

FORT SMITH PUBLIC SCHOOLS
*Personnel Policies for Buildings & Grounds
and Child Nutrition Staff*

How to use this manual . . .

The Fort Smith Public Schools operate according to policies established by the Board of Education. The Board of Education, which represents the state and local community, develops the policies after careful deliberation and consultation with affected persons, and the school administration implements them through specific rules and regulations. The Board of Education then appraises the effects of its policies and makes revisions as necessary.

In the interests of harmony, efficiency, uniformity of interpretation, coordination of effort, and in fairness to all concerned, the Board of Education makes this manual available to all who are affected by its policies.

How the manual is organized . . .

The total District policy manual is organized according to the classification system developed by the Educational Policies Service of the National School Boards Association. The system provides an efficient means of coding, filing, and finding policies, administrative rules, and other documents. Subclassification under each heading is based on logical sequence and alphabetical sub-coding.

How to find a policy . . .

Consider where the policy would be filed, and glance down the listing in the *Table of Contents* until you find the term that most closely fits the topic you are seeking. Use the code letters given for the term to locate the sheet which will appear in alphabetical order by code. All pages of the manual are coded in the upper right-hand corner.

Is the manual complete?

No . . . The manual contains all of the current written policies of the Board of Education to date, but continually the need for putting additional policies in writing, for adopting new ones, and for revising old ones becomes apparent. Additionally, state law and state board regulations change. No matter how well conceived and well developed, a policy manual can never be 100% complete and 100% up to date. Policy development is a continuing process. From time-to-time, new policies, regulations, and reference documents will be developed, coded according to the classification system, and issued for insertion in the manual.

Order of precedence . . .

Board of Education policies must be read and interpreted in the light of the Arkansas statutes and state board regulations. Wherever inconsistencies of interpretation arise, the law and state regulations will prevail.

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PERSONNEL POLICIES GOALS

The Fort Smith Board of Education recognizes that the quality and quantity of staff employed directly affects the attainment of the aims of the school system, that emphasis upon individual achievement effort is conducive to attainment of performance goals, and that the school organization is more likely to be effective if the conditions and climate of work are both stimulating and satisfying to all personnel.

The Fort Smith Board of Education further recognizes its responsibility to provide an effective educational program which will benefit the boys, girls, and adults of the Fort Smith School District. In order to implement this acknowledgment of responsibility, the following considerations are paramount:

- A. Employees with professional growth potential must be attracted to the system;
- B. Selections for all staff positions must be made exclusively on the basis of the ability to adequately assume responsibilities and perform duties as outlined for all positions;
- C. All employees must be assigned to those positions which provide opportunities for advancement;
- D. A program of compensation which reflects responsibility, training, and adequate performance must be maintained;
- E. Position security for all employees must be provided, consistent with satisfactory performance;
- F. Adequate supervision must be provided to foster individual development and ensure job performance which is consistent with institutional goals;
- G. Job performance must be appraised at regular intervals with attention toward maintaining and improving performance;
- H. Inservice training must be provided to maintain the development of all staff members; and
- I. The School District is committed to ensuring fundamental rights for all personnel and will not discriminate on the basis of age, gender, race, creed, national origin, or disability.

Approved 6-21-04
Supersedes GAB dated 5-18-98

CLASSIFIED PERSONNEL POLICY COMMITTEE
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In accordance with *Act 1780 of 2003*, **five** classified employees were elected by the classified employees of the Fort Smith School District to serve on the Classified Personnel Policy Committee, along with **three** administrators appointed by the superintendent of schools.

This Committee will serve for a **three**-year term beginning with the 2003-04 school year. If one of the classified members of the Committee resigns from the Committee prior to the end of the **three**-year term of service, the staff member who received the second highest number of votes in the departing staff members' classification area will be asked to assume the vacancy.

Approved 6-21-04
New Policy

EQUAL OPPORTUNITY EMPLOYER

The Fort Smith School District recognizes the multiethnic nature of society and the significant cultural differences which exist in today's society and desires to ensure full and equal employment rights, opportunities, and privileges for all people. For these fundamental rights, it will be the policy of the Fort Smith School District to ensure and provide equal opportunities for all applicants by making the opportunity for employment and promotion available to every individual solely on the basis of his or her qualifications and without regard to age, sex, race, color, creed, national origin, disability, or genetic information.

Procedures, practices, and guidelines to implement this policy will be consistent with established District personnel policies and state and federal laws pertaining thereto.

The contact person for the Fort Smith Public Schools is:

Associate Superintendent for Human Resources & Support Services
Fort Smith Public School District
Public School Service Center
3205 Jenny Lind
P.O. Box 1948
Fort Smith, AR 72902-1948

Legal Refs: 42 U.S.C. 2000
38 U.S.C. 1681
20 U.S.C. 1401 et. seq.

Approved 5-23-11
Supersedes GBAB dated 6-21-04
Supersedes GBAB dated 5-18-98

ETHICAL CONDUCT

It is the expectation of the Fort Smith School District that as members of the educational community, all classified staff should comply with the ethical standards set forth herein:

PRINCIPLE I—COMMITMENT AS AN INDIVIDUAL

Fundamental to the pursuit of high standards is the maintenance of a profession possessed of individuals with good skills, integrity, wisdom, and compassion. The individual should exhibit good character, maintain high standards of performance, and promote equality of opportunity.

In fulfillment of **contractual and educational responsibilities**, the individual:

- A. Should serve as a positive role model for students, parents, and the community.
- B. Should not use coercive means, or promise or provide special treatment to students, colleagues, school patrons, or Board of Education members in order to influence professional decisions.
- C. Should not make any fraudulent statement or fail to disclose a material fact for which the individual is responsible.
- D. Should not exploit relationships with students, colleagues, parents, school patrons, or Board of Education members for personal gain or private advantage.
- E. Should not engage in conduct involving dishonesty, fraud, or misrepresentation in the performance of educational duties.

PRINCIPLE II—COMMITMENT TO THE STUDENT

Mindful that a profession exists for the purpose of serving the best interests of the client, the classified staff member should practice the profession with genuine interest, concern, and consideration for the student.

In fulfillment of the **obligation to the student**, the classified staff member:

- A. Should provide students with services in a nondiscriminatory manner and in consonance with the accepted best practice known to the staff member.
- B. Should make a reasonable effort to protect the student from conditions or circumstances within the control of the staff member which interfere with the learning process or are harmful to health or safety.
- C. Should treat all students with respect and not commit any abusive act or sexual exploitation with or to a student.
- D. Should keep in confidence personally identifiable information that has been obtained in the course of educational service, unless the disclosure serves professional purposes, or is required by and in accordance with law.

PRINCIPLE III—COMMITMENT TO THE PUBLIC

The magnitude of the responsibility inherent in the education process requires dedication to the principles of our democratic heritage. The classified staff member bears a responsibility for instilling an understanding of the confidence in the rule of law and respect for individual freedoms. Staff members should also seek to promote respect by the public for the integrity of the profession.

In fulfillment of the **obligation to the public**, the classified staff member:

- A. Should take precautions to distinguish between the staff member's personal and institutional views.
- B. Should not use institutional privileges for private gain or to promote political candidates, political issues, or partisan political activities.
- C. Should neither offer nor accept gifts or favors that will impair judgment.
- D. Should support the principle of due process and protect the political, citizenship, and natural rights of all individuals.
- E. Should, with reasonable diligence, attend to the duties of his or her position.

PRINCIPLE IV—COMMITMENT TO THE PROFESSION

In belief that the quality of the services to the education profession directly influences the nation and its citizens, the staff member should work to raise standards, to improve service, to promote a climate in which the exercise of sound judgment is encouraged, and to achieve conditions which attract persons worthy of the trust to careers in education. The classified staff member should believe that good relationships with colleagues are built on personal integrity, dignity, and mutual respect.

In fulfillment of the **obligation to the profession**, the classified staff member:

- A. Should exemplify behaviors which maintain the dignity and integrity of the profession.
- B. Should apply for, accept, offer, or assign a position or responsibility on the basis of personal and professional preparation and legal qualifications.
- C. Should not knowingly misrepresent an assignment or conditions of employment regarding a position from an applicant or employer.
- D. Should not permit commercial or personal exploitation of his or her position.
- E. Should not misrepresent his or her qualifications.

IMPROPER RELATIONSHIPS

It is unethical for an employee in a supervisory position to engage in favoritism or improper use of authority for any reason. Any employee who directly supervises another employee should avoid the appearance of unethical conduct by refraining from romantic involvement with a subordinate.

It is the intent of this policy to prohibit the exploitation of a supervisory relationship in the workplace. It is not the intent of this policy to discourage or prohibit friendships or social activity among any classification of Fort Smith Public School employees.

Approved 5-23-11
New Policy

ELECTRONIC COMMUNICATIONS

Any electronic communication (including the sharing of pictures) with students, parents, or fellow employees should be at the highest professional levels. Employees shall adhere to the same ethical standard in electronic communication as is expected in face-to-face or standard written communication.

Electronic social networking is an emerging communication outlet for both personal and professional purposes. Employees should be aware that experts agree nothing transmitted electronically is truly private. Therefore, posted pictures and messages should reflect the image that an employee would want to project to the public.

No employee will be held responsible for unauthorized postings or transmissions made without the employee's knowledge or consent, provided that the employee takes prompt and reasonable steps to remove the unauthorized messages.

Approved 5-23-11
New Policy

<p>BULLYING</p>

The Fort Smith School District is committed to ensuring the right of each student to learn in a safe environment without fear. Bullying—intentional, repetitive, and hurtful behavior directed at a victim—creates an imbalance of power that is harmful to the victim and is disruptive to the educational climate at school.

It is the policy of the Fort Smith School District not to tolerate bullying in any form, be it verbal, written, physical, psychological, and/or electronic. It is the responsibility of each school employee to take an active role in reducing bullying and to report any incident to the school administration in writing or in an e-mail at the employee’s discretion. School administrators are responsible for documenting any report of bullying, investigating the situation, and taking appropriate action.

Approved 5-23-11
New Policy

NETWORK/INTERNET ACCEPTABLE USE GUIDELINES

The District network exists for the primary purpose of transmitting and sharing information between academic and research organizations. Network use must be consistent with the goals of facilitating and disseminating knowledge, debating issues, encouraging collaborative projects and resource sharing, aiding technology transfer, fostering innovation, and building a broader infrastructure in support of education and research. Networked computers may be used as a laboratory for research and experimentation in computer communications and curriculum development, where such use does not interfere with normal network operations.

Inappropriate conduct could include, but not be limited to, the placing or viewing of unauthorized or unlawful information (data or graphics) on a system, the use of abusive language in either public or private messages/ data, the sending of messages/data that are likely to result in the loss of a recipient's work or systems, and the sending of chain letters or broadcast messages to lists of individuals. District computing resources cannot be used to intimidate or create an atmosphere of harassment based upon age, gender, race, religion, ethnic origin, creed, or sexual orientation.

An account assigned to an individual may not be used by others. Faculty, students, staff, and associates are individually responsible for the proper use of their accounts, including proper password protection and appropriate use of Internet resources.

It is not acceptable to use the network to interfere with or disrupt network users, services, or equipment. Disruptions include, but are not limited to, distribution of unsolicited advertising, propagation or computer worms or viruses, and using the network to make unauthorized entry to any other machine/service accessible via the network. No one should deliberately attempt to degrade the performance of a computer system (including network resources) or to deprive authorized users of resources or access. Use of the network exclusive of educational purposes is not acceptable. The School District may periodically monitor the network.

The District cannot be held liable for any losses, including lost revenues, or for any claims or demands against the user by another party. Users will be personally monetarily responsible for their unauthorized access to any "pay" service. The District cannot be held responsible for any damages due to the loss of output, loss of data, time delay, system performance, software performance, incorrect advice from a consultant, or any other damages arising from the use of the District's computer facilities.

Unauthorized copying, transmittal of, or use of licensed or copyrighted media (example: software) is considered theft and a violation of copyright laws.

Placement of media (example: software onto an on-site user's computer hard disk) onto District information systems equipment should only be done with prior authorization.

Final responsibility of management of a given piece of equipment and the media placed on it is held by the assigned user.

Approved 5-18-98
New Policy

SEXUAL HARASSMENT

A. POLICY

It is the policy of the Fort Smith School District to maintain a working environment that is free from sexual harassment. Sexual harassment is deemed unacceptable conduct in the employment environment and will not be tolerated. It will be a violation of this policy for any employee or agent of the District to harass a student, another employee, or agent of the District through conduct or communications of a sexual nature as defined below.

For the purposes of this policy, sexual harassment is defined as any unwelcome sexual advances, requests for sexual advances, requests for sexual favors, and/or other inappropriate verbal, visual, written, or physical conduct of a sexual nature, whenever such harassment occurs on School District property or at school-sponsored events.

B. BEHAVIORS THAT CONSTITUTE SEXUAL HARASSMENT

Sexual harassing behaviors may include, but are not limited to, the following actions:

1. Verbal harassment or abuse;
2. Pressure for sexual activity;
3. Repeated remarks to a person with sexual or demeaning implications;
4. Unwelcome touching;
5. Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's employment, grades, honors, programs, or activities available at or through the school; and
6. Nonverbal harassment (gifts, pictures, drawings, cartoons).

C. RETALIATION PROHIBITED

1. The District will discipline any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who assists in an investigation or proceeding relating to a sexual harassment complaint.
2. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.
3. Punishments for retaliation include, but may not be limited to, a warning, transfer, suspension, or dismissal.

GBEAC(2)

D. REPORTING AND INVESTIGATION

1. Alleged violations of this policy should be reported to the building principal or director. In the event the principal is the suspected harasser, the student or employee can report to the school counselor or to the District sexual harassment coordinator. Investigations will be conducted in accordance with the District's sexual harassment complaint procedures.
2. School District employees and agents are responsible for reporting alleged violations of this policy in accordance with the District's Title IX and sexual harassment complaint procedures.

E. PUNISHMENT FOR POLICY VIOLATION

Punishment can include, but may not be limited to, a warning, transfer, suspension, or dismissal.

DRUG-FREE WORKPLACE AND SCHOOLS

The following statement and procedure is published in compliance with the *Drug-Free Workplace Act of 1988, 34 CFR Part 85, Sub Part F. Public Law 100-690*, and the *Drug-Free Schools and Communities Act of 1987, Public Law 101-226*:

The Fort Smith Public School District is dedicated to providing a drug-free workplace for all employees. Fort Smith Public School District employees are advised that an employee of the Fort Smith Public School District engaging in any of the prohibited activities as defined by the *Drug-Free Workplace Act of 1988* and the *Drug-Free Schools and Communities Act of 1987*, may be subject to disciplinary action.

Approved 5-18-98
New Policy

COMMUNICABLE DISEASES

The superintendent or a school official designated by the superintendent may exclude a staff member from school when reliable evidence or information from a qualified source (medical professional or the infected staff member) confirms him/her of having a communicable disease and is considered a health risk to the school population. Such a staff member will be excluded unless their physician approves school attendance, and the condition is no longer considered contagious. All reportable communicable diseases will be referred to the Sebastian County Health Department.

The Fort Smith School District will not discriminate against any employee on the basis of any disabling condition that may result from the employee's having contracted a communicable disease while either on or off the job. The District will adhere to the requirements of Title I of the *Rehabilitation Act of 1973* and the employee, upon belief he or she has been discriminated against, may file a complaint with the Office of Civil Rights of the United States Department of Health and Civil Services, and the employer will take no retaliatory actions against the complainant for either filing such a complaint or filing a grievance under the Fort Smith Public Schools grievance policy.

Employees with a contagious or infectious disease have a right to privacy and a need for confidentiality. Only staff members who need to know the identity and condition of such employees will be informed, and may not disclose confidential information.

POLITICAL ACTIVITIES OF CLASSIFIED PERSONNEL

All persons connected with the Fort Smith School District will have the right and will be encouraged to become fully informed of proposed legislative matters, and to participate in political activities—national, state, and local—to the same extent as other citizens. This will include such political activities as electioneering for candidates, accepting positions in political campaigns, holding office in political party organizations, or running for political office.

Any participation in political activities by personnel of the Fort Smith School District will be during off-duty time.

Leaves of absence for political activity for the purpose of being a candidate for political office, or holding public office when such leaves will not adversely affect the program of the Fort Smith Public Schools, will be granted. Leaves of absence will be granted in accordance with established policy.

On election day, employees as private citizens have the right to distribute political campaign materials during off-duty time in accordance with law.

During the teaching day with students, political activities and displays of any type are prohibited.

The following activities are specifically prohibited on property under the jurisdiction of the Fort Smith School District:

- A. Posting of political circulars or petitions on bulletin boards;
- B. The distribution to school employees, whether by placing in their school mailboxes or otherwise, of political circulars or petitions not sent through the United States mail;
- C. The collection of and/or solicitation of funds for political use;
- D. Solicitation for campaign workers; and
- E. The use of students for writing or addressing political materials or the distribution of such materials to students.

Elections to determine membership of the Board of Education will be considered to be political within the meaning of the preceding rules.

GBGB(2)

Nothing in these rules will prevent the dissemination of information concerning school tax and/or bond elections.

Approved 5-18-98
New Policy

ACCEPTANCE OF GRATUITIES AND USE OF SCHOOL EQUIPMENT

No employee will knowingly use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or herself or others. Every employee has an obligation to report any possible conflict of interest related to employment and to comply with all ethical guidelines and prohibitions specified in *Act 1599 of 2001*.

Non school use of school equipment or property will be by permission of an individual's immediate supervisor.

ADMINISTRATIVE PROCEDURE FOR HANDLING EMPLOYEE GRIEVANCES
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A grievance will mean a complaint by an employee that there has been an alleged violation, misinterpretation, or misapplication of the *Personnel Policies for Buildings & Grounds and Child Nutrition Staff of the Fort Smith Public Schools*—official Board of Education publication.

A grievance must be filed in writing at Step I within **thirty** working days of the occurrence of the event complained of or from the time when such event might reasonably have been ascertained to have occurred.

The failure of an employee to act on any grievance within the prescribed time limits will act as a bar to any further appeal, and an administrator's failure to give a decision within the time limits will permit the grievant to proceed to the next step. The time limits, however, may be extended by mutual agreement.

Processing of a grievance at any step may be rescheduled by written agreement of both parties.

Counsel:

In any of the steps, the employee may represent himself or herself or be accompanied by whomever he or she chooses, provided he or she has advised the person with whom the meeting is planned of his or her intention to be accompanied by another person. The grievant will be present in all steps.

At Step II and/or any subsequent level of a grievance, the grievant and his or her counsel will have the right to make statements and present written affidavits.

No reprisals of any kind will be taken by the administration or Board against any participant in the grievance procedure by reason of such participation.

Step I:

An employee with a grievance should first seek an informal resolution of the grievance with his or her principal or immediate supervisor. If the grievance is not resolved satisfactorily, then the grievance will be put in writing and submitted to the principal or immediate supervisor. Processing of the grievance will take place within **eight** calendar days from the receipt of the Step I written notification.

GBMB(2)

Step II:

If the grievance is not resolved during Step I, the employee may request in writing, not later than **eight** calendar days from the receipt of the Step I written notification of grievance decision, a meeting with the superintendent or his or her designee at a mutually agreed upon time.

The grievance meeting will take place within **eight** calendar days of the receipt of written request. The determination by the principal, superintendent, or their designees that the concern expressed by the employee is not a grievance, may be appealed to the Board for a final decision.

Step III:

If there is no resolution of the grievance after Step II, the employee may request in writing, not later than **eight** calendar days from the receipt of the Step II written notification of grievance decision, a hearing before the full Board of Education at the next regularly scheduled Board of Education meeting. The hearing will be open to the public unless either the superintendent or the employee requests a private hearing. The meeting with the Board of Education will be held within **forty-five** calendar days from receipt of written request by employee to the Board

Step IV:

The decision of the Board of Education will be final and forwarded to the employee not later than **fourteen** calendar days from the date of the hearing. Any person has the right to take his or her grievance to a court of law.

In the event a grievance is filed at such time that it cannot be processed through all the steps necessary for the procedure by the end of the school year, the steps will be continued into the summer months.

SELECTION, SUPERVISION, AND PERSONNEL ACTIONS

The principal will be given the same voice in the selection and retention of classified personnel as he/she has in the selection of certified personnel. The principal will supervise the custodian's work and the cafeteria employee's work in matters pertaining to general operations of the school during the regular school year. The director of buildings and grounds and janitor foreman will supervise the technical phases of the custodian's work through and in coordination with the building principal. The director of child nutrition and the cafeteria managers will supervise the technical phases of the cafeteria employee's work through and in coordination with the building principal.

Approved 5-18-98
Supersedes 5211 dated 10-26-81

<p>EMPLOYMENT REQUIREMENTS</p>

The employee must file in the central office the following:

- A. An official application;
- B. An acceptable proof of date of birth;
- C. A tuberculosis test the first year of employment;
- D. Correct address and telephone number;
- E. Withholding exemption certificate, Form W-4;
- F. I-9 Form;
- G. Social security card;
- H. Arkansas Teacher Retirement application; and
- I. Other regulatory requirements or statutory law.

Any outside employment or business will not interfere with the contract services to the District. No individual will use his or her position as an employee to influence students in the purchase of merchandise for private gain.

SALARY SCHEDULE

Employees are paid on a salary schedule based on training and/or approved experience. Most employees are paid in **twenty-four** installments. Newly hired classified employees with effective contract dates on or after July 1, 2010, will be compensated through direct deposit. Direct deposit will be made available upon request to staff members hired prior to July 1, 2010. Direct deposit procedures will be in accordance with guidelines promulgated by the School District financial office.

Any employee leaving the school system prior to the close of the year is paid in full for the total number of days service rendered at the end of the next regular pay period.

Approved experience is determined by giving full credit for **five** years prior experience and **one-half** credit for experience in excess of **five** years in other applicable job experiences. Full credit will be granted for applicable experience in the Fort Smith Public Schools. The provisions of this paragraph will become effective for school contracts beginning on or after July 1, 1998, and is not retroactive.

Effective July 1, 2010, **one** full year credit will be allowed for each year of full-time active military service up to a maximum of **four** years credit on the Fort Smith salary schedule.

Approved 4-26-10
Supersedes GDBA dated 6-26-06
Supersedes GDBA dated 5-19-98

FRINGE BENEFITS FOR CLASSIFIED PERSONNEL

The School District contributes to the premiums of group policies to provide for medical-hospitalization insurance. The District contribution and benefits provided by these policies are subject to annual review. Benefits at District expense may be added from time-to-time as the need arises. Subject to terms of the policies, participants in these programs will have the option of electing a family policy when available, with the extra cost of a family policy being withheld from the employee's salary.

Participation in the District Flexible Benefits Plan exempts the participant from paying federal or state income tax or social security tax on all money that has been committed to the plan. All applicable regulations which govern Section 125 of the IRS Code will be in effect for the Fort Smith School District Program.

District contributions to these benefits for an employee resigning during the school year, or who begins service during the year, will be proportional to the length of service they have rendered during the year.

Employees who resign will be extended an opportunity to participate in the government-sponsored COBRA Health Insurance Program.

Persons granted leave of absence by the Board will be eligible to remain in the insurance group. The District will pay premiums for persons on sick leave. Persons on leave without pay may remain in the group by transferring to the COBRA Plan for a maximum of **eighteen** months by paying full premiums.

Individuals will be afforded the opportunity to participate in a 403(b)TSA program through payroll deduction.

Approved 5-18-98
New Policy

SICK LEAVE

Buildings and grounds and child nutrition employees are allowed sick leave according to the provisions listed below (also see *Family Illness*):

A. SICK LEAVE ACCUMULATION:

Each employee will receive a minimum of **one** day per month or major portion thereof sick leave per year at full pay. Sick leave that is unused by an employee during any school year will be accumulated for such employee's sick leave account at a rate of **one** day per month or major portion thereof with unlimited accumulated sick leave. An employee who qualifies for sick leave may use any amount up to his or her total number of accumulated days. Employees coming into the District will be credited with accumulated leave from other Arkansas public school systems.

B. CATASTROPHIC AND DREAD DISEASE LEAVE:

An employee who becomes unable to perform his or her duties due to an injury or disease certified by the treating physician will be granted up to **thirty** days leave at full pay in one year or **seventy-five** days leave with full pay during the total employment tenure of the individual. Additional leave with only the cost of the substitute salary being deducted will be granted annually as needed at the following rate:

Up to 5 years service 30 days
Five to 10 years service 60 days
More than 10 years service 150 days

Benefits under this section are payable for time of illness or incapacitation during the dates of service in the contract. The employee must exhaust sick leave under Section A before using leave under Section B.

Eligibility under this section may be established any time on or after the date of signing a contract. Once eligibility has been established, benefits may be claimed more than once in a school year for the initial injury, disease, or complication. Additional eligibility must be established each year or for any unrelated injury or disease.

Physician statements verifying that the employee is unable to work must be provided to the district as requested. The district may request a confirming statement about the status of an employee's incapacitation from a physician of its choice.

C. EXHAUSTION OF SICK LEAVE:

If an employee should take sick leave after exhausting all leave under sections A and B of this policy, it will result in an immediate deduction of salary at his or her daily rate of pay for each day taken. Upon resignation prior to the end of an employee's contract any sick leave that has been used but not earned will be deducted from the final payment at the employee's daily rate of pay.

D. PHYSICIAN'S STATEMENT:

The treating physician's statement may be requested by the principal or superintendent from any employee who is absent due to personal illness. The School District may request a confirming statement about the status of an employee's illness from a physician of its choice.

E. WORKERS COMPENSATION:

An employee eligible for worker's compensation benefits should make application for those benefits. The District will use the employee's accumulated sick leave until exhausted so that when combined with workers' compensation he or she will receive payment equivalent to his or her regular weekly salary. Sick leave time used in conjunction with workers' compensation will be computed on the same basis as regular sick leave.

F. SEVERANCE AND RETIREMENT:

If after **ten** or more years service to the Fort Smith Public Schools an employee leaves the District, that employee will receive payment of **one-half** of the unused portion of sick leave at the base rate of current substitute pay up to a maximum of **sixty** days.

Payment will be made only for unused earned sick leave that is accumulated under section A of this policy. Application for payment must be made at the time of severance.

G. DEATH:

If an employee dies while employed in the Fort Smith School District, that employee's beneficiary will receive payment at the base rate of current substitute pay of the unused earned portion of the employee's sick leave to a maximum of **one hundred twenty** days which had accumulated while the deceased was employed in the Fort Smith School District. Payment will be made only for unused earned sick leave that was accumulated under section A of this policy.

H. CARE OF A CHILD FOLLOWING BIRTH OR ADOPTION:

Upon request each employee may be granted a maximum of **thirty** days paid leave with only the reduction for the current base rate of substitute pay for the purpose of caring for a child following birth or adoption. The employee is entitled to one leave per child and agrees to not take an additional paying job during the leave of absence. Upon return from such leave the employee will be placed at the position on the salary schedule the employee would have attained had he or she worked in the District during such period.

I. FAMILY AND MEDICAL LEAVE:

Pursuant to the *Family and Medical Leave Act of 1993*, the Fort Smith School District will grant unpaid leave which when combined with other paid leave should not exceed a maximum of **sixty** days (twelve weeks) during any **one** rolling-year period (a “rolling” twelve-month period is measured from the date an employee begins FMLA leave).

All eligible employees may be granted leave under this provision for one or more of the following reasons:

1. The birth of a child of the employee and in order to care for such child.
2. The placement of a child with the employee for adoption or foster care.
3. To care for the spouse, child, or parent of the employee in the case of a serious health condition.
4. A serious health condition that makes the employee unable to perform the functions of the position of such employee.

In addition to the provisions of the previous paragraph, employees may be eligible for leave related to military service:

1. Eligible employees may be granted up to 12 weeks of leave because of “any qualifying exigency” (as defined by federal regulation) arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty status, in support of a contingency operation.

GDBDBA(4)

2. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty may be granted up to 26 weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during “a single 12-month period” during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

For purposes of leave taken under this section, a serious health condition means an illness, injury, impairment, or physical or mental condition that includes:

1. In-patient care in a hospital, hospice, or residential medical care facility, or
2. Continuing treatment by a healthcare provider.

Eligibility under this section requires that an employee has been employed by the District for at least **one** fiscal year and has worked 1250 hours over the previous **twelve** months.

The request for family/medical leave under this provision should be made in writing to the Associate Superintendent for Human Resources **thirty** days prior to the beginning of the leave.

Medical certification from a licensed, practicing healthcare provider must be provided with the request for FMLA. The certification must verify the need for the leave and the estimated length of the leave. The certification must include a statement that the employee is unable to perform the required functions of his or her position when applicable.

Leave granted under this provision will be in conjunction with (not in addition to) other paid or partially-paid sick leave provided by the District. Other paid or partially-paid leave which qualifies as a family/medical leave will be substituted for days provided under this section.

This section will be administered in compliance with the *Family and Medical Leave Act of 1993*.

Approved 5-23-11

Supersedes GDBDBA dated 4-26-10

Supersedes GDBDBA dated 6-22-09

Supersedes GDBDBA dated 6-25-07

Supersedes GDBDBA dated 6-26-06

GDBDBAA

PHYSICIAN'S CERTIFICATE

A physician's certificate may be requested at any time by the immediate supervisor from any employee who is absent due to illness.

Approved 5-18-98
Supersedes 5242 dated 10-27-75

GDBDBAB

ABSENCE FROM WORK

Absence for any reason must be reported to the immediate supervisor, and a written form will be submitted and signed by the employee setting forth the cause of absence.

Pursuant to Act 867 of 2007 (ACA 6-17-211), employees of the Fort Smith Public Schools must use personal leave, as defined by the Act, or leave without pay when away from the school premises for reasons other than school functions that occur away from the school premises.

Approved 4-28-08
Supersedes Approved 5-18-98
Supersedes 5243 dated 10-27-75

GDBDCA

FAMILY ILLNESS

Leave under this policy will be charged against the employee's sick leave entitlement in section A of the District's sick leave policy (Policy GDBDBA). Illness must be in the immediate family which is defined in this policy to include the employee's spouse, children, grandchildren, and parents or the spouse's parents (or legal guardians). Other relatives living in the same house as the employee are included as members of the immediate family. Sick leave for personal illness and/or illness in the immediate family will be treated as one entitlement and cannot be duplicated.

For illness in the family but outside the immediate family, only the cost of the substitute will be deducted from the employee's pay to a maximum of **fifteen** days per school year.

Approved 4-26-10
Supersedes GDBDCA dated 6-22-09
Supersedes GDBDCA dated 6-26-06
Supersedes GDBDCA dated 5-18-98

GDBDDA

DEATH IN THE IMMEDIATE FAMILY

A maximum of **four** days leave with full pay for one bereavement is allowed employees who have death in the immediate family. Immediate family will be defined to include husband, wife, child, mother (or legal guardian), father (or legal guardian), father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, grandparents, grandchild, daughter-in-law, son-in-law, or other members of the family residing in the same household. Also included are brothers-in-law, sisters-in-law, aunts, uncles, nephews, nieces, and grandparents of the employee or his or her spouse. Not more than **eight** days for total leaves under this policy may be granted in **one** year.

When a death in the immediate family is imminent, an employee may apply in writing to the Associate Superintendent for Human Resources for leave to be charged to the four-day maximum bereavement allocation described in paragraph one.

Approved 6-22-09
Supersedes GDBDDA dated 6-26-06
Supersedes GDBDDA dated 6-21-04

<p>FUNERAL LEAVE</p>

For funerals outside the immediate family, only the cost of the substitute will be deducted from the employee's salary, or Personal Business Leave may be taken in accordance with the Personal Business Leave policy.

For funerals of current students or current staff members, reasonable efforts will be made to enable employees at the affected school to attend without deduction.

Approved 5-23-11
Supersedes GDBDDAA dated 6-22-09
New Policy

SCHOOL BUSINESS

Absence from work for school business must be arranged with the appropriate administrative supervisor in advance.

This would include conventions, conferences, school visitations, and any other meetings or activities the administration would consider school business.

Approved 4-28-08
New Policy

PERSONAL BUSINESS

A buildings and grounds and child nutrition employee who has completed **one** year of service in the District will be allowed **one** day personal business leave per year at no cost to the employee, provided such leave may not be taken on days immediately preceding or following school calendar vacation periods, except in cases of emergency. After an individual has completed **three** or more years of service in the District, he or she will be allowed **two** days personal business leave per year at no cost to the employee. Emergency requests specifying reason must be given in writing to immediate supervisor for approval. Such leave will be cumulative to **seven** days, which will be a maximum for any year.

Personal business leave that is earned in excess of the maximum number of **seven** days accumulation will be transferred to the employee's sick leave account at the end of the school year.

Requirements for claiming personal business:

- A. The building principal or immediate supervisor must be notified in writing at least **twenty-four** hours prior to taking such leave. Exceptions may be made in cases of emergency where such notice is impossible.
- B. The number of personal business leaves from any school or administrative unit will not exceed **five** people or **ten** percent of those eligible for such leave under this policy of that unit, whichever is greater, on any particular day. Requests for leaves in excess of this policy will be denied except in cases of emergency.

CIVIC DUTIES

Staff members who are absent from their duties because of civic duties will:

- A. Notify their immediate supervisor of their commitment in time for arrangements to be made for continuing their activities;
- B. Be treated as on school business for jury duty and/or school-related matters. Persons subpoenaed as a witness in any court of law on school-related matters will be treated as on school business. Absences for non jury, personal, non school-related appearances in court will be treated as on personal business;
- C. Be entitled to his or her regular salary for each day absent for military service up to a maximum of **fifteen** school days per year. In accordance with law, for the purpose of this section a “year” will run from October 1 through September 30.

Employees called to duty in emergency situations by the Governor or the President will be granted leave with pay not to exceed **thirty** working days. Notwithstanding any other law, during the period that an employee of a public school district is called to active duty as a member of the National Guard or any of the reserve components of the armed forces by order of the President or the Governor of an emergency nature or contingency for more than **thirty** working days, the employee shall be eligible for continued proportionate salary payments which, when combined with the employee’s active duty pay, equal the amount that the employee would have otherwise received but for the employee’s required active duty under the order of the President or the Governor. This leave will be granted in addition to all other leave to which the employee is entitled.

Emergency situations means any case of invasion, disaster, insurrection, riot, breach of peace, or imminent danger thereof, threats to the public health or security, or threats to the maintenance of law and order.

Employees called into active military duty with the Reserves or National Guard will retain all seniority rights and benefits as of the time they are called to military service provided they notify in writing the Fort Smith School District within **ninety** days after the effective date of their release from active duty. The right of reemployment will conform with all federal government rules and regulations.

GDBDHA(2)

An employee who leaves employment with the School District to serve in the uniformed services of the United States and returns to employment with the School District within a **five**-year period will be treated as not having incurred a break in service.

In the event an employee's child or spouse has received orders for deployment to a war zone, the employee will be granted leave at the cost of a substitute in order to visit the child or spouse. In addition, the employee will be granted leave at the cost of a substitute to visit a child or spouse who has returned from deployment to a war zone. No more than **three** days of leave may be taken under this provision in any single school year.

- D. For serving in an elected or appointed local, national, or state office (e.g., State Legislature) have withheld from their salary the cost of a substitute's salary or the amount paid for civic duties, whichever is less, for each working day they are absent up to a total of **sixty** contract days. For days absent after **sixty** contract days the cost of a substitute's salary will be deducted. All leave taken under the provisions of this paragraph will be considered cumulatively for the purpose of calculated total days absent; and
- E. For other than conditions in paragraph B., C., or D. have withheld from their salary the cost of a substitute's salary or the amount paid for civic duties, whichever is less, for each working day they are absent.

Civic duties will include military Reserve and National Guard service up to a maximum of **fifteen** school days per year. Absence by reason of civic duties will be subject to review and advice of the superintendent both as to purpose and length of absence.

Approved 5-23-11
Supersedes GDBDHA dated 6-22-09
Supersedes GDBDHA dated 6-25-07
Supersedes GDBDHA dated 6-21-04

VACATION

The vacation policy which will pertain to all classified twelve month employees applies as follows:

Vacation entitlement is earned from July 1 to June 30. This vacation may be taken beginning June 1 of the year earned and should be taken not later than June 30 of the following fiscal year. Unused vacation leave up to **twenty** days will be carried over to a new fiscal year. Effective July 1, 2006, the maximum accumulation of vacation days, including the final year of service with the Fort Smith School District, will be **thirty-five** days.

- A. Employees who work fewer than **twenty** contract days will have earned no vacation.
- B. Employees will earn vacation at the rate of **one** day per month up to a maximum of ten days per year (excluding longevity employees who earn **fifteen** or **eighteen** days per year.) *Exception* - Employees must work from date of employment to next June 1 in order to be eligible for any earned vacation.
- C. After an individual has been credited with **twenty** years Fort Smith experience, he or she will have earned **eighteen** days of vacation.
- D. After an individual has been credited with **ten** years Fort Smith experience, he or she will have earned **fifteen** days of vacation.
- E. From **one** through **nine** years of service, an individual has a **ten**-day vacation entitlement per year.

Approved 4-26-10
Supersedes GDBEA dated 5-23-05
Supersedes GDBEA dated 5-18-98

GDBEBA

VACATION AND BENEFITS COMPUTATION

Vacation and/or benefits will be computed on the basis of total actual years experience in the Fort Smith School District.

Approved 5-18-98
Supersedes 5250 dated 10-26-81

<p>CONTRACTS</p>

Staff members are employed by the Board of Education upon recommendation of the superintendent of schools. The employment of administrative and supervisory employees and members of the permanent staff is evidenced by contracts, binding on both employer and employee.

All employees will be contracted and employed in accordance with current Arkansas state law and regulations.

If schools are closed for any reason over which the Board of Education has no control, employees will be required to make up without additional pay such part of time as the Board deems necessary.

The employee agrees that the Board of Education as the employing agency is authorized to make such deductions from the salary as may be required by law for the teacher retirement system, taxes to the government of the United States, and to the State of Arkansas.

It is agreed that the employee will abide by personnel policies duly established by the Board of Education.

Approved 5-18-98
New Policy

<p>WORK HOURS</p>

Work hours will be designated by the director of buildings and grounds and the director of child nutrition.

JOB RESPONSIBILITIES

Each employee will be under the general direction of the superintendent of schools or designated assistant and immediately responsible to the principal, director, or immediate supervisor for carrying out policies of the Board of Education as they relate to the functions of the job or school. The employee's specific responsibilities will be consistent with applicable job descriptions and will include but not be limited:

1. To assist in upholding and enforcing school rules, administrative regulations, and Board policy;
2. To take reasonable precautions to protect students, equipment, materials, and facilities;
3. To maintain accurate and complete records as required by law, District policy, and administrative regulations;
4. To attend and participate in staff meetings;
5. To participate in the inservice education program;
6. To maintain acceptable attendance and be punctual;
7. To maintain a professional relationship with all colleagues, students, and parents;
8. To cooperate with other members of the staff in planning and implementing goals, objectives, and methods;
9. To work to maintain and improve professional competence;
10. To accept and respond to supervision; and
11. To perform other duties as assigned.

<p>EMPLOYEE IDENTIFICATION</p>

The Fort Smith Public School District will provide, at no charge to the employee, an identification badge which shall be worn at all times while on School District property except as noted below.

All identification badges remain the property of the School District and shall be surrendered upon termination of employment.

Employees in school uniform will wear identification badges at the direction of their supervisor.

It is not the intent of this policy to require employees to wear identification badges at athletic contests, concerts, or similar events open to the general public.

Approved 4-26-10
New Policy

<p>LOST OR STOLEN PROPERTY</p>

It is incumbent upon every employee to care for property entrusted to him or her by the Fort Smith School District.

If any item of district property is lost or stolen, it shall be reported immediately to the supervisor of the person responsible. A police report will be filed when appropriate. In cases of fraud or willful negligence, the responsible party shall provide restitution to the District.

Should a fixed asset be lost or stolen, the Business Office will determine when to remove the property from the district or school fixed asset inventory.

Should the missing property be located or recovered, the employee's supervisor, the Business Office, and the police shall be notified immediately.

Approved 4-26-10
New Policy

EDUCATIONAL SCHOLARSHIPS

The Fort Smith School District will make available to classified employees a cash scholarship to be used for educational expenses leading to initial licensure in education.

2. The following criteria apply:
 1. Only full-time employees (1.0 FTE) of the Fort Smith School District are eligible.
 2. Scholarships may be used for college courses leading to a Bachelor's Degree in education or for fees related to participation in the non-traditional licensure program.
 3. Interested employees must complete and submit a scholarship application which includes educational plans, projected costs, location of the college or program, and a brief biographical and employment history.
 4. Any employee who is awarded the scholarship must use it within **thirteen** months from the date that it is awarded.
 5. Any employee who applies the scholarship toward the cost of college courses must submit an official transcript or grade report within **three** months of completion. An employee who applies the scholarship to fees related to the non-traditional licensure program must submit receipts within **three** months of fee payment.
 6. Failure to complete the program or course with satisfactory performance (grade C or better) will result in the employee paying back the amount of the award within **thirty** days of the end of the program or course; and
 7. Changes in educational plans as well as failure to submit reports or receipts in a timely manner could also result in the employee paying back the award.

GDL(2)

Decisions regarding the scholarships and its recipients rest solely with the Educational Scholarship Committee. The committee chair should be notified of any changes in educational plans outside of those outlined to the committee on the application form.

2. The Educational Scholarship Committee consists of **three** members selected as follows:
 1. **One** member from the Fort Smith Public Schools PTA selected by the City Council PTA Board;
 2. **One** member employed as a teacher with the Fort Smith School District;
and
 3. **One** member employed as an administrator with the Fort Smith School District and selected by the Superintendent.

The terms of the committee members begin on March 1. Each committee member will serve a **two-year** term. The committee will select recipients no later than May 1.

- C. The number of scholarships awarded each year will depend on funds allocated in the current year budgeted for that purpose. The amount of each individual award will be **\$750**. The scholarship may not be awarded to the same employee in **two** successive years unless there are no other scholarship applicants.

Approved 4-28-08
New Policy

EVALUATIONS

The purposes of evaluation are to enhance the quality of job performance, to provide a basis for staff development, and to serve as the basis for sound and defensible employment decisions. It is the responsibility of the evaluator to make specific suggestions for improvement when unsatisfactory areas are indicated on the written evaluation instrument. Such suggestions will be in writing and made available to the employee. A copy of any anecdotal notes which are kept by a supervisor and used in a recommendation for non renewal of contract or termination of contract will be given to the employee at the time they are placed in the personnel file.

Approved 5-18-98
New Policy

TERMINATION

Classified employees of the Fort Smith School District may be terminated, discharged, or laid off during the term of any contract for any cause believed to be in the best interest of the School District which is not arbitrary, capricious, or discriminatory. The employee will be notified in writing of the termination which will state that the employee has a right to appeal the termination by contacting the assistant superintendent for personnel and support services.

The employee will have the right to an appeal first to the superintendent or any appointed designee thereof, and then to the Board of Education. Upon appeal, the employee will receive written notice of the grounds for the termination, and the notice will be sent by registered or certified mail to the employee at the employee's address as reflected in the employee's personnel file, or delivered in person to the employee.

Written request for a hearing will be sent by the employee by certified or registered mail to the superintendent, or may be delivered to the superintendent by the employee within **ten** days after the written notice of termination is received by the employee. The superintendent's decision will be in writing and may affirm, modify, or reject the termination. The employee will be given notice that the decision of the superintendent may be appealed to the Board of Education. The employee will be given an additional **five** days from the date of the decision of the superintendent within which to appeal to the Board of Education.

Upon written request to the Board president for an appeal before the Board of Education, the Board will grant a hearing in accordance with the following provisions:

- A. The hearing will take place not less than **five** nor more than **ten** days after the written request has been served on the Board president, except that the employee and Board may in writing agree to a postponement of the hearing to a later date.
- B. The employee and Board may bring representatives, call witnesses, and present exhibits of their choosing.
- C. It is not necessary that a transcript of the proceedings at the hearing be made, but either party may have such a record made at their own expense.

GDPDB(2)

Upon conclusion of its hearing with respect to termination or discharge, the Board of Education will affirm, modify, or reject the termination of the employee within **ten** days from the date of the hearing, and a copy will be furnished in writing to the employee involved by registered or certified mail.

The exclusive remedy for any employee aggrieved by the decision made by the Board of Education will be an appeal therefrom to Circuit Court within **sixty** days of the date of written notice of the action of the Board of Education.

Approved 5-18-98
Supersedes 5214 dated 6-26-89

REDUCTION IN FORCE (RIF)

Reduction in Force (RIF) is a policy to guide the Fort Smith School District, if it becomes necessary, to reduce staff members due to a decline in student enrollment, financial conditions, program revision or elimination, the closing of facilities, and/or School District reorganization. Whenever a reduction in staff members becomes necessary in the opinion of the Board of Education, the following policy will be utilized to accomplish the necessary reduction action:

I. DEFINITION

- A. Reduction in Force (RIF)—RIF as used in this policy will mean District-wide reduction in staff members.
- B. Seniority—Seniority as used in this policy will mean the employee's vertical salary schedule placement on the Fort Smith salary schedule.
- C. Attrition—Attrition is defined as a position left vacant when an employee voluntarily resigns, retires, or is dismissed from the District.

II. PROVISIONS

- A. The Board of Education, upon a recommendation by the superintendent of schools, will determine the number of staff members to be placed on RIF leave and the job area(s), field(s), and/or program(s) to be affected.
- B. To the fullest extent possible, normal attrition will be considered first prior to reduction in force. Part-time employees in identified areas of specialization will be released prior to reduction of employees on full-time contracts.
- C. An employee placed on RIF leave may engage in working in another school district or another occupation during the period of such leave.
- D. A RIF-leave status will not continue beyond **two** years unless the leave status is extended by Board action. (See Section III-C for the individual's responsibilities while on RIF-leave status.)
- E. The selection of employees to be recommended for reduction in force will be made by the superintendent of schools on the basis of the criteria and priorities listed below:
 - 1. Seniority—Reductions will be accomplished by layoffs of the least senior staff members in the identified areas, provided however that employees in their first, second, or third year of Fort Smith experience will be maintained on a separate seniority list and will be considered as the least senior members for purpose of layoff;

GDPDBA(2)

2. Professional Training—If **two** or more persons have the same seniority and license area status, reduction will be determined by training and position assignment in accordance with horizontal salary schedule placement. Those to the right will be considered the most senior;
 3. If seniority and educational placement (training and position assignment) of **two** or more employees are the same, reduction will be accomplished by selecting for retention the one with the most experience in the Fort Smith Public Schools. The initial employment acceptance date (month, day, year) may be used to determine reduction if the factors of seniority, educational placement, and Fort Smith Public School experience are equal for **two** or more persons.
- F. Specially-funded programs such as adult education, federal programs, and Title I may be modified or eliminated independent of this policy.

III. PROCEDURE

- A. Reduction of staff members will be made on a District-wide basis rather than on a building-by-building basis whenever reduction in force occurs.
- B. Written notification to staff members affected by reduction in force will be provided as early as possible but no later than **thirty** calendar days prior to the layoff.
- C. A staff member reduced from employment through the provisions of this policy will be considered to be on RIF leave:
 1. RIF-leave status will be maintained for a period of **one** year (unless re-employed sooner by the Fort Smith Schools).
 2. If the RIFed employee wishes to remain on RIF-leave status for the additional **one**-year period, he or she must notify the District in writing not later than the **one**-year anniversary date of layoff.
 3. RIF-leave status will not be affected by employment in another school district or in another occupation.
- D. Staff members will be selected for reduction according to the provisions and the procedures of this policy. Staff members on leave of absence will be considered in the same manner as active employees.

- E. Seniority lists will be used to identify persons for RIF leaves.
- F. In the event a staff member not being considered for RIF desires to volunteer for RIF-leave status, he or she would request RIF status in writing to the School District personnel office within **five** working days of the announced RIF action.
- G. Approval of a RIF volunteer would be made considering the match of the volunteer to the job area(s) and/or program(s) affected by the RIF action. If placed on RIF-leave status, the volunteer would be subject to all provisions, procedures, recall, and rights of this policy.

IV. RECALL AND RIGHTS

- A. After reduction-in-force action has occurred and the need for the reduction in personnel has diminished, RIFed personnel will be offered employment in their job area prior to employment being offered to new applicants in their job areas. When positions are to be filled through the recall process, personnel on RIF leave will be recalled in the reverse order of layoff.
- B. The person being recalled will be offered employment by certified mail from the School District Service Center. Recall notice will be sent to the person's last known address on file in the School District personnel office. It will be the responsibility of the RIFed person to supply the District with his or her current address.
- C. Within **ten** calendar days of postmark of the recall notice, the recalled person must accept the offer by replying by certified mail or in person to the School District Service Center. Rejection of the offer or failure to respond within **ten** days removes the recalled person's right to any further employment consideration under the provisions of this policy.
- D. Failure to report to work in a position that the RIFed person has accepted, unless said employee presents proof of sickness or injury, will be construed to be a default. If said RIFed person has secured employment elsewhere, he or she will be allowed a **fourteen**-day period from the date of the acceptance before being required to report to work. A person on RIF leave who has contracted with another public school district may opt to complete his or her existing contract. In this case the person will be hired to fill a position at the beginning of the next school year.

GDPDBA(4)

- E. All fringe benefits to which an employee was entitled at the time of RIF leave, including sick leave, personal business days, etc., will be restored to him or her upon returning to full-time employment with the School District.
- F. No benefits will accrue during RIF-leave status. The employees recalled from RIF leave will be placed on the salary schedule step that he or she would have been on prior to being placed on RIF leave.
- G. All employees on RIF leave will be given priority over new applicants in filling positions which may open.
- H. When a reduction in force is declared and personnel are placed on layoff (RIF) status, the School District personnel office will prepare appropriate seniority lists of personnel. These lists according to seniority will include name, service, and job classification areas, and RIFed personnel will be designated. The lists will be maintained in the School District personnel office for review by the appropriate school officials and the personnel identified for RIF.
- H. A person who is grieved may utilize the District's grievance procedures.

RETIREMENT

Any person retiring should complete his or her application for retirement benefits no later than May 31 if benefits are to begin July 1. Questions pertaining to retirement should be addressed to the Arkansas Teacher Retirement System, the Arkansas Public Employees' Retirement System, and/or the assistant superintendent for personnel, Fort Smith Public Schools.

<p>ACTIVITIES</p>

Activities carried on by employees of the School District which are not related to assigned duties must not be carried on during work hours.

Approved 5-18-98
Supersedes 5220 dated 10-27-75

COURT ACTION RESULTING FROM PERFORMANCE OF DUTY

In the event a buildings and grounds or child nutrition employee is taken into court as defendant or is subpoenaed as a witness, the Board will upon request investigate, and if the staff member has been charged or called into court as the result of action taken in performance of duty or in carrying out the policies of the Board of Education, the District will provide an attorney at no cost to the staff member. The staff member will not suffer interruption of salary and benefits or reduction of sick leave due to the incident.

Approved 5-18-98
Supersedes 5233 dated 4-23-84

TOBACCO USE ON SCHOOL PREMISES

A tobacco-free facility will provide a healthier, cleaner, and safer environment for employees, students, visitors, and patrons. Use of tobacco products at school facilities is in conflict with the schools' goals of setting high standards and providing good role models for students. Employees will refrain from the use of tobacco products while supervising students in any locations.

In recognition of repeated warnings from the Surgeon General that being in close proximity to a smoke-filled environment can create potential health hazards, effective immediately smoking or use of tobacco or products containing tobacco in any form in or on any property owned or leased by the Fort Smith School District, including school buses, is prohibited.

The School District has available to staff members information on tobacco use cessation programs and products.