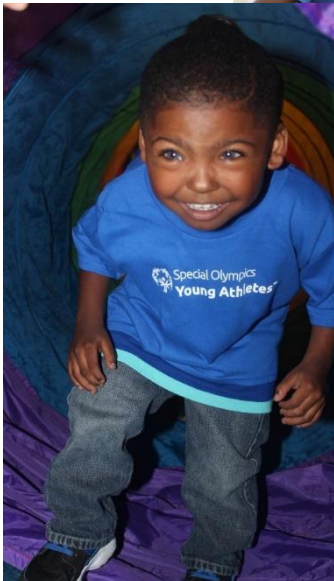




# Norfolk Public Schools

The cornerstone of a proudly diverse community



## *Employee Handbook*

Revised January 31, 2025



## *Important Notice*

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This *Norfolk Public Schools Employee Handbook* represents a summary of the policies, practices, and procedures applicable to Norfolk Public Schools (NPS) employees. This document is a guide to such laws, policies, and regulations, but it is not all-inclusive and does not replace the original sources. Employees should always go directly to the sources for current, complete, and accurate information about all laws, policies, and regulations.

### *Stay Current*

Norfolk Public Schools' policies and regulations can be found on the Norfolk Public Schools website.

All statements in this handbook may be modified, amended, or cancelled by NPS at any time, with or without notice. In the event of a contradiction between this handbook and any laws, policies, or regulations, including the policies and regulations of the School Board of the City of Norfolk, the exact laws, policies, and regulations will prevail.

The most recent version of the handbook replaces all prior versions of the handbook as to the subjects addressed herein. This handbook is not a contract of employment and does not confer contractual rights, either expressed or implied, upon any officer or employee, nor does it guarantee employment for any period. All officers and employees of NPS are employed at-will, unless otherwise indicated by statute and by a written contract formed and executed pursuant to the statute. The names of School Board members and the Superintendent of Schools as they appear anywhere in this handbook are not signatures, and this handbook has not been signed as that term is used in the Virginia statute of frauds.

The Norfolk School Board is committed to nondiscrimination with regard to sex, sexual orientation, gender, gender identity, gender expression, race, color, national origin, disability, religion, ancestry, age, marital status, pregnancy, childbirth or related medical conditions, military status, genetic information or any characteristic protected by law. This commitment prevails in all of its policies and practices concerning staff, students, educational programs and services, and individuals and entities with whom the Board does business.

Complete copies of Norfolk Public Schools' Policies and Regulations can be found in the public libraries and on the [Norfolk Public Schools Board Docs website](#). Specifically, policies that govern personnel can be found in section G.



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## *Educational Philosophy*

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*Norfolk School Board* is committed to providing equal opportunity for every student to achieve maximum intellectual, social, emotional, and physical growth and to ensuring that each student be equipped to communicate effectively with other people, to be competent both in the work place and in higher education and to feel confident of the ability to make creative and constructive decisions in his/her life.

Norfolk School Board:

- provides the necessary trained and dedicated leadership, qualified personnel, equipment and materials to assure an appropriate education for every student;
- treats all members of the school community equitably with the highest degree of respect;
- allocates and uses assets fairly and efficiently.





## *School Division Goals and Objectives*

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The school division is committed to excellence in education, equality of educational opportunity, and the recognition of each student's individuality. Inasmuch as students differ in their rate of physical, mental, emotional and social growth and vary in their needs and abilities, learning opportunities are provided that are consistent with personal development and potential. Programs emphasize diagnostic and prescriptive instruction, allowing an individual approach to each student's learning style and educational needs.

The educational program introduces each student to a variety of interest and subject areas that offer exposure to the range of opportunities available in later years. These experiences produce the basis for further education and future employment. As students demonstrate increased maturity, they may assume more responsibility for the decisions regarding their education.

The school environment should be responsive and conducive to learning. The physical environment facilitates and enhances the learning experiences available to each student. A responsive environment includes competent, dedicated teachers using a variety of techniques and a classroom atmosphere where students can function and develop according to their abilities. Safety, physical comfort, and appearance also are vital environmental components.

### **Standards of Quality and Objectives**

The school board accepts the overall goals of public education as expressed by the Standards of Quality legislated by the Virginia General Assembly and implemented by State Board of Education regulations.

The school board reports its compliance with the Standards of Quality to the Board of Education annually. The report of compliance is submitted to the Board of Education by the chairman of the board and the superintendent.

### **Standards of Quality – Programs and Services**

The school board commits itself to providing programs and services as stated in the Standards of Quality to the extent funding thereof is provided by the General Assembly.





## *Comprehensive Plan*

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The Norfolk School Board adopts a division wide comprehensive, unified, long-range plan based on data collection, an analysis of the data, and how the data will be utilized to improve classroom instruction and student achievement. The plan is developed with staff and community involvement and includes, or is consistent with, all other division wide plans required by state and federal laws and regulations. The school board reviews the plan biennially and adopts any necessary revisions. Prior to the adoption of the plan or revisions thereto, the school board posts the plan or revisions on the division's Internet website if practicable and makes a hard copy of the plan or revisions available for public inspection and copying and conducts at least one public hearing to solicit public comment on the plan or revisions.

The division wide comprehensive plan includes:

- I. the objectives of the school division, including strategies for first improving student achievement, particularly the achievement of educationally at-risk students, then maintaining high levels of student achievement;
- II. an assessment of the extent to which these objectives are being achieved;
- III. a forecast of enrollment changes;
- IV. a plan for projecting and managing enrollment changes including consideration of the consolidation of schools to provide for a more comprehensive and effective delivery of instructional services to students and economies in school operations;
- V. an evaluation of the appropriateness of establishing regional programs and services in cooperation with neighboring school divisions;
- VI. a plan for implementing such regional programs and services when appropriate;
- VII. a technology plan designed to integrate educational technology into the instructional programs of the school division, including the division's career and technical education programs, consistent with or as part of the comprehensive technology plan for Virginia adopted by the Board of Education;
- VIII. an assessment of the needs of the school division and evidence of community participation, including parental participation, in the development of the plan;
- IX. any corrective action plan required pursuant to Va. Code § 22.1-253.13:3; and
- X. a plan for parent and family involvement to include building successful school and parent partnerships that will be developed with staff and community involvement, including participation by parents.

The school board presents a report to the public by November 1 of each odd-numbered year on the extent to which the objectives of the division wide comprehensive plan have been met during the previous two school years.

Each school prepares a comprehensive, unified, long-range plan, which the school board considers in the development of the division wide comprehensive plan.



# Employment

## *Staff Hiring Procedures*

Norfolk Public Schools is an Equal Opportunity Employer. Every effort is made by the Department of Human Resources to attract qualified applicants for vacancies with the objective of employing personnel with the highest qualifications.

## *Selection*

The School Board of the City of Norfolk specifically prohibits discrimination against any individual for reasons of sex, sexual orientation, gender, gender identity, gender expression, race, color, national origin, disability, religion, ancestry, age, marital status, pregnancy, childbirth or related medical conditions, disability, status as a veteran, genetic information, or any characteristic protected by law. Accordingly, equal opportunity for employment in all positions will be extended to all qualified persons, and the school system will promote equal opportunity through positive and continuing actions.

## *Americans with Disabilities Act*

Norfolk Public Schools, in accordance with Title I of the Americans with Disabilities Act of 1990 (ADA Amendments Act of 2009), does not discriminate against qualified individuals with disabilities in any aspect of employment and makes reasonable accommodations to the known disabilities of qualified applications or existing employees where it can do so without undue hardship.

## *Vacancies*

When a new position is created or a vacancy occurs, the Department of Human Resources will post appropriate notices for a period of no less than five (5) workdays, including the date of posting.

When a new position is created or a vacancy occurs, the Department of Human Resources will review applications and interview candidates who best meet qualifications for the position to be filled.

Any employee who wishes to be considered as an applicant for any position must apply in accordance with the posting.



### *Probationary Status*

The purpose of probationary status is to observe and evaluate newly appointed employees and to encourage their successful adjustment to the job.

### *Probationary Period for Teachers*

Newly-hired teachers with a) no prior teaching experience, and/or b) out-of-state teaching experience must successfully complete a three-year probationary term of service with Norfolk Public Schools before a continuing contract can be issued. Newly-hired teachers who have achieved continuing contract status in another Virginia school division are required to successfully complete one year in probationary status.

### *Probationary Period for Classified Employees*

All support staff newly-hired and/or rehired after separating employment, transferring to another position because of disciplinary or performance reasons, or promotion to a new position, are considered probationary employees until the completion of fifteen (15) contracted weeks. An extension of the probationary period must be approved by the Chief Human Resources Officer or designee.

Classified employees are subject to termination at any time during the probationary period when their job performance does not merit continuation. The termination of any probationary employee during this period is not subject to review procedures.

### *Contracts*

When employees are requested to sign their contracts, the contracts will be available at the work site for a period not less than three (3) working days to afford employees time to review the contents of the contract.

### *Contract Length for Certified Employees*

The standard teacher contract is a ten-month contract and will include the following:

1. One hundred eighty (180) teaching days (minimum required by law).
2. Ten (10) days for such activities as teaching, planning for the opening of school, completing records and reports related to the closing of each semester or school year, committee assignments, and conferences as defined by the local school board.
3. Ten (10) days for a continuation of activities undue items (1) and (2) and/or such other activities as assigned or approved by the Board.



Contract Lengths for Teachers	
Months	Days
10-month contract	200 days
10.5-month contract	210 days
11-month contract	220 days
12-month contract	240 days

The Department of Human Resources will distribute workday tables for all employee groups via a division-wide communication on an annual basis. Workdays for each category of employee are subject to change based on the needs of the school division.

### *Resignations*

Employees who do not intend to continue their employment with the school division must submit written notice via the *Norfolk Public Schools Resignation/Extended Leave of Absence Form A-30* at least two weeks in advance of the intended date of resignation. The employee may, within one week, withdraw the request to resign. Upon expiration of the one-week period, the Superintendent will notify the School Board of the decision to accept or reject the resignation. For teachers, in the event that the Board or Superintendent declines to grant the request for release on the grounds of insufficient or unjustifiable cause, and the teacher breaches such contract, disciplinary action, which may include a written reprimand, suspension, or revocation of the teacher's license, may be taken pursuant to regulations prescribed by the Board of Education (Code of Virginia § 22.1-304).

Employees resigning for any reason will be removed from payroll as of the last day of service.

### *Retirement*

Full-time, permanent employees must participate in the Virginia Retirement System (VRS). VRS requires five (5) years of participation to be eligible to receive retirement pay when due (being "vested"). Employees should refer to the [VRS website](#) for more specific information about retirement benefits and plans. Questions concerning retirement may be directed to the Department of Human Resources. See Appendix D: VRS for additional information.

### *Resignations*

Employees who do not intend to work the following school year should submit written notice by no later than  
June 15.



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### *Personnel Records*

Present and past employees may have access to their personnel files.

If an employment verification is requested by a third party, written permission from the employee to release such information is required, except to comply with a judicial order, a lawfully issued subpoena, the Virginia Freedom of Information Act (Va. Code § 2.2-2700 et seq.), or other law or court order.

Teacher performance indicators, or other data used to judge the performance or quality of a teacher, maintained in a teacher's personnel file or otherwise is confidential but may be disclosed (i) pursuant to court order, (ii) for the purposes of a grievance proceeding involving the teacher, or (iii) as otherwise required by state or federal law. Nothing prohibits the release of or limits the availability of non-identifying, aggregate teacher performance indicators or other data.

When formal complaints are to become part of an employee's personnel file, the employee will be notified of the complaint when it is placed in the file. Information determined to be unfounded after reasonable administrative review will not be maintained in an employee personnel file but may be retained in a separate, sealed file by the administration if such information alleges civil or criminal offenses.

### *Transfers Requested by the Employee*

An employee may request a voluntary transfer to a particular school site and/or grade level/content area. The request must be made in writing and by the established deadline to the Department of Human Resources via the electronic *Request for Voluntary Transfer Application*. A new request must be submitted for any year a transfer is desired.

After the voluntary transfer application period has closed, eligible employees will be included on the voluntary transfer list sent to principals. Applicants and principals may initiate contact to schedule an interview as needed. Principals will make recommendations for transfer to the appropriate Human Resources Generalist by the established deadline. Employees will be notified if the transfer is approved.

### *Administrative Transfers Initiated by the Superintendent*

In situations where the best interests of the school system and/or the employee are involved, the Department of Human Resources may execute administrative transfers subject to the approval of the Superintendent. Administrative transfers will have precedence over all other transfers.



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### *Assignments: Supervisory Relationships*

No family member of any employee may be employed by the School Board if the family member is to be employed in a direct supervisory and/or administrative relationship either supervisory or subordinate to the employee. The employment and assignment of family members in the same organizational unit will be discouraged.

Family members are defined as father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law or brother-in-law.

### *Resolving Complaints*

In the event that an employee needs assistance or needs to resolve a complaint, the employee should first consult their direct supervisor (i.e. building principal or department director). In the case of school-based staff, complaints that cannot be resolved by the principal should next be directed to the appropriate Executive Director of Schools. On rare occasions, matters may be handled by the Chief Human Resources Officer or the Superintendent, with a final appeal considered by the School Board.



# *Employment Requirements*

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## *Personnel Data*

Before an individual can be placed on the payroll system, the following items must be complete and filed:

1. A complete application for employment.
2. A background investigation consisting of fingerprint evaluation, Department of Social Services central registry search, and review of professional references/previous employment.
3. Withholding Tax Exemption Forms (W-4 Federal and VA-4 State).
4. Medical Certification: In compliance with state law, applicants must submit a certificate signed by a licensed physician or a registered nurse practitioner stating that the person appears to be free of active tuberculosis, based on the Tuberculosis Risk Assessment that is recommended by the Norfolk Department of Public Health guidelines. Anyone with symptoms of active TB will be thoroughly evaluated. Additionally, school bus drivers and assistants qualified to drive school buses must submit a certificate signed by a licensed physician stating that they are physically and mentally capable of operating a school bus safely.
5. Declaration of authorized work status and a completed Form I-9.
6. Drug Test.
7. Job-related licensure and/or certification (if applicable).

## *Health Examination*

All school employees must obtain proof that they are free from tuberculosis by providing documentation of a negative report of tuberculosis through a tuberculosis screening. The tuberculosis screening is valid based on the Tuberculosis Risk Assessment that is recommended by the Norfolk Department of Public Health guidelines. The certificate must be completed and signed by a licensed physician or authorized nurse practitioner and must be submitted to the Department of Human Resources during the pre-employment process. The physician's certificate is acceptable if the examination was made within twelve months before submission of the health certificate. No employee, volunteer, or student teacher may begin duties prior to meeting this requirement. If the employee has a positive reaction to a skin test, a chest X-ray report must be submitted. The expense associated with the TB screening, test, or chest x-ray is the sole responsibility of the applicant.

Additionally, regardless of job classification, the School Board reserves the right to direct an employee to undergo a physical examination at any time to verify the suitability of the





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individual for continued employment. The costs of such mandatory fit-for-duty examinations will be covered by the School Board.

School Nutrition employees and other employees handling or dispensing food must possess a current food handler's card from the City's health department.

All school bus drivers and assistants must annually submit a certification signed by a licensed physician stating they are physically and mentally capable of operating a school bus safely.

### *Internet Acceptable Use Policy*

Norfolk Public Schools (NPS) provides a full range of computer information systems, including Internet resources, for students and staff. NPS strongly believes in the educational value of such computer information systems and recognizes their potential in support of our curriculum and student learning goals. School Board employees and students will not use the division's computer equipment and communications services for sending, receiving, viewing, downloading, or uploading inappropriate and/or illegal material via the Internet and World Wide Web. The failure of any staff member to follow the terms of this policy may result in the loss of Norfolk Public Schools computer network privileges, disciplinary action, and/or appropriate legal action.

### *Non-School Employment*

The Norfolk Public Schools does not prohibit its employees from engaging in gainful supplemental employment, provided that such employment does not adversely affect their performance of their work for the school system; create an actual, potential, or apparent conflict of interest with their work for the school system; or reflect discredit or potential discredit upon the school system.

If the Superintendent determines that an employee's supplemental employment violates this standard, they will require that the employee terminate their outside employment.

### *Employee Evaluation*

All full-time, contracted Norfolk Public Schools employees are evaluated. Each employee will be provided with the applicable performance evaluation procedures and document(s) relevant to their position. All performance evaluations are confidential, and access to them will be limited to persons authorized to view them.

#### **Teachers**

All new teachers are summatively evaluated for the duration of the probationary period of their employment. Upon satisfactory completion of this probationary period, teachers performing at standard are summatively evaluated every three years, with annual formative evaluation.



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**Teachers Employed for Only Part of a Year**

Teachers who are hired and/or appointed to their positions after September 30 of the current academic year will be evaluated using a narrative format (i.e. a memorandum to the teacher with a copy to the personnel file).

**Classified Employees**

All classified employees are summatively evaluated annually for the duration of their employment with Norfolk Public Schools.

**Administrative Employees**

Administrative employees are summatively evaluated annually for the duration of their employment with Norfolk Public Schools.



# Compensation

## *Payroll Deductions*

Federal and state taxes are automatically deducted from each employee's paycheck. The amount withheld will be based on the withholding statement submitted by the employee at the time of employment. In addition, all employees will contribute to the Social Security System (FICA Tax).

No deductions will be made from an employee's check except these deductions:

- Required by federal or state law, or by court order, decree, or legal process.
- For programs of general interest made available to all school employees and approved by the School Board.
- For any one education-related membership organization.
- Certain other employee-authorized deductions.
  - Tax sheltered annuities
  - Savings bonds
  - Credit unions
  - Dental insurance
  - Advanced earned income credit
  - Flexible reimbursement accounts (child and/or health care)
  - Group health insurance
  - Parking fees for area parking lots
  - Professional organizations
  - PTA scholarship auction fund
  - United Way campaign
  - VRS optional group life insurance
  - VRS buyback of service credit

Additional voluntary deduction requests must be recommended by the Superintendent and approved by the School Board.

## *Computing Pay Deductions*

In computing deductions in pay, any absence will be counted as no less than ½ hour.

Daily rates of pay for all regularly employed full-time employees will be determined by dividing their annual pay by the number of contract pays in their respective work year.

## *Direct Deposit*

Direct deposit of net pay is mandatory as a condition of employment with Norfolk Public Schools (NPS). NPS offers a pay card for individuals who cannot obtain a traditional bank account.

## *Payroll Questions*

Questions regarding pay should be directed to the Payroll Office at 757-628-3853.



### *Holidays (Non-Exempt Employees)*

Non-exempt employees who work, as directed by their supervisor, during any national or state holiday observed by the school administration will receive two (2) times their regular rate of pay for each hour worked unless exempt under the Fair Labor Standards Act (FLSA). This does not include work time for regularly scheduled boiler and/or building checks on holidays.

Makeup days falling on national or state holidays are considered regular workdays and overtime pay is not given.

### *Call Back Pay (Non-Exempt Employees)*

In the event a non-exempt employee is recalled to a work location because of an emergency (not caused by that person) at a time when they are not regularly assigned to duty, the employee will be paid at a rate which is one and one-half (1.5) times the regular rate of pay for a minimum of two (2) hours or for the total time on duty at the work location, whichever is greater.

### *Overtime Pay for Classified Employees*

One and one-half (1.5) times an employee's regular rate will be paid for authorized overtime hours worked in excess of forty (40) hours within the work week.

### *Pay Advice Review*

Norfolk Public Schools makes every effort to ensure that all its employees are paid correctly and in accordance with law for all hours worked and that no improper deductions are made from their pay. Employees should review their pay advice and/or check when they receive them to make sure that they accurately reflect their earnings.

### *Complaint Mechanism*

If an employee believes their pay does not accurately reflect the hours they worked, does not credit the employee overtime to which they are entitled, and/or if they believe that their pay was subject to an improper deduction, the employee should immediately report the appropriate payroll clerk or, when unavailable, the clerk's supervisor. If either are unavailable or if the employee believes it would be inappropriate to contact them, the employee should immediately contact an administrator within their department.



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If the employee is unsure of whom to contact or if they have not received a satisfactory response within five (5) business days after reporting the matter, the employee should contact the Department of Human Resources.

Norfolk Public Schools will fully investigate every complaint filed pursuant to the established policy and will take prompt corrective action when appropriate to both reimburse the employee and ensure future compliance with the FLSA. In addition, Norfolk Public Schools will not allow any form of retaliation against employees who report alleged violations of policy or cooperate in the investigation of such report. Any form of retaliation or other willful violation of this policy will result in disciplinary action, up to and including a recommendation for dismissal.

See Appendix B.

### *Service Credit for Salary Scale Progression*

Employees entering Norfolk Public Schools no later than January 31<sup>st</sup> of the given fiscal year will be credited with one (1) year of experience and consequently placed on the next step of the appropriate salary scale for the next school year, if such step increase is approved by the School Board for the following year. Employees hired after January 31<sup>st</sup> of the given fiscal year will not receive a step increase.

### *Salary Adjustments*

#### **Employees New to School System**

All employees will be placed on the beginning step of the applicable salary scale unless an evaluation and verification of prior service and/or the school system's needs warrant an adjustment.

#### **Promotion of Employees**

When an employee is promoted, the new salary will compute to at least a 10% increase. If the employee is eligible for a step increase, it will be awarded and applied before the promotional calculation.



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### *Teacher Earning an Advanced Degree*

Any salary increases for additional educational achievements (such as master's degree or higher) after the execution of a contract will not be effective until approved by the School Board. Such mid-term salary increases will not be approved if the employee has requested to be released from their contract until the School Board decides on that request. If the School Board denies the release and the employee departs anyway or is otherwise otherwise in breach of contract, no such salary increase will be granted.

### *Master's Degree, Master's Degree Plus 30 Hours, and Doctoral Degree*

For salary credit, Norfolk Public Schools recognizes master's degrees and doctoral degrees in the field of education or fields directly related to the job assignment. Salary credit for master's plus 30 is awarded for 30 hours of graduate course work when it is separate from and not a part of the master's degree program. Graduate course work should be in the employee's current assignment, in education, or toward a new licensure endorsement. A teacher who earns an advanced degree will be placed on the appropriate grade once acceptable documentation is received by the Department of Human Resources, and the salary increase will be effective when approved by the School Board.

### *National Board Certification*

Teachers and guidance counselors who have achieved National Board Certification from the National Board for Professional Teaching Standards will receive a stipend.



## Benefits

### *Contracted Staff*

All full-time staff are entitled to elect benefits offered by Norfolk Public Schools. Eligibility may be discussed with the appropriate Human Resources Generalist at the time of hire.

- *Health (Medical & Pharmacy) Insurance.* Full-time employees are offered health insurance through the Norfolk Healthcare Consortium, and the School Board will pay a portion of the premiums.
- *Dental Insurance.* A separate dental plan is available at full cost to the employee.
- *Vision Insurance.* A separate vision plan is available at full cost to the employee.
- *Group Life Insurance.* A fully paid group life insurance plan is offered for full-time employees. The amount of insurance is equal to the employee's annual salary rounded up to the next thousand and doubled. In addition, full-time employees will be allowed to purchase, through payroll deduction, additional term life insurance for themselves, their spouse, and/or their dependent children dependent upon the insurance carrier.
- *Long Term Disability Insurance for Non-Hybrid Employees.* NPS offers Long Term Disability (LTD) through The Hartford to Non-Hybrid employees through payroll deduction at a rate determined by the employee's salary. The LTD benefit provides partial income replacement when the employee is unable to work due to sickness and off-the-job accidents. Evidence of Insurability forms must be completed to determine approval or denial into this benefit.
- *Health Savings Account.* Through the Norfolk Healthcare Consortium, NPS offers a Health Savings Account (HSA) administered by HealthEquity to those employees enrolled in the HSA 1500 health plan. An HSA is a triple tax-advantaged medical savings account that can be used for paying eligible medical, dental and vision expenses.
- *Dependent Care Spending Account.* Through the Norfolk Healthcare Consortium, NPS offers Dependent Care Flexible Spending Accounts (DCFSA) for eligible employees through Flexible Benefit Administrators.
- *Flexible Spending Accounts.* Through the Norfolk Healthcare Consortium, NPS offers FSA to eligible employees to help you save on eligible important medical, dental, and vision expenses by using pre-tax dollars.
- *Critical Illness.* NPS offers Critical Illness insurance through MetLife. Critical illness insurance provides a lump-sum payment if the employee or a covered family member are diagnosed with one of the following medical conditions: heart attack, stroke, coronary artery bypass graft, kidney failure, Alzheimer's Disease, cancer, or major organ transplant.
- *Employee Group Legal Insurance Plan & Identity Theft Protection.* Norfolk Public Schools offers all full-time employees the option to purchase this insurance through payroll deduction. This plan may cover legal services including but not necessarily limited to wills, consumer matters, real estate transactions, family law,





adoptions, civil disputes, and general legal advice.

- *Wellness Program.* The wellness program is an employer-sponsored wellness program to improve employee health and prevent disease.
- *Tort Insurance.* General liability insurance covers staff against claims arising out of bodily injury or property damage to others because of their employment for which there is or may be a personal legal obligation. Defense costs shall be borne by the School Board except in cases where the employee has gone beyond the scope of his or her employment.
- *Employee Assistance Plan (EAP).* Norfolk Public Schools contracts with a private agency to provide an Employee Assistance Plan (EAP) which offers confidential counseling assistance to employees and their dependents. The agency will not report to the school division the names or other identifying information of employees seeking assistance.
- For complete benefits information, visit the Norfolk Healthcare Consortium Website at <https://www.norfolkhealthcareconsortium.com>.

### *Worker's Compensation*

The School Board provides benefits in accordance with the state worker's compensation law. Worker's compensation pays all medical bills and a portion of lost wages if sick leave is not used.

### *Tax Sheltered Annuity Plan (TSA)*

Tax-sheltered annuity plan options are available for payroll deduction to contracted, full- and part-time employees.

### *Reserve Pay*

Reserve pay allows a 10- or 11-month employee to receive pay over 12 months. No new enrollments will be accepted from employees hired after September 1 of each school year.

### *Teacher Induction Program*

Norfolk Public Schools provides an extensive three-year teacher induction program to support and develop teachers.

### *Salary Advance*

Full-time teachers hired at the beginning of the school year through December of the contract year are eligible for an optional salary advance of up to \$1,000. Monies advanced are repaid within the contract year. This salary advance is for first-time, full-time teachers and can be used once.



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### *Supply Allowance*

If funds are available and approved, all classroom teachers may receive a supply allowance from Norfolk Public Schools.

### *U. S. Savings Bonds*

U.S. savings bonds may be purchased through payroll deduction.

### *Tuition Reimbursement*

All full-time, contracted administrators and teachers are immediately eligible to request tuition reimbursement upon hire. Classified employees must be employed in a full-time position for at least two years to be eligible to request tuition reimbursement for a two-year college; classified employees must be employed in a full-time position for at least four years to be eligible to request tuition reimbursement for a four-year college or university. Specific request procedures are outlined in the *Application for Tuition & Assessment Reimbursement*. For all employees, all course and/or dates for the reimbursement being sought must be within the employee's dates of employment.

Norfolk Public Schools will reimburse tuition no higher than the prevailing in-state rate of Old Dominion University or Norfolk State University; if the actual tuition cost is less than the aforementioned rates, the employee will be reimbursed for the tuition rate paid. Tuition reimbursement includes undergraduate and graduate courses in the employee's general field or for job skill improvement taken at a regionally accredited institution.



### *Part-Time Contracted Teachers*

Part-time, contracted teachers: must work 50% of each contract day; must participate in all building/department professional activities; have prorated sick and personal leave; and are eligible for health insurance at a prorated cost to the employee. However, these employees do not qualify for retirement or life insurance benefits.

Part-time contracted teachers who work fifty percent (50%) or more of the established work schedule will advance on the salary scale at the rate of one step for two part-time years of employment based upon annual budget approval.

### *Sick Leave Bank*

Norfolk Public Schools maintains a sick leave bank to be used by eligible employees (VRS Plan 1, VRS Plan 2, and Hybrid employees for the first year of employment) who are incapacitated by long-term personal illness or injury according to the provisions set forth in the policy. After the first year of employment, Hybrid employees should refer to the [VRS website](#).

- Membership in the voluntary sick leave bank will be open to all eligible employees (entitled to sick leave benefit). To enroll in the sick leave bank, an employee must donate one day of sick leave earned during the current school year.
- An employee may enroll within 30 calendar days of the beginning date of employment. An employee who does not enroll when first eligible may do so between any subsequent September 1 to October 15 period by making application and providing satisfactory evidence of good health to the superintendent or designee.
- A member of the sick leave bank may draw days after being without leave for 30 consecutive calendar days or 20 duty days in a 35 calendar day period. An exception may be noted if the 30 days are not consecutive but occur within 45 days for the same illness or disability. All leave credited to the employee must be exhausted prior to going on leave without pay.
- Days drawn from the bank for any one period of eligibility must be consecutive or drawn for absences resulting from the same illness or disability. Otherwise, members must return to work and reestablish eligibility to draw from the bank.
- A maximum of 45 days each school year may be drawn by any one member of the sick leave bank without regard to the number of instances of eligibility. Sick leave bank benefits are available through the last duty day of the contract year.
- Members using sick leave days drawn from the bank will not have to replace these days except as a regular contributing member to the bank.
- Upon termination of employment or withdrawal of membership from the bank, a participating member will not be permitted to withdraw contributed days. Any employee who has terminated employment with Norfolk Public Schools must apply for reinstatement in the sick leave bank upon rehire with Norfolk Public Schools. Note the following exceptions:
  - Employees who are terminated at the end of the current school year because of lack of funds only to be rehired before the beginning of the new school year.



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- Employees who are on leave of absence because of personal illness or for professional improvement are to be treated as current employees and do not have to rejoin the sick leave bank upon return unless they actually resign.
  - Verification of disability, including the nature of the disability or illness and the expected date of return, will be required before withdrawals from the bank are permitted.
  - Withdrawals from the bank may not be used for disability which may qualify the member for Workers' Compensation unless the member has exhausted all Workers' Compensation leave and/or insurance benefits. Pending cases will not be paid until resolution of such cases. Disallowance of claims will trigger retroactively to the eligibility period.
  - The provisions of the sick leave bank will be administered by the superintendent or designee. Appeals by bank members may be made to the Superintendent of Schools.
  - The maximum paid for benefits under this plan will not exceed an amount set by the administration for each school year.

Hybrid employees (Year 2 and beyond) are covered by the VRS Virginia Local Disability Program (VLDP) that provides income protection for Hybrid employees who are unable to work. Coverage becomes effective once the employee has completed one full year of active employment. To provide income protection to Hybrid employees who are not yet covered by VLDP, Hybrid employees are permitted to join Norfolk Public Schools' Sick Leave Bank within 30 (thirty) days of hire. To join, the employee must donate one non-refundable day of sick leave. Upon enrollment and during the first full year of employment, full sick leave bank benefits will be made available to Hybrid employees. After the first full year of active employment, Hybrid employees will no longer be members of the NPS Sick Leave Bank and will instead be covered by VLDP. Detailed information regarding this program can be found in the VLDP Handbook for Employees, located on the Virginia Retirement System website under publications for Hybrid employees.



### *Sick Leave Donation*

Eligible employees can donate and receive sick leave in accordance with the Sick Leave Donation procedures as outlined in School Board Policy GCBZ. Employee Leave.

- An employee who wants donated leave must submit a written request to the Chief Human Resources Officer. The request must include the reason why donated leave is requested and the approximate duration of the employee's absence. A doctor's certificate verifying this information should accompany the request.
- An employee to whom sick leave is donated must have used all available leave, including annual or personal leave and leave resulting from membership in the sick leave bank. If the employee is not a member of the sick leave bank or is ineligible to use the sick leave bank, the following provisions of the sick leave bank shall apply.
  - Transferred leave may not be used to cover the 30 consecutive calendar days or 20 duty days in a 35-calendar day period as defined in the sick-leave bank.
  - Transferred leave may not be used to cover the 45 days per year that would otherwise be available from the sick-leave bank.
  - Transferred leave may only be used for personal illness.
- If the employee's request is approved, the Department of Human Resources will send sick leave donation authorization forms to the employee's principal or supervisor to coordinate the donations. Completed forms must be returned to the Department of Human Resources.
- No employee may donate more than 5 days of earned sick leave to a single employee during a fiscal year.
- Once the employee returns to work, unused donated leave will be distributed on a prorated basis among all donors. Employees may not save unused donated leave for follow-up checkups or subsequent absences.
- Donated days may be used only for contracted workdays.

### *Travel*

Persons required by principals or directors to use a personal automobile in the performance of their duties, including travel between job locations during the workday, will be reimbursed at the regular rate per mile established by the School Board. At no time will reimbursement be authorized for travel between an individual's home and place of work.

School buses and other school vehicles may be used whenever practical for ground transportation of groups or materials subject to mileage limitations, time restrictions, and other conditions as stipulated by the Director of Transportation or the director responsible for the school vehicles. In such instances, travelers will be reimbursed for normal expenses, as well as emergency repairs and towing for which receipts are submitted.



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### *Uniforms (Support Staff)*

When authorized by the immediate supervisor, replacement of torn or worn-out uniforms may be provided for those support staff who are required to wear uniforms, except that no more than five (5) uniforms will be replaced within a twelve (12) month period.



## *General Leave*

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### *Definition*

Leave is defined as an authorized absence from work for a specific period which is less than the remainder of the school fiscal year (July 1 - June 30). Leaves may be either with or without pay. Employees who use all of their accumulated leave balance will be inactivated on the payroll as of the last day of available leave.

### *Leaves of Absence*

Leaves of absence without pay for a period not to exceed one school year may be granted to personnel for reasons such as personal illness, illness in the family, parenthood, professional improvement, quarantine, religious holidays, personal business, and death in the family. A military leave of absence without pay will be granted to any regular employee as established by law.

Each leave of absence must be recommended by the building principal or department head, appropriate executive director, chief Human Resources Officer, and superintendent. Such requests must be accompanied by supporting documents.

Should an extension of the leave of absence be required, the request should be submitted at least fourteen (14) calendar days before the expiration of the original leave. A leave of absence expires automatically unless a request for an extension has been received and approved prior to the expiration date.

### *Abuse of Leave*

If at any time a supervisor has reason to believe that an employee is abusing leave, the matter may be investigated. Investigative measures may include, but are not necessarily limited to, the following:

- Telephone calls;
- Home visits; and/or
- Verification of illness from a licensed physician on a more frequent basis as required by the Family Medical Leave Act (FMLA).

### *Request for Leave*

Leave may be taken in multiples of one-half (0.5) hour increments. A fraction of an hour will be accepted only when it is for a full day's leave or one half-day's leave. Note: Substitutes for teacher personnel will not be employed for less than one half-day.

Leave balances are located on the employee's electronic pay stub. In addition, leave balances and usage information can be found via Employee Self-Service under Time Off. Questions concerning incorrect leave balances should be reported each pay day to the office manager or the Payroll Office at (757) 628-3853.





The schedule that may be used when requesting leave for one half-day is as follows:

Work Hours	Half Day	Work Hours	Half Day
8.00 Hours	4.00 Hours	6.00 Hours	3.00 Hours
7.50 Hours	3.75 Hours	6.33 Hours	3.17 Hours
7.33 Hours	3.67 Hours	5.50 Hours	2.75 Hours
7.00 Hours	3.50 Hours	5.00 Hours	2.50 Hours
6.50 Hours	3.25 hours	3.00 Hours	1.50 Hours
6.33 Hours	3.17 Hours		

A request for leave should be submitted in writing via the *Request for Leave Authorization Form A-35* at least seven (7) days in advance, if possible. When this is not feasible in some cases of emergency or unplanned leave, the form should be submitted immediately upon the employee's return to work. It is the employee's responsibility to be certain that an accurate leave request form is completed to cover any absence. It is the responsibility of the person preparing the payroll report submitted at the end of each pay period to be certain all leave is reported and that the leave reported is correctly identified with the proper event code.

The employee must furnish all information requested on the leave request form, to include the following: the month day, year, and number of hours requested for leave; the employee's full name ; the employee's identification number; and the school or department. Incomplete requests will be returned to the employee and cannot be accepted.

### *Change or Cancellation of Leave*

When an employee finds that leave for they have applied has to be changed or canceled, they should notify the person at their work location who is responsible for preparing the payroll report of the change. Leave changes must be made in writing via form A-36, which must be signed by the administrator and forwarded to the Payroll Office.

### *Personal Leave*

Full-time employees who are not eligible for annual leave will be entitled to personal leave of up to three (3) days per year, which is allocated as follows:

- those who begin work no later than November 30 – 3 days;
- those who begin work after November 30 but no later than February 28 – 2 days; and
- those who begin work after February 28 – 1 day.



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### *Personal Leave Conversion*

If an employee is absent fewer than the total number of days of personal leave allowed during the year, the unused allowance will be converted to sick leave. Alternatively, each June, the employee may choose to convert the unused allotment of personal leave to additional personal leave at the rate of one (1) additional day of personal leave for each two (2) unused personal days. The maximum converted accumulation will not exceed three (3) days. The employee must submit a request in writing by no later than June 15 via the Personal Leave Conversion Request Form. At no time will an employee's personal leave exceed six (6) days, including converted days. The form can be found on the NPS Human Resources website at [www.npsk12.com/hr](http://www.npsk12.com/hr).

### *Professional Leave*

A professional leave request should be accompanied by documentation of the place and purpose of the meeting in the form of a registration form, agenda, announcement, or other appropriate documentation. The request should be submitted to the employee's direct supervisor for approval or disapproval. If approved, the payroll clerk for the department or school will process the request through the Payroll Office.

Employee-requested professional leave is provided to enable employees to pursue professional growth experiences that they identify as being pertinent to job related requirements. It may be either with or without pay, as determined by the degree to which the intended activity is job related. Approval of this type of leave will be subject to the following considerations:

- availability of a suitable substitute, if applicable;
- impact of the employee's absence on the program;
- potential contribution (professional, fiscal, etc.) to the school division;
- depth of individual participation (program participant or observer);
- frequency of requests of employees at the work site; and
- frequency of requests from requestor.



### *Excessive Absence/Tardiness*

Excessive absence and/or tardiness can result in disciplinary action up to and including recommendation for dismissal.

### *Unscheduled Leave*

Unscheduled leave is defined as an absence for which approval was not granted at least 48 hours prior to the workday(s) missed. Supervisors are to use discretion when an unscheduled absence is a result of an emergency or a situation outside of the employee's control, requiring use of sick or personal leave.

**Employees who are either excessively tardy or absent or who can be shown to have abused authorized leave will be subject to disciplinary action, up to and including a recommendation for termination.** Excessive absenteeism is defined as unscheduled leave in excess of 4% per semester or work year of an employee's regularly scheduled work time. Excessive tardiness is defined as more than two (2) incidents of tardiness in a work month (20 days).

### *Leave Without Pay*

A request for Leave Without Pay should be accompanied by information to justify the need to be absent from assigned duties during the school day.

### *Leave for Religious Holidays and Religious Accommodations*

Norfolk Public Schools grants employee requests for reasonable accommodations for their religious practices when it can be done without undue hardship.

An employee who is absent because of religious holiday shall be allowed full pay not to exceed three (3) days in any school year. These absences will be charged against the accumulated allowance for sick leave or, as an alternative, the employee may choose to make up the time as mutually agreed upon by the employee and supervisor. A definite schedule for make-up will be established.



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### *Leave for Jury Duty/Subpoenaed as a Witness*

Norfolk Public Schools will not take any adverse personnel action against an employee, nor will it require any employee to use sick, personal, or vacation leave as a result of absence from employment due to a court appearance, except when the employee is the defendant in a court case, so long as the employee gives reasonable notice to Norfolk Public Schools of such court appearance or summons.

A request for leave for jury duty/subpoenaed as a witness must be accompanied by a copy of the jury duty notice or subpoena.

### *Liberal Leave*

There are occasions when Norfolk Public Schools is open but because of extenuating circumstances groups of employees are not able to report. Normally, these circumstances are related to weather. Past events have included post-hurricane conditions and flooding situations. In each of these situations, some employees have been able to report, many on time. However, other employees were not able to report to work because of where they live or their mode of transportation.

It is not the intent of the administration to penalize anyone on these occasions. However, there is a need to recognize those individuals who worked. For this reason, the administration has adopted a practice of "liberal leave." Liberal leave, once declared by the Superintendent or appointed designee, will allow employees who did not report to use whatever leave they have available to offset their absences. In part, the rationale is that most employees have an abundance of sick leave. While weather-related occasions are not sick leave, this policy allows for that use. Other employees may want to apply their personal leave to the absence. Using the plan, the administration recognizes those individuals who were able to report and creates some flexibility for those individuals who were not able to report.



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### *Family and Medical Leave Act (FMLA)*

In accordance with the Family and Medical Leave Act, any person who has been employed with the Norfolk Public Schools for a minimum of twelve (12) months and has worked a minimum of 1,250 hours during the previous twelve (12) months is eligible for a maximum of twelve (12) weeks of **unpaid leave** during any twelve (12) month period for the following reasons: the birth and care of a child; the adoption of a child or placement of a foster child; the care of a spouse, son, daughter, or parent who has a serious medical condition; or the employee's own serious health condition. See Appendix E for guidelines for Military Families and Veterans.

Additionally, Norfolk Public Schools will consider "contracted employees" (such as transportation, food services, etc.) as covered under FMLA.

Any employee who anticipates requiring this leave should contact their Human Resources Generalist to discuss the process. FMLA forms can be found on the NPS Department of Human Resources website at [www.npsk12.com/hr](http://www.npsk12.com/hr).

#### **Family Medical Leave Guidelines**

1. After an employee has missed three consecutive days for medical reasons, medical documentation can be required and FMLA paperwork should be initiated. Paperwork must be completed prior to an employee going out on leave when advance notice of the situation is possible. If an employee goes out on emergency leave without completing the paperwork, the supervising administrator must submit a signed statement to the Department of Human Resources verifying the leave. This signed statement does not take the place of the completed FMLA paperwork; it provides a short-term verification until formal paperwork is completed and received by the Department of Human Resources.
3. The employee submits the Family Medical Leave (FMLA) paperwork to the Department of Human Resources. If the FMLA forms are incomplete, the Department of Human Resources will contact the employee to discuss. Forms must be revised and returned immediately.
4. A Human Resources Generalist or the Chief Human Resources Officer signs the approval of the leave based on the appropriate medical documentation.
5. A letter is sent to the employee and to payroll confirming the date the approved leave started, anticipated return date, and information on the continuation of benefits while on leave.

**Note**

Paid leave and  
unpaid leave run  
concurrently.

6. If no return date is listed, after the expiration of 12 weeks, the Department of Human Resources will notify the employee of their leave options (if any).
7. Employees on an approved leave of absence under FMLA will receive the School Board's health insurance contribution not to exceed twelve (12) weeks per year. Optional life and hospitalization insurance may be maintained during parental or medical leave for any additional time beyond twelve (12) weeks per year if the full premium for coverage is paid to the division by the employee.
8. If an employee extends their FMLA beyond the medical coverage, with the twelve (12) weeks of FMLA coverage and with remaining sick leave on record, the Department of Human Resources the employee in writing that they are on leave without pay. Sick leave pay under FMLA can only be used if there is medical documentation to support the condition.
9. During a period of FMLA leave, and until such time that the employee is returned to full duty by their healthcare provider, the employee is not permitted to work in any capacity for Norfolk Public Schools. This includes any part-time, coaching, etc. duties for which the employee would receive compensation from Norfolk Public Schools.
10. The supervising administrator must notify the Department of Human Resources via e-mail the day the employee returns to work. Failure to notify the Department of Human Resources could affect an employee's pay.

FMLA Event	FMLA Allows	NPS Paid Leave
Illness of an employee's spouse, parent, or child	12 weeks unpaid	(Family Illness) One day per month for every month of the employee contract (i.e. 10 days per year for most teachers). The Superintendent or designee may approve an additional 20 days for critical illness of a spouse, parent, or child.
Employee's own illness	12 weeks unpaid	(Personal Illness) Time spent under medical supervision
Birth or Adoption	12 weeks unpaid  OR  A combined total of 12 weeks leave for mother and father, if both are employees	(Birth/Adoption) Up to 12 weeks of paid and/or unpaid leave. The portion of leave that may be paid is based upon the availability of the employee's accumulated leave.



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### *Basic Leave Entitlement*

FMLA requires covered employers to provide up to twelve (12) weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care, or childbirth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- The care for the employee's spouse, child, or parent who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

### *Health and Hospitalization While on Leave*

The School Board will make available, upon request, the continuation of health and hospitalization insurance benefits to those persons on approved leave of absence with the understanding that persons on an approved, unsalaried leave of absence must pay the full premium.

### *Quarantine*

An employee absent by reason of quarantine shall be paid full salary for such period provided the quarantine was incurred as a result of employment in the employee's regular position. This allowance will not be charged to the accumulated leave for personal disability.

### *Employment After Leave*

An employee returning from an extended leave of absence will not be guaranteed his or her former assignment but will be placed in a position for which he or she is certified and qualified when such a vacancy exists. It is anticipated that an employee would return from leave at the beginning of a semester; however, if a suitable vacancy arises at some other time during the year, he or she may be assigned to that vacancy.





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### *Transfer of Sick Leave*

New employees who were previously employed by another Virginia school system, educational agency, or educational institution may transfer up to one hundred (100) days of accumulated sick leave provided they have not been separated from the previous school system, educational agency, or educational institution for more than five (5) years. The employees are responsible for having their previous employers provide the Department of Human Resources with written verification of their accumulated sick leave via the *Sick Leave Transfer Request Form*.

### *Maternity/Paternity Leave*

An eligible employee is entitled to up to twelve (12) weeks of paid and/or unpaid leave. The portion of leave, if any, that may be paid is based upon the availability of the employee's accumulated leave. Parents who are both employed by the School Board may only take a combined total of twelve (12) weeks of leave during the school year for the birth or adoption of a child. The appropriate form along with physician certification are to be forwarded to the Department of Human Resources.

### *Leave for Coursework*

With the recommendation of the appropriate supervisor or executive director and final approval of the appropriate division leader, 11- and 12-month non-teaching personnel who desire to leave work early during the day to take coursework at local colleges and universities must use prorated annual leave time or work on an alternative work schedule.

### *Returning Personnel*

An employee who has been separated from Norfolk Public Schools for a period of five (5) or more years will not be credited with prior years' service for leave purposes.

### *Family Illness*

Sick leave/family illness is limited to spouse, child, parent, grandparent, brother, sister, grandchild, mother-in-law, or father-in-law, unless an atypical family relationship is involved. If this is the case, it should be explained on the leave form. Sick leave/family illness is deducted from the sick leave accumulation of the employee.



An employee who is absent because of the disability of a member of his or her immediate family will be allowed full pay for such absence providing that the total number of days for such absences for each year does not exceed the number of months contracted for the year (i.e. 10 month contract = 10 days; 12 month contract = 12 days). If an employee's request for sick leave/family illness exceeds the number of days of sick leave the employee has accumulated, such leave will be without pay.

An extension of sick leave/family illness leave for up to an additional 20 days may be requested for a critically ill immediate family member by submitting a written request to the Superintendent or designee, including a copy of the FMLA documentation along with a physician's statement. These additional days will be deducted from the employee's personal sick leave accumulation. If an employee has exhausted all his or her sick leave, then it will be without pay.

### *Death in Family*

An employee who is absent because of the death of a member of his or her immediate family (includes spouse, child, parent, adoptive parent, foster parent, grandparent, brother, sister, grandchild, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law) will be allowed leave with pay, taken at the time of death, not to exceed three (3) days. Death in family leave will be extended to allow an employee to escort a minor child to the funeral services for an ex-spouse who is the child's parent. An additional two (2) days will be allowed for death involving an employee's parent, adoptive parent, spouse, or child. This leave will not be approved to extend over a school holiday (i.e. winter or spring holidays). An atypical family relationship should be explained on the leave form and will be handled on an individual basis by the principal and Chief Human Resources Officer.

### *Political Leave*

At the discretion of the Superintendent, a leave of absence without pay for the purpose of campaigning for public office may be granted for a period not to exceed thirty (30) days in any three-year period. At the discretion of the Superintendent, employees signifying their intent to campaign for public office may be required to take such leave.

Employees elected or appointed to a political or governmental office may be granted a leave of absence without pay for the purpose of holding such office for a period not less than one (1) year (or duration of the school year in which the employee is elected or appointed to office) or more than four (4) years.

### *Death in Family*

An employee who is absent due to the death of an immediate family member receives full pay for up to three (3) days for each death. An additional two (2) days may be granted for a death involving a parent, adoptive parent, spouse, or child.



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### *Staff Participation in Political Activities*

The School Board of the City of Norfolk recognizes the right of its employees to engage in political activity. Employees may solicit support for political candidates or political issues outside regular work hours and off school property. School employees engaging in political activity must not imply that their views and actions represent the views of the school division.

### *Military Leave: Special or Temporary Active Duty*

Eligible employees with a spouse, son, daughter, or parent currently on or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12 week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative child care, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12 month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of active duty that may render the service member medically unfit to perform his or her duties for which the service member is: undergoing medical treatment, recuperation, or therapy; in outpatient status; or on the temporary disability retired list.

### *Overseas Duty for Spouse: Departure and Return*

No leave of absence will be granted to any employee who wishes to accompany a spouse who is in military service. However, an employee who wishes to visit his or her spouse at the port of embarkation prior to departure for military service may be granted a short leave of absence without pay if the Superintendent so recommends. The same privilege will apply when the spouse arrives from extended overseas duty. Requests should be submitted on the regular leave of absence form at least ten (10) days before the anticipated date of absence.



### *Annual Leave*

Effective July 1, 1973, all administrative and classified employees of Norfolk Public Schools who are under an 11 or 12 month contract will be entitled to annual leave as outlined in the chart below.

<b>Total Years of Employment in Norfolk Public Schools</b>	<b>Persons Employed Under 11 Month Contract</b>	<b>Persons Employed Under 12 Month Contract</b>
0-5 Years	13 Days	15 Days
6-10 Years	16 Days	18 Days
11-15 Years	19 Days	21 Days
16-20 Years	22 Days	24 Days
After 20 Years	23 Days	25 Days

Employees shall be entitled to take annual leave as accumulated, but no employee shall be permitted to take annual leave in excess of the number of days accumulated. Employees may carry over no more than two years' worth of annual leave from one school year to the next. At the end of the school year, all unused annual leave beyond an employee's two-year limit will be converted to one (1) day of sick leave for every two (2) days of annual leave beyond an employee's carry over limit.

Upon retirement, an employee must take his accumulated vacation unless the employee's immediate supervisor requires the employee's services and receives written approval from the superintendent for the employee to work until leaving service. In these cases, the employee will be paid for the unused accumulated vacation.

Upon termination of employment, an employee will be paid for accumulated vacation not to exceed their two (2) year limit.

Teachers employed on a 12-month contract will have the same holidays specified in the school calendar for other classroom teachers in addition to 12 days of vacation. Vacation requests must be approved by the principal. These vacation days may not be carried over from one year to the next.



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### *Principal's Annual Leave*

If a principal takes annual leave when students are in school and suitable arrangements have been made for the proper supervision of the school, the principal may do so with the approval of the appropriate executive director. Such special arrangements should be made as far in advance as possible.

### *Serious Health Condition*

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by:

- a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment;
- incapacity due to pregnancy; or
- incapacity due to a chronic condition.

Other conditions may meet the definition of continuing treatment.



## *Sick Leave*

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### *Personal Disability*

Employees who become ill and are deemed disabled by their physician will be provided disability paperwork, and the Virginia Retirement System will be notified when applicable. If the disability paperwork is not completed and submitted within ten working days, the employee may be recommended to the School Board for separation of duties. The employee will be notified in writing of this action.

### *Sick Leave*

Full-time employees who are not eligible for annual leave are entitled to full salary for absence because of personal illness as follows:

- 10 month: 10 days
- 11 month: 11 days (if ineligible for annual/vacation leave)
- 12 month: 12 days

Full-time employees who are eligible for annual leave are entitled to full salary for absence because of personal illness as follows:

- 11 month: 13 days
- 12 month: 15 days

If an employee is absent fewer than the total number of days of sick leave allowed during the contract year, the unused allowance may be accumulated without limit. Sick leave will be credited to each employee's account according to regulations of the superintendent.

### *Provisions for Administering Sick Leave*

Absences in excess of accumulated sick leave will be deducted from the individual's full salary or considered leave without pay.

An employee with no accumulated sick leave who is unable to report at the beginning of the contractual period because of disability will not be put on the payroll until the employee reports. There will be no retro accumulation of leave accruals missed during the period of absence.

If payment of money due an employee under the sick leave plan is interrupted by the close of the school year and the employee is unable to resume the duties of the position with the opening of the next school year, payment will resume in the following year to complete the unpaid portion of the benefits allowed.



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### *Medical Documentation*

An employee on leave for personal illness who is drawing salary under sick leave allowance may be required to submit a certificate from a licensed medical practitioner stating that the employee is physically unable to resume employment duties. A new certificate must be submitted as often as required. Salary allowances for personal disability will be paid only while the employee is unable to resume employment and has available leave to cover the absence.

If an employee is absent because of illness for five consecutive days or for ten days in any one semester because of the same illness, the employee may be required, at the discretion of the Superintendent of Schools, to have a physical examination by a physician. Physicians selected by the superintendent will be reimbursed by the School Board; all others shall be reimbursed by the employee as approved by the superintendent.

### *Leave for Medical Treatment*

Any employee who anticipates any medical treatment necessitating absence from employment will notify the Chief Human Resources Officer in writing within ten days of being informed that such medical treatment is required. The written notice shall state the date medical leave is requested to commence, a brief statement of the nature of the medical problem requiring treatment, the proposed date of treatment or hospitalization, the length of any absence from employment and convalescence and the extent, if any, of any anticipated disability. All notices must be subscribed by a licensed medical practitioner.

Medical leave (sick leave), up to an amount accumulated by the employee, will be granted to such employee for the time actually spent undergoing treatment or hospitalization as well as any prescribed period of convalescence. In the event accumulated leave is insufficient, the employee will be inactivated in the Department of Human Resources/Payroll system once leave is exhausted. The employee may request leave without pay, retirement, or resignation which may be granted at the discretion of the superintendent in accordance with established School Board policies and regulations.

### *Worker's Compensation Leave*

Due to the complexity of worker's compensation cases, employees should contact the Office of Risk Management at (757) 628-3856 for assistance with relevant claims.



## *Additional Policies & Regulations*

### *Teachers' Grievance Procedure: Purpose of Part Two of Grievance Procedure (Virginia Code & MLC 20-90-20)*

The purpose of Part II of the Procedure for Adjusting Grievances is to provide an orderly procedure for resolving disputes concerning the application, interpretation, or violation of any of the provisions of local school board policies, rules and regulations as they affect the work of teachers, other than dismissals. An equitable solution of grievances should be secured at the most immediate administrative level. The procedure should not be construed as limiting the right of any teacher to discuss any matter of concern with any member of the school administration, nor should the procedure be construed to restrict any teacher's right to seek, or the school division administration's right to provide, review of complaints that are not included within the definition of a grievance. Nothing in this procedure shall be interpreted to limit a school board's exclusive final authority over the management and operation of the school division.

### *Support Staff/Classified Personnel: Discipline & Dismissal*

Support (classified) personnel shall be notified of impending dismissal by their immediate superiors at least two calendar weeks (14 days) in advance of an anticipated separation date. They may be subject to immediate dismissal for just cause. They may be suspended in the same manner as any other school board employee. Support (classified) personnel who are removed from employment for just cause by the superintendent shall be ineligible thereafter for employment in any school or duty station within the school system. The superintendent shall promulgate procedures for the discipline and dismissal of support (classified) personnel.

If a current employee is suspended or dismissed because of information appearing on his/her criminal history record, the school board shall provide a copy of the information obtained from the central criminal records exchange to the employee. No support employee shall have his insurance benefits suspended or terminated because of such suspension in accordance with this policy.

### *Support Staff/Classified Personnel: Discipline & Dismissal Regulation*

These rules have been developed as a guide in the proper performance of the duties of classified personnel to facilitate the best possible service to the Norfolk Public Schools system and its students. These rules apply to all classified personnel. All supervisors and administrators charged with discipline responsibilities of classified personnel will become familiar with these rules and with the administrative procedures for applying them. Discipline of classified personnel who work in a school is the administrative responsibility of the immediate supervisor and the principal. Discipline of classified personnel who work elsewhere is the administrative responsibility of the immediate supervisor and the director





of the concerned department. The Chief Human Resources Officer and the appropriate Human Resources Generalist have advisory roles in discipline matters and should be consulted as needed.

When off-duty, the employee is expected to conduct his or her self in such a manner that his or her actions will not adversely reflect on Norfolk Public Schools or fellow employees and will not adversely affect his or her ability to assume the full responsibility of his or her job.

It is the practice of the administrator to affect discipline as a progressive process with warnings, reprimands, and suspensions in an attempt to correct an unacceptable behavior or attitude before proceedings for discharge are initiated. Discharge proceedings are generally instituted as the last step in a sequence of events designed to give the employee a fair opportunity to meet requirements. However, discharge action may be enforced for serious first violations. It must be understood that no employee has a right or guarantee to any progressive disciplinary actions as a prerequisite to the initiation of proceedings for his/her discharge.

#### **Administrative Procedures**

Steps in the disciplinary process are:

1. **Warnings:** For minor offenses, the employee may be given a warning. Warnings are normally verbal but may be written. If this does not correct the situation within a reasonable length of time, the supervisor should then use the procedures listed below.
2. **Reprimands:** Reprimands may be verbal or written but, if given verbally, should be followed up in writing. An employee may be reprimanded by the supervisor, principal/director or any superior in the chain of authority in his or her school or department.
3. **Suspension:**
  - (a) Without Pay: Employees will not be suspended without pay prior to notifying the Chief Human Resources Officer. The decision to suspend without pay should be evaluated carefully and must be in accordance with state statutes. The suspension will be in writing and must be forwarded to the employee within three working days of the action.
  - (b) With Pay: Employees can be suspended with pay when it is in the best interest of the organization. The Chief Human Resources Officer will be notified prior to such action, and the suspension must be in writing and forwarded to the employee within three working days.
4. **Plan of Action for Support Staff/Classified Personnel:**
  - (a) A Plan of Action will be initiated when it has become apparent that the employee needs specific guidance in the execution of his or her daily work. The plan will include support mechanisms, time lines, and scheduled progress sessions to ensure the employee has every opportunity to meet the tenets of the plan.
  - (b) The plan can be executed for a period of 30 to 90 days, which is determined by



## 5. Discharge:

- (a) Discharge Procedure: Prior to the preparation and deliverance of any discharge paperwork, the Chief Human Resources Officer will be notified of the circumstances surrounding the discharge recommendation.
- (b) Probationary Employees: All employees newly hired, transferred to a different position, rehired after termination of their seniority, or promoted to a new position will be considered “probationary employees” until the completion of not less than fifteen (15) weeks of actual work. The discharge of any employee during this probationary period will not be subject to the grievance procedure.
- (c) Permanent Employees: Permanent employees may be discharged by the Superintendent for any behavior, conduct, or cause described in these rules, provided that, prior to such action, the employee sought to be discharged is entitled to a review of the reasons for such action.

- 6. **Review:** Requests for review will be made within seven (7) working days from the time the employee receives notification (verbal or written) of the intent to suspend or discharge. Such requests will be made to the Chief Human Resources Officer. The review will be conducted as soon as possible following the request but not later than seven (7) working days. Reviews will be conducted by the Superintendent or his authorized representative.

In the event the Superintendent denies a request for discharge, and subject to the provisions of the following paragraph, such employee may be reinstated and reimbursed for any back pay lost during such suspension and may have any record of suspension or proceedings for discharge for this event removed from his/her personnel file.

In the event the Superintendent declines to discharge an employee, he may take such lesser disciplinary action against such employee as he deems appropriate including but not limited to reprimand or suspension without pay for such period as he considers proper.

## Purpose of Procedures

The purpose of these procedures is to provide classified employees of Norfolk Public Schools with a fair opportunity to change behaviors or attitudes considered by supervisors to be cause for discipline or to challenge the supervisor’s decisions regarding discipline. In this regard, the following administrative considerations are appropriate:

- The employee must be notified in a timely manner when disciplinary action is being taken. Verbal or written notice should be provided as soon as possible following the violation event and, if verbally provided, followed by written notice. Such notice will include the action taken (warning, reprimand, suspension, or discharge recommendation), specific events considered to be violations of the disciplinary rules,

## *Request for Review*

A request for review must be made within seven (7) working days from the time an employee is notified of the intent to suspend or discharge.



expected disciplinary action if corrections are not made (except in discharge notices), and the employee's right to a review, including the seven (7) work day time limit and procedures for requesting a review. Notice in the form of a Plan of Action is appropriate for professional and paraprofessional classified employees. Notices should be hand-delivered or mailed to the employee with copies to the Superintendent, Chief Human Resources Officer, appropriate Executive Director, appropriate Human Resources Generalist, Payroll Administrator (for suspensions without pay), and the employee's supervisor. Consideration should be given to using registered mail.

- It is improper, except for unusually serious violations, to suspend an employee without pay or recommend his or her discharge without having documented at the time of each occurrence, the history of violations, warnings and reprimands which clearly show that the employee has had fair opportunity to challenge the charges or to correct the undesired behavior or attitude.
- Only the Superintendent may discharge an employee. Therefore, principals or directors who seek to have an employee discharged will request discharge in a memorandum to the Superintendent via the appropriate Executive Director with a copy to the appropriate Human Resources Generalist. This memorandum should include or attach sufficient detail to provide the Superintendent enough information upon which to base the decision (Reference: Policy GDPD-R).

### *Employee Searches*

Norfolk Public Schools seeks to provide facilities, equipment, and materials including but not limited to desks, lockers, storage closets, and offices to facilitate the successful educational mission of the City of Norfolk School Board. Norfolk Public Schools reserves the right to search any of its facilities to investigate violations of workplace rules or to retrieve work- related material(s).

The Norfolk Public Schools workplace includes those areas and items that are related to work and within the control of the Norfolk School Board. The hallways of our structures, cafeterias, offices, desks, and file cabinets, among other areas, are all part of the Norfolk Public Schools workplace. These areas remain part of the Norfolk Public Schools workplace context even where employees are allowed to place personal items in them, such as photographs placed in or on a desk or material posted on an employee bulletin board.

Work related searches may be conducted from time to time to ensure that the school environment is safe and that students and staff devote their time and efforts toward educational achievement (Reference: Policy GE).



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*Performance Improvement Plan for Teachers*

If a staff member is placed on a Performance Improvement Plan scheduled to continue into the following academic year or amended to extend into the following year, such staff member will not receive increased salary or wages in the ensuing year.

Upon successful completion of the Performance Improvement Plan as certified by the principal or other proper authority, the staff member will be placed immediately on the same grade and step of the salary or wage scale that he or she would have been on if there had been no Performance Improvement Plan (Reference: Policy GCBA).

*Professional Development*

The goal of the professional development program is to provide better learning experiences in the classroom, which result in a positive effect on student performance and attitude. This can be accomplished through the improved awareness and effectiveness of the staff. Utilizing total staff involvement, the professional development process consists of identifying the areas in which improvement is needed and establishing, implementing, evaluating, and revising programs that are designed to achieve the desired results.

Each employee in Norfolk Public Schools will engage in a minimum number of professional development opportunities annually. The number of hours required for ALL personnel is as follows:

Administrative.....	18 hours
Certificated Instructional.....	12 hours
Classified Support .....	9 hours

This requirement includes custodial, maintenance, food service, warehouse, transportation, clerical, and teacher assistant members.



When employees are required to participate in professional development activities that extend beyond the duty day, they will be awarded appropriate additional compensation. It will be the responsibility of each building or department administrator to provide an ongoing assessment of the professional development opportunities in accordance with identified needs.

Each employee will be responsible for maintaining accurate documentation of participation in professional development opportunities.

Employees will collaborate with their assigned administrators on the selection of professional development activities to meet the annual participation requirements (Reference: Policy GCL & Regulation GCL-R).

### *Tobacco-Free School for Staff*

No persons (students, staff, contractors, visitors) are permitted to use or distribute any tobacco product at any time including non-school hours, in school property, on school premises, and at school-sponsored activities away from school grounds.

For purposes of this policy:

1. "School property" means:
  - a. in any building, structure, or vehicle owned, leased, or contracted by the division, both on- and off-site
  - b. in any property surrounding buildings and structures, athletic grounds, parking lots, or any other outdoor property owned, leased, or contracted by the division, both on- and off-site
2. "Tobacco Product" includes cigarettes, cigars, blunts, bidis, pipe tobacco, snuff, chewing tobacco, electronic smoking devices, and any other products containing nicotine, as well as any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, and liquids used in electronic smoking devices, whether or not they contain nicotine.
3. "Tobacco Use" includes smoking, chewing, dipping, electronic smoking device use, or any other use of tobacco products.

Appropriate signage will be posted in buildings and on school property in a manner and location that adequately informs students, staff, and visitors of the policy, including at entrances to school buildings and athletic events.

Staff found to be in violation of this policy shall be subject to appropriate disciplinary action.

Lawful possession or use of a tobacco-cessation product approved by the United States Food and Drug Administration shall be permitted by staff as well as permitted by students following division policies for student self-administration of medications.



### *Unlawful or Improper Manufacture, Distribution, Dispensing, Possession, or Use of Prescribed Medications, Alcohol, Drugs, or Other Controlled Substances*

This regulation provides guidelines governing: (1) the detection and deterrence of the unlawful or improper, manufacture, distribution, dispensation, possession, or use of prescribed medications, alcohol, drugs, or other controlled substances; and (2) the disciplining of employees found in violation of this regulation and its authorizing policy. The unlawful or improper manufacture of these items by employees is prohibited in or on property owned by Norfolk Public Schools, including but not limited to real estate and vehicles, and at any school-related activities, including school-sponsored trips, regardless of where they occur. **Any employee who violates this prohibition will be subject to disciplinary action, up to and including termination, and/or will be required to satisfactorily participate in a drug abuse assistance or rehabilitation program at the discretion of the administration.**

#### **Employees Not Subject to the Provisions of the Federal Omnibus Transportation Employee Act of 1991:**

1. **Drugs to be tested for:** When drug and alcohol screening is required under the provisions of this regulation, a urinalysis, blood test, or evidential breath test, in the case of alcohol, will be given to detect the presence of various drugs or substances, including, but not limited to the following:
  - (a) Alcohol (ethyl)
  - (b) Amphetamines
  - (c) Anabolic steroids, androgenic steroids, and/or any other controlled substance used to enhance physical development and/or athletic performance
  - (d) Barbiturates (e.g. Amobarbital, Butabarbital, Phenobarbital, Secobarbital)
  - (e) Methaqualone (e.g. Quaalude)
  - (f) Opiates (e.g. Codeine, Heroin, Morphine, Hydromorphone, Hydrocodone)
  - (g) Phencyclidine (PCP)
  - (h) THC (Marijuana)

### *Drug Policy Violation*

Any employee violating the drug policy is subject to disciplinary action up to and including termination and/or may be required to participate in a drug abuse assistance program.



### *Required Notification*

Use of prescription medication is not a violation necessarily, but an employee must notify his or her supervisor if he or she is using a drug which may interfere with the safe and effective performance of duties.

While use of medically prescribed medications and drugs is not, necessarily, a violation of this regulation, failure by the employee to notify his or her supervisor, before beginning work, when taking medications or drugs which may interfere with the safe and effective performance of duties or operation of Norfolk Public Schools' equipment, can result in discipline, up to and including termination. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, the issue will be resolved based upon competent medical evaluation.

2. **Job Applicant Testing:** All applicants, upon receiving a conditional offer of full-time employment, will be required to undergo and pass a drug test prior to receiving their final appointment. Additionally, all applicants for the following types of positions will be required to undergo and pass a drug and alcohol test upon receiving a conditional offer of employment. This must be accomplished before applicants receive final appointments.

(a) All positions whose work involves the operation of a Norfolk Public Schools vehicle or vehicular equipment on more than an occasional or intermittent basis (covered in Section B).

(b) All positions whose work involves hazardous or potentially hazardous functions or requires the use of hazardous or potentially hazardous equipment.

Specific positions meeting the aforementioned criteria will be determined by the Chief Human Resources Officer based upon all position information, including, at the discretion of the senior director, consultation with the appropriate director.

3. **Current Employee Testing:** The school administration may require a current school employee to undergo drug and alcohol testing if there is reasonable suspicion that the employee is under the influence of drugs or alcohol during work hours.

**Reasonable Suspicion:** The phrase "reasonable suspicion" refers to circumstances that would lead a reasonable person to conclude that the suspected employee may be under the influence of alcohol, improperly used prescription medication, drug(s), or some other controlled substance. Reasonable suspicion does not require certainty or great probability. The determination of reasonable suspicion must be based on specific, articulable facts or circumstances concerning the state of the employee, including but not limited to, his or her appearance, behavior, speech, or odor. Observations supporting a finding of reasonable suspicion may include but are not limited to any one of the following:





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- (a) a pattern of abnormal or erratic behavior (e.g. hyperactivity, unexplained mood swings, paranoia, hallucinations)
  - (b) information provided by a reliable and credible source
  - (c) a work-related accident
  - (d) direct observation of drug or alcohol use
  - (e) possession of alcohol, drugs, or drug paraphernalia
  - (f) presence of the physical symptoms of drug or alcohol use (e.g. glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes, needle marks/scar tracks on arms, onset of unusual perspiration or shakes, unusual drowsiness, or sluggishness)

4. **Supervisors:** Supervisors at every level are responsible for observing and monitoring their employees' behavior for signs or symptoms of drug or alcohol use and will promptly report any such observations to the appropriate department head or designee. The administration will designate a sufficient number of supervisory officials with approval authority so that one will be available to subordinate supervisors at all times.

Supervisors will document in writing the specific facts, symptoms, or observations justifying a determination of reasonable suspicion as soon as reasonably practicable, which may be either just before or just after the testing occurs.

Detailed procedures are to be developed and promulgated regarding the transportation of employees and/or applicants for testing and the authority of supervisors over employees with respect to transportation and test administration.

5. **Supervisor Training:** The school administration will develop a program of training to assist supervisory personnel in identifying drug and alcohol use among employees.
6. **Prior Notice of Testing Regulation:** The school administration will provide written notice of this drug and alcohol testing regulation to all employees and job applicants.
7. **Consent:** Consent is not necessary due to Norfolk Public Schools' notice to all NPS Employees informing them of being a "Drug-Free Workplace."
8. **Refusal to Test (Applicants):** A job applicant who refuses a requested drug and/or alcohol test will be denied employment with Norfolk Public Schools. Any refusal or failure to cooperate fully with administration of a test, any behavior which makes testing more difficult or prevents administration from completing the test, or any manner altering or attempting to alter the test result will be treated as a refusal to consent, regardless of whether a consent form is signed.





**9. Refusal to Test (Employees):** Any employee who refuses a requested drug and alcohol test when reasonable suspicion of drug or alcohol use has been identified is subject to disciplinary action up to and including termination. Any refusal or failure to cooperate fully with the administration of a test, any behavior which makes testing more difficult or prevents administration from completing the test, or in any manner altering or attempting to alter the test result will be treated as a refusal to consent, regardless of whether a consent form is signed.

**10. Confirmation of Test Results and Employee/Applicant Notification:** An employee or job applicant whose drug test yields a positive screening will be given a second test using a gas chromatography/mass spectrometry (G/MS) test. The second test will use a portion of the same test sample withdrawn from the employee or applicant for use in the first test.

If the second test confirms the positive test result, the employee or applicant will be notified of the results in writing by the appropriate department head or designee. The letter of notification will identify the particular substance found and its concentration level.

A portion of the test sample will be retained for six (6) months and will be furnished to a reputable testing facility selected by an employee or applicant upon request for a third test at the sole expense of the employee or applicant.

**11. Consequences of a Confirmed Positive Test Result**

**Applicant:** Job applicants will be denied employment with the school system if their initial positive test results are confirmed. Applicants will be informed in writing if they are rejected on the basis of a confirmed positive test result.

**Employees:** If an employee's positive test result is confirmed, the employee is subject to disciplinary action up to and including termination. Factors which may be considered in determining the appropriate disciplinary response include the employee's job classification, work history, length of employment, current job performance, the existence of past disciplinary actions, and the employee's action in voluntarily identifying himself or herself as a drug user or alcohol abuser and obtaining counseling and rehabilitation.

**12. Disciplinary Actions:** If an employee's positive test result has been confirmed and disciplinary action is taken, the employee may grieve or complain of such action through the School Board's established appeals process for classified and administrative employees.



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- 13. Confidentiality of Test Results:** All information from an employee's or applicant's drug and alcohol test is confidential and only those with a need to know are informed of test results. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee or applicant. The results of a positive drug test will not be released until the results are confirmed. The records of unconfirmed positive test results and negative test results will be destroyed by the testing laboratory. Disclosures without an employee's or applicant's consent may also occur when: (a) the information is compelled by law or by judicial or administrative process; (b) the information has been placed at issue in a formal dispute between the employer and employee or applicant; (c) the information is to be used in administering an employee benefit plan; and/or (d) the information is needed by medical personnel for the diagnosis or treatment of the individual who is unable to authorize disclosure.
  - 14. Laboratory Testing Requirements:** All drug and alcohol testing of employees and applicants will be conducted at medical facilities or laboratories selected by the school administration, with the exception of alcohol testing by the use of a breathalyzer, which may be conducted by qualified personnel at any site designated by the school administration. All procedures for the testing, analysis, labeling, handling, retention, and storage will be in accordance with standards established by the Substance Abuse and Mental Health Services Administration (SAMHSA).
  - 15. Searches:** The school administration reserves the right to search, without employee consent, all areas and property over which the school system maintains joint or full control with an employee. **Employees have no privacy interest in such areas.** Such areas and property include but are not limited to desks, closets, bookcases, lockers, file cabinets, and/or school vehicles, and the allowance of employee security measures against third parties will not divest the school administration of its authority to search. Warrants will be obtained, if necessary, to search areas or property over which the school administration has no control. A department head or designee must consult with the Chief Human Resources Officer or designee before any search is undertaken.
  - 16. Educational Programs:** The school administration will establish a drug-free awareness program to inform employees about the dangers of drug abuse, the School Board's policy, any available drug counseling, rehabilitation and employee assistance programs, and the penalties which may be imposed upon employees for drug abuse violations in the workplace and elsewhere.
  - 17. Severability:** The provisions of this regulation are severable, and if any of its provisions will be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court will not affect or impair any of the remaining provisions.



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## Employees Subject to the Provisions of the Federal Omnibus Transportation Employee Act of 1991

- 1. Alcohol Testing:** The act requires breath testing using evidential breath testing devices (EBT) approved by the National Highway Traffic Safety Administration (NHTSA). Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a negative test. If the alcohol concentration is 0.02 or greater, a second or confirmation test must be conducted. The employee and the individual conducting the breath test (called a breath alcohol technician or BAT) complete the alcohol testing form to ensure that the results are properly recorded. The confirmation test, if required, must be conducted using an EBT that prints out the results, date and time, a unique test number, and the name and serial number of the EBT to ensure the reliability of the results.
- 2. Drug Testing:** Drug testing is conducted by analyzing an employee's urine specimen. The analysis is performed at laboratories certified and monitored by the Department of Health and Human Services (DHHS). The employee provides a urine specimen in a location that affords privacy and the collector seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug-testing laboratory.

The specimen collection procedures and chain of custody ensure the specimen's security, proper identification, and integrity are not compromised. Each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen. Both bottles are sent to a laboratory.

Only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the laboratory. If the analysis of the primary specimen confirms the presence of an illegal, controlled substance, the employee has seventy-two (72) hours to request the split specimen be sent to another DHHS certified laboratory for analysis. This split specimen procedure essentially provides the employee with an opportunity for a second opinion.

All drug test results are reviewed and interpreted by a physician or Medical Review Officer (MRO) before they are reported to the employer. If the laboratory reports a positive result to the MRO, the MRO contacts the employee (in person or by telephone) and conducts an interview to determine if there is an alternative medical explanation for the drugs found in the employee's urine specimen.



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**3. The following tests are required:**

- (a) Pre-employment: Conducted before applicants are hired or after an offer to hire but before actually performing safety-sensitive functions for the first time. Also, it is required when employees transfer to a safety sensitive position.
- (b) Post-accident: Conducted after accidents on employees whose performance could have contributed to the accident.
- (c) Reasonable Suspicion: Conducted when a trained supervisor observes behavior or appearance that is characteristic of alcohol misuse or substance abuse. Reasonable suspicion must be based on specific, articulable, contemporaneous observations concerning the appearance, behavior, speech, or body odors of the individual. These observations may include but are not limited to:
  - (1) A pattern of abnormal or erratic behavior (e.g. hyperactivity, explained mood swings, paranoia, hallucinations)
  - (2) Information provided by a reliable and credible source
  - (3) A work-related accident
  - (4) Direct observation of drug or alcohol use
  - (5) Possession of drugs or drug paraphernalia
  - (6) Presence of the physical symptoms of drug or alcohol use (e.g. glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes, needle marks/scar tracks on arms onset or unusual perspiration or shakes, unusual drowsiness, or sluggishness)
- (d) Random: Conducted on a random, unannounced basis before, during, or after performance of safety-sensitive functions.
- (e) Return-to-duty and follow-up: Conducted when an individual who has violated the prohibited alcohol conduct standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after an employee returns to duty. Follow-up testing may be extended for up to sixty (60) months following return to duty.

**4. Pre-employment Tests:** Tests will be conducted before the first time a driver performs any safety-sensitive function for the school district after receiving his or her CDL instructional permit but prior to driving with trainer. Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is required to be ready to work until he or she is relieved from work and all responsibility for performing work. It includes: driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing, or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; performing any other work for the district or paid work for any other entity.

Exceptions may be made for drivers who had the alcohol test required by law within the previous six months and participated in the drug testing program required by law within the previous thirty (30) days, provided that the district has been able to make all verifications required by law.



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- 5. Post-Accident Tests:** Alcohol and controlled substance tests will be conducted as soon after an accident as practicable on any driver:
- (a) who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life; or
  - (b) who receives a citation under state or local law for a moving traffic violation arising from the accident, and one or more persons required medical attention away from the scene, or reasonable suspicion exists that the driver was under the influence of alcohol or drugs.

Drivers will make themselves readily available for testing, unless there is need for immediate medical attention.

No such driver will use alcohol for eight hours after the accident or until after he or she undergoes a post-alcohol test, whichever occurs first.

If an alcohol test is not administered within two hours or if a drug test is not administered within 31 hours, the school district will prepare and maintain records explaining why the test was not conducted. Tests will not be given if not administered within eight hours after the accident for alcohol or within 32 hours for drugs.

Tests conducted by authorized federal, state, or local officials will fulfill post-accident testing requirements, provided they conform to applicable legal requirements and are obtained by the school district. A breath test will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations.

- 6. Reasonable Suspicion Tests:** Tests will be conducted when a supervisor or district official trained in accordance with the law has reasonable suspicion that the driver has violated the school district's alcohol or drugs prohibitions. As stated earlier in this regulation, reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, or body odor. The observations may include indications of the chronic and withdrawal effects of controlled substances.

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before, or just after the period of the work day when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the district will prepare and maintain a record explaining why this was not done. Attempts to conduct an alcohol test will terminate after eight hours.



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A supervisor or district official who makes observations leading to a controlled substance reasonable suspicion test will make a written record of his or her observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

Supervisors designated to determine whether reasonable suspicion exists to require an individual to undergo testing will receive 60 minutes of training on alcohol misuse and receive an additional 60 minutes on controlled substances use. The training will cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

7. **Random Tests:** Tests will be conducted on a random basis at unannounced times throughout the year. Tests for alcohol will be conducted just before, during, or just after the performance of safety-sensitive functions. Initially, the number of random alcohol tests annually must equal 10% of the average number of drivers. For drugs, 50% of the average number of drivers will be performed. Drivers will be selected by a scientifically valid random process, and each driver will have an equal chance of being tested each time selections are made.
8. **Follow-up Test:** A driver who violates the school district's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem will be subject to unannounced follow-up testing as directed by the substance abuse professional, in accordance with the law. Follow-up alcohol testing will be conducted just before, during, or just after the time when the driver is performing safety-sensitive functions.

An employee identified as needing help in resolving a drug or alcohol problem will be evaluated by a substance abuse professional to determine that he or she has properly followed the prescribed rehabilitation program and will be subject to unannounced follow-up tests after returning to duty. The cost for all such follow-up tests will be borne solely by the employee.

9. **Return to Duty Tests:** A drug or alcohol test will be conducted when a driver who has violated the school district's drug or alcohol prohibition returns to performing safety-sensitive duties.

Employees whose conduct involved drugs cannot return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result. Employees whose conduct involved alcohol cannot return to duty in a safety-sensitive function until the return-to-duty alcohol test produces a verified result that meets federal and district standards. The cost for all return-to-duty exams will be borne solely by the employee.



- 10. Enforcement:** Any driver who refuses to submit to a post-accident, random, reasonable suspicion, or follow-up test will not perform or continue to perform safety-sensitive functions and is subject to disciplinary action up to and including dismissal.

A driver who violates district prohibitions related to drugs and alcohol will receive from the district the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee will be evaluated by the substance abuse professional who will determine what help, if any, the driver needs in resolving such a problem. Any substance abuse professional who determines that a driver needs assistance will not refer the driver to a private practice, person, or organization in which he or she has a financial interest except under circumstances allowed by law. Any costs incurred are the sole responsibility of the employee.

- 11. Records:** Employee drug and alcohol test results and records will be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver will receive copies of any records pertaining to his or her use of drugs or alcohol, including any records pertaining to his or her drug or alcohol tests. Records will be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver.

- 12. Notifications:** Each driver will receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the school district's policy and regulations for meeting these requirements. Representatives of employee organizations will be notified of the availability of this information. The information will identify:

- (a) the person designated by the district to answer driver questions about the materials;
- (b) the categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382;
- (c) sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382;
- (d) specific information concerning driver conduct that is prohibited by Part 382;
- (e) the circumstances under which a driver will be tested for drugs and/or alcohol under Part 382;
- (f) the procedures that will be used to test for the presence of drugs and alcohol, to protect the driver and the integrity of the testing process, to safeguard the validity of test results, and to ensure that test results are attributed to the correct driver;





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- (g) the requirement that a driver submit to drug and alcohol test administered in accordance with Part 382;
  - (h) an explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences;
  - (i) the consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation, and treatment;
  - (j) the consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04; and
  - (k) information concerning the effects of drugs and alcohol on an individual's health, work and personal life, signs and symptoms of a drug or alcohol problem (the driver's or a coworker's), and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program and/or referral to management.

Drivers will also receive information about legal requirements, school district policies, and disciplinary consequences related to the use of alcohol and drugs.

Each driver will sign a statement certifying that he or she has received a copy of the above materials.

Before any driver operates a commercial motor vehicle, the school district will provide him or her with post-accident procedures that will make it possible to comply with post-accident testing requirements.

Before drug and alcohol tests are performed, the school district will inform drivers that the tests are given pursuant to the Code of Federal Regulations, Title 49, Part 382. This notice will be provided only after the compliance date specified in the law.

The school district will notify a driver of the results of a pre-employment drug test if the driver request such results within 60 calendar days of being notified of the disposition of his or her employment application.

The school district will notify a driver of the results of random, reasonable suspicion, and post-accident drug tests if the test results are verified positive. The school district will also tell the driver which controlled substances were verified as positive.

Drivers will inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has advised the driver that it will not adversely affect his or her ability to safely operate a commercial motor vehicle (Reference: Policy GBEAZ-R, revised October 2005).





### *Harassment and Retaliation*

The School Board of the City of Norfolk is committed to maintaining an educational environment and workplace that is free from harassment. In accordance with law, the Board prohibits harassment against students, employees, or others on the basis of sex, sexual orientation, gender, gender identity, race, color, national origin, disability, religion, ancestry, age, marital status, pregnancy, childbirth or related medical conditions, status as a veteran, genetic information or any other characteristic protected by law or based on a belief that such characteristic exists, hereinafter referred to as protected group status, at school or any school sponsored activity.

It is a violation of this policy for any student or school personnel to harass a student or school personnel based on protected group status at school or any school sponsored activity. Further, it is a violation of this policy for any school personnel to tolerate harassment based on a student's or employee's protected group status at school or any school sponsored activity, by students, school personnel or third parties participating in, observing or otherwise engaged in school sponsored activities.

For the purpose of this policy, school personnel includes School Board members, school employees, agents, volunteers, contractors or other persons subject to the supervision and control of the school division.

The school division

- promptly investigates all complaints, written or verbal, of harassment based on protected group status at school or any school sponsored activity;
- promptly takes appropriate action to stop any harassment;
- takes appropriate action against any student or school personnel who violates this policy; and
- takes any other action reasonably calculated to end and prevent further harassment of school personnel or students.

Any student or school personnel who believes he or she has been the victim of harassment prohibited by law or by this policy by a student, school personnel or a third party should report the alleged harassment to the Title IX Coordinator or to any school personnel. The alleged harassment should be reported as soon as possible, and the report generally should be made within fifteen (15) school days of the occurrence. Further, any student who has knowledge of conduct which may constitute prohibited harassment should report such conduct to the Title IX Coordinator or to any school personnel. Any school personnel who has notice that a student or other school personnel may have been a victim of prohibited harassment shall immediately report the alleged harassment to the Title IX Coordinator. Any complaint that involves the Title IX Coordinator should be reported to the superintendent.

The reporting party should use the form, Report of Harassment, GBA-F/JFHA-F, to make complaints of harassment. However, oral reports and other written reports are also accepted.




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The complaint, and identity of the person allegedly harassed and alleged harasser, will be disclosed only to the extent necessary to fully investigate the complaint and only when such disclosure is required or permitted by law. Additionally, a person allegedly harassed who wishes to remain anonymous shall be advised that such confidentiality may limit the School Division's ability to fully respond to the complaint.

After receiving a complaint, the Title IX Coordinator makes an initial determination whether the allegations may be sexual harassment prohibited by Title IX. If they may be, the Title IX Grievance Process below is followed. If they cannot be sexual harassment prohibited by Title IX, then the complaint is referred to the Compliance Officer who follows the procedures below.

The Title IX Coordinator also determines whether the alleged harassment may also constitute criminal conduct and ensures that law enforcement officials are notified if necessary.

If the alleged harassment may also constitute child abuse, then it must be reported to the Department of Social Services in accordance with Policy GAE Child Abuse and Neglect Reporting.

Full information can be found in School Board Policy GBA.

### *Effect of Criminal Conviction*

The School Board will not hire or continue the employment of any part-time, full-time, temporary, or permanent personnel who are determined to be unsuited for service by reason of criminal conviction.

### **Applicants for Employment**

#### *Criminal Convictions*

As a condition of employment for all of its employees, whether full-time or part-time, permanent, or temporary, the Norfolk School Board shall require on its application for employment certification of whether the applicant has been convicted of any violent felony set forth in the definition of barrier crime in subsection A of Va. Code § 19.2-392.02; any offense involving the sexual molestation, physical or sexual abuse or rape of a child; or any crime of moral turpitude.

The School Board does not employ any individual who has been convicted of any violent felony set forth in the definition of barrier crime in subsection A of Va. Code §19.2-392.02 or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child.



The School Board may employ any individual who has been convicted of any felony or crime of moral turpitude that is not set forth in the definition of barrier crime in subsection A of § Va. Code § 19.2-392.02 and does not involve the sexual molestation, physical or sexual abuse, or rape of a child, provided that in the case of a felony conviction, such individual's civil rights have been restored by the Governor.

Notwithstanding the requirements of subsection A of Va. Code § 22.1-296.1, the School Board may employ an individual who, at the time of the individual's hiring, has been convicted of a felony, provided that such individual (i) was employed in good standing by a school board on or before December 17, 2017; (ii) has been granted a simple pardon for such offense by the Governor or other appropriate authority; and (iii) has had his civil rights restored by the Governor or other appropriate authority. However, the School Board may employ, until July 1, 2020, such an individual who does not satisfy the conditions set forth in clauses (ii) and (iii), provided that such individual has been continuously employed by the School Board from December 17, 2017 through July 1, 2018.

The Norfolk School Board shall also require on its application for employment, as a condition of employment requiring direct contact with students, whether full-time or part-time, permanent, or temporary, certification that the applicant has not been the subject of a founded case of child abuse and neglect. Any person making a materially false statement regarding a finding of child abuse and neglect shall be guilty of a Class 1 misdemeanor and upon conviction, the fact of said conviction shall be grounds for the Board of Education to revoke such person's license to teach.

As a condition of employment, any applicant who is offered or accepts employment, whether full-time, part-time, permanent or temporary with the Norfolk School Board shall submit to fingerprinting and provide personal descriptive information. The information and fingerprints shall be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigations for the purpose of obtaining criminal history record information on applicants who offer or accept employment.

To conserve the costs of conducting criminal history record checks to applicants and school boards, upon the written request of the applicant, the School Board of the City of Norfolk (School Board) shall inform another school board with which reciprocity has been established and to which applicant also has applied for employment of the results of the criminal history record information conducted within the previous ninety days that it obtained concerning the applicant. Criminal history record information pertaining to an applicant for employment by a school board shall be exchanged only between school boards in the Commonwealth in which a current agreement of reciprocity for the exchange of such information has been established and is in effect. Reciprocity agreements shall provide for the apportionment of the costs of the fingerprinting or criminal records check between the applicant and Norfolk School Board as provided by statute.

If an applicant is denied employment because of information appearing on his/her criminal history record, the School board shall provide a copy of the information provided by the Central Criminal Records Exchange to the applicant.



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#### *Founded Complaints of Child Abuse or Neglect*

The School Board requires, as a condition of employment, that any applicant who is offered or accepts employment requiring direct contact with students, whether full-time or part-time, permanent or temporary, provide written consent and the necessary personal information for the School Board to obtain a search of the registry of founded complaints of child abuse and neglect. The registry is maintained by the Department of Social Services. In addition, where the applicant has resided in another state within the last five years, the School Board requires as a condition of employment that such applicant provide written consent and the necessary personal information for the School Board to obtain information from each relevant state as to whether the applicant was the subject of a founded complaint of child abuse and neglect in such state. The School Board shall take reasonable steps to determine whether the applicant was the subject of a founded complaint of child abuse and neglect in the relevant state. The Department of Social Services shall maintain a database of central child abuse and neglect registries in other states that provide access to out-of-state school boards for use by local school boards. The applicant may be required to pay the cost of any search conducted pursuant to this subsection at the discretion of the School Board. From such funds as may be available for this purpose, however, the School Board may pay for the search.

If the information obtained pursuant to the preceding paragraph indicates that the applicant is the subject of a founded case of child abuse and neglect, such applicant shall be denied employment, or the employment shall be rescinded.

If an applicant is denied employment because of information appearing on his record in the registry, the School Board shall provide a copy of the information obtained from the registry to the applicant. The information provided to the School Board by the Department of Social Services shall be confidential and shall not be disseminated by the School Board.

### **Employee Arrest/Criminal Charge**

#### *Criminal Proceedings*

An employee who is charged by summons, warrant, indictment, or information with the commission of a felony or a misdemeanor specified in Va. Code § 22.1-315 may be suspended in accordance with policies GCPD and GDPD Policy GCPF Suspension of Staff Members.

If a current employee is suspended or dismissed because of information appearing on his/her criminal history record, the School Board shall provide a copy of the information provided by the Central Criminal Records Exchange to the employee.



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The superintendent shall inform the School Board of any notification of arrest of a school board employee received pursuant to Virginia Code §19.2-83.1. The School Board shall require such employee, whether full-time or part-time, permanent, or temporary, to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the employee's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such employee. The contents of the employee's criminal record shall be used only to implement dismissal, suspension or probation in accordance with §§22.1-307 and 22.1-315 of the Code of Virginia.

*Founded Complaints of Child Abuse or Neglect*

Any employee of Norfolk School Board will be dismissed if he or she is or becomes the subject of a founded complaint of child abuse and neglect and after all rights to an appeal provided by Va. Code § 63.2-1526 have been exhausted. The fact of such finding, after all rights to an appeal provided by Va. Code § 63.2-1526 have been exhausted, shall be grounds for the local school division to recommend that the Board of Education revoke such person's license to teach.

**Court Ordered Probation**

For purposes of this policy, a court's placing an individual on probation pursuant to Va. Code section 18.2-251 shall be treated as a conviction and as a finding of guilt.

**Costs of Fingerprinting, Criminal Record, and Abuse and Neglect Checks**

The School Board and the applicant or employee shall share the costs of the fingerprinting, criminal record check and abuse and neglect check conducted pursuant to this policy.



### *Dress Standard for Employees*

The Norfolk Public School Board recognizes its employees as highly skilled professionals who have a unique role in the community as they interact with students, parents, and the community at large. Employees have a tremendous opportunity to set the tone and establish an environment which encourages learning and fosters respect for everyone. Employees are role models not only in their words and actions but also in their dress. The dress standard defines consistent parameters of employee dress and provides a basis for determining appropriateness in order to maintain dignity and garner respect from the students and the community.

The manner and dress of employees will be business or business casual. Business casual means dressing professionally while looking relaxed. Responsibility for acceptable dress rests primarily with the employee. However, administrators and supervisors will require acceptable dress on the part of all employees. The guidelines are applicable to all full-time and part-time employees as well as substitute employees, student teachers, college interns, and aides. Food service, school nurses, maintenance, custodial, and transportation personnel are expected to dress according to the guidelines established by their supervisors.

There may be some special circumstances that permit the relaxation of the dress standard. Employees will dress appropriately for the activity of the moment. Some examples include but are not limited to: physical education teachers when teaching the physical education portion of the curriculum, art or other teachers when working with messy materials, teachers working in laboratory classes or shops with dangerous equipment or materials, spirit days, or other days for special occasions, field days, and field trips.

**The following are examples of appropriate business casual attire from which the employee may choose:**

Male Employees	Female Employees	All Employees
Suits/dress slacks Sport coat or blazer Sweaters/turtlenecks Dress shirt & tie Khaki slacks Collared polo shirt Shoes and socks/walking shoes	Dresses/skirts Blouses Sweaters/turtlenecks Suits (pants/skirt/dresses) Slacks/capris Khaki slacks Shoes/walking shoes Denim skirts/dresses	Head covers and clothing that are required for religious purposes or to honor cultural traditions  Special clothing/shoes for medical reasons

**The following are examples of inappropriate attire:**

Shorts; miniskirts; mini skorts; tops with thin straps unless covered by another top; tight fitting clothing; see-through, low cut, or revealing clothing; unkempt or torn clothing; jeans; overalls; tee shirts; leggings; sweatpants and athletic clothing; and rubber/plastic shoes/flip flops.

### *Dress Code Standard*

Administrators, at their discretion, may suspend portions of the dress standards and allow staff to wear attire that they deem appropriate for specific activities and/or events.




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Tattoos and visible body piercing decorations must be covered.

Administrators, at their discretion, may suspend portions of the dress standard and allow staff to wear attire that they deem appropriate for specific activities and/or events.

If the clothing fails to meet these standards as determined by the employee's supervisor and Human Resources staff, the employee will be asked not to wear the inappropriate item to work again. If the problem persists, the employee may be sent home to change clothes and will receive a verbal warning for the first offense. Progressive disciplinary action will be applied if the dress standard violations continue.

No dress standard can cover all contingencies, so employees must exert a certain amount of judgment in their choice of work clothes. If an employee experiences uncertainty, he or she should consult his or her immediate supervisor (Reference: Regulation GGZZ-R).

### *Employee Use of Text Messaging*

This policy establishes procedures for the employees of the School Board of the City of Norfolk (Board) who use mobile phones for text messaging for official Board and division business. It is designed to ensure that such messages will be preserved as required by law. Mobile phones capable of text messaging are provided to some employees to support the conduct of Board and division business. In addition, permission to use a personal mobile phone for text messaging in the conduct of Board and division business is available pursuant to this policy.

Text messages cannot be routinely backed up or logged. The use of such messages for the conduct of Board and division business is discouraged. If an employee receives or sends any text message related to their conduct of Board and division business, all such received or sent text messages will be forwarded by the employee to their Board email account, where they can be preserved in accordance with the Freedom of Information Act and Public Records Act.

Federal or State law may govern the matters addressed in this policy. In the event of a conflict between the relevant Federal or State law and this policy, the governing Federal or State law will control. Any mobile phone that is used to conduct Board and division business may be subject to the FOIA and the Public Records Act and could also be subject to judicial discovery, HIPAA regulations, Criminal Justice Information Services Security Policy, or any other applicable policy or regulation.

All employees are responsible for reading, understanding, and complying with this policy.

Employees who use Board provided mobile phones for Board and division business have no expectation of privacy or confidentiality in any information or communications created or





stored on the Board's electronic data resources. Unless exempted by law, regulation, or protected as attorney-client privileged communications, all data and communications stored, transmitted, or printed, is subject to review and audit at any time.

Personal mobile phone use refers to any mobile phone used for Board and division business not procured by the School Board. The following applies when using a personal mobile phone for text messaging in the conduct of Board and division business:

Employees are prohibited from using personal mobile phones for text messaging in relation to Board and division business unless authorized in writing by the Superintendent with a business justification. Personal mobile phones approved for use in text messaging for Board and division business are subject to the same privacy and confidentiality requirements as Board provided phones. There is no expectation of privacy when using a personal mobile phone for Board and division business.

Employees using personal mobile phones for text messaging for Board and division business must meet the same standards as for phones provided by the Board, including but not limited to, records retention. Employees are responsible for completing the proper request forms and submitting those requests to the Superintendent before using personal mobile phones for text messaging for Board and division business, and for taking action to ensure proper retention of messages which may be public records.

Employees found to be in violation of this policy are subject to disciplinary action, up to and including termination. (Reference: Policy GABZ)

### *Access to Employee Social Media Accounts*

The Norfolk School Board does not require current or prospective employees to disclose the username or password to the employee's personal social media accounts or to add an employee, supervisor or administrator to the list of contacts associated with the employee's personal social media account.

If the School Board or a School Board employee inadvertently receives an employee's username and password to, or other login information associated with, the employee's personal social media account through the use of an electronic device provided to the employee by the School Board or a program that monitors the School Board's network, the Board will not be liable for having the information but will not use the information to gain access to the employee's social media account.

This policy does not prohibit the School Board and its agents from viewing information about a current or prospective employee that is publicly available.

This policy does not prohibit the School Board from requesting an employee to disclose the to a formal investigation or related proceeding by the Board of allegations of an employee's violation of federal, state or local laws or regulations or of the Board's written policies.





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employee's username and password for the purpose of accessing a personal social media account if the employee's social media account activity is reasonably believed to be relevant

If the Board exercises its rights under this paragraph, the employee's username and password will only be used for the purpose of the formal investigation or a related proceeding. (Reference: Policy GAD)

### *Personnel Identification Badge Requirements*

All Norfolk Public Schools employees are required to obtain and wear an identification badge at all times while on School Board property and while conducting School Board business. Consistent failure to display an employee badge may lead to disciplinary action.

Identification badges must be displayed on the front of the body, above the waist, in an easily visible location.

Upon termination of employment, an employee's identification badge must be surrendered to the employee's supervisor, principal, department head or director, or the Department of Human Resources by close of business on the employee's final work day.

Employees losing their identification badge may be responsible for the replacement cost of \$5.00 per badge, payable to Norfolk Public Schools.

An employee who is hired in a temporary/substitute capacity will be issued a Substitute/Temporary Employee Identification Badge at the work location. All temporary/substitute employees will wear their identification badges while on School Board property or engaged in School Board business. (Reference: Regulation GBNA-R)



## *Appendices*

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## *Appendix A: Suspected Child Abuse*

### *Mandatory Reporting Law Procedures*

#### **63.2-1509: REQUIREMENT THAT CERTAIN INJURIES TO CHILDREN BE REPORTED BY PHYSICIANS, NURSES, TEACHERS, ETC.; PENALTY FOR FAILURE TO REPORT**

A. The following persons who, in their professional or official capacity, have reason to suspect that a child is an abused or neglected child, will report the matter immediately to the local department of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the Department's toll-free child abuse and neglect hotline:

1. Any person licensed to practice medicine or any of the healing arts;
2. Any hospital resident or intern, and any person employed in the nursing profession;
3. Any person employed as a social worker or family-services specialist;
4. Any probation officer;
5. Any teacher or other person employed in a public or private school, kindergarten or nursery school;
6. Any person providing full-time or part-time child care for pay on a regularly planned basis;
7. Any mental health professional;
8. Any law-enforcement officer or animal control officer;
9. Any mediator eligible to receive court referrals pursuant to § 8.01-576.8;
10. Any professional staff person, not previously enumerated, employed by a private or state-operated hospital, institution or facility to which children have been committed or where children have been placed for care and treatment;
11. Any person 18 years of age or older associated with or employed by any public or private organization responsible for the care, custody or control of children;
12. Any person who is designated a court-appointed special advocate pursuant to Article 5 (§ 9.1-151 et seq.) of Chapter 1 of Title 9.1;
13. Any person 18 years of age or older who has received training approved by the Department of Social Services for the purposes of recognizing and reporting child abuse and neglect;
14. Any person employed by a local department as defined in § 63.2-100 who determines eligibility for public assistance;
15. Any emergency medical services provider certified by the Board of Health pursuant to § 32.1-111.5, unless such provider immediately reports the matter directly to the attending physician at the hospital to which the child is transported, who will make such report forthwith;
16. Any athletic coach, director or other person 18 years of age or older employed by or volunteering with a private sports organization or team;
17. Administrators or employees 18 years of age or older of public or private day camps, youth centers and youth recreation programs; and
18. Any person employed by a public or private institution of higher education other than an attorney who is employed by a public or private institution of higher education as it relates to information gained in the course of providing legal representation to a client. This subsection will not apply to any regular minister, priest, rabbi, imam, or duly accredited practitioner of any religious organization or denomination usually referred to as a church as it relates to (i) information required by the doctrine of the religious organization or denomination to be



kept in a confidential manner or (ii) information that would be subject to § 8.01-400 or 19.2-271.3 if offered as evidence in court. If neither the locality in which the child resides nor where the abuse or neglect is believed to have occurred is known, then such report will be made to the local department of the county or city where the abuse or neglect was discovered or to the Department's toll-free child abuse and neglect hotline. If an employee of the local department is suspected of abusing or neglecting a child, the report will be made to the court of the county or city where the abuse or neglect was discovered. Upon receipt of such a report by the court, the judge will assign the report to a local department that is not the employer of the suspected employee for investigation or family assessment. The judge may consult with the Department in selecting a local department to respond to the report or the complaint. If the information is received by a teacher, staff member, resident, intern or nurse in the course of professional services in a hospital, school or similar institution, such person may, in place of said report, immediately notify the person in charge of the institution or department, or his designee, who will make such report forthwith. If the initial report of suspected abuse or neglect is made to the person in charge of the institution or department, or his designee, pursuant to this subsection, such person will notify the teacher, staff member, resident, intern or nurse who made the initial report when the report of suspected child abuse or neglect is made to the local department or to the Department's toll-free child abuse and neglect hotline, and of the name of the individual receiving the report, and will forward any communication resulting from the report, including any information about any actions taken regarding the report, to the person who made the initial report. The initial report may be an oral report but such report will be reduced to writing by the child abuse coordinator of the local department on a form prescribed by the Board. Any person required to make the report pursuant to this subsection will disclose all information that is the basis for his suspicion of abuse or neglect of the child and, upon request, will make available to the child-protective services coordinator and the local department, which is the agency of jurisdiction, any information, records, or reports that document the basis for the report. All persons required by this subsection to report suspected abuse or neglect who maintain a record of a child who is the subject of such a report will cooperate with the investigating agency and will make related information, records and reports available to the investigating agency unless such disclosure violates the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g). Provision of such information, records, and reports by a health care provider will not be prohibited by § 8.01-399. Criminal investigative reports received from law-enforcement agencies will not be further disseminated by the investigating agency nor will they be subject to public disclosure.

B. For purposes of subsection A, "reason to suspect that a child is abused or neglected" will include (i) a finding made by a health care provider within six weeks of the birth of a child that the results of toxicology studies of the child indicate the presence of a controlled substance not prescribed for the mother by a physician; (ii) a finding made by a health care provider within six weeks of the birth of a child that the child was born dependent on a controlled substance which was not prescribed by a physician for the mother and has demonstrated withdrawal symptoms; (iii) a diagnosis made by a health care provider at any time following a child's birth that the child has an illness, disease or condition which, to a



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reasonable degree of medical certainty, is attributable to in utero exposure to a controlled substance which was not prescribed by a physician for the mother or the child; or (iv) a diagnosis made by a health care provider at any time following a child's birth that the child has a fetal alcohol spectrum disorder attributable to in utero exposure to alcohol. When "reason to suspect" is based upon this subsection, such fact will be included in the report along with the facts relied upon by the person making the report.

C. Any person who makes a report or provides records or information pursuant to subsection A or who testifies in any judicial proceeding arising from such report, records, or information will be immune from any civil or criminal liability or administrative penalty or sanction on account of such report, records, information, or testimony, unless such person acted in bad faith or with malicious purpose.

D. Any person required to file a report pursuant to this section who fails to do so as soon as possible, but not longer than 24 hours after having reason to suspect a reportable offense of child abuse or neglect, will be fined not more than \$ 500 for the first failure and for any subsequent failures not less than \$ 1,000. In cases evidencing acts of rape, sodomy, or object sexual penetration as defined in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, a person who knowingly and intentionally fails to make the report required pursuant to this section will be guilty of a Class 1 misdemeanor.

E. No person will be required to make a report pursuant to this section if the person has actual knowledge that the same matter has already been reported to the local department or the Department's toll-free child abuse and neglect hotline.



## Appendix B: Pay Deductions

### *Circumstances in which the Employer May Make Deductions from Pay*

Deductions from pay are permissible when an exempt employee is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions (see Company Policy on penalties for workplace conduct rule infractions). Also, an employer is not required to pay the full salary in the initial or terminal week of employment, for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. In these circumstances, either partial day or full day deductions may be made.

### *Company Policy*

It is our policy to comply with the salary basis requirements of the FLSA. Therefore, we will prohibit all company managers from making improper deductions from the salaries of exempt employees. We want employees to be aware of this policy and that the company does not allow deductions that violate the FLSA.

### *What to Do If An Improper Deduction Occurs*

If you believe that an improper deduction has been made to your salary, you should immediately report this information to your direct supervisor.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.



## *Appendix C:*

### *Definitions*

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#### *Full-Time, Permanent Non-Professional Employee*

An employee working five (5) hours or more hours per day who is under written contract and who has satisfactorily completed the probationary period.

#### *Probationary Non-Professional Employee*

An employee newly hired, promoted, transferred to another position because of performance or disciplinary reasons, or rehired who works five (5) hours or more per day and who is required to successfully serve a probationary period of not less than fifteen (15) weeks.

#### *Probationary Teacher*

An employee newly hired under written contract who has not completed the probationary period. *Note: Newly hired teachers who have achieved continuing contract status in another Virginia school division are required to complete one year of probationary status.*

#### *Continuing Contract Teacher*

An employee under contract who has completed the required probationary period and holds a valid Virginia teaching license.

#### *Principal*

An employee who is regularly employed full-time as a building instructional leader (*includes assistant principal*) and who holds a post-graduate certificate with the appropriate administrative endorsements.

#### *Supervisor (Instructional)*

An employee who is regularly employed full-time in a supervisory capacity and is required by the Board of Education to hold a certificate to be employed in that position.

#### *Part-Time Employee*

An employee who on a regular basis works no more than an average of 29 hours per week in any capacity or who is employed solely for temporary assignments.



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### *Substitute Employee*

An individual working in the place of a regular or half-time employee who is absent. Substitute employees are employed at-will (not covered by the grievance procedures) and do not receive benefits unless required by law.

### *Long-Term Substitute Teacher*

A substitute employee whose employment at one location is expected to be greater than fifteen (15) work days. Long-term substitute teachers are employed at-will (not covered by the grievance procedures) and do not receive benefits unless required by law.

### *Half-Time Employee*

An individual employed in a contracted position on a half-time basis. A half-time contracted employee can access medical benefits at full cost with an employer subsidy where applicable.

### *FMLA Definition of "Son" or "Daughter"*

A son or daughter is defined as a biological, adopted, foster, or stepchild, a legal ward, or a child of a person standing *in loco parentis*. The definition of son or daughter is limited to children under the age of 18 or 18 years of age or older and incapable of self-care because of a mental or physical disability. The FMLA military leave provisions have specific definitions of son or daughter that are unique to those provisions.





## *Appendix D:*

### *VRS Plan 1, Plan 2, and Hybrid*

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#### *Plan 1*

Employees whose membership date is before July 1, 2010 are covered under the provisions of the VRS Plan 1. Employees may be active or deferred. Active members are currently working in a covered position. Deferred members are not currently working in a covered position but have not withdrawn their funds and have service credit in VRS or an account balance in a Virginia optional retirement plan (ORP) as of June 30, 2010. Deferred members who return to covered employment will be rehired under Plan 1.

#### *Plan 2*

Employees whose membership date is July 1, 2010 or later are covered under the provisions of the VRS Plan 2. Employees who were previously employed in a covered position and withdrew their funds will be rehired under Plan 2 if they return to covered employment with no service credit in VRS or no ORP account balance.

#### *Hybrid Plan*

Most employees hired on or after January 1, 2014 are covered under the Hybrid Retirement Plan.

#### *Plan Comparison Guide*

To view the Virginia Retirement System's *Plan Comparison Guide*, visit <http://www.varetire.org/pdf/publications/vrs-plans-comparison.pdf>.



## *Appendix E: FMLA Guidelines for Military Families and Veterans*

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The National Defense Authorization Act (NDAA) amends the Family and Medical Leave Act of 1993 (FMLA) to permit a “spouse, son, daughter, parent, or next of kin” to take up to 26 work weeks of leave to care for a “member or veteran of the Armed Forces, including a member of the National Guard or Reserves who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.”

An employee can also take up to 12 work weeks of unpaid leave in the event of a “qualified exigency.” A qualified exigency arises when the employee’s spouse, child, or parent is in the Armed Forces and is deployed to a foreign country. Qualifying exigencies include leave to address issues surrounding short-notice deployment, military events and related activities, childcare and related activities, financial and legal activities, counseling, rest and recuperation, and post-deployment activities.



## *Points of Contact for Employee Benefits*

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Service or Benefit	Contact
Norfolk Healthcare Consortium Benefits Team	<a href="mailto:hrbenefits@norfolk.gov">hrbenefits@norfolk.gov</a> <a href="#">Schedule a Meeting</a> 757-664-4486, Option 1
Anthem Blue Cross Blue Shield (Medical)	<a href="http://www.anthem.com">www.anthem.com</a> 1-833-988-2030
IngenioRx (Pharmacy)	<a href="http://www.anthem.com">www.anthem.com</a> 1-833-988-2030
Delta Dental (Dental)	<a href="http://www.deltadentalva.com">www.deltadentalva.com</a> 800-237-6060
UniCare (Vision)	<a href="http://www.unicare.com">www.unicare.com</a> 888-884-8428
Health Savings Account	<a href="http://www.healthequity.com">www.healthequity.com</a> 866-346-5800
Flexible Spending Accounts (Flexible Benefit Administrators)	<a href="https://fba.wealthcareportal.com">https://fba.wealthcareportal.com</a> 800-437-3539
COBRA (Flexible Benefit Administrators)	<a href="https://cobrapoint.benaissance.com/">https://cobrapoint.benaissance.com/</a> 800-437-3539
ComPsych (Employee Assistance Program)	<a href="http://www.guidanceresources.com">www.guidanceresources.com</a> 844-266-0707
MetLife (Critical Illness)	<a href="http://www.metlife.com">www.metlife.com</a> 800-438-6388
Legal Resources	<a href="http://www.legalresources.com">www.legalresources.com</a> 800-728-5768
The Hartford (Long-Term Disability)	<a href="http://www.thehartford.com/employeebenefits">www.thehartford.com/employeebenefits</a> 800-331-7234
Securian/Minnesota Life (Optional Life Insurance)	<a href="http://www.lifebenefits.com/plandesign/virginia">www.lifebenefits.com/plandesign/virginia</a> 800-441-2258
Virginia Retirement System	<a href="http://www.varetire.org">www.varetire.org</a> 888-827-3847
Tax Sheltered Annuities	757-628-3853



*Notes*

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