**

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### RESIGNATIONS 6.52

(1) Any administrative or instructional staff member who wishes to resign shall submit his/her resignation in writing addressed to the immediate supervisor. The letter of resignation shall state the reasons for the resignation and the desired effective date. The resignation of any administrative or instructional staff member shall be sent to and countersigned by the person's administrative supervisor who shall forward the resignation to the Superintendent for presentation to the School Board. No resignation shall become effective until accepted by the Superintendent on behalf of the School Board. The School Board hereby delegates the authority to accept resignations to the Superintendent or Deputy Superintendent.

(a) The resignation of an administrative or instructional staff member may be accepted during the contractual period of service; provided that an acceptable reason is given and a qualified and satisfactory replacement is available. Any resignation for an ensuing school year shall be accepted without question if submitted prior to June 20 of the current school year.

(b) All resignations shall be processed through the Superintendent's office.

(c) An employee who violates the terms of an employment agreement or written contract by leaving his/her position without first being released from the agreement or contract by the School Board shall be subject to the jurisdiction of the Education Practices Commission. When this occurs, the Superintendent shall be responsible for notifying the Commissioner of Education about the School Board's action of declaring the position as abandoned and vacant.

(2) A non-instructional employee who wishes to resign shall submit his/her resignation in writing addressed to immediate supervisor. Whenever possible, two (2) weeks prior notice shall be given. The letter of resignation shall state the reason for the resignation and the desired effective date. A resignation of an employee shall be sent to and countersigned by his/her immediate administrative supervisor. The resignation shall be submitted to the School Board at its next regular or special meeting. No resignation shall become effective until accepted by the School Board; the School Board may refuse to accept any resignation for cause.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1012.22; 1012.23;**

**1012.33; 1012.34; 1012.795, F.S.**

**HISTORY: ADOPTED: REVISION DATE(S):**

**FORMERLY: 5.27;6.23**

## Chapter 6 – Human Resources

### **EFFECTIVE DATE FOR LEAVE, SUSPENSION, OR TERMINATION 6.521\***

The effective date of any employment termination or unpaid leave of absence shall be at the close of the employee's last work day. The effective date of any suspension or paid leave of absence shall be the first day on which a School Board employee does not work. The following provisions apply to paid benefits for a holiday(s):

(1) An employee who terminates employment and does not work on the first day following a holiday(s) shall not receive pay for the holiday(s). The termination date shall be considered the last work day on which the employee is paid prior to the holiday(s).

(2) An employee who is on School Board approved leave without compensation and is not returning to work the first work day following the holiday(s) shall not receive pay for the holiday(s) when the effective date for leave is the last work day prior to the holiday(s).

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1011.60; 1012.22, F.S.**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: NEW**

## Chapter 6 – Human Resources

### RETIREMENT OF EMPLOYEES 6.53

(1) Any employee who plans to retire shall concurrently submit his/her resignation to the School Board and his/her application to the retirement system for retirement benefits. Employees are encouraged to submit the resignation and application form at least ninety (90) days in advance of the retirement date to ensure the retirement check is issued the month following the last month of service with the School Board.

(2) The School Board will recognize and accept up to ten (10) years of full-time public school teaching service earned in or out of the state of Florida for which instructional staff, supervisors and/or school principals received a satisfactory performance evaluation.

(3) Retired support professionals who are re-employed on a contractual basis shall be placed on the salary schedule with no credit for pre-retirement experience. All participants in DROP will continue to be paid for their prior experience.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1012.23, F.S.**

**HISTORY: ADOPTED:**

**REVISION DATE(S): 04/14/03; 08/15/05**

**FORMERLY: 2.28;2.317;5.3213;5.32243;6.33241**

## Chapter 6 – Human Resources

### DEFERRED RETIREMENT OPTION PROGRAM (“DROP”) 6.531

The Deferred Retirement Option Program (“DROP”) as defined in chapter 121, Florida Statutes, is an alternative method of deferred payment of retirement benefits for up to 60 or 96 months after an eligible member of the Florida Retirement System reaches his/her normal retirement date but wishes to continue employment with a Florida Retirement System employer. In order to participate, the employee must submit a binding letter of resignation, establishing a deferred termination date. DROP will allow the participant to defer all retirement benefits payable during the DROP period. Upon termination of DROP, the participant will receive the DROP benefits and their regular retirement benefits under Chapter 121, Florida Statutes.

(1) Participation in DROP. All members of the Florida Retirement System are eligible for DROP. Members electing to participate in DROP must meet the eligibility and timeline requirements outlined in Florida Statute.

(2) Benefits Payable – Sick Leave: Employees will be paid terminal pay for accumulated sick leave at termination of employment, or, if service is terminated by death, to his/her beneficiary. Payment will be made as per Board Policy 6.912.

(3) Sick leave will be earned during DROP as prescribed by state statutes. Accumulated sick leave earned during DROP participation will be paid to the employee at the end of their DROP participation at the current daily rate of pay.

(4) It is in the intent of this policy that an individual entering DROP will be allowed to use sick leave which was accrued prior to their retirement and entrance into DROP.

(5) Benefits Payable – Annual Leave. Employees electing to participate in DROP shall be entitled to terminal pay for accrued sick leave as required by state law, Board Policy and/or union contract. Upon election to participate in DROP, and the employee’s election to receive a lump-sum payment of accrued sick leave, payment shall be made when the last paycheck is issued.

(a) Annual leave earned prior to entering DROP may be used during DROP, however, the employee shall not be entitled to compensation at the end of DROP for any unused portion of the accumulated leave.

(b) Employees will earn annual leave during the DROP period as prescribed by Florida Statute, Board Policy and/or union contract.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 121.091; 1001.43, F.S.**

**HISTORY: ADOPTED:**

**REVISION DATE(S): Formerly: New**

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### **SABBATICAL LEAVE 6.54\***

Any request for sabbatical leave may be approved by the Board upon the recommendation of the Superintendent. Such leave shall not exceed one (1) year and shall be without pay.

**STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F. S.**

**LAWS IMPLEMENTED: 1001.41, 1001.43, 1012.64, 1012.66, F. S.**

**STATE BOARD OF EDUCATION RULE: 6A-1.084**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: NEW**

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### ANNUAL/VACATION LEAVE 6.541\*

The following schedule shall be used in determining the accrual of annual leave:

Employees on twelve month who have been in a twelve months contract position for the following number of years of service:

(1) An employee with less than six (6) years of service with the Jackson County School Board at the rate of one (1) day per month cumulative to twelve (12) days per year.

(2) An employee with six (6) years or more of service with the Jackson County School Board at the rate of one and one-fourth (1-1/4) days per month cumulative to fifteen (15) days per year.

(3) An employee with eleven (11) or more years of service with the Jackson County School Board at the rate of one and one-half (1-1/2) days per month cumulative to eighteen (18) days per year.

(4) Annual (Vacation) leave shall accrue in work days at the close of each month and may not be accrued to exceed thirty (30) work days; however, employees are encouraged to use accrued annual leave on an annual basis.

(5) Days determined to be legal holidays as stated on the school calendar each year by the Jackson County District School Board shall not be charged as vacation against an employee.

(6) Annual (Vacation) leave shall be governed by and consistent with SBER and Florida Statutes.

**STATUTORY AUTHORITY: 1001.43; 1011.60;  
1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1012.22; 1012.60  
1012.62; 1012.66, F.S.**

**STATE BOARD OF EDUCATION RULE: 6A-1.082**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: 5.43;5.431;6.43;6.431**

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### FAMILY AND MEDICAL LEAVE 6.542\*

(1) In compliance with the Family and Medical Leave Act of 1993, full-time school employees are entitled to take up to twelve (12) weeks unpaid leave a year for the following reasons:

- (a) The birth of the employee's child;
- (b) The placement of a child with the employee for adoption or foster care;
- (c) To care for the employee's spouse, child or parent who has a serious health condition; or,
- (d) A serious health condition rendering the employee unable to perform his/her job.

(2) Employees are to provide at least 30 days notice, if possible, of their intention to take leave. Medical certification that the leave is needed is required for the employee's own serious health condition or that of a family member. The School Board will continue the employee's health insurance under the same conditions as if the employee were working. Upon returning from leave, the employee will be restored to the same or equivalent position with equivalent pay, benefits, and other terms and conditions of employment.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1012.66, F.S.**

**THE FAMILY AND MEDICAL LEAVE ACT OF 1993;**

**PART 825 OF THE CODE OF FEDERAL REGULATIONS,**

**TITLE 29, U.S. DEPARTMENT OF LABOR,**

**EMPLOYMENT STANDARDS ADMINISTRATION,**

**WAGE AND HOUR DIVISION**

**HISTORY: ADOPTED:**

**REVISION DATE(S): 05/19/09**

**FORMERLY: 2.232;2.3142;2.3232;5.428;6.426**

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### ILLNESS-OR-INJURY-IN-LINE-OF-DUTY LEAVE 6.543

(1) Any full-time regular employee shall be entitled to illness or injury-in-line-of-duty leave for a period not to exceed ten (10) school days when he has to be absent from work because of a personal injury received in the discharge of his duties or because of illness from any contagious or infectious disease contracted in the performance of his/her duties. Illness-in-line-of-duty leave is intended to deal with the illnesses normally known as childhood diseases; such as, mumps, measles, and chicken pox. This leave does not include normal adult illnesses such as colds and influenza. This leave is non-cumulative.

(2) In order to be considered for injury-in-line-of-duty leave, the following conditions shall be met:

(a) The employee must provide written testimony or evidence that his/her injury was received in the line of duty.

(b) The employee must supply a letter from a medical doctor, who treated the patient, stating that in his/her opinion, there is a strong probability that the illness was contracted at the work site.

(c) The employee must file a written claim as outlined below.

(3) The employee who has claim for compensation while absent because of injury or illness incurred as prescribed herein shall file a claim in the manner prescribed by law by the end of the school month during which the absence has occurred. The Board may approve such claims and authorize the payment in accordance with the provisions of law.

(4) Leave for any employee, as prescribed by law, shall be authorized for a total not to exceed ten (10) work days during any school fiscal year for an illness contracted or any injury sustained in the line of duty, or a total of ten (10) days for the same illness or injury. The employee granted such leave is entitled to full pay status for a period not to exceed ten (10) working days. If the employee is unable to resume work at the end of a ten (10) workday period, he/she may elect to use accrued sick leave and receive salary payments.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1012.61; 1012.63;**

**1012.66; 1012.69, F.S.**

**STATE BOARD OF EDUCATION RULE: 6A-1.080**

**HISTORY: ADOPTED: REVISION DATE(S):**

**FORMERLY: 5.422;5.4221;6.422;6.4221**

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### JURY/WITNESS DUTY 6.544\*

(1) An employee of the Board who is summoned as a member of a jury panel may be granted temporary duty leave. Any jury fees may be retained by the employee. The Board shall not reimburse the employee for meals, lodging, and travel expenses incurred while serving as a juror.

(2) An employee who is subpoenaed as a witness, not involving personal litigation, may be granted temporary leave. Any witness fees may be retained by the employee. The Board shall not reimburse the employee for meals, lodging, and travel expenses incurred while serving as a witness.

- a. When an employee is subpoenaed in line of duty to represent the Board as a witness or defendant, he/she may be granted temporary duty leave, since his/her appearance in such cases shall be considered a part of his/her job assignment. The employee may retain any fees received from the court. In the event no fees are received from the court, he/she may be paid per diem and travel expenses.
- b. In no case shall temporary duty leave with pay be granted for court attendance when an employee is engaged in personal litigation. In such cases, an employee may request personal leave.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**  
**LAWS IMPLEMENTED: 40.24; 40.271; 1001.43; 1012.66, F.S.**  
**STATE BOARD OF EDUCATION RULE: 6A-1.084**  
**HISTORY: ADOPTED:**  
**REVISION DATE(S):**  
**FORMERLY: NEW**

## Chapter 6 – Human Resources

### MILITARY LEAVE 6.545\*

(1) Military leave shall be granted to an employee who is required to serve in the armed forces of the United States or of the state of Florida in fulfillment of obligations incurred under the Selective Service Laws or because of membership in the reserves of the armed forces or the National Guard. When an employee enters voluntarily into any branch of the armed forces for temporary or an extended period of service, military leave shall be granted at the School Board's discretion. Provided, however, an employee whose absence will interfere with the orderly operation of the school program shall be denied military leave except in unusual cases.

(2) An employee granted military leave for extended active duty shall, upon the completion of the tour of duty, be returned to employment without prejudice; provided that an application for re-employment is filed within six (6) months following the discharge date or release from active military duty. Following receipt of the application for re-employment, the School Board shall have a reasonable time, not to exceed six (6) months, to assign the employee to duty in the same or similar position he/she left in the District.

(3) Compensation allowed during military leave shall not exceed seventeen (17) days except as provided in Section 115.07, Florida Statutes.

(4) An employee who enters active military service shall be governed by the provisions of Sections 115.07, 115.14, 121.111, and 250.341, Florida Statutes.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 115.07; 115.09; 115.14; 121.111; 250.341; 1001.43; 1012.66, F.S.**

**STATE BOARD OF EDUCATION RULE: 6A-1.080**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: 5.426**

## Chapter 6 – Human Resources

### PERSONAL LEAVE 6.546\*

- (1) Personal Leave chargeable to sick leave. Employees may be allowed six (6) days paid leave for personal reasons each year to be charged against accrued sick leave. Such leave shall be non-cumulative and any request for such leave shall be approved, in advance, by the Superintendent or his/her designee.
- (2) Unpaid Personal Leave. Employees shall make written application for such leave without compensation. Personal leave shall terminate at the end of the contractual period. Personal leave may be granted at the discretion of the School Board as hereinafter provided:
  - (a) Family Leave. Any full-time employee of the Board will be granted maternity leave without pay provided a written application for leave accompanied by a statement verifying the pregnancy. Such leave shall not exceed one (1) calendar year in which the child is born.
  - (b) Parental Leave. Any full-time employee of the Board may be granted parental leave for the calendar year for the purpose of child-rearing.
    - (i) An employee who has parented a child may apply for parental leave for a period not to exceed the balance of the calendar year in which the child is born.
    - (ii) An employee may apply for a leave of absence on the event of his/her adoption of a child, provided such leave shall not exceed the balance of the calendar year in which such adoption shall occur, and provided a written application for such leave is submitted to the employee's immediate supervisor within two (2) calendar weeks after approval for adoption by the recognized agency or source.
    - (iii) In all instances herein where a leave of absence shall extend beyond one (1) calendar year, re-application shall be made in accordance with the rules of the Board.

## Chapter 6 – Human Resources

(c) Leave for political campaigning. An employee who has filed for election to a political office and who desires personal leave for political reasons shall file an application for leave. The School Board may grant such personal leave without pay.

(d) Each extended leave-without-pay request shall be considered on its own merit by the School Board on an annual basis or as specified in the collective bargaining agreement. Return from leave is contingent on there being a vacant position in the system which the employee is qualified to fill. Requests for leave without pay to take another position for salary shall be denied.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1012.61; 1012.66, F.S.**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: 5.423;5.427;6.423;6.425**

## Chapter 6 – Human Resources

### PROFESSIONAL LEAVE 6.547\*

Professional leave may be granted to an administrative or instructional staff member with or without pay in accordance with the following provisions:

Professional leave is defined as leave granted to a member of the administrative or professional staff to engage in activities resulting in professional benefit or advancement including earning of college credits and degrees or that shall contribute to the professional of teacher. Extended professional leave is such leave extending for more than thirty (30) consecutive days. Professional leave or extended professional leave ordinarily will be initiated by the employee and will be primarily for his/her benefit or that of the teaching profession and only incidentally for the benefit of the school system.

(1) Professional leave, not to exceed six (6) days, may be approved by the Superintendent, but such leave in excess of six (6) days shall require approval by the Board.

(2) Professional leave during the post-school conference shall not be granted to a person who will not be returning the ensuing school year.

(3) Leave for both the post-school and pre-school conference periods shall not be approved except where the applicant may need to attend two (2) sessions to complete work for a required degree and such would be to the advantage of the school district.

(4) Personnel employed for ten (10) months and employed for the summer program are not eligible for professional leave during this extra period of employment.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1012.66, F.S.**

**STATE BOARD OF EDUCATION RULE: 6A-1.081**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: 5.425**

## Chapter 6 – Human Resources

### SICK LEAVE 6.549\*

- (1) Personnel employed on a full-time basis shall be entitled to earn one (1) day of sick leave per month of employment. Such leave shall be cumulative from year to year, and any leave charged against accrued sick leave shall be with full compensation. Sick leave shall be credited as follows:
  - (a) Administrative and non-instructional personnel. Such full-time employees shall be credited with four (4) days of sick leave at the end of the first month of employment of each contract year and shall thereafter be credited for one (1) day of sick leave for each month of employment.
  - (b) Instructional personnel. Such full-time employees shall be entitled to four (4) days of sick leave as of the first day of employment of each current year, and thereafter is credited for one (1) day of sick leave at the end of each month of employment.
  - (c) The total number of sick leave days earned shall be no more than one (1) day of sick leave times the number of months of employment during the year of employment. If the employee terminates his employment and has not accrued the four (4) sick days available to him, the School Board shall withhold the average daily amount for the sick days utilized but unearned by the employee.
- (2) Accrued sick leave shall be taken only when the employee's service is interrupted by temporary disability which renders him/her incapable of performing his duties, or because of the illness or death of his/her father, mother, brother, sister, husband, wife, child, other close relative, or member of his/her own household. The term "temporary disability" as used herein shall include personal illness or injury and, in addition any temporary disability of the employee arising out of pregnancy, childbirth, miscarriage, abortion, or recovery there from which renders the employee physically incapable of performing assigned duties.
- (3) Any claim for sick leave shall be filed with the Superintendent, or his/her designee, within five (5) working days upon return of the employee to duty.
  - (a) The claim shall be in writing and shall set forth the days absent and that such absence was allowable under the provisions of Florida Statutes. The claim shall be duly signed by the claimant certifying that the facts are true and correct and that the claim is valid and legal.

## Chapter 6 – Human Resources

- (b) Where there is any doubt as to the validity of a sick leave claim, the Superintendent may require the claimant to file a written certification of illness from a licensed physician or other supporting evidence where personal illness is not involved. Consequences of false claims for sick leave are as follows:
- (i) Administrative and instructional personnel. A false claim for sick leave shall be deemed cause for cancellation of the contract and for action seeking the revocation of the teaching contract.
  - (ii) Non-instructional personnel. A false claim for sick leave shall be deemed grounds for termination of the employee.
- (4) An employee who has used all accrued sick leave but who is otherwise entitled to sick leave shall be granted sick leave without pay. The claim for such sick leave shall clearly state that the leave is without compensation. An application for sick leave due to extended illness shall have attached to it a statement from a practicing physician certifying that such leave is essential and indicating the probable duration of the illness and the needed leave.
- (5) When an employee of the School District interrupts service and subsequently returns to duty in the District without having transferred his/her sick leave credit to another Florida school district, such accrued sick leave credit shall become valid on the first (1<sup>st</sup>) day of contractual service.
- (6) When an employee retires and receives terminal pay benefits based on unused sick leave, all unused sick leave credit shall become immediately invalid.
- (7) An employee may transfer sick leave earned in a similar capacity with another Florida school district to the District. However, no transferred leave shall be credited to an employee's account at a rate, or in an amount exceeding that earned while an employee of the District School Board. The employee is responsible for the request for transfer of sick leave.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1012.61;**

**1012.62; 1012.66, F.S.**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: 2.231;2.3141;2.3231;5.421;6.421**

## **Chapter 6 – Human Resources**

### **TEMPORARY DUTY 6.55\***

An employee may be assigned to be temporarily away from his/her regular duties and place of employment for the purpose of performing other educational services, including participation in surveys, professional meetings, study courses, workshops and similar services of direct benefit to the school district. Such assignment may be initiated by the Superintendent or by the individual who desires the temporary duty as days of duty.

**STATUTORY AUTHORITY: 101.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.32; 1001.43;**

**1012.27; 1012.66, F.S.**

**STATE BOARD OF EDUCATION RULES: 6A-1.084**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: 2.241;2.3151;2.3241;5.3121;6.311**

## Chapter 6 – Human Resources

### TRANSPORTATION EMPLOYEE DRUG AND ALCOHOL TESTING 6.60\*+

(1) The School Board Omnibus Transportation Employee Testing Act Drug and Alcohol Testing Manual is hereby incorporated by reference and made a part of this Rule. Any revisions shall be approved and adopted by the School Board.

(a) In 1991, Congress passed the Omnibus Transportation Employee Testing Act, **49 CFR Part 382**. This law applies to anyone who holds a commercial driver's license, and, as a condition of employment, is required to drive a commercial vehicle.

(b) For employees of the School Board, **OTETA** applies to anyone who holds a commercial driver's license and drives a school bus, a county vehicle weighing over 26,000 pounds, or who is in a "safety sensitive position" in regard to transporting passengers, equipment, or School Board property. **This federally mandated OTETA is now incorporated into the Board rules.** These include random unannounced alcohol and other drug testing, additional driver and supervisor training, and other items.

(2) The procedures that are contained in the procedural manual are incorporated by reference and made part of the policy. They describe the prohibited substances and conduct, types of testing and procedures used, reporting of results, rights to appeal positive findings, split specimens, consequences of positive tests and required training and record keeping.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 112.0455; 440.102; 1001.43;**

**1012.45, F.S.; 49 CFR PART 40, DOT;**

**49 CFR PARTS 382 & 391,**

**FEDERAL HIGHWAY ADMINISTRATION**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: 6.55;6.551;6.552;6.553;6.554**

## Chapter 6 – Human Resources

### **SCHOOL BOARD EMPLOYEES WITH HIV, AIDS, OR OTHER COMMUNICABLE DISEASES 6.61+**

(1) It is the School Board's intent to protect employees and students from exposure to infectious diseases, to risk occasioned by infectious diseases, and to provide reasonable accommodations to infected School Board employees.

(2) It is recognized that employees with any illness, including (HIV) infected persons, may wish to continue to work. As long as employees are able to meet acceptable performance standards, and medical evidence indicates that their condition is not a threat to themselves nor to others, they shall be assured to continued employment as would any other employees. If it becomes necessary, reasonable accommodations shall be made to enable the qualified individual to continue to work.

(3) All information regarding such matters shall be held in strict confidence and released only to those who have a legitimate need-to-know.

(4) The School Board shall receive and review administrative procedures developed by the staff. These shall, minimally, include procedures governing immunization against Hepatitis B infection and transmission of any blood-borne health condition.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23; 1013.12, F.S.**

**LAWS IMPLEMENTED: 381.0098; 1001.43; 1012.27; 1012.61; 1012.66, F.S.**

**STATE DEPARTMENT OF HEALTH RULE(S): 64E-16**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: 5.51;6.51**

## Chapter 6 – Human Resources

### **AIDS, BLOODBORNE PATHOGENS, AND ENVIRONMENTAL HAZARDS 6.62+**

The Board shall adopt appropriate procedures and guidelines consistent with federal and state regulations regarding the training and methods of handling and ameliorating the potential risks of exposure to blood-borne pathogens, other communicable diseases, and environmental hazards, such as asbestos, lead in drinking water, and radon gas.

**STATUTORY AUTHORITY: 1001.41; 1001.42; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 381.0098; 1001.43; 1012.27; 1012.61, F.S.**

**STATE DEPARTMENT OF HEALTH RULE(S): 64E-16**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: 5.52;5.54;6.52;6.54**

## **Chapter 6 – Human Resources**

### **STAFF TRAINING 6.70**

All employees shall be provided opportunities for professional growth and development through participation in staff development activities.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1012.22; 1012.27;**

**1012.38; 1012.98; 1012.985, F.S.**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: 1.59;5.221;6.34**

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### WHISTLEBLOWER PROTECTION 6.75

This policy shall be known as the Whistleblower Protection Policy.

#### (1) Definitions

(a) *Employee* – Any person hired by the School Board after completing the personnel procedures required by the School Board.

(b) *Independent Contractor* – Any person or company other than a School Board employee, who provides goods and/or services to the School Board and enters into a contractual agreement with the School Board.

(c) *Adverse personnel action* – Discharge, suspension, transfer, demotion, reprimand, warning, withholding or reduction of salary or benefits of employee, or any other adverse action taken against an employee within the terms and conditions of employment by the School Board; or debarment, suspension, cancellation of contract of an independent contractor.

#### (2) Prohibited Action

(a) Neither the School Board, Superintendent, department heads nor principals shall take or recommend to the School Board to take adverse personnel actions against an employee for disclosing information pursuant to the provisions of this policy.

(b) Neither the Superintendent nor the School Board shall take any adverse personnel action that affects the rights or interests of an independent contractor in retaliation for the contractor's disclosure of the information under this policy.

(d) The provisions of this policy shall not be applicable when an employee or independent contractor discloses information known to be false.

## Chapter 6 – Human Resources

### (3) Disclosure of Information

(a) The information disclosed under this section shall include reporting of any violation or suspected violation of federal, state or local laws, School Board policy or administrative directive by a School Board member, employee, or independent contractor which presents a substantial and specific danger to interests of the School Board. Additionally, information disclosed, which indicates acts or suspected acts of malfeasance, misfeasance, gross waste of funds or neglect of duty committed by an agency, shall be included.

(b) The information shall be disclosed to the appropriate entity having the authority to investigate, police, manage, or otherwise remedy the violation or act.

### (4) Protection

(a) This policy protects employees and other persons who disclose information on their own motive in a written and signed complaint, or who are requested to participate in an investigation, hearing or other inquiry conducted by the Superintendent, School Board, state agency or federal government.

(b) Any employee who is subject to adverse personnel action has a right to file a grievance pursuant to the applicable collective bargaining agreement or School Board policy. An independent contractor may appeal to the School Board for administrative review.

**STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED: 112.3187, 1001.32, 1001.43, F.S.**

**HISTORY: ADOPTED: 01/08/07**

**REVISION DATE(S):**

**FORMERLY: NEW**

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### NAME AND ADDRESS OF EMPLOYEE 6.80

(1) Any employee who changes his/her name or address shall notify the human resources department within ten (10) days after a change of name or address.

(2) Any employee who is required to have a Florida Educator Certificate or other license or certificate shall maintain the license or certificate in his/her legal name.

(3) Any employee who is a certificated educator is responsible for maintaining his/her current name and address with the Department of Education. The Department of Education shall be notified in writing or electronically of any changes of name and/or address.

**STATUTORY AUTHORITY: 1001.41; 1001.42; 1012.23, F.S.**

**LAW(S) IMPLEMENTED: 1001.43; 1012.561, F.S.**

**HISTORY: ADOPTED: 08/15/05**

**REVISION DATE(S):**

**FORMERLY: NEW**

## Chapter 6 – Human Resources

### PERSONNEL FILES 6.90

The term “personnel file,” as used in this rule, shall mean all records, information, data, or materials maintained by the District in any form or retrieval system whatsoever, with respect to any employee, which is uniquely applicable to that employee.

(1) A personnel record shall be maintained by the Superintendent on each employee. The record shall include:

- (a) Application for employment
- (b) References
- (c) Annual evaluations
- (d) Letters of commendation, reprimand, etc.
- (e) Data substantiating placement on the salary schedule (education, official transcripts, experience, etc.)
- (f) Teaching certificate, if applicable
- (g) Any other pertinent data.

(2) Except for materials pertaining to work performance or other matters that may be cause for discipline, suspension or dismissal under laws of this state, no derogatory materials relating to an employee’s conduct, service, character, or personality shall be placed in the personnel file of such employee. No anonymous letter or anonymous materials shall be placed in the personnel file.

(3) Materials relating to work performance, discipline, suspension, or dismissal must be reduced to writing and signed by a person competent to know the facts or make the judgment.

(a) No such materials may be placed in a personnel file unless they have been reduced to writing within forty-five (45) days, exclusive of the summer vacation period, of the administration becoming aware of the facts reflected in the materials.

(b) Additional information related to such written materials previously placed in the file may be appended to such materials to clarify or amplify as needed. A copy of such materials to be added to an employee’s personnel file shall be provided to the employee either by certified mail or by personal delivery.

(b) The employee’s signature on a copy of materials to be filed in the employee’s personnel file signifies receipt and does not necessarily indicate agreement with its content. The employee will be afforded every right as outlined in Florida Statutes.

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(4) Personnel files, regardless of their location in the school system, are open to inspection pursuant to Florida Statutes, except as follows:

(a) Any complaint and any material relating to the investigation of a complaint against an employee shall be confidential until the conclusion of the preliminary investigation, or until such time as the preliminary investigation ceases to be active as defined in Florida Statutes.

(b) Employee evaluations prepared pursuant to Florida Statutes, rules adopted by the State Board of Education, or a local School Board shall be confidential until the end of the school year immediately following the school year during which each evaluation is made. No evaluations prepared prior to July 1, 1983, shall be made public.

(c) No material derogatory to the employee shall be open to inspection until ten (10) days after the employee has been notified pursuant to (3)(b) of this rule.

(d) The payroll deduction records of the employee shall be confidential.

(e) Employee medical records, including medical claims, psychiatric and psychological records, shall be confidential; provided however, at any hearing relative to an employee's competency or performance, the hearing officer or panel shall have access to such records.

(f) Any information in a report of injury or illness filed pursuant to Florida Statute that would identify an ill or injured employee.

(2) Notwithstanding other provisions of this rule, all aspects of each employee's personnel file shall be open to inspection at all times by School Board members, the Superintendent and the principal or their respective designees, in the exercise of their respective duties.

(3) Notwithstanding other provisions of this rule, all aspects of each employee's personnel file shall be made available to law enforcement personnel in the conduct of a lawful criminal investigation.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 112.08(7); 441.85(10); 1001.43; 1012.31, F.S.**

**34 CFR 99 (FERPA); 45 CFR 164 (HIPAA)**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: 5.28;5.281;5.282;6.24;6.241;6.2411**

## Chapter 6 – Human Resources

### SALARY SCHEDULES 6.91\*

(1) All personnel shall be paid in accordance with salary schedules as adopted by the School Board.

(2) Any employee subject to the overtime provisions of the Fair Labor Standards Act of 1938, as amended, and who is required to work in excess of forty (40) hours in any work week, shall be compensated for the hours in excess of forty at the rate of one and one-half times the regular rate of pay for the service performed or shall be provided compensatory time.

(3) Any employee working beyond his/her designated total weekly hours without prior permission of the Superintendent through the principal or supervisor may be subject to disciplinary action.

(4) A principal, supervisor, or member of the instructional staff completing the requirements for a change in degree at the end of a quarter or semester during an academic school year may change degree for salary schedule purposes during the school year.

(a) The employee shall apply for a change in degree for salary purposes as soon as he/she becomes eligible.

(b) The effective date of the change in salary rate shall be the first day of the pay period following the receipt and posting of the transcript in the district if the request for the change in salary rate is made during the fiscal year in which the degree is granted. Any adjustments that occur must occur within the fiscal year in which the degree was granted and are not retroactive.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1011.60; 1012.22; 1012.55, F.S.**

**STATE BOARD OF EDUCATION RULE: 6A-1.052**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY:1.53;2.112;2.22;2.21;2.313;2.3131;2.311;2.3221;5.32;5.321;5.3211;6.33;6.331**

## **Chapter 6 – Human Resources**

### **SICK LEAVE BANK 6.911**

Any group of employees shall be eligible for voluntary participation in the sick leave pool (bank) for that group of employees after one (1) year of employment in Jackson County. Employees governed by the collective bargaining agreement and other employees by the procedures that are included and made a part of this rule by reference.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1012.61, F.S.**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: 2.2311;6.4211**

## Chapter 6 – Human Resources

### TERMINAL SICK LEAVE PAY 6.912

Any employee of the Board shall be eligible for terminal sick leave pay at the time of normal retirement provided that normal retirement coincides with termination. *Normal retirement* shall mean retirement under any plan established by the legislature with either full or reduced benefits. *Normal retirement* shall not be interpreted to mean withdrawal of funds. Payment shall be made to the beneficiary of an employee if service is terminated by death. Payment for sick leave shall not exceed the number of days within the employee's contracted period and not greater than provided by law.

Any employee who desires payment for sick leave at the time of retirement must make written application for payment by May 15 of the fiscal year prior to the year during which the retirement is to occur. However, payments not requested by this date may be made if funds are available.

#### (1) Instructional Staff and Educational Support Employees Employed Prior to 1997

Terminal pay for accumulated sick leave shall be paid at the daily base rate of pay at the time of retirement. Payment shall be calculated according to the following:

A. During the first three (3) years of service in the District, 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 the District, 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 the District, the daily rate of pay multiplied by forty-five percent (45%) times the number of days of accumulated sick leave.

D. During the tenth (10<sup>th</sup>) year of service in the District through the twenty-ninth (29<sup>th</sup>) year of service, the daily rate of pay multiplied by fifty percent (50%) times the number of days of accumulated sick leave.

E. During and after the thirtieth (30<sup>th</sup>) year of service and continuing through the thirty-fifth (35<sup>th</sup>) in the District, the daily rate of pay multiplied by one hundred percent (100%) times the number of days of accumulated sick leave.

F. In the years of service thirty-six (36) and above the employee will be paid the daily rate of pay multiplied by fifty percent (50%) times the number of days of accumulated sick leave.

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### (2) Educational Support Employees Employed After 1997

Educational support employees shall be paid in accordance with the collective bargaining agreement for that unit. Terminal pay will be calculated at 100% of accumulated sick leave for employees who have completed a minimum of thirty (30) years of service in the district or state and no more than thirty-five (35) years accrued under the Florida Retirement System. Employees with thirty-six or more years under the Florida Retirement System shall be paid at fifty (50%) percent of accumulated sick leave.

### (3) Other Full Time Employees

(Non-Administrative personnel excluded from Article I of JCEA and JESPA contracts)

Full time employees who are not classified as instructional staff or educational support employees as defined by law shall be eligible for terminal sick leave payment at the time of his/her normal retirement as follows:

- a. Terminal pay from sick leave accrued prior to July 1, 2004 shall be paid at the daily base rate of pay at the time of retirement.
- b. Terminal pay for sick leave accrued after June 30, 2004 shall be paid at the base rate of pay at the time it was earned.
- c. Payment shall be calculated as follows:
  1. During the first three (3) years of service, the daily rate of pay multiplied by 35 percent (35%) times the number of days of accumulated sick leave.
  2. During the next three (3) years of service, the daily rate of pay multiplied by 40 percent (40%) times the number of days of accumulated sick leave.
  3. During the next three (3) years of service, the daily rate of pay multiplied by 45 percent (45%) times the number of days of accumulated sick leave.
  4. During the next three (3) years of service, the daily rate of pay multiplied by 50 percent (50%) times the number of days of accumulated sick leave.
  5. During and after the 13<sup>th</sup> year of service, the daily rate of pay multiplied by 100 percent (100%) times the number of days of accumulated sick leave.

### (4) Administrative Employees

(a) Sick leave [Capped Leave] earned prior to July 1, 2004 is eligible for terminal leave payment at the hourly rate the employee is earning at the time of his/her normal retirement based on the percentages below.

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(b) Rate leave is sick leave earned after June 30, 2004 and is eligible for terminal payment at the time of his/her normal retirement based on the percentages below:

1. During the first three (3) years of service, the daily rate of pay multiplied by 35 percent (35%) times the number of days of accumulated sick leave.
2. During the next three (3) years of service, the daily rate of pay multiplied by 40 percent (40%) times the number of days of accumulated sick leave.
3. During the next three (3) years of service, the daily rate of pay multiplied by 45 percent (45%) times the number of days of accumulated sick leave.
4. During the next three (3) years of service, the daily rate of pay multiplied by 50 percent (50%) times the number of days of accumulated sick leave.
5. During and after the 13<sup>th</sup> year of service, the daily rate of pay multiplied by 100 percent (100%) times the number of days of accumulated sick leave.

### (5) Deferred Retirement Option Program

Employees electing to participate in the Deferred Retirement Option Program (DROP) shall be eligible for terminal payment of sick leave as described in Policy 6.531.

(6) Any person entitled to terminal pay benefits shall have been under contract to render services for the period immediately preceding retirement or death and shall not be under suspension from duty or have any charges pending which could result in dismissal from employment and shall have rendered not less than one (1) year of service in the Jackson County School District.

(7) All employees who are eligible for terminal sick leave pay and meet the age requirement shall participate in a Board-approved special pay plan subject to a minimum contribution level established by the Board effective January 1, 2007. **EXCEPTION:** Employees eligible for representation by collective bargaining unit(s) will not participate until negotiated.

**STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.**

**LAW(S) IMPLEMENTED: 1001.43, 1012.61, F.S.**

**HISTORY: ADOPTED:**

**REVISION DATE(S): 05/19/09**

**FORMERLY: 2.28;2.317;2.3223;5.32243;6.33241**

## **Chapter 6 – Human Resources**

### **USE OF SICK LEAVE BY FAMILY MEMBERS 6.915**

- (1) Any district employee may authorize the use of their accrued sick leave by his/her spouse, child, parent, or sibling if also a District employee.
- (2) Sick Leave donated as provided in (1)(b) cannot be used until all of the individual's sick leave has been depleted, excluding sick leave from any existing Sick Leave Bank, if the recipient participates in a Sick Leave Bank.
- (3) Donated sick leave shall have no terminal pay value.
- (4) Such leave must be taken when granted and is non-accumulative.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 1001.43; 1012.61, F.S.**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: 2.2312; 5.4211;6.4212**

## Chapter 6 – Human Resources

### UTILIZATION OF SICK LEAVE 6.917

Full time employees who are not classified as instructional staff or educational support employees as defined by law shall utilize accumulated sick leave as follows:

(1) Sick leave accumulated prior to July 1, 2001 shall be carried forward for terminal pay and is payable at the rate of one hundred percent (100%) for the 30-35 years of service and after the 35<sup>th</sup> year of year at the rate of fifty percent (50 %).

(2) Sick leave or Rate Leave earned after June 30, 2004, earned after this date shall be the first days utilized for sick leave purposes.

(3) Sick leave accumulated prior to July 1, 2004 shall be used only when all sick leave earned after June 30, 2004 has been exhausted.

**STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.**

**LAW(S) IMPLEMENTED: 1001.43, F.S.**

**HISTORY: ADOPTED: 02/14/05 REVISION DATE(S): FORMERLY: NEW**

## **Chapter 6 – Human Resources**

### **UTILIZATION OF SICK LEAVE 6.917**

Full time employees who are not classified as instructional staff or educational support employees as defined by law shall utilize accumulated sick leave as follows:

(1) Sick leave accumulated prior to July 1, 2004 shall be carried forward for terminal pay in accordance with Board adopted policy #6.912.

(2) Effective July 1, 2004, the first days earned after this date shall be the first days utilized for sick leave purposes.

(3) Sick leave accumulated prior to July 1, 2004 shall be used only when all sick leave earned after June 30, 2004 has been exhausted.

**STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.**

**LAW(S) IMPLEMENTED: 1001.43, F.S.**

**HISTORY: ADOPTED: 02/14/05 REVISION DATE(S): FORMERLY: NEW**

## Chapter 6 – Human Resources

### HEALTH INSURANCE PREMIUMS 6.92

(1) The School Board may pay a portion of an employee's normal health insurance contribution as provided herein.

(a) The health insurance premium may be paid by the employee when an employee enters a non-pay leave status.

(b) Any employee who has been approved for Family Medical Leave Act will receive up to a maximum of twelve weeks of Board portion of health insurance per insurance fiscal year. This rule is in compliance with the Family and Medical Leave Act of 1993.

(2) School Board members and employees who are Florida residents and a member of the Florida National Guard or a reserve in any branch of the United States military and who are called into active military duty are entitled to health insurance pursuant to the provisions and conditions prescribed in Section 250.341, Florida Statutes.

(3) The School Board shall not pay the contribution for dependents who are included in the employee's health insurance premium. This contribution shall be paid by the employee.

(4) Retired School Board personnel and their eligible dependents may continue to participate in the current group health insurance program of the District provided the person enrolls immediately upon retirement from active employment with the School Board and continues coverage without interruption. Retirement shall mean application for and receipt of retirement benefits under any Florida Retirement System plan. The health insurance coverage shall be identical to that offered to School Board employees. Health insurance premiums for continued participation shall be paid by the retiree.

**STATUTORY AUTHORITY: 1001.41; 1012.22; 1012.23, F.S.**

**LAWS IMPLEMENTED: 112.0801; 250.341; 1001.43, F.S.**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY: 6.3321;5.3221**