



# Norfolk Public Schools

The cornerstone of a proudly diverse community



## *Employee Handbook*

Revised March 9, 2018



## *Important Notice*

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This Norfolk Public Schools Employee Handbook represents a **summary of the laws and regulations** of the United States and the Commonwealth of Virginia, as well as the policies and regulations of the School Board of the City of Norfolk as they apply to the employees of the Norfolk Public Schools (NPS). It is a guide to such laws, policies, and regulations but does not replace them. **Employees should always go directly to the sources for current, complete, and accurate statements of such laws, policies, and regulations.** All statements concerning laws, policies, and regulations and procedures contained 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 shall prevail.

This handbook supersedes all prior handbooks 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 of time. 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 the School Board members and the Superintendent as they occur anywhere within this manual 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, gender, race, color, national origin, disability, religion, ancestry, age, marital status, genetic information, sexual orientation, gender identity, or any other characteristic protected by law. This commitment will prevail 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, <https://www.boarddocs.com/vsba/nps/Board.nsf/goto?open&id=89476K57C109>. Specifically, policies that govern personnel can be found in section G.

### *Stay Current*

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



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# Philosophy of Teaching & Learning

*Norfolk Public Schools* is committed to developing students who value learning and the “habits of the mind” (mental disciplines practiced so that they become habits or natural processes) that will enable them to adjust successfully to the changing world. We will accept the responsibility for engaging the entire community in preparing life-long learners who are able to understand the world in which they live and have the skills needed to learn and succeed throughout their lifetimes. We will recognize, value, and build upon both the individual differences and the similarities in our students.

Students will have learning experiences that respect and address the strengths and needs of all students. These learning experiences will be like those found in day-to-day life, based upon broad concepts flowing from the general to the more specific. Students will learn to make responsible choices, overcome challenges, and take responsibility for their own learning. Students will attain academic proficiency as defined by local, state, and national standards. Students will have many opportunities to internalize and demonstrate their understanding of newly acquired information, skills, and processes that are tied to rigorous academic standards.

Each stakeholder has a role to play. All stakeholders will approach their relationships with students, parents, teachers, administrators, and community members with respect in order to promote a positive learning experience.

*Administrators* will provide support and instructional leadership by creating and maintaining a clear focus on student achievement, driven by the district’s vision. Well-prepared teachers, safe and secure school facilities, sound and rigorous curriculum, adequate resources, and appropriate support services will be needed to create and maintain this focus. Administrators will be advocates for all students. Focusing on student needs will ensure that educational opportunities to develop skills for lifelong learning and to become successful contributors to a global society are available for all students at all times.

*Community members* must embrace and support ongoing efforts to provide rigorous academic opportunities to children. The progress and condition of the community is dependent upon the educational success realized by its citizens.

*Parents* must be active partners with schools to provide the support and assistance that will ensure the success of their children. Parents’ responsibilities include supporting school rules, programs, and goals; championing homework; showing an interest in their children’s educational experiences; and inspiring perseverance and hope in their children.

## *Habits of the Mind*

Mental disciplines practiced so that they become habits or natural processes

## *Norfolk Public Schools’ Stakeholders*

- Administrators
- Community Members
- Parents
- Students
- Support Staff
- Teachers



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*Students* must assume responsibility for their own learning if they are to be successful. Therefore, we expect that students will come to school prepared to learn. We expect all students will follow the established rules and contribute to a disciplined learning environment. Most importantly, each student will be an active participant in the learning process.

*Support Staff* will provide instructional and non-instructional support to aid the educational and operational missions of the division.

*Teachers* will be knowledgeable and competent in the content areas they teach, and they will have the ability to relate this content to the students' past, present, and future learning experiences. Teachers will utilize effective classroom management and teaching strategies to ensure learning at high levels for all students. They will use various assessments to determine students' understandings and to plan for classroom instruction.

*By implementing this philosophy, Norfolk Public Schools will be the cornerstone of a proudly diverse community.*





# About Norfolk Public Schools

Norfolk Public Schools serves the City of Norfolk, the cultural and financial hub of southeastern Virginia. Home to the world's largest Navy base, Norfolk covers approximately 66 square miles with nearly a quarter-million citizens. The Hampton Roads metro area is home to approximately 1.7 million people.



Norfolk Public Schools includes 30 elementary, two K-8, one PreK-8, one 3-8, six middle, and five high schools in addition to a variety of auxiliary facilities (a middle school specialty program, early childhood centers, a career and technical center, an alternative education center, an open campus high school, and other support facilities) and serves more than 32,000 students. The school system employs approximately 7,600 staff members, including approximately 3,000 teachers.

## *School Board Goals and Division Priorities*

NPS is the cornerstone of a proudly diverse community. As such, we will:

- ensure full accreditation
- increase academic achievement of all students—raise floor and ceiling simultaneously to close achievement gaps
- improve climate, safety, and attendance
- become a School Board of Distinction
- promote Norfolk Public Schools to reflect outstanding accomplishments of staff, teachers, and students
- develop and coordinate a capital improvement plan for facilities and technology to enhance teaching and learning
- attract, retain, and help to develop strong academic families and highly qualified teachers and staff

## *Mission*

The mission of Norfolk Public Schools, the cornerstone of a proudly diverse community, is to ensure that all students maximize their academic potential, develop skills for lifelong learning, and are successful contributors to a global society, as distinguished by:

- courageous advocacy for all students
- family and community investment
- data-driven personalized learning

## *Consistent Goals*

The School Board has seven goals that align with Norfolk Public Schools' division priorities.



## *NPS*

is the cornerstone of a proudly diverse community.

- shared responsibility for teaching and learning
- access to rigorous and rewarding college and career readiness opportunities

## *Strategies*

- We will promote NPS as the cornerstone of our community's well-being.
  - Big ideas: Technology, Facilities, Competition, Alumni, Early Learning/Literacy
- We will empower and facilitate meaningful family and community partnerships.
  - Big ideas: Family dynamics, Poverty, Wrap-around Services, Crisis Interventions, Support Systems, Neighborhood Hubs, Community/Family/Parent Engagement, Volunteer Pathways
- We will relentlessly pursue engaged learning through high-quality instruction.
  - Big ideas: Highly qualified AND high effective staff, Professional Learning, Closing the GAP, Funding/Grants: Accountability, College and Career Readiness, Human Resources
- We will host environments in which all individuals feel safe and secure.
  - Big ideas: Cultural Proficiency, Safety, Climate, Relationships, External Influences, Eco-friendly buildings, Alternative Programs, Facilities
- We will nurture a culture of excellence, equity, and justice through continuous improvement.
  - Big ideas: Cultural Proficiency, Closing the GAP, Increasing Resources, Program Evaluation, Early Learning/Literacy, Zoning, School Choice/Open Enrollment, Accountability, Disproportionate populations, Technology, College and Career Readiness

## *Parameters*

- We will honor the worth and integrity of each person.
- We will not allow internal or external factors to adversely affect our pursuit of excellence.
- We will demand the best of everyone.
- We will respect community input.
- We will make our decisions with careful regard for research and evidence-based best practice.

## *Objectives*

- All students pass local, state, and national assessments at levels which meet and are continuously progressing toward exceeding established standards.
- All students identify their dreams and have no limits in the pursuit of their fullest potential.



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- All of our students graduate and succeed in their endeavors in higher education, the workforce, and/or the community.
  - All of our students are responsible citizens, serve the community, and demonstrate the highest ethical standards.

### *Community Beliefs*

- We believe that every person is worthy of respect.
- We believe that everyone has the capacity to learn.
- We believe that family is a critical factor in the development of the individual.
- We believe that every student deserves a high-quality education.
- We believe that effective public schools require strong leadership and teamwork.
- We believe that diversity is a strength.
- We believe that effective educators and staff are valued as the foundation for successful schools.
- We believe that successful public schools are the foremost opportunity for economic development and community well-being.
- We believe that fostering positive and meaningful relationships is essential to helping students reach their highest potential.
- We believe that public education is an investment and a shared responsibility of schools, families, and the community.
- We believe that schools, students, and families can expect, and have responsibility for, creating and maintaining a safe, secure, and respectful learning environment.

### *Organizational Structure*

A chart outlining the organizational structure of Norfolk Public Schools is included on the next page.



# Employment

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## *Recruitment*

The Norfolk Public Schools system 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.

If you know of a highly qualified candidate for a vacant position, please encourage him or her to submit an electronic application.

## *Selection*

The School Board of the City of Norfolk specifically prohibits discrimination against any individual for reasons of race, national origin, disability, religion, sex, or age. Accordingly, equal opportunity for employment in all positions shall 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 applicants or existing employees when it can do so without undo 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) work days, 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 a teaching or an administrative position shall submit an application in accordance with the posting.

## *Help Us*

## *Recruit*

If you know of a highly qualified candidate for a vacant position, please encourage him or her to submit an electronic application.



### *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*

A probationary term of service of at least three years in Norfolk Public Schools shall be required before a teacher is issued a continuing contract (see definition in Appendix D). Newly hired teachers who have achieved continuing contract status in another Virginia school division are required to complete one year in probationary status. Newly hired teachers who have out of state experience are required to complete the full three-year probationary period.

### *Probationary Period for Support Staff*

The probationary period is used to observe and evaluate newly appointed employees and to encourage their successful adjustment to the job. All support staff newly hired, rehired after termination of their seniority, transferred to another position because of disciplinary or performance reasons, or promoted to a new position are considered probationary employees until the completion of at least 15 contracted weeks. An extension of the probationary period must be approved by the Executive Director of Human Resources or designee (see the definition of Probationary Non-Professional Employee in Appendix D).

### **Separation of Probationary Employees**

Employees are subject to dismissal at any time during the probationary period when the quality of their work or attitude does not merit continuation as deemed by their supervisors. The discharge of any probationary employee during this period is not subject to review procedures. Prior to dismissal, the supervisor must contact the Executive Director of Human Resources or designee, who will review the documentation and will assist with the preparation of the recommendation for dismissal letter.

### *Contracts*

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

### *Contract Length for Certified Employees*

The standard teacher's contract is considered a ten-month contract and shall include the following:

- One hundred eighty (180) teaching days (minimum required by law).
- 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.



- Ten (10) days for a continuation of activities under items (1) and (2) and/or such other activities as assigned or approved by the discretion of the local school board.

The number of days included in the work year for other employees shall be available upon request from the Department of Human Resources. Work days for each category of employee are subject to change based on the needs of mission accomplishment.

Contract Length 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

*Resignations*

Employees of the School Board who do not intend to seek re-election for the following school session shall submit a written notice via the Norfolk Public Schools Resignation/ Extended Leave of Absence Form A-30 to the Executive Director of Human Resources by June 15 of the school year (VA Code Section 22.1-304). The Superintendent will recommend the resignation to the School Board. Persons seeking resignation after the contract has been signed must abide by the regulations of Norfolk Public Schools.

Employees resigning for any reason shall 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 participation to be eligible to receive retirement pay when due. This is called being vested. Employees should refer to the VRS Employee Handbook for retirement information based on the plan they are under ([www.varetire.org](http://www.varetire.org)). Questions concerning

*Resignations*

Employees who do not intend to work the following school session should submit written notice by June 15.



retirement should be directed to the Department of Human Resources (628-3905). See Appendix E: VRS for additional information.

### *Personnel Records*

#### **Confidentiality of Files**

The School Board shall attempt to protect the confidentiality of personnel files, personnel references, academic credits, and other similar documents. It shall not establish a separate file which is not available for the employee's inspection.

Norfolk Public Schools at all times complies with the regulations of the Code of Virginia's Freedom of Information Act concerning citizen access to public records in the possession of public bodies or their officers, employees, or agents.

See sections 2.2-3700, et seq. of the Code of Virginia, 1950, as amended. Also see Virginia Government Data Collection and Dissemination Practices Action (Section 2.2-3800).

#### **Review of Contents**

An employee may, upon advance request, review the contents of his or her personnel file. References, placement folders, and other documents which are received on the basis of pledged confidentiality as a part of the pre-employment routine are not considered part of the file material for purposes of this section.

#### **Personnel Records, Formal Complaints**

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 shall 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 transfer to a particular school site and/or grade level/content area. A request shall be made via the electronic "Request for Voluntary Transfer Application" and submitted to the Department of Human Resources by the annual deadline. For consideration when a vacancy occurs in the desired school site and/or grade level/content



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area, voluntary transfers will generally be limited to the opening of school in the fall.

All other things being equal, it is advisable for probationary employees to remain in the same position and location during the probationary period. Only in cases where the best interests of the employee and the school division shall be served will a request for voluntary transfer from a probationary employee be honored.

A transfer list will be developed and sent to all building/department administrators by the annual deadline, and the administrators will review the list and determine if they are interested in interviewing any of the available voluntary transfer candidates. Administrators will interview candidates and make recommendations to the appropriate Human Resources Generalist by the annual deadline.

### *Administrative Transfers Initiated by the Superintendent*

In situations where the best interests of the school system and/or the employee are involved, the Superintendent may initiate transfers. Transfers initiated by the Superintendent shall have precedence over all other transfers.

### *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 shall 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, he or she should first consult his or her direct supervisor. Depending on his or her position, this may be his or her 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 Executive Director of Human Resources or the Superintendent, with a final appeal considered by the School Board.

*Requests for Transfer* Employees who wish to transfer to another location must apply for transfer electronically by the annual deadline.





# Employment Requirements

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## *Personnel Data*

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

1. A complete employment application.
2. A criminal history check consisting of fingerprint evaluation.
3. Withholding Tax Exemption Forms (W-4 Federal and VA-4 State).
4. The applicable health insurance application (if serving in a covered position).
5. Medical Certificate: 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. The expense associated with the TB screening or test is the sole responsibility of the applicant. Additionally, school bus drivers and assistants qualified to drive school buses must annually submit a certificate signed by a licensed physician stating that they are physically and mentally capable of operating a school bus safely.
6. Declaration of authorized work status and a completed Form I-9.
7. Drug Test (if serving in a covered position).
8. Current Food Handler's Card (School Nutrition personnel).

## *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.

If it is determined that a TB skin test is needed and the employee has a history of a previous positive reaction to a skin test, a chest X-ray report must be submitted.

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 examinations shall be covered by the School Board.

Any employee who begins duty without having complied with this requirement will have violated the terms of employment and is not entitled to compensation. Any new volunteer or student teacher who begins his or her duties without having complied with this requirement will be removed from that assignment until the requirement is fulfilled. A new employee is defined as someone hired for the first time or rehired after a six-month absence.

#### **School Nutrition Employees**

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

#### **Transportation Employees**

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 shall 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*

See Appendix G: Supplemental Employment for updated policy GCZC.

#### *Employee Evaluation*

Evaluation shall be a requirement for all personnel in the Norfolk Public Schools. Each employee in the division shall be provided with an applicable copy of the evaluation procedures being used in Norfolk Public Schools. Supervisors shall take steps to ensure that all personnel evaluation reports are treated in a confidential matter. Access to



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personnel evaluation reports shall be limited to persons authorized to review them.

**Teachers**

All new teachers are summatively evaluated annually 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 evaluations.

**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.

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

Teachers employed for only part of the year are to be evaluated using a narrative format (i.e. a memorandum to the teacher with a copy to the personnel file). This format is required for all teachers hired after September 30.



# Compensation

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## *Paydays*

Employees will be paid on a bi-weekly basis. If payday falls on a holiday, employees will be paid on Friday or the last workday before the holiday. Employees will receive pertinent information from the Payroll Office.

## *Payroll Deductions*

Certain payroll deductions are required by law, including Federal Income Tax, Federal Social Security Tax, Medicare Tax, and Virginia State Income Tax. Other payroll deductions, which are optional, include:

- United States savings bonds
- group health insurance
- dental insurance
- vision insurance
- long-term disability insurance
- United Way contributions
- tax-sheltered annuity plan
- legal insurance
- Norfolk Teachers' Federal Credit Union
- Norfolk Teachers' Association Federal Credit Union
- membership dues for the Education Association of Norfolk (EAN), Norfolk Federation of Teachers (NFT), Virginia and North Carolina Laborers' District Council, AFL/CIO, and other approved professional organizations.

Salary deductions for educational-related organizations (i.e. NFT and EAN) shall be irrevocable for a period of time agreed upon by the educational organizations and the administration and shall be renewed automatically. Cancellation of the deduction must be requested by the employee in writing at a designated time, agreed upon by the educational organizations and the administration.

## *Computing Pay Deductions*

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

Daily rates of pay for all regularly employed full-time employees shall 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.

## *Direct Deposit*

Direct deposit is mandatory for employees.



### *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 times their regular rate of pay for each hour worked (unless exempt under the Fair Labor Standards Act). 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 he or she is not regularly assigned to duty, the employee will be paid at a rate which is one and one-half 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 shall be paid for authorized overtime hours worked in excess of forty (40) hours within the work week. Employees governed by the Fair Labor Standards Act (FLSA) who are called back to work during a national or state holiday observed by the school administration shall receive two (2) times their regular rate of pay for each hour worked.

### *Compensation for Overtime*

Norfolk Public Schools makes every effort to ensure that all of its employees are paid correctly and in accordance with law for all hours worked and that no improper deductions are made from their pay. However, inadvertent mistakes may occasionally occur. Employees should always review their pay advices and/or checks when they receive them to make sure that they accurately reflect their earnings. Norfolk Public Schools will promptly make any necessary corrections when a mistake is discovered. Employees should follow the following complaint procedures in order to correct mistakes in their pay.

### *Complaint Mechanism*

If an employee believes that his or her pay does not accurately reflect the hours he or she worked, does not credit the employee overtime to which he or she is entitled, and/or if he or she believes that his or her pay was subject to an improper deduction, the employee



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should immediately report the matter to his or her assigned payroll clerk or to his or her supervisor if his or her payroll clerk is not available.

If either are unavailable or if the employee believes it would be inappropriate to contact either of them, then the employee should immediately contact an administrator within his or her department above the level of his or her supervisor.

**If the employee is unsure of whom to contact or if he or she has not received a satisfactory response within five (5) business days after reporting the matter, he or she should contact the Department of Human Resources. The Department of Human Resources may be contacted for this purpose by telephone at (757) 628-3905 or in writing delivered to: Norfolk Public Schools Department of Human Resources, 800 E. City Hall Avenue, Norfolk, Virginia 23510.**

Norfolk Public Schools will fully investigate every complaint filed pursuant to this policy and will take prompt corrective action when appropriate so as 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 this policy or cooperate in the Norfolk Public Schools investigation of such reports. Any form of retaliation or other willful violation of this policy by employees will result in disciplinary action up to and including dismissal.

See Appendix C: Employment Standards - U.S. Department of Labor

### *Credit for Teaching Experience*

Teachers entering the Norfolk Public Schools no later than the first day of second semester shall be credited with one (1) year of teaching experience and consequently placed on the next step of the appropriate salary scale for the next school year, if a step increase is approved by the School Board for the following year.

### *Salary Adjustments*

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

Any person new to Norfolk Public Schools will be placed on the beginning step of the applicable scale guide unless an evaluation of prior service and/or the school system's needs warrant an adjustment.

### *Payroll Complaint*

If an employee is unsure whom to contact regarding a payroll complaint, he or she should contact the Department of Human Resources.




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### **Promotion of Employees**

When an employee is promoted, based on Superintendent's approval, the new salary shall compute to at least a 10% increase. If the employee is eligible for a service increment, it will be awarded before promotion.

### *Teacher Earning an Advanced Degree*

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

Source: Norfolk Public Schools' Employment Contract

### *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 teaching assignment. Salary credit for Master's plus 30 is awarded for 30 hours of graduate course work when it is separate and not a part of the Master's Degree program. The graduate course work should be in the teacher's teaching area in education or toward a new licensure endorsement. A teacher who earns an advanced degree will be placed on the appropriate grade for the training and experience after acceptable documentation is received by the Department of Human Resources, and the salary increase will not be effective until 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

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### *Contracted Staff*

All full-time staff are entitled to all benefits offered by Norfolk Public Schools. Support staff considered to be full-time must work the same number of hours per week under contract as the majority of personnel in the same category.

Support staff contracted less than full time are eligible for sick leave prorated to contract specifications. Such leave will not be carried over from one year to the next.

Support staff contracted for less than thirty hours per week are not eligible for any other fringe benefits afforded full-time support staff (i.e. paid hospitalization, VRS life insurance, etc). They may, however, buy health insurance for themselves and eligible family members through the school system provided that they are willing to pay for the full cost of this coverage.

### *Teacher Induction Program*

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

- **Beginning Educator Support Team** : A program for teachers with zero years of experience.
- **Champions**: A program for second-year teachers and experienced teachers new to Norfolk Public Schools.
- **Teacher Expectation and Student Achievement**: A program for third-year teachers and experienced teachers new to Norfolk Public Schools.

### *Tort Insurance*

General liability insurance covers staff against claims arising out of bodily injury or property damage to others as a result 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.

### *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.





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### *Health Insurance*

Full-time employees are offered health insurance, and the School Board will pay a portion of the employees' premium. Half-time employees are eligible for health insurance, and the School Board will pay a partial employer subsidy.

### *Employee Group Legal Expense Plan*

Norfolk Public Schools offers all full-time employees the option to purchase this service for themselves through payroll deduction. This plan will cover a number of legal services including wills, consumer matters, real estate transactions, family law, adoptions, civil disputes, and legal advice.

### *Dental and Vision Insurance*

Separate dental and vision plans are available at full cost to the employee.

### *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)*

A number of tax-sheltered annuity plans are available for payroll deduction to full-time and part-time support staff under contract. Although the companies may offer a variety of fixed and variable plans, they have met all of the School Board's requirements.

### *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.

### *Credit Union*

Employees of Norfolk Public Schools are eligible for membership in the Norfolk Teachers Federal Credit Union, located in the Janaf Office Building, Suite 512. The telephone number is (757) 461-0300.



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### *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 utilized only one time.

### *Supply Allowance*

All classroom teachers receive a supply allowance from Norfolk Public Schools, if funds are available.

### *U.S. Savings Bonds*

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

### *ComPsych Guidance Resources*

ComPsych is a no-cost counseling service to help employees address stress, relationship, and other personal issues they and their families may face. It is staffed by highly trained master's and doctoral level clinicians who will listen to concerns and refer employees to in-person counseling and other resources. Employees may call (844) 266-0707 or visit [www.guidanceresources.com](http://www.guidanceresources.com) for more information.

### *Reimbursement for Tuition Assistance (If Funds Are Available)*

Licensed/certified personnel will be reimbursed for full cost of up to three (3) approved graduate credit hours per school year in their general subject area or to improve their instructional skills. Reimbursement for tuition costs at an institution other than Norfolk State University (NSU) or Old Dominion University (ODU) will be paid at the actual cost of the credit hours or at the NSU or ODU rates, whichever is lower. Teachers seeking to take advantage of this benefit will be required to apply for and receive approval prior to the first day of class. The amount allowed for tuition assistance may also be applied toward the cost of National Board Certification. Funding for reimbursement of tuition assistance will be provided as allowed by the annual approval of the School Board's budget. Applications are available on the Norfolk Public Schools Human Resources website.

Teachers will be given 60 days from the end of the class to submit all documentation for reimbursement. The exception should be at the end of the fiscal year where documentation must be submitted three (3) days prior to the end of the school year (June 30).



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Classified personnel may be reimbursed for the cost of tuition for a total of three (3) semester hours per school year at an amount not to exceed the prevailing rates at Old Dominion and Norfolk State Universities for courses in the employee's general field or to improve job skills. One must have been employed for two (2) full contract years to qualify for reimbursement for a course taken at a two-year institution and four (4) full contract years to qualify for reimbursement for a course taken at a four-year institution. Applications are available from the Norfolk Public Schools Intranet site ([www.sbo.nps.k12.va.us](http://www.sbo.nps.k12.va.us)).

For all employees, all course and/or test dates for the reimbursement being sought *must* be within the employee's dates of employment.

### *Part-Time Contracted Teachers*

Non-probationary status employees, who are recommended on an annual basis for part-time contracted employment by their principal or central office administrator, work 50% of each contract day; participate in all building/department professional activities as if full-time; 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 50 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.



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### *Sick Leave Bank*

Norfolk Public Schools maintains a sick leave bank to be used by eligible VRS 1 and 2 and Hybrid Year 1 employees (entitled to sick leave benefits) who are incapacitated by long-term personal illness or injury. The following criteria must be met:

- Membership in the sick leave bank shall be open to all eligible employees and shall be voluntary. 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 his designee. Only full-time employees are eligible.
- 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 re-establish 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 or eligibility. Sick leave bank benefits are available through the last duty day of the contract year.
- Members of the bank will be assessed additional days of sick leave at such time as the bank is depleted to 400 days, unless a member chooses not to participate further in the bank. Notice of intention to withdraw from the bank must be submitted in writing within five workdays of the notice of assessment. Members who have no sick leave at the time of assessment will be assessed by October 1 of the following year.
- Members using sick leave days drawn from the bank will not have to replace these days except as a regular contributing member of the bank.
- Upon termination of employment or withdrawal of membership from the bank, a participating member will not be permitted to withdraw his or her contributed days. Employees 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 do not have to apply for reinstatement. Employees who are on a leave of absence because of personal illness or for professional improvement are to be treated



as a current employee and not have to rejoin the sick leave bank upon return unless he or she resigns.

- Verification of disability, including the nature of the disability or illness and the expected date of return, will be required before withdrawals from the sick leave bank are permitted.
- Withdrawals from the sick leave bank may not be used for disability which may qualify the member for worker's compensation unless the member has exhausted all worker's compensation leave and/or insurance benefits. Pending cases will not be paid until resolved. Disallowances of claims will trigger retroactively to the eligibility period.
- The provisions of the sick leave bank will be administered by the Superintendent or his designee. Appeals by the sick leave bank members may be made to the Superintendent of Schools.
- The provisions of the sick leave bank will be administered by the Superintendent or the Superintendent's designee. Appeals by the sick leave bank members may be made to the Superintendent of Schools.
- The maximum paid benefits under this plan shall not exceed an amount set by the administration for each school year.
- Note: The sick leave bank may not be accessed for natural child birth, as this delivery mode is not considered an illness or disability.

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. In order 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 are able to donate and receive sick leave in accordance with the Sick Leave Donation Regulation (see Appendix H).



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### *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 work day, 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.

### *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.

### *Flexible Spending Accounts*

Payroll deductions may be authorized within Internal Revenue limits for childcare and healthcare expenses. New employees have a 30-day open enrollment period to sign up for the plan.

### *Long Term Disability and Critical Illness*

Long Term Disability provides income protection to individuals who are out of work due to personal illness for more than 90 days.

Critical illness coverage provides a lump sum benefit for individuals diagnosed with certain covered conditions.



## General Leave

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### *Definition*

Leave is defined as an authorized absence from work for a specific period of time which is less than the remainder of the school fiscal year (July 1 - June 30). Leaves may be either with or without pay. See policies and regulations as stipulated below for a discussion of the types of leave available to Norfolk Public Schools' employees. Employees who use all of their accumulated leave balance will be inactivated on the payroll as of the last day of available leave.

### *Reasons for Leaves of Absence*

Each leave of absence must be recommended by the building principal or department head, appropriate Executive Director, and/or Superintendent using Norfolk Public Schools Resignation/Extended Leave of Absence Form A-30. Such requests must be accompanied by supporting documentation. Leaves of absence without pay for a period not to exceed one school year may be granted to personnel for reasons such as illness, illness in the family, motherhood, fatherhood, professional improvement, quarantine, religious holidays, personal business, and death in the family. A military leave of absence without pay shall be granted to any full-time, permanent employee as established by law.

### *Extension of Leave of Absence*

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 principal or director feels sick leave or personal/emergency leave is being abused, the matter should be immediately investigated. Investigative measures may include, but are not limited to, the following:

- Telephone call to the home
- Visits to the home by the principal or the principal's designee
- 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/30 minute increments. However, personnel requiring substitutes will not be allowed to take leave for less than one half-day unless their assigned responsibilities can be covered internally. Substitutes will not be employed for less than one half-day. A fraction of an hour will be accepted only when it is for a full day's leave or one half-day's leave. 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 at least seven (7) days in advance, if possible. This is not always feasible in some cases of personal leave, family illness, or death in family. However, the leave request form should be submitted immediately upon returning to work. It is the employee’s responsibility to be certain that a 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. If this is not completed, it can result in a full deduction of leave without pay to the employee.

The employee MUST furnish all information requested on the Request for Leave Authorization Form A-35, to include the following: the month day, year, and number of hours requested for leave; the employee’s full name (printed); the employee’s identification number; and the school or department. Any form that is not complete will be returned to the employee.

*Change or Cancellation of Leave*

When an employee finds that leave for which he or she has applied has to be changed or canceled, the employee should notify the person in his or her respective school or department who is responsible for preparing the payroll report of the change. Leave changes must be made in writing (Form A-36), 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.

Personal leave accounting information will be shown in hours on the employee’s electronic pay stub. It is suggested that each employee keeps a personal record of leave to use to verify





that the leave balances are correct. 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.

**Personal leave may not be used on the last day before or the first day after holidays** (i.e. Thanksgiving and winter or spring holidays), except when an employee can document the existence of an unforeseen family or personal emergency that qualifies for personal leave. In instances when it is not possible to submit a request in advance, the Request for Leave Authorization Form A-35 should be submitted immediately upon return to duty. If an employee is absent fewer than the total number of days of personal leave allowed during the year, the unused allowance will be accumulated as sick leave.

### *Personal Leave Conversion*

The employee may choose to convert the unused allotment of personal leave each June to one (1) additional day of personal leave for each two (2) unused days, with the maximum converted accumulation not to exceed three (3) days. At no time will an employee's personal leave exceed six (6) days, including converted days. **The employee must make the request for the conversion in writing to the Executive Director of Human Resources by no later than June 15. Personal Leave Conversion Forms may be obtained from the Intranet ([sbo.nps.k12.va.us](http://sbo.nps.k12.va.us)).**

### *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.

### *Important*

#### *Deadline*

An employee must request conversion of unused Personal Leave in writing by June 15.



*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 work day(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 shall be subject to disciplinary action, up to and including a recommendation for dismissal.**

*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, pursuant to the Constitution of the United States and Title VII of the Federal Civil Rights Laws, when it can be done without undue hardship.

A request for leave for a religious holiday or religious accommodations should state the holiday to be observed. An employee may be granted leave for bona fide religious holidays. This leave will be granted by the principal/supervisor and may not exceed three days per year. The employee must request the leave in writing at least two days before the date on which it is needed.

The employee may choose to have these absences charged against his or her accumulated sick leave balance or as an alternative, may choose to have two of the three days processed as make-up duty as follows:

1. Make-up duty will be performed at the school or other work location during hours when the building is normally open. Such duty may NOT be served at home.
2. The amount of time taken for religious leave will be made up by working a minimum of an additional one-half hour per day.
3. The make-up schedule will be completed within forty-five (45) work days after the leave or by the end of the school year if fewer than forty-five (45) work days remain. When the hours are made up, a memorandum record will be completed by the principal/supervisor, signed by the employee and filed for reference.



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

A request for Leave for Jury Duty/Subpoenaed as a Witness must be accompanied by a copy of the jury duty notice or subpoena.

Employees will be entitled to leave with pay for periods during normal working hours and on a scheduled work day when they are required to render jury service. Any payment received from the courts may be retained by the employee.

Leave with pay will be granted if a school employee is subpoenaed as a witness in any court or other proceedings before an agency empowered to issue subpoena, except as a defendant in a criminal case. The employee should notify his or her supervisor and provide a copy of the summons with the request for leave.

### *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. Reference: Policy GCBE-B-R

### *Jury Duty Pay*

Payment received for serving jury duty may be retained by the employee.



## *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 F 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 such leave for an extended period of time must notify the Executive Director of Human Resources or the designee at (757) 628-3905.**

### **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. The employee must obtain paperwork from his or her office manager for processing requests under the Family Medical Leave Act (FMLA). Paperwork must be completed prior to an employee going out on leave when advance notice of the situation is possible.
2. If an employee goes out on emergency leave without completing the paperwork, the 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 building Principal/Director/Office Manager submits the Family Medical Leave (FMLA) paperwork to the Department of Human Resources.
4. If the FMLA forms are incomplete, the administrator is contacted immediately by the Department of Human Resources, and the forms are returned to the building. Forms must be completed and returned immediately.
5. A Human Resources Generalist or the Executive Director of Human Resources signs the approval of the leave based on the appropriate medical documentation.
6. A letter is sent to the employee and to payroll confirming the date the condition started, return date, and information on the continuation of benefits while on leave.

### *FMLA Leave*

Eligible employees may take up to 12 weeks **unpaid** leave during any 12 month period for the birth and care of a child, adoption or foster placement of a child, care of an immediate family member, or the employee’s own serious health condition.



*Note*

Paid leave and unpaid leave run concurrently.

7. If no return date is listed, after the expiration of 12 weeks, the Department of Human Resources representative notifies the employee of his or her leave options.
8. Those 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.
9. If an employee extends his or her FMLA beyond the medical coverage, within the 12 weeks of FMLA coverage and with remaining sick leave on record, he or she must be notified in writing by the Department of Human Resources that he or she is on leave without pay. Sick leave pay under FMLA can only be used if there is medical documentation to support the condition.
10. During a period of FMLA leave, and until such time that the employee is returned to full duty by his or her 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.
11. The building Principal/Director/Office Manager 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
Adoption or foster placement of a child	12 weeks unpaid	(Adoption) Five consecutive days
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 actually spent under medical supervision
Birth and first year care of a child	12 weeks unpaid  OR  A combined total of 12 weeks leave for mother and father, if both are employees	(Birth) Time actually spent under medical supervision for mother. Additionally, NPS has adopted a procedure allowing four days of paid paternity leave charged to sick leave and one day of personal leave.



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### *Basic Leave Entitlement*

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

- For incapacity due to pregnancy, prenatal medical care, or child birth;
- 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 his or her employment in his or her regular position. This allowance shall not be charged to the accumulated leave for personal disability.

### *Approved Leave Without Pay*

Upon approval of the Superintendent, an extended Leave of Absence Without Pay for one year may be granted to a teacher for personal injury or illness, illness in the family, parenthood, further study, or approved travel. A request for a leave of absence without pay must be filed with the Department of Human Resources by no later than June 15 preceding the school year for which the request is made.

### *Employment After Leave*

An employee returning from an extended leave of absence will not be guaranteed his/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.

Reinstatement of personnel on leave is expected to occur at the beginning of a semester or the beginning of a contractual period. Requests for reinstatement following a leave for any reason shall be filed in writing in the Department of Human Resources on or before December 1 for return at the beginning of the second semester and on or before June 15 for the ensuing school year.



### *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 Payroll Office with written verification of their accumulated sick leave via the Sick Leave Transfer Request Form.

### *Maternity Leave*

Full-time employees not entitled to leave associated with the Family Medical Leave Act (FMLA) are entitled to six weeks for natural child birth or eight weeks for C-section based on physician's orders of paid/unpaid leave based on availability of accumulated leave. Once released from the physician, employees not entitled to FMLA are expected to return to work. The appropriate form, along with physician certification, are to be forwarded to the Department of Human Resources.

### *Paternity Leave*

Full-time employees not entitled to annual leave are entitled to a leave not to exceed five (5) consecutive days upon the birth of a child. One (1) day of leave for the birth will be deducted from the allowance for personal leave and up to four (4) days from sick leave.

### *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 shall not be credited with prior years' service for leave purposes.

### *Critical 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.



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An employee who is absent because of the disability of a member of his or her immediate family shall 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 of 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 Executive Director for Human Resources.

### *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.





### *Military Leave*

Any request for military leave must be accompanied by a copy of the official orders to report.

### *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.

### *Leave for Adoption*

Under the Family Medical Leave Act (FMLA), eligible full-time employees are entitled up to 12 weeks of unpaid leave for adoption of a child. Norfolk Public Schools provides full-time employees not entitled to annual leave paid leave not to exceed five (5) days. One (1) day of leave for adoption will be deducted from the allowance for the employee's accumulated personal leave and up to four (4) days from the employee's accumulated sick leave. These five (5) consecutive days of paid leave are included in the 12 weeks covered under the Family Medical Leave Act.

### *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 shall 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, including principals and school clerks, shall be entitled to annual leave as outlined in the chart below.

Total Years of Employment in Norfolk Public Schools	Persons Employed Under 12 Month Contract
0-5 Years	15 Days
6-10 Years	18 Days
11-15 Years	21 Days
16-20 Years	24 Days
After 20 Years	25 Days

The work year for all employees entitled to annual leave shall be the same as that prescribed for the personnel working in the Central Administration Building.

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. Annual leave may not be accumulated for more than two (2) years. At the end of the fiscal year, all unused annual leave beyond the maximum allowed for carry over will be converted to one (1) day of sick leave for every two (2) days of annual leave beyond the maximum carry over. Employees on sick leave, professional leave, or other approved paid leaves of absence will continue to accumulate their annual leave allowance.

Upon retirement, an employee must take his or her accumulated vacation unless his or her immediate supervisor needs his or her services and receives written approval from the Superintendent for him or her to work until leaving service. When this is allowed, the employee will be paid for his or her accumulated vacation.

Upon termination of employment, an employee will be paid for his or her accumulated vacation.

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 vacation days during the summer months. Summer vacation requests must be in accordance with summer programs and approved by the principal. **Vacation days may not be carried over from one year to the next.**

### *Annual Leave for Principals*

Principals will attempt to take their annual leave when pupils are not in school.



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### *Principal's Annual Leave*

Principals will attempt to take their annual leave when pupils are not in school. If a principal finds it necessary to take annual leave when pupils 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 (Reference: Policy GCBZDZ & GCBZDZ-R).

### *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. 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*

Sick leave will be earned and posted to the employees' records on a monthly basis. Sick leave is accrued at the rate of one day per month for 10-, 11-, and 12-month employees, with unlimited accumulation.

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

However, full time employees under regular appointment by the School Board who are eligible for annual leave are entitled to full salary for an absence due to personal illness, which accrues annually as follows:

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

Full time employees who are not eligible for annual leave are entitled to full salary for an absence due to personal illness at the rate of one day for each month employed. Sick leave requests are to be signed by the employee and his or her supervisor and retained in the work location.

### *Cumulative Sick Leave*

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 Credit*

Sick leave will be credited to each employee's account according to the regulations of the Superintendent. Sick leave is credited to each employee's account on a monthly basis.

### *Provisions for Administering Sick Leave*

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 he or she reports.



### *Medical Leave*

Medical leave up to an amount accumulated by the employee will be granted for the time actually spent undergoing treatment or hospitalization as well as any prescribed period of convalescence.

In the event accumulated sick leave is insufficient, an employee may request leave without pay, retirement, or resignation.

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

### *Medical Reports*

An employee on leave of absence for personal illness who is drawing salary under sick leave allowance may be required to submit a certificate from a doctor of medicine or surgeon stating that the employee is physically unable to resume his or her duties. A new certificate shall be submitted as often as required. Salary allowances for personal disability shall be paid only while the employee is unable to resume his or her former employment.

If an employee is absent because of illness for five (5) consecutive days or for ten (10) days in any one semester because of the same illness, he or she may be required, at the discretion of the Superintendent, to have a physical examination by a physician. Physicians selected by the Superintendent shall be reimbursed by the School Board; all others shall be reimbursed by the employee and approved by the Superintendent.

### *Leave for Medical Treatment*

Any employee who anticipates any medical treatment necessitating absence from employment shall notify the Executive Director of Human Resources 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 shall be signed by a licensed physician or dentist.

Medical leave (sick leave), up to an amount accumulated by the employee, will be granted to such an employee for the time actually spent undergoing treatment or hospitalization as well as any prescribed period of convalescence. In the event accumulated sick leave is insufficient, an 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.

Reference: Policy GCBEA & GCBEA-R

### *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*

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### *Teachers' Grievance Procedure: Use of Part Two of Regulation (8 VAC 20-90-20, et seq.)*

**Purpose:** If a teacher has “a complaint or dispute relating to his/her employment, including but not necessarily limited to the application or interpretation of personnel policies, rules and regulations, ordinances and statutes, or acts of reprisal as a result of discrimination on the basis of race, color, creed, political affiliation, handicap, age, national origin, or sex,” then the teacher may seek an equitable solution to the dispute through the grievance procedure as outlined in part two of the Board of Education’s regulations, 8 VAC 20-90-20, as amended. This does not apply to disputes involving dismissal or probation placement.

**Restrictions:** All restrictions as outlined in the State Grievance Procedure which was amended effective July 1, 2013 will apply.

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

Support (classified) personnel shall be notified of impending dismissal by their immediate supervisors 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 or 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 or her insurance benefits suspended or terminated because of such suspension in accordance with this policy (Reference: Policy GDPD).

### *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 in order 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 shall 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 Executive Director of Human Resources and the appropriate Human Resources Generalist have advisory roles in discipline matters and should be consulted as needed.

### *Progressive Discipline*

NPS utilizes a progressive discipline process with warnings, reprimands, and suspensions in an attempt to correct unacceptable behaviors and attitudes.

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 or 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 shall not be suspended without pay prior to notifying the Executive Director of Human Resources. The decision to suspend without pay should be evaluated carefully and must be in accordance with state statutes. The suspension shall 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 Executive Director of Human Resources shall 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 shall be initiated when it has become apparent that the employee needs specific guidance in the execution of his or her daily work. The plan shall 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

### *Plan of Action*

A Plan of Action is initiated when an employee needs specific guidance in the execution of his or her daily work routine. The plan may run from 30 to 90 days.



**5. Discharge:**

- (a) Discharge Procedure: Prior to the preparation and deliverance of any discharge paperwork, the Executive Director of Human Resources shall 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 shall 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 shall 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 shall 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 shall be made to the Executive Director of Human Resources. The review shall be conducted as soon as possible following the request but not later than seven (7) working days. Reviews shall 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 shall 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, Executive Director of Human Resources, 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 shall 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 his decision (Reference: Policy GDPD-R).

### *Absenteeism & Tardiness*

Employees who abuse authorized leave (sick leave, professional leave, personal leave) by using these days for something other than that for which they were authorized or who use excessive unscheduled leave shall be considered in violation of the Absenteeism Policy.

**Excessive absenteeism is defined as unscheduled leave in excess of four percent per semester or work year of an employee's regularly scheduled time.**

**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.

**Excessive tardiness is defined as more than two (2) incidents of tardiness in a work month (20 days). 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 (Reference: GDPDZ-Regulation).**



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### *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).

### *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 so as to extend into the following year, such staff member shall 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 shall 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 GCBAA).

### *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:




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

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

When employees are required to participate in professional development activities that extend beyond the duty day, they will be awarded appropriate 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*

Smoking, chewing, or any other use of any tobacco products by staff shall be prohibited within school buildings or school-sponsored activities as defined in this policy. The sale and distribution of tobacco products on school property is also prohibited. Employees are to refrain from using or displaying tobacco products in the presence of students.

For purposes of this policy, the following definitions shall apply:

1. "School property" shall mean all property owned, leased, rented, or otherwise used by a school including but limited to the following:
  - (a) All interior portions of any building or other structure used for instruction, administration, support services, maintenance, or storage and the grounds and parking lots of such facilities.
  - (b) All vehicles used by the division for transporting students, staff, visitors, or other persons.
2. "Tobacco" shall include cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, and all other kinds and forms of tobacco prepared in such manner as to be suitable for chewing, smoking, or both. "Tobacco" shall include cloves or any other product packaged for smoking.
3. "Use" shall mean lighting, chewing, inhaling, or smoking any tobacco products.

### *Violation of Tobacco Policy*

Staff found in violation of the tobacco policy shall be issued a letter of warning that will be made part of the employee's permanent record.



Appropriate signage reflecting this policy shall be secured and conspicuously posted to alert students and visitors of this requirement.

Staff found to be in violation of this policy shall be issued a letter of warning by the appropriate administrative supervisor. This warning will be made a part of the employee’s permanent record. Subsequent violations will result in further disciplinary action, up to and including termination.

*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 (Reference: Policy GBG).

*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, Butobarbital, Phenobarbital, Secobarbital)

*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.

- (e) Methaqualone (e.g. Quaalude)
- (f) Opiates (e.g. Codeine, Heroin, Morphine, Hydromorphone, Hydrocodone)
- (g) Phencyclidine (PCP)
- (h) THC (Marijuana)

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 shall be determined by the Executive Director of Human Resources 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 shall 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 shall 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 shall 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 shall 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.



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**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 shall be given a second test using a gas chromatography/mass spectrometry (G/MS) test. The second test shall 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 shall be notified of the results in writing by the appropriate department head or designee. The letter of notification shall 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 shall 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 shall not be released until the results are confirmed. The records of unconfirmed positive test results and negative test results shall 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 shall 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 shall 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 shall not divest the school administration of its authority to search. Warrants shall 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 Executive Director of Human Resources 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 shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall 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 shall 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 shall 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 shall make themselves readily available for testing, unless there is need for immediate medical attention.

No such driver shall 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 shall 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 shall 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 shall prepare and maintain a record explaining why this was not done. Attempts to conduct an alcohol test shall terminate after eight hours.



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A supervisor or district official who makes observations leading to a controlled substance reasonable suspicion test shall 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 shall 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 shall be conducted on a random basis at unannounced times throughout the year. Tests for alcohol shall 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 shall be performed. Drivers shall be selected by a scientifically valid random process, and each driver shall 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 shall be subject to unannounced follow-up testing as directed by the substance abuse professional, in accordance with the law. Follow-up alcohol testing shall 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 shall be evaluated by a substance abuse professional to determine that he or she has properly followed the prescribed rehabilitation program and shall be subject to unannounced follow-up tests after returning to duty. The cost for all such follow-up tests shall be borne solely by the employee.

- 9. Return to Duty Tests:** A drug or alcohol test shall 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 shall be borne solely by the employee.



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- 10. Enforcement:** Any driver who refuses to submit to a post-accident, random, reasonable suspicion, or follow-up test shall 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 shall 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 shall be evaluated by the substance abuse professional who shall determine what help, if any, the driver needs in resolving such a problem. Any substance abuse professional who determines that a driver needs assistance shall 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 shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver shall 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 shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver.
- 12. Notifications:** Each driver shall 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 shall be notified of the availability of this information. The information shall 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 shall also receive information about legal requirements, school district policies, and disciplinary consequences related to the use of alcohol and drugs.

Each driver shall 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 shall 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 shall inform drivers that the tests are given pursuant to the Code of Federal Regulations, Title 49, Part 382. This notice shall be provided only after the compliance date specified in the law.

The school district shall 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 shall 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 shall also tell the driver which controlled substances were verified as positive.

Drivers shall 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).




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## *Sexual Harassment*

### **Sexual Discrimination:**

1. The School Board of the City of Norfolk hereby establishes a policy for, and the Superintendent shall implement procedures for, resolving complaints arising from alleged violations of Title IX of the Education Amendments of 1972 (P.L. 92-318) as amended (P.L. 93-568 and P.L. 94-482).
2. The Superintendent shall designate at least one employee to coordinate the efforts of the Norfolk Public Schools to comply with and carry out its responsibilities for implementing the law, including the investigation of any complaint of alleged noncompliance with the law or accompanying regulations.
3. The school system shall notify students, parents of students, and employees of the name, office address, and telephone number of the Title IX specialist through the appropriate communication channels such as school handbooks, Norfolk Public Schools publications, etc.
4. The school system shall implement specific and continuing steps to notify students and parents that it does not discriminate on the basis of sex in educational programs and activities and that it is required by Title IX not to discriminate.
5. Procedures for making and resolving such complaints shall comply with all applicable federal and state laws and regulations.

### **Sexual Harassment:**

1. It is the policy of the School Board of the City of Norfolk to maintain a working and learning environment for all its employees and students which provides for fair and equitable treatment, including freedom from sexual harassment. It is prohibited for School Board employees to form or pursue unprofessional social, sexual, or romantic relationships with minors or with Norfolk Public Schools' students of any age. It is further prohibited for any employee or student, male or female, to harass another employee or student by making unwelcome sexual advances or requests for sexual favors or engaging in other verbal or physical conduct of a sexual nature when (1) submission to or rejection of such conduct is used as a basis for employment or academic decisions affecting the employee or student; (2) such conduct creates an intimidating, hostile, or offensive working or learning environment; or (3) submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment or participation in school programs.
2. Any employee or student who believes that he or she has been subjected to sexual harassment should file a complaint of the alleged act immediately to the compliance officer. The compliance officer shall request that the complaint be in writing. Refusal to put the complaint in writing shall not preclude an investigation of the complaint. The complaint should state in detail the basis for the complaint, the name(s) of the person(s) involved, and the dates of any specific incident(s). A thorough investigation of all reported incidents to determine the nature and extent of any alleged sexual harassment will be undertaken immediately. The confidentiality of the reporting party will be



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observed provided it does not interfere with the investigation or with the ability to take corrective action.

3. False charges of sexual harassment shall be treated as a serious offense and those persons making false charges shall be subject to disciplinary action.
4. If the complaint is against the compliance officer, the complaint shall be filed with the Superintendent. If the complaint is against the Superintendent, the complaint shall be filed with the Chair of the School Board. The question of whether a particular action or incident is prohibited behavior requires a determination based on all the available facts in the matter. A written report shall be filed at the conclusion of any investigation of sexual harassment regardless of the outcome of that investigation. Any employee with knowledge of the occurrence of sexual harassment should notify the compliance officer.
5. Any administrator, teacher, other employee, or student who is found after appropriate investigation to have engaged in sexual harassment of another employee or student will be subject to disciplinary action appropriate to the offense from a warning up to expulsion or termination.
6. Any individual filing a sexual harassment complaint is assured that he or she will be free from any retaliation for filing such a complaint. Retaliators will be subject to discipline up to and including expulsion or termination. Retaliation against anyone reporting or thought to have reported sexual harassment behaviors is prohibited. Such retaliation shall be considered a separate and serious violation of this policy. An allegation of retaliation shall be investigated and, if founded, punished, independent of whether the original charge or informal complaint of sexual harassment is substantiated. Encouraging others to retaliate also violates this policy, and it will be treated in the same manner.

Reference: Policy GBMZA Sexual Harassment Personnel; Policy JFHAZ addresses student sexual harassment

### *Effect of a 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:**

Individuals applying for employment in the Norfolk Public Schools for any position shall be required to disclose prior convictions of law other than minor traffic violations or juvenile offenses. Information provided by applicants may be verified by work history, personal reference, or criminal record inquiries to determine the applicant's acceptability for employment. Where a prior conviction is ascertained, the school system will consider





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the nature of the offense, the date of the offense, and the relationship between the offense and the position for which application is sought.

Applicants for any position in the Norfolk Public Schools must certify that they have not been convicted of a felony; a misdemeanor involving (i) sexual assault as established in article 7 (§18.2-61 et seq.) of Chapter 4 of Title 18.2, (ii) obscenity and related offenses as established in Article 5 (§18.2-372 et seq.) of Chapter 8 of Title 18.2, (iii) drugs as established in Article 1 (§18.2-247 et seq.) of Chapter 7 of Title 18.2, (iv) moral turpitude, or (v) the physical or sexual abuse or neglect of a child or an equivalent offense in another state. Where a conviction relates to the suitability of the individual to perform duties in a particular position, such person may be denied employment.

As a condition of employment, any applicant who is offered or accepts employment, whether full-time, part-time, permanent, or temporary with the School Board of the City of Norfolk 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 Investigation for the purpose of obtaining criminal history record information on applicants who are offered 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 the applicant has also applied for employment of the results of the criminal history record information conducted within the previous 90 days. 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 fingerprinting and criminal records check between the applicant and School Board as provided by statute. If an applicant is denied employment because of information appearing on his or her criminal history record, the School Board shall provide a copy of the information provided by the Central Criminal Records Exchange to the applicant.

The School Board shall require 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. The School Board shall ensure that all such searches are requested in conformance with the regulations of the Board of Social Services.



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**Employee Arrest/Criminal Charge:**

Norfolk Public Schools' employees are expected to conduct themselves in such a manner that their actions will not adversely reflect on Norfolk Public Schools or fellow employees and will not adversely affect their ability to assume the full responsibility of their jobs. **All Norfolk Public Schools employees shall notify their supervisors within 24 hours after they have been arrested or after any criminal charges have been filed against them.** The employee shall immediately provide to his or her supervisor a copy of any arrest warrant and/or any indictment that names him or her as a defendant. Additionally, the employee shall provide to the supervisor a copy of any applicable bail status and trial schedule. Furthermore, the employee shall provide to his or her supervisor the name, address, and telephone number of any lawyer representing him or her in the criminal matter. The employee shall promptly advise his or her supervisor of any change in his or her legal representation, change in trial date, change in bail status, or other matters that affect the employee's status in the criminal prosecution. After the supervisor has been notified of an employee's arrest or criminal charge, he or she shall notify the Executive Director of Human Resources of the known circumstances surrounding the arrest or charge.

**Notification:**

1. Employee Notification to Superintendent: When any teacher or other public school employee of this division, whether full-time or part-time, permanent, or temporary, has been charged by summons, warrant, indictment, or information with the commission of a felony or a misdemeanor involving:
  - (a) sexual assault as defined in § 18.2-61 et seq. of the Code of Virginia;
  - (b) obscenity and related offenses as defined in § 18.2-372 et seq. of the Code of Virginia;
  - (c) drug related offenses including but not limited to possession of marijuana or of drug paraphernalia or as defined in § 18.2-247 et seq. of the Code of Virginia;
  - (d) moral turpitude; or
  - (e) the physical or sexual abuse or neglect of a child; public drunkenness; driving under the influence of alcohol or drugs; reckless driving; disturbing the peace; or an equivalent offense in another state; or is the subject of a Department of Social Services (CPS) investigation into an allegation of child abuse or neglect or a Department of Social Services (CPS) founded disposition of child abuse or neglect; that employee shall notify the Superintendent of the charge.
  
2. The notification to the Superintendent shall be in writing and shall be accompanied by the name and address of the complainant, date of the alleged offense, and a copy of the summons, warrant, indictment, information, or other document served upon the employee notifying the employee of the charge. The written notification to the Superintendent from the employee shall be delivered to the Superintendent as soon practical and, in no event, later than the first working day following the service



of the summons, warrant, indictment, or information upon the employee.

3. Superintendent Notification to School Board and Commonwealth Attorney: The Superintendent shall inform the School Board and Commonwealth Attorney in writing of any notification of the arrest of a School Board employee which is provided by the employee pursuant to Section A above or which is provided to the Superintendent by a state official or agency or a local law enforcement agency pursuant to § 19.2-83.1 of the Code of Virginia.

**Employee Convictions:**

Employees may be placed on probation or suspended in accordance with this policy and the Code of Virginia if convicted of a criminal offense listed above in Section I. Where a conviction relates to the suitability of the employee to perform duties in a particular position, such employee may be dismissed.

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

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 Investigations 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.

1. For purposes of this policy, a court's placing an individual on probation pursuant to the Code of Virginia section 18.2-251 shall be treated as a conviction and as a finding of guilt.
2. Costs of fingerprinting, criminal record, and abuse and neglect checks pursuant to this policy shall be paid by the School Board.

The School Board shall pay for the fingerprinting, criminal record check, and abuse and neglect check conducted pursuant to this policy.

Reference: Policy GCDAZ



*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 shall 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 shall 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 shall 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 Den- im 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; mini skirts; 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; sweat pants 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 GG ZZ-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 shall 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 shall 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




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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 GAZA)

### *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 shall 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:

# Personal Property Loss

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### **Clothing and Personal Items:**

Norfolk Public Schools will establish a self-insured loss fund to provide the cost of replacement or insurance deductible up to a maximum of \$250 reimbursement for damage to clothing or personal items caused by student theft, accidents, vandalism, or other incidents occurring on school grounds and arising out of employment with Norfolk Public Schools. Individuals claiming such a loss must be able to document the loss through a police report, homeowner's insurance loss report, or Norfolk Public Schools incident loss report form (Form A44). Said documentation must attest to the nature of the incident, that it took place on school grounds, that it was beyond the control of the employee to prevent, and that the incident was related to the assigned duties of the employee. Said documentation must be endorsed by the principal. The value of the item for which reimbursement is being sought should be established by either paid receipt or a personal affidavit endorsed by the building principal stating the estimated value of the stolen or damaged article. The fund will respond only when the replacement value exceeds \$25 and will not respond when other insurance is available for the replacement cost.

Stolen, damaged, or missing electronic equipment, musical instruments, or other items of personal property will be covered only when it can be established that their use was clearly related to educational activities (and not for personal use or convenience) and that they had been specifically allowed in the building by the principal for use in the instructional program. The value of watches, jewelry, or other adornments will NOT be covered by the fund unless the loss is related to vandalism or assault.

### **Damage to Automobiles:**

The loss fund will reimburse employees for the cost of their insurance deductibles up to a maximum of \$250 for the repair of automobile damage arising out of vandalism or theft while the vehicle was on school grounds. The occurrence of such loss must be documented by a police report and endorsed by the building principal. In addition, employees claiming such loss will be required to submit proof of loss from their insurance carrier prior to seeking reimbursement from Norfolk Public Schools for the amount of the insurance deductible (up to \$250 per incident).

Examples of reimbursable losses include broken or cracked windshields and/or side windows as a result of vandalism or forced entry; cut or deflated tires due to vandalism; cut upholstery; and body dents, scratches, or chipped paint due to vandalism. In such instances, the fund will pay for the cost of road service, repair, or insurance deductible up to a maximum of \$250 per incident. The fund will NOT pay for damage that occurs to automobiles parked away from school grounds or that occurs as a result of accident or collision, regardless of whether said accident or collision occurred on school property.

All claims and requests for reimbursement from the loss fund should be forwarded in writing to the Senior Director of Risk Management for review and settlement. Appeals and denials will be reviewed by the appropriate Superintendent's designee.



## Appendix B: 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, shall 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 shall 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 shall 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 shall 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 shall 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 shall 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 shall 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 shall 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 shall 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 shall 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 shall disclose all information that is the basis for his suspicion of abuse or neglect of the child and, upon request, shall 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 shall cooperate with the investigating agency and shall 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 shall not be prohibited by § 8.01-399. Criminal investigative reports received from law-enforcement agencies shall not be further disseminated by the investigating agency nor shall they be subject to public disclosure.

B. For purposes of subsection A, "reason to suspect that a child is abused or neglected" shall 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 shall 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 shall 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, shall 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 shall be guilty of a Class 1 misdemeanor.

E. No person shall 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.



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### *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 D:

### Definitions

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

An employee working five (5) hours or more 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 29 hours per week in any capacity or who is employed solely for short term assignments (i.e. for the summer or for special projects, substituting for another employee, or to fulfill actual staffing requirements). Part-time employees must be approved for employment by the Executive Director of Human Resources.



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### *Substitute Employee*

An individual working in the place of a regular or half-time employee who is absent. Substitute employees must be approved for employment by the Executive Director of Human Resources. 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 step child, 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 E:*

# *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 F: 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.



## *Appendix G:*

# *GCZC Supplemental Employment*

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### GCZC: Supplemental Employment

#### I. SUPPLEMENTAL EMPLOYMENT GENERALLY

The Norfolk Public Schools does not prohibit its employees from engaging in gainful supplemental employment, provided that such employment does not adversely affect the 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 or designee determines that an employee's supplemental employment violates this standard, the employee shall terminate his or her outside employment.

#### II. SUPPLEMENTAL EMPLOYMENT WITH BUSINESS UNDER CONTRACT WITH THE SCHOOL BOARD

Notwithstanding the above, employees of the School Board shall not engage in such employment with a business under contract, whether written or not, with the School Board. This prohibition applies regardless of whether the employee works pursuant to a written contract, a memorandum of understanding, or an oral agreement.

#### III. REGULATIONS

The Superintendent may promulgate regulations allowing for exceptions to section II of this policy if an employee seeks prior approval from the Superintendent to work for a business under contract with the School Board and the Superintendent determines in writing, upon review of all the facts and circumstances, that the employment would create no actual, potential, or apparent conflict of interest, or reflect discredit or potential discredit upon the school system.

Policy adopted: July 1, 1974 as 8-33; Number 8-33 designation changed to GCZC with revision approved by the School Board September 23, 2003. Revised by the School Board October 19, 2010.



## Appendix H:

# Sick Leave Donation Regulation

### *Sick Leave Donation Regulation*

- 1.1 Norfolk Public Schools' employees will be able to donate and receive sick leave for his or her personal illness in accordance with the procedures and conditions as set forth in this regulation.
- 2.1 A Norfolk Public Schools' employee who wants to receive donated sick leave from another employee for his or her own personal illness must submit the Norfolk Public Schools' Donated Sick Leave Request Form (SLD-1 Form), which will include the reason why donated leave is requested and the approximate duration of the employee's absence. The physician's documentation verifying this information should accompany the request. The form will be emailed to the Human Resources Generalist who provides personnel support to the employee's job classification.
- 3.1 The Human Resources Generalist will determine the employee's eligibility.
  - 3.1.1 To be eligible for donated sick leave, the employee must have used all available leave, including annual or personal, and leave resulting from membership in the sick leave bank (if eligible for that benefit). The provisions of the sick leave bank are:
    1. Employee must exhaust all of their paid leave.
    2. Employee must remain inactive (without pay) for 20 working days or 30 calendar days, whichever is less.
    3. Employee may receive up to 45 working days of pay per contract year as long as he or she is still under the care of a physician.

If an employee is not a member of the sick leave bank or is ineligible to use the sick leave bank, the exhaustion of paid leave and the time period requirements that must be met by the employee who is a member of the sick leave bank must be satisfied, which is as outlined in the aforementioned narrative.

- 4.1 After eligibility is determined, the Human Resources Generalist will email the employee, Office Manager, and Principal of either approval or disapproval.
- 5.1 If approved, a Norfolk Public Schools' Sick Leave Donation Authorization Form (SLD-2 Form) must be utilized by employees interested in donating sick leave. This form can be found on the NPS Intranet, NPS Website, the Employee Self Service (Resources Section), and work location.



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6.1 Donation Process:

- A. The employee requesting donated leave may solicit sick leave from other employees for his or her own personal illness by adhering to the following procedures: 1) forwarding the Sick Leave Authorization Form to potential donors, and 2) requesting that his or her principal forward the Sick Leave Authorization Form to staff members at his or her location.
- B. The employee may begin the process of requesting donated sick leave 30 calendar days after exhausting all leave (being inactive without pay for 30 days). The solicitation period cannot exceed 30 calendar days.
- C. All donated sick leave must be donated within the 30 calendar day solicitation period. Donated leave will not be permitted after the designated period.
- D. Employees interested in donating sick leave will complete the Norfolk Public Schools' Sick Leave Donation Authorization Form and submit to the Office Manager for electronic transmission to the appropriate Human Resources Generalist.
- E. No employee may donate more than five (5) days of earned sick leave to another employee during a school year. Employees may donate five days (or less) to multiple recipients during the school year. Only whole days may be donated.
- F. The employee who desires to donate the leave must have earned the donated leave.
- G. When the employee returns to work, any unused donated leave will be returned to donors on a prorated basis.
- H. The total number of days donated shall not exceed the number of days required, as certified by a physician, to provide sick leave coverage through the end of the school year. If this occurs, the donated days will be returned to the donor. If the employee is a 12-month employee, he/she will be permitted to use donated leave through the end of July of the next school year.



## *Points of Contact for Employee Benefits*

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Service or Benefit	Contact
Benefits (Active Employees)	Anita Bishop (757) 664-7873 <a href="mailto:anita.bishop@norfolk.gov">anita.bishop@norfolk.gov</a>
Wellness Coordinator (Active Employees)	Alexis Williams (757) 664-4473 <a href="mailto:alexis.williams@norfolk.gov">alexis.williams@norfolk.gov</a>
Benefits (Retirees)	Venetta Boney (757) 664-4456 <a href="mailto:venetta.boney@norfolk.gov">venetta.boney@norfolk.gov</a>  Brandi Williams (757) 664-4490 <a href="mailto:brandi.williams@norfolk.gov">brandi.williams@norfolk.gov</a>
ComPsych	<a href="http://www.guidanceresources.com">www.guidanceresources.com</a> Company Web ID: NORFOLK
Delta Dental Services	<a href="http://www.deltadentalva.com">www.deltadentalva.com</a> DeltaCare: (800) 862-0838 PPO Plans: (800) 237-6060
Express Scripts	<a href="http://www.express-scripts.com">www.express-scripts.com</a> (866) 346-5800
Optima Health Care or Nurse Line	(757) 687-6340 (877) 817-3037
Optima Plans Member Services	<a href="http://www.optimahealth.com">www.optimahealth.com</a> (757) 552-7110
The Hartford Long-Term Disability	<a href="http://www.thehartfordatwork.com">www.thehartfordatwork.com</a> (800) 331-7234
UniCare (Vision)	<a href="http://www.unicare.com">www.unicare.com</a> (888) 884-8428
Virginia Retirement System	<a href="http://www.varetire.org">www.varetire.org</a> (888) 827-3847
WageWorks Customer Support	<a href="http://www.wageworks.com">www.wageworks.com</a> (877) 924-3967



*Notes*

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