

# PERSONNEL

## 3.1 RECRUITMENT, EMPLOYMENT AND PROMOTION:

Approved & amended by the LCBOE in session: May 14, 2007 – Policy effective date: July 1, 2007

3.1.1 Recruitment, Employment..The Lewis County School System and its board of education shall endeavor to secure the best available personnel to promote the proper atmosphere of learning, welfare and security for the progress of its pupils and schools. The influence of partisan politics, religious affiliation, friendship or any form of bias has no place in the administration of this school system. The Lewis County Schools will follow the requirements of the Americans with Disabilities Act and the Equal Employment Opportunities Act.

3.1.2 Recruitment, Employment..Appointment to any full-time or part-time professional position shall be based upon appropriate certification and qualifications as outlined in WV Code 18A-4-7a. Service Personnel shall be employed in accordance with procedures outlined in WV Code 18a-2-7.

## 3.2 ACCESS TO PERSONNEL FILES

Approved & amended by the LCBOE in session: May 14, 2007 – Policy effective date: July 1, 2007

3.2.1 Access to Personnel Files The Lewis County Board of Education respects the confidentiality of personnel records on file at the office of the board of education.

3.2.2 Access to Personnel Files The superintendent or designated office staff or the board of education upon board action shall have access to the files, while individuals to whom the files pertain may have access to his/her individual records. Such may be accomplished by personal arrangements with the superintendent or personnel director. Written permission from the employee for each instance must be secured before others access the file. A copy of the files to be reviewed may be provided to the employee upon request, at a cost not to exceed the actual cost of copying the records.

## 3.3 PERSONNEL RECORDS, MAINTENANCE AND SECURITY OF

Approved & amended by the LCBOE in session: May 14, 2007 – Policy effective date: July 1, 2007

3.3.1 Personnel Records... The superintendent of schools or the designated representative shall be responsible for the personnel records maintained and secured in the central office.

3.3.2 Personnel Records... Personnel records shall be kept under secure conditions at all times. The superintendent or the designated representative shall have the responsibility for maintaining and preserving the confidentiality of personnel records.

3.3.3 Personnel Records... The central office shall maintain all personnel records in fireproof storage.

3.3.4 Personnel Records... The superintendent or his designated representative shall annually review personnel files. Those records which are no longer accurate, misleading or in violation of the privacy or other rights of the individual shall be destroyed, deleted or corrected.

# PERSONNEL

## 3.4 CENTRAL OFFICE INFORMATION, CURRENT

Approved & amended by the LCBOE in session: May 14, 2007 – Policy effective date: July 1, 2007

- 3.4.1 Central Office Info... It is the employee's responsibility to keep the following information current at all times with the county office through the supervisor:
- 3.4.2 Central Office Info... Name
- 3.4.3 Central Office Info... Address
- 3.4.4 Central Office Info... Telephone Number
- 3.4.5 Central Office Info... Social Security Number
- 3.4.6 Central Office Info... Emergency Contact Information
- 3.4.7 Central Office Info... Dependents
- 3.4.8 Central Office Info... Credits earned for renewing or upgrading certification (professional personnel)
- 3.4.9 Central Office Info... Other forms as required by regulation of law when requested.

## 3.5 VACANCIES, Announcement of

Approved & amended by the LCBOE in session: May 14, 2007 – Policy effective date: July 1, 2007

- 3.5.1 Vacancy, Announcement The Lewis County Board of Education will adhere to procedures for posting of vacancies as per WV Code 18A-4-7a and 18A-4-8b.
- 3.5.2 Vacancy, Announcement Vacancy notices will be prepared by the superintendent or designee, and will be posted on the bulletin boards in the offices of the principals, county superintendent, maintenance supervisor, and transportation supervisor. Notices will also be posted on the front doors of the board office. Notices will be posted for a minimum of five (5) working days, and positions will be filled within twenty (20) working days from the date of postings.
- 3.5.3 Vacancy, Announcement No language in this policy obligates the superintendent or the board to award the position to any or all applicants simply because an application(s) was filed.
- 3.5.4 Vacancy, Announcement All persons seeking employment with the Lewis County Board of Education must submit a written form of application.

## 3.6 PROMOTION

Approved & amended by the LCBOE in session: May 14, 2007 – Policy effective date: July 1, 2007

Refer to WV Code 18A-4-7a & WV Code 18A-4-8b

## 3.7 PHYSICAL AND MENTAL EXAMINATIONS:

Approved & amended by the LCBOE in session: May 14, 2007 – Policy effective date: July 1, 2007

- 3.7.1 Physical/Mental Exams All board of education employees are encouraged to have an annual physical examination.
- 3.7.2 Physical/Mental Exams All bus drivers are required by law to have an annual or semi-annual physical examination depending upon age. Expenses will be reimbursed to the driver at a maximum amount to be determined by the board of education.
- 3.7.3 Physical/Mental Exams Should a situation arise where an employee is unable to function properly on the job, the immediate supervisor has the responsibility of bringing this fact to the attention of the superintendent.

# PERSONNEL

- 3.7.4 Physical/Mental Exams The superintendent may confer with the personnel director, the principal, and the board on possible solutions. If the physical or mental health conditions of the employee could potentially pose a threat to the health/safety of other individuals and the inquiry is shown to be job-related and consistent with business necessity, the superintendent may require that the employee undergo a physical and/or mental examination.
- 3.7.5 Physical/Mental Exams If the physician(s) concludes the employee is able to perform his/her duties, he/she will be reinstated immediately. If the physician rules otherwise, the employee will be placed on sick leave, or until he/she can be certified as physically and/or emotionally capable of performing the job responsibilities with reasonable accommodations.
- 3.7.6 Physical/Mental Exams At the time of initial employment, all school employees shall have one approved tuberculin skin test by the local health department or the person's physician.
- 3.7.7 Physical/Mental Exams Employees that fall into the high risk group or employees receiving a chest x-ray because findings suggest previous tuberculin exposure, those employees must continue to be tested and provide results to the school nurses.
- 3.7.8 Physical/Mental Exams Additional tuberculin skin tests or other medical screens may be required by the local health department or Commissioner, if medically indicated. Reference: WV Code §16-3D-3 (HB 2885) – Compulsory testing for tuberculin of school children and school personnel.

## 3.8 PERSONAL LEAVE

Approved by the Lewis County BOE in session July 10, 2006. Employees may begin to save personal leave days during the 2006-07 school year to be carried over for the first time to the 2007-08 school year (See Section 3.8.8). Reviewed & amended by the LCBOE in session: May 14, 2007 – Policy effective date: July 1, 2007. Chapter 3.8 reviewed & updated on November 9, 2015.

- 3.8.1 Personal Leave **Days of leave** WV Code 18A-4-10 Personal leave for illness and other causes.
- 3.8.2 Personal Leave **Verification of absences** - The board established the following policy for the reporting and verifying of absences for cause. These days will be deducted from an employee's unused personal leave:
- 3.8.3 Personal Leave **Absences due to illness** – for a period of (3) days or less will be honored on the statement of the absentee when he/she files claim for sick leave benefits on the prescribed board form. The Superintendent, central office administrator, or school principal reserves the right to request a physician's verification upon any absence.
- 3.8.4 Personal Leave **Absences due to illness for a period of four (4) consecutive days or more** must be verified by the attending physician on prescribed board form and submitted to the superintendent (Absence due to pregnancy must be verified by the attending physician who states that, in his opinion, the employee is unable to continue her duties due to pregnancy from date so stated).
- 3.8.5 Personal Leave Personal leave will be granted for absence due to **death in the immediate family**, i.e., father, father-in-law, mother, mother-in-law, husband, wife, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, grandfather, grandfather-in-law, grandmother, grandmother-in-law,



# PERSONNEL

grandchildren, foster parent, aunt or uncle. Benefits will be honored on the statement of the absentee when he/she files claim for benefits on the prescribed board form. Any relationship outside this guide shall be presented to the board for possible exception.

3.8.6 Personal Leave

Personal leave will be granted a regular employee to **care for ill members of the immediate family**, i.e., father, father-in-law, mother, mother-in-law, husband, wife, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, grandfather, grandfather-in-law, grandmother, grandmother-in-law, grandchildren, foster parent, aunt or uncle. If the employee is absent for three (3) consecutive days, the leave form shall be signed by the family member's attending physician. The Superintendent and Board of Education reserves the right to request a physician's verification upon any absence. Any relationship outside this guide shall be presented to the board for a possible exception.

3.8.7 Personal Leave

Personal leave for **illness and other causes**. Each employee shall be permitted three days of leave annually, which may be taken without regard to cause for the absence, except that personal leave without cause may not be taken on consecutive work days unless authorized or approved by the employee's principal or immediate supervisor.

3.8.8 Personal Leave

An employee may carry over two (2) days of the three (3) annual personal leave days without cause. Provided, however, total available personal days (without cause) may never exceed five (5) during a school year.

3.8.9 Personal Leave

The board reserves the right to **investigate and require proof of illness, death and other causes of absences** of any or all persons filing personal leave benefits and may also empower the principals and/or an employee's immediate supervisor with the right to verify in writing the validity of any absence that is deemed excessive.

## 3.9 PERSONAL LEAVE BANK

Approved & amended by the LCBOE in session: May 14, 2007 – Policy effective date: July 1, 2007.  
Approved & amended by the LCBOE in session: October 8, 2007.

3.9.1 Personal Leave Bank

**Rationale:** A personal/sick leave bank allows an employee who has incurred a catastrophic medical emergency, and has depleted personal leave time the opportunity not to lose salary. A "catastrophic medical emergency" means a medical or physical condition that: incapacitates an employee; that is likely to require the prolonged absence of the employee; and that will result in a substantial loss of income to the employee because the employee is not eligible to receive personal leave or has exhausted all personal leave. A bank would enable an employee to utilize personal leave days from more fortunate employees.

3.9.2 Personal Leave Bank

**Membership Eligibility:** All regular employees are eligible to be members of the bank at the time the bank is instituted, during the first month of full-time employment, or during the open enrollment period (September 1 – September 30) of each year. To become a member each person must voluntarily

# PERSONNEL

- contribute two personal illness days to the bank. Once these days are contributed, the employee relinquishes all claims to said days.
- 3.9.3 Personal Leave Bank For continued eligibility the member must be able to contribute an additional day to the bank when the chief school business official determines an additional assessment is necessary (this will be necessary if the bank balance falls below 60 days). In any case, no employee may contribute more than two days per school year.
  - 3.9.4 Personal Leave Bank New membership enrollment forms will be distributed before September 1 each year and must be returned by the last day of September (or within 30 days of new full-time employment).
  - 3.9.5 Personal Leave Bank Any member wishing to cease membership in the bank may do so by providing written notification at any time to the chief school business official. Any days previously donated remain with the bank.
  - 3.9.6 Personal Leave Bank **Withdrawal Days:** Only members of the Lewis County Board of Education Personal/Sick Leave Bank shall be eligible to withdraw days. In order for a request to withdraw days to be valid and eligible for consideration, the following criteria must be met:
  - 3.9.7 Personal Leave Bank The employee is not eligible for personal leave or has exhausted all accumulated personal leave.
  - 3.9.8 Personal Leave Bank The employee has suffered a catastrophic medical emergency as defined by this policy and as certified by a physician licensed by the State of WV.
  - 3.9.9 Personal Leave Bank The employee, or his representative, has completed and submitted the request for Withdrawal of Days form.
  - 3.9.10 Personal Leave Bank **Operation of Personal/Sick Leave Bank:**
  - 3.9.11 Personal Leave Bank Upon approval by the Board of Education for withdrawal of day(s), a minimum of one day and a maximum of 20 days will be deposited into the participant's account.
  - 3.9.12 Personal Leave Bank The member may reapply to the Board for additional days if the initial request was for less than twenty days (but no more than twice during any fiscal year). In any event, the total number of days granted shall not exceed a total of 20 in any one fiscal year.
  - 3.9.13 Personal Leave Bank Any member who request days must be willing to release all medical information to the Board of Education as required.
  - 3.9.14 Personal Leave Bank Should a member be unable to personally complete an application for use of days, his/her designee may apply for him.
  - 3.9.15 Personal Leave Bank Once an employee returns to work, any remaining unused bank days are returned to the bank.
  - 3.9.16 Personal Leave Bank Limitations of the Personal/Sick Leave Bank:
  - 3.9.17 Personal Leave Bank Sick Bank days cannot be used to extend health insurance coverage.
  - 3.9.18 Personal Leave Bank Sick Bank days cannot be used for or add to service for any retirement system administered by the state.
  - 3.9.19 Personal Leave Bank Contributions to the Personal/Sick Leave Bank shall not reduce personal leave without cause days (3 days each year) to which an employee is entitled should sufficient general personal leave days be available for donation.
  - 3.9.20 Personal Leave Bank Upon the termination of employment, or the voluntary withdrawal of membership from the Bank, the employee shall no longer be permitted to withdraw any days from the Bank.



# PERSONNEL

- 3.9.21 Personal Leave Bank The Personal/Sick Leave Bank days may not be used for the care of members of the employee’s family who may be ill or the victim of an accident.
- 3.9.22 Personal Leave Bank **The Personal/Sick Leave Bank days may not be used by members who are receiving disability benefits under Workers’ Compensation.**
- 3.9.23 Personal Leave Bank No employee may be compelled to contribute to the Personal/Sick Leave Bank.
- 3.9.24 Personal Leave Bank Any remaining balance of days in the bank at the end of the school (fiscal) year is carried forward to the next year.
- 3.9.25 Personal Leave Bank **Application for Membership** –See Finance Office for Application Form
- 3.9.26 Personal Leave Bank **Decision Notice** – See Finance Office for Form
- 3.9.27 Personal Leave Bank **Request for Withdrawal of Days** –See Finance Office for Form
- 3.9.28 Personal Leave Bank **Physician’s Statement** – See Finance Office For Form

## 3.9A LEAVE DONATION PROGRAM

Policy initially created, approved & amended by the LCBOE in session: October 8, 2007.

- 3.9A.1 Leave Donation As required by WV Code 18A-4-10f, Lewis County Schools establishes a Leave Donation Program to which a donor employee may transfer accrued personal leave to the personal leave account of another designated employee.
- 3.9A.2 Leave Donation Definitions – For the purpose of this policy only, terms shall be defined as follows:
- 3.9A.3 Leave Donation “Catastrophic medical emergency” means a medical or physical condition that:
  1. incapacitates an employee or an immediate family member for whom the employee will provide care;
  2. is likely to require the prolonged absence of the employee from duty; and
  3. Will result in a substantial loss of income to the employee.
- 3.9A.4 Leave Donation “Employee” means a professional educator or school service person that is employed by a county board and entitled to accrue personal leave as a benefit or employment.
- 3.9A.5 Leave Donation “Donor employee” means a professional educator or school service person employed by a county board who voluntarily contributes personal leave to another designated employee.
- 3.9A.6 Leave Donation “Receiving employee” means a professional educator or school service person employed by a county board of education who received donated personal leave from another employee.
- 3.9A.7 Leave Donation The receiving employee:
  1. Requires additional personal leave because of a catastrophic emergency. The Board shall be the sole judge upon the question of whether an employee is experiencing a catastrophic medical emergency as defined by this policy.
  2. Must have exhausted all accrued personal leave and is not eligible to receive personal leave or exhausted personal leave available from a leave bank.
  3. May not use the donated days to qualify for or add to service for any retirement system administered by the state.



# PERSONNEL

- 3.9A.8 Leave Donation

4. May not extend insurance coverage pursuant to section thirteen, article sixteen, chapter five of WV Code.

The donor employee:

  1. Voluntarily agrees to the leave transfer.
  2. Selects the employee designated to receive the personnel leave transferred.
  3. Is limited to transferring one personal leave day per receiving employee per year, with the exception of one's spouse. As allowed by WV 18A-4-10f, a board may not limit the number of days an employee transfers to his/her spouse.
  4. All requests to donate leave under this policy must be submitted by completion of a form for this purpose.
  
- 3.9A.9 Leave Donation

Each personal leave day contributed:

  1. Shall be deducted from the number of personal leave days to which the donor employee is entitled.
  2. Shall not be deducted from the number of personal leave days without cause to which the donor employee is entitled if sufficient general personal leave days are otherwise available to the donor employee.
  3. Shall be credited to the receiving employee as one full personal leave day.
  4. May not be credited for more or less than a full day by calculating the value of the leave according to the hourly wage of each employee.
  5. May be used only for an absence due to the purpose for which the leave was transferred.
  6. Any transferred days remaining when the catastrophic medical emergency ends revert back to the donor employee. Transfers will occur in the order in which they are received. Days will be returned to the donor employees beginning with the last request received.
  7. The Board reserves the right to request additional medical information and documentation during the catastrophic medical emergency to determine if the catastrophic medical emergency is continuing.
  
- 3.9A.10 Leave Donation

An employee may not be coerced or compelled to contribute to a leave donation program.
  
- 3.9A.11 Leave Donation

General Operation - An employee who is eligible to become a receiving employee shall make application to the Board of Education on the approved form. Upon Board Approval, donor employees may begin to submit personal leave transfer forms to the finance office.

## 3.10 THE FAMILY AND MEDICAL LEAVE ACT OF 1993

Approved & amended by the LCBOE in session: May 14, 2007 – Policy effective date: July 1, 2007

- 3.10.1 Family Medical Leave Act (FMLA) 29 U.S.C. Section 2601, et. seq., also provides eligible employees up to 12 weeks of unpaid leave during any fiscal year:
- 3.10.2 Family Medical Leave Act for the birth or adoption of a child
- 3.10.3 Family Medical Leave Act for the care of a son or daughter, spouse or parent with a serious health condition, or

# PERSONNEL

- 3.10.4 Family Medical Leave Act for the employee’s own serious health condition that renders them unable to perform the functions of their employment.
- 3.10.5 Family Medical Leave Act An employee shall be entitled to a total of twelve weeks of unpaid FAMILY LEAVE, following the exhaustion of all his or her annual and personal leave, during any fiscal year (July 1 – June 30).
- 3.10.6 Family Medical Leave Act In cases of serious health condition, the leave may be taken intermittently when medically necessary.
- 3.10.7 Family Medical Leave Act If a leave because of birth or adoption is foreseeable, the employee shall provide the employer with two weeks written notice of such expected birth or adoption.
- 3.10.8 Family Medical Leave Act If a leave is foreseeable because of planned medical treatment or supervision, the employee shall make a reasonable effort to schedule the treatment or supervision as not to disrupt the operations of the school system.
- 3.10.9 Family Medical Leave Act If an employee request Family Leave to care for a family member with a serious health condition. The employee is required to provide certification by a doctor concerning the family member’s health condition.
- 3.10.10 Family Medical Leave Act The certification shall be sufficient if it contains the following:
- 3.10.11 Family Medical Leave Act That the child, dependent, parent or employee has a serious health condition.
- 3.10.12 Family Medical Leave Act The date the serious health condition commenced and it is probable duration, and the medical facts regarding the serious health condition. The position held by an employee immediately before the leave shall be held for that employee and the employee shall be returned to that position. However, the board may hire a temporary employee to fill the position for the period of time of the parental leave.
- 3.10.13 Family Medical Leave Act Family leaves or medical leave shall not affect, reduce or deny any employment benefit or seniority, which accrued, to the employee before his or her leave commenced.
- 3.10.14 Family Medical Leave Act **Leave for Professional Appointments:** Personal leave may be requested for an appointment with a physician, or optician, or other medical professional, when an appointment can not be scheduled other than during the workday. A statement, signed by the attending professional, must be submitted.
- 3.10.15 Family Medical Leave Act **Jury Duty/Witness Leave:** Personnel called for jury duty will be granted civil leave and will not be charged sick leave or annual leave.
- 3.10.16 Family Medical Leave Act Personnel called for jury service are guaranteed that they will receive at least the equivalent of whatever daily rate of pay they are receiving as employees of the Lewis County Board of Education. The board will pay the difference between the pay for jury service and their regular pay. Employees must furnish the finance office with copies of their paychecks from the court.
- 3.10.17 Family Medical Leave Act The employee must furnish the personnel office with a copy of the summons for jury service in order to apply for their civil leave.
- 3.10.18 Family Medical Leave Act Personnel, who are involuntarily subpoenaed to be a witness, or if the subpoena is not the result of their personal action or cause, shall be granted civil leave and will not be charged sick or annual leave. Employees shall receive the equivalent of whatever daily rate of pay they are receiving. The





# PERSONNEL

- board will pay the difference between the pay as a witness and the regular daily pay.
- 3.10.19 Family Medical Leave Act The pay of an employee subpoenaed for reasons resulting from personal affairs or volunteering, as a witness shall be deducted as prescribed by the state and county board policy.
  - 3.10.20 Family Medical Leave Act The employee must furnish the Superintendent's office with a copy of the subpoena.
  - 3.10.21 Family Medical Leave Act **Civil Leave for Military Duty:** All officers and employees of the state, or subdivisions or municipalities thereof, who shall be members of the national guard or any military reserve unit of the united states armed services, shall be entitled to leave of absence from their respective offices or employment's without loss of pay, status or efficiency rating, on the days during which they shall be engaged in drills, parades or other duty during business hours ordered by proper authority, or for field training or active service of the state for a maximum period of thirty days in any one calendar year. The term "without loss of pay" means what the officer or employee shall continue to receive his normal salary or compensation, notwithstanding the fact that such officer or employee shall continue to receive his normal salary or compensation, not withstanding the fact that such officer or employee may have received other compensation from federal or state sources during the same period. Benefits of this section shall not accrue to individuals ordered or called to active duty by the President.
  - 3.10.22 Family Medical Leave Act **Leave of Absence:** A leave of absence must be requested in writing to the superintendent and requires board of education action based upon such a request. Leaves are granted for one school year or for the remainder of the year for the following:
    - 3.10.23 Family Medical Leave Act Personal illness certified by a physician.
    - 3.10.24 Family Medical Leave Act Service in the Armed Forces.
  - 3.10.25 Family Medical Leave Act Any person granted a leave of absence by the board is still considered a regular employee; therefore, that person is not eligible for substitute work.
  - 3.10.26 Family Medical Leave Act A leave is not granted to enable an employee to accept other employment nor is leave given for longer than the contracted period of the employee. Due to this reason, a teacher or other employee on a probationary contract is not granted such leave.
  - 3.10.27 Family Medical Leave Act When an employee with a contract in effect uses all of his personal leave or accumulated vacation and is still unable to work, his/her employment status shall be changed to "leave of absence" until expiration of his contract period, providing he/she makes written request for such leave if he/she holds a continuing contract. A leave of absence shall be terminated and the employee returned to work status at a time mutually agreeable to the employee and the board of education.
  - 3.10.28 Family Medical Leave Act A person who obtains a leave of absence on the basis of a physician's recommendation, before being recommended to the board to return to his/her duties, shall present to the superintendent a statement from the physician stating that the person is capable of resuming his/her duties, with an effective date.



# PERSONNEL

## 3.11 VACATION DAYS AND UNPAID OUTSIDE EMPLOYMENT DAYS

Approved and amended by the Lewis County Board of Education in session: September 26, 2005 & May 14, 2007.

3.11.1 Vacation and Unpaid OET Personnel employed on a 250-day contract shall be eligible for paid vacation days according to the following policy. The number of paid vacation days are accrued at the end of each year based on the number of years of service an employee has with a board of education as indicated in the chart below:

YEARS EMPLOYED	EARNED VACATION DAYS
1 – 5 YEARS	5 DAYS
6 – 10 YEARS	7 DAYS
11 – 15 YEARS	10 DAYS
16 – 19 YEARS	13 DAYS
20 + YEARS	15 DAYS

3.11.2 Vacation and Unpaid OET In addition to the paid vacation days, 250-day employees are required to take off eleven unpaid days to complete the 261-day working year (261 is the maximum number of days possible to work in a one year period). Vacation days as well as the eleven days without pay are to be requested in advance on the prescribed vacation/OET form. The first eleven days taken each year beginning July 1, must be days without pay and designated: “OET” (outside-employment-term) on the required timesheet. After these days have been used, accumulated vacation days may be used.

3.11.3 Vacation and Unpaid OET The vacation policy permits 250-day employees to carry forward into a new fiscal year twenty paid vacation days. The eleven days without pay (OET days), however, cannot be carried over and must be used in each fiscal year (July through June).

3.11.4 Vacation and Unpaid OET Personnel employed on a 200 to 240 day contract are not eligible to receive paid vacation as defined in this policy. These personnel are, however, required to use the necessary number of unpaid days outside their employment term (OET days) to complete the 261-day working year. For example, a 240-day employee must take 21 OET days each fiscal year and a 230-day employee 31 OET days.

## 3.12 MEETINGS AND CONFERENCES (ATTENDANCE WITH REGULAR PAY)

Approved & amended by the LCBOE in session: May 14, 2007 – Policy effective date: July 1, 2007. Section 3.12.10 reviewed & approved with changes on May 9, 2011.

3.12.1 Meetings/Conferences... **Personnel leaves (professional and service) for meetings, conferences, etc.** It is the desire of the board of education that personnel attend those educational meetings, which would have a direct effect on the employee's job performance.

3.12.2 Meetings/Conferences... The board recognizes that if a teacher is absent from the classroom an excessive number of times, systematic instruction in that classroom

# PERSONNEL

- deteriorates. It is also recognized that a administrator may need to attend more educational meetings than a classroom teacher, and that if an administrator is absent from the school an excessive number of times, systematic administration in the school may be diminished.
- 3.12.3 Meetings/Conferences... Those desiring to be excused to attend meetings shall make application to the superintendent for approval by the board of education at a time sufficient to be considered at a regular board meeting prior to date or dates for which request is made.
- 3.12.4 Meetings/Conferences... **In-state meetings** – Those desiring to be excused to attend in-state meetings shall make application to the superintendent for approval prior to attendance.
- 3.12.5 Meetings/Conferences... **Out of state meetings** – Those desiring to be excused to attend out-of-state meetings shall make application to the superintendent for his approval and subsequent approval by the board of education at a time sufficient to be considered at a regular meeting, prior to the date or dates for which request is made.
- 3.12.6 Meetings/Conferences... The superintendent must clear emergency cases.
- 3.12.7 Meetings/Conferences... **Staff development/continuing education and inservice** – The professional staff and the professional staff development council will follow the standards/guidelines established by 18A-3-8 and policy 5500.
- 3.12.8 Meetings/Conferences... The **service personnel** and service personnel staff development council will follow the standards/guidelines established by 18A-3-9 and policy 5500.02.
- 3.12.9 Meetings/Conferences... Those desiring to be released before the end of the school term to **attend a college or university** during the summer session shall make application, with the approval of their principal, to the superintendent for approval by the board of education at a time sufficient to be considered at a regular board meeting prior to the date of such release. Approved absences under this clause are to be without pay.
- 3.12.10 Meetings/Conferences... **Substituting staff development/continuing education and/or inservice credit** - An employee of the Lewis County Board of Education may elect to attend a staff development or inservice activity between the last calendar workday of the current school year and the opening day of the new school year. However, in the event that the employee does not have a contract for the following school year, and “in-lieu-of day” or payment for that day will not be granted. Credit from this effort may be used in lieu of attending the last staff development day in the calendar providing the last staff development day is still available and providing this experience relates to the employee’s job responsibilities or can be reasonably justified in terms of improving the skills of the employee. Credit earned attending educational activities is not cumulative from year to year. (Note: The third staff development may be converted to an instructional day due to instructional days being cancelled due to inclement weather and/or other reasons.)
- 3.12.11 Meetings/Conferences... An hour of credit may be earned for an hour of effort, i.e., if an employee attends a conference which lasts six hours, that person earns six hours of credit for staff development or inservice. If a participant becomes a group leader, that employee earns an additional hour of credit for each hour spent in the leadership role.

# PERSONNEL

3.12.12 Meetings/Conferences... It is the responsibility of the employee of the Lewis County Board of Education to obtain prior approval for staff development and/or inservice activities used as in-lieu of credit and must have approval of the building principal.

## 3.14 LEAVE OF ABSENCE FOR TEACHERS AND SERVICE PERSONNEL

Approved & amended by the LCBOE in session: May 14, 2007 – Policy effective date: July 1, 2007

- 3.14.1 Leave of Absence... Refer to WV Code 18A-2-2a Leave is granted only according to this policy, one-year limit only.
- 3.14.2 Leave of Absence... **Sabbatical leave policy for professional educators and teachers aides** – Refer to State Board Policy: 5530

## 3.15 ASSIGNMENT, TRANSFER, PROMOTION, REDUCTION IN FORCE, RECORDS, AND HEALTH

Approved & amended by the LCBOE in session: May 14, 2007 – Policy effective date: July 1, 2007

- 3.15.1 Assignment/Transfer... **Assignment** – All assignments of personnel at the time of entry into the service of the Lewis County Board of Education are made under the direction of the superintendent, with the approval of the board of education. Refer to WV Code: 18A-2-7 - 18A-4-7a - 18A-2-8a - 18A-4-8b
- 3.15.2 Assignment/Transfer... **Transfer** – 18A-2-8a
- 3.15.3 Assignment/Transfer... **Promotions** – WV Code 18A-2-7 Assignment, transfer, promotion, etc.
- 3.15.4 Assignment/Transfer... **Pre-employment hiring criteria** – Before anyone can begin working in the Lewis County School system several required forms and tests must be completed. These requirements include:
- 3.15.5 Assignment/Transfer... Application for employment
- 3.15.6 Assignment/Transfer... Certification/Verification of prior work experience
- 3.15.7 Assignment/Transfer... Contract
- 3.15.8 Assignment/Transfer... Fingerprinted for background check
- 3.15.9 Assignment/Transfer... Employment Eligibility Verification for proof of US citizenship
- 3.15.10 Assignment/Transfer... Verification of receipt of the Lewis County Schools “Drug Free Workplace Policy”
- 3.15.11 Assignment/Transfer... State and federal tax withholding statements
- 3.15.12 Assignment/Transfer... Enrollment forms for retirement and public employee’s insurance

## 3.16 REDUCTION IN FORCE REGULATIONS OF LATERAL PROFESSIONAL POSITIONS

Approved and amended by the Lewis County BOE in session March 7, 2005. Effective date of policy is July 1, 2005. Reviewed & amended by the LCBOE in session: May 14, 2007 – Policy effective date: July 1, 2007. Reviewed and amended by the LCBOE in session June 10, 2013 – Effective Immediately.

# PERSONNEL

- 3.16.1 Reduction in Force... The purpose of this policy is to comply with requirements set forth in 18A-4-7a of the Code of West Virginia and to define the term "lateral" as it relates to the reduction in force of professional personnel.
- 3.16.2 Reduction in Force... All positions, which meet the definition of classroom teacher, as defined in WV Code 18A-1-1, including counselors, librarians, school psychologist, and speech/language pathologist are deemed lateral positions (appropriate certification/licensure and seniority must be considered).
- 3.16.3 Reduction in Force... Instructional Coach and Technology Integration Specialist, shall be considered lateral to classroom teachers.
- 3.16.4 Reduction in Force... For professional positions other than classroom teachers, as defined above, lateral movement shall include consideration of the rank of each position in terms of title, nature of responsibility, salary level, certification/licensure and days in the period of employment.
- 3.16.5 Reduction in Force... Pursuant to the provisions of West Virginia Code 18A-8-7a, when a board of education must reduce the number of administrative employees, an administrator subject to release shall be employed in any other professional position where such administrator is certified and was previously employed or to any lateral area for which such employee is certified and/or licensed, if such administrator's seniority is greater than the seniority of any other employee in that area of certification and/or licensure.
- 3.16.6 Reduction in Force... The following positions shall be considered to be lateral for the purpose of any reduction in force of administrative and other professional employees, other than classroom teachers:
1. Elementary school principals shall be lateral only to elementary school principals with the similar contract terms, supplemental pay, and other benefits.
  2. Middle school principals shall be lateral to middle school principals, assistant principals, and assistant high school and assistant middle school principals.
  3. High school principals shall be lateral to high school principals, middle school principals, and assistant high school and assistant middle school principals.
  4. Assistant high school principals shall be lateral to assistant high school and assistant middle school principals.
  5. Assistant middle school principals shall be lateral to assistant high school principals and assistant middle school principals.
  6. All other administrative/professional positions shall be lateral only to administrative positions with similar duties, title, required qualifications, licensure/certification, pay and contract terms.
- 3.16.7 Reduction in Force... The following general provisions shall govern all reduction in force of administrative positions:
- 1.No administrator who is subject to reduction in force may displace a less senior administrator in the same lateral area in doing so would give the administrator subject to reduction a promotion in terms of contract terms, days of employment, supplemental pay, or other benefits/terms of employment.
  - 2.When any professional employee is subject to reduction in force and is to be placed in a lateral position or a position in which he/she was

# PERSONNEL

previously employed, the employee must be fully qualified for the position in terms of licensure/certification, experience, and any other qualifications deemed necessary and required as reflected in the job posting.

3. Administrators shall gain seniority in their nonteaching area of professional employment on the basis of the length of time the employee has been employed by the Board in that area. If an employee is certified as a classroom teacher, the employee accrues classroom teaching seniority for the time that the employee is employed in another professional area. For the purposes of accruing seniority under this policy, employment as principal, supervisor, or central office administrator, shall be considered one area of employment.
4. If an administrator is entitled to be considered for placement in a position previously held and placement into a lateral area, the administrator shall be entitled to placement into the available position of highest rank and salary. In the event the position previously held and the position available in a lateral area are of equal rank and salary, the administrator shall be entitled to placement in the position held by the administrator with the least seniority.

3.16.8 Reduction in Force... References: WV Code 18A-4-7a, 18A-1-1, 18A-2-7

## 3.17 STAFF MEETINGS AND COMMITTEE WORK

Approved & amended by the LCBOE in session: May 14, 2007 – Policy effective date: July 1, 2007

- 3.17.1 Staff Meetings/Committee Every employee is expected to participate in meetings and committee work as may be outlined by the principal, supervisor or the central office. Professional employees are exempt from federal usage and hour laws and can be expected to work a 40-hour workweek.

## 3.18 CONTRACTUAL STATUS

Approved & amended by the LCBOE in session: May 14, 2007 – Policy effective date: July 1, 2007

- 3.18.1 Contractual Status Refer to WV Code 18A-2-2 for employment of teachers; contracts; continuing contract status; how terminated; dismissal for lack of need; released time; failure of teacher to perform contract or violation thereof. Refer to WV Code 18A-2-6 for continuing contract status for service personnel; termination.

## 3.19 RE-EMPLOYMENT

Approved & amended by the LCBOE in session: May 14, 2007 – Policy effective date: July 1, 2007

- 3.19.1 Re-employment Before re-employment, probationary teachers must have received a recommendation of approval from the principal, supervisor and/or Personnel Director and superintendent.

# PERSONNEL

## 3.20 DISMISSAL

Approved & amended by the LCBOE in session: May 14, 2007 – Policy effective date: July 1, 2007

WV Code 18A-2-8 Suspension and dismissal of school personnel by board.

## 3.21 SENIORITY RIGHTS

Approved & amended by the LCBOE in session: May 14, 2007 – Policy effective date: July 1, 2007

Refer to WV Codes 18A-4-8b and 18A-4-8g – Service Personnel and Professional Personnel – WV Codes 18A-4-7a and 18A-4-7b

## 3.22 RETIREMENT POLICY

Approved & amended by the LCBOE in session: May 14, 2007 – Policy effective date: July 1, 2007;  
Policy amended by LCBOE in session December 22, 2008.

Refer to WV Code 18-7A-1 through 18-7D-12.

## 3.23 RESIGNATIONS

Approved & amended by the LCBOE in session: May 14, 2007 – Policy effective date: July 1, 2007

- 3.23.1 Resignations All resignations shall be tendered to the superintendent in writing and should include the reason(s) for resigning.
- 3.23.2 Resignations All resignations are subject to acceptance or rejection by the board of education upon the recommendation of the superintendent.

## 3.24 FRINGE BENEFITS

Approved & amended by the LCBOE in session: May 14, 2007 – Policy effective date: July 1, 2007

- 3.24.1 Fringe Benefits All personnel employed on a regular basis, (that is under contract to work every day of a five day work week at least 3 ½ hours per day, every day) shall be entitled to the following fringe benefits:
- 3.24.2 Fringe Benefits Social security
- 3.24.3 Fringe Benefits Retirement benefits
- 3.24.4 Fringe Benefits Workers' compensation insurance
- 3.24.5 Fringe Benefits Group health and life insurance
- 3.24.6 Fringe Benefits Also available to these employees is the payroll deduction of various other benefits on a voluntary basis. These benefits include:
- 3.24.7 Fringe Benefits Section 125 Cafeteria Plan
- 3.24.8 Fringe Benefits Tax Sheltered Annuities (403b)
- 3.24.9 Fringe Benefits Dues for professional or service personnel organization
- 3.24.10 Fringe Benefits Supplemental health and accident insurance
- 3.24.11 Fringe Benefits Savings plans at the employees designated bank
- 3.24.12 Fringe Benefits United Way of Lewis County

# PERSONNEL

## 3.25 DUTY FREE LUNCH AND DAILY PLANNING PERIOD FOR CERTAIN EMPLOYEES Refer to WV Code 18A-4-14

Approved & amended by the LCBOE in session: May 14, 2007 – Policy effective date: July 1, 2007

## 3.26 EXTRACURRICULAR/EXTRA-DUTY ASSIGNMENTS

Approved & amended by the LCBOE in session: May 14, 2007 – Policy effective date: July 1, 2007

Refer to WV Code 18A-4-16 and 18A-4-8b.

## 3.27 PROCEDURE FOR REVIEWING PERSONNEL PLANS AND ASSIGNMENTS AND FOR RECLASSIFYING SERVICE PERSONNEL

Approved & amended by the LCBOE in session: May 14, 2007 – Policy effective date: July 1, 2007

Refer to WV Code 18A-4-8

## 3.28 TEACHING CONDITION POLICY – Pupil Teacher Ratio 18-5-18a

Approved & amended by the LCBOE in session: May 14, 2007 – Policy effective date: July 1, 2007

## 3.29 ACCIDENT REPORT - SCHOOL PERSONNEL AND PUPIL

Approved & amended by the LCBOE in session: May 14, 2007 – Policy effective date: July 1, 2007

### 3.29.1 Accident Report

An accident report will be prepared in triplicate form and the original submitted through the school nurse to the superintendent within 24 hours after the accident. In regard to school personnel a workers compensation form (#WC123) must be completed. (See Appendix: School Personnel and Pupil Accident Report Form)

## 3.30 PUBLIC INFORMATION

Approved & amended by the LCBOE in session: May 14, 2007 – Policy effective date: July 1, 2007

### 3.30.1 Public Information

Information for the local press, television and radio will be released through the county board of education office.



## PERSONNEL

**3.31 MENTOR/INTERN PROGRAM FOR LEWIS COUNTY SCHOOLS**

Approved & amended by the LCBOE in session: May 29, 2007 – Policy effective date: July 1, 2007

- 3.31.1 Mentor/Intern Program Refer to WV Code 18A-3-2b and State Board Policy 5900
- 3.31.2 Mentor/Intern Program **Philosophy** – Mentoring is a process in which help is given to a teacher in positive ways to improve the quality of instruction and to enhance professional growth.
- 3.31.3 Mentor/Intern Program **Definition of mentor teacher** – A mentor teacher is an experienced teacher who is paired with a first-year teacher of similar assignment and who will provide peer professional support for one year in the areas of lesson planning, classroom management and discipline, school and school system policies and procedures, and professional responsibilities related to teaching. The mentor teacher will not be involved in formal observations and evaluation.
- 3.31.4 Mentor/Intern Program Mentor teachers are those who are considered to have mastered their craft and are dedicated to promoting excellence in teaching. Mentor teachers must play several roles including guide, role model, sponsor, counselor, coach, resource, and colleague.
- 3.31.5 Mentor/Intern Program **Definition of intern teacher** – an intern teacher is an educator with zero year of experience. An educator in a new assignment or a non-tenured teacher may be included in all or part of the program.
- 3.31.6 Mentor/Intern Program **Goals of the mentor teacher program:**
- 3.31.7 Mentor/Intern Program New teachers in Lewis County will enter the school system and community in a smooth, systematic and successful manner.
- 3.31.8 Mentor/Intern Program The professional and personal well being of new teachers will be promoted. Productive developmental changes will be fostered which will result in excellence in teaching.
- 3.31.9 Mentor/Intern Program The retention of promising new teachers will be increased.
- 3.31.10 Mentor/Intern Program **Program guidelines for mentor teacher program** – Refer to WV Code 18A-3-2b Beginning teacher Internships and State Board Policy 5900.
- 3.31.11 Mentor/Intern Program New mentor teachers will attend training on the mentoring process once employed. The training is sponsored by the Center of Professional Development, but provided locally by a RESA VII Mentor Coach. Attendance is required at all scheduled sessions.
- 3.31.12 Mentor/Intern Program **Selection of mentors** – Each new mentor shall be selected utilizing the following minimum profile. Quality mentors:
- 3.31.13 Mentor/Intern Program Model a variety of educational strategies;
- 3.31.14 Mentor/Intern Program Are willing, available, and committed;
- 3.31.15 Mentor/Intern Program Demonstrate effective professional behaviors;
- 3.31.16 Mentor/Intern Program Are good listeners;
- 3.31.17 Mentor/Intern Program Are recognized by peers to be outstanding educators;
- 3.31.18 Mentor/Intern Program Are skilled communicators;
- 3.31.19 Mentor/Intern Program Have a minimum five (5) years teaching experience; and
- 3.31.20 Mentor/Intern Program Are tenured.
- 3.31.21 Mentor/Intern Program **Beginning Principal Internships** – Refer to WV Code 18A-3-2d.

# PERSONNEL

## 3.32 COMPENSATORY LEAVE POLICY FOR SERVICE PERSONNEL

**Approved by the Lewis County BOE in session June 26, 2006.**

Approved & amended by the LCBOE in session: May 29, 2007 – Policy effective date: July 1, 2007

3.32.1 Compensatory Leave     See Lewis County Policy 3.47- Service Personnel Wage and Hour Policy.

## 3.33 EMPLOYEE GRIEVANCE PROCEDURE

Approved & amended by the LCBOE in session: May 29, 2007 – Policy effective date: July 1, 2007

Refer to WV Code 6c-2-1 West Virginia Public Employees Grievance Procedure.

## 3.34 FACULTY SENATE

Approved & amended by the LCBOE in session: May 29, 2007 – Policy effective date: July 1, 2007

3.34.1 Faculty Senate           Refer of WV Code 18-5A-5. All **professional** personnel shall attend the Faculty Senate (of which they are a member) meeting while that meeting is in session. If the meeting ends before the end of the normal workday, each person shall return to his or her workstation until the end of the normal workday.

3.34.2 Faculty Senate           All **service personnel** shall report to their normal workstation during Faculty Senate meetings unless requested or invited to attend such meeting.

## 3.35 Harassment, Bullying, Cyber-bullying or Intimidation

Approved & amended by the LCBOE in session: May 29, 2007 – Policy effective date: July 1, 2007

Policy deleted on September 12, 2011 with reference to the following policy:

Please see Chapter 5.21.

## 3.36 TOBACCO POLICY

Approved & amended by the LCBOE in session: May 29, 2007 – Policy effective date: July 1, 2007

3.36.1 Tobacco Policy           In order to comply with WV school law, there will be no possession or use of tobacco products in all Lewis County school buses, Lewis County school buildings, or school grounds.

3.36.2 Tobacco Policy           **Employee using tobacco on school property**

3.36.3 Tobacco Policy           **First Offense** – The principal or immediate supervisor will discuss with the person involved the necessity of obeying the no use of tobacco regulation. A note will be placed in the personnel file of the offender.

# PERSONNEL

- 3.36.4 Tobacco Policy **Second Offense** – The Lewis County Superintendent of Schools shall be notified in writing. He will suspend and notify the employee of his action in writing. This suspension will be based on the charge of insubordination for one day without pay.
- 3.36.5 Tobacco Policy **Third Offense** – The Lewis County Superintendent will be notified in writing by the principal or supervisor. He will suspend the employee for three days without pay for each offense for this violation and any future offense.
- 3.36.6 Tobacco Policy **Adult using tobacco on property (visitor)**
- 3.36.7 Tobacco Policy **First Offense** – the principal or immediate supervisor will discuss this policy with the adult and record the same.
- 3.36.8 Tobacco Policy **Second Offense** – Adult will be asked to leave school property and given a written notice by the principal or supervisor. The Lewis County School Superintendent will receive a copy of the notice.
- 3.36.9 Tobacco Policy This policy applies to all school personnel, students, and visitors.

## 3.37 DRUG FREE WORK PLACE POLICY –

Approved & amended by the LCBOE in session: May 29, 2007 – Policy effective date: July 1, 2007

- 3.37.1 Drug Free Work Place The WV Board of Education and the Lewis County Board of Education recognizes the need to provide a high quality work environment. The use of alcohol and/or illegal drugs is a health and safety hazard and inhibits productivity.
- 3.37.2 Drug Free Work Place Therefore, the Lewis County Board of Education along with the WV Department of Education shall assure full compliance with all regulations that define a drug-free workplace.
- 3.37.3 Drug Free Work Place It is the policy of the Lewis County Board of Education to ensure that its workplaces are free of illegal drugs and controlled substances by prohibiting the unlawful manufacture, distribution, possession or use, without medical authorization, of illegal or controlled substances and/or alcohol; the reporting to work under the influence of a non-medically prescribed controlled substance or alcohol; or possession of non-medically prescribed paraphernalia.
- 3.37.4 Drug Free Work Place The policy is applicable while employees are engaged in any work related activity which includes performance of agency business during regularly scheduled work days, meal breaks, and/or occasions having a connection with the job or agency.
- 3.37.5 Drug Free Work Place Possession and/or distribution of a controlled substance will be dealt with promptly in accordance with legal and administrative disciplinary procedures.
- 3.37.6 Drug Free Work Place Employees who are in violation of the provisions of the Drug-Free Workplace Act shall be subject to disciplinary action up to and including termination and/or may be required to satisfactorily participate in a drug rehabilitation or assistance program. Rehabilitation will be provided according to the guidelines of the Public Employees Insurance Agency.
- 3.37.7 Drug Free Work Place The superintendent and the Lewis County Board of Education will take appropriate personnel action in accordance with the Lewis County Schools Policy Manual. When an offense is of a magnitude to warrant it, the superintendent may suspend an employee with or without pay. Reasons for suspension may be misuse of state property, insubordination, incompetence,

# PERSONNEL

- willful neglect of duty, reporting to work and the influence of alcohol, narcotics, or other illegal controlled substances, fraud, activities involving conflict of interest and violations of law and/or policy of the board. Suspension of an employee may be effective immediately; however, action shall be taken within ten (10) workdays of knowledge of the offense. Following the suspension of an employee and upon the recommendation of the superintendent, the Lewis County Board of Education may dismiss the employee from his/her position.
- 3.37.8 Drug Free Work Place State or county agencies who are contractors or grantees of federal contracts or grants amounting to at least \$25,000 are subject to suspension of payments and termination of the contract or grant for violations of any of the requirements of a drug-free workplace if they make a false initial certification, or if the number of drug related convictions of employees indicates that the employer hasn't made a good faith effort to maintain a drug-free workplace.
- 3.37.9 Drug Free Work Place The policy's primary goal is to ensure that alcohol and illegal drug and/or controlled substance use is eliminated in the workplace and that the Lewis County Board of Education workplace is safe, healthful, productive, and secure for its employees and citizens.
- 3.37.10 Drug Free Work Place As a condition of employment with the Lewis County Board of Education employees shall:
- 3.37.11 Drug Free Work Place Abide by the terms of this policy; compliance is mandatory.
- 3.37.12 Drug Free Work Place Notify their supervisor or department head of any criminal drug statute conviction for a violation occurring in the workplace, no later than 5 days after such conviction; and
- 3.37.13 Drug Free Work Place Sign the "Drug-Free Workplace Verification Statement".
- 3.37.14 Drug Free Work Place It shall be the responsibility of Lewis County Schools Administrative Office to establish a drug awareness program for Lewis County Board of Education employees to provide information on the following:
- 3.37.15 Drug Free Work Place The employee referral program;
- 3.37.16 Drug Free Work Place The dangers of drug-abuse in the workplace;
- 3.37.17 Drug Free Work Place The penalties for workplace drug-abuse; and
- 3.37.18 Drug Free Work Place Available drug-free literature.
- 3.37.19 Drug Free Work Place **Definitions:**
- 3.37.20 Drug Free Work Place **Alcohol** - Alcoholic beverages and any other intoxicating liquid which contains alcohol.
- 3.37.21 Drug Free Work Place **Contractor** – Any department, division, unit, or any person responsible for the performance of work under a contract.
- 3.37.22 Drug Free Work Place **Controlled Substance:** - A federally regulated substance listed in Exhibit A and/or Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812) and WV Code 60A-2-201, et seq. (Which may be amended from time to time), when taken into the body, may impair one's mental faculties and/or physical performance.
- 3.37.23 Drug Free Work Place **Conviction** - A finding of guilty (including a plea of no contest) or the imposition of a sentence, or both by a judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
- 3.37.24 Drug Free Work Place **Criminal Drug Statute** – A criminal statute involving the manufacture, distribution, dispensation, use, or possession of any controlled substance.



# PERSONNEL

3.37.25 Drug Free Work Place **See Form #010** – Lewis County Board of Education Drug Free Workplace Verification Statement

## 3.38 DRUG AND ALCOHOL TESTING POLICY

Approved & amended by the LCBOE in session: May 29, 2007 – Policy effective date: July 1, 2007

- 3.38.1 Drug/Alcohol Testing      This policy complies with the Omnibus Transportation Employee Testing Act of 1991. Employees and students are the board’s most valuable resource and their health and safety is a serious concern. The board will not tolerate any drug or alcohol misuse which imperils the health and well being of the employees, students, or threatens the economic health of the county school system. *(Drug and Alcohol Testing Policy continued on next page)*
  
- 3.38.2 Drug/Alcohol Testing      The use of illegal drugs and the misuse of alcohol, and other controlled substances is inconsistent with the reasonable behavior expected of all citizens. Employees who use illegal drugs or abuse alcohol and other controlled substances tend to be less productive, less reliable, and prone to greater absenteeism resulting in increased cost, delay, and risk in the board’s performance and their own safety. Employees have the right to work in a safe environment. Employees who abuse drugs or alcohol are a danger to themselves, to other employees and to the public. Our board is therefore committed to maintaining a safe and healthy work environment, free from negative influence of drugs and alcohol.
  
- 3.38.3 Drug/Alcohol Testing      **Drug and alcohol testing administrative procedures** – Communication/Distribution of policy: The individuals affected by this drug and alcohol testing program will be given a copy of this policy and signed receipt will be obtained from each individual, which will be placed in their personnel file. Subsequent questions regarding the policy and administrative regulations and their implementations should be referred to the director of transportation.
  
- 3.38.4 Drug/Alcohol Testing      **Types of testing required** – The Lewis County Board of Education will conduct drug and alcohol screening on all regular, substitute, and potential employees in safety-sensitive positions, who are required to maintain a Commercial Driver’s License (CDL). Employees in safety-sensitive positions are required to be tested in the following categories:
  
- 3.38.5 Drug/Alcohol Testing      Post offer of employment - The board requires that each offer of employment, as well as transfer into safety sensitive position, shall be conditioned on the passing of a urine drug screen, testing for the following drugs: marijuana, PCP, opiates, amphetamines, cocaine, and the passing of alcohol breath test of less than 0.02 concentration of alcohol. The board will not hire or transfer into a safety sensitive position, any applicant who fails to pass either test.
  
- 3.38.6 Drug/Alcohol Testing      Random Testing - All employees covered by this policy are subject to unannounced testing based on random selection, which also include substitute employees performing safety-sensitive functions. Random testing will be spread reasonably through a twelve (12) month period, with testing to be at a rate of 50% of the number of employees covered for drug testing, and at a rate of 25% of the same employees, for alcohol testing. The designated contractor through a computerized program will provide random selection.

# PERSONNEL

- 3.38.7 Drug/Alcohol Testing *Reasonable Suspicion* – When a supervisor has reasonable cause to believe an employee is using a prohibited substance, the supervisor will require that the employee submit to a urine drug test, and/or an alcohol breath test. The decision to test must be based on a reasonable and identifiable belief that the employee is using a prohibited substance based on specific physical, behavioral, or performance indicators. Supervisors will be required to document the employee's conduct and justifications.
- 3.38.8 Drug/Alcohol Testing *Post Accident Testing* – As soon as practicable following an accident, the county shall test for alcohol and controlled substances each employee (1) who was performing safety sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or (2) who receives a citation under State or local law for a moving traffic violation arising from the accident. An alcohol test must be administered within (8) hours following the accident and controlled substances test must be administered within (8) hours following the accident and controlled substances test must be administered within thirty-two (32) hours following the accident. Any employee subject to post accident testing shall remain readily available for such testing or may be deemed to have refused to submit to testing.
- 3.38.9 Drug/Alcohol Testing *Return to Duty Testing* – Before an employee may return to the performance of safety-sensitive duties after engaging in conduct prohibited by this policy, he/she will be required to undergo an alcohol test with a result indicating an alcohol concentration level of less than 0.02 and a controlled substance test with a result indicating a verified negative result for controlled substance use.
- 3.38.10 Drug/Alcohol Testing *Follow up Testing* – Follow up testing will be done with employees for whom it has been determined that they are in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances. The number and frequency of such follow-up tests shall be directed by the substance professional and consist of at least six (6) tests in the first twelve (12) months following the employee's return to duty. Follow up testing shall not exceed sixty (60) months from the date of the employee's return to duty.
- 3.38.11 Drug/Alcohol Testing **Drug testing procedures** – The Lewis County Board of Education will designate collection sites which have necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, storage, and transportation of urine specimens to the certified drug laboratory as specified in 49CFR, part 40. Laboratories conducting such tests will be certified by the National Institute of Drug Abuse (NIDA) and certified under the department of health and human services guidelines. The screening and confirmation values are subject to change, based on updates and DOT criteria. The initial testing will use an immunoassay for PCP, Amphetamines; Cocaine; Marijuana; and Opiates. All specimens identified as positive on the initial test will be confirmed positive using gas chromatography/mass spectrometry (GC/SM). All test results will be forwarded to the medical review officer in a confidential manner. The MRO will review both positive and negative test results to assure their accuracy and that the chain of custody is intact. Before a specimen is considered positive MRO will make contact with the donor to verify the test as being positive. Additional information about not being able to contract with donor is covered in the medical review officer section further into this policy.

# PERSONNEL

- 3.38.12 Drug/Alcohol Testing **Drug specimen procedures** – Drug specimens will be collected at the designated collection site in concurrence with DOT regulations.
- 3.38.13 Drug/Alcohol Testing The collection site person shall instruct the employee to provide at least 45 ml of urine under the split sample method of collection.
- 3.38.14 Drug/Alcohol Testing If a collection container is used, the collection site person, in the presence of the donor, pours the urine into two specimen bottles; thirty- (30) mil shall be poured into one bottle, to be used as the primary specimen. At least fifteen- (15) mil shall be poured into the other bottle, to be used as the split specimen.
- 3.38.15 Drug/Alcohol Testing If a single specimen bottle is used as a collection container, the collection site person shall pour thirty (30) ml of urine from the specimen bottle into a second specimen bottle (to be used as the primary specimen) and retain the remainder (at least [15] in the collection bottle to be used as the split specimen).
- 3.38.16 Drug/Alcohol Testing Both bottles shall be shipped in a single shipping container, together with copies 1, 2 and the split specimen copy of the chain of custody form, to the laboratory.
- 3.38.17 Drug/Alcohol Testing If the test results of the primary specimen is positive, the employee may request that the MRO direct that the split specimen be tested in a different DHHS-certified laboratory for presence of drug(s) for which a positive result was obtained in the test of the primary specimen. The MRO shall honor such a request, if it is made in writing, within 72 hours of the employee having been notified of a verified positive test result.
- 3.38.18 Drug/Alcohol Testing When MRO informs the laboratory in writing that the employee has requested a test of the split specimen, the laboratory shall forward, to a different DHHS-approved laboratory, the split specimen bottle, with seal intact, a copy of MRO request, and the split specimen copy of the chain of custody form with appropriate chain of custody entries.
- 3.38.19 Drug/Alcohol Testing The result of the test of the split specimen is transmitted by the second laboratory to the MRO.
- 3.38.20 Drug/Alcohol Testing Removal from performing a safety-sensitive function is not stayed, pending the result of the test of the split specimen.
- 3.38.21 Drug/Alcohol Testing If the result of the test of the split specimen fails to reconfirm the presence of drug(s) or drug metabolite(s) found in the primary specimen, the MRO shall conceal the test, and report the cancellation and the reasons for it to the employer, the employee, and the DOT.
- 3.38.22 Drug/Alcohol Testing **Medical review officer/review and reporting test results:** - The Lewis County Board of Education and RESA VII has retained Medbrook Medical Center, an approved Medical Review Officer, to review and verify the validity of all test results and to authorize re-analysis of a specimen to determine the accuracy of the reported result when appropriate. The Medical Review Officer will act in accordance with the guidelines for Media Review Officer, as set up by the Department of Transportation, and with the Standard Operating Procedure Manual on file at the State School Transportation Office, State Department, Charleston, WV.
- 3.38.23 Drug/Alcohol Testing **Negative Results:** In the area of negative results, the MRO's position is purely administrative. All negative results will be reviewed by the MRO and reported as such to the county designate.

# PERSONNEL

- 3.38.24 Drug/Alcohol Testing Positive Results: Prior to reporting as verified positive, the MRO will give the individual an opportunity to discuss the test. The MRO will review, interpret, and verify positive test results. He will be responsible for examining alternative medical and biochemical explanations. Such action and review may include conducting a medical interview, medical history, or reviewing other relative factors. The MRO is responsible for directly contracting the individual, on a confidential basis, to review test results. If after making all reasonable efforts and documenting such, the MRO is unable to reach the individual directly, the MRO will contact the board designate, who will direct the individual to contract the MRO as soon as possible. If these efforts are unsuccessful, the board will remove the employee from the safety-sensitive position.
- 3.38.25 Drug/Alcohol Testing Under the following circumstances the MRO may verify a test as positive without having communicated directly with the individual:
- 3.38.26 Drug/Alcohol Testing The employee expressly declines the opportunity to discuss the results with the MRO.
- 3.38.27 Drug/Alcohol Testing The MRO may verify a test as positive after five (5) days if the board has contacted or made a reasonable effort to contact the employee but the employee did not contact the MRO.
- 3.38.28 Drug/Alcohol Testing The employer shall notify a driver of the results of a per-employment controlled substance test if the driver request such results within sixty (60) calendar days of being notified of the disposition of the employment application. The employer shall notify a driver of the results of random, reasonable suspicion and post-accident test for controlled substances if the results are verified as positive. The employer shall also inform the driver as to which controlled substance(s) were verified as positive.
- 3.38.29 Drug/Alcohol Testing **Consequences of positive drug testing:** An employee testing positive for a controlled substance or refusing to submit to a drug test will be immediately removed from their safety-sensitive position. Refusal to submit to testing will be considered a positive result. Said employee will be suspended from employment without pay, and recommended for dismissal per the school laws of West Virginia.
- 3.38.30 Drug/Alcohol Testing **Alcohol testing procedures:** The Lewis County Board of Education will designate collection sites which have necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, and storage of information, as specified in 49CFR, part 40. Persons conducting such test will be called breath alcohol technicians as defined by the Department of Transportation. Because alcohol is a legal substance, the rules define specific prohibited alcohol-related conduct. Performance of safety-sensitive functions is prohibited:
- 3.38.31 Drug/Alcohol Testing While having an alcohol concentration of 0.04 or greater, as indicated by breath test;
- 3.38.32 Drug/Alcohol Testing While using alcohol;
- 3.38.33 Drug/Alcohol Testing Within four (4) hours after using alcohol;
- 3.38.34 Drug/Alcohol Testing If the employee refuses to submit to an alcohol test; and
- 3.38.35 Drug/Alcohol Testing If the employee uses alcohol within eight (8) hours after an accident, or until tested.



# PERSONNEL

- 3.38.36 Drug/Alcohol Testing In order for an individual to have a verified positive, two (2) tests are required. If the initial test registers an alcohol concentration of 0.02, or less, the test is considered “negative”, and nothing else is required. If an individual has an alcohol concentration of 0.02 or greater, a second or confirmation test is required. This test must be performed using an evidential breath devise (EBT) that print results, date and time, a sequential test number, and the name and serial number of the EBT, to ensure the reliability of the results. The confirmation test result determines any actions taken.
- 3.38.37 Drug/Alcohol Testing **Prohibitions:**
- 3.38.38 Drug/Alcohol Testing No driver shall report to duty or remain on duty requiring the performance of safety-sensitive function;
- 3.38.39 Drug/Alcohol Testing while having an alcohol concentration of 0.04 or greater
- 3.38.40 Drug/Alcohol Testing while in possession of alcohol
- 3.38.41 Drug/Alcohol Testing while using alcohol or any controlled substance, except when the use of the controlled substance is pursuant to the instructions of the physician who has advised the driver that the substance is pursuant to the instructions of the physician who has advised the driver that the substance does not adversely affect the driver’s ability to safely operate a commercial motor vehicle within four (4) hours after using alcohol.
- 3.38.42 Drug/Alcohol Testing No driver required to take a post-accident test shall use alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
- 3.38.43 Drug/Alcohol Testing No driver shall perform a safety-sensitive function if the driver refuses to submit to a required alcohol or controlled substances test.
- 3.38.44 Drug/Alcohol Testing No driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform safety-sensitive functions until the start of the driver’s next regularly scheduled duty period, but not less than 24 hours following the administration of the test.
- 3.38.45 Drug/Alcohol Testing **Consequences of positive alcohol testing:** If a subject employee has an alcohol concentration level of 0.02 or greater but less than 0.04 he/she is to be removed from safety-sensitive duties until the start of his/her next regularly scheduled duty period, but not less than 24 hours following the administration of the test.
- 3.38.46 Drug/Alcohol Testing If an individual registers a concentration of 0.04 or greater, they must be immediately removed from any safety-sensitive duties. If an employee has an alcohol concentration of 0.04 or greater, the employee cannot return to work in a safety-sensitive function until (1) evaluated, (2) treated, if required by substance abuse professional, and (3) retest with a result below 0.02. Disciplinary action, up to and including dismissal, may be initiated.
- 3.38.47 Drug/Alcohol Testing **Consequences for refusing to submit to testing:** The Lewis County Broad of Education may not employ any person who fails the drug or alcohol test specified in this policy. Refusal to submit to testing or to sign appropriate consent forms will be considered a positive test. The following will be considered as refusal to submit to testing:
- 3.38.48 Drug/Alcohol Testing Failure to provide adequate breath or urine for testing when required without a valid medical explanation;
- 3.38.49 Drug/Alcohol Testing Engaging in conduct which clearly obstructs the testing process;
- 3.38.50 Drug/Alcohol Testing Failure to sign the alcohol testing form if the employee did not take the test;

# PERSONNEL

- 3.38.51 Drug/Alcohol Testing Leaving the scene of an accident requiring testing before being tested and not being reasonably available for testing (except, for example, when necessary to receive medical treatment); and
- 3.38.52 Drug/Alcohol Testing A refusal can also occur where an employee, who screens positive for alcohol admits alcohol misuse in violation of the rules and refuses a confirmation test.
- 3.38.53 Drug/Alcohol Testing **Record Keeping:** Documentation of all results will be maintained in separate and secure files. The regulations require that the following records be maintained for five (5) years:
- 3.38.54 Drug/Alcohol Testing Driver alcohol test results indicating concentration of 0.02 or greater.
- 3.38.55 Drug/Alcohol Testing Driver verified positive controlled substance test results.
- 3.38.56 Drug/Alcohol Testing Refusals to take required alcohol and/or controlled substance tests.
- 3.38.57 Drug/Alcohol Testing Calibration documentation of EBT's.
- 3.38.58 Drug/Alcohol Testing Driver evaluation and referrals.
- 3.38.59 Drug/Alcohol Testing Annual calendar year summaries.
- 3.38.60 Drug/Alcohol Testing Records related to alcohol and controlled substances collection process (except calibration of EBT's) and training shall be maintained for two (2) years. Records of negative and canceled controlled substance test results and alcohol test results with concentration of less than 0.02 must be maintained for a minimum of one (1) year.
- 3.38.61 Drug/Alcohol Testing **Confidentiality:** The board policy ensures confidentiality of the application of this program. Results will not be released without the expressed authorization of the tested individual except upon request by the appropriate supervisor, MRO or DOT. All drug and alcohol testing records will be stored in a secure location, as designated by the board, in the board's offices. Such records will not be made part of the individual's personnel files. Result of testing will not be released to subsequent employers unless written consent is given by the individual. Each employee may also have access to his or her individual records upon written request.
- 3.38.62 Drug/Alcohol Testing **Documentation:** The information maintained in the employee's file will include the following:
- 3.38.63 Drug/Alcohol Testing Employee submitting to a drug test and type of test;
- 3.38.64 Drug/Alcohol Testing Collection date;
- 3.38.65 Drug/Alcohol Testing Collection location;
- 3.38.66 Drug/Alcohol Testing Identity of the person performing the test, collection, analysis and MRO; and
- 3.38.67 Drug/Alcohol Testing Test results – If a test result for controlled substance is positive, the identity of the drug for which the test was verified positive will be maintained.
- 3.38.68 Drug/Alcohol Testing All such reports will be retained by the school system for five (5) years, with the exception of one (1) year limitation for negative results. The MRO is responsible for maintaining records for a period of five (5) years.
- 3.38.69 Drug/Alcohol Testing Reference: Omnibus Transportation Employee Testing Act of 1991

# PERSONNEL

## 3.39 PROFESSIONAL TIEBREAKER POLICY

*Approved and amended by the Lewis County Board of Education in session January 18, 2005.*

Approved & amended by the LCBOE in session: May 29, 2007 – Policy effective date: July 1, 2007

- 3.39.1 Professional Tiebreaker In the event of a tie between two or more applicants applying for a classroom teaching position, where the second set of hiring factors in 18A-4-7a is applied, a tiebreaker will be utilized in the following order to determine the most qualified applicant:
- 3.39.2 Professional Tiebreaker 1) Most seniority in the county (calculated at the end of the posting period). If a tie still remains, then;
- 3.39.3 Professional Tiebreaker 2) Most teaching experience in the posted certification area or elementary grade level. If a tie still remains, then;
- 3.39.4 Professional Tiebreaker 3) Highest degree level in the posted certification area. If a tie still remain, then;
- 3.39.5 Professional Tiebreaker 4) Amount of specialized training pertinent to the posted position,
- 3.39.6 Professional Tiebreaker In the event of a tie between two or more applicants where the first set of hiring factors in 18-A-7a is applied, a tie breaker will be utilized in the following order to determine the most qualified applicant:
- 3.39.7 Professional Tiebreaker 1) Most experience in the posted position, certification area, or elementary grade level. If a tie still remains, then;
- 3.39.8 Professional Tiebreaker 2) Highest degree level in the posted certification area.

## 3.40 PROFESSIONAL PERSONNEL EVALUATION POLICY

***Approved and amended by the Lewis County BOE in session January 23, 2006.***

Approved & amended by the LCBOE in session: May 29, 2007 – Policy effective date: July 1, 2007

Approved & amended by the LCBOE in session on December 11, 2017.

- 3.40.1 Evaluation/Professional Professional Staff Evaluation Procedures.
- 3.40.2 Evaluation/Professional The Lewis County Board of Education, through WV Code, and delegation of its Superintendent, is commissioned to manage all personnel and specific to this policy implement a program of evaluation for all professional personnel.
- 3.40.3 Evaluation/Professional In meeting this mandate to establish administrative procedures for the performance evaluation for professional personnel, the Lewis County Board of Education adopts West Virginia State Board of Education (WVBOE) Policy 5310 in its entirety and is incorporated by referenced throughout these administrative procedures.
- 3.40.4 Evaluation/Professional Tenets.
1. To promote professional growth and development that advances student learning in West Virginia Schools;
  2. To define and promote high standards for professional personnel and their performances;
  3. To provide data that indicates the effectiveness of professional personnel as one basis for sound personnel decisions;

# PERSONNEL

4. To provide data for educator preparation programs to identify areas of need and guide program improvement; and
  5. To establish county and school evaluation data that serve as a basis for professional development that specifically targets the area(s) identified for professional growth.
- 3.40.5 Evaluation/Professional Training.
- 3.40.6 Evaluation/Professional All evaluators shall be trained in management and evaluation skills in the current system. The Center for Professional Development and the West Virginia Board of Education shall provide education and training in evaluation skills to administrative personnel who will conduct evaluations.
- 3.40.7 Evaluation/Professional Principles of Operation.
1. Immediate supervisors who conducts the observations and evaluations for professional employees shall be as follows:
    - a. Classroom Teachers and School Counselors will be evaluated by the building principal or his/her designated assistant principal;
    - b. Building Principal will be evaluated by immediate supervisor;
    - c. Assistant Principals will be evaluated by building principal;
    - d. Central Office Supervisors/Treasurer will be evaluated by superintendent;
    - e. Central Office Professional Support Personnel (Director, Psychologist, Mental Health Specialist, Diagnostician/IEP Specialist, Technology Integration Specialist, Academic Coach, Professional Accountant) will be evaluated by immediate supervisor;
    - f. Alternate Learning Center Teachers (ALC) will be evaluated by a designated principal or assistant principal;
    - g. Itinerant Teachers will be evaluated by homeschool building principal or his/her designated assistant principal;
    - h. Athletic Coaches will be evaluated by building principal or designated assistant principal; and
    - i. School Nurses will be evaluated by homeschool building principal.
  2. Any professional employee whose performance is rated unsatisfactory will be provided with the applicable improvement plan process as designated in WVBOE Policy 5310 in a manner which provides a meaningful opportunity to correct identified deficiencies;
  3. At the beginning of every school year, during schedule staff development and education activities, all employees will be provided with basic information regarding the evaluation process including access to instruments and procedures;
  4. All monitoring and/or observations of employee shall be open, honest, consistent, and fair;
  5. All employees whose performance is rated unsatisfactory shall be given an opportunity to improve and correct deficiencies;
  6. The professional evaluation process will be conducted in such a manner as to ensure grievance procedures and other rights are in strict compliance with statutes; and

# PERSONNEL

7. School leaders and other supervisors will ensure that all employees have meaningful opportunity, time, and collaboration during the school day to fully comprehend the evaluation process.
- 3.40.8 Evaluation/Professional Immediate Supervisor Responsibilities.
- 3.40.9 Evaluation/Professional The immediate supervisor responsible for evaluation of professional employees shall adhere to the following:
1. Understand and implement all requirements and processes of WVBOE Policy 5310;
  2. Identify all professional employees to be evaluated, which include: classroom teacher, school counselor, professional support personnel, principal, county office personnel, and athletic coach;
  3. Ensure compliance and deadlines specific to employee positions and years of experience as defined in WVBOE Policy 5310; and
  4. Use Focused Support Plans, Corrective Actions Plans, or Improvement Plans for Athletic Coaches for improving an employee's performance based on evaluation results.
- 3.40.10 Evaluation/Professional Plans to Support Improvement.
- 3.40.11 Evaluation/Professional Plans to support improvement shall be developed by the evaluator and educator or coach when performance indicates an area of concern and/or unsatisfactory in any area of employee's responsibilities. Those plans are as follows:
1. Focused Support Plan: Supports improvement and growth. May only commence after discussion between evaluator and educator, and when evidence exist concerning one or more performance standards, and one observation has been completed. The Plan spans at least 9-weeks and may commence at any time and may be repeated once per plan. See WVBOE Policy 5310 for required essential components.
  2. Corrective Action Plan: Is initiated when Focused Support Plan results in inadequate progress and when an evaluation shows unsatisfactory performance on one or more standards or certain instances of misconduct in WV Code §18A-2-8 that may require immediate action. A minimum of one observation must be completed prior to the beginning of the Corrective Action Plan. The Plan spans 18-weeks and may commence anything during the school year. See WVBOE Policy 5310 for required essential components.
  3. Improvement Plan for Athletic Coaches: Is developed by a school leader, when performance is unsatisfactory in an area of coaching responsibility as contained in §126-142-25 of this WVBOE Policy 5310. A referral to an improvement team may occur when school leader determines the need for such assistance. The coach may request the assistance of an improvement team as well. See WVBOE Policy 5310 for essential components.
  4. Improvement Plan for Professional Support Personnel and Central Office Personnel: Is developed by the supervisor and the professional support/central office person when the professional support person's performance is unsatisfactory in any area of responsibility as contained in §126-142-20 of WVBOE Policy 5310. A referral to an improvement team may occur when the supervisor determines the employee needs such

# PERSONNEL

assistance or when the professional support/central office person request the assistance of an improvement team. See WVBOE Policy 5310 for essential components.

5. Nothing in this section shall supersede the provisions of WV Code §§Code 18-2E-6, 18-3-4, or 18A-2-8.

3.40.12 Evaluation/Professional Any interpretation or procedure in difference of opinion or not delineated in Chapter III, section 3.40 of this policy, will be redressed in accordance with West Virginia State Board of Education Policy 5310, WV Code §§18A-2-12 or 18A-2-12a.

## 3.41 STUDENT TEACHERS

Approved & amended by the LCBOE in session: June 14, 2007 – Policy effective date: July 1, 2007

- 3.41.1 Student Teachers The board of education desires to make student teaching an asset to the total school program of Lewis County Schools by working cooperatively with the State Department of Education, the colleges, the local school personnel and the students. Furthermore, the success in the student teaching program becomes the cooperative responsibility of the school principal, the college supervisor of student teaching, the classroom teacher, the student teacher and the pupils.
- 3.41.2 Student Teachers The student is the first responsibility of the concerned educators and under no circumstances should the full responsibility fall upon the student teacher.
- 3.41.3 Student Teachers The supervising teacher under the direction of the principal is responsible for the success of the student teacher, furnishing guidance in the development of objectives, methods, procedures and leadership.
- 3.41.4 Student Teachers **Implementation of student teaching**
- 3.41.5 Student Teachers A teacher should have only one student teacher at a given time.
- 3.41.6 Student Teachers Supervising teachers shall remain in the classroom at all times, unless plans are made with the principal to be absent from the classroom.
- 3.41.7 Student Teachers Early evaluation should be made of a prospective student teacher among the college supervisor, school, principal, supervising teacher and student teacher. If the student teacher is found not prepared for student teaching, that person should return to college for additional preparation.
- 3.41.8 Student Teachers Evaluation of student teachers should be held at regular intervals among the college supervisor, school principal, supervising teacher and student to determine the progress the student teacher has made.
- 3.41.9 Student Teachers The school principal should arrange a time for planning between the student teacher and supervising teacher to insure proper coordination of the program.
- 3.41.10 Student Teachers All student teachers under-graduate or graduate level will be required to have orientation. The supervising teacher or principal will meet with each student teacher for an orientation covering the following areas:
- 3.41.11 Student Teachers **Orientation**
- 3.41.12 Student Teachers **Student Handbook –**
- 3.41.13 Student Teachers Absence (student)
- 3.41.14 Student Teachers Accident reporting
- 3.41.15 Student Teachers Confidentiality and disclosure (student records)
- 3.41.16 Student Teachers Discipline procedures

# PERSONNEL

- 3.41.17 Student Teachers Grading policy
- 3.41.18 Student Teachers Homework policy
- 3.41.19 Student Teachers Procedure for releasing student to individuals, other than immediate family members (e.g., riding different buses, going home with other students, etc.)
- 3.41.20 Student Teachers Review of “Student’s Rights and Responsibilities”
- 3.41.21 Student Teachers Safety of Students
- 3.41.22 Student Teachers Unsatisfactory progress reporting (when appropriate)
- 3.41.23 Student Teachers **Teacher Handbook –**
- 3.41.24 Student Teachers Absence (as per college policy)
- 3.41.25 Student Teachers Classroom management system
- 3.41.26 Student Teachers Delayed schedule
- 3.41.27 Student Teachers Duties, extra (bus, detention, hallway, in-school suspension, lunch, lunch money collection, outside)
- 3.41.28 Student Teachers Emergency procedures
- 3.41.29 Student Teachers Fire drills
- 3.41.30 Student Teachers Hot lunch procedures
- 3.41.31 Student Teachers Instructional management system
- 3.41.32 Student Teachers Interpersonal relationship conflict(s) disposition
- 3.41.33 Student Teachers Content Standards Objectives (CSOs)
- 3.41.34 Student Teachers Observations, evaluations and improvement plans
- 3.41.35 Student Teachers Parent/teacher conference
- 3.41.36 Student Teachers Professional ethics
- 3.41.37 Student Teachers Purchasing procedure
- 3.41.38 Student Teachers Resources (Audiovisual equipment, RESA)
- 3.41.39 Student Teachers Schedule for checking plan books
- 3.41.40 Student Teachers Staff meetings
- 3.41.41 Student Teachers Visitors to the classrooms
- 3.41.42 Student Teachers **Lewis County Schools Policy Manual**
- 3.41.43 Student Teachers Staff development
- 3.41.44 Student Teachers County-wide testing programs
- 3.41.45 Student Teachers Fund raisers
- 3.41.46 Student Teachers Inclement weather
- 3.41.47 Student Teachers Job description (discussion)
- 3.41.48 Student Teachers On-site school inspection
- 3.41.49 Student Teachers Policy manual location & check-out procedure
- 3.41.50 Student Teachers School calendar (explanation)
- 3.41.51 Student Teachers **School Procedures**
- 3.41.52 Student Teachers Special education programs
- 3.41.53 Student Teachers Department heads (secondary)
- 3.41.54 Student Teachers Field trips
- 3.41.55 Student Teachers School contest (athletic events, essay contest, math (county/math field day, science fairs, special events – school carnival, parties, etc., speech contest, spelling bee, other)
- 3.41.56 Student Teachers **School Organizations**
- 3.41.57 Student Teachers Athletic Boosters
- 3.41.58 Student Teachers Parent Advisory Council
- 3.41.59 Student Teachers Parent Teacher Association/Organization
- 3.41.60 Student Teachers Faculty Senate

# PERSONNEL

- 3.41.61 Student Teachers LSIC
- 3.41.62 Student Teachers School Curriculum Team (SCT)
- 3.41.63 Student Teachers Other
- 3.41.64 Student Teachers **Goals**
- 3.41.65 Student Teachers School goals
- 3.41.66 Student Teachers Principal's school goals
- 3.41.67 Student Teachers Mentor system

## 3.42 SERVICE PERSONNEL – EMPLOYMENT OF

Approved & amended by the LCBOE in session: June 14, 2007 – Policy effective date: July 1, 2007

- 3.42.1 Employment - Service The board is authorized to employ such service personnel, including substitutes, as is deemed necessary for meeting the needs of the county school system. Before entering upon their duties, such personnel shall execute with the board a written contract, which is provided in 18A-2-5 of the West Virginia Code.
- 3.42.2 Employment - Service **Continuing contract status for service personnel; termination** – Refer to WV Code 18A-
- 3.42.3 Employment - Service **Seniority rights of service personnel** – Refer to WV Code 18A-4-8 and 18A-4-8b

## 3.43 SERVICE PERSONNEL WAGE AND HOUR POLICY

*Approved and amended by the Lewis County Board of Education in session January 5, 2004. Approved and amended June 12, 2006. Approved & amended by the LCBOE in session: June 14, 2007 – Policy effective date: July 1, 2007. Section 3.47.43 approved & amended by LCBOE on May 9, 2011. Approved and amended February 13, 2012 under urgent conditions. Final approval March 12, 2012.*

- 3.43.1 Wage/Hour The Pursuant to the Fair Labor Standards Act (FLSA), certain legal requirements govern overtime pay or compensatory time for any non-exempt employee for each hour worked over forty (40) hours in any one workweek as defined below. Non-exempt employees may not waive their rights under the FLSA. An employee may be disciplined if he/she violates any provision of the county policy or regulations and procedures regarding overtime compensation. The following definitions and procedures shall be followed to ensure compliance with the FLSA.
- 3.43.2 Wage/Hour The purpose of this policy is to ensure that the LCBOE complies with the overtime provisions of the Fair Labor Standards Act (FLSA), regulations of the U.S. Department of Labor, Employment Standards Administration Wage and Hour Division, and all applicable state statutes and regulations related to the compensation of full-time and part-time employees.
- 3.43.3 Wage/Hour **General Provisions:** All full-time employees of the Board are expected to work a 40 hour workweek each week.
- 3.43.4 Wage/Hour Board employees may regularly and routinely be scheduled to work less than a 40 hour workweek; however, the Board retains the right to request an employee to perform his/her duties up to 40 hours during a workweek without additional compensation.



# PERSONNEL

- 3.43.5 Wage/Hour Unless the workload for the week requires an individual to work additional hours, the normal workweek schedules for service personnel are as follows:
- 37.5 hours – Aides (including autism mentor, paraprofessional)
  - 30.0 hours – Bus Operators
  - 40.0 hours – Maintenance/Custodial (including carpenter, crew leader, mechanic)
  - 40.0 hours – Cafeteria Manager
  - 35.0 hours – Cooks
  - 37.5 hours – Secretaries (including accountant and clerk)
- 3.43.6 Wage/Hour Non-exempt employees may be required to work appropriate alternate schedules when schools are closed for the prevalence of contagious disease, conditions of weather or any other calamitous cause over which the Board has no control.
- 3.43.7 Wage/Hour The length of the school day for professional personnel will be a minimum of seven and one-half hours and will continue until professional responsibilities to students are completed. Administrative meetings, curriculum development, pupil supervision, assigned duties, parent conferences, group or individual planning and extra-curricular activities may require hours beyond the stated minimum.
- 3.43.8 Wage/Hour Work schedules for all other employees will be defined by the Superintendent or, his/her designee, and will be consistent with the Fair Labor Standards Act, West Virginia statutes and regulations, and provisions of this policy.
- 3.43.9 Wage/Hour Non-exempt employees are not permitted to volunteer to perform services for or on behalf of the school system if the volunteer duties involve the same types of duties that the employees normally perform as part of their regular duties for the school district.
- 3.43.10 Wage/Hour **Workweek:** For purposes of the Fair Labor Standards Act, the workweek for all employees of the board is defined as beginning at 12:00 a.m. Sunday and ending at 11:59 p.m. on Saturday. Working hours for all non-exempt employees of the Board under the FLSA will conform to federal and state regulations.
- 3.43.11 Wage/Hour **Attendance expectations:** All employees are expected to be present during their scheduled working hours. Absence without prior approval, habitual absences, habitual tardiness or abuses of designated working hours are all considered willful neglect of duty and may result in disciplinary actions up to, and including dismissal. Non-exempt employees, except bus operators, who have not been granted prior approval by the appropriate authority to work overtime may not arrive at their workstations earlier than 7 minutes before their scheduled starting time and must leave their workstations within 7 minutes of their scheduled ending time. Non-exempt employees may not take work from their workstations to be completed after work hours at home or another location without written authorization by the superintendent or his/her designee. Failure to comply with these requirements may result in disciplinary action, up to and including dismissal.
- 3.43.12 Wage/Hour Due to changing weather, road conditions, or in order to accommodate school activities, bus operators' daily starting and ending time may vary. A bus operators' paid time will begin when the employee arrives at the location where his/her bus is parked and he/she begins preparing the bus to make a run. The bus operator's paid time will end when the bus is parked at the conclusion of the

# PERSONNEL

- run and the post check of the bus is complete. If the changes in the starting or ending time will require the bus operator to exceed daily contracted hours, then permission must be granted by the immediate supervisor. Due in part to the extensive variation involved with driving a bus, bus operators shall be responsible for coming to work in time to perform their pre trip inspections, attend meetings requiring their presence and getting their buses prepared for travel over the roadways. Prior approval will not be required but should be sought whenever possible. Furthermore, abuse of this system will not be tolerated and may result in disciplinary action, up to and including dismissal.
- 3.43.13 Wage/Hour **Time and attendance reports:** Every employee classified as a non-exempt employee is required to complete a time sheet for each week worked during the employee's employment term. The time sheet must reflect the actual starting and ending times for each day worked and the total time worked. This time sheet shall include the employee's verification that the time sheet is an accurate statement of hours worked. The employee and the employee's immediate supervisor must each sign the time sheet prior to its submittal to the payroll office. Any non-exempt employee who serves as a coach under an extra-curricular contract must keep a time sheet reflecting the daily time devoted to coaching. Time sheets must be submitted in a timely manner.
- 3.43.14 Wage/Hour **Overtime:** The Board discourages overtime work by non-exempt employees unless absolutely necessary. Overtime is to be kept to a minimum. If an administrator at the central office or a school principal determines that overtime work is necessary for a non-exempt employee to accomplish a particular task, the administrator must have prior approval from the appropriate superintendent's designee or the superintendent, if the designee cannot be reached. The request must be made in writing using the appropriate form. In an emergency situation, verbal approval may be granted. However, the written request form must be submitted within 24 hours following the verbal request. Supervisory personnel must monitor overtime use on a weekly basis to ensure that all overtime worked is necessary.
- 3.43.15 Wage/Hour The employees within the department or school who are classified and qualified by regularly performing the duties required for the overtime work shall be provided the opportunity to work overtime on a rotating basis based on seniority. If all of the qualifying employees decline the opportunity to work overtime, the assignment shall be imposed on an inverse seniority basis, meaning that the least senior qualifying employee shall be given the assignment. The immediate supervisor within the department or at the school shall be responsible for maintaining the rotation list to ensure that each employee within the classification is provided the opportunity to work overtime when his/her name appears at the top of the list.
- 3.43.16 Wage/Hour Bus operators do not need prior approval for extracurricular or extra-duty runs that may result in overtime hours worked.
- 3.43.17 Wage/Hour A service employee required to work on any legal holiday shall be paid at a rate of one and 1.5 times the employee's usual hourly rate (WV Code §18A-4-8a. paragraph (6)).
- 3.43.18 Wage/Hour A full-time service employee required to work in excess of her/his normal working day during a week that contains a school holiday for which he/she is

# PERSONNEL

- 3.43.19 Wage/Hour paid shall be paid for the additional hours or fraction of the additional hours at a rate of 1.5 times his/her usual hourly rate (WV Code §18A-4-8a, paragraph (7)). Pursuant to WV Code §18-4-8, an employee whose regular workweek is scheduled from Monday through Friday and agrees to perform any work assignments on a Saturday or Sunday is to be paid for at least .5 day of work for each day he or she reports for work, and if the employee works more than 3.5 hours on any Saturday or Sunday, the employee is to be paid for at least a full day of work. In computing the overtime rate for a workweek in which this provision applies, only the actual hours worked on a Saturday or Sunday and the pay related to those hours will be included in the overtime computations.
- 3.43.20 Wage/Hour A service employee on paid or unpaid leave, such as sick leave, personal leave, an emergency, vacation or a docked day, will not be paid at the overtime rate until the actual hours worked exceed 40 hours during the workweek.
- 3.43.21 Wage/Hour If the superintendent or one of his designees does not approve overtime, the employee may not arrive at his/her work station earlier than 7 minutes before the scheduled starting time and must leave the work station no more than 7 minutes after at the designated ending time.
- 3.43.22 Wage/Hour **Computation of Overtime Pay** - Overtime payment will be paid or compensatory time awarded for actual hours worked over 40 hours during a given workweek.
- 3.43.23 Wage/Hour In computing the total number of overtime hours worked, time worked shall be rounded to the nearest 15-minute increment. For example, 1 hour and 7 minutes will be rounded to 1 hour and 1 hour and 8 minutes will be rounded to 1 hour and 15 minutes.
- 3.43.24 Wage/Hour Overtime pay must be paid at a rate of at least one and 1.5 times the employee's regular rate of pay **for each hour over 40 worked in a workweek**. Generally, the regular rate includes all compensation earned by the employee during the workweek divided by the total number of hours worked. The regular rate of pay cannot be less than the minimum wage and overtime may be calculated using the following methods.
- 3.43.25 Wage/Hour **Weighted average method** – This involves calculating the employee's regular rate of pay for the workweek by taking the weighted average of all jobs performed during the workweek. To find the weighted average, determine the employee's total earnings for the week and divide this total by the total number of hours worked on all jobs. Once the weighted average has been determined, overtime will be calculated at 1 .5 times this average.
- 3.43.26 Wage/Hour In computing the 40 hour workweek for overtime purposes, only actual hours worked will be counted. Off-duty time equal to 30 minutes or more is not considered time worked and shall not be used in overtime computation. Time taken off work on paid or unpaid leave, including compensatory time, release time, or personal, sick, or military leave, vacation, time off without pay, jury duty or other approved or unapproved absences from work, outside school environment days, and days cancelled due to inclement weather, will not be counted as hours worked
- 3.43.27 Wage/Hour **Compensatory Time**: Compensatory time is an acceptable alternative to overtime pay for a service employee. A service employee who works in excess of 40 hours in a workweek, as defined, may choose to earn compensatory time in lieu of receiving overtime pay.

## PERSONNEL

- 3.43.28 Wage/Hour **Accrual and Use of Compensatory Time:** In lieu of overtime monetary compensation, non-exempt employees may receive compensatory time off at a rate of not less than one and one-half (1.5) hours for each one hour of overtime (hours over 40) worked if such compensatory time is (A) agreed to by the employee, in writing, before the overtime work is performed and (B) authorized by the superintendent or one of his/her designees.
- 3.43.29 Wage/Hour The rate of compensatory time will be 1.5 hours for each hour over 40 worked during the workweek.
- 3.43.30 Wage/Hour A maximum of 40 hours of compensatory time may be accrued. If the employee's accrued compensatory time balance reaches 40 hours, no additional compensatory time shall be allowed to accrue until the employee's accrued compensatory time balance is reduced to less than 40 hours. In such case, the employee must receive monetary compensation at the rate of 1.5 times his/her hourly rate for any additional overtime worked and any extra duty assignments worked must be paid at the regular extra duty rate.
- 3.43.31 Wage/Hour Compensatory time accrued during a school year must be used within that same school year. If it is impossible for the employee to do so or if the employee resigns or is discharged from employment with the LCBOE, the employee will be paid his/her current regular rate for the unused compensatory time.
- 3.43.32 Wage/Hour A service employee is permitted to use accrued compensatory time as paid time off with prior approval from the supervisor. The request form should be submitted to the supervisor at least two days prior to the date for which the leave is requested. Approval of such a request is subject to scheduling, school system operations, work demands and the number of other personnel taking the same time off.
- 3.43.33 Wage/Hour Accrued compensatory time may be taken in no less than 1 hour increments and must be used before any personal, annual, or unpaid leave is used. To be off one-half day requires 4 hours of compensatory time and to be off a whole day requires 8 hours of compensatory time.
- 3.43.34 Wage/Hour If an employee wants to use compensatory time and a substitute is required, the employee will have to take either a half day leave (4 hours compensatory time) or whole days leave (8 hours compensatory time).
- 3.43.35 Wage/Hour The immediate supervisor is responsible for monitoring the compensatory time accrued by each employee and submitting the documentation to the central office payroll accountant.
- 3.43.36 Wage/Hour **Adjusted Work Schedules (Flex Time):** With the mutual agreement of the employee and the immediate supervisor work schedules may be adjusted within a workweek. This situation is considered an adjusted workweek (or Flex Time) and would not be recorded as compensatory time as long as the hours worked during the workweek do not exceed 40 hours. The employee's timesheet must reflect actual hours worked to indicate the "flex time". Flex time is calculated hour-for-hour and must be used within the week.
- 3.43.37 Wage/Hour **Release time for Parent-Teacher Conference Day and Staff Development Day:** Non-exempt employees may earn release time (in-lieu of time) toward the third Continuing Education Day or the Parent-Teacher Conference Day that falls within the school calendar, providing the Parent-Teacher Conference Day and/or the Third Continuing Education Day is still available as a non-



# PERSONNEL

instructional day on the date that is scheduled. (Note: Both Parent-Teacher Conference & the Continuing Education Day may be converted to instructional days due to instructional days being cancelled due to inclement weather and/or other reasons.) Non-exempt employees may earn up to six (6) hours for the third Continuing Education Day and an additional six (6) hours for the Parent-Teacher Conference Day. Non-exempt employees may earn one hour of release time for each hour worked between the normal hours (as stated under the General Provisions) and 40 hours within a work week. Hours worked above 40 will be compensated through overtime pay or compensatory time. No hours worked over 40 may be considered release time for the Continuing Education Day or the Parent Teacher Conference Day. Any hours worked between the normal hours and 40 will not be compensated outside of earning the release time for the Continuing Education Day and the Parent-Teacher Conference Day.

3.43.38 Wage/Hour

**Violations:** Any exempt or non-exempt employee, who violates any provision of the Board’s overtime policy, or any regulations and procedures related thereto, may be subject to disciplinary actions that follow:

- 1<sup>st</sup> offense: Written reprimand
- 2<sup>nd</sup> offense: Unpaid suspension, 1-3 days
- 3<sup>rd</sup> offense: Unpaid suspension, 4-10 days
- 4<sup>th</sup> offense: Recommendation by the Superintendent for the imposition of additional discipline, up to and including termination of employment

3.43.39 Wage/Hour

**List of exempt and non-exempt positions:** The FLSA designates some employees exempt from the overtime and minimum wage requirements of the FLSA and provides criteria that must be met to designate an employee as exempt.

3.43.40 Wage/Hour

There are four types of FLSA exemptions: **executive, administrative, professional and "highly compensated" employees** and the criteria for each type of exemption are described in the Guide to the Fair Labor Standards Act for West Virginia Schools.

3.43.41 Wage/Hour

The following employees, listed by position code, are considered to be exempt:

3.43.42 Wage/Hour

**Executive Exemption:**

1. <u>Description</u>	<u>Position Code</u>
2. Superintendent	102
3. Associate/Assistant Superintendent	103
4. Directors, Coordinators	106 -107
5. Treasurer/CSBO	108

**Administrative Exemption:**

6. Administrative Assistant	104
7. Principals	111-114
8. Assistant Principals	115-118
9. Head Teacher	119
10. Curriculum Specialist	201
11. Technology Integration Specialist	202
12. Attendance Director	322
13. Director/Coordinator of Services	521
14. Supervisor of Maintenance	570
15. Supervisor of Transportation	650



# PERSONNEL

	16. Food Services Supervisor	670
3.43.43 Wage/Hour	<b>Professional Exemption:</b>	
	1. Librarian	203
	2. Remedial Specialist	204
	3. Counselor	205-208
	4. Teacher	210-241
	5. Dentist	306
	6. Professional Accountant	308
	7. Technology Systems Specialist	310
	8. Physician	315
	9. Psychiatrist	317
	10. Psychologist	318
	11. Registered Nurse	319
	12. School Nurse	320-321
	13. Attendance Officer	323
	14. Social Worker	324
	15. Physical/Occupational Therapist	331, 332
	16. Dental Hygienist	403
	17. Audiologist	405
	18. Psychometrist	408
3.43.44 Wage/Hour	The following employees, listed by position code are considered to be non-exempt:	
3.43.45 Wage/Hour	<b>Non-Exempt Employees:</b>	
	1. Aide	501-504
	2. Paraprofessional	515
	3. Autism Mentor	519
	4. Accountant/Auditor	522-525
	5. Buyer	526
	6. Braille or Sign Language Specialist	527
	7. Clerk	528-533
	8. Secretary	535-538
	9. Receptionist	541
	10. Computer Technicians	545-547
	11. Draftsman	549
	12. Media Worker	551, 557, 559
	13. Inventory Supervisor	555
	14. Accounts Payable Supervisor	560
	15. Payroll Supervisor	561
	16. Audio Visual Technician	574
	17. Maintenance Worker	576-644
	18. School Bus Operator/Truck Driver	652, 655, 659,
	19. Heavy Equipment Operator	657
	20. Cafeteria Worker	672, 675-677
	21. Custodians	681-684
	22. Groundsman/Watchman	686, 688
	23. Sanitation Plant Operator	690
3.43.46 Wage/Hour	<b><u>Definitions:</u></b>	

## PERSONNEL

- 3.43.47 Wage/Hour **Actual Hours Worked** – The hours that an employee works in a workweek including all of the time an employee is on duty and a 30-minute lunch period. This time does not include any time off such as but not limited to vacation, holidays and sick or personal leave.
- 3.43.48 Wage/Hour **Compensatory Time** – An alternative to overtime pay where time off must be provided at a rate of not less than one and one-half hours for each hour worked in excess of 40 hours.
- 3.43.49 Wage/Hour **Exempt Employee** – An employee who is exempt from the minimum wage and overtime provisions of FLSA. All county administrators, teachers and professional support personnel are included in this category.
- 3.43.50 Wage/Hour **Extracurricular (Supplemental) Assignment** – A regularly scheduled assignment approved by the Board of Education, including but not limited to, any activity such as instruction, coaching, chaperoning, escorting, providing support services or caring for the needs of students that occurs during time other than the regularly scheduled working hours, with the rate of pay mutually agreed to by the an employee and the Board (WV Code §18A-4-16).
- 3.43.51 Wage/Hour **Extra-Duty Assignment** – An irregular job that occurs only occasionally such as, but not limited to, a field trip, athletic event, prom, banquet, and band festival event with the rate of pay being one-seventh (1/7) of the employee’s daily rate for each hour the employee is involved in performing the extra-duty assignment (WV Code § 18A-4-8a).
- 3.43.52 Wage/Hour **Fair Labor Standards Act** – The federal statute governing minimum wage, overtime compensation, record keeping and child labor standards.
- 3.43.53 Wage/Hour **Flexible Time or Scheduling Change** – An adjusted work schedule to allow an employee to work varying daily schedules within a given seven-day work week as long as the total hours worked do not exceed 40 hours.
- 3.43.54 Wage/Hour **Holiday Pay** – 1.5 times the employee’s regular hourly rate for any service employee required to work on a legal school holiday (WV Code §18A-4-8a, paragraph (6)).
- 3.43.55 Wage/Hour **Non-exempt Employee** – An employee who is subject to the overtime provisions of FLSA. School service personnel are generally considered non-exempt employees.
- 3.43.56 Wage/Hour **Off-Duty** – A period of non-working time, at least thirty (30) minutes in duration, during which the employee is completely relieved from duty long enough to enable the employee to use the time effectively for his/her own purpose. The employee must be advised in advance that he/she may leave the job with a specified time to returns to work. This period of time is also referred to as “waiting to be engaged” time.
- 3.43.57 Wage/Hour **On-Call Time** – The period of time when an employee is required to remain on call on the employer’s premises or so close thereto that he/she cannot use the time effectively for his/her own purpose. This period of time is also referred to as “engaged to wait” time and is considered time worked. An employee who is not required to remain on the employer’s premises but is merely required to leave word where he/she may be reached is not working while on call.
- 3.43.58 Wage/Hour **Overtime** – The actual hours worked over and above 40 in any given workweek.
- 3.43.59 Wage/Hour **Modified Pay During a Week Including a Holiday** – 1.5 times the usual hourly rate for the additional hours or fraction of the additional hours that an employee

# PERSONNEL

- must work in excess of the normal working day during any week that contains a school holiday for which the employee is paid (WV Code §18A-4-8a, paragraph (7)).
- 3.43.60 Wage/Hour **Regular Rate of Pay** – The hourly rate at which an employee works including all remuneration for employment paid to or on behalf of the employee in a given workweek.
- 3.43.61 Wage/Hour **Superintendent’s Designee** – the Treasurer/Business Manager, Director of Personnel, Director of Transportation/Maintenance, School supervisors and Director of Child Nutrition.
- 3.43.62 Wage/Hour **Workweek** – An employee’s fixed and regularly recurring period of 168 hours (seven consecutive 24 hour periods) that need not coincide with the calendar week but may begin on any day and at any hour of the day.
- 3.43.63 Wage/Hour **STARTING AND ENDING TIMES FOR SERVICE PERSONNEL**
- 3.43.64 Wage/Hour **Bus Aides’** starting and ending times shall be as follows:
- Morning starting time shall be when the aide gets on the designated bus.
  - Morning ending time shall be when the aide leaves the designated bus.
  - Evening starting time shall be when the aide gets on the designated bus.
  - Evening ending time shall be when the aide leaves the designated bus.
  - .5 hours of daily work time for lunch.
- 3.43.65 Wage/Hour **Bus Operators’** regular run starting and ending times shall be as follows:
- Morning starting time shall be a maximum of 30 minutes pre-trip, prior to the bus leaving for the morning run. Start time begins from the location where the bus is parked.
  - Morning ending time shall be when the students are dropped off at school if the bus is parked at school or when the bus arrives at the bus operator’s home if it is parked at the bus operator’s home, plus a maximum of 30 minutes post trip, if time allows. If the bus is parked at the bus garage, ending time is when the bus arrives at the garage plus a maximum of 30 minutes post-trip, if time allows.
  - Evening starting time shall be a maximum of 30 minutes pre-trip, if time allows, prior to the bus leaving for the evening run.
  - Evening ending time shall be when the students are dropped off at school if the bus is parked at school or when the bus arrives at the bus operator’s home if it is parked at the bus operator’s home, plus a maximum of 30 minutes post-trip, if time allows. If the bus is parked at the bus garage, ending time is when the bus arrives at the garage plus a maximum of 30 minutes post-trip, if time allows.
  - If there is not enough time to conduct the pre-trip or post-trip between runs (regular, extracurricular/supplemental, and extra-duty), the bus operator must stay within sight of the bus. This time will be compensated time.
  - 3 hours shall be given weekly for the cleaning and maintenance of the bus.
  - .5 hours of daily work time shall be included for lunch.
- 3.43.66 Wage/Hour **Extracurricular (Supplemental) and Extra-Duty**



# PERSONNEL

1. Starting time for bus operators shall be a maximum of 30 minutes pre-trip, if time allows, prior to the bus leaving the school. Starting time for any other service employee involved in the trip shall be when the employee gets on the bus.
2. Ending time for bus operators shall be when the bus returns to the bus garage, or when the students are dropped at school if the bus is parked at school or when the bus arrives at the bus operator's home if it is parked at the bus operator's home, plus a maximum of 30 minutes post-trip, if time allows. Ending time for any other service employee involved in the trip shall be when the employee leaves the bus.

3.43.67 Wage/Hour

**Drug Testing and Bus Servicing**

1. A bus operator shall include the time it takes to complete the random drug testing as time worked.
2. A bus operator shall include the scheduled bus servicing as time worked.

3.43.68 Wage/Hour

**Central Office Service Personnel**

1. Central office business hours are from 8:00 a.m. to 4:00 p.m. daily Monday through Friday. County office service personnel must be scheduled to provide coverage of the county office business hours. The immediate supervisor may allow employees to change the beginning and ending times to best accomplish assigned duties. .5 hours of daily work time shall be included for lunch.

**3.44 SERVICE PERSONNEL EVALUATION**

Approved & amended by the LCBOE in session: June 14, 2007 – Policy effective date: July 1, 2007

3.44.1 Service Per. Evalua It is the desire of the board of education that each employee be evaluated as a means of assessing the effectiveness of the performance of job assignments, work attitudes and characteristics necessary for the successful performance of professional and service employees in the field of education. In order that this desire be concluded effectively and fairly each evaluation should follow a period of observations which may involve a single session observing the employee's performance or a series of observations. Each evaluation shall be concluded with a conference with the employee during a careful review of the employee's file, in which work habits, job descriptions, and the evaluator reviews evaluation components.

3.44.2 Service Per. Evalua It is the desire of the board that the evaluation procedure be utilized as an improvement process in order that a better system of education be delivered to students of Lewis County.

3.44.3 Service Per. Evalua Service personnel evaluation will be performed by the immediate supervisor and/or a central office staff member and will follow the procedures outlined for evaluation. An evaluation form will be utilized. Although not limited to such, the required number of evaluations completed per year shall be:

3.44.4 Service Per. Evalua Tenured employee – one evaluation

3.44.5 Service Per. Evalua Probationary employee – three observations and one evaluation

# PERSONNEL

- 3.44.6 Service Per. Evalua Refer to WV Code 18-8A-22
- 3.44.7 Service Per. Evalua **Objectives of service personnel evaluation** - Objectives of the employee evaluation process are:  
 To improve job performance and effectiveness;  
 To improve employee-supervisor communications;  
 To commend areas of strength;  
 To identify areas of weaknesses and determine means of improvement;  
 To encourage self-improvement; and  
 To encourage effective use of material, equipment and resources.
- 3.44.8 Service Per. Evalua
- 3.44.9 Service Per. Evalua
- 3.44.10 Service Per. Evalua
- 3.44.11 Service Per. Evalua
- 3.44.12 Service Per. Evalua
- 3.44.13 Service Per. Evalua
- 3.44.14 Service Per. Evalua **Guidelines for service personnel evaluations:**
- 3.44.15 Service Per. Evalua All personnel shall be provided (a) an evaluation form, (b) handbook and (c) job description.
- 3.44.16 Service Per. Evalua Evaluation by a supervisor must be based upon observation/discussions with the employee during the year of evaluation.
- 3.44.17 Service Per. Evalua Probationary employees shall be evaluated each year. A minimum of three (3) observations/discussions shall be made during the first school year. Two observations/discussions shall be made the second year and two observations yearly thereafter.
- 3.44.18 Service Per. Evalua A supervisor must counsel with any employee who's performance is unsatisfactory – the job description shall serve as the basis for discussion.
- 3.44.19 Service Per. Evalua The evaluation process shall be completed by June 1. Any unsatisfactory evaluation the employee shall be placed on a plan of improvement. All evaluation forms must be submitted to the personnel office.
- 3.44.20 Service Per. Evalua **Design of evaluation process:**
- 3.44.21 Service Per. Evalua **Evaluation Form** – The evaluation form is designed to provide a basis for the employee and supervisor to plan together for the improvement of job performance. A second purpose of the form is to encourage employee self-assessment and continuing job performance improvement.
- 3.44.22 Service Per. Evalua The evaluation form lists minimum competencies expected of Lewis County service employees. A four-scale rating is used to determine the level of competency: outstanding, commendable, satisfactory, and unsatisfactory.
- 3.44.23 Service Per. Evalua **Signatures:** Both supervisor and employee shall date and sign the report. The employee's signature indicates that the conference has been held and that an opportunity to read the report has been provided. The employee's signature does not necessarily imply or indicate agreement with the report. If the employee does not agree with the evaluation, a letter in duplicate stating the employee's position is to be presented to the supervisor. The original copy shall be sent to the personnel director for personnel to be placed in the employee's file.
- 3.44.24 Service Per. Evalua If the employee being evaluated refuses to sign the evaluation form, another Lewis County Schools employee shall sign the form in the "Witness" section to indicate that both parties have seen the evaluation report.
- 3.44.25 Service Per. Evalua **Factor definitions and guides for use:** Performance factors listed on the evaluation are defined below. Each factor should be checked in relation to the individual employee's job description. Supervisors should not assume that the factors are of equal importance. The degree of importance in each factor will vary according to the requirements of each employee's job. For example, "Effectiveness Under Stress" or "Operation and Care of Equipment" may be of

# PERSONNEL

- crucial importance in one position and relatively insignificant in another. Supervisors will find, however, that the first three factors listed do have the same degree of importance in any position, and employees should be evaluated accordingly.
- 3.44.26 Service Per. Evalua Observance of work hours: Refers to punctuality in reporting to or leaving a job in accordance with the prescribed schedule of working hours, breaks, or leaves of absence. Can the employee be relied upon to be working when and where assigned?
- 3.44.27 Service Per. Evalua Attendance – Reflects absences from duty for any reason. This factor introduces the opportunity for necessary or desirable counseling of an employee regarding improper or excessive use of leave privileges, especially if attendance has become unreliable. If sick leave use has been greater than the norm, should the employee seek medical care? Is there a Friday-Monday or holiday pattern of sick leave use? Have continued absences been costly to the school system or harmful to the students?
- 3.44.28 Service Per. Evalua Compliance with rules – Does the employee consistently comply with rules and regulations applicable to the job?
- 3.44.29 Service Per. Evalua Safety practices: Nearly all employees, even those who do not work under physically hazardous circumstances, must comply with reasonable safety practices, particularly in situations involving boys and girls. These practices may reflect specific supervisory conditions and the use of good common sense. Does the employee help to prevent accidents by practicing good safety procedures?
- 3.44.30 Service Per. Evalua Public relations: Refers to all public contacts made through personal or telephone conversation, correspondence and day-to-day appearances before the public. Does the employee's exposure to public reflect credit on Lewis County Schools and promote public contacts and behavior? Is the employee aware of the necessity to present a consistently good appearance to the public?
- 3.44.31 Service Per. Evalua Employee relationships: It does not apply to an employee's personal popularity or lack of it. Does employee have proper concern for another employee? Is employee a disruptive influence? Does employee bother or embarrass others? Is employee a positive influence on the morale of others?
- 3.44.32 Service Per. Evalua Knowledge of work: This factor should not be confused with, or restricted to, the technical knowledge an employee is required to bring to a specialized job classification. It is much broader and includes particularly the range of pertinent policies, regulations, and procedures relating to the assignment. Has the employee acquired an acceptable working level of job knowledge?
- 3.44.33 Service Per. Evalua Work judgements: Every employee makes decisions depending upon the degree of responsibility assigned in the position. Does the employee make a minimum of poor judgements in the course of the work expected? Is employee consistent and reliable in these judgements? What effect does he/she have upon the quantity and quality of work produced by employee and others?
- 3.44.34 Service Per. Evalua Planning and organizing: Measure the manner and method in which an employee approaches the assigned duties, and how successful the planning and organizing are in achieving desired results. Does the employee take time to plan the sequence of steps required in carrying out tasks? On the other hand, does employee attack the job thoughtlessly or with such blind enthusiasm that waste and mistakes result or work deadlines are missed? Does employee

# PERSONNEL

- make allowance in organizing the job so that all foreseeable circumstances are properly taken into account? Does lack of planning or poor organization indicate reasons for low production or poor quality of work?
- 3.44.35 Service Per. Evalua Quality of work: The degree of excellence of work performed over the entire rating period is measured here. In rating this factor, attention should be paid to the consequences of poor quality work. Is the employee's work neat, accurate, thorough and acceptable: Must the work be redone, thus reducing the potential volume of acceptable work, which could have been produced? Do errors in the employee's work affect the efforts of others? Does poor work consistently reflect adversely upon department or the school system?
- 3.44.36 Service Per. Evalua Meeting schedules: If work schedules are important enough to set reasonable deadlines, where these deadlines met? If the employee could not meet deadlines, was advance notice given? Did employee show an honest attempt to meet deadlines?
- 3.44.37 Service Per. Evalua Accepts responsibility: Refers to the degree of willingness an employee exhibits when given responsibility is carried out. Does the employee readily accept responsibility or is it avoided? Does employee deny responsibility when things go wrong? Is the employee quick to own up to failures? Does employee consistently act in a reasonable manner?
- 3.44.38 Service Per. Evalua Follows instructions: The word "instruction" as used here is synonymous with such work as supervision, training and direction. Does the employee meekly or passively accept directions that may be faulty? Does employee blindly or maliciously carry out directions? Does employee accept direction, but complain about it to fellow employees?
- 3.44.39 Service Per. Evalua Accepts change: Use this factor to evaluate the traits of adaptability and flexibility. Does the employee accept change willingly? Does employee slow down progress or cause inefficiencies by resistance to change? Does employee adapt satisfactorily to new work surroundings, new equipment, new procedures, and new supervisors?
- 3.44.40 Service Per. Evalua Efficiency under stress: There are some positions where pace, pressure, and tempo is consistently demanding. Is the employee capable of meeting rapidly changing deadlines? Is an acceptable volume and quality of work produced in an unforeseen emergency? Is work generally organized well enough to meet contingencies? Before marking this factor, consider whether stress is inherent in the position or results from the employee's failure to properly plan and organize work.
- 3.44.41 Service Per. Evalua Appearance of work area: Refers to the neatness and efficient arrangement of work areas. Does the appearance of the employee's work station affect the quality of work conducted there? Does the appearance of the workstation contribute to a desirable work atmosphere or a proper public image?
- 3.44.42 Service Per. Evalua Operation and care of equipment: Reflects the employee's concern for safe, responsible operation or use of equipment. Is the employee concerned with conservation of equipment? Is appropriate maintenance and repair of equipment requested when necessary?
- 3.44.43 Service Per. Evalua Work coordination: measures specifically the coordination of work, which directly or indirectly involves other employees or dependents.
- 3.44.44 Service Per. Evalua Initiative: Refers to initiation of action by the employee. While initiative shows up in the form of suggestions and acts to produce more efficient, productive or

# PERSONNEL

economical methods and procedures. Does the employee show self-reliant enterprise and take opportunities to exercise initiative? Is the employee alert to operating efficiency and cost cutting, incentive, and able to offer practical constructive criticism?

3.44.45 Service Per. Evalua Attitude: Reflects the employee's concern for co-workers, quality of work performed and respect for leadership. Is the employee willing to carry an appropriate share of the workload? Does the employee accept constructive criticism? Is concern for others evident?

3.44.46 Service Per. Evalua Personal appearance: Each employee has control of the personal cleanliness and neatness. Is the employee's dress in line with local standards? Does the employee's appearance create a positive appearance to the public?

3.44.47 Service Per. Evalua Spaces 22-26 have been left blank for additional factors of the employee's total job effectiveness. Factors such as oral or written expression, thoroughness or accuracy may figure significantly in fueling the requirements of a particular position. Intangible qualities, such as integrity, patience, and courage, usually refer to character or personality traits, not to an employee's performance, and should be avoided as evaluation factors unless a direct relationship can be demonstrated.

3.44.48 Service Per. Evalua **See Form #012, 013, 014**

## 3.45 SERVICE PERSONNEL SUBSTITUTES, EMPLOYMENT OF:

Approved & amended by the LCBOE in session: June 14, 2007 – Policy effective date: July 1, 2007

The county board shall employ and the superintendent shall assign substitute service personnel based on seniority to perform any of the duties as per WV Code 18A-4-15.

## 3.46 SERVICE PERSONNEL – SUBSTITUTE CALL OUT POLICY:

Approved & amended by the LCBOE in session: June 14, 2007 – Policy effective date: July 1, 2007

3.46.1 Substitute Service... Substitute service personnel that can not be contacted or refuses to work ten (10) consecutive times will receive a warning letter that the next no contact or refusal may result in removal from the substitute list. If the substitute accepts work after receipt of the warning letter, then the no contact or refusal count will start over.

3.46.2 Substitute Service... If the substitute continues to be unavailable or refuses to work, then a certified letter will be mailed notifying the employee that a written explanation is required within five (5) days. The written explanation will be reviewed by the Superintendent or his designee for approval or rejection. If rejected, an informal hearing will be scheduled with the substitute to present his/her case. If no explanation is received within five (5) days, after receipt of the request for an explanation, then a certified letter will be sent to the employee affording him/her an opportunity to be heard before the Board. If no request for a hearing is received, then the substitute's name will be presented to the Board for possible removal. If the substitute does not want to continue employment with the Board, a letter of resignation should be submitted to the Office of Personnel.

# PERSONNEL

## 3.47 ADMINISTRATIVE PROCEDURES FOR SECTION 504 OF THE REHABILITATION ACT/AMERICANS WITH DISABILITIES ACT GRIEVANCE

Approved & amended by the LCBOE in session: June 14, 2007 – Policy effective date: July 1, 2007

- 3.47.1 504 Rehabilitation Act.. **PURPOSE** - It is required that school systems observe practices, procedures and working environment which are free from discrimination on the basis of disability. Therefore, Lewis County schools will follow administrative procedures, which allow any individual, including a parent, student or employee, to file a grievance if it is alleged that a policy, practice, procedure, or direct service provided by the school district has resulted in a violation of Section 504 or the American with Disabilities Act (ADA).
- 3.47.2 504 Rehabilitation Act.. **RESPONSIBILITY** - Allegations regarding violations of Section 504 and ADA requirements by a local school district should be directed to the local Section 504/ADA Coordinator. The Coordinator will work with the appropriate administrator(s) to try to resolve the allegations. Lewis County Schools prohibit any retaliation or reprisal against individuals who file complaints or participate in the complaint process.
- 3.47.3 504 Rehabilitation Act.. **AUTHORITY** - Lewis County Schools is authorized to develop, adopt, and publish a disability grievance procedure for students and employees that incorporate appropriate due process standards. The required due process standards include:
- 3.47.4 504 Rehabilitation Act.. designated and specific time frames for each step in the disability grievance process,
- 3.47.5 504 Rehabilitation Act.. the right to obtain and examine relevant records,
- 3.47.6 504 Rehabilitation Act.. a full and impartial investigations,
- 3.47.7 504 Rehabilitation Act.. the right to present evidence and witnesses,
- 3.47.8 504 Rehabilitation Act.. the right to be informed of the final decision and resolution of the grievance, and
- 3.47.9 504 Rehabilitation Act.. the right to a timely appeal. Lewis County Schools operates as an equal opportunity institution and will not discriminate on the basis of race, national origin, religion, gender, marital or family status, age, or disabling conditions in its activities, programs, or employment practices as required in Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA) of 1990. For information about your rights or grievance procedures, contact your county, Title IX Coordinator or your county, Section 504/Americans with Disabilities Act Coordinator, (Board Office Address & Phone Number).

# PERSONNEL

## 3.48 EXTRACURRICULAR SERVICES COMPENSATION *Approved and*

*adopted by the Lewis County BOE July 25, 2005.* Approved & amended by the LCBOE in session: June 14, 2007 – Policy effective date: July 1, 2007. Section 3.52.2 approved December 17, 2012.

- 3.48.1 Ex Duty Services Re Professional employees who are required to participate in extracurricular a capacity that involves working directly with students (Ex. Saturday detention hall, after school tutoring) beyond the regular school day and for which an salary is paid will be compensated at the rate of \$25.00/hour. Professional employees who are required to participate in activities that do not involve working directly with students (Ex. professional development workshops) beyond the regular school day and for which salary is paid will be compensated at the rate of 20.00/hour.
- 3.48.2 Ex Duty Services Re Employees (professional or service) who are required to participate in meetings to develop county policy beyond the regular school day will be compensated at the rate of \$30.00 per meeting.

## 3.49 REQUESTING PREVIOUS EXPERIENCE FOR PAY PURPOSES ONLY WITH THE LEWIS COUNTY BOARD OF EDUCATION

Approved & amended by the LCBOE in session: June 14, 2007 – Policy effective date: July 1, 2007

- 3.49.1 Previous Experience... Lewis County Schools will provide additional credit for pay purposes only when the prior employment other than the Board is specifically provided in §18A-4-8(1) for professionals personnel and §18A-4-8(2) for service personnel. The request for additional pay experience must be presented to the office of personnel in writing. The Personnel Director, through the Superintendent, will only recommend experience credit for pay purposes when the request is legally consistent with the statutory language pursuant to §18A-4-1 and §18A-4-8 and the West Virginia Department of Education, office of School Finance.

## 3.50 SABBATICAL LEAVE POLICY

*Adopted and approved by the Lewis County BOE in session August 19, 2002.*

Approved & amended by the LCBOE in session: June 14, 2007 – Policy effective date: July 1, 2007

- 3.50.1 Sabbatical Refer to WV Codes 18A-2-2A, 18-2-11, and 18A-1-1. Leave is granted for one year only to aides who are in their last year of a four-year degree program. The sabbatical leave may be granted with or without pay, however, should the federal government offer compensation for sabbatical leave, this policy will be revisited. All requests for sabbatical leave must be submitted in writing to the superintendent on or before March 1 of each fiscal year. Should the number of sabbatical leave requests for teachers' aides or classroom teachers exceed the allowed number, the board shall use seniority to determine who may be granted leave.

# PERSONNEL

## 3.51 NON-PAID COACHES

*Adopted and approved by the Lewis County BOE in session January 18, 2005*

*Adopted and approved by the Lewis County BOE in session February 12, 2007*

Approved & amended by the LCBOE in session: June 14, 2007 – Policy effective date: July 1, 2007

- 3.51.1 Non-Paid Coaches Priority will be given to individuals interested in being a non-paid coach in the order that follows:
- 3.51.2 Non-Paid Coaches LCBOE full-time Professionals
- 3.51.3 Non-Paid Coaches LCBOE Substitute Teachers
- 3.51.4 Non-Paid Coaches LCBOE Service Employees
- 3.51.5 Non-Paid Coaches Non-Board of Education Employees
- 3.51.6 Non-Paid Coaches Non-professionals unpaid coaches must satisfy all requirements mandated by the West Virginia Department of Education (WVDE), the West Virginia Secondary Activities Commission (WVSSAC), and the Lewis County Board of Education (LCBOE) in order to be approved and secure a WV Temporary Coach's Authorization Certificate. This includes: 1) a high school diploma, 2) attend training provided by the American Sport Education Program (ASEP), 3) a passing score on the Coaching Principles test, WVSSAC State test, 4) Principal/AD/Head Coach recommendation, 5) completed non-paid coach's application, 5) CIB clearance, 6) TB skin test, and, 7) Board approved.
- 3.51.7 Non-Paid Coaches No organization, school, or the Board will compensate non-paid coaches. However, in order to comply with the West Virginia Accounting Practices and Procedures and the West Virginia State Board of Risk liability risk coverage, an in-kind contribution will be made by the school requesting the services of a non-paid coach. The in-kind contribution will be in the form of paying the application fee required to secure a Temporary Coach's Authorization Certificate in the State.
- 3.51.8 Non-Paid Coaches All non-paid coaches are approved on an athletic season-to-season basis and are subject to Section 3.55.9 of this policy. The non-paid coach is under the authority of the head coach. The non-paid coach may practice athletes in the absence of the head or assistant coach, provided the head coach has approved the scheduled practice session.
- 3.51.9 Non-Paid Coaches The non-paid coach shall be observed and evaluated by the principal and/or AD during his/her non-paid coaching season. If personnel problems surface, the principal shall have the discretion to recommend removal to the superintendent. Those reasons will be stated in writing as soon as warranted.
- 3.51.10 Non-Paid Coaches The number of non-paid coaches is contingent on the number of active teams per sport program. For example: high school football is comprised of a varsity, junior varsity, and freshman team; therefore, three (3) non-paid coaches shall be permitted provided all three levels have teams during a given session.
- 3.51.11 Non-Paid Coaches Other non-paid workers who assist with a sports programs as a statistician, scouting, video-taping, etc., may not be involved with the direct instruction, supervision, or coaching of a student athlete. Any individual assisting the team in a non-board approved position, must have the approval of the principal and/or athletic director before assuming duties. Any non-paid worker who travels with the team to an away contest will have to be a board approved volunteer.



## PERSONNEL

**3.52 USE OF FEDERAL FUNDS FOR TUITION ASSISTANCE**

*Approved and amended by the Lewis County Board of Education in session April 4, 2005.*

Approved & amended by the LCBOE in session: June 14, 2007 – Policy effective date: July 1, 2007

- 3.52.1 Federal Funds/Tuit Lewis County Schools, based upon the availability of federal funds, may assist in the payment of college tuition for instructional personnel, (both regular employees and substitutes), and administrative personnel who qualify to receive benefits under federal guidelines. Reimbursement will not be granted for courses that are Pass/Fail or Satisfactory/Unsatisfactory. Reimbursement will only be issued for courses issuing a letter grade. Lewis County Schools may also enter into agreements with institutions of higher learning to offer courses, at a reduced tuition.
- 3.52.2 Federal Funds/Tuit In order to be eligible to receive tuition assistance, the course(s) shall:
- 3.52.3 Federal Funds/Tuit increase the employee's subject matter knowledge in current job assignments;  
or
- 3.52.4 Federal Funds/Tuit increase the employee's teaching skill; or
- 3.52.5 Federal Funds/Tuit assist the employee in becoming "highly qualified" or
- 3.52.6 Federal Funds/Tuit support the employee's acquisition of an advanced degree as outlined in Section K-10 of the Title II, Part A Non-Regulatory Draft Guidance (December 19, 2002); or
- 3.52.7 Federal Funds/Tuit support the employee's acquisition of certification in an area that has an insufficient number of certified teachers.
- 3.52.8 Federal Funds/Tuit For courses that are not offered through a contracted agreement with an outside entity, the employee must complete the course before applying for reimbursement. Persons who are eligible must first request reimbursement from the West Virginia Office of Professional Preparation. If the request is denied, for any reason, a request may then be submitted to the county for reimbursement. Applications for reimbursement must include a receipt issued from the institution granting the credit, an original transcript verifying the grade received in the course, and a copy of the letter from the West Virginia Office of Professional Preparation denying payment. In order to receive reimbursement for undergraduate courses, the employee must have received a letter grade of an "A", "B", or "C". The employee must have a letter grade of an "A" or "B" to receive reimbursement for a course at the graduate or doctorate level.
- 3.52.9 Federal Funds/Tuit Lewis County Schools may also utilize federal funds to purchase and/or reimburse employees for course materials that are a necessary component of the course (i.e., textbooks)
- 3.52.10 Federal Funds/Tuit Financial assistance for tuition and/or course materials may be provided only for those areas that are identified in the LEA's federal projects needs assessment.
- 3.52.11 Federal Funds/Tuit The amount of funding available for assistance for tuition and/or course materials is dependent upon the amount of available funding and may vary from year to year.
- 3.52.12 Federal Funds/Tuit Employees should notify the appropriate Federal Program Director no later than May 15, of courses that will be taken during the ensuing fiscal year for which tuition reimbursement will be requested.

# PERSONNEL

## 3.53 BEGINNING EDUCATOR INTERNSHIP PROGRAM

Approved & amended by the LCBOE in session: June 14, 2007 – Policy effective date: July 1, 2007

- 3.53.1 Begin Ed. Internship (See WV Code 18-2-6 and WV Board of Education Policy 5900)
- 3.53.2 Begin Ed. Internship Mentors must have a minimum of five years of classroom teaching experience with satisfactory evaluations.

## 3.54 BEGINNING PRINCIPAL INTERNSHIP

Approved and amended by the Lewis County Board of Education in session June 6, 2003.

Approved & amended by the LCBOE in session: June 14, 2007 – Policy effective date: July 1, 2007

- 3.54.1 Begin Prin. Internship Every person hired for the first time by the Lewis County Board of Education as an assistant principal, principal, or vocational administrator after the first day of July, one thousand nine hundred ninety-five, shall complete a one school year beginning principal internship program. The internship shall consist of the following components:
- 3.54.2 Begin Prin. Internship An orientation program to be conducted prior to the beginning of the instructional term, but within the employment term. The mentor administrator shall develop the orientation program. In the event that a beginning principal is hired during the instructional term, the orientation program shall be conducted during the instructional term.
- 3.54.3 Begin Prin. Internship The beginning principal and his/her mentor shall schedule no less than one meeting per month during the first semester. At the discretion of the mentor, the number of regular meetings during the second semester may be reduced to three. Topics for each meeting may consist of, but are not limited to, the following: evaluation of personnel, budgeting, scheduling, instructional leadership, discipline, public relations, conferencing skills, or other topics determined by the mentor and the intern. Lewis County schools shall develop a method for mentors to document that such meetings have occurred
- 3.54.4 Begin Prin. Internship The county superintendent shall approve release time from regular duties for the mentor and the beginning principal.
- 3.54.5 Begin Prin. Internship The mentor principal shall be paid a stipend of \$60.00 per month, not to exceed a total of \$600.00, for performing the duties as a mentor. The West Virginia Department of Education will reimburse the county.
- 3.54.6 Begin Prin. Internship Documentation of the beginning principal internship shall be recorded on the evaluation form.
- 3.54.7 Begin Prin. Internship Mentors must have a minimum of five years of administrator experience as an assistant principal, principal, or vocation administrator. Mentors must complete a staff development program that has been approved by the West Virginia Department of Education before their employment as a mentor. The mentor must not be responsible for a participant in any evaluation or supervision of the beginning principal intern.

# PERSONNEL

## 3.55 Reduction/Transfer of Service Personnel by Location

Approved & amended by the LCBOE in session: June 14, 2007 – Policy effective date: July 1, 2007.

Policy reviewed & amended by the LCBOE in session July 11, 2011.

- 3.55.1 Reduction/Transfer Serv Reductions in force on a countywide basis, in any classification, will adhere to procedures as set forth in West Virginia Code 18A-4-8b., based upon county seniority within the job classification
- 3.55.2 Reduction/Transfer Serv The purpose of this policy is to establish procedures to follow when it becomes necessary to reduce or realign personnel within a specific service classification in a school and within a particular program.
- 3.55.3 Reduction/Transfer Serv If it becomes necessary to reduce personnel within a specific program and job classification at a school (such as special education, kindergarten, preschool, etc.), the least senior (county seniority) employee in that program and classification at the school shall be placed on the transfer list for subsequent assignment for the ensuing school year.
- 3.55.4 Reduction/Transfer Serv An exception to 3.59.3 will occur if an aide has been assigned to a student based on additional qualifications specific to the position, such as a gender requirement or heavy lifting capability. In such cases, if the least senior aide in the program occupies such a position, that aide will be not be subject to transfer, and the next least senior aide in the program area will be transferred
- 3.55.5 Reduction/Transfer Serv Any aide assigned to a student for the purpose of providing one-on-one services, including special education aides who serve a single student, autism mentors, sign language specialists, and Braille specialists, shall not be subject to transfer based upon seniority. However, if the need for a particular aide ceases to exist at a school, due to student graduation, withdrawal from the school, etc., the employee may be placed on transfer or reduction in force for lack of need, whichever may be the case.
- 3.55.6 Reduction/Transfer Serv An additional exception to 3.59.3 shall apply if there is a need to reduce the number of cooks at a particular location, but there is no county-wide reduction in force. In such cases, the cafeteria manager shall not be subject to transfer; only cooks in the Cook I, II, and III classifications shall be considered for transfer, based upon county seniority.

## 3.56 Unpaid Leave of Absence Without Cause

*Approved by the Lewis County Board of Education in session July 10, 2006.*

Approved & amended by the LCBOE in session: June 14, 2007 – Policy effective date: July 1, 2007

3.56 was deleted by LC Board of Education in session September 11, 2017.

# PERSONNEL

## 3.57 Annual Supplement for Professionals Holding National Board Certification

Approved by the Lewis County Board of Education in session November 6, 2000.  
*Approved and amended April 9, 2007.*

- 3.57.1 Annual Supplement The Lewis County Board of Education recognizes that the rigorous standards for certification required by the National Board of Teaching and Professional Support Service Standards ensure the highest quality of teaching, learning, and support service to our students.
- 3.57.2 Annual Supplement As an incentive to encourage professionals to achieve National Board Certification, an annual supplement of \$2000.00 will be paid to each professional holding and maintaining National Board Certification pursuant to WV State Board Policy 5202 (126CSR136).
- 3.57.3 Annual Supplement The Lewis County Board of Education reserve the right to discontinue this salary supplement pursuant to WV Code §18A-4-5a and §18A-2-2.
- 3.57.4 Annual Supplement Eligibility for the National Board Certification salary supplement will be based on certification date. If certification is achieved in the middle of the school year, the supplement will be prorated for the remaining employment days in the school year in which certification was attained.
- 3.57.5 Annual Supplement Initial policy effective date: 2001-2002 school year.

## 3.58 Employment of Retired Substitute Teachers in Areas of Critical Need and Shortage

*Reviewed and Temporary Approved under urgent conditions on August 13, 2007 to be effective immediately. Permanent approval on September 11, 2007. Approved by the WV Board of Education on September 13, 2007, effective for the 2007-2008 school year.*

*Reviewed and Temporary Approved under urgent conditions on August 11, 2008 to be effective immediately. Permanent approval on September 08, 2008. Approved by the WV Board of Education on September 11, 2008, effective for the 2008-2009 school year.*

*Reviewed and approved on September 28, 2009.*

*Policy was deleted on August 23, 2010 by the LCBOE.*

*Reviewed and Temporary Approved under urgent conditions on March 14, 2011 to be effective immediately. Permanent approval on April 11, 2011.*

*Reviewed and Temporary Approved under urgent conditions on November 14, 2011 to be effective immediately. Permanent approval on December 12, 2011.*



# PERSONNEL

*Reviewed and approved on August 27, 2012. Reviewed and approved on September 9, 2013.*

*Reviewed and Temporary Approved under urgent conditions on April 13, 2015 to be effective immediately. Permanent approval on May 11, 2015.*

*Reviewed and approved on September 14, 2015.*

*Reviewed and approved under urgent conditions on January 25, 2016. Permanent approval February 22, 2016.*

*Reviewed and approved under urgent conditions on April 10, 2017.*

*Reviewed and approved under urgent conditions on September 11, 2017. Permanent approval October 9, 2017*

- 3.58.1 Empty Retired      The Lewis County Board of Education utilizes substitute teachers to ensure the integrity and continuity of instructional programs for all students. The purpose of this policy is to address the insufficient numbers of substitute teachers available that hold certification and training in certain areas, and to comply with the requirements of WV Code § 18A-2-3 in order to provide for the employment of retired teachers on an expanded basis in areas of Critical Need and Shortage.
- 3.58.2 Empty Retired      **Definition**
- 3.58.3 Empty Retired      **Area of Critical Need and Shortage:** An area of certification and training in which the number of available substitute teachers in the county is who hold certification and training that area and who are not retired insufficient to meet the projected need for substitute teachers.
- 3.58.4 Empty Retired      **Days Worked:** The number of days a retired substitute teacher works as calculated by the formula pursuant to WV Code §18-7A-38.
- 3.58.5 Empty Retired      **Expanded Basis:** The employment of retired teachers as a substitute for an unlimited number of days in excess of 140-days in a current school year.
- 3.58.6 Empty Retired      **Substitute Teachers:** Any teacher who is assigned in one of the following situations.
- 3.58.7 Empty Retired      To fill a day-to-day absence of any teacher pursuant to WV Code § 18A-4-10;
- 3.58.8 Empty Retired      To fill a temporary absence of any teacher or the unexpired school term made vacant by the resignation, death, suspension, or dismissal of a teacher;
- 3.58.9 Empty Retired      To fill a teaching position of a regular teacher on leave of absence;
- 3.58.10 Empty Retired    To perform instructional services of any teacher who is authorized by law or county policy to be absent from class with loss of pay.
- 3.58.11 Empty Retired    **Projected Areas of Critical Need**
- 3.58.12 Empty Retired    Based on a complete review of needed substitute teachers for the 2017-2018 school year and the availability of non-retired substitute teachers, there exist in Lewis County a Critical Need and Shortage in the following instructional areas:
  - > Title I Reading
  - > Science
  - > Mathematics
  - > Foreign Language

# PERSONNEL

- Vocational
- Music
- Preschool Special Needs
- Special Education
- English
- Physical Education
- Driver's Education
- Health
- Elementary Education
- Pre-K

- 3.58.13 Emphy Retired The Critical Need and Shortage of available substitutes for the fore going areas of certification and training necessitates the employment of retired teachers as substitutes on an expanded basis by the Board.
- 3.58.14 Emphy Retired **Retired Teachers Employed as Substitutes**
- 3.58.15 Emphy Retired Based on the projected Critical Need and Shortage of available substitute teachers as identified for Lewis County Schools, retired teachers may be employed as substitutes on an expanded basis for the 2017-2018 school year beyond 140-days.
- 3.58.16 Emphy Retired Retired teachers may be employed beyond 140-days only when no other non-retired teacher who holds certification and training so identified is available and accepts the substitute assignment. Nothing herein shall alter or affect otherwise the authority of the Board to employ retired teachers for periods of 140-days or less pursuant to state code.
- 3.58.17 Emphy Retired Prior to employment of a substitute teacher beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board, the Superintendent shall submit to the Consolidated Public Retirement Board and the West Virginia Board of Education, in form approved by the retirement board, an affidavit, signed by the Superintendent, stating the name of the county, the fact that this policy has been adopted for the purpose of employing retired teachers as substitutes to address areas of critical need and shortage, the names or names of persons to be employed pursuant to the policy, the critical need and shortage area position filled by each person, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement.
- 3.58.18 Emphy Retired Retired teachers become eligible to be employed as a critical needs substitute to fill a vacant position only if the retired teacher's retirement became effective **at least 20 days before** the beginning the employment term during which he/she is employed as a substitute.
- 3.58.19 Emphy Retired The county Superintendent shall forward a copy of this policy annually to the State Superintendent of Schools for approval by the State Board of Education prior to employment of retired teachers on an expanded basis as substitutes in areas of critical need and shortage.
- 3.58.20 Emphy Retired If the Board employs a retired teacher to fill a Critical Need or Shortage area, they shall continue to post the vacant position, the position vacancy shall be posted electronically and easily accessible to prospective employees, until it is filled with a non-retired substitute or regular employee who is fully certified or permitted for the position; the employed retired will still be considered a day-to-

# PERSONNEL

- day temporary substitute. Retired teachers are not eligible for additional pension or benefits and shall not accrue seniority for any purpose.
- 3.58.21 Emphy Retired A retired teacher that begins work as a substitute teacher under W. Va. Code §18A-2-3(c) and this policy, retires and begins work in the same term shall lose retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retired substitute in such employment term and ending the month following the date the retiree ceases to perform services as a substitute within the same employment term.
  - 3.58.22 Emphy Retired The WV Code that authorizes this policy is scheduled to expire June 30, 2017 unless extended by the legislature.
  - 3.58.23 Emphy Retired **Renewal and Adoption**
  - 3.58.24 Emphy Retired Pursuant to W. Va. Code §18A-2-3(c)(2)(E), this policy is subject to annual renewal by the Lewis County Board of Education and approved annually by the West Virginia Board of Education.
  - 3.58.25 Emphy Retired This policy shall take effect upon the date it is approved by the West Virginia Board of Education.
  - 3.58.26 Emphy Retired Statutory References: WV Code 18A-2-3; WV Code 18-7A-38.

## 3.59 Early Notification of Retirement

*Approved by the Lewis County Board of Education in session April 6, 2009.*  
*Approved by the Lewis County Board of Education in session October 12, 2009.*  
*Approves by the Lewis County Board of Education in session August 27, 2012.*

- 3.59.1 Early Notification Any classroom teacher who gives notice to the Lewis County Board of Education on or before March 1 of the school year of his or her retirement from employment with the board at the conclusion of the school year shall be paid five hundred dollars (\$500.00) as prescribed in WV Code 18A-2-2g.
- 3.59.2 Early Notification As permitted in WV Code 18A-2-5a, the Lewis County Board of Education will offer a five hundred-dollar (\$500.00) bonus to any service employee, or to any professional who is not a classroom teacher, who gives written notice to the Lewis County Board of Education on or before March 1 of the school year of his or her retirement from employment with the board at the conclusion of the school year, contingent on the availability of local funds.

## 3.60 Employee Dress Code

*Approved by the Lewis County Board of Education in session March 11, 2013. Policy effective April 8, 2013.*  
*Approved with revisions on July 22, 2013. Policy effective August 19, 2013. Approved with revisions on March 10, 2014. Approved with revisions on October 26, 2015 with effective date October 27, 2015.*

# PERSONNEL

- 3.60.1 Employee Dress The Lewis County Board of Education expects all employees pursuant to this policy, as well as the County and State Employee Code of Conduct, to dress in an appropriate and professional manner which meets professional and community standards. School employees, whether intentional or not, are role models for the students of Lewis County. All employees are expected to adhere to the common practice of neatness and cleanliness in appearance, and in such a manner as to contribute to the academic atmosphere, rather than distract from it. In order to comply with these expectations, this code shall be implemented.
- 3.60.2 Employee Dress Any clothing that may be considered obscene or offensive may not be worn to school. This includes images of tobacco, alcohol, drugs, political views, or anything that may be derogatory towards another's race, culture, or is sexually suggestive, or any clothing which violates state and/or county policies against bullying and harassment. Clothing or accessories may be prohibited if deemed to disrupt the educational process, harass, intimidate, coerce or otherwise interfere with the rights of students, parents, or another school employee in the district. In the case of any questions regarding whether religious neutrality is being maintained, clarification regarding apparel should be obtained prior to wearing to school. This clarification can be obtained from the school administration, which may request documentation or other evidence of a bona fide religious or cultural exception to dress code requirements.
- 3.60.3 Employee Dress Crop-tops, tube tops, tank and halter tops, with straps that are not at least three-inches wide, are unacceptable unless worn with a jacket or over shirt. Casual t-shirts, especially those bearing messages, slogans, or "logos" are not acceptable, except when permitted pursuant to Section 3.64.6. Shirts and blouses, for either gender, must cover the entire torso at all times. If a shirt is particularly low-cut, another shirt or other appropriate cover-up must be worn underneath. Leggings may not be worn unless covered with a dress or skirt.
- 3.60.4 Employee Dress All clothing, worn by an employee, shall be neat and clean. Clothing must not be worn in a manner which exposes undergarments or that have tears, frays, or holes. Clothing choices should provide the individual with comfort while enabling them to best perform their specific job assignments. Skirts or dresses can be no shorter than knee length. Employees may not wear shorts. (See below for physical education teachers and the wearing of shorts)
- 3.60.5 Employee Dress Personnel with a specialty, such as art, shop, physical education, Pre-K, kindergarten, vocational agriculture, or others, shall dress in a manner that meets the needs of their job performance and enhances interactivity with the students. Sweat clothing, wind-suits, and shorts can only be worn by physical education teachers if they actively engage in interaction with their students.
- 3.60.6 Employee Dress Employees may wear decorative T-Shirts or sweatshirts on certain occasions. These occasions include spirit week, teacher appreciation week, and various holidays so long as the slogans are appropriate and reflect the occasion.
- 3.60.7 Employee Dress Custodians, maintenance workers and bus drivers shall dress in a manner which is appropriate for their job description. Clothing should meet OSHA and other appropriate guidelines that provide safety for the employee while



# PERSONNEL

- 3.60.8 Employee Dress performing required duties. An example would be shoes which provide complete foot coverage.
- 3.60.8 Employee Dress Food service personnel must adhere to state health department guidelines. Appropriate attires and accessories are important in meeting a safe and sanitary environment. All cooks and cafeteria managers must wear closed toe shoes when working in the kitchen.
- 3.60.9 Employee Dress No attempt shall be made to infringe on personal style choices of an employee, as long as they are in keeping with the county policy. It is the personal responsibility of the individual employee to adhere to the dress-code policy.
- 3.60.10 Employee Dress Principals and central office directors/supervisors or their designees shall have the final authority to decide what is/is not appropriate attire for employees working under their direct supervision based upon the above guidelines.
- 3.60.11 Employee Dress Employees who are provided a uniform are expected to wear it during normal / routine working hours.
- 3.60.12 Employee Dress Enforcement: Employees not adhering to the above policy shall:
- 3.60.13 Employee Dress First Offense: Be sent home to change into appropriate clothing and return to school. A letter of reprimand placed in his/her file.
- 3.60.14 Employee Dress Second Offense: Be considered insubordinate and shall be subject to state laws 18a-2-7 and 18a-2-8, at the discretion of the superintendent.

## 3.61 Employee Technology and Computer Acceptable Use Policy- Employee Access to Network Information Resources

### 3.61.1 AUP

#### General

The Lewis County Board of Education will provide access to various computerized information resources through the county network and computer system consisting of software, hardware, computer networks and electronic communications systems. This may include access to electronic mail, cloud-based systems, and the internet. It may include the opportunity for staff and students to have access with technology devices from their home or other remote locations. All use of the technology devices, including independent use off-site premises, shall be subject to this policy and accompanying regulations. Further, all such use must be in support of education and/or research and consistent with the goals and mission of Lewis County Schools.

LCS Technology Policy is intended to be applicable in addition to all existing federal and state laws, board regulations and policies, including laws and regulations that are specific to TECD and networks, as well as those that are applicable to personal conduct. Faculty and staff who are found to have

# PERSONNEL

violated this policy or any other applicable policy or legal requirement will be subject to discipline, up to and including termination from employment. Students who are found to have violated these policies will be subject to disciplinary action up to and including expulsion.

In the event of any conflict with information contained in this document, or if any policy must be clarified, this document will rely on the content of the State of West Virginia Policy 2460 for clarification.

## 3.61.2 AUP

### Terms (as applicable to this policy)

- **ADA:** Americans with Disabilities Act
- **Anonymizer:** any tool that attempts to shield internet activity.
- **AUP:** (Technology) Acceptable Use Policy
- **CIPA:** Children's Internet Protection Act
- **COPPA:** Children's Online Privacy Protection Act
- **Employees:** All staff members, including, but not limited to, professional and service personnel, coaches, LCS independent contractors, LCS consultants, and LCS volunteers. (Definition applies for purposes of this policy only)
- **End-of-Life (EOL):** technology reaches end-of-life when it can no longer be supported, sustained, and/or becomes a security risk.
- **ERATE:** Schools and Libraries Program of the Federal Communications Commission Universal Service Fund
- **FCC:** Federal Communications Commission
- **FERPA:** Family Education Rights and Privacy Act
- **LCS/LCBOE:** Lewis County Schools
- **HIPAA:** Health Insurance Portability and Accountability Act
- **OT:** Office of Technology
- **Personal technology:** consumer-grade technology including, but not limited to gadgets, apps, computing electronics, routers, switches, and video games.
- **Phish or Phishing:** the attempt to obtain sensitive information such as usernames, passwords, and credit card details (and, indirectly, money), often for malicious reasons, by disguising as a trustworthy entity in an electronic communication.
- **Proxy:** computer that acts as a gateway between a local network and a larger network such as the internet.
- **Social Media:** electronic communication applications that enable users to create and share content or to participate in social community networking online.
- **TECD:** school technology and electronic communication devices, including but not limited to computer devices, phones, security cameras.
- **VPN:** Virtual Private Network
- **WCAG:** Web Content Accessibility Guidelines
- **WVDE:** West Virginia Department of Education
- **TIS:** Technology Integration Specialist

# PERSONNEL

## 3.61.3 AUP

### **Educational Purpose**

Lewis County Schools is committed to the effective use of technology to enhance the quality of student learning, life-long learning, and the efficiency of operations. However, use of LCS network and technology resources is a privilege, not a right.

The use of electronic resources, technologies, and the internet must be in support of education and consistent with the educational goals, objectives, and priorities of the Lewis County Board of Education and the WVDE. Use of other networks or computing resources must comply with the rules appropriate for that network and for copyright compliance. Users must also be in compliance with the rules and regulations of the network provider(s) serving West Virginia counties and schools.

Any use of technology resources belonging to or on the premises of the Lewis County Board of Education shall be done in a manner which is compliant with ERATE, FCC, COPPA, CIPA, FERPA, HIPAA, and WVDE.

All students will be provided equitable access to technology.

## 3.61.4 AUP

### **Privacy**

1. Lewis County Schools reserves the right to monitor, inspect, investigate, copy, review and store, without prior notice, information about the content and usage of any network and system files, user files, disk space utilization, applications, bandwidth utilization, document files, folders, electronic communications, e-mail, internet access, and any and all information transmitted or received in connection with networks, e-mail use and web-based tools. Use of LCS TECD, network infrastructure, and internet services is a privilege, not a right, and can be withdrawn by the Superintendent, Supervisor of Technology and Information, or principal at any time.
2. No county or personally owned technology device shall be used in a manner that disrupts the learning or work environment. Capturing, recording or transmitting the sounds and/or images of any student, staff member, during school hours, without express prior notice and explicit consent is prohibited. Prohibited areas may include, but are not limited to, classrooms, gymnasiums, cafeterias, offices, bathrooms, locker rooms, or dressing rooms. Capturing sound, video or photographs is permitted, however, where it: (1) relates to the instructional process; (2) relates to training; (3) is conducted as part of a LCS investigation or documentation process; or is conducted in a situation where a safety or security issue may exist. Public events such as athletics, student performances, plays, fairs and festivals, and school-related competitions will be considered exempt from this policy.
3. State and county internet content filtering will be enforced on all LCS TECD inside and outside of the LCS network. All traffic will be monitored.

# PERSONNEL

4. In order to comply with the CIPA, acceptable users accessing the school's internet via personal technology will use WVDE and county filtering.

## 3.61.5 AUP

### **Technology Purchasing**

1. All purchases, both at the county and school levels, are expected to be in alignment with the provisions of the technology plan. Technology, in Lewis County Schools, shall emphasize the use of equipment, platforms, and programming that will best prepare students to readily enter the workforce with marketable skills and proficiencies. Lewis County Schools Office of Technology will review requests for technology purchases to ensure they meet these guidelines.
2. All technology (including software) purchases and donations (with the exception of printers) will be approved by the Supervisor of Technology and Information.
3. Technology systems and TECD will be placed on a replacement cycle. End-of-Life TECD is at the discretion of the Supervisor of Technology and Information.

## 3.61.6 AUP

### **Digital Citizenship**

#### Student Training (ERATE Requirement)

1. All students within LCS must receive annual training, with appropriate training documentation being maintained by each school for presentation on an annual basis to the WVDE, containing, but not limited to, the following subjects: appropriate online behavior, interacting with other individuals on social networking websites and apps, along with cyber bullying awareness and response. Information regarding these specific training sessions may be found at: <https://www.common sense media.org/educators/WVerate> and will be updated as needed.

## 3.61.7 AUP

### **Social Media and Online Communication**

1. It is the employee's responsibility to refrain from using electronic technologies in a manner that risks placing him/her in a position to abuse the trust afforded to employees due to their positions. Appropriate uses of all online resources, technologies, and the internet is a responsibility of all persons who use it in any way.
2. Employees will maintain professional and ethical relationships with all students at all times, both inside and outside the classroom, including while using any form of electronic communication.
3. Employees are personally responsible for all comments/information they publish online.
4. Online behavior shall reflect the same high standards of honesty, respect, and consideration that is used in face-to-face communication.
5. Employee comments related to the county, school, fellow employees, students, or vendors shall always reflect the highest standards of professional discretion as outlined in West Virginia Board of Education Policy 5902, Professional Code of Conduct.
6. Employees are discouraged from becoming friends with or communicating with students on social media sites, unless the student is a family relative.

# PERSONNEL

7. Employees may not read or post information to social media sites during work time unless such activity is related to the performance of their employment responsibilities.
8. Employees are not permitted to access social media sites or the internet for personal use via a personal smartphone or other technology or via the use of the TECD during work time (unless on a scheduled break).

## 3.61.8 AUP

### **Unacceptable use of Technology**

1. Technology may not be used in any way that might reasonably be interpreted by others as an attempt to threaten, humiliate, bully, harass, embarrass, or intimidate another person.
2. The viewing, storing, transmitting or downloading of pornography or sexually suggestive or sexually explicit material or text on LCS TCED or other electronic storage or communication device, whether at home or at work, is prohibited. This same prohibition applies to a personal computer or other electronic storage or communication device while at school or a school activity.
3. Employees are strongly discouraged from engaging in phone calls, texting, personal media messaging or other private messaging with students, unless the communications are related to community or non-school related organizations and programs, such as civic and/or religious organizations and programs, non-school-related athletic programs and scouting. LCS reserves the right to review any communications between employees and students of which it becomes aware, and if LCS determines that the communications are inappropriate, LCS will take appropriate disciplinary action, up to and including termination of employment.
4. LCS will provide alternative, monitored communication methods for the protection of students and staff for all school-related communications. LCS requires that employees use provided and/or approved communication methods with students on school or athletic related matters. Approval for such communication methods shall be obtained from building-level administrators.
5. Additional examples of unacceptable use of technology include but are not limited to the following:
  - a. Disclosing, using, or disseminating personal information regarding students.
  - b. "Sexting," the electronic transmission of sexual messages or pictures.
  - c. Transmission or use of any material in violation of any federal or state law or regulation.
  - d. Using proxy, VPNs, or anonymizer tools or personal devices to avoid state or county filtering or conceal internet activity.
  - e. Illegally accessing or attempting to access any school, district, or state e-mail, electronic ID/password, data, system files, online resources, or equipment of the school that does not belong to the user.
  - f. Intentional transmission or use of any type of virus, malicious file, computer code, service, or activity to disable or disrupt service.

# PERSONNEL

- g. Using technology to capture, receive, and/or transmit test information or any other information in a manner constituting fraud, theft, cheating, or academic dishonesty.
- h. Hacking, cracking, vandalizing, and other unlawful online activities.
- i. Use for commercial activities, product advertising, or political lobbying.
- j. Distribution or publication of school interior maps, floor plans, written descriptions of interior floor plans, camera locations, Prevention Resource Officer schedules, or other information which could compromise school security is prohibited.
- k. Downloading/executing non-educational activities (e.g. games, instant messaging, shopping).
- l. Engaging in bandwidth intensive applications (this includes but is not limited to internet radio, TV programs, or streaming videos) without approval from the building-level administrator or TIS.
- m. Unauthorized, willful altering of setup preferences, programs, properties, or other system settings including system or network alterations (e.g. downloading programs, changing backgrounds, altering network stability, etc.).

## 3.61.9 AUP

### **Accountability and Responsibility**

1. Network and TECD administrative account access is determined by the Supervisor of Technology and Information.
2. All educators, service personnel, and staff (including coaches and volunteers) are expected to maintain appropriate boundaries to protect the safety of students and integrity of educational professionals and service staff.
3. All employees are annually required to have a signed completed Acceptable Use Agreement form on file before accessing any computer-related technology.
4. All students must have a signed LCS Acceptable Use Policy Agreement form on file at school before they access any technology.
5. Appropriate adult supervision of internet use must be provided. While WVDE and LCS does filter internet traffic, filtering software is not 100% effective. Deliberate and consistent monitoring of student use of the internet and technologies is vital to prevent access to inappropriate and harmful materials. While classroom educators have primary contact with students, acceptable and appropriate use of online resources, technologies, and the internet is the responsibility of all employees.
6. Administrators and teachers will be provided professional development in the use and application of electronic resources, technologies and the internet.
7. Educators who register students for any online accounts must have explicit parental permission for the students to use those accounts. It is imperative that the educator carefully read the Terms & Conditions of the website and comply with said Terms & Conditions. Most sites transfer the liability to the teacher to get parental permission.

# PERSONNEL

8. Users are responsible for the safekeeping of their passwords and will not share passwords with others.
9. Internet bandwidth available to Lewis County Schools and the state educational system is limited and must be protected for educational purposes.
10. Users shall not intentionally seek information on, obtain copies of, or modify files, other data, or passwords belonging to other users, or misrepresent other users on any LCS related network or application.
11. Phish (or suspected) emails will be reported to the Supervisor of Technology and Information and forwarded by the receiver to [abuse@k12.wv.us](mailto:abuse@k12.wv.us).

## 3.61.10 AUP

### **Network and Network Access**

1. The use of electronic resources, technologies, and the internet must be in support of education and consistent with the educational goals, objectives, and priorities of the Lewis County Board of Education and the WVDE. Use of other networks or computing resources must comply with the rules appropriate for that network and for copyright compliance. Users must also be in compliance with the rules and regulations of the network provider(s) serving West Virginia counties and schools.
2. No unapproved wireless networks are allowed in any Lewis County Schools building. No one may bring a wireless router or access point and “plug-in” to the school/county network. Only the Supervisor of Technology and Information may approve a wireless installation. Connection devices include items such as, but not limited to, computers, tablets, cellular phones and Wi-Fi hotspots. All precautions must be made to insure the security of a school’s network.
3. Network access shall be limited to acceptable users of LCS or as approved by the Supervisor of Technology and Information.
4. Any attempt to defeat or bypass any network configuration and filtering or conceal internet activity is prohibited. This includes, but is not limited to, proxies, VPN, anonymizers, or any technology method designed to evade filtering.
5. Appropriate adult supervision of internet use must be provided. The first line of defense in controlling access by students to inappropriate material on the internet is deliberate and consistent monitoring of student access and use of equipment.
6. Network infrastructure and security at all LCS sites is maintained by the Office of Technology. No attempt to service, alter, penetrate, monitor, or trace networks shall be made without approval of the Supervisor of Technology and Information. Vendors and subcontractors are approved by the Supervisor of Technology and Information.

## 3.61.11 AUP

### **Email and Messaging**

1. Employees and students are provided with a WVDE email account, managed by LCS. A state e-mail address may be required to participate in state online courses, to receive information distributed through state and

# PERSONNEL

- county distribution lists and listservs, and to access county servers and websites.
- 2. Employees and students will use a state or county provided email for school work and school-related communications.
- 3. All educational business-related digital communications will use approved county and/or state provided systems. Including, but not limited to, Microsoft Office 365 and Schoology messaging. Approved systems will be determined by the WVDE and LCS Supervisor of Technology and Information.
- 4. Email and messaging system transmissions will comply with all confidentiality and child protection obligations imposed by any state and federal law, including HIPAA, FERPA, and CIPA.
- 5. Email exceptions will be determined by the Supervisor of Technology and Information, based on security and risk.

## 3.61.12 AUP

### **Web Publishing**

- 1. Compliance
  - a. All published web content will adhere to all Copyright, FERPA, HIPAA, CIPA, WVDE Policy, Terms and Conditions, Terms of Use, and End User License.
  - b. All official websites will be developed under a LCS provided supervision.
  - c. Published copyrighted material must include a permission granted statement.
  - d. All official websites and content are the property of Lewis County Schools.
  - e. Business/commercial links are restricted to educational partners only. Advertising commercial offerings is prohibited.
  - f. Follow FERPA, state, district and school regulations when using student pictures and names. Parental permission should be obtained, and districts/schools must respect parental refusals.
- 2. Accessibility
  - a. With regard to the District website and any official District web presence which is developed by, maintained by, or offered through third party vendors and open sources, the District is committed to compliance with the provisions of the Americans with Disabilities Act (ADA), Section 504 and Title II so that students, parents and members of the public with disabilities are able to independently acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as those without disabilities, with substantially equivalent ease of use; and that they are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any District programs, services, and activities delivered online.
  - b. All existing web content produced by the District, and new, updated and existing web content provided by third-party developers, will confirm to Web Content Accessibility Guidelines (WCAG) 2.0, Level AA conformance, or updated equivalents, by April 1, 2017. This



# PERSONNEL

Regulation applies to all new, updated and existing web pages, as well as all web content produced or updated by the District or provided by third-party developers.

- c. The Supervisor of Technology and Information will be responsible for reviewing and evaluating new material that is published by District staff and uploaded to the website for accessibility on a periodic basis. The Supervisor of Technology and Information will be responsible for reviewing all areas of the District's website and evaluating its accessibility on a periodic basis, and at least once per quarter. Any department with non-conforming webpages will be asked to correct the problem in a timely manner.



# PERSONNEL

## Lewis County Board of Education Technology Acceptable Use Agreement Form

In support of the Lewis County Board of Education’s mission of providing outstanding learning opportunities, the Lewis County Board of Education provides computing, networking, and information resources to the public schools in Lewis County. This open access is a privilege. Usage is not a right and may be rescinded at any time. It requires individual users to act responsibly, conserve resources, and consider the rights and privacy of others. All existing federal and state laws and board regulations and policies apply, including laws and regulations that are specific to computers and networks, as well as those that are applicable to personal conduct.

After reading the Lewis County Board of Education Technology and Acceptable Use Policy and State of West Virginia Policy 2460, please complete this form to indicate that you agree with the terms and conditions outlined. Your signature is mandatory before access to TECD will be granted. This document, which incorporates the policy, reflects the entire agreement and understanding of all parties. Forms for adult students, student teachers and parent volunteers shall be signed and kept on file in the local school.

As a user of a Lewis County Board of Education technology and electronic communication devices, I have read and hereby agree to comply with the Technology Policy.

### Lewis County Board of Education Computer Privacy Policy

The Lewis County Board of Education (LCBOE) information system includes all TECD, WVDE K12 and LCS networks, all computers connected to this network, and all devices or storage media attached to this network. This information system is provided for LCBOE authorized use only. Unauthorized or improper use of this system may result in disciplinary action, and civil and criminal penalties. By using this information system, you understand and consent to the following: You have no reasonable expectation of privacy regarding any communication transmitted through or data stored on this information system. At any time, the LCBOE may monitor, intercept, search and/or seize data transmitted through or data stored on this information system. Any communication transmitted through or data stored on this information system may be disclosed or used for any LCBOE authorized purpose.

### Lewis County Board of Education Privacy Policy

While on LCBOE property, all visitors and employees have limited reasonable expectations of privacy. At any time, the LCBOE may monitor and search property belonging to the LCBOE

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name (Please print): \_\_\_\_\_

### Publication Agreement

I agree to permit publication of my likeness on LCS approved web pages, printed materials, audio, visual, or electronic means, in accordance with LCS Technology Policy. I further understand that I may rescind permission for publication as may be necessary by notifying my supervisor in writing. (Check One)

- Yes
- No