

EMPLOYEES

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ROLE OF AND GUIDING PRINCIPLES FOR EMPLOYEES

This series of the board policy manual is devoted to the board's goals and objectives for employees in the performance of their jobs. Employees provide a variety of important services for the children of the school district community. They may be teaching or assisting in the classroom, working in the office, maintaining the facilities, driving or repairing the school buses, or cooking lunches. Each employee plays a vital role in providing an equal opportunity for a quality education for students commensurate with the students' individual needs. While the teachers have the most direct impact on the formal instruction of students, all employees have an impact on the school environment by their dedication to their work and their actions. As role models for the students, employees shall promote a cooperative, enthusiastic, and supportive learning environment for the students.

In striving to achieve a quality education program, the board's goal is to obtain and retain qualified and effective employees. The board shall have complete discretion to determine the number, the qualifications, and the duties of the positions and the school district's standards of acceptable performance. It shall be the responsibility of the superintendent to make recommendations to the board in these areas prior to board action.

Board policies in this series relating to general employees shall apply to employees regardless of their position as a licensed employee, classified employee, substitute or administrator. Board policies relating to licensed employees shall apply to positions that require a teaching license or administrator's certificate or other professional license, certificate or endorsement, unless administrative positions are specifically excluded from the policy. Classified employees' policies included in this series shall apply to positions that do not fall within the definition of licensed employee.

EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION

The Collins-Maxwell Community School District will provide equal opportunity to employees and applicants for employment in accordance with applicable equal employment opportunity and affirmative action laws, directives and regulations of federal, state and local governing bodies. Opportunity to all employees and applicants for employment includes hiring, placement, promotion, transfer or demotion, recruitment, advertising or solicitation for employment, treatment during employment, rates of pay or other forms of compensation, and layoff or termination. The school district will take affirmative action in major job categories where women, men, minorities and persons with disabilities are underrepresented. Employees will support and comply with the district's established equal employment opportunity and affirmative action policies. Employees will be given notice of this policy annually.

The board will appoint an affirmative action coordinator. The affirmative action coordinator will have the responsibility for drafting the affirmative action plan. The board will review the affirmative action plan at least every two years.

Individuals who file an application with the school district will be given consideration for employment if they meet or exceed the qualifications set by the board, administration, and Iowa Department of Education for the position for which they apply. In employing individuals, the board will consider the qualifications, credentials, and records of the applicants without regard to race, color, creed, sex, sexual orientation, gender identity, national origin, religion, age or disability. In keeping with the law, the board will consider the veteran status of applicants.

Advertisements and notices for vacancies within the district will contain the following statement: "The Collins-Maxwell Community School District is an equal employment opportunity/affirmative action employer." The statement will also appear on application forms.

Inquiries by employees or applicants for employment regarding compliance with equal employment opportunity and affirmative action laws and policies, including but not limited to complaints of discrimination, will be directed to the Affirmative Action Coordinator by writing to the Affirmative Action Coordinator, Collins-Maxwell Community School District, 400 Metcalf St., Maxwell, Iowa 50161; or by telephoning 515-387-1115.

EQUAL EMPLOYMENT OPPORTUNITY

Inquiries by employees or applicants for employment regarding compliance with equal employment opportunity and affirmative action laws and policies, including but not limited to complaints of discrimination, may also be directed in writing to the Director of the Region VII office of Civil Rights, U.S. Department of Education, 310 W. Wisconsin Ave., Ste. 800, Milwaukee, Wisconsin, 53203-2292, (414) 291-1111 or the Iowa Civil Rights Commission, 211 E. Maple, Des Moines, Iowa, 50309, (515) 281-4121. This inquiry or complaint to the federal office may be done instead of, or in addition to, an inquiry or complaint at the local level.

Further information and copies of the administrative procedures and the process to follow when filing a grievance are available in the superintendent's office.

The Equal Opportunity Employment/Affirmative Action policy and program procedures shall be reviewed and updated annually, if necessary.

EMPLOYEE CONFLICT OF INTEREST

Employees' use of their position with the school district for financial gain is considered a conflict of interest with their position as employees and may subject employees to disciplinary action.

Employees have access to information and a captive audience that could award the employee personal or financial gain. No employee may solicit other employees or students for personal or financial gain to the employee without the approval of the superintendent. If the approval of the superintendent is given, the employee must conduct the solicitations within the conditions set by the superintendent. Further, the superintendent may, upon five days notice, require the employee to cease such solicitations as a condition of continued employment.

Employees will not act as an agent or dealer for the sale of textbooks or other school supplies. Employees will not participate for personal financial remuneration in outside activities wherein their position on the staff is used to sell goods or services to students or to parents. Employees will not engage in outside work or activities where the source of information concerning the customer, client or employer originates from information obtained because of the employee's position in the school district.

It will also be a conflict of interest for an employee to engage in any outside employment or activity that is in conflict with the employee's official duties and responsibilities. In determining whether outside employment or activity of an employee creates a conflict of interest, situations in which an unacceptable conflict of interest is deemed to exist will include, but not be limited to, any of the following:

- (1) The outside employment or activity involves the use of the school district's time, facilities, equipment and supplies or the use of the school district's badge, uniform, business card or other evidences of office to give the employee or the employee's immediate family an advantage or pecuniary benefit that is not available to other similarly situated members or classes of members of the general public. For purposes of this section, a person is not "similarly situated" merely by being related to an employee who is employed by the school district.

EMPLOYEE CONFLICT OF INTEREST

- (2) The outside employment or activity involves the receipt of, promise of, or acceptance of more or other consideration by the employee or a member of the employee's immediate family from anyone other than the school district for the performance of any act that the employee would be required or expected to perform as part of the employee's regular duties or during the hours during which the employee performs service or work for the school district.
- (3) The outside employment or activity is subject to the official control, inspection, review, audit or enforcement authority of the employee during the performance of the employee's duties.

If the outside employment or activity is employment or activity in (1) or (2) above, the employee must cease the employment of or activity. If the activity or employment falls under (3), then the employee must:

- Cease the outside employment or activity; or
- Publicly disclose the existence of the conflict and refrain from taking any official action or performing any official duty that would detrimentally affect or create a benefit for the outside employment or activity. Official action or official duty includes, but is not limited to, participating in any vote, taking affirmative action to influence any vote, or providing any other official service or thing that is not available generally to members of the public in order to further the interests of the outside employment or activity.

It is the responsibility of each employee to be aware of and take the necessary action to eliminate a potential conflict of interest should it arise.

NEPOTISM

More than one family member may be an employee of the school district. It is within the discretion of the superintendent to allow one family member employed by the school district to supervise another family member employed by the school district subject to the approval of the board.

The employment of more than one individual in a family is on the basis of their qualifications, credentials and records.

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Reviewed May 17, 2017

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Code No. 401.4

EMPLOYEE COMPLAINTS

Complaints of employees against fellow employees should be discussed directly between employees. If necessary, complaints will be brought to the immediate supervisor, principal or superintendent and will be made in a constructive and professional manner. Complaints will never be made in the presence of other employees, students or outside persons.

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EMPLOYEE RECORDS

The school district will maintain personnel records on employees. The records are important for the daily administration of the educational program, for implementing board policy, for budget and financial planning, and for meeting state and federal requirements.

The records will include, but not be limited to, records necessary for the daily administration of the school district, salary records, evaluations, application for employment, references, and other items needed to carry out board policy. Employee personnel files are school district records and are considered confidential records and therefore are not generally open to public inspection or accessibility. Only in certain limited instances, when the employee has given a signed consent, will employee personnel records be accessible to individuals other than the employee or authorized school officials.

Employees may have access to their personnel files, with the exception of letters of reference, and copy items from their personnel files at a time mutually agreed upon between the superintendent and the employee. The school district may charge a reasonable fee for each copy made. However, employees will not be allowed access to the employment references written on behalf of the employee. Board members will generally only have access to an employee's file when it is necessary because of an employee related matter before the board.

It is the responsibility of the superintendent to keep employees' personnel files current. The board secretary is the custodian of employee records.

It is the responsibility of the superintendent to develop administrative regulations for the implementation of this policy.

EMPLOYEE RECORDS REGULATION

Employee Personnel Records Content

1. Employee personnel records may contain the following information:
 - Personal information including, but not limited to, name, address, telephone number, emergency numbers, birth date and spouse.
 - Individual employment contract.
 - Evaluations.
 - Application, resume and references.
 - Salary information.
 - Copy of the employee's license or certificate, if needed for the position.
 - Educational transcripts.
 - Assignment.
 - Records of disciplinary matters.

2. Employee health and medical records are kept in a file separate from the employee's personnel records. Health and medical records may contain, but are not limited to:
 - Medical professional signed physical form.
 - Sick or long-term disability leave days.
 - Worker's compensation claims.
 - Reasonable accommodation made by the school district to accommodate the employee's disability.
 - Employee's medical history.
 - Employee emergency names and numbers.
 - Family and medical leave request forms.

3. The following are considered public personnel records available for inspection:
 - The name and compensation of the individual, including any written agreement establishing compensation or any other terms of employment, except for that information that is otherwise protected. "Compensation" includes the value of benefits conferred including, but not limited to: casualty, disability, life or health insurance, other health or wellness benefits, vacation, holiday and sick leave, severance payments, retirement benefits and deferred compensation;
 - The dates the individual was employed by the government body;
 - The positions the individual holds or has held with the government body;
 - The educational institutions attended by the individual, including any diplomas and degrees earned, and the names of the individual's previous employers, positions previously held and dates of previous employment;
 - The fact that the individual was discharged as the result of a final disciplinary action upon the exhaustion of all applicable contractual, legal and statutory remedies; and,
 - Personal information in confidential personnel records of government bodies relating to student employees shall only be released pursuant to the Family Educational Privacy Rights Act (FERPA.)

EMPLOYEE RECORDS REGULATION

Applicant File Records Content

Records on applicants for positions with the school district are maintained in the central administration office. The records will include, but not be limited to:

- Application for employment.
- Resume.
- References.
- Evidence of appropriate license or certificate, if necessary for the position for which the individual applied.
- Affirmative action form, if submitted.

Record Access

Only authorized school officials will have access to an employee's records without the written consent of the employee. Authorized school officials may include, but not be limited to, the superintendent, building principal, or board secretary. In the case of a medical emergency, the school nurse or other first aid or safety personnel may have access to the employee's health or medical file without the consent of the employee. Board members will generally only have access to an employee's personnel file without the consent of the employee when necessary for the conducting of board business.

Employee Record Retention

All employee records, except payroll and salary records, are maintained for a minimum of one year after termination of employment with the district. Applicant records are maintained for a minimum of one year after the position was filled. Payroll and salary records are maintained for a minimum of three years after payment.

TRANSPORTING OF STUDENTS BY EMPLOYEES

Generally, transportation of students is in a motor vehicle owned by the school district and driven by an employee. In some cases, it may be more economical or efficient for the school district to allow an employee of the school district to transport the students in the employee's motor vehicle.

Employees who transport students for school purposes must have the permission of the superintendent.

This policy statement applies to transportation of students for school purposes in addition to the regular bus route transporting students to and from their designated attendance center.

EMPLOYEE TRAVEL COMPENSATION

Employees traveling on behalf of the school district and performing approved school district business will be reimbursed for their actual and necessary expenses. Actual and necessary travel expenses will include, but not be limited to, transportation and/or mileage costs, lodging expenses, meal expenses and registration costs.

Travel Outside the School District

Travel outside of the school district must be pre-approved. Pre-approval will include an evaluation of the necessity of the travel, the reason for the travel and an estimate of the cost of the travel to qualify as approved school district business. Travel outside the school district by employees, other than the superintendent, is approved by the superintendent.

Reimbursement for actual and necessary expenses will be allowed for travel outside the school district if the employee received pre-approval for the travel. Prior to reimbursement of actual and necessary expenses, the employee must provide the school district with a detailed receipt, other than a credit card receipt, indicating the date, purpose and nature of the expense for each claim item. In exceptional circumstances, the superintendent may allow a claim without proper receipt. Written documentation explaining the exceptional circumstances is maintained as part of the school district's record of the claim.

Failure to have a detailed receipt will make the expense a personal expense. Personal expenses, including mileage, in excess of that required for the trip are reimbursed by the employee to the school district no later than 10 working days following the date of the expense.

Reimbursement for actual and necessary expenses for travel outside the school district will be limited to the pre-approved expenses. Pre-approved expenses for registration are limited to the actual cost of the registration.

Pre-approved expenses for transportation within three hundred miles of the school district administrative office will be by automobile. If a school district vehicle is not available, the employee will be reimbursed at the rate listed in the addendum. Pre-approved expenses for transportation outside of three-hundred miles of the school district administrative office may be by public carrier. Reimbursement for air travel will be at the tourist class fares. Should an employee choose to travel by automobile, reimbursement will be limited to the public carrier amount. Pre-approved expenses for transportation in a rental car are limited to the cost of a Class "C" rental car at a medium priced agency unless the number of people traveling on behalf of the school district warrants a larger vehicle.

EMPLOYEE TRAVEL COMPENSATION

Pre-approved expense for lodging within the state and outside the state is limited to the rate of a medium priced hotel in the area. Lodging may be pre-approved for a larger amount if special circumstances require the employee to stay at a particular hotel. Pre-approved expenses for meals within and outside the state are limited to the amounts listed in the addendum, which is a part of board policy. Meals may be pre-approved for a larger amount by the board.

Travel Within the School District

Employees required to travel in their personal vehicle between school district buildings to carry out the duties of their position may be reimbursed at the rate listed in the addendum. It is the responsibility of the superintendent to approve travel within the school district by employees. It is the responsibility of the board to review the travel within the school district by the superintendent through the board's audit and approval process.

Employees who are allowed an in-school district travel allowance will have the amount of the allowance actually received during each calendar year included on the employee's W-2 form as taxable income according to the Internal Revenue Code.

The superintendent is responsible for developing administrative regulations regarding actual and necessary expenses, in-school district travel allowances and assignment of school district vehicles. The administrative regulations will include the appropriate forms to be filed for reimbursement to the employee from the school district and the procedures for obtaining approval for travel outside of and within the school district.

RECOGNITION FOR SERVICE OF EMPLOYEES

The board recognizes and appreciates the service of its employees. Employees who retire or resign may be honored by the board, administration and staff in an appropriate manner.

If the form of honor thought appropriate by the administration and employees involves unusual expense to the school district, the superintendent will seek prior approval from the board.

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Reviewed May 17, 2017

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EMPLOYEE POLITICAL ACTIVITY

Employees will not engage in political activity upon property under the jurisdiction of the board. Activities including, but not limited to, posting of political circulars or petitions, the distribution of political circulars or petitions, the collection of or solicitation for campaign funds, solicitation for campaign workers, and the use of students for writing or addressing political materials, or the distribution of such materials to or by students are specifically prohibited.

Violation of this policy may be grounds for disciplinary action.

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CREDIT CARDS

Employees may use school district credit cards for the actual and necessary expenses incurred in the performance of work-related duties. Actual and necessary expenses incurred in the performance of work-related duties include, but are not limited to, fuel for school district transportation vehicles used for transporting students to and from school and for school-sponsored events, payment of claims related to professional development of the board and employees, and other expenses required by employees and the board in the performance of their duties.

Employees and officers using a school district credit card must submit a detailed receipt in addition to a credit card receipt indicating the date, purpose and nature of the expense for each claim item. Failure to provide a proper receipt will make the employee responsible for expenses incurred. Those expenses are reimbursed to the school district no later than ten working days following use of the school district's credit card. In exceptional circumstances, the superintendent or board may allow a claim without proper receipt. Written documentation explaining the exceptional circumstances is maintained as part of the school district's record of the claim.

The school district may maintain a school district credit card for actual and necessary expenses incurred by employees and officers in the performance of their duties. The superintendent may maintain a school district credit card for actual and necessary expenses incurred in the performance of the superintendent's duties. The transportation director may maintain a school district credit card for fueling school district transportation vehicles in accordance with board policy.

It is the responsibility of the superintendent to determine whether the school district credit card use is for appropriate school business. It is the responsibility of the board to determine through the audit and approval process of the board whether the school district credit card use by the superintendent and the board is for appropriate school business.

The superintendent is responsible for developing administrative regulations regarding actual and necessary expenses and use of a school district credit card. The administrative regulations will include the appropriate forms to be filed for obtaining a credit card.

EMPLOYEE ORIENTATION

Employees must know their role and duties. New employees may be required to participate in an orientation program for new employees. The employee's immediate supervisor should provide the new employee with a review of the employee's responsibilities and duties. Payroll procedures and employee benefit programs and accompanying forms will be explained to the employee by the board secretary.

Approved June 22, 2017

Reviewed May 17, 2017

Revised May 17, 2017

AFFIRMATIVE ACTION STATEMENT IN COMPLIANCE
WITH TITLE IX AND OTHER LEGAL MANDATES

The Board of Directors of the Collins-Maxwell Community School District commits itself to an affirmative action program that will provide for equal opportunity in employment and delivery of services without regard to race, color, creed, sex, national origin, religion, age, sexual orientation, gender identity or disability. The intent of the program is to insure equal treatment of employees in recruitment, employment, training, promotion, and other personnel practices and to insure equal educational opportunity to all students within the district. The district affirmative action program focus on all students and employees in the district with particular focus on racial and ethnic minorities, women, disabled, and older persons.

The responsibility of implementing this program is hereby assigned to the Compliance Officer who will be responsible directly to the superintendent.

This policy and completed district affirmative action plan will be available to insure that all citizens and students are fully aware of its existence and contents.

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RELEASE OF CREDIT INFORMATION

The following information will be released to an entity with which an employee has applied for credit or has obtained credit: title of position, income, and number of years employed. This information will be released without prior written notice to the employee. Confidential information about the employee will be released to an inquiring creditor with a written authorization from the employee.

It is the responsibility of the board secretary or superintendent to respond to inquiries from creditors.

Approved June 22, 2017

Reviewed May 17, 2017

Revised May 17, 2017

CHILD ABUSE REPORTING

In compliance with state law and to provide protection to victims of child abuse, the board believes incidents of alleged child abuse should be reported to the proper authorities. Employees are encouraged, and licensed employees are required as mandatory reporters, to report alleged incidents of child abuse they become aware of within the scope of their professional duties. The definition of child abuse is in the accompanying regulation.

When a mandatory reporter suspects a student is the victim of child abuse, the mandatory reporter will orally or in writing notify the Iowa Department of Human Services. If the mandatory reporter believes the child is in immediate danger, the local law enforcement agency will also be notified. Within forty-eight hours of the oral report, the mandatory reporter will file a written report with the Iowa Department of Human Services.

Within six months of their initial employment, mandatory reporters will take a training course involving the identification and reporting of child abuse. The course will be re-taken at least every five years.

Approved June 22, 2017

Reviewed May 17, 2017

Revised May 17, 2017

CHILD ABUSE REPORTING REGULATION

Iowa law requires licensed employees to report to the Iowa Department of Human Services (DHS) instances of suspected child abuse that they become aware of within the scope of their professional duties.

The law further specifies that a licensed employee who knowingly or willfully fails to report a suspected case of child abuse is guilty of a simple misdemeanor and that the licensed employee may be subject to civil liability for damages caused by the failure to report.

Employees participating in good faith in the making of a report or in a judicial proceeding that may result from the report, are immune from liability.

Child Abuse Defined

"Child abuse" is defined as:

- Any nonaccidental physical injury, or injury which is at variance with the history given of it, suffered by a child as the result of the acts or omissions of a person responsible for the care of the child.
- The commission of a sexual offense with or to a child . . . as a result of the acts or omissions of the person responsible for the child. . . . Sexual offense includes sexual abuse, incest, and sexual exploitation of a minor.
- The failure on the part of a person responsible for the care of a child to provide for the adequate food, shelter, clothing or other care necessary for the child's welfare when financially able to do so. A parent or guardian legitimately practicing religious beliefs who does not provide specified medical treatment for a child for that reason alone will not be considered abusing the child
- The acts or omissions of a person responsible for the care of a child that allow, permit or encourage the child to engage in acts prohibited pursuant to *Iowa Code*, section 725.1 which deals with prostitution.
- Any mental injury to a child's intellectual or psychological capacities evidenced by an observable and substantial impairment in the child's ability to function within the child's normal range of performance and behavior as the result of the acts or omissions of a person responsible for the care of the child, if the impairment is diagnosed by a licensed physician or qualified mental health professional
- An illegal drug is present in a child's body as a direct and foreseeable consequence of the acts or omissions of the person responsible for the care of the child.

Teachers in public schools are not "persons responsible for the care of the child" under this definition. However, a teacher who abuses a child is subject to civil, criminal, and professional sanctions.

CHILD ABUSE REPORTING REGULATION

Reporting Procedures

Licensed employees, including teachers and school nurses, are required to report, either orally or in writing, within twenty-four hours to the Iowa Department of Human Services (DHS) when the employee reasonably believes a child has suffered from abuse within the scope of employment. Within forty-eight hours of an oral report, a written report must be filed with DHS.

Each report should contain as much of the following information as can be obtained within the time limit. However, the law specifies a report will be considered valid even if it does not contain all of the following information:

- name, age, and home address of the child;
- name and home address of the parents, guardians or other persons believed to be responsible for the care of the child;
- the child's present whereabouts if not the same as the parent's or other person's home address;
- description of injuries, including evidence of previous injuries;
- name, age, and condition of other children in the same home;
- any other information considered helpful; and,
- name and address of the person making the report.

Board policy states it is not the responsibility of employees to prove that a child has been abused or neglected. Employees should not take it upon themselves to investigate the case or contact the family of the child. DHS is responsible for investigating the incident of alleged abuse.

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES

Physical or sexual abuse of students, including inappropriate and intentional sexual behavior, by employees will not be tolerated. The definition of employees for the purpose of this policy includes not only those who work for pay but also those who are volunteers of the school district under the direction and control of the school district. Employees found in violation of this policy will be subject to disciplinary action up to and including discharge.

The school district will respond promptly to allegations of abuse of students by school district employees by investigating or arranging for the investigation of an allegation. The processing of a complaint or allegation will be handled confidentially to the maximum extent possible. Employees are required to assist in the investigation when requested to provide information and to maintain the confidentiality of the reporting and investigation process.

The school district has appointed a Level I investigator and alternate Level I investigator. The school district has also arranged for a trained, experienced professional to serve as the Level II investigator. The Level I investigator and alternate will be provided training in the conducting of an investigation at the expense of the school district. The names of the investigators are listed in the student handbook, published annually in the local newspaper and posted in all school facilities.

The superintendent is responsible for drafting administrative regulations to implement this policy.

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES

Complaint of Injury to or Abuse of a Student by a School District Employee

Please complete the following as fully as possible. If you need assistance, contact the Level I investigator in your school.

Student's name and address: _____

Student's telephone no.: _____

Student's school: _____

Name and place of employment of employee accused of abusing student:

Allegation is of _____ Physical abuse _____ sexual abuse*

Please describe what happened. Include the date, time and where the incident took place, if known. If physical abuse is alleged, also state the nature of the student's injury:

Were there any witnesses to the incident or are there students or persons who may have information about this incident? _____yes _____no

If yes, please list by name, if known, or classification (for example "third grade class," "fourth period geometry class"):

*Parents of children who are in pre-kindergarten through sixth grade and whose children are the alleged victims of or witnesses to sexual abuse have the right to see and hear any interviews of their children in this investigation. Please indicate "yes" if the parent/guardian wishes to exercise this right:

_____ Yes _____ No Telephone Number _____

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES
Complaint of Injury to or Abuse of a Student by a School District Employee

Has any professional person examined or treated the student as a result of the incident? ____yes ____no
____unknown

If yes, please provide the name and address of the professional(s) and the date(s) of examination or treatment, if known

Has anyone contacted law enforcement about this incident? ____yes ____no

Please provide any additional information you have which would be helpful to the investigator. Attach additional pages if needed.

Your name, address and telephone number:

Relationship to student: _____

Complainant Signature

Witness Signature

Date

Witness Name (please print)

Witness Address

Be advised that you have the right to contact the police or sheriff's office, the county attorney, a private attorney, or the State Board of Educational Examiners (if the accused is a licensed employee) for investigation of this incident. The filing of this report does not deny you that opportunity.

You will receive a copy of this report (if you are the named student's parent or guardian) and a copy of the Investigator's Report within fifteen calendar days of filing this report unless the investigation is turned over to law enforcement.

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES
Report of Level I Investigation

Student's name: _____

Student's age: _____ Student's grade: _____

Student's address: _____

Student's school: _____

Name of accused school employee: _____ Building: _____

Name and address of person filing report:

Name and address of student's parent or guardian, if different from person filing report: _____

Date report of abuse was filed: _____

Allegation is of _____ Physical abuse _____ sexual abuse*

Describe the nature, extent and cause of the student's injury, if any and if known: (Attach additional pages if needed).

Describe your investigation: Attach additional pages if needed. (Please do not use student witnesses' full names.)

*Were parent(s) or guardian(s) advised of their right to see and hear any interview of their pre-kindergarten through sixth grade children who are alleged victims of or a witness in a sexual abuse investigation?

___ Yes ___ No Was the right exercised? ___ Yes ___ No

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES
LEVEL I INVESTIGATOR'S REPORT FORM

Were audio tapes made of any interviews? ____yes ____no

Were video tapes made of any interviews? ____yes ____no

Was any action taken to protect the student during or as a result of the investigation? ____yes ____no

If yes, describe:

____student excused from school

____school employee placed on
leave

____student assigned to different class

____other (please specify)

Level I investigator's conclusions:

____ **The complaint is being dismissed for lack of jurisdiction.**

____ Physical abuse was alleged, but no allegation of injury was made.

____ Physical abuse was alleged, but no evidence of physical injury exists and the nature of the alleged incident makes it unlikely an injury, as defined in the rules, occurred.

____ Sexual abuse was alleged, but the alleged actions of the school employee, even if true, would not meet the definition of sexual abuse in the rules.

____ Alleged victim was not a student at the time of the incident.

____ Alleged school employee is not currently employed by this school district.

____ Alleged incident did not occur on school grounds, on school time, at a school-sponsored activity, nor in a school-related context.

____ **The complaint has been investigated and concluded at Level I as unfounded.**

____ Complaint was withdrawn.

____ Insufficient evidence exists that an incident of abuse, as defined in the rules, took place.

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES
LEVEL I INVESTIGATOR'S REPORT FORM

- The complaint has been investigated at Level I and is founded.**
- The investigation is founded at Level I and is being turned over to Level II for further investigation.
- Investigation of the complaint was deferred at Level I and referred to law enforcement at this time.
- The investigation is concluded at Level I because the accused school employee has admitted the violation, has resigned, or has agreed to relinquish any teaching license held.

Current status of investigation:

- Closed. No further investigation is warranted.
- Closed and referred to school officials for further investigation as a personnel matter.
- Deferred to law enforcement officials.
- Turned over to Level II investigator.

Other comments: _____

I have given a copy of the report of abuse and of this investigative report to the employee named in the report, the employee's supervisor, and the student's parent or guardian and informed the person filing the report of the options of contacting law enforcement, private counsel, or the State Board of Educational Examiners, if the accused school employee holds an Iowa teacher's certificate or license.

Name of investigator (please print)

Investigator's place of employment

Signature of investigator

Date

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

An individual who has knowledge an employee has physically or sexually abused a student may immediately report it to the principal, who is the school district's Level I investigator. "Employee" means one who works for pay or as a volunteer under the direction and control of the school district. The report is written, signed and witnessed by a person of majority age. The witness may be the Level I investigator. The reporter is the individual filing the report. The report will contain the following:

- The full name, address, and telephone number of the person filing.
- The full name, age, address, and telephone number, and attendance center of the student.
- The name and place of employment of the employee who allegedly committed the abuse.
- A concise statement of the facts surrounding the incident, including date, time, and place of occurrence, if known.
- A list of possible witnesses by name, if known.
- Names and locations of persons who examined, counseled or treated the student for the alleged abuse, including the dates on which those services were provided, if known.

Upon request, the Level I investigator may assist the reporter in completing the report. An incomplete report will not be rejected unless the missing information would render the investigation futile or impossible. An employee receiving a report of alleged abuse of a student by an employee will pass the report to the investigator and will keep the report confidential to the maximum extent possible. In performing the investigation, the investigator will have access to the educational records of the alleged student victim as well as access to the student for interviewing purposes.

In order for the school district to have jurisdiction over the acts and to constitute a violation of the law, acts of the employee must be alleged to have occurred on school grounds, on school time, at a school-sponsored activity, or in a school-related context. However, the student need not be a student in the school district. The student can be from another school district. To be investigable, the written report must include basic information showing that the victim of the alleged abuse is or was a student at the time of the incident, that the alleged act of the employee resulted in injury or otherwise meets the definition of abuse in these rules, and that the person responsible for the act is currently an employee. If the report is not investigable due to lack of jurisdiction, the investigator will dismiss the complaint and inform the reporter of other options available. Other options available to the reporter include contacting law enforcement authorities, private counsel, or the Board of Educational Examiners in the case of a licensed employee.

If the Level I investigator believes the student is in imminent danger if continued contact is permitted between the employee and the student, the Level I investigator may:

- temporarily remove the student from contact with the employee;
- temporarily remove the employee from service; or,
- take other appropriate action to ensure the student's safety.

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

The Level I investigator will have access to the educational records of the student and access to the student for purposes of interviewing the student about the report.

Physical Abuse Allegations

When physical abuse is reported, the Level I investigator will make copies of the report and give a copy to the person filing the report, the students' parents and the immediate supervisor of the employee named in the report. The employee named in the report will not receive a copy of the report until the employee is initially interviewed.

The Level I investigator will use discretion in handling the information received regarding an investigation of abuse by an employee, and those persons involved in the investigation will not discuss information regarding the complaint outside the investigation. The entire investigative procedure will be thoroughly explained, including the confidential nature of the proceedings, to the student and other persons involved in the investigation.

Within five days of receipt of an investigable report, the Level I investigator will complete an informal investigation. The informal investigation will consist of interviews with the student, the employee and others who may have knowledge of the alleged incident. If the Level I investigator determines that the allegations in the report are founded and that immediate and professional investigation is necessary, the Level I investigator may defer further investigation and contact appropriate law enforcement officials, the student's parents and the person filing the report. Within fifteen days of receipt of the report, the Level I investigator will complete a written investigative report, unless the investigation was temporarily deferred.

The written investigative report will include:

1. The name, age, address and attendance center of the student named in the report.
2. The name and address of the student's parent or guardian and the name and address of the person filing the report, if different from the student's parent or guardian.
3. The name and work address of the employee named in the report as allegedly responsible for the abuse of the student.
4. An identification of the nature, extent and cause, if known, of any injuries or abuse to the student named in the report.
5. A general review of the investigation.
6. Any actions taken for the protection and safety of the student.
7. A statement that, in the investigator's opinion, the allegations in the report are either:
 - Unfounded. (*It is not likely that an incident, as defined in these rules, took place*), or
 - Founded. (*It is likely that an incident took place.*)

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

8. The disposition or current status of the investigation.
9. A listing of the options available to the parents or guardian of the student to pursue the allegations. These options include, but are not limited to:
 - Contacting law enforcement officials.
 - Contacting private counsel for the purpose of filing a civil suit or complaint.
 - Filing a complaint with the board of educational examiners if the employee is a licensed employee.

The investigator will retain the original and provide a copy of the written investigative report to the school employee named in the report, the employee's supervisor and the student's parent or guardian. The person filing the report, if not the student's parent or guardian, is notified only that the Level I investigation has been concluded and of the disposition or anticipated disposition of the case.

It is the responsibility of the Level I investigator to determine whether it is more likely than not that an incident of abuse as defined in the rules took place between the student and employee. The Level I investigator does not make the determination of whether the use of physical contact was appropriate or whether any of the exceptions apply. That is the responsibility of the Level II investigator. Upon completion of the report, if the Level I investigator determines the allegations of physical abuse are founded and serious, the Level I investigator will notify law enforcement authorities. If the allegations are founded but the physical abuse is not of a serious nature, the Level I investigator will refer the case on to the superintendent, the Level II investigator.

The Level II investigator will review the Level I investigator's final investigative report and conduct further investigation. The Level II investigative report will state the conclusion as to the occurrence of the alleged incident, the applicability of exceptions, the reason for the contact or force used, and recommendations regarding the need for further investigation. In determining the applicability of the exceptions or the reasonableness of the contact or force used, the Level II investigator will use the following definitions:

- Physical abuse is non-accidental physical injury to the student as a result of the action of an employee. Injury occurs when evidence of it is still apparent at least twenty-four hours after its occurrence. The following do not constitute physical abuse, and no employee is prohibited from:
- a. Using reasonable and necessary force not designed or intended to cause pain:
 - (1) To quell a disturbance or prevent an act that threatens physical harm to any person.
 - (2) To obtain possession of a weapon or other dangerous object within a pupil's control.

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

- (3) For the purposes of self-defense or defense of others as provided for in Iowa Code § 704.3.
 - (4) For the protection of property as provided for in Iowa Code §§ 704.4, .5.
 - (5) To remove a disruptive pupil from class, or any area of school premises or from school-sponsored activities off school premises.
 - (6) To prevent a student from the self-infliction of harm.
 - (7) To protect the safety of others.
- b. Using incidental, minor, or reasonable physical contact to maintain order and control.

In determining the reasonableness of the contact or force used, the following factors are considered:

- a. The nature of the misconduct of the student, if any, precipitating the physical contact by the school employee.
- b. The size and physical condition of the student.
- c. The instrumentality used in making the physical contact.
- d. The motivation of the school employee in initiating the physical contact.
- e. The extent of injury to the student resulting from the physical contact.

"Reasonable force" is that force and no more which a reasonable person, in like circumstances, would judge to be necessary to prevent an injury or loss and can include deadly force if it is reasonable to believe that such force is necessary to avoid injury or risk to one's life or safety or the life or safety of another, or it is reasonable to believe that such force is necessary to resist a like force or threat.

Upon completion of the Level II investigation, the Level I investigator will forward copies of the Level II investigative report to the employee, the employee's immediate supervisor and the student's parent. The Level I investigator will notify the person filing the report of the current status of the case.

If the Level II investigator's report or law enforcement officials conclude abuse occurred, or the employee admits the violation, or the employee has surrendered the employee's certificate or license, the Level I investigator will file a complaint with the State Board of Educational Examiners. The Level I investigator will also arrange for counseling services for the student if the student or student's parents request counseling services.

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

Sexual Abuse

Sexual abuse is defined as including sexual acts involving a student, acts that encourage the student to engage in prostitution, as well as inappropriate, intentional sexual behavior or sexual harassment by the employee toward a student. "Sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when:

1. Submission to the conduct is made either implicitly or explicitly a term or condition of the student's education or benefits;
2. Submission to or rejection of the conduct is used as the basis for academic decisions affecting that student; or
3. The conduct has the purpose or effect of substantially interfering with a student's academic performance by creating an intimidating, hostile or offensive education environment.

When sexual abuse is reported, the Level I investigator will make copies of the report and give a copy to the person filing the report, the students' parents and the immediate supervisor of the employee named in the report. The employee named in the report will not receive a copy of the report until the employee is initially interviewed. The designated investigator will not interview the school employee named in a report of sexual abuse until after a determination is made that jurisdiction exists, the alleged victim has been interviewed and a determination made that the investigation will not be deferred.

The investigator will notify the parent, guardian or legal custodian of a student in prekindergarten through grade six, of the date and time of the interview and of the right to be present or to see and hear the interview or send a representative in the parent's place. The Level I investigator will interview the student as soon as possible, but in no case later than five days from the receipt of a report or notice of the allegation of sexual abuse. The Level I investigator may record the interview electronically.

The Level I investigator will exercise discretion in the investigative process to preserve the privacy interests of the individuals involved. To the maximum extent possible, the investigator will maintain the confidentiality of the report.

It is the responsibility of the Level I investigator to determine whether it is more likely than not that an incident took place between the employee and the student. If the Level I investigator believes the employee committed a sex act with a student or sexually exploited a student, the Level I investigator will defer the Level I investigation and immediately notify law enforcement officials, the student's parents and the person filing the report.

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

If the Level I investigator determines an incident occurred, while not an illegal sex act with a student or sexual exploitation of a student, but where the employee engaged in inappropriate, intentional sexual behavior, further investigation is warranted. If further investigation is warranted, the Level I investigator may proceed to interview the employee and other individuals who may have knowledge of the circumstances contained in the report. Prior to interviewing other individuals who may have knowledge of the circumstance contained in the report, the Level I investigator will provide notice of the impending interview of student witnesses or the student who is in prekindergarten through grade six, to their parent, guardian, or legal custodian, and may provide notice to the parent or guardian of older students, prior to interviewing those students. The Level I investigator shall, if founded, arrange for the Level II investigator to further investigate the allegations.

Within fifteen days of receipt of the report or notice of alleged sexual abuse, the Level I investigator will complete a written investigative report unless the investigation was temporarily deferred. The written investigative report will include:

1. The name, age, address and attendance center of the student named in the report.
2. The name and address of the student's parent or guardian and the name and address of the person filing the report, if different from the student's parent or guardian.
3. The name and work address of the school employee named in the report as allegedly responsible for the abuse of the student.
4. An identification of the nature, extent and cause, if known, of any injuries or abuse to the student named in the report.
5. A general review of the investigation.
6. Any actions taken for the protection and safety of the student.
7. A statement that, in the investigator's opinion, the allegations in the report are either:
 - Unfounded. (*It is not likely that an incident, as defined in these rules, took place*), or
 - Founded. (*It is likely that an incident took place.*)
8. The disposition or current status of the investigation.
9. A listing of the options available to the parents or guardian of the student to pursue the allegations. These options include, but are not limited to:
 - Contacting law enforcement officials.
 - Contacting private counsel for the purpose of filing a civil suit or complaint.
 - Filing a complaint with the board of educational examiners if the school employee is certificated.

The investigator will retain the original and provide a copy of the investigative report to the school employee named in the report, the school employee's supervisor and the named student's parent or guardian. The person filing the report, if not the student's parent or guardian, is notified only that the Level I investigation has been concluded and of the disposition or anticipated disposition of the case.

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

If the allegations are founded, the Level I investigation will refer the case to the Level II investigator. The Level II investigator will review the Level I investigator's final investigative report and conduct further investigation if necessary. The Level II investigative report will state conclusively as to the occurrence of the alleged incident, conclusively as to the nature of the sexual abuse and recommendations regarding the need for further investigation. Upon completion of the Level II investigation, the Level I investigator will forward copies of the Level II investigative report to the employee, the employee's immediate supervisor and the student's parent. The Level I investigator will notify the person filing the report of the current status of the case.

If the Level II investigator's report or law enforcement officials conclude sexual abuse occurred, or the employee admits the violation, or the employee has surrendered the employee's certificate or license, the Level I investigator will file a complaint on behalf of the district after obtaining the superintendent's signature with the State Board of Educational Examiners. The Level I investigator will also arrange for counseling services for the student if the student or student's parents request counseling services.

In cases involving founded physical or sexual abuse by a licensed employee, the board will notify the Board of Educational Examiners. Information of unfounded abuse at Level I or Level II will not be kept in the employee's personnel file. If the Level I investigative report is founded but Level II is unfounded, then the Level I report is removed from the employee's permanent file.

It is the responsibility of the board to annually identify a Level I and Level II investigator. The board will also designate annually an alternate Level I investigator, preferably of the opposite sex of the designated Level I investigator, to whom reports may also be made. The names and telephone numbers of the Level I investigator and the alternate Level I investigator is included in employee handbooks, student handbooks, annually published in the local newspaper, and prominently displayed in all school buildings.

GIFTS TO EMPLOYEES

Employees may receive a gift on behalf of the school district. Employees will not, either directly or indirectly, solicit, accept or receive any gift, series of gifts or an honorarium unless the donor does not meet the definition of "restricted donor" stated below or the gift or honorarium does not meet the definition of gift or honorarium stated below.

A "restricted donor" is defined as a person or other entity which:

- Is seeking to be, or is a party to, any one or any combination of sales, purchases, leases or contracts to, from or with the school district;
- Will be directly and substantially affected financially by the performance or nonperformance of the employee's official duty in a way that is greater than the effect on the public generally or on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry or region; or
- Is a lobbyist or a client of a lobbyist with respect to matters within the school district's jurisdiction.

A "gift" is the giving of anything of value in return for which something of equal or greater value is not given or received. However, "gift" does not include any of the following:

- Contributions to a candidate or a candidate's committee;
- Information material relevant to an employee's official function, such as books, pamphlets, reports, documents, periodicals or other information that is recorded in a written, audio or visual format;
- Anything received from a person related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related;
- An inheritance;
- Anything available or distributed to the general public free of charge without regard to the official status of the employee;
- Items received from a charitable, professional, educational or business organization to which the employee belongs as a dues paying member if the items are given to all members of the organization without regard to an individual member's status or positions held outside of the organization and if the dues paid are not inconsequential when compared to the items received;
- Actual expenses of an employee for food, beverages, travel and lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the employee has participation or presentation responsibilities;
- Plaques or items of negligible resale value given as recognition for public service;

GIFTS TO EMPLOYEES

- Nonmonetary items with a value of less than three dollars that are received from any one donor during one calendar day;
- Items or services solicited or given to a state, national or regional organization in which the state of Iowa or a school district is a member for purposes of a business or educational conference, seminar or other meeting or solicited by or given for the same purposes to state, national or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees for purposes of a business or educational conference, seminar or other meeting;
- Items or services received by members or representatives of members as part of a regularly scheduled event that is part of a business or educational conference, seminar or other meeting that is sponsored and directed by any state, national or regional government organization in which the state of Iowa or a political subdivision of the state of Iowa is a member or received at such an event by members or representatives of members of state, national or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees;
- Funeral flowers or memorials to a church or nonprofit organization;
- Gifts which are given to an employee for the employee's wedding or twenty-fifth or fiftieth wedding anniversary;
- Payment of salary or expenses by the school district for the cost of attending a meeting of a subunit of an agency when the employee whose expenses are being paid serves on a board, commission, committee, council or other subunit of the agency and the employee is not entitled to receive compensation or reimbursement of expenses from the school district for attending the meeting; or
- Gifts other than food, beverages, travel and lodging received by an employee which are received from a person who is a citizen of a country other than the United States and is given during a ceremonial presentation or as a result of a custom of the other country and is of personal value only to the employee.
- Actual registration costs for informational meetings or sessions that assist a public official or public employee in the performance of the person's official functions. The costs of food, drink, lodging and travel are not "registration costs" under this paragraph. Meetings or sessions which a public official or public employee attends for personal or professional licensing purposes are not "informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions" under this paragraph.

An "honorarium" is anything of value that is accepted by, or on behalf of, an employee as consideration for an appearance, speech or article. An honorarium does not include any of the following:

- Actual expenses of an employee for registration, food, beverages, travel or lodging for a meeting, which is given in return for participation in a panel or speaking engagement at a meeting when the expenses relate directly to the day or days on which the employee has participation or presentation responsibilities;

GIFTS TO EMPLOYEES

- A nonmonetary gift or series of nonmonetary gifts donated within thirty days to a public body, an educational or charitable organization or the Iowa department of general services; or
- A payment made to an employee for services rendered as part of a private business, trade or profession in which the employee is engaged if the payment is commensurate with the actual services rendered and is not being made because of the person's status as an employee of the district, but, rather, because of some special expertise or other qualification.

It is the responsibility of each employee to know when it is appropriate to accept or reject gifts or an honorarium.

PUBLIC COMPLAINTS ABOUT EMPLOYEES

The board recognizes situations may arise in the operation of the school district which are of concern to parents and other members of the school district community. While constructive criticism is welcomed, the board desires to support its employees and their actions to free them from unnecessary, spiteful, or negative criticism and complaints that do not offer advice for improvement or change.

The board firmly believes concerns should be resolved at the lowest organizational level by those individuals closest to the concern. Whenever a complaint or concern is brought to the attention of the board it will be referred to the administration to be resolved. Prior to board action however, the following should be completed:

- (a) Matters concerning an individual student, teacher, or other employee should first be addressed to the teacher or employee.
- (b) Unsettled matters from (a) above or problems and questions about individual attendance centers should be addressed to the employee's building principal for licensed employees and the superintendent for classified employees.
- (c) Unsettled matters regarding licensed employees from (b) above or problems and questions concerning the school district should be directed to the superintendent.
- (d) If a matter cannot be settled satisfactorily by the superintendent, it may then be brought to the board. To bring a concern regarding an employee, the individual may notify the board president in writing, who may bring it to the attention of the entire board, or the item may be placed on the board agenda of a regularly scheduled board meeting in accordance with board policy 214.1.

It is within the discretion of the board to address complaints from the members of the school district community, and the board will only do so if they are in writing, signed, and the complainant has complied with this policy.

EMPLOYEE OUTSIDE EMPLOYMENT

The board believes the primary responsibility of employees is to the duties of their position within the school district as outlined in their job description. The board considers an employee's duties as part of a regular, full-time position as full-time employment. The board expects such employees to give the responsibilities of their positions in the school district precedence over any other employment.

It is the responsibility of the superintendent to counsel employees, whether full-time or part-time, if, in the judgment of the superintendent and the employee's immediate supervisor, the employee's outside employment interferes with the performance of the employee's duties required in the employee's position within the school district.

The board may request the employee to cease the outside employment as a condition of continued employment with the school district.

EMPLOYEE PHYSICAL EXAMINATIONS

The Collins-Maxwell Community School believes good health is important to job performance. School bus drivers will present evidence of good health upon initial hire and every other year in the form of a physical examination report, unless otherwise required by law or medical opinion. All other employees shall present evidence of good health, in the form of a post-offer, pre-employment physical examination report.

The cost of bus driver renewal physicals will be paid by the school district. The school district will provide the standard examination form to be completed by the personal physician of the employee or a certified medical examiner for bus drivers.

Employees whose physical or mental health, in the judgment of the administration, may be in doubt will submit to additional examinations to the extent job-related and consistent with business necessity, when requested to do so, at the expense of the school district.

The district will comply with occupational safety and health requirements as applicable to its employees in accordance with law.

EMPLOYEE INJURY ON THE JOB

When an employee becomes seriously injured on the job, the building principal will notify a member of the family, or an individual of close relationship, as soon as the building principal becomes aware of the injury.

If possible, an employee may administer emergency or minor first aid. An injured employee will be turned over to the care of the employee's family or qualified medical employees as quickly as possible. The school district is not responsible for medical treatment of an injured employee.

It is the responsibility of the employee injured on the job to inform the superintendent/building principal within twenty-four hours of the occurrence. It is the responsibility of the employee's immediate supervisor to file an accident report within twenty-four hours after the employee reported the injury.

It is the responsibility of the employee to file claims, such as workers' compensation, through the board secretary.

COMMUNICABLE DISEASES - EMPLOYEES

Employees with a communicable disease will be allowed to perform their customary employment duties provided they are able to perform the essential functions of their position and their presence does not create a substantial risk of illness or transmission to students or other employees. The term "communicable disease" will mean an infectious or contagious disease spread from person to person, or animal to person, or as defined by law.

Prevention and control of communicable diseases is included in the school district's bloodborne pathogens exposure control plan. The procedures will include scope and application, definitions, exposure control, methods of compliance, universal precautions, vaccination, post-exposure evaluation, follow-up, communication of hazards to employees and record keeping. This plan is Reviewed April 11, 2007 annually by the superintendent and school nurse.

The health risk to immunodepressed employees is determined by their personal physician. The health risk to others in the school district environment from the presence of an employee with a communicable disease is determined on a case-by-case basis by the employee's personal physician, a physician chosen by the school district or public health officials.

An employee who is at work and who has a communicable disease which creates a substantial risk of harm to a student, coworkers, or others at the workplace will report the condition to the Superintendent any time the employee is aware that the disease actively creates such risk.

Health data of an employee is confidential and it will not be disclosed to third parties. Employee medical records are kept in a file separate from their personal file.

It is the responsibility of the superintendent, in conjunction with the school nurse, to develop administrative regulations stating the procedures for dealing with employees with a communicable disease.

HEPATITIS B VACCINE INFORMATION AND RECORD

The Disease

Hepatitis B is a viral infection caused by the Hepatitis B virus (HBV) that causes death in 1-2% of those infected. Most people with HBV recover completely, but approximately 5-10% become chronic carriers of the virus. Most of these people have no symptoms, but can continue to transmit the disease to others. Some may develop chronic active hepatitis and cirrhosis. HBV may be a causative factor in the development of liver cancer. Immunization against HBV can prevent acute hepatitis and its complications.

The Vaccine

The HBV vaccine is produced from yeast cells. It has been extensively tested for safety and effectiveness in large-scale clinical trials.

Approximately 90 percent of healthy people who receive two doses of the vaccine and a third dose as a booster achieve high levels of surface antibody (anti-HBs) and protection against the virus. The HBV vaccine is recommended for workers with potential for contact with blood or body fluids. Full immunization requires three doses of the vaccine over a six-month period, although some persons may not develop immunity even after three doses.

There is no evidence that the vaccine has ever caused Hepatitis B. However, persons who have been infected with HBV prior to receiving the vaccine may go on to develop clinical hepatitis in spite of immunization.

Dosage and Administration

The vaccine is given in three intramuscular doses in the deltoid muscle. Two initial doses are given one month apart and the third dose is given six months after the first.

Possible Vaccine Side Effects

The incidence of side effects is very low. No serious side effects have been reported with the vaccine. Ten to 20 percent of persons experience tenderness and redness at the site of injection and low grade fever. Rash, nausea, joint pain, and mild fatigue have also been reported. The possibility exists that other side effects may be identified with more extensive use.

HEPATITIS B VACCINE INFORMATION AND RECORD

CONSENT OF HEPATITIS B VACCINATION

I have knowledge of Hepatitis B and the Hepatitis B vaccination. I have had an opportunity to ask questions of a qualified nurse or physician and understand the benefits and risks of Hepatitis B vaccination. I understand that I must have three doses of the vaccine to obtain immunity. However, as with all medical treatment, there is no guarantee that I will become immune or that I will not experience side effects from the vaccine. I give my consent to be vaccinated for Hepatitis B.

Signature of Employee (consent for Hepatitis B vaccination)

Date

Signature of Witness

Date

REFUSAL OF HEPATITIS B VACCINATION

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring the Hepatitis B virus infection. I have been given the opportunity to be vaccinated with Hepatitis B vaccine at no charge to myself. However, I decline the Hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring Hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with the Hepatitis B vaccine, I can receive the vaccination series at no charge to me.

Signature of Employee (refusal for Hepatitis B vaccination)

Date

Signature of Witness

Date

I refuse because I believe I have (check one)

_____ started the series

_____ completed the series

HEPATITIS B VACCINE INFORMATION AND RECORD

RELEASE FOR HEPATITIS B MEDICAL INFORMATION

I hereby authorize _____ (individual or organization holding Hepatitis B records and address) to release to the _____ Community School District, my Hepatitis B vaccination records for required employee records.

I hereby authorize release of my Hepatitis B status to a health care provider, in the event of an exposure incident.

Signature of Employee

Date

Signature of Witness

Date

HEPATITIS B VACCINE INFORMATION AND RECORD

CONFIDENTIAL RECORD

Employee Name (last, first, middle)

Social Security No.

Job Title:

| | Hepatitis B Vaccination Date | Lot Number | Site | Administered by |
|---|------------------------------|------------|------|-----------------|
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |

Additional Hepatitis B status information:

Post-exposure incident: (Date, time, circumstances, route under which exposure occurred)

Identification and documentation of source individual:

Source blood testing consent:

Description of employee's duties as related to the exposure incident:

Copy of information provided to health care professional evaluating an employee after an exposure incident:

Attach a copy of all results of examinations, medical testing, follow-up procedures, and health care professional's written opinion.

Training Record: (date, time, instructor, location of training summary)

UNIVERSAL PRECAUTIONS REGULATION

Universal precautions (UP) are intended to prevent transmission of infection, as well as decrease the risk of exposure for employees and students. It is not currently possible to identify all infected individuals, thus precautions must be used with every individual. UP pertain to blood and other potentially infectious materials (OPIM) containing blood. These precautions do not apply to other body fluids and wastes (OBFW) such as saliva, sputum, feces, tears, nasal secretions, vomitus and urine unless blood is visible in the material. However, these OBFW can be sources of other infections and should be handled as if they are infectious. The single most important step in preventing exposure to and transmission of any infection is anticipating potential contact with infectious materials in routine as well as emergency situations. Based on the type of possible contact, employees and students should be prepared to use the appropriate precautions prior to the contact. Diligent and proper hand washing, the use of barriers, appropriate disposal of waste products and needles, and proper decontamination of spills are essential techniques of infection control. All individuals should respond to situations practicing UP followed by the activation of the school response team plan. Using common sense in the application of these measures will enhance protection of employees and students.

Hand Washing

Proper hand washing is crucial to preventing the spread of infection. Textured jewelry on the hands or wrists should be removed prior to washing and kept off until completion of the procedure and the hands are rewashed. Use of running water, lathering with soap and using friction to clean all hand surfaces is key. Rinse well with running water and dry hands with paper towels.

- Hands should be washed before physical contact with individuals and after contact is completed.
- Hands should be washed after contact with any used equipment.
- If hands (or other skin) come into contact with blood or body fluids, hands should be washed immediately before touching anything else.
- Hands should be washed whether gloves are worn or not and, if gloves are worn, after the gloves are removed.

Barriers

Barriers anticipated to be used at school include disposable gloves, absorbent materials and resuscitation devices. Their use is intended to reduce the risk of contact with blood and body fluids as well as to control the spread of infectious agents from individual to individual. Gloves should be worn when in contact with blood, OPIM or OBFW. Gloves should be removed without touching the outside and disposed of after each use.

UNIVERSAL PRECAUTIONS REGULATION

Disposal of Waste

Blood, OPIM, OBFW, used gloves, barriers and absorbent materials should be placed in a plastic bag and disposed of in the usual procedure. When the blood or OPIM is liquid, semi-liquid or caked with dried blood, it is not absorbed in materials, and is capable of releasing the substance if compressed, special disposal as regulated waste is required. A band-aid, towel, sanitary napkin or other absorbed waste that does not have the potential of releasing the waste if compressed would not be considered regulated waste. It is anticipated schools would only have regulated waste in the case of a severe incident. Needles, syringes and other sharp disposable objects should be placed in special puncture-proof containers and disposed of as regulated waste. Bodily wastes such as urine, vomitus or feces should be disposed of in the sanitary sewer system.

Clean up

Spills of blood and OPIM should be cleaned up immediately. The employee should:

- Wear gloves.
- Clean up the spill with paper towels or other absorbent material.
- Use a solution of one part household bleach to one hundred parts of water (1:100) or other EPA-approved disinfectant and use it to wash the area well.
- Dispose of gloves, soiled towels and other waste in a plastic bag.
- Clean and disinfect reusable supplies and equipment.

Laundry

Laundry with blood or OPIM should be handled as little as possible with a minimum of agitation. It should be bagged at the location. If it has the potential of releasing the substance when compacted, regulated waste guidelines should be followed. Employees who have contact with this laundry should wear protective barriers.

Exposure

An exposure to blood or OPIM through contact with broken skin, mucous membrane or by needle or sharp stick requires immediate washing, reporting and follow-up.

- Always wash the exposed area immediately with soap and water.
- If a mucous membrane splash (eye or mouth) or exposure of broken skin occurs, irrigate or wash the area thoroughly.
- If a cut or needle stick injury occurs, wash the area thoroughly with soap and water.

The exposure should be reported immediately, the parent or guardian is notified, and the person exposed contacts a physician for further health care.

SUBSTANCE-FREE WORKPLACE

The board expects the school district and its employees to remain substance free. No employee will unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance or alcoholic beverage as defined by federal or state law. "Workplace" includes school district facilities, school district premises or school district vehicles. "Workplace" also includes nonschool property if the employee is at any school-sponsored, school-approved, or school-related activity, event or function, such as field trips or athletic events where students are under the control of the school district or where the employee is engaged in school business.

If an employee is convicted of a violation of any criminal drug offense committed in the workplace, the employee will notify the employee's supervisor of the conviction within five days of the conviction.

The superintendent will make the determination whether to require the employee to undergo substance abuse treatment or to discipline the employee. An employee who violates the terms of this policy may be subject to discipline up to and including termination. An employee who violates this policy may be required to successfully participate in a substance abuse treatment program approved by the board. If the employee fails to successfully participate in a program, the employee may be subject to discipline up to and including termination.

The superintendent is responsible for publication and dissemination of this policy to each employee. In addition, the superintendent will oversee the establishment of a substance-free awareness program to educate employees about the dangers of substance abuse and notify them of available substance abuse treatment programs.

It is the responsibility of the superintendent to develop administrative regulations to implement this policy.

SUBSTANCE-FREE WORKPLACE NOTICE TO EMPLOYEES

EMPLOYEES ARE HEREBY NOTIFIED it is a violation of the Substance-Free Workplace policy for an employee to unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance or alcohol, as defined in Schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 C.F.R. 1300.11 through 1300.15 and Iowa Code Chapter 204.

"Workplace" is defined as the site for the performance of work done in the capacity as an employee. This includes school district facilities, other school premises or school district vehicles. Workplace also includes nonschool property if the employee is at any school-sponsored, school-approved or school-related activity, event or function, such as field trips or athletic events where students are under the control of the school district or where the employee is engaged in school business.

Employees who violate the terms of the Substance-Free Workplace policy may be required to successfully participate in a substance abuse treatment program approved by the board. The superintendent retains the discretion to discipline an employee for violation of the Substance-Free Workplace policy. If the employee fails to successfully participate in such a program the employee is subject to discipline up to and including termination.

EMPLOYEES ARE FURTHER NOTIFIED it is a condition of their continued employment that they comply with the above policy of the school district and will notify their supervisor of their conviction of any criminal drug statute for a violation committed in the workplace, no later than five days after the conviction.

SUBSTANCE-FREE WORKPLACE ACKNOWLEDGMENT FORM

I, _____, have read and understand the Substance-Free Workplace policy. I understand that if I violate the Substance-Free Workplace policy, I may be subject to discipline up to and including termination or I may be required to participate in a substance abuse treatment program. If I fail to successfully participate in a substance abuse treatment program, I understand I may be subject to discipline up to and including termination. I understand that if I am required to participate in a substance abuse treatment program and I refuse to participate, I may be subject to discipline up to and including termination. I also understand that if I am convicted of a criminal drug offense committed in the workplace, I must report that conviction to my supervisor within five days of the conviction.

(Signature of Employee)

(Date)

SUBSTANCE-FREE WORKPLACE REGULATION

A superintendent who suspects an employee has a substance abuse problem will follow these procedures:

1. **Identification** - the superintendent will document the evidence the superintendent has which leads the superintendent to conclude the employee has violated the Substance-Free Workplace policy. After the superintendent has determined there has been a violation of the Substance-Free Workplace policy, the superintendent will discuss the problem with the employee.
2. **Discipline** - if, after the discussion with the employee, the superintendent determines there has been a violation of the Substance-Free Workplace policy, the superintendent may recommend discipline up to and including termination or may recommend the employee seek substance abuse treatment. Participation in a substance abuse treatment program is voluntary.
3. **Failure to participate in referral** – if the employee refuses to participate in a substance abuse treatment program or if the employee does not successfully complete a substance abuse treatment program, the employee may be subject to discipline up to and including termination.
4. **Conviction** - if an employee is convicted of a criminal drug offense committed in the workplace, the employee must notify the employer of the conviction within five days of the conviction.

DRUG AND ALCOHOL TESTING PROGRAM

Employees who operate school vehicles are subject to drug and alcohol testing if a commercial driver's license is required to operate the school vehicle and the school vehicle transports sixteen or more persons including the driver or the school vehicle weighs twenty-six thousand one pounds or more. For purposes of the drug and alcohol-testing program, the term "employees" includes applicants who have been offered a position to operate a school vehicle.

The employees operating a school vehicle as described above are subject to pre-employment drug testing and random, reasonable suspicion, post-accident, return-to-duty and follow-up drug and alcohol testing. Employees operating school vehicles will not perform a safety-sensitive function within four hours of using alcohol. Employees governed by this policy are subject to the drug and alcohol testing program beginning the first day they operate or are offered a position to operate school vehicles and continue to be subject to the drug and alcohol testing program as long as they may be required to perform a safety-sensitive function as it is defined in the administrative regulations. Employees with questions about the drug and alcohol testing program may contact the superintendent.

Employees who violate the terms of this policy are subject to discipline up to and including termination.

It is the responsibility of the superintendent to develop administrative regulations to implement this policy in compliance with the law. The superintendent will inform applicants of the requirement for drug and alcohol testing in notices or advertisements for employment.

The superintendent will also be responsible for publication and dissemination of this policy and its supporting administrative regulations and forms to employees operating school vehicles. The superintendent will also oversee a substance-free awareness program to educate employees about the dangers of substance abuse and notify them of available substance abuse treatment resources and programs.

Information about resources for a substance-free awareness program and related services may be obtained from the school district's employee assistance program, the Department of Education at (515) 281-3021 or Department of Health, Substance Abuse Division at (515) 281-3641.

DRUG AND ALCOHOL TESTING PROGRAM NOTICE TO EMPLOYEES

EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE HEREBY NOTIFIED they are subject to the school district's drug and alcohol testing program for pre-employment drug testing and random, reasonable suspicion and post-accident drug and alcohol testing as outlined in the Drug and Alcohol Testing Program policy, its supporting documents and the law.

Employees who operate school vehicles are subject to drug and alcohol testing if a commercial driver's license is required to operate the school vehicle and the school vehicle transports sixteen or more persons including the driver or the school vehicle weighs twenty-six thousand, one pounds or more. For purposes of the drug and alcohol-testing program, "employees" also includes applicants who have been offered a position to operate a school vehicle. The employees operating a school vehicle are subject to the drug and alcohol testing program beginning the first day they operate or are offered a position to operate a school vehicle and continue to be subject to the drug and alcohol testing program.

It is the responsibility of the superintendent to inform employees of the drug and alcohol testing program requirements. Employees with questions regarding the drug and alcohol testing requirements will contact the school district contact person.

EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE FURTHER NOTIFIED that employees violating this policy, its supporting documents or the law may be subject to discipline up to and including termination.

EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE FURTHER NOTIFIED it is a condition of their continued employment to comply with the Drug and Alcohol Testing Program policy, its supporting documents and the law. It is a condition of continued employment for employees operating a school vehicle to notify their supervisor of any prescription medication they are using. Drug and alcohol testing records about a driver are confidential and are released in accordance with this policy, its supporting documents or the law.

NOTE: This form also assumes the school district will terminate the driver upon violation of this policy and its supporting documents. Should a school district, after careful consideration, choose to retain the option not to terminate for violation of this policy, consideration should be given to changing the first and third paragraph to read:

EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE HEREBY NOTIFIED they are subject to the school district's drug and alcohol testing program for pre-employment drug testing and random, reasonable suspicion, post-accident, return-to-duty, and follow-up drug and alcohol testing as outlined in the Drug and Alcohol Testing Program policy, its supporting documents and the law.

For school districts choosing to pay for the substance abuse evaluation and rehabilitation, if any:

EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE FURTHER NOTIFIED that employees violating this policy, its supporting documents or the law may be subject to discipline up to and including termination at the discretion of the school district. As a condition of continued employment, employees violating this policy, its supporting documents or the law will be required to successfully participate in a substance abuse evaluation and a substance abuse treatment program recommended by a substance abuse professional. Employees required to participate in and who

DRUG AND ALCOHOL TESTING PROGRAM NOTICE TO EMPLOYEES

fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program may be subject to discipline up to and including termination.

For school districts choosing to make the driver bear the personal and financial responsibility for the substance abuse evaluation and rehabilitation, if any:

EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE FURTHER NOTIFIED that employees violating this policy, its supporting documents or the law may be subject to discipline up to and including termination. As a condition of continued employment, employees violating this policy, its supporting documents or the law bear the personal and financial responsibility, as a condition of continued employment, to successfully participate in a substance abuse evaluation and, a substance abuse treatment program recommended by the substance abuse professional. Employees required to participate in and who fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program may be subject to discipline up to and including termination.

The format of this notice is not specifically required by the federal regulations. It is designed to provide a starting point for school districts to develop their own form. However, the federal regulations do require the drivers have notice of the drug and alcohol-testing program. Under the federal regulations, school districts may require their drivers to notify them of any prescription medications they are using. School districts that do not want to be informed may delete this language from this notice.

DRUG AND ALCOHOL TESTING PROGRAM ACKNOWLEDGMENT FORM

I, (_____), have received a copy, read and understand the Drug and Alcohol Testing
Name of Employee

Program policy and its supporting documents. I consent to submit to the drug and alcohol testing program as required by the Drug and Alcohol Testing Program policy, its supporting documents and the law.

I understand that if I violate the Drug and Alcohol Testing Program policy, its supporting documents or the law, I may be subject to discipline up to and including termination

I also understand that I must inform my supervisor of any prescription medication I use. I further understand that drug and alcohol testing records about me are confidential and may be released in accordance with this policy, its supporting documents or the law.

(Signature of Employee)

(Date)

NOTE: Under the federal regulations, school districts may require their drivers to notify them of any prescription medications they are using. School districts that do not want to be informed may delete this language from this notice.

This form assumes the school district will terminate the driver upon violation of this policy and its supporting documents. Should a school district, after careful consideration, choose to retain the option not to terminate for violation of this policy, consideration should be given to changing the second paragraph to read:

I understand that if I violate the Drug and Alcohol Testing Program policy, its supporting documents or the law, I may be subject to discipline up to and including termination or I may be required to successfully participate in a substance abuse evaluation and a substance abuse treatment program, if recommended by the substance abuse professional. If I am required to and fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program, I understand I may be subject to discipline up to and including termination.

The investigator may request that the employee or student complete the Harassment Complaint form and turn over evidence of the harassment, including, but not limited to, letters, tapes, or pictures. Information received during the investigation is kept confidential to the extent possible.

The investigator, with the approval of the superintendent, or the superintendent has the authority to initiate a harassment investigation in the absence of a written complaint.

DRUG/ALCOHOL TEST NOTIFICATION FORM

Date

Name (print)

Social Security Number

The above named employee is to have the following test:

_____ Drug _____ Alcohol _____ Both Drug and Alcohol

Type of Test::

_____ Random _____ Pre-employment (drug only)
_____ Post-accident _____ Reasonable suspicion

Time Sent by District

School District Contact Person (phone)

Time Arrived at Collection Site

Collection Site Person

Time Test Was Completed

Collection Site Person

I understand I am to go directly to the collection site located at:

(address of collection site)

I understand a positive drug test result or an alcohol test result of .04 alcohol concentration or greater will result in termination of my employment and that an alcohol test result of greater than .02 but less than .04 alcohol concentration requires me to cease performing a safety-sensitive function for twenty-four hours.

I further understand my drug and alcohol testing results are reported to and maintained by the school district and the Iowa Drug and Alcohol Testing (IDATP) medical review officer for the purpose of completion of reports including, but not limited to, the Annual Summary/MIS reports required under the federal drug and alcohol testing regulations.

Employee's Signature

Date

DRUG/ALCOHOL TEST NOTIFICATION FORM

NOTE: This form assumes the school district will terminate the driver upon violation of this policy and its supporting documents. Should a school district, after careful consideration, choose to retain the option not to terminate for violation of this policy, consideration should be give to adding Follow-up testing and Return-to-duty to the form under "Type of Test."

It is helpful to make this form a four-part form with copies for the collection site and two copies for the school district. The school district retains a copy signed only by the driver and a copy completed by the collection site person.

IDAPT prepares reports required by the federal drug and alcohol testing regulations for both drug and alcohol testing results. It is a unique service of IDAPT to provide alcohol test results reports to the IDAPT participant school district/employer. Since most other drug and alcohol testing programs do not provide this service, some collection sites have expressed concern about sending driver alcohol test results without the driver signing an authorization acknowledging their understanding of how IDAPT operates. This form eliminates this concern for collection sites.

CERTIFICATION OF PREVIOUS EMPLOYERS REQUIRING
A COMMERCIAL DRIVER'S LICENSE

Name Social Security Number _____

I certify that I have been employed by the following employers during the two years prior to the date stated below and that I was required to possess a commercial driver's license (CDL) during the term of my employment.

Company _____ Phone _____

Address _____

City /State/Zip _____

Company _____ Phone _____

Address _____

City /State/Zip _____

Company _____ Phone _____

Address _____

City /State/Zip _____

Company _____ Phone _____

Address _____

City /State/Zip _____

Company _____ Phone _____

Address _____

City /State/Zip _____

Signature

Date

DRUG AND ALCOHOL REASONABLE SUSPICION
OBSERVATION FORM

Employee's Name _____ Date of Observation _____

Time of Observation From _____ a.m/p.m to _____ a.m/p.m.

Location: _____

Observed personal behavior: (check all appropriate items)

Speech: _____ Normal _____ Incoherent _____ Confused _____ Loud
_____ Slurred _____ Whispering _____ Silent _____ Disruptive

Balance: _____ Normal _____ Swaying _____ Staggering _____ Falling

Walking and Turning: _____ Normal _____ Stumbling _____ Swaying _____ Falling
_____ Arms raised for balance _____ Reaching for support

Awareness: _____ Normal _____ Confused _____ Paranoid _____ Sleepy or Stupor
_____ Lack of coordination

Odor: _____ Normal _____ Alcohol _____ Burned rope

Appearance: _____ Red Eyes _____ Vomiting _____ Half closed eyes

Comments:

Reasonable suspicion of current use, or impaired by _____ alcohol _____ drugs.

Above behavior witnessed by:

Signed

Date

Signed (optional)

Date

This form must be completed by each trained employee observing the driver suspected of drug use and/or alcohol misuse by behavior, speech and/or odor while on duty, the earlier of within twenty-four hours of the determination of reasonable suspicion or prior to receiving the test results. The observations must be specific, contemporaneous and articulable concerning the appearance, behavior, speech and body odor of the driver.

DRUG AND ALCOHOL REASONABLE SUSPICION OBSERVATION

NOTE: Two witnesses to the driver's behavior is not required but it is recommended, whenever possible. When considering reasonable suspicion testing, it is important to remember only those employees who have received the required U.S. DOT training can request a reasonable suspicion drug or alcohol test. A driver can be notified for a reasonable suspicion alcohol test only just before, during or just after performing a safety-sensitive function. A driver can be notified for a reasonable suspicion drug test anytime reasonable suspicion exists. When it is believed reasonable suspicion exists, it is important to meet with the driver in private, transport the driver to the collection site and document the observations leading to the reasonable suspicion test.

An example of an appropriate observation statement is, "The driver entered the bus barn slowly and held onto the bus until the driver reached the bus door," rather than, "The driver came to work stoned and could not walk without holding onto the bus for support."

DRUG AND ALCOHOL TESTING PROGRAM
PRE-EMPLOYMENT DRUG TEST ACKNOWLEDGMENT FORM

I, _____, have been informed of the requirement to submit to a drug test prior to being
(Name of Applicant),
employed by the school district to perform a safety-sensitive function. I consent to submit to the drug and
alcohol testing program as required by the Drug and Alcohol Testing Program policy, its supporting
documents and the law.

I understand that the results of my drug test will be shared with the school district. I also understand that if I
have a positive drug test result, I will not be considered further for employment with the school district.

I further understand that the drug and alcohol testing records and information about me is confidential, and
may be released at my request or in accordance with the law.

(Signature of Applicant)

(Date)

*NOTE: This consent form gives the school district the ability to conduct the pre-employment drug test as well
as receive the results. In addition to completing this form the applicant must complete the Drug/Alcohol Test
Notification form.*

Note:Code No. 402.7E7 is a two page excel spreadsheet saved as BOARD POLICY 403.7E7DATA Quarterly
Driver Update Form

POST-ACCIDENT DRUG AND ALCOHOL TESTING INSTRUCTIONS TO DRIVERS

The following instructions have been Reviewed April 11, 2007 by the drivers subject to the drug and alcohol testing program. These instructions must be kept in the school vehicle for reference in the event of an accident. The driver operating the school vehicle is responsible to carry out the instructions.

1. Take action to maintain the safety and health of the persons being transported in the school vehicle.
2. Report the accident to the following person as soon as practicable following the accident and follow any directions given to the driver.
School district contact person: _____
School district telephone: _____
School district contact person home telephone: _____
Back-up school district contact person: _____
Back-up school district contact person home telephone: _____
3. Determine whether any of the following have occurred, and if so, post-accident drug and alcohol testing must be done.
 - a. A fatality, other than the driver, occurred.
 - b. The driver was cited **and** bodily injury occurred to a person who, as a result of the injury, required immediate medical treatment away from the scene of the accident.
 - c. The driver was cited **and** one or more motor vehicles incurred disabling damage as a result of the accident, requiring a vehicle to be transported away from the scene of the accident by a tow truck or other motor vehicle.
 - (1) "Disabling damage" is damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs. It includes damage to motor vehicles that could have been driven, but would have been further damaged if so driven.
 - (2) "Disabling damage" excludes damage which can be remedied temporarily at the scene of the accident without special tools or parts:
 - a. Tire disablement without damage even if no spare tire is available.
 - b. Headlight or taillight damage.
 - c. Damage to turn signals, horn, or windshield wipers which make them inoperative.
4. Consume no alcohol for eight hours or prior to submitting to a post-accident alcohol test, whichever occurs first, following an accident meeting the criteria in "3" above.
5. Remain available to submit to a post-accident alcohol test within two hours and no later than eight hours after the accident.
6. Remain available to submit to a post-accident drug test as soon as possible after the accident and no later than 32 hours after the accident.
7. Failure to remain available for post-accident drug and alcohol testing is considered a refusal to test and will result in termination of the driver.

POST-ACCIDENT DRUG AND ALCOHOL TESTING INSTRUCTIONS TO DRIVERS

NOTE: Should a school district, after careful consideration, choose to retain the option not to terminate for a refusal to test, it is suggested the following language be considered to replace 7. above:

7. *Failure to remain available for post-accident drug and alcohol testing is considered a refusal to test and may subject the driver to discipline up to and including termination.*
8. Seek appropriate medical attention despite the need to remain available to submit to post-accident drug and alcohol tests.
9. Using the Transportation Emergency Assistance Program manual developed by the Iowa Pupil Transportation Association, contact the nearest school district transportation director for assistance.
10. Obtain the name, badge number and telephone number of the law enforcement officer if the law enforcement officer conducts a post-accident drug and/or alcohol test. If possible, obtain copies of any alcohol and drug test results conducted by the law enforcement officer. Since these test results are generally unacceptable to meet the school district's requirements for post-accident drug and alcohol testing, the driver must remain available for post-accident drug and alcohol testing by a trained collection site person.
11. Complete the School Bus Accident Report form issued by the Iowa Department of Education as soon as possible.
12. Document failure to submit to a post-accident alcohol test if no alcohol test was conducted:
 - a. Document why the driver was not alcohol tested within two hours after the accident.
 - b. Document why the driver was not alcohol tested within eight hours after the accident.
 - c. A copy of the documentation must be submitted to the school district contact person upon return to the school district.
13. Document failure to submit to a post-accident drug test if no drug test was conducted:
 - a. Document why the driver was not drug tested within 32 hours after the accident.
 - b. A copy of the documentation must be submitted to the school district contact person upon return to the school district.

NOTE: School districts may wish to laminate these instructions and place them with the Iowa Pupil Transportation Association's Transportation Emergency Assistance Program Manual in the school district vehicle.

DRUG AND ALCOHOL TESTING PROGRAM WORKSHEET

Section I: General requirements:

- _____ Determine qualifying drivers in the drug and alcohol testing program. (*Driver must meet first and third **OR** second and third*).
- _____ Drive or may drive a vehicle transporting 16 or more persons, including the driver;
 - _____ Drive or may drive vehicles weighing over 26,001 pounds requiring a commercial driver license; and
 - _____ Drive full time, part-time, occasionally, under a lease or under a contract with an independent contractor or otherwise drive with the consent of the school district.
- _____ Total drivers meeting the qualifications above in the drug and alcohol testing program.
 - _____ Regularly employed drivers
 - _____ Substitute drivers
 - _____ Others who are available to drive.
- _____ Determine delivery method of drug and alcohol testing program. (*Choose one.*)
 - _____ Iowa Drug and Alcohol Testing Program (IDATP). (*Contact IASB for information.*)
 - _____ Other service provider.
 - _____ School district will conduct its own program.
- _____ Identify/Verify the school district contact person(s) and back-up school district contact person(s).

NOTE: *The school district contact person should not be a driver or potential driver required to participate in the drug and alcohol testing program.*

- _____ Draft Reviewed May 21, 2007 board policy and its supporting documents and forms.
- _____ Hold meeting to inform drivers about the federal regulations and Reviewed May 21, 2007 board policy and its supporting documents and forms.
 - _____ Inform drivers that time involved with drug and alcohol testing is on-duty time and they will be paid.
 - _____ Inform drivers that their records related to drug and alcohol testing are confidential records and will only be released with appropriate authorization.

NOTE: *The issues of pay and confidentiality are the two most common concerns of drivers experiencing drug and alcohol testing for the first time. Its important to address these concerns as soon as possible.*

- _____ Adopt Reviewed May 21, 2007 board policy and its supporting documents and forms.
- _____ Hold meeting or meet with drivers individually to inform them about the federal regulations, and Reviewed May 21, 2007 board policy and its supporting documents and forms.
 - _____ Drivers complete policy sign off sheet. (403.7E2)
 - _____ Drivers take policy and sign off sheet with them to complete within a limited number of days. (403.7E2)
 - _____ Compile a list of resources available to provide evaluation and assistance with drug use or alcohol misuse for the drivers.

NOTE: Should a school district, after careful consideration, choose to retain the option not to terminate for a violation of this policy and its supporting documents, it is suggested the following language be inserted here:

_____ *Confirm with the school district's employee assistance program the availability of a substance abuse professional or locate the nearest substance abuse professional.*

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- _____ *The substance abuse professional is required to be a licensed physician (medical doctor or doctor of osteopathy) or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of, and clinical experience in, the diagnosis and treatment of alcohol and controlled substances-related disorders.*
 - _____ *Make arrangements with substance abuse professional to have drivers sign a release of the substance abuse professional's records related to the driver. (Contact IASB for a sample form.)*
 - _____ *Ensure the substance abuse professional will refer drivers for treatment, if any, to a public agency, a person under contract with the school district, the sole source of appropriate treatment under the driver's health insurance program, or the sole source of appropriate treatment reasonably accessible to the driver and not to the substance abuse professional's personal practice or to a person or organization from which the substance abuse professional receives financial remuneration or has a financial interest.*
 - _____ *Make arrangements for written documentation from substance abuse professional when a driver fails to cooperate and successfully complete the substance abuse evaluation and the recommended substance abuse treatment, if any.*
 - _____ Develop a training program or contract for training to educate drivers about the effects of drug use and alcohol misuse on their work and their personal lives.
- NOTE: This type of training can be combined with any training the school district conducts in conjunction with its employee assistance program or substance free workplace programs. Contact your employee assistance program's local substance abuse professional for materials and training programs.*
- _____ File new policy sign off sheet in each driver's drug and alcohol testing personnel file.
 - _____ File new unsigned policy sign off sheet in the driver's drug and alcohol testing personnel file with documentation why it is unsigned.
 - _____ Instruct drivers on Reviewed May 21, 2007 procedures to follow in the event of an accident. (403.7E8)
 - _____ Place Reviewed May 21, 2007 summary of post-accident instructions in each school vehicle for reference by driver in the event of an accident. (403.7E8)
 - _____ Make arrangements to have a minimum of two employees receive the reasonable suspicion training.
 - _____ Contact the collection site and arrange a meeting to review the following.
 - _____ Procedures for setting up appointments.
 - _____ School district's collection site contact person.
 - _____ Procedures when a driver has no photo identification
 - _____ Procedures for receiving alcohol test results.
 - _____ Procedures for transporting drivers with an alcohol test result of 0.02 alcohol concentration or greater.

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Section II. Record keeping.

_____ Ensure drug and alcohol testing related records are retained in limited access secure storage files separate and apart from the drivers' general personnel records.

_____ Verify/create individual driver drug and alcohol testing file to contain:

_____ Policy sign off sheet. (403.7E2)

_____ Agreement to participate in the program. (403.7E2)

_____ Pre-employment drug and alcohol testing related information. (*Applicable only to drivers hired after Jan.1, 1996*). (403.7E6)

_____ Pre-employment release of prior employer drug and alcohol testing related information. (*Applicable only to drivers hired after Jan.1, 1996*). (403.7E4)

_____ Pre-employment drug test authorization. (*Applicable only to drivers hired after Jan. 1, 1996*). (403.7E6)

_____ Copy of Drug/Alcohol Test Notification form. (403.7E3)

_____ Copy of drug test chain of custody form.

_____ Copy of alcohol test form.

_____ Refusals to test.

_____ Substance abuse professional evaluation and treatment records, (if any).

_____ Other information pertinent to the driver.

_____ Supervisor and/or driver training sign-off sheets.

_____ Verify/create files for other drug and alcohol testing related information.

_____ Accident information.

_____ Random selection lists.

NOTE: Experienced school districts find it helpful to document directly on the random selection list who was or was not notified and why.

_____ Positive drug test results.

_____ Positive alcohol test results.

_____ Negative drug tests results.

_____ Negative alcohol tests results.

_____ Change list of all driver adds/deletes from the drug and alcohol testing program. (403.7E7)

NOTE: Experienced school districts find it better to maintain this on a computer file with a password or personal identification number security system because of the volume of changes.

_____ Miscellaneous drug and alcohol testing related information.

_____ Reasonable suspicion training certificates.

_____ Records related to the calibration of the evidentiary breath testing devices, training of the collection site personnel and other related information kept by (IDATP/service provider) is available from (IDATP/service) provider within two working days.

_____ Records related to saliva alcohol testing devices.

_____ Records related to the school district serving as a saliva alcohol testing or urine specimen collection site.

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Section III. Release of Drug and Alcohol Testing Related Records.

- _____ Generally, a driver's drug and alcohol testing records are released only with the permission of the driver.
- _____ Driver may have prompt access to and copies of their drug and alcohol testing records.
 - _____ Request for access must be in writing.
 - _____ Copying fees for the records must be in accordance with board policy.
- _____ Drug and alcohol testing records are available to subsequent employers with the driver's written authorization.
- _____ Without the driver's written permission, the driver's drug and alcohol test records are made available to a decision maker in a lawsuit, grievance or other proceeding initiated by or on behalf of the driver, and arising from the results of a drug or alcohol test under the federal regulations or from the school district's determination that the driver violated the federal regulations.

NOTE: A driver's drug and alcohol testing records can be released for actions such as worker's compensation, unemployment compensation or other proceedings related to a benefit being sought by the driver.

Section IV. Pre-employment testing.

- _____ Include the requirement of a drug test in any advertising, posting or other notice of the driver position.
- _____ Applicant completes the Pre-employment Drug Test Acknowledgment form. (403.7E6)
- _____ Applicant completes the Consent for Release of Information form. (403.7E2)
- _____ Applicant completes Certification of Previous Employers Requiring a Commercial Driver's License. (403.7E4)
- _____ Applicant completes the Drug/Alcohol Test Notification Form. (403.7E3)
- _____ Ask applicant whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain, safety-sensitive transportation work covered by the DOT during the past (2) two years.
- _____ Obtain information required on the Consent for Release of Information form. (403.7E2)
 - _____ Received prior to the applicant performing a safety-sensitive function.
 - _____ Received no later than fourteen days of the applicant performing a safety-sensitive function. (Recommended only when absolutely necessary.)

NOTE: It is recommended the information on the Consent for Release of Information form be on file prior to the driver performing a safety-sensitive function.

- _____ Applicant obtains the pre-employment drug test.
- _____ Receive pre-employment drug test results.
 - _____ Negative drug test allows the applicant to begin to perform a safety-sensitive function.

- Positive drug test removes the applicant from further consideration for the driver position.
- Forward the pre-employment drug test results to the applicant upon the applicant's request.
- File all documentation.

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- If not hired, file with the applicant's application.
- If hired, file with the applicant's drug and alcohol related personnel file.

NOTE: It is strongly recommended the school district conduct a pre-employment drug test rather than relying on another drug and alcohol testing program. School districts which will not require pre-employment testing, must collect the required information.

Section V: Alcohol Test Results.

- Receive alcohol test results from collection site person.
 - By telephone using a password system with written results to follow by mail (or other means).
 - By a secure electronic means.
 - By secure fax.
- Alcohol test result is less than 0.02 alcohol concentration.
 - Driver may continue to perform a safety-sensitive function.
- Alcohol test result is 0.02 to 0.0399 alcohol concentration.
 - School district transport driver to home or other location.
 - Driver may not perform a safety-sensitive function for twenty-four hours.

NOTE: The driver may perform other duties during the twenty-four hour period if the driver's individual contract and/or the collective bargaining agreement allows. It is recommended the school attorney be contacted regarding questions about the collective bargaining agreement.

- Make arrangements for substitute, if necessary.
- No action may be taken against the driver under the federal regulations.
- Repeated offenses must be reported to superintendent for action.
- Document incident and file.
- Alcohol test result is 0.04 or greater alcohol concentration.
 - School district transport driver to home or other location.
 - Driver may not perform a safety-sensitive function.
 - Make arrangements for substitute, if necessary.
 - Place driver on leave.
 - Take necessary steps after consulting with the school attorney to terminate the driver.

NOTE: Should a school district, after careful consideration, choose to retain the option not to terminate for a alcohol test result greater than .04 alcohol concentration, it is suggested the last two items above be deleted an the following language replace, "Driver may not perform a safety-sensitive function" with:

_____ *Driver may not perform a safety-sensitive function until evaluated by a substance abuse professional and completed the recommended substance abuse treatment program and return-to-duty requirements (including follow-up tests).*

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Section VI: Drug Test Results.

- _____ Receive drug test results from the medical review officer.
 - _____ By telephone using a password system with written results to follow by mail (or other means).
 - _____ By secure electronic means to be printed for filing.
 - _____ By secure fax.
- _____ Drug test result is negative.
 - _____ Driver may continue to perform a safety-sensitive function.
- _____ Drug test result is positive.
 - _____ Driver may not perform a safety-sensitive function.
 - _____ Make arrangements for substitute, if necessary.
 - _____ Place driver on leave. .
 - _____ Take necessary steps after consulting with the school attorney to terminate the driver.

NOTE: Should a school district, after careful consideration, choose to retain the option not to terminate for a positive drug test result, it is suggested the last two items above be deleted and the following language replace, "Driver may not perform a safety-sensitive function" with:

- _____ *Driver may not perform a safety-sensitive function until evaluated by a substance abuse professional and completed the recommended substance abuse treatment program and return-to-duty requirements (including follow-up tests).*

Section VII: Random Drug and Alcohol Testing.

- _____ Receive the random selection list from IDATP.
- _____ Determine the date and time a driver or the random selection list will be notified and make appointments at the collection site.
- _____ Notify selected drivers.
- _____ Notify the required number of drivers on the random selection list prior to the end of the quarter.
- _____ Vary notification each quarter, including day, week and time of day to ensure drivers do not know the random testing is completed for the quarter and now they are free to misuse alcohol or use drugs until the next quarter.
- _____ Notified drivers sign the Drug/Alcohol Test Notification form. (403.7E4)
- _____ Driver proceeds to collection site.

NOTE: The school district may transport the driver or send the driver in his or her own vehicle.

- _____ Document, if necessary, reasons why any driver on the random selection list was not notified and attach documentation to the random selection list.
- _____ Go to Section V, Alcohol Test Results, or Section VI, Drug Test Results, for appropriate action based on test results.

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Section VIII: Reasonable Suspicion Testing.

- _____ Driver supervisors who have received reasonable suspicion training document specific, contemporaneous, articulable observations of the driver's behavior, speech or body odors on the Reasonable Suspicion Observation form. (403.7E5)
- _____ A second reasonable suspicion trained employee, if at all possible, documents specific, contemporaneous, articulable observations of the driver's behavior, speech or body odors on the Reasonable Suspicion Observation form. (403.7E5)
- _____ Driver is removed from performing a safety-sensitive function pending the drug and/or alcohol test results.
- _____ Driver completes Drug/Alcohol Testing Notification form. (403.7E3)
- _____ Driver is transported to the collection site.
- _____ Complete and file documentation of Reasonable Suspicion Observation form immediately and no later than within twenty-four hours or prior to receiving the test results. (403.7E5)

Section IX: Post-Accident Testing.

- _____ Instruct driver on procedures to follow in the event of an accident.
- _____ Place summary of instructions in each school vehicle with the Iowa Pupil Transportation Association's Transportation Assistance Manual for reference by a driver in the event of an accident. (403.7E8)
- _____ Receive notice of accident from driver.
- _____ Determine whether post-accident testing must be done. *(If any of the following are present, post-accident testing must be done.)*
 - _____ A fatality, other than the driver, occurred.
 - _____ The driver was cited **and** bodily injury occurred to a person who, as a result of the injury, required immediate medical treatment away from the scene of the accident.
 - _____ The driver was cited **and** one or more motor vehicles incurred disabling damage as a result of the accident, requiring a motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- _____ Remind the driver of the requirement to remain available for drug and alcohol testing and to **not** consume alcohol for eight hours after the accident.
- _____ Contact the nearest school district transportation director for the location of their collection site using the Iowa Pupil Transportation Association's Transportation Emergency Assistance Manual.
- _____ Make arrangements for the driver to be tested for alcohol within two hours and no later than eight hours after the accident.
 - _____ The reason for failing to have an alcohol test after two hours but prior to eight hours after the accident must be documented and filed.
 - _____ The reason for failing to have an alcohol test prior to eight hours after the accident must be documented and filed.

_____ Make arrangements for the driver to be drug tested as soon as possible and no later than thirty-two hours after the accident.

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- _____ The reason for failing to have a drug test after thirty-two hours after the accident must be documented and filed.
- _____ Medical attention to the driver is not denied in order to conduct the drug and alcohol tests.
- _____ Alcohol and drug test results conducted by law enforcement in accordance with the federal regulations may be used to meet the post-accident drug and alcohol testing requirements if the school district receives a copy of the test results.

NOTE: It is unlikely these results will be sufficient to comply with the school district's requirements under the federal regulations.

- _____ Notify insurance company of all accidents, whether post-accident drug and alcohol testing was required and ask the insurance company to maintain a list of **all** accidents reported so a list of all accidents may be easily compiled in the event of a U.S. DOT audit.

NOTE: Should a school district, after careful consideration, choose to retain the option to not terminate a driver for a violation of this policy, it is suggested the following language be inserted here:

Section X: Return to Duty and Follow-up Testing.

- _____ *Driver has completed the substance abuse professional's evaluation and recommended substance abuse treatment program.*
- _____ *Driver must provide in accordance with the substance abuse professional's instructions a negative drug test result and/or alcohol test result of less than 0.02 alcohol concentration.*
- _____ *Meeting this requirement allows the driver to return to work to perform a safety-sensitive function.*
- _____ *Failure of the driver to meet this requirement is reported to the superintendent for discipline up to and including termination.*
- _____ *In accordance with the substance abuse professional's instructions, the driver is subject to a minimum of (6) six unannounced drug and/or alcohol tests during the next (12) twelve months.*
- _____ *Make an appointment at the collection site for the appropriate collection.*
- _____ *Notified driver signs the Drug/Alcohol Test Notification form. (403.7E4)*
- _____ *Driver proceeds to collection site.*
- _____ *A positive drug test result or an alcohol test result of greater than 0.02 alcohol concentration is reported to the superintendent for discipline up to and including termination.*

DRUG AND ALCOHOL TESTING PROGRAM REGULATION

This administrative regulation supports the Drug and Alcohol Testing Program policy. It also establishes and explains the requirements of the school district's drug and alcohol testing program required for employees operating school vehicles. Note the Drug and Alcohol Testing Program Definitions, Code No. 403.7R2.

- A. Questions regarding the drug and alcohol testing program policy, its supporting administrative regulations or the drug and alcohol testing program may be directed to the school district contact person, (superintendent/transportation director/other), at (building/address).

NOTE: The school district is required to designate a school district contact person for the drug and alcohol testing program. This person will answer questions from employees and others about the program, receive the test results, receive the identification numbers of the drivers and notify those drivers selected for random testing. If these responsibilities are divided among different persons, the drug and alcohol testing program policy and its supporting documents must clearly explain which person handles which part of the drug and alcohol testing program.

B. Covered Drivers.

1. A driver is covered by the drug and alcohol testing program if the driver:
 - a. Drives a vehicle transporting sixteen or more persons, including the driver, OR drive a vehicle weighing over twenty-six thousand one pounds; and
 - b. Required to hold a commercial driver's license for the driver position.
2. Covered drivers include:
 - a. Applicants seeking a position as a driver;
 - b. Full time, regularly employed drivers;
 - c. Casual, intermittent, occasional or substitute drivers; and
 - d. Leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to a school district or who operate a school vehicle at the direction of or with the consent of a school district.

NOTE: Covered drivers include coaches, teachers, administrators, mechanics who road test and others who drive a school vehicle meeting the requirements in "B" above. All of these drivers are subject to the drug and alcohol testing program policy and its supporting documents. Substitute drivers, who may or may not drive, are subject to this drug and alcohol testing program policy and its supporting documents and must be included in the random selection process for drug and alcohol testing.

3. Drivers are subject to the drug and alcohol testing program and its requirements throughout the year, including the times when school is not in session or when the driver is on leave.

DRUG AND ALCOHOL TESTING PROGRAM REGULATION

C. Prohibited Driver Conduct.

1. Drivers will not report to duty or remain on duty with a 0.04 alcohol concentration or greater.

NOTE: The use of leave for the time a driver is off duty for an alcohol test result of greater than 0.02 alcohol concentration but less than 0.04 alcohol concentration may be governed by the collective bargaining agreement language and past practice of the school district. It is recommended the school attorney be contacted regarding questions about the collective bargaining agreement.

2. Drivers will not report for duty or remain on duty when using any drug except:
 - a. When a licensed medical practitioner has advised the driver that the drug does not adversely affect the driver's ability to safely operate a school vehicle; and
 - b. The school district is informed in writing of the medication and licensed medical practitioner's opinion.

NOTE: If the school district does not want to require its drivers to report medication, this language must be deleted from these administrative regulations. The federal regulations make it the responsibility of the licensed medical practitioner to determine whether a drug being used at the licensed medical practitioner's direction has an adverse effect on the ability of the driver to perform a safety-sensitive function. It is important drivers be aware of this requirement. Drivers may want to seek a written statement from their licensed medical practitioner in the event the driver needs to explain the presence of drugs in his or her urine to the MRO reviewing the driver's test results. The driver may also want to note the prescription on the driver's copy of the chain of custody form for easy reference in the event the driver must discuss drug test results with the MRO.

3. Drivers will not use alcohol at least four hours prior to, or during the performance of, a safety-sensitive function.
4. Drivers will not possess alcohol while on duty. This includes possessing prescriptions and over-the-counter medicines containing alcohol unless the packaging seal is unbroken.
5. Drivers required to take a post-accident alcohol test will not use alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.
6. Drivers will not refuse to submit to a drug or alcohol test. A refusal to test is considered a positive test resulting in suspension from duties pending termination of the driver.

DRUG AND ALCOHOL TESTING PROGRAM REGULATION

NOTE: Should a school district choose to retain the option not to terminate for a refusal to test, it is suggested the following language be considered to replace 6 above:

School districts choosing to pay for the substance abuse evaluation and rehabilitation, if any:

6. *Drivers will not refuse to submit to a drug or alcohol test. A refusal to test is considered a positive test requiring the driver to undergo a substance abuse evaluation and subjecting the driver to discipline up to and including termination.*

School districts choosing to make the driver bear the personal and financial responsibility for the substance abuse evaluation and rehabilitation, if any:

6. *Drivers will not refuse to submit to a drug or alcohol test. A refusal to test is considered a positive test requiring the driver to bear the personal and financial responsibility to undergo a substance abuse evaluation as a condition of continued employment and subjecting the driver to discipline up to and including termination.*
7. *Drivers will not report for duty or remain on duty performing a safety-sensitive function if the driver has a positive drug test result.*

NOTE: The use of leave for the time a driver is off duty for a positive drug test result pending contact with the MRO or for a substance abuse evaluation may be governed by the collective bargaining agreement language and past practice of the school district. It is recommended the school attorney be contacted regarding questions about the collective bargaining agreement.

D. Alcohol Testing Procedures.

1. Driver's breath or saliva is tested for alcohol.
2. The screening alcohol test is conducted with an evidentiary breath testing device or a saliva testing device.
 - a. The screening breath alcohol or saliva test determines whether the driver's alcohol concentration is less than 0.02.
 - (1) A screening alcohol test result of less than 0.02 alcohol concentration allows the driver to continue to perform a safety-sensitive function.
 - (2) A screening alcohol test result of 0.02 alcohol concentration or greater requires a confirmation test.
3. The confirmation alcohol test is conducted only by an evidentiary breath alcohol testing device to determine whether the driver can continue to perform a safety-sensitive function.
 - (a) A confirmation alcohol test result of less than 0.02 alcohol concentration allows the driver to continue to perform a safety-sensitive function.
 - (b) A confirmation alcohol test result of 0.02 alcohol concentration but less than 0.04 alcohol concentration requires the driver to cease performing a safety-sensitive function for twenty-four hours.

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- (c) A driver will be terminated for a confirmation alcohol test result of 0.04 breath alcohol concentration or greater.

NOTE: Should a school district, after careful consideration, choose to retain the option to not terminate for a positive alcohol test result, it is suggested the following language be considered to replace paragraph (c) above:

- (c) *A confirmation alcohol test result of 0.04 breath alcohol concentration or greater requires the driver to cease performing a safety-sensitive function and undergo a substance abuse evaluation.*
- 3. Alcohol testing is conducted at collection sites which provide privacy to the driver and contain the necessary equipment, personnel and materials.
 - a. Alcohol testing is conducted at a designated collection site unless the situation requires another location.
 - b. In the event privacy cannot be assured, privacy will be provided to the extent practical.
 - 4. Screening alcohol testing steps.
 - a. Once the driver is notified to submit to an alcohol test, the driver must complete the Alcohol/Drug Test Notification Form and proceed immediately to the collection site. Collection site personnel contact the school district contact person immediately when a driver does not arrive at the specified time. Failure to arrive at the collection site in a timely manner is considered a refusal to test.
 - b. Upon arrival, the driver must provide a photo identification. Repeated failure of the driver to produce a photo identification is considered insubordination as well as a refusal to test.

NOTE: If drivers do not have a photo identification with them at the time of the test, the federal regulations only provide the option of a school district representative identifying the driver. It is important to establish procedures agreeable to the collection site and school district when the driver "forgets" his or her driver's photo identification.

- c. The testing procedure is explained to the driver by the collection site person.
- d. The breath alcohol technician (BAT) or saliva test technician (STT) and the driver complete and sign the appropriate sections of the alcohol testing form.
- e. Evidentiary breath alcohol testing device procedures.
 - (1) The driver forcefully blows into the mouthpiece for at least six seconds or until an adequate amount of breath has been obtained.
 - (2) The screening alcohol test is stopped when the driver fails twice to provide an adequate amount of breath. In that case:
 - (a) A refusal of the driver to try a second time to provide adequate breath is considered a refusal to test.
 - (b) A physician analyzes the driver's inability to provide adequate breath.
 - (c) Failure to provide adequate breath is considered a refusal to test unless the physician determines a medical condition caused the failure to provide adequate breath.
 - (3) The results of the screening alcohol test are shared with the driver.

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- f. Saliva alcohol testing device procedures.
 - (1) The driver and the STT review the expiration date of the saliva alcohol testing device, and if the date is valid, the packaging is opened.
 - (2) The driver or STT places the swab in the driver's mouth until the swab is completely saturated. If the alcohol test is started again, only the STT may place the swab in the driver's mouth.
 - (3) The saliva alcohol testing device is activated with the saturated swab in place.
 - (4) The saliva alcohol test is stopped when the driver fails twice to provide an adequate amount of saliva. In that case:
 - (a) The school district is informed.
 - (b) The driver must submit to a breath alcohol test immediately.
 - (5) The saliva testing device results are read two minutes, and no later than fifteen minutes, after the saliva testing device was activated.
 - (6) The results of the screening alcohol test are shared with the driver.
- g. The driver and breath alcohol technician or saliva test technician must sign the alcohol testing form following completion of the alcohol test. Failure to sign the form after the alcohol test is not considered a refusal to test. However, in the remarks section of the form, the BAT or STT notes the driver's refusal to sign.
- h. Screening alcohol test results.
 - (1) An alcohol test result of less than 0.02 alcohol concentration is reported to the school district in a confidential manner and the driver may continue to perform a safety-sensitive function.
 - (2) An alcohol test result of 0.02 alcohol concentration or more requires a confirmation alcohol test be performed between fifteen and thirty minutes after the screening test.
 - (3) The BAT or STT provides the school district contact person with a copy of the alcohol testing form if written communication was not used to report the test results.

NOTE: A variety of methods are available for confidentially communicating alcohol test results. The BAT or STT may communicate the results in person to the school district contact person. The BAT or STT may inform the school district contact person by telephone, but the school district contact person should verify that the BAT or STT is the person on the telephone through a password identification system. The BAT or STT may inform the school district contact person by fax. The fax must be a secure fax to which only the school district contact person has access or the BAT or STT must telephone the school district contact person prior to the results being faxed so only the school district contact person receives the fax. The BAT or STT may inform the school district contact person by electronic mail. A personal identification number or other security method should be used by the school district contact person to retrieve the results. No matter which method is used, it is important the results remain confidential as required by the federal regulations

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- i. Potentially incomplete or invalid screening alcohol tests are repeated with corrected procedures.
5. Confirmation alcohol testing steps.
- a. The driver is instructed to not eat, drink, put any object or substance in his or her mouth, and, to the extent possible, not belch during the fifteen-minute waiting period to avoid accumulation of mouth alcohol leading to an artificially high reading.
 - b. The confirmation alcohol test is done between fifteen and twenty minutes of the screening alcohol test whether or not the driver followed the requirements.
 - c. If a different collection site is used, the driver must be under the observation of the collection site person or school district person while in transit to the confirmation alcohol testing site or while waiting for the confirmation alcohol test.
 - d. If a different collection site person conducts the confirmation alcohol test, the driver must again provide photo identification.

NOTE: These administrative regulations are designed to serve school districts which have alcohol testing conducted at collection sites using evidentiary breath testing devices for the screening alcohol test. The federal regulations allow non-evidentiary breath testing devices and saliva testing devices to be used for the screening test. A non-evidentiary breath testing device or saliva testing device may not be used for the confirmation alcohol test.

- e. The testing procedure is explained to the driver by the, a BAT.
- f. The BAT and the driver complete and sign the appropriate sections of the alcohol testing form.
 - (1) Refusal of the driver to sign the form prior to the confirmation alcohol test is considered a refusal to test.
 - (2) The school district is notified immediately of the refusal to sign.
- g. The driver forcefully blows into the evidentiary breath testing device mouthpiece for at least six seconds or until an adequate amount of breath has been obtained.
- h. The confirmation alcohol test results, which are the final and official test results, are shared with the driver.
- i. The driver and BAT must sign the alcohol testing form following completion of the alcohol test. Failure to sign the form after the alcohol test is not considered a refusal to test. However, in the remarks section of the form, the BAT notes the driver's refusal to sign.
- j. The BAT informs the school district's contact person of the results of the test in a confidential manner.
 - (1) An alcohol test result of less than 0.02 alcohol concentration is reported to the school district in a confidential manner and the driver may continue to perform a safety-sensitive function.

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- (2) The breath alcohol technician notifies the school district contact person immediately of confirmation alcohol test results of 0.02 alcohol concentration or more.
 - (3) The collection site person provides the school district contact person with a copy of the alcohol testing form if written communication was not used to report the test results.
 - k. Potentially incomplete or invalid confirmation alcohol tests are repeated with corrected procedures.
 - l. The breath alcohol test is stopped when the driver fails twice to provide an adequate amount of breath. In that case:
 - (1) A physician analyzes the driver's inability to provide adequate breath.
 - (2) Failure to provide adequate breath is considered a refusal to test unless the physician determines a medical condition caused the failure to provide adequate breath.
 - (3) A refusal of the driver to try a second time to provide adequate breath is considered a refusal to test.
- E. Drug Testing Procedures.
1. Driver's urine is tested for marijuana, cocaine, opiates, amphetamines and phencyclidine.
 2. A split specimen urine drug test, often called "split sample test," is used to conduct the drug test.
 - a. A negative drug test result allows the driver to continue to perform a safety-sensitive function.
 - b. A positive drug test result on the primary sample requires the driver to be removed from performing a safety-sensitive function.
 - c. A positive drug test result on the primary sample allows the driver an opportunity to request the split sample be tested by another certified laboratory only for the specific drug found in the primary sample. A negative drug test result on the split sample results in a negative drug test result.

NOTE: Tests on the split specimen are only performed if the driver requests the test. For school districts participating in the Iowa Drug and Alcohol Testing Program (IDATP), the costs of testing the split sample are included in the annual fee per driver. For school districts in other programs, consideration must be given to whether the school district or employee will pay for the cost of the split sample test. The cost of testing the split sample is generally over \$100 and takes approximately 10 days. U.S. DOT has stated the employer is responsible for ensuring a driver's request for a split sample test is conducted and the split sample test cannot be denied due to the employee's inability to pay.

- d. The driver will be terminated for a positive drug test result.

NOTE: Should a school district, after careful consideration, choose to retain the option to not terminate for a positive drug test result, it is suggested the following language be considered to replace "d." above:

School districts choosing to pay for the substance abuse evaluation and rehabilitation, if any:

- d. A positive drug test result requires the driver to undergo a substance abuse evaluation.

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School districts choosing to make the driver bear the personal and financial responsibility for the substance abuse evaluation and rehabilitation, if any:

d. A positive drug test result requires the driver to bear the personal and financial responsibility to undergo a substance abuse evaluation as a condition of continued employment.

3. Drivers taking medication at a licensed medical practitioner's direction may perform a safety-sensitive function if the licensed medical practitioner determines there is not an adverse affect on performing a safety-sensitive function and the school district is informed in writing of the medication and licensed medical practitioner's opinion.

NOTE: If the school district does not want to require its drivers to report medication, language in 3. above must be deleted from these administrative regulations. The federal regulations make it the responsibility of the licensed medical practitioner to determine whether a drug being used at the licensed medical practitioner's direction has an adverse effect on the ability of the driver to perform a safety-sensitive function. It is important drivers be aware of this requirement. Drivers may want to seek a written statement from their licensed medical practitioner, in the event the driver needs to explain the presence of drugs in his or her urine, to the MRO reviewing the driver's test results. The driver may also want to note the prescription on the driver's copy of the chain of custody form for easy reference in the event the driver must discuss drug test results with the MRO.

4. Drug testing is conducted at collection sites which provide privacy to the driver and where the necessary equipment, personnel and materials are located.
 - a. Drug testing is conducted at a designated collection site unless the situation requires another location. Public restrooms can be used as collection sites in exceptional circumstances.
 - b. In the event privacy cannot be assured, privacy is provided to the extent practical. However, direct observation is allowed if:
 - (1) Reasons exist to believe the driver may alter or substitute the specimen.
 - (2) The driver presents a specimen with a temperature outside the allowed range and does not provide an oral body temperature or the oral body temperature varies from the specimen provided.
 - (3) The last specimen provided by the driver was determined by the laboratory to not meet specific gravity and urine creatinine concentration criteria.
 - (4) The collection site person observes conduct of the driver to substitute or adulterate the specimen.

NOTE: Should a school district, after careful consideration, choose to retain the option not to terminate for a violation of this policy and will be using follow-up testing, it is suggested the following language be added following 4.b(4) above:

- (5) *The driver has previously been determined to have used a drug without medical authorization and the particular test is for follow-up testing upon or after return to duty.*

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- c. Direct observation is approved by the supervisor of the collection site person or the designated school district representative. Non-medical personnel performing direct observation must be of the same gender as the driver.
5. Drug testing steps.
- a. The school district contact person makes arrangements with the collection site for the test.
 - b. Once the driver is notified to submit to a drug test, the driver must complete the Alcohol/Drug Test Notification Form and proceed immediately to the collection site. The collection site person contacts the school district contact person immediately when a driver does not arrive at the specified time. Failure to arrive at the collection site in a timely manner is considered a refusal to test.
 - c. Upon arrival, the driver must provide photo identification. Repeated failure of the driver to produce a photo identification is considered insubordination as well as a refusal to test. The driver may require the collection site person to provide proof of identification.

NOTE: If drivers do not have photo identification with them at the time of the test, the federal regulations only provide the option of a school district representative identifying the driver. It is important to establish procedures agreeable to the collection site and school district when the driver "forgets" his or her driver's license.

- d. The driver may keep his or her wallet but must remove any unnecessary outer garments, purses, briefcases and similar items at the request of the collection site person.
- e. Immediately prior to providing a urine specimen, the driver must wash his or her hands.
- f. The driver must then provide forty-five milliliters of urine and deliver it immediately to the collection site person.
 - (1) Drivers who cannot provide an adequate amount of urine receive instructions for drinking water and trying again.
 - (2) The drug test is stopped when the driver fails twice to provide an adequate amount of urine.
 - (3) Failure to provide adequate urine is considered a refusal to test unless the physician determines a medical condition caused the failure to provide adequate urine.
- g. The specimen is kept in view of the driver and the collection site person.
- h. Upon receipt of the specimen, the collection site person immediately, and in no event later than four minutes from the time of urination, measures the temperature of the specimen.
- i. The driver may volunteer to have his or her oral temperature taken to provide evidence against alteration or substitution if there is some question about the temperature of the specimen.
- j. The collection site person inspects the specimen for color and other signs of contaminants and notes any unusual findings in the remarks section of the chain of custody form.
- k. Another specimen is required as soon as possible under direct observation if adulteration or substitution is suspected by the collection site person. Specimens suspected of adulteration or substitution are also sent to laboratory for testing.
- l. The specimen is divided into the primary and the split specimen, sealed and labeled. The label is initialed by the driver.

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- m. The driver is required to read and sign the statement on the chain of custody form certifying the specimens are the driver's.
 - n. The collection site person is required to note on the chain of custody form any unusual behavior or appearance of the driver and any failure to cooperate.
 - o. The collection site person completes the chain of custody form and the driver signs the form indicating the collection is complete. Failure of the driver to sign the form after the drug test is not considered a refusal to test. However, the collection site person notifies the school district contact person and notes the driver's failure to sign on the form.
 - p. The specimens are packaged for shipping to the laboratory and are shipped immediately or placed in secure storage until they can be shipped.
6. Laboratory.
- a. The laboratory used by the school district's drug and alcohol testing program is certified by the U.S. Department of Health and Human Services (DHHS). Certified laboratories meet the testing procedures, personnel and record keeping requirements of the law.
 - b. Upon arrival of the specimens at the laboratory, the split specimen is stored and the primary specimen is tested.
 - (1) A positive drug test result on the initial test of the primary specimen requires a confirmation drug test of the primary specimen.
 - (2) The split specimen is discarded if the primary specimen has a negative drug test result.
7. Medical Review Officer (MRO).
- a. The MRO may release drug testing records of a driver to unauthorized individuals only with the written consent of the driver.
 - b. The MRO keeps a record of negative drug test results and reports negative drug test results to the school district, usually within two working days.
 - c. The primary role of the MRO is to review and interpret positive drug test results to determine whether a legitimate explanation exists for the positive drug test result.
 - (1) After reviewing the chain of custody form and the laboratory drug test results, the MRO contacts the driver to discuss the positive drug test result prior to notifying the school district and to ask whether the driver requests a drug test of the split sample. The driver's request for a drug test of the split sample must be made within seventy-two hours of talking with the MRO.
 - (2) Upon request of the driver, the split specimen is sent to a second certified laboratory to test only for the drug found in the primary specimen.
 - (3) The MRO contacts the school district contact person for assistance if the driver cannot be reached.
 - (4) The school district contact person must confidentially inform the driver to contact the MRO.
 - (5) Upon contacting the driver, the school district contact person must inform the MRO that the driver was contacted.
 - (6) Drivers who cannot be contacted are placed on temporary medically unqualified status or medical leave.

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NOTE: This policy and its supporting documents require the school district to place the driver on temporary medically unqualified status or medical leave. It is suggested the driver be allowed to use sick leave during this time since the driver is unable to work. If sick leave is not available, the school district may allow other paid leave, if any, or unpaid leave. The use of leave for a driver who is off duty may be governed by the collective bargaining agreement language and past practice of the school district. It is recommended the school attorney be contacted regarding questions about the collective bargaining agreement.

- d. The MRO may verify a positive drug test without talking to the driver if:
 - (1) The driver declines the opportunity to discuss the positive drug test.
 - (2) The driver fails to contact the MRO within five days after the school district contact person has contacted the driver.
 - (3) MRO verification of positive drug test results under these circumstances can be challenged by the driver if the driver presents the MRO with information documenting a serious illness, injury or other circumstances unavoidably preventing the driver from timely contacting the MRO. The MRO, based on this additional information, may find a legitimate explanation for the positive drug test result and declare the drug test negative.
- e. The driver is notified of the drugs found in a positive drug test result by the MRO, the school district contact person or by certified mail to the driver's last known address.
- f. The school district receives a written report of the negative and positive drug test results from the MRO.

NOTE: Tests on the split specimen are only performed if the driver requests the test. For school districts participating in the Iowa Drug and Alcohol Testing Program (IDATP), the costs of testing the split specimen are included in the annual fee per driver. For school districts in other programs, consideration must be given to whether the school district or employee will pay for the cost of the split sample test.

NOTE: Should a school district, after careful consideration, choose to retain the option not to terminate upon violation of this policy, including but not limited to a positive drug test result, it is suggested the following language be added following "f." above.

School districts choosing to pay for the substance abuse evaluation and rehabilitation, if any:

F. Substance Abuse Professional

1. *A substance abuse evaluation by a substance abuse professional is required when a driver has:*
 - (a) *A positive drug test;*
 - (b) *A positive alcohol test of 0.04 alcohol concentration or greater; or*
 - (c) *Otherwise violates the drug and alcohol testing program policy, its supporting documents or the law.*
2. *The substance abuse evaluation determines what assistance, if any, the driver needs in resolving problems with alcohol misuse and/or drug use.*

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3. *A list of available substance abuse professionals to provide assistance to bus drivers is available through the (employee assistance program/school district contact person).*

School districts choosing to make the driver bear the personal and financial responsibility for the substance abuse evaluation and rehabilitation, if any:

F. Substance Abuse Professional

1. *A substance abuse evaluation by a substance abuse professional is the personal and financial responsibility of the driver as a condition of continued employment when a driver has:
(a) A positive drug test;
(b) A positive alcohol test of 0.04 alcohol concentration or greater; or
(c) Otherwise violates the drug and alcohol testing program policy, its supporting documents or the law.*
2. *The substance abuse evaluation determines what assistance, if any, the driver needs in resolving problems with alcohol misuse and/or drug use.*
3. *A list of available substance abuse professionals to provide assistance to bus drivers is available through the (employee assistance program/school district contact person).*

School districts choosing to retain the option not to terminate for a positive drug or alcohol test and allowing the driver to rehabilitate and return to driving duties have several responsibilities. School districts must ensure that the substance abuse professional determining drivers' needs is not referring drivers to the substance abuse professional's personal practice or to a person or an organization from which the substance abuse professional receives financial remuneration or has a financial interest. The substance abuse professional may refer the drivers to a public agency, the school district or a person under contract with the school district, the sole source of appropriate treatment under the driver's health insurance program, or the sole source of appropriate treatment reasonably accessible to the driver. It is the school district's responsibility to inform its drivers of the resources available to them in evaluating and resolving problems associated with the misuse of alcohol and use of drugs including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs. School districts may contact the Iowa Substance Abuse Information Center at 1-800-247-0614 for a variety of resources including the location of the nearest substance abuse professional meeting the requirements of the federal regulations. Also, the Iowa Department of Public Health has published the Substance Abuse Directory and Related Services that provides a listing of services. A copy of this directory may be obtained at no cost by contacting:

*Iowa Department of Public Health
Division of Substance Abuse
Lucas Office Building, 3rd Floor
Des Moines, Iowa 50319-0075
515-281-3641*

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F. Pre-employment Testing.

NOTE: It is recommended, the school district inform applicants/drivers of the requirement for drug testing in a notice or advertisement soliciting applicants/drivers for employment.

1. Drivers will submit to a drug test if a job offer is made. The job offer is contingent upon:
 - a. A negative drug test result; and
 - b. A signed written statement authorizing former employers to release all information on the driver related to drugs and alcohol.

NOTE: The drug and alcohol testing program policy and its supporting documents require each driver/applicant to submit to a pre-employment drug test. It is possible for a school district to only require pre-employment testing of those drivers/applicants who have not participated in a drug testing program meeting the federal regulations by collecting additional data for the school district's records. Since IDATP participants have no additional costs, it is highly recommended that school districts require all drivers/applicants to submit to pre-employment drug testing as good a risk management practice.

Additional data required, if the school district chooses not to administer a pre-employment drug test, includes: documentation that the driver has participated in a drug testing program that meets the requirements of the federal regulations within the previous thirty days and while participating in that program, either was tested for drugs within the past six months from the date of application with the school district or participated in a random drug testing program for the previous twelve months from the date of application with the school district and the school district ensures that to the school district's knowledge no prior employer has records of a violation. The following information must be obtained from the drug and alcohol testing program in which the driver participated:

- *name(s) and address(es) of the program(s);*
- *verification that the driver participates or participated in the program(s);*
- *verification that the program(s) conforms to the regulations;*
- *verification that the driver is qualified under the regulations, including that the driver has not refused to be tested for alcohol or drugs;*
- *the date the driver was last tested for alcohol and drugs; and*
- *the results of any tests taken within the previous six months and any other violations of the regulations.*

For applicants who have had a positive drug or alcohol test, based on information from a prior employer, the pre-employment test can serve as a return-to-duty test. A school district using, but not employing, a driver more than once a year must verify once every six months that the driver participates in an alcohol and drug testing program complying with the federal regulations.

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2. Prior to allowing a driver to perform a safety-sensitive function, and no later than fourteen days after performing a safety-sensitive function, information must be obtained, or a good faith effort must have been made to obtain the information about the driver's drug and alcohol history.
 - a. The following information must be obtained about the driver for the two year period preceding the date of the application.
 - (1) Alcohol test result of 0.04 alcohol concentration or greater;
 - (2) Positive drug test results; and
 - (3) Refusals to be tested.
 - b. The information must be obtained, or a good faith effort made to obtain, the information if the driver is currently performing and will continue to perform a safety-sensitive function.
 - c. The information must be obtained or a good faith effort made to obtain the information if the driver performed a safety- sensitive function and is no longer employed by the school district.
 - d. The information does not need to be obtained if the driver did not perform a safety-sensitive function and is no longer employed by the school district.
 - e. The school district may obtain information held by the prior employer for the two-year period preceding the date of application even if the information came from other employers.
 - f. A good faith effort requires the school district to request and hopefully receive, the information prior the driver driving and no later than fourteen days after first driving by taking the following steps:
 - (1) Obtain the driver's written consent immediately after a conditional employment offer is made.
 - (2) Send a completed consent for Release of Information signed by the driver to prior employers via certified mail.
 - (3) Contact the prior employers' drug and alcohol testing program managers about the status of the request if no response is received within reasonable period.
 - (4) Take appropriate action (i.e., follow-up with a SAP, terminate employment) if the information received, whether prior to or after the fourteen-day period, requires.
 - (5) Document and maintain the documentation of the steps taken to obtain the information when it is not received or the prior employer refuses to submit the information.

NOTE: School districts may obtain any information related to the driver from previous employers as long as the driver consents, and the written consent regarding the requested information is presented to the previous employers. Previous employers can provide information regarding other employers if the driver's consent form in their records allows. If the information is not obtained prior to the performance of a safety-sensitive function, the school district should document and maintain the documentation of why the information was not obtained prior to the performance of the safety-sensitive function. The information may be given to the school district by personal interviews, telephone interviews, letter, secure fax, certified mail or another method which ensures confidentiality. If the school district prefers to seek and receive the information in another way, it is suggested the method be added to these

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administrative regulations. It is important to note that the information only addresses whether the driver can perform a safety-sensitive function and does not address the Americans with Disabilities Act considerations of alcohol or drug addiction.

G. Random Testing.

1. Annually, ten percent of the average number of drivers are selected for random alcohol tests and fifty percent of the average number of drivers are selected for random drug tests.

NOTE: The federal regulations have reduced the random alcohol testing requirement from 25 to 10 percent annually.

2. The drivers' identification numbers are selected by a scientific method giving each driver an equal chance to be selected.
3. Random tests are unannounced and spread throughout the year.
4. Drivers selected for **random alcohol testing** are notified just before, during or just after performing a safety-sensitive function. The school district documents why some, if any, drivers were selected but not notified.
5. Drivers selected for **random drug testing** are notified at any time. The school district must document why some, if any, drivers were selected but not notified.
6. Once the driver is notified of being selected for a random test, the driver must proceed immediately to the collection site. However, drivers performing a safety-sensitive function must safely stop and proceed to the collection site as soon as possible.

NOTE: It is important to note the distinction between when a driver is notified of a random alcohol test and a random drug test. For those school districts participating in IDATP, the random selection is done quarterly. The drivers on the random selection list must be notified before the end of the quarter. If a driver is not notified the school district must document why; for example, a driver could be ill, on vacation, etc. Future random selection lists will identify additional drivers to ensure the school district meets its random selection requirements under the federal regulations. One purpose of the random testing is to prevent drivers from misusing alcohol and using drugs at all times rather than just when they know the random selection is completed for the month. School districts are encouraged to inform the drivers on the selection list throughout the quarter at different times on different days to avoid allowing drivers to "clean up" prior to the next random selection.

H. Reasonable Suspicion Testing.

1. A driver may be required to submit to a reasonable suspicion **drug** test at any time.

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2. A driver may be required to submit to a reasonable suspicion **alcohol** test just before, during or just after the driver performs a safety-sensitive function or just before, during or just after the time the driver is required to be in compliance with the drug and alcohol testing program policy, its supporting documents or the law.
 - a. A reasonable suspicion alcohol test is performed within two hours and no later than eight hours of determining reasonable suspicion.
 - b. If the alcohol test is not given within two hours, the reasons for the delay must be documented.
 - c. If the alcohol test is not given within eight hours, attempts to test are stopped and the reason for not testing must be documented.
3. A reasonable suspicion test request is made by an employee who received training to determine reasonable suspicion. The reasons for the reasonable suspicion must be documented within twenty-four hours or prior to the release of the test results. If more than one employee trained to determine reasonable suspicion observes the driver, that employee must also document their reasons.

NOTE: Documentation of reasonable suspicion requires the trained employee to note the facts rather than the trained employee's perception. For example, observations include statements like "the driver staggered down the hall and tripped over a chair" and do not include statements like "the driver was drunk walking down the hall." The federal regulations state that when possible more than one employee with the appropriate training should observe the driver. Since this may not always be possible, the federal regulations require only one employee's observation. School districts that wish to require two employees observe the driver should amend 3 above. Once the school district has reasonable suspicion, the driver may not report to, or perform, a safety-sensitive function unless the results of the reasonable suspicion drug test is negative and/or the results of the reasonable suspicion alcohol test is a breath alcohol concentration less than 0.02 or twenty-four hours have passed since reasonable suspicion existed. It is recommended the school district provide transportation for the driver to the collection site for testing if reasonable suspicion exists.

I. Post-accident Testing.

1. Drivers are subject to both post-accident drug and alcohol testing as soon as possible after an accident in which:
 - a. A fatality, other than the driver, occurred.
 - b. The driver was cited **and** bodily injury occurred to a person who, as a result of the injury, required immediate medical treatment away from the scene of the accident; or
 - c. The driver was cited **and** one or more motor vehicles incurred disabling damage as a result of the accident, requiring a motor vehicle to be transported away from the accident scene by a tow truck or other motor vehicle.
 - (1) "Disabling damage" is damage which precludes the departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs. It includes damage to motor vehicles that could have been driven but would have been further damaged if so driven.

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- (2) "Disabling damage" excludes damage which can be remedied temporarily at the scene of the accident without special tools or parts.
 - (a) Tire disablement without other damage even if no spare tire is available.
 - (b) Headlight or taillight damage.
 - (c) Damage to turn signals, horn, or windshield wipers which make them inoperative.

NOTE: Many questions have been raised about what to do if the citation is not issued but a vehicle was towed or an injury occurred. No testing is required if both the citation to the driver and the disabling damage or injury requirement are not met. It is a good practice to document why post-accident testing did not occur. Often the citation may not be received or issued for a day or two. Unless the citation is issued against the driver within eight hours of the accident, no alcohol testing can be done. If the citation is issued prior to 32 hours, a drug test must be given. If the citation is issued too late for either the alcohol or drug test, the circumstances must be documented.

2. Drivers must remain readily available for post-accident testing.
 - a. Drivers who leave the scene or who do not remain readily available are deemed to have refused to test.
 - b. Necessary medical treatment cannot and should not be denied to a driver waiting to complete post-accident drug and alcohol tests.
3. Alcohol testing requirements.
 - a. The alcohol test is administered within two hours and no later than eight hours of the accident.
 - b. The reasons for administering the test later than two hours after the accident must be documented.
 - c. The reasons for not administering the test within eight hours of the accident must be documented.
 - d. Drivers are prohibited from consuming alcohol for eight hours after the accident or until the alcohol test is completed.
4. Drug testing requirements.
 - a. The drug test is administered as soon as possible and no later than 32 hours after the accident.
 - b. The reasons for not administering the test must be documented.
5. Results of drug or alcohol testing conducted by law enforcement officers or other officials on the scene with independent authority to conduct such tests are presumed valid if the testing conforms with the law. The school district must receive a copy of the results to use them.

NOTE: School districts are required to provide post-accident testing information to its drivers, including testing procedures and instructions. See Exhibit 403.7E9.

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Should a school district, after careful consideration, choose to retain the option not to terminate for a violation of this policy, it is suggested the following language be added after 5. above:

School districts choosing to pay for the substance abuse evaluation and rehabilitation, if any:

J. Return-to-duty/Follow-up Testing.

- 1. Prior to returning to duty after a positive drug test, a positive alcohol test of 0.04 alcohol concentration or greater, or otherwise violating the drug and alcohol testing program policy, its supporting documents or the law:*
 - a. The driver must be re-evaluated by a substance abuse professional to determine that the driver has properly followed any treatment program prescribed.*
 - b. The driver must submit to the tests required by the substance abuse professional. The substance abuse professional may require a return-to-duty test for drugs, alcohol or both.*
 - c. The return-to-duty test must have a negative drug test result and/or an alcohol test result of less than 0.02 alcohol concentration before the driver can return to duty and perform a safety-sensitive function.*
- 2. After returning to duty, the driver is subject to a minimum of six unannounced follow-up tests within twelve months for alcohol, drugs or both, as determined by the substance abuse professional.*
 - a. The substance abuse professional can terminate the follow-up testing requirement after the first six tests have been completed or continue the follow-up testing for up to sixty months from the date of the driver's return to duty.*
 - b. Alcohol follow-up testing is done just before, during or just after performing a safety-sensitive function.*
 - c. Drug follow-up testing is done any time.*

School districts choosing to make the driver bear the personal and financial responsibility for the substance abuse evaluation and rehabilitation, if any:

J. Return-to-duty/Follow-up Testing.

- 1. Prior to returning to duty after a positive drug test, a positive alcohol test of 0.04 alcohol concentration or greater, or otherwise violating the drug and alcohol testing program policy, its supporting documents or the law, the driver bears the personal and financial responsibility to:*
 - a. Be re-evaluated by a substance abuse professional to determine that the driver has properly followed any treatment program prescribed.*
 - b. Submit to the tests required by the substance abuse professional. The substance abuse professional may require a return-to-duty test for drugs, alcohol or both.*
 - c. Have a negative return-to duty drug test result and/or an alcohol test result of less than 0.02 alcohol concentration before the driver can return to duty and perform a safety-sensitive function.*

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2. *After returning to duty, the driver is subject to a minimum of six unannounced follow-up tests within twelve months for alcohol, drugs or both, as determined by the substance abuse professional.*
 - a. *The substance abuse professional can terminate the follow-up testing requirement after the first six tests have been completed or continue the follow-up testing for up to sixty months from the date of the driver's return to duty.*
 - b. *Alcohol follow-up testing is done just before, during or just after performing a safety-sensitive function.*
 - c. *Drug follow-up testing is done any time.*

J. School district responsibilities.

1. Provide drivers with information on the drug and alcohol testing requirements of the drug and alcohol testing program policy, its supporting documents and the law, including the driver's obligations.

NOTE: It is recommended a summary of the requirements be included in the employee handbook.

2. Supervisors of drivers or employees designated to determine reasonable suspicion must receive sixty minutes of training on alcohol misuse and sixty minutes of training on drug use. The training must address the physical, behavioral, speech and performance indicators of probable alcohol misuse and drug use. The reasonable suspicion training certificate must be maintained by the school district until the employee leaves employment of the school district or is no longer authorized to make a reasonable suspicion determination.
3. Provide drivers with instructions prior to the driver operating a school vehicle to enable the driver to comply with the drug and alcohol testing requirements.
4. Disallow drivers to report to work or perform a safety-sensitive function when the school district has actual knowledge of a driver's drug use whether or not a drug test was conducted.
5. Disallow drivers to report to work or perform a safety-sensitive function when the school district has actual knowledge of a driver with 0.02 alcohol concentration or greater whether or not an alcohol test was conducted.
6. Ensure, through the school district's drug and alcohol testing program service provider, that the quality assurance plan, developed by the manufacturer and approved by the National Highway Traffic Safety Administration (NHTSA) for the evidentiary testing device or saliva alcohol testing device used for alcohol testing of its drivers, describes the inspection, maintenance and calibration requirements and intervals for the device.
7. Ensure, through the school district's drug and alcohol testing program service provider, that the collection site person using an evidentiary breath testing device is a certified breath alcohol technician (BAT).

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8. Ensure, through the school district's drug and alcohol testing program service provider, that the collection site person using a saliva alcohol testing device is a certified BAT or saliva test technician (STT).
- K. Consequences of violating the drug and alcohol testing program policy, its supporting documents or the law.
 1. Each violation is dealt with based on the circumstances surrounding the violation. The following consequences may result from a violation.
 - a. Drivers may be disciplined up to and including termination.
 - b. Drivers may not be permitted to perform safety-sensitive functions.
 - c. Drivers may be advised of the resources available to them in evaluating and resolving problems associated with the misuse of alcohol or use of drugs.
 - d. Drivers refusing to submit to drug and/or alcohol testing are considered insubordinate and are subject to termination.
 - e. Drivers/applicants who refuse to submit to or cooperate with the drug and/or alcohol testing process and requirements are disqualified from further consideration.

NOTE: Should a school district, after careful consideration, choose to retain the option not to terminate for a violation of this policy, it is suggested the following language be added following d. above:

School districts choosing to pay for the substance abuse evaluation and rehabilitation, if any:

- f. Drivers may be required to undergo a substance abuse evaluation to determine what assistance, if any, the driver needs in resolving problems associated with the misuse of alcohol or use of drugs and be required to follow any recommended substance abuse treatment program.*
- g. Prior to returning to duty, the driver is required to have a negative drug and/or alcohol test result and be subject to the follow-up drug and/or alcohol testing determined necessary based on the circumstances surrounding the incident.*
- h. Drivers refusing to submit to drug and/or alcohol testing are considered insubordinate and are subject to discipline up to and including termination.*

School districts choosing to make the driver bear the personal and financial responsibility for the substance abuse evaluation and rehabilitation, if any:

- f. Drivers, as a condition of continued employment, bear the personal and financial responsibility for undergoing a substance abuse evaluation to determine what assistance, if any, the driver needs in resolving problems associated with the misuse of alcohol or use of drugs and be required to follow any recommended substance abuse treatment program.*
- g. Prior to returning to duty, the driver is required to have a negative drug and/or alcohol test result and be subject to the follow-up drug and/or alcohol testing determined necessary based on the circumstances surrounding the incident.*
- h. Drivers refusing to submit to drug and/or alcohol testing are considered insubordinate and are subject to discipline up to and including termination.*

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2. Nothing in the drug and alcohol testing program policy, its supporting documents or the law relating to drug and alcohol testing limits or restricts the right of the board or superintendent to discipline, up to and including termination, a driver for conduct which violates the school district's policies, supporting documents and procedures.

NOTE: Prior to taking action regarding discipline up to and including termination, it is recommended the collective bargaining agreement be Reviewed April 11, 2007 and the school attorney consulted.

L. Drug and alcohol testing records.

1. Drug and alcohol testing records are stored in locked files at limited access locations separate and apart from the driver's general personnel records.
2. The records are released only with the written consent of the driver. Only those records specifically authorized for release may be released. However:
 - a. Records may be released to appropriate government agencies without a driver's written consent.
 - b. Records may be released to appropriate school district employees without a driver's written consent.
 - c. School districts may, without a driver's written consent, make a driver's drug and alcohol test records available to a decision maker in a lawsuit, grievance or other proceeding initiated by or on behalf of the driver and arising from the result of an alcohol or drug test under the drug and alcohol testing program policy, its supporting documents or the law or from the school district's determination that the driver violated the drug and alcohol testing program, its supporting regulations, or the law.

NOTE: Actions which allow the school district to release a driver's drug and alcohol records include, but are not limited to, worker's compensation, unemployment compensation, or other proceeding related to a benefit being sought by the driver and in wrongful discharge or other termination matters.

3. With a written request, drivers may access and copy their drug and alcohol test records in accordance with the board policy related to employee records. A driver is not denied access to these records for failure to pay fees associated with other records.

NOTE: School districts should have a personnel file for each driver's drug and alcohol testing related records. At a minimum this file should contain:

- *Drug and alcohol related information obtained from prior employers if the driver was hired after Jan. 1, 1995 for school districts with 50 or more drivers and Jan. 1, 1996 for school districts with less than 50 drivers.*
- *A "sign off" sheet signed by the driver indicating they have received the drug and alcohol testing program policy, its supporting documents and related information and they agree to participate in the drug and alcohol testing program.*
- *The chain of custody form for each of the driver's drug tests.*

DRUG AND ALCOHOL TESTING PROGRAM REGULATION

- *The alcohol test form and results for each of the driver's alcohol tests.*
- *Any accident information related to the driver.*
- *MRO report of drug test results.*
- *Reasonable suspicion information related to the driver.*
- *Substance abuse professional evaluation and treatment information related to the driver.*
- *Other information related to drug and alcohol testing particular to the driver.*

The school district should also maintain a separate file for the reasonable suspicion training certificates, its change of drivers list and its random selection lists. The change of drivers list includes additions and deletions of drivers to the random testing pool. These records are not kept by the service provider and may be necessary in the event of a U.S. DOT audit. The random selection list is the list of drivers randomly selected for the random drug and alcohol testing each quarter. It is suggested that any documentation regarding which drivers were and were not notified and tested, if any, be written directly on the random selection list for easy reference in the event of a U.S. DOT audit. One school district has kept a journal related to their drug and alcohol testing program so a record of what was done is available. Other school districts may want to consider using a similar documentation process.

4. The following records of the school district's drug and alcohol testing programs are maintained for the time period indicated.
 - a. One year:
 - (1) Records of negative and canceled drug test results and alcohol test results of less than 0.02 alcohol concentration.
 - (2) Records related to a driver's test results.
 - (3) Records related to other violations of the law.
 - (4) Records related to substance abuse evaluations.
 - b. Two years:
 - (1) Records related to the alcohol and drug collection process, except calibration of evidentiary breath testing devices, and training.
 - c. Five years:
 - (1) Alcohol test results of 0.02 alcohol concentration and greater.
 - (2) Verified positive drug test results.
 - (3) Documentation of refusals to take required alcohol and/or drug tests.
 - (4) Evidentiary breath testing device calibration documentation.
 - (5) Driver substance abuse evaluations and referrals.
 - (6) Annual calendar year summary.
 - (7) Records related to the administration of the drug and alcohol testing program.
 - d. Forever or as designated below.
 - (1) Reasonable suspicion training certificates must be retained two years after the employee is no longer authorized to make a reasonable suspicion determination.
 - (2) Records related to the education and training of drivers must be retained two years after the employee ceases to perform a safety sensitive function.

DRUG AND ALCOHOL TESTING PROGRAM REGULATION

NOTE: Records like the evidentiary breath testing device calibration documentation can be received from the collection site or the service provider upon request in the event of a U.S. DOT audit.

Several school districts have chosen to perform the urine specimen collection for drug testing and the alcohol screening test using a saliva alcohol testing device. School districts performing these tests must keep additional records. It is recommended the following language be added:

5. *The following records of a school district collection site for saliva alcohol testing are maintained for the time period indicated.*
 - a. *Two years.*
 - (1) *Records related to the alcohol collection process.*
 - b. *Five years.*
 - (1) *Collector copy of Chain of Custody Form for Controlled Substance Testing.*
 - (2) *Collector copy of Breath Alcohol Test Form.*
 - (3) *Quality assurance plan, if any.*
 - (4) *Quality control check sheet.*
 - c. *Records related to the education and training of STTs must be retained two years if the employee ceases to perform the duties of an STT.*

DRUG AND ALCOHOL TESTING PROGRAM DEFINITIONS

Air blank - a reading by an evidentiary breath testing device (EBT) of ambient air containing non alcohol.

Alcohol - the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol concentration (or content) - the alcohol in a volume of breath expressed in terms of grams of alcohol per two hundred ten liters of breath as indicated by an evidentiary breath alcohol test or saliva alcohol test under the law.

Alcohol use - the consumption of any beverage, mixture or preparation, including any medication, containing alcohol.

Breath Alcohol Technician (BAT) - an individual who instructs and assists drivers in the alcohol testing process and operates an evidentiary breath testing device, non-evidentiary breath testing device or saliva testing device.

Canceled or invalid test - in drug testing it is a drug test that has been declared invalid by a Medical Review Officer or a specimen that has been rejected for testing by a laboratory. In alcohol testing it is a test that is deemed to be invalid under the law. A canceled drug test or alcohol test is neither a positive nor a negative test.

Chain of Custody - procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. With respect to drug testing, these procedures require that an appropriate drug testing custody form be used from time of collection to receipt by the laboratory and that upon receipt by the laboratory an appropriate laboratory chain of custody form(s) account(s) for the sample or sample aliquots within the laboratory.

Collection site - a place where drivers present themselves for the purpose of providing body fluid or a tissue sample to be analyzed for specific drugs or breath alcohol concentration.

Confirmation test - for alcohol testing it is a second test following a screening alcohol test with a result of 0.02 breath alcohol concentration or greater that provides quantitative data of breath alcohol concentration. For drug testing it is a second analytical procedure (GC/MS) to identify the presence of a specific drug or metabolite which is independent of the initial test and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy.

Controlled substances/Drugs - marijuana, cocaine, opiates, amphetamines and phencyclidine.

DRUG AND ALCOHOL TESTING PROGRAM DEFINITIONS

Driver - any person who operates a school vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to the school district or who operate a school vehicle at the direction of or with the consent of the school district. For the purposes of pre-employment/pre-duty testing only, the term "driver" includes applicants for drivers of school vehicle positions.

Initial test (or screening test) - in drug testing it is an immunoassay screen to eliminate "negative" urine specimens from further consideration. In alcohol testing it is an analytic procedure to determine whether a driver may have a prohibited concentration of alcohol in a breath or saliva specimen.

Licensed medical practitioner – a person who is licensed, certified, and/or registered, in accordance with applicable federal, state, local or foreign laws and regulations, to prescribe controlled substances and other drugs.

Medical review officer (MRO) - a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate a driver's confirmed positive test result together with the driver's medical history and any other relevant bio-medical information.

Non-suspicion-based post-accident testing - testing of a driver after an accident without regard to whether there is any reasonable suspicion of drug usage, reasonable cause to believe the driver has been operating the school vehicle while under the influence of drugs, or reasonable cause to believe the driver was at fault in the accident and drug usage may have been a factor.

Performing a safety-sensitive function - a driver is considered to be performing a safety-sensitive function during any period in which the driver is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.

NOTE: Alcohol tests can only be administered just before, during or just after the performance of a safety-sensitive function. At this time the U.S. Department of Transportation is interpreting this language to mean thirty minutes before or thirty minutes after the performance of a safety-sensitive function.

Random Selection Process - when drug and alcohol tests are unannounced and every driver has an equal chance of being selected for testing.

Reasonable suspicion - when the school district believes the appearance, behavior, speech or body odors of the driver are indicative of the use of drugs or alcohol.

DRUG AND ALCOHOL TESTING PROGRAM DEFINITIONS

Refusal to test - when a driver (1) fails to provide adequate breath or saliva for alcohol testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of the law, (2) fails to provide adequate urine for drug testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of the law, or (3) engages in conduct that clearly obstructs the testing process. A refusal to test is treated as a positive drug test result or an alcohol test result of 0.04 alcohol concentration or greater.

Safety-sensitive function - all time from the time when a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work.

NOTE: Alcohol tests can only be administered just before, during or just after the performance of a safety-sensitive function. At this time the U.S. Department of Transportation is interpreting this language to mean thirty minutes before or thirty minutes after the performance of a safety-sensitive function.

Saliva test technician (STT) – an individual who has successfully completed U.S. DOT approved training for saliva alcohol testing who instructs and assists drivers in the initial (screening) alcohol testing process and operates a non-evidentiary breath testing or saliva testing device.

School vehicle - a vehicle owned, leased, and/or operated at the direction or with the consent of the school district which transports sixteen or more persons, including the driver, or weighs over twenty-six thousand one pounds and requires the driver to have/possess a commercial driver's license in order to operate the vehicle.

Split specimen/split sample - the division of the urine specimen into thirty milliliters in a specimen bottle (the primary sample) and into at least fifteen milliliters in second specimen bottle (the split sample).

Substance abuse professional (SAP) - a licensed physician (medical doctor or doctor of osteopathy) or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of, and clinical experience in, the diagnosis and treatment of alcohol and controlled substances-related disorders.

EMPLOYEE CONDUCT AND APPEARANCE

Employees are role models for the students who come in contact with them during and after school hours. The board recognizes the positive effect employees can have on students in this capacity. To this end, the board strongly suggests and encourages employees to dress themselves, groom themselves and conduct themselves in a manner appropriate to the educational environment.

Employees will conduct themselves in a professional manner. Employees will dress in attire appropriate for their position. Clothing should be neat, clean, and in good taste. Discretion and common sense call for an avoidance of extremes that would interfere with or have an effect on the educational process.

Licensed employees of the school district will follow the code of ethics for their profession as established by the Iowa Board of Educational Examiners.

LICENSED EMPLOYEE DEFINED

Licensed employees, including administrators, are those employees required to hold an appropriate license from the Iowa Department of Education for their position as required by the Board of Educational Examiners or others with professional licenses. Licenses required for a position will be considered met if the employee meets the requirements established by the Iowa Department of Education.

It is the responsibility of the superintendent to establish job specifications and job descriptions for licensed employees' positions, other than the position of the superintendent. Job descriptions may be approved by the board.

Licensed employees must present evidence of current license to the board secretary prior to payment of salary each year.

LICENSED EMPLOYEE QUALIFICATIONS, RECRUITMENT, SELECTION

Persons interested in a licensed position, other than administrative positions which will be employed in accordance with board policies in Series 300, "Administration," will have an opportunity to apply and qualify for licensed positions in the school district without regard to age, race, creed, color, sex, national origin, religion, sexual orientation, gender identity or disability. Job applicants for licensed positions will be considered on the basis of the following:

- Training, experience, and skill;
- Nature of the occupation;
- Demonstrated competence; and
- Possession of, or ability to obtain, state license if required for the position.

All job openings shall be submitted to the Iowa Department of Education for posting on TeachIowa, the online state job posting system. Additional announcements of the position may occur in a manner which the superintendent believes will inform potential applicants about the position. Whenever possible, the preliminary screening of applicants will be conducted by the administrator who will be directly supervising and overseeing the person being hired.

The board will employ licensed employees after receiving a recommendation from the superintendent. The superintendent, however, will have the authority to employ a licensed employee on a temporary basis until a recommendation can be made and action can be taken by the board on the position.

The requirements stated in the Master Contract between employees in the certified collective bargaining unit and the board regarding qualifications, recruitment and selections of such employees will be followed.

LICENSED EMPLOYEE INDIVIDUAL CONTRACTS

The board will enter into a written contract with licensed employees, other than administrators, employed on a regular basis. Each contract will be for a period of one year.

It is the responsibility of the superintendent to complete the contracts for licensed employees and present them to the board for approval. The contracts, after being signed by the board president, are returned to the superintendent. The superintendent will obtain the employee's signature. After being signed, the contract is filed with the board secretary.

Approved June 22, 2017

Reviewed May 17, 2017

Revised May 17, 2017

LICENSED EMPLOYEE CONTINUING CONTRACTS

Contracts entered into with licensed employees, other than an administrator, will continue from year to year unless the contract states otherwise, is modified by mutual agreement between the board and the employee, or the contract is terminated by the board.

The first three years of a new licensed employee's contract is a probationary period unless the employee has already successfully completed the three-year probationary period. New employees who have successfully completed a probationary period in a previous Iowa school district will serve a one-year probationary period. In the event of termination of the employee's contract during this period, the board will afford the licensed employee appropriate due process. The action of the board will be final.

Licensed employees whose contracts will be recommended for termination by the board will receive notice prior to April 30. The superintendent will make a recommendation to the board for the termination of the licensed employee's contract.

Licensed employees who wish to resign, to be released from a contract, or to retire must comply with board policies in those areas.

LICENSED EMPLOYEE WORK DAY

The work day for licensed employees will begin each day of the school year at a time established by the superintendent. Licensed employees who are employed only during the academic year will have the same work day as other licensed employees. "Day" is defined as one work day regardless of full-time or part-time status of an employee.

Licensed employees are to be in their assigned school building during the work day. Advance approval to be absent from the school building must be obtained from the principal whenever the licensed employees must leave the school building during the work day.

The building principal is authorized to make changes in the work day in order to facilitate the education program. These changes are reported to the superintendent.

On Fridays and days preceding holidays or vacations, the employee's work day shall end after the departure of the route buses.

During regular contract days, when a weather-related (snow, ice, heat, or rain) or emergency closing takes place and students are not required to be in attendance, the employees shall not be required to be present. If students are dismissed early for any such reason, employees shall not be required to stay longer than fifteen minutes after departure of the route buses.

The work day outlined in this policy is a minimum work day. Nothing in this policy prohibits licensed employees from working additional hours outside the work day.

LICENSED EMPLOYEE ASSIGNMENT

Determining the assignment of each licensed employee is the responsibility of and within the sole discretion of the board. In making such assignments the board will consider the qualifications of each licensed employee and the needs of the school district.

When a licensed employee is required to cover a class during a planning period and by doing so reaches eight student-contact periods in a day, the employee will be paid an additional \$14 for that day. Employees who have flexible schedules (vocal music, tech, band, guidance, etc.) will be paid \$14.00 for covering two or more periods in a day.

It is the responsibility of the superintendent to make recommendations to the board regarding the assignment of licensed employees.

LICENSED EMPLOYEE TRANSFERS

Determining the location where an employee's assignment will be carried out is the responsibility and within the sole discretion of the board. In making such assignments the board will consider the qualifications of each licensed employee and the needs of the school district.

A transfer may be initiated by the employee, the principal, or the superintendent.

It is the responsibility of the superintendent to make recommendations to the board regarding the transfer of licensed employees.

LICENSED EMPLOYEE EVALUATION

Evaluation of licensed employees on their skills, abilities, and competence is an ongoing process supervised by the building principals and conducted by approved evaluators. The goal of the formal evaluation of licensed employees, other than administrators, but including extracurricular employees, is to improve the education program, to maintain licensed employees who meet or exceed the board's standards of performance, to clarify the licensed employee's role, to ascertain the areas in need of improvement, and to develop a working relationship between the administrators and other employees.

The formal evaluation criteria are in writing and approved by the board. The formal evaluation will provide an opportunity for the evaluator and the licensed employee to discuss the past year's performance and the future areas of growth. The formal evaluation is completed by the evaluator, signed by the licensed employee and filed in the licensed employee's personnel file. This policy supports, and does not preclude, the ongoing informal evaluation of the licensed employee's skills, abilities and competence.

It is the responsibility of the superintendent to ensure licensed employees are evaluated.

Approved June 22, 2017

Reviewed May 17, 2017

Revised May 17, 2017

LICENSED EMPLOYEE PROBATIONARY STATUS

The first three years of a new licensed employee's contract is a probationary period unless the employee has already successfully completed the probationary period in an Iowa school district. New employees who have successfully completed a probationary period in a previous Iowa school district will serve a one-year probationary period. For purposes of this policy, an employee will have met the requirements for successfully completing a probationary period in another Iowa school district if, at the teacher's most recent performance evaluation, the teacher received at least a satisfactory or better evaluation and the individual has not engaged in conduct which would disqualify the teacher for a continuing contract.

Only the board, in its discretion, may waive the probationary period. The board may extend the probationary period for one additional year with the consent of the licensed employee. The board will make the decision to extend or waive a licensed employee's probationary status based upon the superintendent's recommendation. During this probationary period the board may terminate the licensed employee's contract at year-end or discharge the employee in concert with corresponding board policies.

Licensed employees may also serve a probationary period based upon their performance. Such probationary period is determined on a case-by-case basis in light of the circumstances surrounding the employee's performance as documented in the employee's evaluations and personnel file.

LICENSED EMPLOYEE SALARY SCHEDULE

The board will establish salary schedules for licensed employees' positions keeping in mind the financial condition of the school district, the education and experience of the licensed employee, the educational philosophy of the school district, and other factors deemed relevant by the board.

It is the responsibility of the superintendent to make a recommendation to the board annually regarding the salary schedule.

Approved June 22, 2017

Reviewed May 17, 2017

Revised May 17, 2017

LICENSED EMPLOYEE SALARY SCHEDULE ADVANCEMENT

The board will determine which licensed employees will advance on the salary schedule for the licensed employees' positions, keeping in mind the financial condition of the school district, the education and experience of the licensed employee, the educational philosophy of the school district, and other considerations as determined by the board.

It is the responsibility of the superintendent to make a recommendation to the board for the advancement of licensed employees on the salary schedule.

Approved June 22, 2017

Reviewed May 17, 2017

Revised May 17, 2017

LICENSED EMPLOYEE CONTINUED EDUCATION CREDIT

Continued education on the part of licensed employees may entitle them to advancement on the salary schedule. Licensed employees who have completed additional hours will be considered for advancement on the salary schedule.

Licensed employees who wish to obtain additional education for advancement on the salary schedule must notify the superintendent by August 15 of the school year in which the increase is desired. Up to half of the additional education can be staff development courses.

Approved June 22, 2017

May 17, 2017

Revised May 17, 2017

LICENSED EMPLOYEE COMPENSATION FOR EXTRA DUTY

A licensed employee may volunteer or be required to take on extra duty, with the extra duty being secondary to the major responsibility of the licensed employee. The board will establish a salary schedule for extra duty licensed employee positions, keeping in mind the financial condition of the school district, the education and experience of the licensed employee, the educational philosophy of the school district, and other considerations as determined by the board.

Vacant extra duty positions, for which extra compensation will be earned, will be posted to allow qualified licensed employees to volunteer for the extra duty. If no licensed employee volunteers for extra duty, the superintendent will assign the extra duty positions to qualified licensed employees. The licensed employee will receive compensation for the extra duty required to be performed.

It is the responsibility of the superintendent to make a recommendation to the board annually as to which licensed employees will have the extra duty, and the salary schedule for extra duty, for the board's review.

LICENSED EMPLOYEE GROUP INSURANCE BENEFITS

(For districts that employ an average of at least 50 full-time employees, including an equivalent for part-time employees)

Licensed employees may be eligible for group insurance and health benefits as determined by the board and required by law. The board will select the group benefit program(s) and the insurance company or third party administrator that will provide the program.

In accordance with the Patient Protection and Affordable Care Act (ACA), the board will offer licensed employees who work an average of at least thirty (30) hours per week or one hundred thirty (130) hours per month, based on the measurement method adopted by the board, with minimum essential coverage that is both affordable and provides minimum value. The board will have the authority and right to change or eliminate group benefit programs, other than the group health plan, for its licensed employees.

Licensed employees who work an average of at least thirty (30) hours per week or one hundred thirty (130) hours per month, based on the measurement method adopted by the board, are eligible to participate in the health and major medical, life, and long-term disability group insurance plans. Premiums will be paid for twelve consecutive months. A \$1.00 annual premium fee will be charged to all employees who take this insurance. Employees electing to not enroll in the health and major medical insurance plan will be paid \$50.00 per month on a quarterly basis.

Licensed employees and their spouse and dependents may be allowed to continue coverage of the school district's group health insurance program if they cease employment with the school district by meeting the requirements of the insurer.

Employees who work at least 30 hours per week will be eligible for term life insurance equivalent to their approximate annual wage. Premiums will be paid for twelve consecutive months.

The requirements stated in the Master Contract between employees in the certified collective bargaining unit and the board regarding the group insurance benefits of such employees will be followed.

NOTE: Beginning on January 1, 2015, school districts that employ an average of at least 50 full-time employees (including an equivalent for part-time employees), are required to offer health coverage to full-time employees (and their dependents) or pay a penalty tax under the ACA Employer Mandate. Districts with 50-99 full-time employees (including an equivalent for part-time employees) may have until their 2016 plan year before compliance is required, if certain conditions are satisfied. Option I assumes a school district employs at least 50 full-time employees (including an equivalent for part-time employees) and is subject to the ACA's Employer Mandate. Boards can edit Option I to reflect their district's actual coverage (e.g., additional group insurance plans offered by the districts, which may include: life and long-term disability group insurance plans).

LICENSED EMPLOYEE TAX SHELTER PROGRAMS

The board authorizes the administration to make a payroll deduction for licensed employees' tax sheltered annuity premiums purchased from a program approved by the State of Iowa.

Licensed employees wishing to have payroll deductions for tax-sheltered annuities will make a written request to the superintendent.

Approved June 22, 2017

Reviewed May 17, 2017

Revised May 17, 2017

LETTER TO FACULTY REPRESENTATIVE

Dear Faculty Representative:

On (date) I will be recommending the implementation of the attached policy to the board. The policy will become effective immediately upon the final approval of the board and will apply to all school district employees. Should you have any questions or concerns regarding the attached policy, please contact me within one calendar week of the date of this document

Sincerely,

Superintendent
Collins-Maxwell Community School District

LICENSED EMPLOYEE RESIGNATION

A licensed employee who wishes to resign must notify the superintendent in writing within the time period set by the board for return of the contract. This applies to regular contracts for the licensed employee's regular duties and for an extracurricular contract for extra duty. Resignations of this nature will be accepted by the board.

The board may require an individual who has resigned from an extracurricular contract to accept the resigned position for only the subsequent school year when the board has made a good faith effort to find a replacement and the licensed employee is continuing to be employed by the school district.

LICENSED EMPLOYEE CONTRACT RELEASE

Licensed employees who wish to be released from an executed contract must give at least twenty-one days notice to the superintendent. Licensed employees may be released at the discretion of the board. Only in unusual and extreme circumstances will the board release a licensed employee from a contract. The board will have sole discretion to determine what constitutes unusual and extreme circumstances.

Release from a contract will be contingent upon finding a suitable replacement. Licensed employees requesting release from a contract after it has been signed and before it expires may be required to pay the board an amount up to the actual costs incurred to locate and hire a suitable replacement, including advertising and administrative/clerical costs. Upon written mutual agreement between the employee and the superintendent, the costs may be deducted from the employee's salary. Payment of these costs is a condition for release from the contract at the discretion of the board. Failure of the licensed employee to pay these expenses may result in a cause of action being filed in small claims court.

The superintendent is authorized to file a complaint with the Board of Educational Examiners against a licensed employee who leaves without proper release from the board.

LICENSED EMPLOYEE RETIREMENT

Licensed employees who will complete their current contract with the board may apply for retirement. No licensed employee will be required to retire at a specific age.

Application for retirement will be considered made when the licensed employee states in writing to the superintendent, no later than the date set by the board for the return of the employee's contract to the board, the intent of the employee to retire. The letter must state the employee's desire to retire and be witnessed by another party other than the principal or the superintendent. Applications made after the date set by the board for the return of the employee's contract to the board may be considered by the board if special circumstances exist. It is within the discretion of the board to determine whether special circumstances exist.

Board action to approve a licensed employee's application for retirement is final and such action constitutes nonrenewal of the employee's contract for the next school year.

Licensed employees who retire under this policy may qualify for retirement benefits through the Iowa Public Employees Retirement System.

Licensed employees and their spouse and dependents are allowed to continue coverage in the school district's group health insurance program at their own expense by meeting the requirements of IPERS as specified: attains at least the age of sixty-two if has completed 20 years of IPERS membership or is at least fifty-five years of age and the sum of the years of IPERS membership and the individual's age equals at least eighty-eight.

LICENSED EMPLOYEE SUSPENSION

Licensed employees will perform their assigned job, respect and follow board policy and obey the law. The superintendent is authorized to suspend a licensed employee pending board action on a discharge, for investigation of charges against the employee, and for disciplinary purposes. It is within the discretion of the superintendent to suspend a licensed employee with or without pay.

In the event of a suspension, appropriate due process will be followed.

LICENSED EMPLOYEE REDUCTION IN FORCE

The board has the exclusive authority to determine the appropriate number of licensed employees. A reduction of licensed employees may occur as a result of, but not be limited to, changes in the education program, staff realignment, changes in the size or nature of the student population, financial situation considerations, and other reasons deemed relevant by the board.

The reduction in licensed employees, other than administrators, will be done through normal attrition if possible. If normal attrition does not meet the necessary reduction in force required, the board may terminate licensed employees.

It is the responsibility of the superintendent to make a recommendation for termination to the board. The superintendent shall consider the following criteria in making the recommendations:

- Endorsements and educational preparation within the grade level and subject areas in which the employee is now performing;
- Relative skills, ability and demonstrated performance;
- Qualifications for co-curricular programs; and
- Number of continuous years of service to the school district. This will be considered only when the foregoing factors are relatively equal between licensed employees.

Due process for terminations due to a reduction in force will be followed.

EMPLOYEE EARLY RETIREMENT

The school district offers an early retirement plan for licensed and classified employees. The employment percentage for each employee will be determined based on the specifications listed in the individual's contract. Requirements for application and provisions of the policy are as follows:

- Licensed and classified employees must meet a benefits multiplier total of 15 years of continuous service as a full or part-time employee to the school district and be a minimum of fifty-five years of age on or before June 30 of the year before the employee wishes to retire. Less than half-time service or service in a non-licensed capacity will count toward the continuous service requirement and will be included in the calculation of the benefits multiplier. Service between half-time and full-time shall count as half toward the benefit multiplier.
- Employee must submit an application to the superintendent for participation in the plan on or before January 15th of the year in which the licensed employee wishes to retire. Applications submitted after January 15th may be considered at the discretion of the board depending on the circumstances for the late application;
- The employee must submit a written resignation. The resignation may be contingent upon approval by the board of participation in the voluntary early retirement plan;
- Employees must receive board approval of the employee's application for participation in the early retirement plan, of the employee's resignation and of the disbursement of early retirement incentive to the employee;
- Employees cannot be receiving disability payments from the school's disability insurance carrier;
- The early retirement policy will be offered to all licensed and all classified qualified applicants in each fiscal year.

Employees are not eligible for early retirement program if the employee:

- Is scheduled for layoff or termination;
- Has received an official notice of layoff or termination;
- Is subject to termination pursuant to Iowa Code Section 279.15 or 279.27; or
- Has previously received early retirement benefits from the district.

Approval by the board of the employee's early retirement application shall constitute a voluntary resignation. Approval by the board of the employee's early retirement application shall also make the employee eligible for the early retirement incentive.

The early retirement incentive for each eligible employee approved by the board will be based on 1% of the employee salary schedule salary in effect the last year of the employee's employment with the school district times the benefits multiplier. Extra curricular, extended contract, and other additional pay will be excluded from early retirement calculations.

The early retirement incentive will be distributed by October 31st of the following year in which the applicant files for the benefit. The incentive will be paid in one lump sum to a state-sponsored 403B account for the eligible employee. The eligible employee will not be able to use the early retirement incentive to directly purchase district-sponsored insurance.

The board reserves the right to amend or revoke this Early Retirement Policy or any provision of this policy at any time, with or without notice. The Board also reserves the right to waive any requirement or condition of this policy at its discretion and at any time. Any decision by the Board to waive a requirement or condition that is part of this policy shall not establish any precedent with regard to future requests for a waiver.

Approved: June 22, 2017

Reviewed May 17, 2017

Revised May 17, 2017

APPLICATION FOR PARTICIPATION IN THE VOLUNTARY RETIREMENT PROGRAM

TO: COLLINS-MAXWELL SUPERINTENDENT OF SCHOOLS

FROM: _____

RE: Application for Participation in the Voluntary Retirement Program

I hereby submit my formal application for participation in the voluntary early retirement program. This action is taken in accordance with all requirements of the Board of Director's policy as set forth and approved per board policy 407.6.

My resignation from my continuing contract with the school district is attached and is made a part of this application. It is my understanding that this application and the request for approval of resignation will be acted upon simultaneously by the Board of Directors.

Signature

Date

Witness

Date

RESIGNATION FROM CONTINUING CONTRACT

TO: Secretary, Board of Directors for the Collins-Maxwell CSD

FROM: _____

RE: Resignation from Continuing Contract

I hereby submit my formal resignation from all of my continuing contracts with the Collins-Maxwell Community School District effective at the end of the _____ to _____ contract year, to participate in the District's voluntary early retirement program.

It is my understanding that this request for approval of resignation and my application for participation in the voluntary early retirement program will be acted upon simultaneously by the Collins-Maxwell Community School District Board of Directors.

It is my further understanding that should my application for participation in the voluntary early retirement program be denied, this request for approval of resignation would become null and void.

Further comments:

Signature

Date

COMPUTATION OF EARLY RETIREMENT BENEFIT

Computation of Early Retirement Benefit for: _____

- 1. Current Base Salary: _____
- X
- 2. Years of continuous qualifying service _____
- X
- 3. 1% _____
- 4. =Early Retirement Benefit _____

If the board approves my application for early retirement benefits and I die before I received the full benefit of the payment above, I direct the Board to pay the balance to:

(NAME OF BENEFICIARY)

Print Full Name _____

Signature

Date

ACCEPTANCE OF EARLY RETIREMENT APPLICATION

The resignation and request for early retirement was accepted by the Board of Directors on the _____ day of _____, _____, by action as noted in the minutes of the Board.

1. Current Base Salary: _____
2. Years of continuous qualifying service _____
3. 1% _____
4. =Early Retirement Benefit _____

Secretary of Board of Directors
Collins-Maxwell Community School District

LICENSED EMPLOYEE PROFESSIONAL DEVELOPMENT

The board encourages licensed employees to attend and participate in professional development activities to maintain, develop, and extend their skills. The board will maintain and support an in-service program for licensed employees.

Requests for attendance or participation in a development program, other than those development programs sponsored by the school district, are made to the superintendent. Approval of the superintendent must be obtained prior to attendance by a licensed employee in a professional development program when the attendance would result in the licensed employee being excused from their duties or when the school district pays the expenses for the program.

The superintendent will have sole discretion to allow or disallow licensed employees to attend or participate in the requested event. When making this determination, the superintendent will consider the value of the program for the licensed employee and the school district, the effect of the licensed employee's absence on the education program and school district operations and the school district's financial situation as well as other factors deemed relevant in the judgment of the superintendent. Requests that involve unusual expenses or overnight travel must also be approved by the board.

LICENSED EMPLOYEE PUBLICATION OR CREATION OF MATERIALS

Materials created by licensed employees and the financial gain there from are the property of the school district if school materials and time were used in their creation and/or such materials were created in the scope of the licensed employee's employment. The licensed employee must seek prior written approval of the superintendent concerning such activities.

Approved June 22, 2017

Reviewed May 17, 2017

Revised May 17, 2017

LICENSED EMPLOYEE TUTORING

Every effort will be made by the licensed employees to help students with learning problems before recommending that the parents engage a tutor. Since there are exceptional cases when tutoring will help students overcome learning deficiencies, tutoring by licensed employees may be approved by the superintendent.

Licensed employees may only tutor students other than those for whom the teacher is currently exercising teaching, administrative or supervisory responsibility unless approved by the superintendent.

Tutoring for a fee may not take place within school facilities or during regular school hours unless approved by the superintendent.

LICENSED EMPLOYEE VACATION - HOLIDAYS - PERSONAL LEAVE

The board will determine the amount of vacation, holidays, and personal leave that will be allowed on an annual basis for licensed employees.

Full-time regular licensed employees who work 187 days a year will be allowed a maximum of 2 days of personal leave to accomplish personal business that cannot be conducted outside the work day. It is within the discretion of the superintendent/building principal to grant personal leave. Application for personal leave must be made at least 2 school days prior to the requested leave date. Employees who do not use their personal leave days have the option of carrying one day over to the next year. The maximum number of personal days an employee may possess or use in a given year is three. Employees will inform the board secretary by May 20 of their desire to be reimbursed in the June paycheck at a rate of \$75 per unused day and/or of their desire to carry a day forward to the next year. The record of personal leave will be displayed on the paycheck stub. Discrepancies should be immediately reported to the board secretary for correction.

Licensed employees who work during the school academic year, whether full-time or part-time, will have time off in concert with the school calendar.

It is the responsibility of the superintendent to make a recommendation to the board annually on vacations, holidays, and personal leave for licensed employees.

LICENSED EMPLOYEE PERSONAL ILLNESS LEAVE

Licensed employees will be granted ten days of sick leave in their first year of employment. Each year thereafter, one additional day of sick leave will be granted to the licensed employees up to a maximum of fifteen days. "Day" is defined as one work day regardless of full-time or part-time status of the employee. A new employee will report for work at least one full work day prior to receiving sick leave benefits. A returning employee will be granted the appropriate number of days at the beginning of each fiscal year.

Sick leave may be accumulated up to a maximum of 120 days for licensed employees.

Five days per year of sick leave may be used for Family Illness. Immediate family: spouse, child, step-child, legal dependent, mother, step-mother, father, step-father, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister, brother, grandparent, step-grandparent, grandchild, stepchild and significant other (live-in boyfriend or girlfriend). These days are non-cumulative and will be deducted from accumulated sick leave.

Expectant mothers who have accumulated sufficient sick leave may use up to six weeks of paid sick leave beginning with the date of birth. Additional paid sick leave beyond six weeks will require a doctor's statement of necessity and be limited to the amount of sick leave accumulated.

Expectant fathers may use up to two days of personal sick leave at the time of birth of a child. These days will be deducted from accumulated sick leave and will not affect family sick leave days.

Should the personal illness occur after or extend beyond the sick leave accumulated allowance, the employee may apply for disability benefits under the group insurance plan. If the employee does not qualify for disability benefits, the employee may request a leave of absence without pay.

Evidence may be required regarding the mental or physical health of the employee when the administration has a concern about the employee's health. Evidence may also be required to confirm the employee's illness, the need for the illness leave, the employee's ability to return to work, and the employee's capability to perform the duties of the employee's position. It is within the discretion of the board or the superintendent to determine the type and amount of evidence necessary. When an illness leave will be greater than three consecutive days, the employee will comply with the board policy regarding family and medical leave.

Approved September 21, 2017

Reviewed August 10, 2017

Revised August 10, 2017

Code No. 409.3

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE

Unpaid family and medical leave will be granted up to 12 weeks per year to assist employees in balancing family and work life. For purposes of this policy, year is defined as July 1 through June 30. Requests for family and medical leave will be made to the superintendent.

Employees may be allowed to substitute personal leave for unpaid family and medical leave by meeting the requirements set out in the family and medical leave administrative rules. Employees eligible for family and medical leave must comply with the family and medical leave administrative rules prior to starting family and medical leave. It is the responsibility of the superintendent to develop administrative rules to implement this policy.

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE NOTICE TO EMPLOYEES

**YOUR RIGHTS
UNDER THE
FAMILY AND MEDICAL LEAVE ACT OF 1993**

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a

covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

REASONS FOR TAKING LEAVE:

Unpaid leave must be granted for *any* of the following reasons:

- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son or daughter, 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.

At the employee's or employer's option, certain kinds of *paid* leave may be substituted for unpaid leave.

ADVANCE NOTICE AND MEDICAL CERTIFICATION:

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable."
- An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and fitness for duty report to return to work.

JOB BENEFITS AND PROTECTION:

- For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."
- Upon return from FMLA leave, most employees must be restored to their original or equivalent

positions with equivalent pay, benefits, and other employment terms.

- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

UNLAWFUL ACTS BY EMPLOYERS:

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA;
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

ENFORCEMENT:

- The U.S. Department of Labor is authorized to investigate and resolve complaints of violation.
- An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law collective bargaining agreement which provides greater family or medical leave rights.

FOR ADDITIONAL INFORMATION:

Contact the nearest office of Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REQUEST FORM

Date: _____

I, _____, request family and medical leave for the following reason: (check all that apply)

- for the birth of my child;
- for the placement of a child for adoption or foster care;
- to care for my child who has a serious health condition;
- to care for my parent who has a serious health condition;
- to care for my spouse who has a serious health condition; or
- because I am seriously ill and unable to perform the essential functions of my position.

I acknowledge my obligation to provide medical certification of my serious health condition or that of a family member in order to be eligible for family and medical leave within 15 days of the request for certification.

I acknowledge receipt of information regarding my obligations under the family and medical leave policy of the school district.

I request that my family and medical leave begin on _____ and I request leave as follows: (check one)

continuous

I anticipate that I will be able to return to work on _____.

intermittent leave for the:

- birth of my child or adoption or foster care placement subject to agreement by the district
- serious health condition of myself, parent, or child when medically necessary

Details of the needed intermittent leave:

I anticipate returning to work at my regular schedule on _____.

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REQUEST FORM

____reduced work schedule for the:

____ birth of my child or adoption or foster care placement subject to agreement by the school district

____ serious health condition of myself, parent, or child when medically necessary

Details of needed reduction in work schedule as follows:

I anticipate returning to work at my regular schedule on _____.

I realize I may be moved to an alternative position during the period of the family and medical intermittent or reduced work schedule leave. I also realize that with foreseeable intermittent or reduced work schedule leave, subject to the requirements of my health care provider, I may be required to schedule the leave to minimize interruptions to school district operations.

While on family and medical leave, I agree to pay my regular contributions to employer sponsored benefit plans. My contributions will be deducted from moneys owed me during the leave period. If no monies are owed me, I will reimburse the school district by personal check or cash for my contributions. I understand that I may be dropped from the employer-sponsored benefit plans for failure to pay my contribution.

I agree to reimburse the school district for any payment of my contributions with deductions from future monies owed to me or the school district may seek reimbursement of payments of my contributions in court.

I acknowledge that the above information is true to the best of my knowledge.

Signed _____

Date _____

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE CERTIFICATION FORM

1. Employee's Name _____

2. Patient's Name (if different from employee) _____

3. The attached sheet describes what is meant by a "serious health condition" under the Family and Medical Leave Act. Does the patient's condition, for which the employee is taking FMLA leave, qualify under any of the categories described? If so, please check the applicable category.

(1) ____ (2) ____ (3) ____ (4) ____ (5) ____ (6) ____
or ____None of the above

4. Describe the medical facts which support your certification, including a brief statement as to how the medical facts meet the criteria of one of these categories:

5. a. State the approximate date the condition commenced, and the probable duration of the condition (and also the probable duration of the patient's present incapacity, i.e. inability to work, attend school or perform other regular activities due to the serious health condition, treatment therefor, or recovery therefrom, if different):

b. Will it be necessary for the employee to take work only intermittently or to work on a less than full schedule as a result of the condition (including for treatment described in Item 6 below)?

If yes, give the probable duration:

c. If the condition is a chronic condition (condition #4) or pregnancy, state whether the patient is presently incapacitated and the likely duration and frequency of episodes of incapacity:

6. a. If additional treatments will be required for the condition, provide an estimate of the probable number of such treatments:

If the patient will be absent from work or other daily activities because of treatment on an intermittent or part-time basis, also provide an estimate of the probable number of and interval between such treatments, actual or estimated dates of treatment if known, and period required for recovery if any:

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE CERTIFICATION FORM

- b. If any of these treatments will be provided by another provider of health services (e.g., physical therapist), please state the nature of the treatments:

- c. If a regimen of continuing treatment by the patient is required under your supervision, provide a general description of such regimen (e.g. prescription drugs, physical therapy requiring special equipment):

- 7. a. If medical leave is required for the employee's absence from work because of the employee's own condition (including absences due to pregnancy or a chronic condition), is the employee unable to perform work of any kind?

- b. If able to perform some work, is the employee unable to perform any one or more of the essential functions of the employee's job (the employee or the employer should supply you with information about the essential job functions)?

If yes, please list the essential functions the employee is unable to perform.

- c. If neither a. nor b. applies, is it necessary for the employee to be absent from work for treatment?

- 8. a. If leave is required to care for a family member of the employee with a serious health condition, does the patient require assistance for basic medical or personal needs or safety, or for transportation?

- b. If no, would the employee's presence to provide psychological comfort be beneficial to the patient or assist in the patient's recovery?

- c. If the patient will need care only intermittently or on a part-time basis, please indicate the probable duration of this need:

(Signature of Health Care Provider)

(Type of Practice)

(Address)

(Telephone Number)

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE CERTIFICATION FORM

To be completed by the employee needing family leave to care for a family member.

State the care you will provide and an estimate of the period during which care will be provided, including a schedule if leave is to be taken intermittently or if it will be necessary for you to work less than a full schedule:

(Employee Signature)

(Date)

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE CERTIFICATION FORM

A serious health condition means an illness, injury impairment, or physical or mental condition that involves one of the following:

1. Hospital Care - In patient care (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.
2. Absence Plus Treatment - A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:
 - a. treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider or by a provider of health care services (e.g. physical therapist) under the orders of, or on referral by, a health care provider; or
 - b. treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
3. Pregnancy - Any period of incapacity due to pregnancy or for prenatal care.
4. Chronic Conditions Requiring Treatments - A chronic condition which:
 - a. requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
 - b. continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - c. may cause episodic rather than a period of incapacity (e.g. asthma, diabetes, epilepsy, etc.).
5. Permanent/Long-term Conditions Requiring Supervision - A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
6. Multiple Treatments (Non-chronic Conditions) - Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment such as cancer (chemotherapy), radiation, etc.), severe arthritis (physical therapy) and kidney disease (dialysis).

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REQUEST WORK SHEET

Complete this work sheet upon receiving a request for family and medical leave that may qualify under the Family Medical Leave Act. Be sure to note the requirements relating to family and medical leave in the school district's policy/collective bargaining agreement prior to relying on this work sheet as the sole source of the school district's obligations. Also be sure to note the definitions in Regulation 409.3R2.

Section I: Eligible Employee. *(Please check all that apply.)*

Covered by a policy/collective bargaining agreement *(If checked, please move to Section II.)*

The employee must meet all criteria below to move to Section II.

50 or more employees are on the payroll of or under contract to the school district.

Worked 52 weeks in the school district (consecutive or nonconsecutive). **OR**

Worked 12 months in the school district (consecutive or nonconsecutive).

Worked 1250 hours for the school district in 12 months prior to the request. Full-time professional employees who are exempt from the wage and hour law may be presumed to have worked the minimum hours required.

Section II: Family and Medical Leave Purpose. *(One must be checked to move to Section III.)*

Birth and care of newborn prior to first anniversary of child's birth.

Care of adopted child or foster care child prior to first anniversary of placement.

Care for serious health condition of spouse, child, child for which employee is "in loco parentis" and for any of these if they are over eighteen and have a disability which prevents the child from caring for himself or herself.

Requested medical certification for family and medical leave due to a serious health condition of the spouse, parent or child on _____.

Received medical certification within 15 days of the request on _____.

Serious health condition of the employee.

Requested medical certification for family and medical leave due to a serious health condition of the employee on _____.

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REQUEST WORK SHEET

___ Received medical certification within 15 days of the request on _____.

___ Other purposes contained in a policy/collective bargaining agreement.

Section III: Timing of Family and Medical Leave Request.

___ Date of family and medical leave request _____.

___ Date family and medical leave to begin _____

___ Provide FMLA leave information to employee at time of request _____.

(If one is checked, please move to Section IV.)

___ Leave request for foreseeable family and medical leave is 30 days prior to date family and medical leave begins.

___ Leave request for foreseeable family and medical leave is in compliance with policy/collective bargaining agreement.

___ Leave request for foreseeable family and medical leave was made as soon as practicable, and no later than one business day, prior to date family and medical leave begins.

___ Leave request for unforeseeable family and medical leave was made in accordance with the policy/collective bargaining agreement timelines.

Section IV: Calculation of Available Family and Medical Leave.

Beginning date for 12-month entitlement period: *(Check the method adopted by the school district.)*

___ July 1 (fiscal year)

___ January 1 (calendar year)

___ September 1 (school year)

___ First day of rolling forward 12-month entitlement period

___ First day of rolling backward 12-month entitlement period

___ Collective bargaining agreement year

___ Other

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REQUEST WORK SHEET

| | |
|--|-----------------------------|
| Total family and medical leave for the 12-month entitlement period | <u>12 weeks</u> |
| Leave taken to date in the entitlement period | <u> </u> |
| Leave available for the entitlement period | <u> </u> |

If sufficient family and medical leave is available and the employee qualifies for family and medical leave, the family and medical leave will be granted in accordance with the policy/collective bargaining agreement.

The employee must be informed that the actual family and medical leave taken will be credited to the employee's 12-week entitlement.

If both spouses are employed by the school district, they may only take a combined total of 12 weeks during the entitlement period for the birth, adoption or foster care placement prior to the first anniversary of the child's birth or placement and for the care of a parent with a serious health condition.

If insufficient family and medical leave is available, the school district may award only the family and medical leave available or award the family and medical leave in accordance with other provisions of the policy/collective bargaining agreement.

Section V: Types of Family and Medical Leave. *(Please check all that apply.)*

Continuous leave for purposes listed in Section II.

Intermittent leave for birth, adoption or foster care placement prior to first anniversary of child's birth or placement with school district approval in accordance with other provisions of policy/collective bargaining agreement.

Reduced work schedule leave for birth, adoption or foster care placement prior to first anniversary of child's birth or placement with school district approval in accordance with other provisions of policy/collective bargaining agreement.

Intermittent leave if medically necessary for serious health condition of employee or family member and arranged as much as possible to not disrupt the school district's operation.

Reduced work schedule leave if medically necessary for serious health condition of employee or family member and arranged as much as possible to not disrupt the school district's operation.

Others contained in policy/collective bargaining agreement. *(Please specify.)*

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REQUEST WORK SHEET

Section VI: Instructional Employee Intermittent or Reduced Schedule Leave.

- A policy/collective bargaining agreement extends this rule to non-instructional employees.
- A policy/collective bargaining agreement eliminates this rule for instructional employees.
- Instructional employees' intermittent or reduced schedule leave for greater than 20 percent of the work days in the family and medical leave period.

| | | | | |
|--|--|-------|--|-------|
| Total number of days during leave period | | _____ | | _____ |
| | | X | | .20 |
| 20 percent of leave days | | _____ | | _____ |
| Days of leave requested | | _____ | | _____ |

If the number of days requested exceeds 20 percent of the family and medical leave days, the school district may require the instructional employee to take family and medical leave for the entire leave period OR transfer the instructional employee to an alternate position with equivalent pay and benefits. The employee must be informed that the actual family and medical leave taken will be credited to the employee's 12-week entitlement.

Section VII: Instructional Employees Family and Medical Leave Special Rules.

- Instructional employee.
- A policy/collective bargaining agreement extends one or all of these rules to noninstructional employees.
- A policy/collective bargaining agreement eliminates one or all of these rules for instructional employees.
- The school district can require the employee to remain on family and medical leave until end of the semester if each of the following apply:
- Leave begins prior to five weeks before end of semester;
 - Leave is for three weeks or more; **and**
 - Employee will return during last three weeks of semester.

| | | |
|---|--|-------|
| Last work day of the semester | | _____ |
| Date of fifth week before end of the semester | | _____ |
| Date of third week before end of the semester | | _____ |
| Date of requested leave | | _____ |
| Length of requested leave | | _____ |
| Date of return from leave | | _____ |

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REQUEST WORK SHEET

___ The school district can require employee to remain on family and medical leave for leave other than an employee's serious health condition until end of semester if each of the following apply:

- ___ Leave begins during last five weeks before end of semester;
- ___ Leave is greater than two weeks; **and**
- ___ Employee will return during last two weeks of semester.

Last work day of the semester _____
 Date of fifth week before end of the semester _____
 Date of second week before end of the semester _____

Date of requested leave _____
 Length of requested leave _____
 Date of return from leave _____

___ The school district can require the employee to remain on family and medical leave for purpose other than an employee's serious health condition until the end of the semester if each of the following apply:

- ___ Leave begins during last three weeks before end of the semester; **and**
- ___ Leave is greater than five working days.

Last work day of the semester _____
 Date of third week before end of the semester _____

Date of requested leave _____
 Length of requested leave _____

The employee must be informed that the actual family and medical leave taken under these rules will be credited to the employee's 12-week entitlement.

Section VIII: Paid or Unpaid Family and Medical Leave.

___ Provide employee notice whether the family and medical leave is paid or unpaid leave after completing the work sheet in accordance with policy/collective bargaining agreement.

___ Policy/collective bargaining agreement allows substitution of paid leave for family and medical leave.

___ Family and medical leave is unpaid leave.

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REQUEST WORK SHEET

Section IX: Employee Progress Report.

___ Arrangements are made with the employee to report to the school district on a regular basis during the family and medical leave (*please specify*).

___ Requested medical recertification for family and medical leave due to a serious health condition of the spouse, parent or child on _____.

___ Received medical recertification within 15 days of the request on _____.

Section X: Employee Benefits During Family and Medical Leave.

The employee's health insurance coverage must be continued during the period of family and medical leave. The school district may choose to continue other employee benefits to ensure their restoration along with the health insurance upon the employee's return to work. The employee will pay the employee's share of health insurance and other benefits during the leave period.

___ Arrangements have been made with the employee to continue the employee's share of health insurance premiums while on family and medical leave:

___ From monies due to the employee

___ By the first of each month from the employee

___ Other (*please specify*) _____

___ Arrangements have been made with the employee to continue the employee's share of the employee's other benefits while on family and medical leave:

___ From monies due to the employee

___ By the first of each month from the employee

___ Other (*please specify*) _____

___ The employee has chosen to discontinue all employee benefits while on family and medical leave.

___ Employees who fail to provide payment of the employee's share of benefits premium during the period of family and medical leave have 15 days following notice to pay the employee's share.

___ Employees who fail to pay within 15 days after receiving notice of payment due may have employee benefits discontinued.

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REQUEST WORK SHEET

___ The school district will deduct unpaid employee portion of benefits from monies due to the employee upon return to work, and the employee has signed a written statement authorizing the deduction.

___ The school district will seek recovery of unpaid employee portion of benefits through small claims court or other appropriate recovery process.

Even if the employee chooses to discontinue employee benefits during the period of family and medical leave, the school district should exercise great care before discontinuing employee benefits. The school district is required to restore the employee to full benefits when the employee returns to work, including group health insurance, without any qualifying period, physical examination, exclusion of pre-existing conditions and other similar requirements.

___ The school district may discontinue the employee's benefits upon receipt of written notice of the employee's intent not to return to work.

Section XI: Key Employees.

___ Salaried employees among the highest paid ten percent of a school district's employees are considered key employees of the school district.

| | |
|------------------------------------|---------|
| Year-to-date earnings for employee | _____ |
| Total weeks of work and paid leave | / _____ |
| Highest pay for employee | = _____ |

___ Provide notice to key employees stating they are a key employee and they may not be reinstated at end of the family and medical leave period if substantial and grievous economic injury exists.

___ Compile data to justify substantial and grievous economic injury. Substantial and grievous economic injury does not include minor inconvenience and costs typical to the normal operation of the school district.

___ The key employee is entitled to benefits during the family and medical leave in the same manner as other employees.

Section XII: Employee's Return to Work.

___ Employee is fully restored the same or an equivalent position with:

- ___ Pay and benefits
- ___ Health insurance
- ___ Life insurance
- ___ Other benefits or requirements in a policy agreement

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATION

A. School district notice.

1. The school district will post the notice in Exhibit 409.3E1 regarding family and medical leave.
2. Information on the Family and Medical Leave Act and the policy/collective bargaining agreement on family and medical leave, including leave provisions and employee obligations will be provided annually. The information will be available in the board secretary's office.
3. When an employee requests family and medical leave, the school district will provide the employee with information listing the employee's obligations and requirements. Such information will include:
 - a. a statement clarifying whether the leave qualifies as family and medical leave and will, therefore, be credited to the employee's annual 12-week entitlement;
 - b. a reminder that employees requesting family and medical leave for their serious health condition or for that of an immediate family member must furnish medical certification of the serious health condition and the consequences for failing to do so;
 - c. an explanation of the employee's right to substitute paid leave for family and medical leave including a description of when the school district requires substitution of paid leave and the conditions related to the substitution; and
 - d. a statement notifying employees that they must pay and must make arrangements for paying any premium or other payments to maintain health or other benefits.

B. Eligible employees.

Employees are eligible for family and medical leave if three criteria are met.

1. The school district has more than 50 employees on the payroll at the time leave is requested;
2. The employee has worked for the school district for at least twelve months or 52 weeks (the months and weeks need not be consecutive); and
3. The employee has worked at least 1,250 hours within the previous year. Full-time professional employees who are exempt from the wage and hour law may be presumed to have worked the minimum hour requirement.

If the employee requesting leave is unable to meet the above criteria, then the employee is not eligible for family and medical leave.

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATION

- C. Employee requesting leave -- two types of leave.
 - 1. Foreseeable family and medical leave.
 - a. Definition - leave is foreseeable for the birth or placement of an adopted or foster child with the employee or for planned medical treatment.
 - b. Employee must give at least thirty days notice for foreseeable leave. Failure to give the notice may result in the leave beginning thirty days after notice was received.
 - c. Employees must consult with the school district prior to scheduling planned medical treatment leave to minimize disruption to the school district. The scheduling is subject to the approval of the health care provider.
 - 2. Unforeseeable family and medical leave.
 - a. Definition - leave is unforeseeable in such situations as emergency medical treatment or premature birth.
 - b. Employee must give notice as soon as possible but no later than one to two work days after learning that leave will be necessary.
 - c. A spouse or family member may give the notice if the employee is unable to personally give notice.
- D. Eligible family and medical leave determination. The school district may require the employee giving notice of the need for leave to provide reasonable documentation or a statement of family relationship.
 - 1. Four purposes.
 - a. The birth of a son or daughter of the employee and in order to care for that son or daughter prior to the first anniversary of the child's birth;
 - b. The placement of a son or daughter with the employee for adoption or foster care and in order to care for that son or daughter prior to the first anniversary of the child's placement;
 - c. To care for the spouse, son, daughter or parent of the employee if the spouse, son, daughter or parent has a serious health condition; or
 - d. Employee's serious health condition that makes the employee unable to perform the essential functions of the employee's position.

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATION

2. Medical certification.

a. When required:

- (1) Employees shall be required to present medical certification of the employee's serious health condition and inability to perform the essential functions of the job.
- (2) Employees shall be required to present medical certification of the family member's serious health condition and that it is medically necessary for the employee to take leave to care for the family member.

b. Employee's medical certification responsibilities:

- (1) The employee must obtain the certification from the health care provider who is treating the individual with the serious health condition.
- (2) The school district may require the employee to obtain a second certification by a health care provider chosen by and paid for by the school district if the school district has reason to doubt the validity of the certification an employee submits. The second health care provider cannot, however, be employed by the school district on a regular basis.
- (3) If the second health care provider disagrees with the first health care provider, then the school district may require a third health care provider to certify the serious health condition. This health care provider must be mutually agreed upon by the employee and the school district and paid for by the school district. This certification or lack of certification is binding upon both the employee and the school district.

c. Medical certification will be required fifteen days after family and medical leave begins unless it is impracticable to do so. The school district may request recertification every thirty days. Recertification must be submitted within fifteen days of the school district's request.

Family and medical leave requested for the serious health condition of the employee or to care for a family member with a serious health condition which is not supported by medical certification will be denied until such certification is provided.

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATION

E. Entitlement.

1. Employees are entitled to twelve weeks unpaid family and medical leave per year.
2. Year is defined as: Fiscal year
3. If insufficient leave is available, the school district may:
 - a. Deny the leave if entitlement is exhausted
 - b. Award leave available

F. Type of Leave Requested.

1. Continuous - employee will not report to work for set number of days or weeks.
2. Intermittent - employee requests family and medical leave for separate periods of time.
 - a. Intermittent leave is available for:
 - (1) Birth, adoption or foster care placement of child only with the school district's agreement.
 - (2) Serious health condition of the employee, spouse, parent, or child when medically necessary without the school district's agreement.

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATION

- b. In the case of foreseeable intermittent leave, the employee must schedule the leave to minimize disruption to the school district operation.
 - c. During the period of foreseeable intermittent leave, the school district may move the employee to an alternative position with equivalent pay and benefits. *(For instructional employees, see G below.)*
3. Reduced work schedule - employee requests a reduction in the employee's regular work schedule.
- a. Reduced work schedule family and medical leave is available for:
 - (1) Birth, adoption or foster care placement and subject to the school district's agreement.
 - (2) Serious health condition of the employee, spouse, parent, or child when medically necessary without the school district's agreement.
 - b. In the case of foreseeable reduced work schedule leave, the employee must schedule the leave to minimize disruption to the school district operation.
 - c. During the period of foreseeable reduced work schedule leave, the school district may move the employee to an alternative position with equivalent pay and benefits. *(For instructional employees, see G below.)*

G. Special Rules for Instructional Employees.

- 1. Definition - an instructional employee is one whose principal function is to teach and instruct students in a class, a small group or an individual setting. This includes, but is not limited to, teachers, coaches, driver's education instructors and special education assistants.
- 2. Instructional employees who request foreseeable medically necessary intermittent or reduced work schedule family and medical leave greater than twenty percent of the work days in the leave period may be required to:
 - a. Take leave for the entire period or periods of the planned medical treatment; or
 - b. Move to an available alternative position, with equivalent pay and benefits, but not necessarily equivalent duties, for which the employee is qualified.

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATION

3. Instructional employees who request continuous family and medical leave near the end of a semester may be required to extend the family and medical leave through the end of the semester. The number of weeks remaining before the end of a semester does not include scheduled school breaks, such as summer, winter or spring break.
 - a. If an instructional employee begins family and medical leave for any purpose more than five weeks before the end of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last at least three weeks and the employee would return to work during the last three weeks of the semester if the leave was not continued.
 - b. If the employee begins family and medical leave for a purpose other than the employee's own serious health condition during the last five weeks of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last more than two weeks and the employee would return to work during the last two weeks of the semester.
 - c. If the employee begins family and medical leave for a purpose other than the employee's own serious health condition during the last three weeks of the semester and the leave will last more than five working days, the school district may require the employee to continue taking leave until the end of the semester.
 4. The entire period of leave taken under the special rules is credited as family and medical leave. The school district will continue to fulfill the school district's family and medical leave responsibilities and obligations, including the obligation to continue the employee's health insurance and other benefits, if an instructional employee's family and medical leave entitlement ends before the involuntary leave period expires.
- H. Employee responsibilities while on family and medical leave.
1. Employee must continue to pay health care benefit contributions or other benefit contributions regularly paid by the employee unless employee elects not to continue the benefits.
 2. The employee contribution payments will be deducted from any money owed to the employee or the employee will reimburse the school district at a time set by the superintendent.
 3. An employee who fails to make the health care contribution payments within thirty days after they are due will be notified that their coverage may be canceled if payment is not received within an additional 15 days.

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATION

4. An employee may be asked to re-certify the medical necessity of family and medical leave for the serious medical condition of an employee or family member once every thirty days and return the certification within fifteen days of the request.
5. The employee must notify the school district of the employee's intent to return to work at least once each month during their leave and at least two weeks prior to the conclusion of the family and medical leave.
6. If an employee intends not to return to work, the employee must immediately notify the school district, in writing, of the employee's intent not to return. The school district will cease benefits upon receipt of this notification.

I. Use of paid leave for family and medical leave.

1. An employee may substitute unpaid family and medical leave for the serious health condition of the employee with paid sick leave. Upon the expiration of paid leave, the family and medical leave for the serious health condition of the employee is unpaid.
2. An employee may substitute unpaid family and medical leave for the serious health condition of an employee's family member with paid sick leave. Upon the expiration of paid leave, the family and medical leave for the serious health condition of an employee's family member is unpaid.
3. An employee may substitute unpaid family and medical leave for the birth of a child of the employee and in order to care for that child prior to the first anniversary of the child's birth with sick and vacation leave. Upon the expiration of paid leave, the family and medical leave for the birth of a child of the employee and in order to care for that child prior to the first anniversary of the child's birth is unpaid.
4. An employee may substitute unpaid family and medical leave for the placement of a child with the employee for adoption or foster care and in order to care for that child prior to the first anniversary of the child's placement or adoption with sick and vacation leave. Upon the expiration of paid leave, the family and medical leave for prior to the first anniversary of the placement of a child with the employee for adoption or foster care is unpaid.
5. When the school district determines that paid leave is being taken for an FMLA reason, the school district will notify the employee within two business days that the paid leave will be counted as FMLA leave.

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE DEFINITIONS

Common law marriage-according to Iowa law, common law marriages exist when there is a present intent by the two parties to be married, continuous cohabitation, and a public declaration that the parties are husband and wife. There is no time factor that needs to be met in order for there to be a common law marriage.

- Any period of incapacity due to pregnancy or for prenatal care.
- Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
 - requires periodic visits for treatment by a health care provider or by a nurse or physician's assistant under direct supervision of a health care provider;
 - Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
- Any period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke or the terminal stages of a disease.
- Any period of absence to receive multiple treatments (including any period of recovery from) by a health care provider or by a provider of health care services under orders of, or on referral by, a Continuing treatment-a serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
 - A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from) of more than three consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves:
 - treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or in referral by, a health care provider; or
 - treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of a the health care provider.

Eligible Employee-the district has more than 50 employees on the payroll at the time leave is requested. The employee has worked for the district for at least twelve months and has worked at least 1250 hours within the previous year.

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE DEFINITIONS

Essential Functions of the Job-those functions which are fundamental to the performance of the job. It does not include marginal functions.

Employment benefits-all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an "employee benefit plan."

Family Member-individuals who meet the definition of son, daughter, spouse or parent.

Group health plan-any plan of, or contributed to by, an employer (including a self-insured plan) to provide health care (directly or otherwise) to the employer's employees, former employees, or the families of such employees or former employees.

Health care provider-

- A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; or
- Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X ray to exist) authorized to practice in the state and performing within the scope of their practice as defined under state law; and
- Nurse practitioners and nurse-midwives, and clinical social workers who are authorized to practice under state law and who are performing within the scope of their practice as defined under state law; and
- Christian Science practitioners listed with the First Church of Christ Scientist in Boston, Massachusetts;
- Any health care provider from whom an employer or a group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits;
- A health care provider as defined above who practices in a country other than the United States who is licensed to practice in accordance with the laws and regulations of that country.

In loco parentis-individuals who had or have day-to-day responsibilities for the care and financial support of a child not their biological child or who had the responsibility for an employee when the employee was a child.

Incapable of self-care-that the individual requires active assistance or supervision to provide daily self-care in several of the "activities of daily living" or "ADLs." Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing, eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE DEFINITIONS

Instructional employee-an employee employed principally in an instructional capacity by an educational agency or school whose principal function is to teach and instruct students in a class, a small group, or an individual setting, and includes athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, nor auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily noninstructional employees.

Intermittent leave-leave taken in separate periods of time due to a single illness or injury, rather than for one continuous period of time, and may include leave or periods from an hour or more to several weeks.

Medically Necessary-certification for medical necessity is the same as certification for serious health condition.

"Needed to Care For"-the medical certification that an employee is "needed to care for" a family member encompasses both physical and psychological care. For example, where, because of a serious health condition, the family member is unable to care for his or her own basic medical, hygienic or nutritional needs or safety or is unable to transport himself or herself to medical treatment. It also includes situations where the employee may be needed to fill in for others who are caring for the family member or to make arrangements for changes in care.

Parent-a biological parent or an individual who stands in loco parentis to a child or stood in loco parentis to an employee when the employee was a child. Parent does not include parent-in-law.

Physical or mental disability-a physical or mental impairment that substantially limits one or more of the major life activities of an individual.

Reduced leave schedule-a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

Serious health condition

- An illness, injury, impairment, or physical or mental condition that involves:
 - Inpatient care (i.e. an overnight stay) in a hospital, hospice or residential medical care facility including any period of incapacity (for purposes of this section, defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from), or any subsequent treatment in connection with such inpatient care; or
 - Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes:
 - A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from) of more than three consecutive calendar days, including any subsequent treatment or period of incapacity relating to the same condition, that also involves:

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE DEFINITIONS

- Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders or, or on referral by, a health care provider; or
- Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
- Any period of incapacity due to pregnancy or for prenatal care.
- Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
 - Requires periodic visits for treatment by a health care provider or by a nurse or physician's assistant under direct supervision of a health care provider;
 - Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
- A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's a severe stroke or the terminal stages of a disease.
- Any period of absence to receive multiple treatments (including any period of recovery from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).
- Treatment for purposes of this definition includes, but is not limited to, examinations to determine if a serious health condition exists and evaluation of the condition. Treatment does not include routine physical examinations, eye examinations or dental examinations. Under this definition, a regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed rest, drinking fluids, exercise and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.
- Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness resulting from stress or allergies may be serious health conditions, but only if all the conditions of this section are met.

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE DEFINITIONS

- Substance abuse may be a serious health condition if the conditions of this section are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.
- Absence attributable to incapacity under this definition qualify for FMLA leave even though the employee or the immediate family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

Son or daughter-a biological child, adopted child, foster child, stepchild, legal ward, or a child of a person standing *in loco parentis*. The child must be under age 18 or, if over 18, incapable of self-care because of a mental or physical disability.

Spouse-a husband or wife recognized by Iowa law including common law marriages.

LICENSED EMPLOYEE BEREAVEMENT LEAVE

In the event of a death of a member of a licensed employee's family, bereavement leave may be granted. Bereavement leave may be granted to a licensed employee for no more than 5 days, with "day" being defined as one work day regardless of full-time status of the employee, per occurrence, for the death of a member of the family. For purposes of this policy, family includes spouse, child, step-child, legal dependent, mother, step-mother, father, step-father, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister, sister-in-law, brother, brother-in-law, grandparent, step-grandparent-in-law, grandchild, aunt, or uncle.

Other Family Members and Friends. This section shall include Bereavement Leave for relatives not identified above and close friends. An Employee shall be granted one (1) paid day per year and allowed two (2) additional paid days, minus the cost of the coverage, up to and including substitute required, for the death of a relative or friend. Application for permission to attend the funeral shall be made in advance to the building Principal or his/her designee. Where possible, time off to attend such a funeral shall be minimized to the extent necessary to attend the funeral and services. This leave may be used in quarterly increments at the Employee's discretion. No more than one (1) Employee for every ten (10) Employees in a building may be granted leave to attend the same funeral unless the Superintendent finds there are exceptional circumstances which warrant attendance by more Employees in that building.

Employees must inform the superintendent/building principal at the earliest possible time. The administration may decide to grant bereavement leave in the event of deaths other those listed above. Bereavement leave is non-cumulative.

LICENSED EMPLOYEE POLITICAL LEAVE

The board will provide a leave of absence to licensed employees to run for elective public office. The superintendent will grant a licensed employee a leave of absence to campaign as a candidate for an elective public office as unpaid leave.

The licensed employee will be entitled to one period of leave to run for the elective public office, and the leave may commence within thirty days of a contested primary, special, or general election and continue until the day following the election.

The request for leave must be in writing to the superintendent of schools at least thirty days prior to the starting date of the requested leave.

LICENSED EMPLOYEE JURY DUTY LEAVE

The board will allow licensed employees to be excused for jury duty unless extraordinary circumstances exist. The superintendent has the discretion to determine when extraordinary circumstances exist.

Employees who are called for jury service will notify the direct supervisor within twenty-four hours after notice of call to jury duty and suitable proof of jury service pay must be presented to the school district. The employee will report to work within one hour on any day when the employee is excused from jury duty during regular working hours.

Licensed employees will receive their regular salary. Any payment for jury duty will be paid to the school district.

LICENSED EMPLOYEE MILITARY SERVICE LEAVE

The board recognizes licensed employees may be called to participate in the armed forces, including the National Guard. If a licensed employee is called to serve in the armed forces, the employee will have a leave of absence for military service until the military service is completed.

The leave is without loss of status or efficiency rating, and without loss of pay during the first thirty calendar days of the leave.

LICENSED EMPLOYEE UNPAID LEAVE

Unpaid leave may be used to excuse an involuntary absence not provided for in this or other leave policies of the board. Unpaid leave for licensed employees must be authorized by the superintendent.

The superintendent will have complete discretion to grant or deny the requested unpaid leave. In making this determination, the superintendent will consider the effect of the employee's absence on the education program and school district operations, length of service, previous record of absence, the financial condition of the school district, the reason for the requested absence and other factors the superintendent believes are relevant to making this determination.

If unpaid leave is granted, the duration of the leave period will be coordinated with the scheduling of the education program whenever possible to minimize the disruption of the education program and school district operations.

Whenever possible, licensed employees will make a written request for unpaid leave 60 days prior to the beginning date of the requested leave. If the leave is granted, the deductions in salary are made unless they are waived specifically by the superintendent.

