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Section G: Personnel

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## Section G: Personnel

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## Section G: Personnel

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## PERSONNEL POLICIES GOALS

The goal of the employment policies and practices of the Charles City County Public School Board is to promote the employment and retention of highly qualified personnel to effectively serve the educational needs of students.

Adopted: August 15, 2006  
Revised: May 18, 2010; July 16, 2013  
Reviewed: October 18, 2016

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Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-295.

Cross Refs.:	AC	Nondiscrimination
	GB	Equal Employment Opportunity/Nondiscrimination
	GBL	Personnel Records
	GBN	Staff Hiring Procedure

## STAFF TIME SCHEDULES

### Work Schedules

The workday for full-time licensed and professional staff is a minimum of seven hours and thirty minutes and continues until professional responsibilities to the student and school are completed. Elementary school teachers are provided at least an average of thirty minutes per day during the students' school week as planning time. 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. Work schedules for other employees are defined by the superintendent or superintendent's designee consistent with the Fair Labor Standards Act and provisions of this policy.

### Workweek Defined

Working hours for all employees not exempt under the Fair Labor Standards Act, including secretaries, bus drivers, cafeteria, janitorial and maintenance personnel conform to federal and state regulations. The superintendent ensures that job positions are classified as exempt or non-exempt and that employees are made aware of such classifications. Supervisors make every effort to avoid circumstances which require non-exempt employees to work more than 40 hours each week. For purposes of compliance with the Fair Labor Standards Act, the workweek for school district employees will be 12:00 a.m. Saturday until 11:59 p.m. Friday.

### Overtime and Compensatory Time

The Charles City County School Board discourages overtime work by non-exempt employees. A non-exempt employee will not work overtime without the express approval of the employee's supervisor. All overtime work must be expressly approved in writing by the superintendent or superintendent's designee. All supervisory personnel must monitor overtime on a weekly basis and report such time to the superintendent or superintendent's designee. Principals and supervisors monitor employee's work, ensure that overtime provisions of this policy and the Fair Labor Standards Act are followed and ensure that all employees are compensated for any overtime worked. Principals or supervisors may need to adjust daily schedules to prevent non-exempt employees from working more than 40 hours in a workweek. Accurate and complete time sheets of actual hours worked during the workweek must be signed by each employee and submitted to the finance officer. The finance officer reviews work records of employees on a regular basis to make an assessment of overtime use.

In lieu of overtime compensations, non-exempt employees may receive compensatory time off at a rate of not less than one and one-half (1.5) hours for each hour of overtime worked, if such compensatory time

- (1) is pursuant to an agreement between the employer and employee reached before overtime work is performed, and
- (2) is authorized by the immediate supervisor.

Employees will be allowed to use compensatory time within a reasonable period after requesting such use if the requested use of the compensatory time does not unduly disrupt the operation of the school division. Employees may accrue a maximum of 240 compensatory time hours before they will be provided overtime pay at the rate earned by employee at the time the employee received such payment. In addition, upon leaving the school division, an employee receives such payment. In addition, compensatory time at the rate of not less than the higher of

- (1) the average regular rate received by the employee during his/her last three years of employment, or
- (2) the final regular rate received by the employee.

Non-exempt employees whose workweek is less than 40 hours are paid at the regular rate of pay for time worked up to 40 hours. Such employees will be provided overtime pay or compensatory time as provided above for working more than 40 hours in a workweek.

Employees are provided with a copy of this policy and are required to sign this policy to acknowledge their understanding of overtime and compensatory time provisions. Such signed policy constitutes the written agreement required in this section.

#### Attendance Exceptions

All employees are expected to be present during all work hours. Absence without prior approval, chronic absences, habitual tardiness or abuses of designated working hours are all considered neglect of duty and will result in disciplinary action up to and including dismissal.

Adopted: July 21, 2009  
Revised: April 15, 2014

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Legal Refs: 29 U.S.C. §§ 201 et seq.  
29 C.F.R §§ 561.1 et seq.  
Code of Virginia, 1950, as amended §§ 22.1-291.1, 40.1-28.8 et seq.

Cross Ref: IC/ID School Year/School Day

## ACCEPTABLE COMPUTER SYSTEM USE

The School Board provides a computer system, including access to the internet, to promote educational excellence by facilitating resource sharing, innovation and communication. The term computer system includes, but is not limited to, hardware, software, data, communication lines and devices, terminals, printers, CD-ROM devices, tape or flash drives, servers, mainframe and personal computers, tablets, cellular phones, smart telephones, the internet and other internal or external networks.

All use of the Division's computer system must be (1) in support of education and/or research, or (2) for legitimate school business. Use of the computer system is a privilege, not a right. Any communication or material generated using the computer system, including electronic mail, instant or text messages, tweets, or other files deleted from a user's account, may be monitored, read, and/or archived by school officials.

The Division Superintendent shall establish administrative procedures, for the School Board's approval, containing the appropriate uses, ethics and protocol for the computer system.

The procedures shall include:

- (1) a prohibition against use by Division employees and students of the division's computer equipment and communications services for sending, receiving, viewing or downloading illegal material via the internet;
- (2) provisions, including the selection and operation of a technology protection measure for the division's computers having Internet access to filter or block Internet access through such computers, that seek to prevent access to:
  - a. child pornography as set out in Va. Code § 18.2-374.1:1 or as defined in 18 U.S.C. § 2256;
  - b. obscenity as defined by Va. Code § 18.2-372 or 18 U.S.C. § 1460; and
  - c. material that the school division deems to be harmful to juveniles as defined in Va. Code § 18.2-390, material that is harmful to minors as defined in 47 U.S.C. § 254(h)(7)(G), and material that is otherwise inappropriate for minors;
- (3) provisions establishing that the technology protection measure is enforced during any use of the Division's computers;
- (4) provisions establishing that all usage of the computer system may be monitored;
- (5) provisions designed to educate students and employees about appropriate online behavior, including interacting with students and other individuals on social networking websites, blogs, in chat rooms, and cyberbullying awareness and response;
- (6) provisions designed to prevent unauthorized online access by minors, including "hacking" and other unlawful online activities.;

- (7) provisions prohibiting the unauthorized disclosure, use, and dissemination of photographs and/or personal information of or regarding minors; and
- (8) a component of internet safety for students that is integrated in the Division's instructional program.

Use of the School Division's computer system shall be consistent with the educational or instructional mission or administrative function of the Division as well as the varied instructional needs, learning styles, abilities and developmental levels of students.

The Division's computer system is not a public forum.

Each teacher, administrator, student and parent/guardian of each student shall sign the Acceptable Computer System Use Agreement, GAB-E1/IIBEA-E2, before using the Division's computer system. The failure of any student, teacher or administrator to follow the terms of the Agreement, this policy or accompanying regulation may result in loss of computer system privileges, disciplinary action, and/or appropriate legal action.

The School Board is not responsible for any information that may be lost, damaged or unavailable when using the computer system or for any information retrieved via the Internet. Furthermore, the School Board will not be responsible for any unauthorized charges or fees resulting from access to the computer system.

The School Board will review, amend if necessary, and approve this policy every two years.

Adopted: July 21, 2009  
Revised: July 20, 2010; June 18, 2013; July 19, 2016  
Reviewed:

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Legal Refs: 18 U.S.C. §§ 1460, 2256.  
47 U.S.C. § 254.

Code of Virginia, 1950, as amended, §§ 18.2-372, 18.2-374.1:1, 18.2-390, 22.1-70.2, and 22.1-78.

Cross Refs.:	GCPD	Professional Staff Discipline
	JFC	Student Conduct
	JFC-R	Standards of Student Conduct





## ACCEPTABLE COMPUTER SYSTEM USE AGREEMENT

- Each employee must sign this Agreement as a condition for using the School Division's computer system. Read this agreement carefully before signing.
- Prior to signing this Agreement, read Policy GAB/IIBEA and Regulation GAB-R/IIBEA-R, Acceptable Computer System Use. If you have any questions about this policy or regulation, contact your supervisor.

I have read this Agreement and Policy and Regulation. I understand and agree to abide by the School Division's Acceptable Use Policy. I understand that the School Division may access and monitor my use of the computer system, including my use of the Internet, e-mail and downloaded material, without prior notice to me. I further understand that should I violate the Acceptable Use Policy or Regulation, my computer system privileges may be revoked and disciplinary action and/or legal action may be taken against me.

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Employee Name (Print)

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School/Work Site

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Employee Signature

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Date



## Employee Portable Device / Technology Equipment Loan Agreement

Employee Name: \_\_\_\_\_ Position: \_\_\_\_\_  
Type of Equipment: \_\_\_\_\_ Serial # \_\_\_\_\_

The above named employee/staff member has been assigned a portable electronic portable device(s) for use in performing his/her duties related to employment with CCCPS Public Schools. This is for the benefit of the division and convenience of the employee/staff member.

Employee/staff member: Please read and initial each statement below indicating agreement and understanding of each one.

- \_\_\_\_\_ 1. The equipment assigned remains the property of CCC Public Schools and is to be used only in relation to performing the staff member's duties. (Loaning, or allowing other persons to use the equipment, is prohibited.)
- \_\_\_\_\_ 2. As such, it is the employee's responsibility to properly care for the device and immediately report all incidents, loss, or damage related to the device. In the event of loss, damage, or theft, the staff member will be held accountable for replacement costs.
- \_\_\_\_\_ 3. If the staff member's employment is terminated for any reason, the staff member is responsible for returning the equipment to the school or site principal/supervisor or to the assigned member of the Technology Department. In the event the equipment is not returned, the employee authorizes the School Board to deduct the full cost of replacement from the employee's final paycheck.
- \_\_\_\_\_ 4. The staff member is only allowed to add appropriate apps as they relate to the individual's position in the division. When an account is needed to access sites, the employee should establish a free account attached to the CCPS email address with no credit card.
- \_\_\_\_\_ 5. All repairs and services to the equipment will be performed by the CCPS Technology Department. No equipment shall be sent out for repairs by another company. As such, the staff member agrees to return the equipment for routine service and updates by the requested deadline (10-months employees will turn in equipment at the end of the academic year for annual maintenance and service).
- \_\_\_\_\_ 6. The staff member has read, understood, agrees to, and signed a CCPS Acceptable Use Policy and Regulation.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

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

## ACCESS TO EMPLOYEE SOCIAL MEDIA ACCOUNTS

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

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

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

This policy does not prohibit the School Board from requesting an employee to disclose the employee's username and password for the purpose of accessing a personal social media account if the employee's social media account activity is reasonably believed to be relevant to a formal investigation or related proceeding by the Board of allegations of an employee's violation of federal, state or local laws or regulations or of the Board's written policies. If the Board exercises its rights under this paragraph, the employee's username and password will only be used for the purpose of the formal investigation or a related proceeding.

Adopted: January 17, 2017

Revised:

Reviewed:

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Legal Ref.: Code of Virginia, 1950, as amended, § 40.1-28.7:5.

Cross Ref.: GAB/IIBEA                      Acceptable Computer System Use

## CHILD ABUSE AND NEGLECT REPORTING

### **Reporting Requirement**

Every employee of Charles City County School Board who, in his/her professional or official capacity, has reason to suspect that a child is an abused or neglected child, in compliance with the Code of Virginia § 63.2-1509 et seq. shall immediately report the matter to:

- the local department of social services where the child resides or where the abuse or neglect is believed to have occurred;
- to the Virginia Department of Social Services' toll-free child abuse and neglect hotline; or
- to the person in charge of the school or department, or his designee, who shall make the report forthwith to the local or state agency. The person making the report to the local or state agency must notify the person making the initial report when the report of suspected abuse or neglect is made to the local or state agency, and of the name of the individual receiving the report, and must forward any communication resulting from the report, including any information about any actions taken regarding the report, to the person who made the initial report.

### **Notice of Reporting Requirement**

The School Board posts in each school a notice that

- any teacher or other person employed there who has reason to suspect that a child is an abused or neglected child, including any child who may be abandoned, is required to report such suspected cases of child abuse or neglect to local or state social services agencies or the person in charge of the relevant school or his designee; and
- all persons required to report cases of suspected child abuse or neglect are immune from civil or criminal liability or administrative penalty or sanction on account of such reports unless such person has acted in bad faith or with malicious purpose. The notice shall also include the Virginia Department of Social Services' toll-free child abuse and neglect hotline.

### **Complaints of Abuse and Neglect**

The School Board and the local department of social services have adopted a written interagency agreement as a protocol for investigating child abuse and neglect reports, including reports of sexual abuse of a student. The interagency agreement is based on recommended procedures for conducting investigations developed by the Departments of Education and Social Services.

Adopted: January 17, 2017

Revised:

Reviewed:

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-253.13:7.A, 22.1-291.3, 63.2-1509, 63.2-1511.

JFHA/GBA  
GBLA

Prohibition Against Harassment and Retaliation  
Third Party Complaints Against Employees

## **EQUAL EMPLOYMENT OPPORTUNITY/ NONDISCRIMINATION**

### **I. Policy Statement**

The Charles City County School Board (“School Board”) is an equal opportunity employer, committed to nondiscrimination in recruitment, selection, hiring, pay, promotion, retention or other personnel actions affecting employees or candidates for employment. Therefore, discrimination in employment against any person on the basis of race, color, religion, national origin, ancestry, political affiliation, sex, gender, gender identity, age, marital status, genetic information or disability is prohibited. Personnel decisions are based on merit and the ability to perform the essential functions of the job, with or without reasonable accommodation.

The School Board provides facilities, programs and activities that are accessible, usable and available to qualified disabled persons. Further, the School Board does not discriminate against qualified disabled persons in the provision of health, welfare and other social services.

The statement, “Charles City County School Board is an equal opportunity employer,” is placed on all employment application forms.

### **II. Notice of Policy/Prevention**

This policy is (1) posted in prominent areas of each school division building, (2) included in employee handbooks and (3) provided to any employee or candidate for employment upon request. Training to prevent prohibited discrimination is included in employee in-service training.

### **III. Complaint Procedure**

#### **A. File Report**

Any person who believes he has not received equal employment opportunities should report the alleged discrimination to one of the Compliance Officers designated in this policy. The alleged discrimination should be reported as soon as possible, and the report generally should be made within fifteen (15) school days of the occurrence. Any employee who has knowledge of conduct which may constitute prohibited discrimination shall immediately report such conduct to one of the Compliance Officers designated in this policy.

The reporting party should use the form, *Report of Discrimination*, GB-F, to make complaints of discrimination. However, oral reports and other written reports will also be accepted. The complaint must be filed with one of the Compliance Officers designated in this policy. Any complaint that involves the Compliance Officer shall be reported to the superintendent.

The complaint and the identity of the complainant and the person or persons allegedly responsible for the discrimination will be disclosed only to the extent necessary to fully investigate the complaint and only when such disclosure is required or permitted by law.

A complainant who wishes to remain anonymous will be advised that anonymity may limit the school division's ability to fully respond to the complaint.

## B. Investigation

Upon receipt of a report of alleged discrimination, the Compliance Officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the school division. The investigation shall be completed as soon as practicable, which generally should be not later than 14 school days after receipt of the report by the Compliance Officer. Upon receiving the complaint, the Compliance Officer will acknowledge receipt of the complaint by giving written notice that the complaint has been received to both the complainant and the person(s) alleged to have violated the policy ("respondent"). If the Compliance Officer determines that more than 14 school days will be required to investigate the complaint, the complainant and the respondent will be notified of the reason for the extended investigation and the date by which the investigation will be concluded.

The investigation may consist of personal interviews with the complainant, the respondent, and any others who may have knowledge of the alleged discrimination or the circumstances giving rise to the complaint. The investigation will consider witnesses and evidence from both the complainant and the respondent. The investigation may also include the inspection of any documents or information deemed relevant by the investigator. The school division shall take necessary interim measures to protect the complainant and others pending the completion of the investigation.

Whether a particular action or incident constitutes a violation of this policy requires a case by case determination based on all of the facts and circumstances revealed by a complete and thorough investigation. The determination whether a violation of this Policy exists shall be based on the preponderance of the evidence standard—that is, whether it is more likely than not that this Policy has been violated.

The Compliance Officer shall issue a written report to the superintendent upon completion of the investigation. If the complaint alleges the superintendent has violated this policy, then the report shall be sent to the School Board. The report shall include a determination of whether the allegations are substantiated, whether this policy was violated and recommendations for corrective action, if any.

All employees shall cooperate with any investigation of alleged discrimination conducted under this policy or by an appropriate state or federal agency.

## C. Action by Superintendent

Within 5 school days of receiving the Compliance Officer's report, the Superintendent or designee shall issue a decision regarding whether this policy was violated. If the Superintendent or designee determines that it is more likely than not that a violation of this Policy occurred, the school division will take prompt, appropriate action to address and remedy the violation as well as prevent any recurrence. This decision must be provided in writing to the complainant and the respondent.

If the complaint alleges that the superintendent has violated this policy, the School shall consider the record and issue a written decision within 30 calendar days of receipt of the Compliance Officer's report. The decision of the School Board shall be final.

School Board employees who are found in violation of this Policy are subject to disciplinary action, up to and including termination from employment. In any case, educational programming or an alcohol/substance abuse assessment may be required. Sanctions may also include reassignment of work duties or location; reassignment of class meetings; restrictions on contact with complainant; access restrictions to school property and/or events, disciplinary probation, suspension or expulsion. Guests and other persons who have violated this Policy also are subject to corrective action, which may include removal from school property, ban from school grounds, and/or termination of contractual arrangements

#### D. Appeal

If the superintendent or designee determines that no prohibited discrimination occurred, the complainant may appeal this finding to the School Board within 5 school days of receiving the decision. Notice of appeal must be filed with the superintendent who shall forward the record to the School Board. The School Board shall make a decision within 30 calendar days of receiving the record. The School Board may ask for oral or written argument from the complainant, the respondent, the superintendent or designee or any other individual the School Board deems relevant. Written notice of the School Board's decision will be given to the complainant.

Employees may choose to pursue their complaints arising under this policy through the relevant employee grievance procedure instead of the complaint procedure in this policy.

#### E. Compliance Officer and Alternate Compliance Officer

The Charles City County School Board has designated

**David W. Gaston, Ed.D.,**  
**Division Superintendent,**  
**10910 Courthouse Road, Charles City VA, 23030,**  
**[dwgaston@ccps.net](mailto:dwgaston@ccps.net)**  
**804-652-4612**



as the Compliance Officer responsible for identifying, investigating, preventing and remedying prohibited discrimination. Complaints of discrimination may also be made to the Alternate Compliance Officer

**Lynda Byrd-Poller, Ed.D.,**  
**Director of Human Resources, Strategic Planning & Professional Learning,**  
**10910 Courthouse Road, Charles City VA, 23030,**  
**[lbyrdpoller@ccps.net](mailto:lbyrdpoller@ccps.net)**  
**804-652-4649**

The Compliance Officer shall

- receive reports or complaints of discrimination;
- conduct or oversee the investigation of any alleged discrimination;
- assess the training needs of the school division in connection with this policy;
- arrange necessary training to achieve compliance with this policy; and
- ensure that any discrimination investigation is conducted by an impartial investigator who is trained in the requirements of equal employment opportunity and has the authority to protect the alleged victim and others during the investigation.

#### IV. Retaliation

Retaliation against employees who report discrimination or participate in the related proceedings is prohibited. The school division shall take appropriate action against any employee who retaliates against another employee or candidate for employment who reports alleged discrimination or participates in related proceedings. The Compliance Officer will inform persons who make complaints, who are the subject of complaints and who participate in investigations of how to report any subsequent retaliation.

#### V. False Charges

Employees who knowingly make false charges of discrimination are subject to disciplinary action.

Adopted: July 19, 2005  
Revised: December 18, 2012  
Reviewed: October 18, 2016

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Legal Refs.: 20 U.S.C. § 1681 et seq.  
29 U.S.C. § 701.  
42 U.S.C. §§ 6101 et seq., 2000e-2 et seq., 2000ff-1(a) and 12101 et seq.

Code of Virginia, 1950 as amended, §§ 2.2-3900, 2.2-3901, 2.2-3902.

Cross Refs:	AC	Nondiscrimination
	AD	Educational Philosophy
	BCE	School Board Committees
	GB-F	Report of Discrimination
	GBA/JFHA	Prohibition Against Harassment and Retaliation
	GBM	Professional Staff Grievances
	GBMA	Support Staff Grievances
	GCPD	Professional Staff Discipline
	JB	Equal Educational Opportunities/Nondiscrimination
	KKA	Service Animals in Public Schools



**REPORT OF DISCRIMINATION**

Name of Complainant:

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For Employees, Position:

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For Applicants, Position Applied For:

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Address, Phone Number and Email Address:

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Date(s) of Alleged Discrimination:

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Name(s) of person(s) you believe discriminated against you or others:

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Please describe in detail the incident(s) of alleged discrimination, including where and when the incident(s) occurred. Please name any witnesses that may have observed the incident(s). Please include a description of any past incidents that may be related to this complaint. Attach additional pages if necessary.

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I certify that the information provided in this report is true, correct and complete to the best of my knowledge.

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Date

Complaint Received By:

\_\_\_\_\_  
Compliance Officer

\_\_\_\_\_  
Date

## PROHIBITION AGAINST HARASSMENT

### I. Policy Statement

The Charles City County School Board is committed to maintaining an educational environment and workplace that is free from harassment. In accordance with law, the School Board prohibits harassment against its students and employees on the basis of sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status, genetic information or any other basis prohibited by law. The Charles City County School Board is an equal opportunity employer.

Further, it is a violation of this policy for any school personnel to tolerate harassment prohibited by this Policy.

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

The school division shall:

- promptly investigate all complaints, written or verbal, of harassment based on sex, gender, race, color, national origin, disability, religion, age, marital status, genetic information or any other basis prohibited by law;
- promptly take appropriate action to stop any harassment;
- take appropriate action against any student or school personnel who violate this policy; and
- take any other action reasonably calculated to end and prevent further harassment of school personnel or students.

### II. Definitions

#### A. Harassment Based on Sex

Harassment based on sex means unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct, either in person or by electronic means, when

- submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or education;
- submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
- that conduct or communication substantially or unreasonably interferes with an individual's employment or education, or creates an intimidating, hostile or offensive employment or educational environment (i.e. the conduct is sufficiently serious to limit a student's or employee's ability to participate in or benefit from the educational program or work environment).

Examples of conduct which may constitute harassment based on sex if it meets the immediately preceding definition include:

- unwelcome sexual physical contact
- unwelcome ongoing or repeated sexual flirtation or propositions, or remarks
- sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
- graphic comments about an individual's body
- sexual jokes, notes, stories, drawings, gestures or pictures
- spreading sexual rumors
- touching an individual's body or clothes in a sexual way
- displaying sexual objects, pictures, cartoons or posters
- impeding or blocking movement in a sexually intimidating manner
- sexual violence
- display of written materials, pictures, or electronic images
- unwelcome acts of verbal, nonverbal, written, graphic, or physical conduct based on sex or sex stereotyping

#### B. Harassment Based on Race, National Origin, Disability or Religion

Harassment based on race, national origin, disability or religion means physical or verbal conduct, either in person or by electronic means, relating to an individual's race, national origin, disability or religion when the conduct

- creates an intimidating, hostile or offensive working or educational environment;
- substantially or unreasonably interferes with an individual's work or education; or
- otherwise is sufficiently serious to limit an individual's employment opportunities or to limit a student's ability to participate in or benefit from the education program.

Examples of conduct which may constitute harassment based on race, national origin, disability or religion if it meets the immediately preceding definition include:

- graffiti containing racially offensive language
- name calling, jokes or rumors
- physical or hostile acts of aggression against a person or his property written or graphic material which is posted or circulated and which intimidates or threatens individuals on a basis prohibited by the policy.

#### C. Additional Prohibited Behavior

Behavior that is not unlawful may nevertheless be unacceptable for the educational environment or the workplace. Demeaning or otherwise harmful actions are prohibited, particularly if directed at personal characteristics including, but not limited to, socioeconomic level, sexual orientation, or gender identity.

### III. Complaint Procedure

#### A. Formal Procedure

##### 1. File Report

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

The reporting party should use the form, *Report of Harassment*, GBA-F/JFHA-F, to make complaints of harassment. However, oral reports and other written reports are also accepted. The complaint should be filed with either the building principal or one of the Compliance Officers designated in this policy. The principal shall immediately forward any report of alleged prohibited harassment to the Compliance Officer. Any complaint that involves the Compliance Officer or principal shall be reported to the superintendent.

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

##### 2. Investigation

Upon receipt of a report of alleged prohibited harassment, the Compliance Officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the school division. The investigation shall be completed as soon as practicable, which generally should be not later than 14 school days after receipt of the report by the Compliance Officer. Upon receiving the complaint, the Compliance Officer shall acknowledge receipt of the complaint by giving written notice that the complaint has been received to both the person complaining of harassment and the person accused of harassment ("respondent"). Also upon receiving the complaint, the Compliance Officer shall determine whether interim measures should be taken pending the outcome of the investigation. Such interim measures may include, but are not limited to, separating the alleged harasser and the complainant and, in cases involving potential criminal conduct, determining whether law enforcement officials should be notified. If the

Compliance Officer determines that more than 14 school days will be required to investigate the complaint, the complainant and the respondent shall be notified of the reason for the extended investigation and of the date by which the investigation will be concluded. If the alleged harassment may also constitute child abuse, then it must be reported to the Department of Social Service in accordance with Policy JHG, Child Abuse and Neglect Reporting.

The investigation may consist of personal interviews with the complainant, the respondent and any others who may have knowledge of the alleged harassment or the circumstances giving rise to the complaint. The investigation will consider witnesses and evidence from both the complainant and respondent. The investigation may also consist of the inspection of any other documents or information deemed relevant by the investigator. In determining whether alleged conduct constitutes a violation of this policy, the division shall consider, at a minimum:

- (1) the surrounding circumstances;
- (2) the nature of the behavior;
- (3) past incidents or past or continuing patterns of behavior;
- (4) the relationship between the parties;
- (5) how often the conduct occurred;
- (6) the identity of the alleged perpetrator in relation to the alleged victim (i.e. whether the alleged perpetrator was in a position of power over the alleged victim);
- (7) the location of the alleged harassment;
- (8) the ages of the parties and
- (9) the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a case by case determination based on all of the facts and circumstances revealed after a complete and thorough investigation.

The Compliance Officer shall issue a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, then the report shall be sent to the School Board. The report shall include a determination of whether the allegations are substantiated, whether this policy was violated and recommendations for corrective action, if any.

All employees shall cooperate with any investigation of alleged harassment conducted under this policy or by an appropriate state or federal agency.

### 3. Action by Superintendent

Within 5 school days of receiving the Compliance Officer's report, the superintendent or designee shall issue a decision regarding whether this policy was violated. This decision must be provided in writing to the complainant and the respondent. If the superintendent or superintendent's designee determines that it is more likely than not that prohibited harassment occurred, the School Board shall take prompt, appropriate action to address and remedy the violation as well as prevent any recurrence. Such

action may include discipline up to and including expulsion or discharge. Regardless whether the superintendent or designee determines that prohibited harassment occurred, the superintendent or designee may determine that school-wide or division-wide training be conducted or that the complainant receives counseling.

#### 4. Appeal

If the superintendent or designee determines that no prohibited harassment occurred, the complainant may appeal this finding to the School Board within 5 school days of receiving the decision. Notice of appeal must be filed with the superintendent who shall forward the record to the School Board. The School Board shall make a decision within 30 calendar days of receiving the record. The School Board may ask for oral or written argument from the complainant, the respondent, the superintendent and any other individual the School Board deems relevant. Written notice of the School Board's decision will be given to both the complainant and the respondent.

If the superintendent or designee determines that prohibited harassment occurred and discipline is imposed, the disciplined person may appeal the disciplinary sanction in the same manner as any other such sanction would be appealed.

Employees may choose to pursue their complaints under this policy through the relevant employee grievance procedure instead of the complaint procedure in this policy.

#### 5. Compliance Officer and Alternate Compliance Officer

The Charles City County School Board has designated

**David W. Gaston, Ed.D.,**  
**Division Superintendent,**  
**10910 Courthouse Road, Charles City VA, 23030,**  
[dwgaston@ccps.net](mailto:dwgaston@ccps.net)  
**804-652-4612**

as the Compliance Officer responsible for identifying, investigating, preventing and remedying prohibited harassment. Complaints of harassment may also be made to the Alternate Compliance Officer

**Lynda Byrd-Poller, Ed.D.,**  
**Director of Human Resources, Strategic Planning, & Professional Learning**  
**10910 Courthouse Road, Charles City VA, 23030,**  
[lbyrd-poller@ccps.net](mailto:lbyrd-poller@ccps.net)  
**804-652-4649**



The Compliance Officer shall

- receive reports or complaints of harassment;
- conduct or oversee the investigation of any alleged harassment;
- assess the training needs of the school division in connection with this policy;
- arrange necessary training to achieve compliance with this policy; and
- ensure that any harassment investigation is conducted by an impartial investigator who is trained in the requirements of equal employment/education opportunity and has the authority to protect the alleged victim and others during the investigation.

#### B. Informal Procedure

If the complainant and the respondent agree, the student's principal or principal's designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher or administrator.

If the complainant and the respondent agree to resolve the complaint informally, they shall each be informed that they have the right to abandon the informal procedure at any time in favor of the initiation of the Formal Procedures set forth herein. The principal or principal's designee shall notify the complainant and the respondent in writing when the complaint has been resolved. The written notice shall state whether prohibited harassment occurred.

#### IV. Retaliation

Retaliation against students or school personnel who report harassment or participate in any related proceedings is prohibited. The school division shall take appropriate action against students or school personnel who retaliate against any student or school personnel who reports alleged harassment or participates in related proceedings. The Compliance Officer will inform persons who make complaints, who are the subject of complaints, and who participate in investigations of how to report any subsequent retaliation.

#### V. Prevention and Notice of Policy

Training to prevent harassment prohibited by law or by this policy is included in employee and student orientations as well as employee in-service training.

This policy is (1) displayed in prominent areas of each division building in a location accessible to students, parents and school personnel (2) included in the student and employee handbooks; and (3) sent to parents of all students within 30 calendar days of the start of school. Further, all students, and their parents/guardians, and employees are notified annually of the names and contact information of the Compliance Officers.

## VI. False Charges

Students or school personnel who knowingly make false charges of harassment shall be subject to disciplinary action as well as any civil or criminal legal proceedings.

Adopted: September 17, 2002  
Revised: July 19, 2011; December 18, 2012  
Reviewed: October 18, 2016

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Legal Refs: 20 U.S.C. §§ 1681-1688.  
29 U.S.C. § 794.  
42 U.S.C. §§ 2000d-2000d-7.  
42 U.S.C. §§ 2000e-2000e-17.  
42 U.S.C. § 2000ff-1.

34 C.F.R. 106.9.

Code of Virginia, 1950 as amended, §§ 2.2-3900, 2.2-3901, 2.2-3902.

Cross Refs:	AC	Nondiscrimination
	AD	Educational Philosophy
	GB	Equal Employment Opportunity/Nondiscrimination
	GBA-F/JFHA-F	Report of Harassment
	GBM	Professional Staff Grievances
	GBMA	Support Staff Grievances
	JB	Equal Educational Opportunities/Nondiscrimination
	JFC	Student Conduct
	JFC-R	Standards of Student Conduct
	GCPD	Professional Staff Discipline
	JHG	Child Abuse and Neglect Reporting
	KKA	Service Animals in Public Schools



**REPORT OF HARASSMENT**

Name of Complainant:

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For Students, School Attending:

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For Employees, Position and Location:

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Address, Phone Number and Email Address:

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Date(s) of Alleged Incident(s) of Harassment:

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Name of person(s) you believe harassed you or others:

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If the alleged harassment was toward another, please identify that person:

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Please describe in detail the incident(s) of alleged harassment, including where and when the incident(s) occurred. Please note any witnesses that may have observed the incident(s). Please include a description of any past incidents that may be related to this complaint. Attach additional pages if necessary.

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I certify that the information provided in this report is true, correct and complete to the best of my knowledge:

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Date

Complaint Received By: \_\_\_\_\_  
Compliance Officer or Principal

\_\_\_\_\_  
Date

## STAFF COMPENSATION PROCEDURES

As soon as practical after the Board of Supervisors has approved the operating budget for the next fiscal year, the Division Superintendent shall submit that fiscal year's Pay Plan for approval by the School Board. The Pay Plan shall list all mechanisms approved by the Board for remuneration of employees for services rendered and for reimbursement of employees for authorized costs incurred. Supplements shall be paid for a limited number of selected duties which require extensive work time beyond normal contract hours. The Pay Plan shall be structured to be as competitive in the local labor market as available resources permit.

From time to time, labor market conditions can present challenges either in retaining talented and skilled employees or in hiring such employees. Offers from other public sector or private employers can induce current employees to depart or can prompt prospective employees to decline a position offer in the Charles City County School Division. Such attrition or hiring shortfalls can create serious vacancies in either specific certification category for licensed employees or specific skill sets for non-licensed support staff. These vacancies have an adverse effect on the quality of instruction provided to students. Consequently, it is in the best interest of the School Board to undertake measures to counteract monetary inducements offered by competing employers to employees or potential employees whose skills are in great demand in the labor market.

Accordingly, the Division Superintendent, as conditions warrant, will recommend to the School Board:

- retention incentives deemed appropriate for retaining those categories of employees whose certifications or skill sets are in great demand; and
- recruiting incentives deemed appropriate for hiring those categories of employees whose certifications or skill sets are in great demand.

Such incentives shall be subject to the availability of funding. Any retention or recruiting incentive shall not affect the structure of the School Board's Pay Plan but shall be paid in addition to regular salary. Professional staff, licensed and/or certified, will be given credit for acceptable work experiences in accordance with the provisions of the Code of Virginia and based on specific division needs and budgetary conditions at the time of employment. Experience must be appropriate to the position for which appointment is intended and of a quality similar to that provided by the Charles City County School Division. Credit for military service will be computed on the basis of year-for-year credit (maximum three years' credit), if compulsory military service interrupts teaching experience.

Final determination of such matters shall be the prerogative of the Division Superintendent and approved by the school board. Experience credit on the salary schedule may be allowed for previous work that relates to the position for which the person is being considered.

Adopted: May 19, 2009  
Revised: October 18, 2016  
Reviewed:

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## BOARD-STAFF COMMUNICATIONS

The Charles City County School Board supports and encourages two-way communication between the Board and employees. The superintendent is the official representative of the School Board as its chief administrative officer in its relations and communications with its employees. A description of the two-way communication system is included in this policy manual.

Employees are encouraged to communicate their ideas and concerns in an orderly and constructive manner to the School Board and/or the administrative staff.

The School Board desires to develop and maintain the best possible working relationship with the employees of the school division. The School Board welcomes the viewpoints of employees, and it shall allow time at its meetings for employees to be heard. Communications with the superintendent or the School Board shall not circumvent normal administrative and supervisory personnel in the performance of their regular duties.

The School Board does not discriminate against any employee by reason of his or her membership in an employee organization, or participation in any lawful activities of the organization.

Adopted: April 15, 2008  
Revised: October 18, 2016  
Reviewed:

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Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-253.13:7.C.1.

## STAFF HEALTH

As a condition of employment every new employee of the School Board including teachers, cafeteria workers, janitors and bus drivers, shall submit a certificate signed by a licensed physician, physician assistant, nurse practitioner or registered nurse stating the employee appears free of communicable tuberculosis. Volunteers may be required to provide such a certificate.

After consulting with the local health director, the School Board may require the submission of such certificates annually, or at such intervals as it deems appropriate, as a condition to continued employment.

### **Physical Exams for School Bus Drivers**

No person shall be employed as a bus driver unless he or she has a physical exam of the scope required by the Board of Education and provides the School Board the results of the exam on the form prescribed by the Board of Education. Such exam and report may be provided by a licensed nurse practitioner or physician assistant.

The School Board may also require alcohol and drug testing in accordance with Policy GDQ School Bus Drivers.

Adopted: August 15, 2006  
Revised: July 19, 2011; October 18, 2016  
Reviewed:

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-178, 22.1-300, 22.1-301, 54.1-2952.2, 54.1-2957.02.

Cross Ref.:	EBAB	Possible Exposure to Viral Infections
	EBBB	Personnel Training—Viral Infections
	GDQ	School Bus Drivers
	JHCC	Communicable Diseases
	JHCCA	Blood-Borne Contagious or Infectious Diseases

**DRUG-FREE AND ALCOHOL-FREE WORKPLACE**

The Charles City County School Board is committed to maintaining a Drug-Free and Alcohol-Free Workplace.

**Prohibited Conduct**

Employees may not manufacture, distribute, dispense, possess, use, or be under the influence of a controlled substance, marijuana, anabolic steroids, or alcohol while on school property, at any school activity or on any school-sponsored trip. It is a condition of employment that each employee of the Charles City County School Board will not engage in such prohibited conduct and will notify the Charles City County School Board of any arrest or conviction for violating the drug laws of this Commonwealth or another state. An employee who is convicted of any such violation will be subject to appropriate discipline, up to and including termination, or required to satisfactorily participate in a drug abuse assistance or rehabilitation program.

**Distribution of Policy**

All employees shall be given a copy of this policy.

**Drug-Free Awareness Program**

The Charles City County School Board shall establish a drug-free awareness program to inform its employees about the dangers of drug abuse in the workplace, the Board’s policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs and the penalties that may be imposed upon employees for violations of laws and policies regarding drug abuse.

Adopted: September 17, 2002  
Revised: April 19, 2011  
Reviewed: October 18, 2016

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Legal Refs.: 41 U.S.C. §§ 8103, 8104.

Code of Virginia, 1950, as amended, § 22.1-78.

Cross Refs.: GCPD Professional Staff Discipline  
GDQ School Bus Drivers

## STAFF WEAPONS IN SCHOOL

No one may possess or use any firearm or any weapon, as defined in Policy JFCD Weapons in School, on school property (including school vehicles), on that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place or on any school bus without authorization of the superintendent or his/her designee.

Violation of this policy by an employee will result in appropriate personnel action up to and including dismissal. Violations of this policy by others will result in appropriate actions, which may include but is not limited to, a prohibition against the violator returning to school property. In addition, illegal conduct will be reported as required by law.

Adopted: August 15, 2006  
Revised: July 19, 2011  
Reviewed: October 18, 2016

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Legal Refs: Code of Virginia, 1950, as amended, §§ 18.2-308.1, 22.1-78, 22.1-279.3:1.  
8 VAC 20-560-10.

Cross Refs.: CLA Reporting Acts of Violence and Substance Abuse  
JFCD Weapons in School  
KGB Public Conduct on School Property



## TOBACCO-FREE SCHOOL FOR STAFF AND STUDENTS

Smoking, chewing or any other use of any tobacco products by staff, students, and visitors is prohibited on school property.

For purposes of this policy,

1. **“School property”** means:
  - a. All interior portions of any building or other structure used for instruction, administration, support services, maintenance or storage.
  - b. Any indoor facility or portion of such facility owned or leased or contracted for and used for the provision of regular or routine health care, day care, or early childhood development (Head Start) services;
  - c. All vehicles used by the division for transporting students, staff, visitors or other persons.
2. **“Tobacco”** includes cigarettes, cigars, pipe tobacco, snuff, chewing tobacco and all other kinds and forms of tobacco prepared in such manner as to be suitable for chewing, smoking or both. “Tobacco” includes cloves or any other product packaged for smoking.
3. **“Smoking”** means the carrying or holding of any lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment, or the lighting, inhaling, or exhaling of smoke from a pipe, cigar, or cigarette of any kind.

This policy shall be published in student and employee handbooks, posted on bulletin boards and announced in meetings.

Each principal shall post signs stating "No Smoking," or containing the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a bar across it, clearly and conspicuously in every school cafeteria and other dining facility in the school.

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

## Designated Smoking Areas

The School Board may direct the superintendent to issue regulations designating smoking areas on school grounds outside buildings.

Adopted: July 21, 2009  
Revised:  
Reviewed: October 18, 2016

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Legal Refs.: 20 U.S.C. §§ 6083, 7183.

Code of Virginia, 1950, as amended, §§ 15.2-2820, 15.2-2824, 15.2-2825, 15.2-2827, 22.1-79.5, 22.1-279.6.

Cross Refs.:	GBECA	Electronic Cigarettes
	JFCH	Tobacco-Free School for Staff and Students
	KG	Community Use of School Facilities
	KGC	Use of Tobacco and Electronic Cigarettes on School Premises

## ELECTRONIC CIGARETTES

The use of electronic cigarettes is prohibited on school buses, on school premises and at school-sponsored activities by staff and students. All other persons are prohibited from using electronic cigarettes on school premises and school vehicles.

Adopted: January 17, 2017

Revised:

Reviewed:

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Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-79.5.

Cross Refs.:	GBEC/JFCH	Tobacco-Free School for Staff and Students
	JFC-R	Standards of Student Conduct
	KG	Community Use of School Facilities
	KGB	Public Conduct on School Property
	KGC	Use of Tobacco and Electronic Cigarettes on School Premises

## LACTATION SUPPORT

The superintendent shall designate a non-restroom location in each school as an area in which any mother who is employed by the Charles City County School Board or enrolled as a student in the division may take breaks of reasonable length during the school day to express milk to feed her child until the child reaches the age of one. The area must be shielded from public view.

Adopted: January 17, 2017

Revised:

Reviewed:

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Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-79.6.

## STAFF PARTICIPATION IN POLITICAL ACTIVITIES

The Charles City County School Board recognizes the right of its employees to engage in political activity.

The Board also recognizes that school time and school property should not be used for partisan political purposes. Thus, in his or her political activities, an employee may not

- use his or her position within the school division to further a political cause;
- engage in any activity supporting or opposing a candidate or political party while on duty, while on school property during school hours, or while representing the school division;
- suggest in any manner that the school division or any component of it supports or opposes a candidate for election to any office; or
- use any school division property to engage in any activity supporting or opposing a candidate for public office or a political party.

These restrictions are not intended to limit the rights of school division employees to support or oppose any political candidate or party on their own time. They are intended to minimize distractions from instruction, to assure that no public funds are used to support any candidate for public office, and to assure that the public is not given the false impression that the school division supports or opposes any political candidate or party. School division employees who engage in political activities on their own time must make it clear that their views and actions represent their individual positions and do not represent the views of the school division.

Adopted: April 17, 2012  
Revised:  
Reviewed: October 18, 2016

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78.

## STAFF GIFTS AND SOLICITATIONS

Exchange of gifts between students and staff is discouraged.

No school division employee shall solicit goods or services for personal use or for student use during school hours on school property without written authorization from the superintendent.

The Charles City County School Board prohibits employees and their families from accepting personal gifts - as a result of the employee's relationship with the School Board - from any person, firm, corporation or other entity which is engaged in or striving to engage in procurement activities or business or financial service to the Charles City County School Division. All gifts offered to the School Division must be accepted formally by the School Board. Once accepted, the gifts become the property of the School Board.

This policy does not apply to:

- business lunches or dinners where the interests and advancement of Charles City County Schools is served by employee's participation the sponsored gathering;
- gifts of advertising valued at less than \$5.00;
- gifts given by students to teachers or employees to each other.

No employee of Charles City County School Board will engage in the solicitation of funds as a representative of a school or the School Division without the prior consent of the School Board.

### **Solicitation of Staff Members**

Solicitation of staff members for non-school related activities on school grounds or during any school sponsored activities is prohibited except as expressly authorized by the Division Superintendent.

Adopted: April 18, 2006  
Revised: October 18, 2016  
Reviewed:

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78.

## PERSONNEL RECORDS

Present and past employees have access to their personnel information maintained by the Charles City County School Division. No separate employee files shall be maintained which are not available for that employee's inspection.

If information relative to employment is requested by banks or other establishments or individuals, written permission from the employee to release such information is required, except to comply with a judicial order, a lawfully issued subpoena, the Virginia Freedom of Information Act (Va. Code § 2.2-3700 et seq.), or other law or court order. The employee will be notified of the request for records.

The superintendent or superintendent's designee is responsible for maintaining a system of personnel records for all employees of the School Board. Personnel files of all School Board employees may be produced and maintained in digital or paper format. The Division Superintendent shall establish procedures to protect the confidentiality of personnel records, personnel references, transcripts of college credits and other similar documents.

Adopted: August 15, 2006  
Revised: June 18, 2013; October 18, 2016  
Reviewed:

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3705.1, 2.2-3800 et seq., 22.1-295.1.

Cross Ref.: CBA           Qualifications and Duties for the Superintendent  
              GBLA        Third Party Complaints Against Employees

THIRD-PARTY COMPLAINTS AGAINST EMPLOYEES

Any parent or guardian of a student enrolled in the Charles City County Public Schools or any resident of Charles City County may file a complaint regarding an employee of the Charles City County School Board. Such complaint should be filed with the superintendent or superintendent’s designee. If the complaint involves allegations that an employee of the Charles City County School Board has abused or neglected a child in the course of his employment, the complaint will be investigated in accordance with Va. Code §§ 63.2-1503, 63.2-1505 and 63.2-1516.1.

Information determined to be unfounded after a reasonable administrative review will not be maintained in any employee personnel file, but may be retained in a separate sealed file by the administration if such information alleges civil or criminal offenses. Any dispute over such unfounded information, exclusive of opinions retained in the personnel file, or in a separate sealed file, notwithstanding the provisions of the Government Data Collection and Dissemination Practices Act, Va. Code §§ 2.2-3800 et seq., will be settled through the employee grievance procedure as provided in Va. Code §§ 22.1-306 and 22.1-308 through 22.1-314.

Individuals lodging a complaint will be notified in writing that the complaint has been received and is being investigated.

The complaint should be filed as soon as possible after the alleged incident, usually within 30 school days, and will be processed promptly, usually within 60 days.

Adopted: April 15, 2008  
Revised: July 15, 2008; June 18, 2013; October 18, 2016  
Reviewed:

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3800 et seq., 22.1-70, 22.1-78, 22.1-295.1.

Cross Refs.: GB Equal Employment Opportunity/Nondiscrimination  
GBA/JFHA Prohibition Against Harassment and Retaliation  
GBL Personnel Records  
JB Equal Educational Opportunities/Nondiscrimination  
JHG Child Abuse and Neglect Reporting



## PROFESSIONAL STAFF GRIEVANCES

Section 22.1-306, et seq. of the Code of Virginia, which sets for the requirements for a grievance procedure for teachers, was amended effective November 30, 2016. The School Board will observe the procedures set for in Section 22.1-306 et seq. for any teacher grievances, including the proposed dismissal of a teacher. The School Board for Charles City County Public Schools elects not to use a hearing officer.

Adopted: April 18, 2006

Revised: July 15, 2008; December 15, 2015, May 15, 2018

Adopted: April 18, 2006

Revised: July 15, 2008; December 15, 2015  
May 15, 2018

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-253.13:7.C.8, and 22.1-306 et seq.

## SUPPORT STAFF GRIEVANCES

The Charles City County School Board adopts the following procedure in accordance with §22.1-79(6) of the Code of Virginia. Nothing in this procedure is intended to create, nor shall it be construed as creating, a property right in employment, nor shall this procedure be interpreted to limit in any way whatsoever the school board's exclusive final authority over the management and operation of the school division.

The following words and terms have the following meanings when used in this procedure, unless the context clearly indicates otherwise.

**"Days"** means calendar days unless a different meaning is clearly expressed in this procedure. Whenever any period of time fixed by this procedure shall expire on a Saturday, Sunday, or legal holiday, the period of time for taking action under this procedure shall be extended to the next day that is not a Saturday, Sunday or legal holiday. "Working days" means those days that the central office is open for business.

**"Dismissal"** means the dismissal of an employee for disciplinary reasons during the term of such employee's contract.

**"Demotion"** means the involuntary assignment of an employee to a lower paying position for disciplinary reasons during the term of such employee's contract.

**"Grievance"** means a complaint or dispute involving the dismissal or demotion of an employee. "Grievance" shall not mean a complaint or dispute regarding the suspension of an employee, the nonrenewal or layoff of an employee, or reprimands or other forms of disciplinary action other than a dismissal or demotion. The procedure for the suspension of classified employees will be that as set forth in §22.1-315 of the Code of Virginia.

**"Employee"** or "employees" means all full-time employees of the school division who have completed the required probationary period, except the Division Superintendent and those employees covered under the provisions of Articles 2 and 3 of Chapter 15 of Title 22.1 of the Code of Virginia. "Employee" does not mean a part-time or temporary employee.

### Procedure

1. Written notice of the proposed action, along with a statement of the reasons for the action, shall be given to the employee by his or her supervisor or appropriate administrator. Such notice shall also advise the employee that he may file a written request for a hearing with the superintendent within five days of the written notice, and that the failure to file such a request within the prescribed time will constitute a waiver of the right to a hearing and the action will become final without a hearing or further notice.
2. Upon a timely written request, the superintendent or his designee shall hold a hearing within ten working days of receipt of the employee's request. Notice of

the hearing shall be given orally or in writing to the employee at least five calendar days before the hearing.

3. The employee and his supervisor may be represented by legal counsel at the hearing. The hearing shall be private and the superintendent or his designee shall have full discretion over the conduct of the hearing. However, the employee and the supervisor may make opening statements, may present all material and relevant evidence, including the testimony of witnesses, and may cross-examine witnesses. Witnesses may be questioned by the superintendent or his designee.
4. The superintendent or designee shall give the employee a written decision within five working days after the completion of the hearing. The decision shall be based on the evidence relevant to the issues produced at the hearing in the presence of each party. If the Superintendent/designee decides to accept the recommendation of dismissal or demotion, the decision shall specify the effective date of the action, which may be immediate.
5. The school board shall conduct a hearing regarding the recommended dismissal or demotion only when such action is initiated by the Superintendent. In all other cases, the Superintendent or designee shall provide the hearing. A hearing before the school board, when applicable, must be requested in the manner and within the time, and will be conducted, as set forth above.
6. In cases in which the Superintendent or designee has provided the hearing, the employee may appeal the decision to the school board by providing written notice of appeal to the Superintendent within five (5) days of the decision of Superintendent or designee. Upon timely appeal, the school board shall decide the appeal on the record and render its decision within 30 days of the appeal.

Adopted: July 21, 2009  
Revised: June 18, 2013; October 16, 2016  
Reviewed:

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-79(6), 22.1-313.

Cross Refs.: GCPF                      Suspension of Staff Members  
                  GDG                      Support Staff Probation

## STAFF HIRING PROCEDURES

It is the desire of the Charles City County School Board to recruit, hire and retain the best possible qualified applicants.

The Superintendent is responsible for developing procedures for advertising vacancies and new positions. Those procedures will be designed to ensure that all openings are properly advertised to give all interested and qualified parties the opportunity to apply. While most positions will be filled using those procedures, the School Board may, at the request of the Superintendent, fill positions in other ways. For example, the School Board may authorize the filling of a position to accommodate the disability of an employee, to transfer an employee when it is determined to be in the best interest of the school division, to satisfy the rights of employees returning from leave, to move an employee whose performance is unsuccessful to a position in which the employee might be successful or to discipline an employee for conduct deficiencies.

Application for employment in the Charles City County Public Schools shall be made in writing on forms provided by Charles City County Department of Human Resources.

It is the responsibility of the applicant to furnish accurate information and any falsification of either information or credentials is cause for dismissal or refusal to employ.

Adopted: May 18, 2010  
Revised:  
Reviewed: October 18, 2016

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78.

Cross Refs.: AC Nondiscrimination  
GCDA Effect of Criminal Conviction or Founded Complaint of  
Child Abuse or Neglect

## VIRGINIA RETIREMENT SYSTEM

All eligible employees must be members of the Virginia Retirement System. Employee retirement benefits are governed by the rules and regulations established by the Virginia Retirement System.

Adopted: April 16, 2002  
Revised: July 17, 2012  
Reviewed: October 18, 2016

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Legal Ref.: Code of Virginia, 1950 as amended, §§ 22.1-78, 51.1-135.

Cross Ref.: GBR Voluntary Retirement Savings Program

## VOLUNTARY RETIREMENT SAVINGS PROGRAM

The Charles City County School Division offers its employees the opportunity to participate in a defined contribution retirement plan, also known as a tax sheltered annuity or 403(b) program. This program is maintained and operated pursuant to a written plan.

The written plan contains all the material terms and conditions for eligibility, benefits, applicable limitations, the contracts available under the plan and the time and form under which benefit distributions may be made.

The written plan also addresses any optional features, including hardship withdrawal distributions, loans, plan-to-plan or annuity contract-to-annuity contract transfers and acceptance of rollovers to the plan, which are included in the Division's program.

The written plan may

- allocate responsibility for administrative functions, including functions to comply with the requirements of 26 U.S.C. § 403(b) and other tax requirements
- assign such responsibilities to parties other than the school division, but not to participants (unless the administration of the plan is a substantial portion of the duties of the participant)
- incorporate by reference other documents which thereupon become part of the written plan
- address termination of the program

Every employee of the school division is notified annually about the program.

Adopted: July 17, 2012  
Revised:  
Reviewed: October 18, 2016

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Legal Refs.: 26 U.S.C. § 403(b).

26 CFR 1.403(b)-1 et seq.

Code of Virginia, 1950, as amended, §§ 51.1-603, 51.1-603.1

Cross Ref.: GBO Virginia Retirement System.

## PROFESSIONAL STAFF

No teacher is regularly employed by the School Board or paid from public funds unless such teacher

- holds a license or provisional license issued by the Board of Education,
- holds a three-year license to teach high school career and technical education courses in specified subject areas or
- is hired to teach in a trade and industrial education program and for whom the teacher licensure requirements have been waived by the Virginia Department of Education.

If a teacher employed under a provisional license is activated or deployed for military service within a school year (July 1 - June 30), an additional year will be added to the teacher's provisional license for each school year or portion thereof the teacher is activated or deployed. The additional year or years shall be granted the following year or years after the return of the teacher from deployment or activation.

The Board of Education prescribes, by regulation, the requirements for the licensure for teachers and other school personnel required to hold a license.

Adopted: September 17, 2002

Revised: July 15, 2008; May 18, 2010; October 18, 2016

Reviewed:

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-298.1, 22.1-299, 22.1- 299.5 and 22.1-299.6.

## PROFESSIONAL STAFF CONTRACTS

The School Board shall enter into written contracts with teachers, principals, assistant principals, and supervisors as defined in 8 VAC 20-440-10 before such employees assume their duties except as noted below. Contracts will be in the form permitted by the Board of Education, with special covenants added by the School Board as appropriate. Contracts shall be signed in duplicate, with a copy furnished to each party.

Written contracts are not required with persons who are temporarily employed. A temporarily employed teacher, is 1) one who is employed to substitute for a contracted teacher for a temporary period of time during the contracted teacher's absence, or 2) one who is employed to fill a teacher vacancy for a period of time, but for no longer than 90 teaching days in such vacancy, unless otherwise approved by the Superintendent of Public Instruction on a case-by-case basis, during one school year.

Coaching contracts and contracts for extracurricular activity sponsorship assignments where a monetary supplement is paid shall be separate from the employee's primary contract and termination of the separate contract shall not constitute cause for the termination of the primary contract.

For purposes of this policy, "extracurricular activity sponsorship" means an assignment for which a monetary supplement is received, requiring responsibility for any student organizations, clubs, or groups such as service clubs, academic clubs and teams, cheerleading squads, student publication and literary groups, and visual and performing arts organizations except those that are conducted in conjunction with regular classroom, curriculum, or instructional programs.

Adopted: August 15, 2006  
 Revised: July 20, 2010; July 17, 2012; June 18, 2013  
 Reviewed: October 18, 2016

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-302.

8 VAC 20-440-10.

Cross Ref.:	GCBB	Supplementary Pay
	GCDA	Effect of Criminal Conviction or Founded Complaint of Child Abuse or Neglect
	GCE	Part-Time and Substitute Professional Staff Employment
	GCG	Professional Staff Probationary Term and Continuing Contract
	GCPB	Resignation of Staff Members
	GCPD	Professional Staff Discipline
	GCPF	Suspension of Staff Members



STAFF SALARY SCHEDULES

The School Board shall annually establish and approve salaries for all school employees.

Adopted: April 17, 2012

Revised:

Reviewed: October 18, 2016

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-289.1, 22.1-313.

## SUPPLEMENTARY PAY

The Charles City County School Board will approve all categories of athletic coaching and other extracurricular activity sponsorships for which supplemental pay will be provided. The Board will also establish the amount of compensation for employees who coach or supervise such activities.

A separate contract in the form permitted by the Board of Education shall be executed by the School Board with an employee who receives supplemental pay for any athletic coaching assignment or extracurricular activity sponsorship assignment. This contract shall be separate and apart from the contract for teaching. All such contracts will require a party intending to terminate the contract to give reasonable notice to the other party before termination thereof will become effective.

For purposes of this policy, "extracurricular activity sponsorship" means an assignment requiring responsibility for any student organizations, clubs, or groups, such as service clubs, academic clubs and teams, cheerleading squads, student publication and literary groups, and visual and performing arts organizations except those activities that are conducted in conjunction with regular classroom, curriculum, or instructional programs.

Adopted: September 17, 2002  
Revised: April 17, 2012; June 18, 2013; October 20, 2015  
Reviewed: October 18, 2016

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-302 and 22.1-313.

8 VAC 20-440-110.

8 VAC 20-440-120.

Cross Ref.: GCB Professional Staff Contracts

## STAFF FRINGE BENEFITS

The Charles City County School Board recognizes the need for fringe benefits in order to promote the employment and retention of the highest quality personnel and effectively serve the educational needs of students. Accordingly, fringe benefits shall be provided pursuant to regulations established by the Board.

Adopted: April 16, 2012  
Revised: July 17, 2012; October 18, 2016  
Reviewed:

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Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-85.

8 VAC 20-460-10.

Cross Ref.: GCBD                      Staff Leaves and Absences  
                  GBO                      Virginia Retirement System

## STAFF LEAVES AND ABSENCES

All employee leaves and absences are subject to school division policy and regulations. The superintendent shall establish any regulations necessary for the application of the division's policies regarding leaves and absences.

Adopted: April 17, 2012  
Revised: September 15, 2015, February 16, 2016  
Reviewed:

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Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-78.

Cross Refs.:	GCBE	Family and Medical Leave
	GCBEA	Leave Without Pay
	GCBEB	Military Leave and Benefits
	GCQA	Nonschool Employment by Staff Members

## FAMILY AND MEDICAL LEAVE

### Generally

The Charles City County School Board recognizes its obligation to provide its eligible employees with unpaid leave pursuant to the Family and Medical Leave Act (FMLA), 29 U.S.C. § 2601 et seq. This policy describes the benefits available to eligible employees under the Act.

### Definitions

**Covered active duty:** The term covered “active duty” means

- in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
- in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in 10 U.S.C. § 101(a)(13)(B).

**Covered *servicemember*:** The term “covered servicemember” means

- a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

**Eligible employee:** To be eligible for leave under this policy the employee must have at least twelve (12) months of service with the Charles City County school division and have worked at least 1250 hours according to the Fair Labor Standards Act, 29 U.S.C. § 201 et seq., in the twelve (12) months preceding the commencement of the leave. Full-time teachers are deemed to meet the 1250-hour test.

**Instructional employee:** Employees whose principal function is to teach and instruct students in a class, a small group, or an individual setting such as teachers, athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, or auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily non-instructional employees.

**Next of kin:** The term “next of kin” used with respect to an individual, means the nearest blood relative of that individual other than the covered servicemember’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for

purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin.

**Outpatient status:** The term "outpatient status," with respect to a covered servicemember, means the status of a member of the Armed Forces assigned to

- A. a military medical treatment facility as an outpatient; or
- B. a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

**Serious health condition:** A serious health condition is an illness, injury, impairment or condition that involves inpatient care or continuing treatment by a health care provider.

**Serious injury or illness:** The term "serious injury or illness," in the case of

- a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and
- a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during a period described in 29 U.S.C. § 2611(15)(B), means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

**Year:** A rolling 12-month period measured backward from the date an employee uses an FMLA leave.

## **Leave**

Any eligible employee is entitled to leave for a combined total of twelve (12) weeks per year for the following situations:

1. The birth and care of a newborn child;
2. The adoption or foster placement of a child;
3. To care for an employee's spouse, parent, or child with a serious health condition;
4. Because of a serious health condition that makes the employee unable to perform the essential functions of the employee's job; and

5. Because of any qualifying exigency as defined in Department of Labor regulations, arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

However, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember is entitled to a total of 26 workweeks of leave per year to care for the servicemember. Leave under this paragraph is available only during a single year. During that year the employee is entitled to a combined total of 26 workweeks of leave under this policy.

To the extent that an employee is entitled to compensated leave under other Charles City school division policies, such paid leave shall be substituted for unpaid FMLA leave. Otherwise, family and medical leave is unpaid. When paid leave is available, the employee must satisfy any procedural requirements of the division's paid leave policy.

Employees on FMLA leave must report their status and intention regarding returning to work to the school division at least every four weeks.

### **Notice to Employees of Their Rights under the FMLA**

#### ***Posting and General Notice***

The Charles City school division shall post, in conspicuous places, on the premises of the school division where notices to employees and applicants for employment are customarily posted, a notice explaining the FMLA's provisions and providing information about the procedure for filing complaints with the Department of Labor. Attachment 1 may be used as the notice.

A copy of Attachment 1 will also be given to each employee by including it in the employee handbook or similar document or by distributing it to each new employee upon hiring.

#### ***Eligibility Notice***

When an employee requests FMLA leave, or the division has knowledge that an employee's leave may be for an FMLA-qualifying reason, the division should notify the employee of the employee's eligibility to take FMLA leave within five business days. The Eligibility Notice should state whether the employee is eligible for FMLA leave. If the employee is not eligible for FMLA leave, the Notice must state at least one reason why the employee is not eligible (such as, for example, the number of months the employee has worked for the division.) This notification may be accomplished by providing the employee a copy of Attachment 4.

### ***Notice of Rights and Responsibilities***

The division will provide written notice detailing the specific expectations and obligations of the employee and explaining the consequences of the failure to meet those obligations each time the employee is given an Eligibility Notice. This Notice will include, as appropriate:

- that the leave may be designated and counted against the employee's annual FMLA leave entitlement and the 12-month period for FMLA entitlement;
- any requirements for the employee to furnish certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status, and the consequences of failing to provide certification;
- that the division will substitute paid leave for unpaid leave and any conditions related to the substitution and the employee's right to take unpaid FMLA leave if the employee does not meet the conditions for paid leave;
- any requirement for the employee to make any premium payments to maintain health benefits and the arrangements for making such payments, and the possible consequences of failure to make such payments on a timely basis;
- the employee's rights to maintenance of benefits during the FMLA leave and restoration to the same or an equivalent job upon return from FMLA leave; and
- the employee's potential liability for payment of health insurance premiums paid by the employer during the employee's unpaid FMLA leave if the employee fails to return to work after FMLA leave.

The Notice of Rights and Responsibilities should be accompanied by any required certification form.

The Notice of Rights and Responsibilities will also include notice that employees on FMLA leave must report their status and intention regarding returning to work to the division at least every four weeks.

If the information provided by the Notice of Rights and Responsibilities changes, the division will, within five business days of receipt of the employee's first notice of need for leave subsequent to any change, provide written notice referencing the prior notice and setting forth any of the information in the Notice of Rights and Responsibilities that has changed.

#### ***Designation Notice***

When the division has enough information to determine whether the leave is being taken for a FMLA-qualifying reason, the division should give the employee written notice whether the leave will be designated and will be counted as FMLA leave within five business days. If the division determines that the leave will not be designated as FMLA-qualifying, the division must inform the employee of that determination. The division will also notify the employee that paid leave must be substituted for unpaid FMLA leave or that paid leave taken under an existing leave plan be counted as FMLA leave at the time of designating the FMLA leave.



If the division will require the employee to present a fitness-for-duty certification to be restored to employment after taking leave for a continuous period of time, the division will provide notice of the requirement with the Designation Notice. If the division will require that the fitness-for-duty certification address the employee's ability to perform the essential functions of the employee's position, the division must so indicate in the Designation Notice and must include a list of the essential functions of the employee's position.

If the division has reasonable safety concerns regarding the ability of an employee who is returning to work after intermittent or reduced leave schedule to perform his or her duties based on the serious health condition for which the employee took leave, it may require the employee to submit a fitness for duty certification unless one has been submitted within the past 30 days.

If the leave is not designated as FMLA leave because it does not meet the requirements of the FMLA, the notice to the employee that the leave is not designated as FMLA leave may be in the form of a simple written statement.

If the information provided by the division to the employee in the Designation Notice changes, the division will provide, within five business days of receipt of the employee's first notice of need for leave subsequent to any change, written notice of the change.

The division will notify the employee of the amount of leave counted against the employee's FMLA leave entitlement. If the amount of leave needed is known at the time the employer designates the leave as FMLA-qualifying, the division must notify the employee of the number of hours, days, or weeks that will be counted against the employee's FMLA leave entitlement in the Designation Notice. If it is not possible to provide the hours, days, or weeks that will be counted against the employee's FMLA leave entitlement, then the division must provide notice of the amount of leave counted against the employee's FMLA leave entitlement upon request by the employee but no more often than once in a 30-day period and only if leave was taken in that period.

The division's decision to designate leave as FMLA-qualifying will be based only on information received from the employee or the employee's spokesperson. If the division does not have sufficient information about the reason for an employee's use of leave, the division will inquire further of the employee or the spokesperson to ascertain whether leave is potentially FMLA-qualifying. Once the division has knowledge that the leave is being taken for a FMLA-qualifying reason, the division will provide the employee the notice described in this subsection.

An employee giving notice of the need for FMLA leave must explain the reasons for the needed leave so as to allow the division to determine whether the leave is FMLA-qualifying. If the employee fails to explain the reasons, leave may be denied.

### ***Leave for the Birth, Adoption or Foster Placement of a Child***

The employee's entitlement to leave for a birth, adoption or foster placement of a child expires at the end of the twelve-month period beginning on the date of the birth, adoption or foster placement. Leave taken for the birth, adoption or foster placement of a child may be taken intermittently or on a reduced leave schedule if the superintendent agrees to such an arrangement.

If the necessity for leave for the birth, adoption or foster placement of a child is foreseeable based on an expected birth or placement, the employee shall provide the school division with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave. If the date of the birth or placement requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable. The employee's notice should be sufficient to make the division aware that the employee needs FMLA-qualifying leave and of the anticipated timing and duration of the leave.

### ***Leave Because of a Serious Health Condition of Employee***

Employees are entitled, when medically necessary, to take such leave on an intermittent or reduced leave schedule except as provided below.

If the necessity for leave is foreseeable based on planned medical treatment, the employee shall

- (1) make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the division; and
- (2) provide the division with at least 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave. If the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

The employee's notice should be sufficient to make the division aware that the employee needs FMLA-qualifying leave and of the anticipated timing and duration of the leave.

The School Board may require that a request for leave because of the employee's own serious health condition be supported by a certification issued by a health care provider of the employee. The division may use Form WH-380-E (Attachment 2) for this certification. The division should request that the employee furnish certification when the employee gives notice of the need for leave or within five business days thereafter, or, in the case of unforeseen leave, within five business days after the leave begins. The division may request certification at a later date if it later has reason to question the appropriateness of the leave or its duration. The employee must provide a complete and sufficient certification within 15 calendar days after the division's request. When the division requests certification, it will advise the employee of the anticipated consequences of the employee's failure to provide adequate certification.

Certification will be sufficient if it states

- (1) the name, address, telephone number and fax number of the health care provider and the type of medical practice/specialization;
- (2) the approximate date on which the serious health condition commenced and its probable duration;
- (3) a statement or description of appropriate medical facts regarding the employee's health condition for which FMLA leave is requested. The medical facts must be sufficient to support the need for leave; and
- (4) information sufficient to establish that the employee is unable to perform the essential functions of his or her position, the nature of any other work restrictions, and the likely duration of such inability.

If an employee requests leave on an intermittent or reduced leave schedule for planned medical treatment of his or her serious health condition, the certification shall include information sufficient to establish the medical necessity for such intermittent or reduced schedule leave and an estimate of the dates on which such treatment is expected to be given and the duration of such treatment and any period of recovery.

If an employee requests leave on an intermittent or reduced leave schedule because of his or her own serious health condition that may result in unforeseeable episodes of incapacity, the certification shall include information sufficient to establish the medical necessity for the intermittent leave or leave on a reduced leave schedule, and an estimate of the frequency and duration of the episodes of incapacity.

If the employee submits a complete and sufficient certification signed by the health care provider, the division may not request additional information from the health care provider. However, the division may contact the health care provider for purposes of clarification and authentication of the medical certification. To make such contact, the division must use a health care provider, a human resources professional, a leave administrator, or a management official. The employee's direct supervisor may not contact the employee's health care provider.

If the school division doubts the validity of a certification, it may require, at its own expense, that the employee obtain the opinion of a second health care provider designated or approved by the school division concerning any information certified. The health care provider designated or approved by the school division may not be employed by the school division on a regular basis.

If the second opinion differs from the original certification, the school division may require, at its own expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the school division and the employee concerning information certified. The opinion of the third health care provider will be binding on both the school division and the employee.

***Leave Because of a Serious Health Condition of a Child, Spouse, or Parent of Employee***

Family and medical leave shall be provided when the employee is needed to care for his/her spouse, child or parent with a serious health condition, as defined above. Employees are entitled, when medically necessary, to take such leave on an intermittent or reduced leave schedule except as provided below.

If the necessity for leave is foreseeable based on planned medical treatment, the employee shall

- (1) make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the division; and
- (2) provide the division with at least 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave. If the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

The employee's notice should be sufficient to make the division aware that the employee needs FMLA-qualifying leave and the anticipated timing and duration of the leave.

The School Board may require that a request for leave to care for an employee's spouse, parent, or child with a serious health condition be supported by a certification issued by a health care provider of the family member in need of care. The division may use Form WH-380-F (Attachment 3) for this medical certification. The division should ask the employee to furnish certification when the employee gives notice of the need for leave or within five business days thereafter, or, in the case of unforeseen leave, within five business days after the leave begins. The division may request certification at some later date if it has reason to question the appropriateness of the leave or its duration. The employee must provide the requested certification within 15 calendar days after the division's request. When the division requests certification, it will advise the employee of the anticipated consequences of the employee's failure to provide adequate certification.

Certification will be sufficient if it states

- (1) the name, address, telephone number, and fax number of the health care provider and type of medical practice/specialization;
- (2) the approximate date on which the serious health condition commenced and its probable duration;
- (3) a statement or description of appropriate medical facts regarding the patient's health condition for which FMLA leave is requested. The medical facts must be sufficient to support the need for leave; and
- (4) information sufficient to establish that the family member is in need of care and an estimate of the frequency and duration of the leave required to care for the family member.

If an employee requests leave on an intermittent or reduced leave schedule for planned medical treatment of a family member's serious health condition, the certification shall include information sufficient to establish the medical necessity for such intermittent or reduced schedule leave and an estimate of the dates and the duration of such treatments and any periods of recovery

If an employee requests leave on an intermittent reduced leave schedule in order to care for a family member with a serious health condition, the certification shall include a statement that the employee's intermittent leave or leave on a reduced leave schedule is medically necessary for the care of the son, daughter, parent, or spouse who has a serious health condition, or will assist in their recovery, and the expected duration and schedule of the intermittent leave or reduced leave schedule.

If the employee submits a complete and sufficient certification signed by the health care provider, the division may not request additional information from the health care provider. However, the division may contact the health care provider for purposes of clarification and authentication of the medical certification. To make such contact, the division must use a health care provider, a human resources professional, a leave administrator, or a management official. The employee's direct supervisor may not contact the employee's health care provider.

If the school division doubts the validity of a certification, it may require, at its own expense, that the employee obtain the opinion of a second health care provider designated or approved by the school division concerning any information certified. The health care provider designated or approved by the school division may not be employed by the school division on a regular basis.

If the second opinion differs from the original certification, the school division may require, at its own expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the school division and the employee concerning information certified. The opinion of the third health care provider will be binding on both the school division and the employee.

### ***Leave to Care for a Covered Servicemember***

If the necessity for leave is foreseeable based on planned medical treatment for a serious injury or illness of a covered servicemember, the employee shall

- (1) make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the division; and
- (2) provide the division with at least 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave. If the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

The employee's notice should be sufficient to make the division aware that the employee needs FMLA-qualifying leave and the anticipated timing and duration of the leave.

The School Board may require that a request for leave to care for a covered servicemember with a serious injury or illness be supported by a certification issued by a health care provider of the covered serviceperson. The certification may be completed by any health care provider listed in 29 C.F.R. 825.310(a). The employee shall provide, in a timely manner, a copy of such certification to the school division.

Certification will be sufficient if it states

- (1) the name, address, and appropriate contact information (telephone number, fax number, and/or email address) of the health care provider, the type of medical practice, the medical specialty, and whether the health care provider is one of the following: a (DOD) health care provider, a United States Department of Veterans Affairs (VA) health care provider, a DOD TRICARE network authorized private health care provider, or a DOD non-network TRICARE authorized health care provider or a health care provider as defined in 29 C.F.R. 825.125;
- (2) whether the covered servicemember's injury or illness was incurred in the line of duty on active duty;
- (3) the approximate date on which the serious health condition or serious injury or illness commenced or was aggravated and its probable duration;
- (4) a statement or description of appropriate medical facts regarding the covered servicemember's health condition for which FMLA leave is requested. The medical facts must be sufficient to support the need for leave; and
- (5) information sufficient to establish that the covered servicemember is in need of care and whether the covered servicemember will need care for a single continuous period of time, including any time for treatment and recovery, and an estimate as to the beginning and ending dates for this period of time.

If an employee requests FMLA leave on an intermittent or reduced leave schedule for planned medical treatment appointments for the covered servicemember, the certification must state that there is a medical necessity for the covered servicemember to have such periodic care and must contain an estimate of the treatment schedule of such appointments.

If an employee requests FMLA leave on an intermittent or reduced schedule basis to care for a covered servicemember other than for planned medical treatment, the certification must contain a statement that there is a medical necessity for the covered servicemember to have such periodic care, and must contain an estimate of the frequency and duration of the periodic care.

In addition to the information listed above, the division may also request that the certification set forth the information on Form WH-385 (Attachment 7.)

In lieu of Form WH-385, the division will accept invitational travel orders (ITOs) or invitational travel authorizations (ITAs) issued to any family member to join an injured or ill servicemember at his or her bedside. An ITO or ITA is sufficient certification for the duration of time specified in the ITO or ITA. During that time period, the employee may take leave to care for the covered servicemember in a continuous block of time or on an intermittent basis.

The information on the certification must relate only to the serious injury or illness for which the current need for leave exists. The division may seek authentication or clarification of the certification, ITO, or ITA but may not seek second or third opinions. The division may require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember.

The division will also accept as sufficient certification of the servicemember's serious injury or illness documentation indicating the servicemember's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

***Leave Related to a Qualifying Exigency arising from Covered Active Duty or a Call to Covered Active Duty***

If the necessity for leave because of a qualifying exigency arising from the fact that a family member is on covered active duty or has been notified of an impending call to covered active duty is foreseeable, the employee shall give such notice to the school division as is reasonable and practicable. The employee's notice should be sufficient to make the division aware that the employee needs FMLA-qualifying leave and the anticipated timing and duration of the leave.

The first time an employee requests leave because of a qualifying exigency arising out of the covered active duty or call to covered active duty status (or notification of an impending call or order to covered active duty) of a military member, the division may require the employee to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to covered active duty status and the dates of the military member's covered active duty service. A copy of new active duty orders or other documentation issued by the military shall be provided to the division if the need for leave because of a qualifying exigency arises out of a different covered active duty or call to covered active duty status (or notification of an impending call or order to covered active duty) of the same or a different military member.

A request for leave because of a qualifying exigency must be supported by

- (1) a statement or description signed by the employee of appropriate facts regarding the qualifying exigency for which FMLA leave is requested. The facts must be sufficient to support the need for leave;
- (2) the approximate date on which the qualifying exigency commenced or will commence;
- (3) the beginning and ending dates of absence if the employee requests leave because of a qualifying exigency for a single, continuous period of time;
- (4) an estimate of the frequency and duration of the qualifying exigency if the employee requests leave because of a qualifying exigency on an intermittent or reduced schedule basis;
- (5) if the qualifying exigency involves meeting with a third party, appropriate contact information for the individual or entity with whom the employee is meeting and a brief description of the purpose of the meeting; and
- (6) if the qualifying exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders, or other documentation issued by the military which indicates that the military member has been granted Rest and Recuperation leave, and the dates of the military member's Rest and Recuperation leave.

The division may use Form WH-384 (Attachment 6) for this certification.

### ***Rules for Intermittent and Reduced Schedule Leave***

When permitted by the FMLA, intermittent and reduced schedule leave may be used until the aggregate amount of such leave equals twelve weeks or 26 weeks if the leave is taken to care for a covered servicemember in the employee's rolling year. However, when the employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment the school division may temporarily transfer the employee to an available alternative position with equivalent pay and benefits that better accommodates the employee's intermittent or reduced schedule leave.

When an eligible employee employed principally in an instructional capacity requests leave to care for a family member with a serious health condition, leave because of the employee's own serious health condition, or leave to care for a covered servicemember and the leave is foreseeable based on planned medical treatment and the employee would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, the school division may require the employee to elect either

- (1) to take leave for periods of a particular duration, not to exceed the duration of the planned medical treatment; or
- (2) to transfer temporarily to an available alternative position offered by the school division for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave than the employee's regular employment position.

The school division may require an employee to make such an election when the employee has

- (1) made a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the division, subject to the approval of the health care provider; and
- (2) has provided the division with not less than 30 days' notice before the date the leave is to begin, of the employee's intention to take leave, except that if the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

### ***Rules for Husband and Wife Employed by Charles City School Division***

A husband and wife who are both eligible for family and medical leave and are employed by Charles City school division shall be granted family and medical leave only for a combined total of twelve weeks per year when the leave is taken for the birth, foster placement, or adoption of a child or to care for the child after birth, adoption, or foster placement or to care for a parent with a serious health condition.



A husband and wife who are both eligible for family and medical leave and are employed by Charles City school division shall be granted family and medical leave only for a combined total of 26 workweeks per year if the leave

- (1) is taken to care for a covered servicemember; or
- (2) is taken as a combination of leave to care for a covered servicemember and leave for the birth, foster placement, or adoption of a child or to care for the child after birth, adoption, or foster placement or to care for a parent with a serious health condition. However, if the leave taken by the husband and wife includes leave for the birth, foster placement, or adoption of a child or to care for the child after birth, adoption, or foster placement or to care for a parent with a serious health condition, the leave for that reason shall be limited to 12 workweeks per year.

### ***Benefits During Family and Medical Leave***

Employees on family and medical leave shall receive the group health insurance plan coverage on the same conditions as coverage would have been provided if the employee had been working during the period of leave. Other benefits shall be provided according to Charles City County school division policy for paid or unpaid leave, whichever applies.

If the employee fails to return to work when the period of leave to which he or she is entitled expires for any reason other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave, or other circumstances beyond the employee's control, the school division may recover the premium it paid for maintaining the employee's coverage during the period of unpaid leave in accordance with federal law.

### ***Return to Work***

An employee on family and medical leave shall provide the division at least two work days' notice of the intent to return to work. The employee shall be returned to the same or equivalent position at the end of the family and medical leave unless the division shows that the employee would not otherwise have been employed at the time reinstatement is requested.

The following return to work provisions apply to instructional employees:

1. If an instructional employee begins family and medical leave more than five (5) weeks before the end of an academic term, the employee may be required to continue taking leave until the end of the term if the leave is at least three (3) weeks in duration and the return to work would occur during the last three (3) weeks of the academic term.
2. If an instructional employee begins family and medical leave a) because of the birth, adoption, or foster care placement of a son or daughter of the employee, b) to care for a family member with a serious health condition, or c) to care for a covered service member during the five (5) week period before the end of an academic term, the employee may be required to continue taking leave until the end of the academic term if the leave is longer than two (2) weeks in duration and the return to work would occur during the last two (2) weeks of the academic term.

3. If an instructional employee begins family and medical leave:
  - a) because of the birth, adoption, or foster care placement of a son or daughter of the employee,
  - b) to care for a family member with a serious health condition, or
  - c) to care for a covered service member during the three (3) week period before the end of an academic term, the employee may be required to continue taking leave until the end of an academic term if the leave is longer than five (5) working days in duration.

If an instructional employee is required to continue leave until the end of an academic term, only the period of leave until the employee is ready and able to return to work shall be counted against the family and medical leave entitlement. However, the division must continue the group health insurance coverage under the same conditions as if the employee were working.

### ***Outside Employment***

An employee who is on family and medical leave may not engage in employment for any other employer or self-employment while on leave. Falsification of records and failure to correct records known to be false are violations of this policy and will result in discipline which may include termination from employment.

Adopted: April 15, 2008  
Revised: May 18, 2010  
Reviewed: October 18, 2016

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Legal Refs.: 29 U.S.C. §§ 207, 2611, 2612, 2613, 2614, 2618, 2619.

29 C.F.R. 825.110, 825.115, 825.122, 825.124, 825.125, 825.200, 825.203, 825.207, 825.300, 825.301, 825.302, 825.303, 825.305, 825.306, 825.307, 825.309, 825.310, 825.311, 825.312, 825.600, 825.602, 825.603, 825.800.

Cross Refs.: GCBD                      Staff Leaves and Absences  
GCBEA                      Leave without Pay  
GCQA                      Nonschool Employment by Staff Members

## ATTACHMENTS

- Attachment 1 **Employee Rights and Responsibilities Under the Family and Medical Leave Act** (WHD Publication 1420) (Revised February 2013) *Please note: a copy of this poster can be downloaded from*  
<http://www.dol.gov/whd/regs/compliance/posters/fmla.htm>
- Attachment 2 **Certification of Health Care Provider for Employee's Serious Health Condition (Family and Medical Leave Act)** (Form WH-380-E) (Revised May 2015) *Please note: a copy of the certification form can be downloaded from*  
<http://www.dol.gov/whd/forms/WH-380-E.pdf>
- Attachment 3 **Certification of Health Care Provider for Family Member's Serious Health Condition (Family and Medical Leave Act)** (Form WH-380-F) (Revised May 2015) *Please note: a copy of this form may be downloaded from*  
<http://www.dol.gov/whd/forms/WH-380-F.pdf>
- Attachment 4 **Notice of Eligibility and Rights & Responsibilities (Family and Medical Leave Act)** (Form WH-381) (Revised February 2013) *Please note: a copy of this form may be downloaded from*  
<http://www.dol.gov/whd/forms/WH-381.pdf>
- Attachment 5 **Designation Notice (Family and Medical Leave Act)** (Form WH-382) *Please note: a copy of this form may be downloaded from*  
<http://www.dol.gov/whd/forms/WH-382.pdf>
- Attachment 6 **Certification of Qualifying Exigency for Military Family Leave (Family and Medical Leave Act)** (Form WH-384) (Revised February 2013) *Please note: a copy of this form may be downloaded from* <http://www.dol.gov/whd/forms/WH-384.pdf>
- Attachment 7 **Certification for Serious Injury or Illness of Covered Servicemember- for Military Family Leave (Family and Medical Leave Act)** (Form WH-385) (Revised May 2015) *Please note: a copy of this form may be downloaded from*  
<http://www.dol.gov/whd/forms/WH-385.pdf>
- Attachment 8 **Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave (Family and Medical Leave Act)** (Form WH-385-V (revised May 2015) *Please note: a copy of this form may be downloaded from*  
<http://www.dol.gov/whd/forms/wh385V.pdf>

LEAVE WITHOUT PAY

**Employee’s Debilitating or Life-Threatening Illness or Injury**

A leave of absence, without pay, may be granted to employees of the school division who have a debilitating or life-threatening illness or injury and who are not eligible for Family and Medical Leave as described in Policy GCBE Family and Medical Leave because they have not worked for the division for 12 months or have not worked at least 1250 hours according to the Fair Labor Standards Act, 29 U.S.C. § 201 et seq.

Employees with a debilitating or life-threatening illness who are entitled to leave under this policy may take up to thirty (30) days unpaid leave during their first year of employment with the school division. Leave may be taken only in full-day increments. Leave may be taken only when the employee has no other leave (such as sick leave) available.

Employees must submit medical documentation of their need for leave. Whenever possible, documentation must be provided prior to leave being taken.

Approval must be obtained prior to leave being taken.

All rights under this policy expire at the end of the employee’s first year of service.

**Other Work During Leave**

Employees who are on unpaid leave pursuant to this policy or any other policy, except those on leave pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) (see Policy GCBE Military Leave and Benefits), may not engage in work for which they receive pay or any other type of remuneration without the prior written approval of the superintendent.

Adopted: August 15, 2006  
Revised:  
Reviewed: October 18, 2016

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-296.

Cross Refs.: GCBD Staff Leaves and Absences  
GCBE Family and Medical Leave  
GCBE Military Leave and Benefits

## MILITARY LEAVE AND BENEFITS

### **Leave**

All employees of Charles City School Board who are members of the state or federal military reserves are entitled to leaves of absence from their duties on all days during which they are engaged in federally funded military duty, including training duty, or when called forth by the Governor. Immediately upon receipt of official notice to report for duty, the employee will notify his or her supervisor of the need for military leave. A copy of the official orders must accompany the leave request.

### **Pay/Paid Leave**

All employees on military leave will receive up to 15 days paid leave per federally funded tour of duty. When possible, military leave for employees on less than a 12-month contract will be arranged during non-duty hours. An employee who is scheduled for a physical examination for military service during working hours, including but not limited to pre-induction physicals, will be given paid leave.

In addition, full-time employees of the Charles City School Division whose active duty service with the regular armed forces of the United States or the National Guard or other reserve component requires his or her absence from employment will receive supplemental pay in the amount of in the amount of the difference between military pay and the regular salary paid by the school division if the employee's military compensation is less than the regular salary paid to the employee by the school division.

The employee will be permitted, upon request, to use any vacation, annual, or similar leave that had accrued at the time military leave began.

Except as outlined above, military leave is unpaid.

### **Benefits**

#### *Health Benefits*

If the employee so desires, the employee and the employee's dependents may continue to participate in the division's group health plan for up to 24 months while the employee is on military leave. The employee must notify the benefits department in writing if he or she wants to continue participation in the division's group health plan. Employees who elect to continue on the division's health plan will be responsible for the following payments:

#### *Retirement Benefits*

An employee reemployed after military leave will be treated as not having incurred a break in service. The period of military leave will be considered service to the division for purposes of vesting and benefit accrual. The division is responsible for its pension plan funding obligation. The division is not required to make its contribution until the employee is reemployed.

The employee will be allowed, but not required, to make up his or her contributions to a contributory plan. The employee may repay his or her employee contributions for a period of up to three times the period of military service, but not to exceed five years. If the employee's retirement plan is contributory and the employee does not make up his or her contributions, he or she will not receive the employer match or the accrued benefit attributable to his or her contribution because the employer is required to make contributions that are contingent on the employee's contributions.

The employer and employee contribution will be calculated on the rate of pay the employee would have received but for the absence to serve military duty.

### **Reemployment**

An employee who is entitled to military leave by reason of service in the federal military reserves is entitled to be reemployed by the School Board as long as he or she

- has given advance notice of the need for military leave (unless notice is precluded by military necessity or is otherwise impossible or unreasonable);
- has not been absent from his or her job for more than five years; and
- returns to work as outlined below.

If the employee was absent from work for

- less than 31 days, he or she must report back to work by the beginning of the next regularly scheduled work period after a reasonable amount of time to arrive home, rest and report to work;
- more than 30 days but less than 181 days, the employee must submit an application for reemployment within 14 days after the completion of service;
- more than 180 days, the employee must submit an application for reemployment within 90 days after the completion of service.

Employees who are entitled to military leave due to service in the Virginia military reserves must make written application for reemployment within:

- 1) 14 days of release from duty or from hospitalization following release if the length of the employee's absence by reason of service in the uniformed services does not exceed 180 days or
- 2) 90 days of his release from duty or from hospitalization following release if the length of the employee's absence by reason of service in the uniformed services exceeds 180 days.

Upon returning from duty, an employee will be restored to the same job he held before leaving or to a comparable job. The School Board is not obligated to reemploy persons returning from military leave in certain unusual situations specified by state and federal law.

### **Termination after Reemployment**

A person who is reemployed after returning from more than 30 days of military duty will not be discharged except for cause

- within one year after the date of reemployment, if the person's period of military service before the reemployment was more than 180 days; or
- within 180 days after the date of reemployment, if the person's period of military service before the reemployment was more than 30 days but less than 181 days.

### **Discrimination Against Members of Military Reserves Prohibited**

Members of the military reserves will not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of that membership.

Adopted: August 15, 2006  
Revised:  
Reviewed: October 18, 2016

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Legal Refs: 38 U.S.C. §§ 4312, 4313, 4316, 4317.

20 C.F.R. §§ 1002.259, 1002.261, 1002.262, 1002.267.

Code of Virginia, 1950, as amended, §§ 22.1-289.2, 44-93, 44-93.1, 44-93.3, 44-93.4, 44-102.1.

## EMPLOYMENT OF FAMILY MEMBERS

The School Board may not employ or pay, and the superintendent may not recommend for employment, any family member of the superintendent or of a School Board member. This prohibition does not apply to the employment, promotion, or transfer within the school division of any family member who

- has been employed pursuant to a written contract with the School Board or employed as a substitute teacher or teacher's aide by the School Board prior to the taking of office of the superintendent or any School Board member, or
- has been employed pursuant to a written contract with the School Board or employed as a substitute teacher or teacher's aide by the School Board prior to the inception of the family relationship, or
- was employed by the school board at any time prior to June 10, 1994, and had been employed at any time as a teacher or other employee of any Virginia school board prior to the taking of office of any member of the school board or division superintendent of schools.

A family member employed as a substitute teacher may not be employed to any greater extent than he was employed by the School Board in the last full school year prior to the taking of office of such board member or division superintendent or to the inception of such relationship.

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

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

Adopted: August 15, 2006  
Revised: July 20, 2010; July 19, 2011  
Reviewed: October 18, 2016

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Legal Ref.: Code of Virginia, 1950, as amended, § 2.2-3119.

Cross Ref.: BBFA Conflict of Interests and Disclosure of Economic Interests  
GCI Professional Staff Assignments and Transfers



## EFFECT OF CRIMINAL CONVICTION OR FOUNDED COMPLAINT OF CHILD ABUSE OR NEGLECT

### Generally

The Board will not hire or continue the employment of any part-time, full-time, temporary, or permanent personnel who are determined to be unsuited for service by reason of criminal conviction or information appearing in the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services.

### I. APPLICANTS FOR EMPLOYMENT

#### A. Criminal Convictions

As a condition of employment for all of its public school employees, whether full-time or part-time, permanent, or temporary, the Charles City School Board shall require on its application for employment certification (i) that the applicant has not been convicted of a felony or any offense involving the sexual molestation, physical or sexual abuse or rape of a child; and (ii) whether the applicant has been convicted of a crime of moral turpitude.

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

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

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

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

#### B. Founded Complaints of Child Abuse or Neglect

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

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

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

## II. EMPLOYEE CHARGES AND CONVICTIONS

### A. Criminal Proceedings

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

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

The superintendent shall inform the School Board of any notification of arrest of a school board employee received pursuant to Virginia Code §19.2-83.1. The School Board shall require such

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

#### B. Founded Complaints of Child Abuse or Neglect

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

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

#### IV. COSTS OF FINGERPRINTING, CRIMINAL RECORD AND ABUSE AND NEGLECT CHECKS

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

Adopted: July 2009  
Revised: July 17, 2012; October 18, 2016  
Reviewed:

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Legal Ref.: Code of Virginia, as amended, §§ 18.2-251, 19.2-83.1, 19.2-389, 22.1-78, 22.1-296.1, 22.1-296.2, 22.1-296.4, 22.1-307, 22.1-315, 63.2-1515.

Cross Refs.: GCPF Suspension of Staff Members  
GCPD Professional Staff Discipline

## PART-TIME AND SUBSTITUTE PROFESSIONAL STAFF EMPLOYMENT

### Substitute Teachers

Substitute teachers shall:

- be at least 18 years old, with preference given to persons 21 years old or older;
- possess good moral character;
- hold a high school diploma or have passed a high school equivalency examination approved by the Board of Education;
- attend orientation to school policies and procedures.

The Charles City County School Board shall seek to employ substitute teachers, especially those engaged as long-term substitutes, who exceed these requirements.

A substitute teacher, as used in this section, is (i) one who is employed to substitute for a contracted teacher for a temporary period of time during the contracted teacher's absence, or (ii) one who is employed to fill a teacher vacancy for a period of time, but for no longer than 90 teaching days in such vacancy, unless otherwise approved by the Superintendent of Public Instruction on a case-by-case basis, during one school year.

### *Homebound Teachers*

Homebound teachers shall be employed on a part-time, hourly basis. They shall be selected from the active file of applicants in the Personnel Office or from the approved substitute teacher list and shall hold a valid teaching certificate.

### *Part-Time Teachers*

An employee working less than 180 days or less than six (6) hours per day or who is restricted to temporary or interim employment is considered part-time. Part-time teachers shall meet the certification requirements of the State Board of Education.

### *Summer School Teachers*

Summer school teachers shall hold a valid teaching license.

### *Interns*

Arrangements for the utilization of interns in the school division should be initiated through the superintendent.

### *Student Teachers*

The school division shall accept student teachers only from accredited institutions. All student teachers shall meet the same health requirements as all other personnel. The superintendent shall have the responsibility for the

assignment and placement of student teachers in the school system. Student teachers shall not be used as substitute teachers.

Adopted: April 10, 2003  
Revised: July 20, 2010; July 17, 2012  
Reviewed: October 16, 2016

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-302.

Cross Ref.: GCB Professional Staff Contracts  
GCPD Professional Staff Discipline  
GCPF Suspension of Staff Members

PROFESSIONAL STAFF PROBATIONARY TERM  
AND CONTINUING CONTRACT

**Teachers**

*Probationary Term*

A probationary term of service of five years in Charles City School Division is required before a teacher is issued a continuing contract. Service under a local teacher license does not count towards satisfying this probationary requirement. A mentor teacher is provided to every first year probationary teacher to assist him or her in achieving excellence in instruction. Probationary teachers with prior successful teaching experience may be exempt from this requirement with approval from the superintendent. Probationary teachers shall be evaluated at least annually in accordance with policy GCN Evaluation of Professional Staff. A teacher in his first year of the probationary period is evaluated informally at least once during the first semester of the school year. The superintendent shall consider such evaluations as one factor in making recommendations to the School Board regarding the nonrenewal of such teacher's contract. If a probationary teacher's evaluation is not satisfactory, the School Board shall not reemploy the teacher.

In order to achieve continuing contract status, every teacher must successfully complete training in instructional strategies and techniques for intervention for or remediation of students who fail or are at risk of failing the Standards of Learning assessments. Charles City School Board provides said training at no cost to teachers it employs. If such training is not offered in a timely manner, no teacher will be denied continuing contract status for failure to obtain such training.

Once a continuing contract status has been attained in a school division in this state, another probationary period need not be served unless such probationary period, not to exceed two years, is made a part of the contract of employment. If a teacher separates from service and returns to teaching service in Virginia public schools by the beginning of the third year, the person shall be required to begin a new probationary period, not to exceed two years, if made part of the contract.

If a teacher who has not achieved continuing contract status receives notice of re-employment, he must accept or reject in writing within 15 calendar days of receipt of the notice. Unless a conference with the superintendent is requested as specified in the Code of Virginia, or in the case of reduction in force, written notice of nonrenewal of the contract must be given by the board on or before June 15 of each year. If the teacher requests a conference with the superintendent, then written notice of non-renewal by the School Board must be given within thirty days after the superintendent notifies the teacher of his intention with respect to the recommendation.

### *Continuing Contract*

Teachers employed after completing the probationary period shall be entitled to continuing contracts during good behavior and competent service. Written notice of noncontinuation of the contract by either party must be given by June 15 of each year; otherwise the contract continues in effect for the ensuing year.

The School Board may reduce the number of teachers, whether or not such teachers have reached continuing contract status, because of decrease in enrollment or abolition of particular subjects.

Furthermore, nothing in the continuing contract shall be construed to authorize the School Board to contract for any financial obligation beyond the period for which funds have been made available.

As soon after June 15 as the school budget is approved by the appropriating body, the school board shall furnish each teacher a statement confirming continuation of employment, setting forth assignment and salary.

Within two weeks of the approval of the school budget by the appropriating body, but no later than July 1, the school board will notify any teacher who may be subject to a reduction in force due to a decrease in the school board's budget as approved by the appropriating body.

### **Principals, Assistant Principals, and Supervisors**

A person employed as a principal, assistant principal or supervisor, including a person who has previously achieved continuing contract status as a teacher, shall serve a probationary term of three years in such position in the same school division before acquiring continuing contract status as a principal, assistant principal or supervisor.

Continuing contract status acquired by a principal, assistant principal or supervisor shall not be construed (i) as prohibiting the School Board from reassigning such principal, assistant principal or supervisor to a teaching position if notice of reassignment is given by the School Board by June 15 of any year or (ii) as entitling any such principal, assistant principal or supervisor to the salary paid him as principal, assistant principal or supervisor in the case of any such reassignment to a teaching position. No such salary reduction and reassignment, however, shall be made without first providing such principal, assistant principal or supervisor with written notice of the reason for such reduction and reassignment and an opportunity to present his or her position at an informal meeting with the superintendent, the superintendent's designee or the School Board. Before recommending such reassignment, the superintendent shall consider, among other things, the performance evaluations for such principal, assistant principal or supervisor.

The principal, assistant principal or supervisor shall elect whether such meeting shall be with the superintendent, the superintendent's designee or the School Board. The School Board, superintendent or superintendent's designee shall determine what processes are to be followed at the meeting. The decision to reassign and reduce salary shall be at the sole discretion of the School Board.

The intent of this section is to provide an opportunity for a principal, assistant principal or supervisor to discuss the reasons for such salary reduction and reassignment with the superintendent, his designee or the School Board, and the provisions of this section are meant to be procedural only. Nothing contained herein shall be taken to require cause for the salary reduction and reassignment of a principal, assistant principal or supervisor.

As used in this policy, "*Supervisor*" means a person who holds an instructional supervisory position as specified in the regulations of the Board of Education and who is required to hold a license as prescribed by the Board of Education.

Adopted: August 19, 2003  
Revised: July 15, 2008; July 11, 2011; July 17, 2012; October 18, 2016  
Reviewed:

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-294, 22.1-303, 22.1-304.

Cross Refs.: GBM Professional Staff Grievances  
GCB Professional Staff Contracts  
GCE Part-Time and Substitute Professional Staff  
Employment  
GCN Evaluation of Professional Staff  
GCPA Reduction in Professional Staff Work Force  
GCPB Resignation of Staff Members  
GCPD Professional Staff Discipline  
GCPF Suspension of Staff Members



## PROFESSIONAL STAFF ASSIGNMENTS AND TRANSFERS

Principals and other supervisory personnel may submit recommendations to the superintendent for the appointment, assignment, promotion, transfer and dismissal of all personnel assigned to their supervision.

The school board is responsible for placing all employees within the various schools and facilities located in the school division upon the recommendation of the superintendent. The superintendent has the authority to assign such employees to their respective positions within the school or facility wherein they have been placed by the School Board.

The superintendent may also reassign any such employee for that school year to any school or facility within such division, provided no change or reassignment during a school year shall affect the salary of such employee for that school year. However, no one will be employed in or reassigned to a situation where a family member, as defined in Policy GCCB Employment of Family Members, is directly responsible for that employee's supervision.

Any employee seeking a transfer of assignment to another work location for the next school year must make a request in writing to the superintendent or the superintendent's designee, with copies to the current supervisor, not later than April 1. This type of request, if granted, will be considered a voluntary transfer. A change of assignment within an immediate work station is the responsibility of the immediate supervisor.

Adopted: April 15, 2008  
Revised: June 18, 2013  
Reviewed: October 18, 2016

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-293, 22.1-295, 22.1-297.

Cross Ref: GCCB Employment of Family Members

## PROFESSIONAL STAFF DEVELOPMENT

The Charles City County School Board provides a program of high-quality professional development

- (i) in the use and documentation of performance standards and evaluation criteria based on student academic progress and skills for teachers and administrators to clarify roles and performance expectations and to facilitate the successful implementation of instructional programs that promote student achievement at the school and classroom levels;
- (ii) as part of the license renewal process, to assist teachers and principals in acquiring the skills needed to work with gifted students, students with disabilities, and students who have been identified as having limited English proficiency and to increase student achievement and expand the knowledge and skills students require to meet the standards for academic performance set by the Board of Education;
- (iii) in educational technology for all instructional personnel which is designed to facilitate integration of computer skills and related technology into the curricula,
- (iv) for administrative personnel designed to increase proficiency in instructional leadership and management, including training in the evaluation and documentation of teacher and administrator performance based on student academic progress and the skills and knowledge of such instructional or administrative personnel, and
- (v) designed to educate School Board employees about bullying and the need to create a bully-free environment.

In addition, the Board provides teachers and principals with high-quality professional development programs each year in

- (i) instructional content;
- (ii) the preparation of tests and other assessment measures;
- (iii) methods for assessing the progress of individual students, including Standards of Learning assessment materials or other criterion-referenced tests that match locally developed objectives;
- (iv) instruction and remediation techniques in English, mathematics, science and history and social science;
- (v) interpreting test data for instructional purposes;
- (vi) technology applications to implement the Standards of Learning; and
- (vii) effective classroom management.

All instructional personnel are required to participate each year in professional development programs.

The Board will annually review its professional development program for quality, effectiveness, participation by instructional personnel, and relevancy to the instructional needs of teachers and the academic achievement needs of the students in the school division.

Adopted: July 17, 2007  
Revised: June 18, 2013  
Reviewed: October 18, 2016

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-253.13:5.  
8VAC 20-450-10.

## EVALUATION OF PROFESSIONAL STAFF

Every employee of the Charles City School Board staff will be evaluated on a regular basis at least as frequently as required by law.

The superintendent shall assure that cooperatively developed procedures for professional staff evaluations are implemented throughout the division and included in the division's policy manual. The results of the evaluation shall be in writing, dated and signed by the evaluator and the person being evaluated, with one copy going to the central office personnel file and one copy to the person being evaluated.

The primary purposes of evaluation are:

- to optimize student learning and growth;
- to contribute to the successful achievement of the goals and objectives of the division's educational plan;
- to improve the quality of instruction by ensuring accountability for classroom performance and teacher effectiveness;
- to provide a basis for leadership improvement through productive performance appraisal and professional growth;
- to implement a performance evaluation system that promotes a positive working environment and continuous communication between the employee and the evaluator that promotes continuous professional growth, leadership effectiveness, improvement of overall job performance and improved student outcomes; and
- to promote self-growth, instructional effectiveness, and improvement of overall professional performance.

The procedures will be consistent with the performance objectives included in the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers and the Guidelines for Uniform Performance Standards and Evaluation Criteria for Principals. Evaluations shall include student academic progress as a significant component and an overall summative rating.

Any teacher whose evaluation indicates deficiencies in managing student conduct may be required to attend professional development activities designed to improve classroom management and discipline skills.

If a teacher's performance evaluation during the probationary period is not satisfactory, the School Board shall not reemploy the teacher.

Adopted: July 19, 2004  
Revised: April 11, 2011; July 17, 2012; June 18, 2013  
Reviewed: October 18, 2016

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-294, 22.1-295, 22.1-303, 22.1-253.13:5, 22.1-253.13:7 and 22.1-276.2.

Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers (Virginia Board of Education April 2011)  
([http://www.doe.virginia.gov/teaching/performance\\_evaluation/guidelines\\_ups\\_eval\\_criteria\\_teachers.pdf](http://www.doe.virginia.gov/teaching/performance_evaluation/guidelines_ups_eval_criteria_teachers.pdf)).

Guidelines for Uniform Performance Standards and Evaluation Criteria for Principals (Virginia Board of Education February 2012)  
([http://www.doe.virginia.gov/teaching/performance\\_evaluation/guidelines\\_ups\\_eval\\_criteria\\_principals.pdf](http://www.doe.virginia.gov/teaching/performance_evaluation/guidelines_ups_eval_criteria_principals.pdf)).

Cross Ref.:      CBG                      Evaluation of the Superintendent  
                      GCG                      Professional Staff Probationary Term and Continuing Contract

## REDUCTION IN FORCE FOR TEACHERS

In the event of a decrease in pupil enrollment, insufficient allocation of financial resources, expiration of special grants and/or other conditions which may result in a reduction in staff, the school board, upon recommendation of the superintendent, shall determine the program adjustments to be made and the reduction in force required.

### Definitions:

1. Active Assignment  
For purposes of this policy, “active assignment” shall mean the endorsement area in which the teacher is actively assigned at such time as it may become necessary to implement reduction in force procedures.
2. Endorsement Area  
For purposes of this policy, “endorsement area” shall mean the teaching endorsement shown on the current teaching license as issued by the Board of Education.
3. Performance Evaluation  
For purposes of this policy, “performance evaluation” shall mean the evaluation of the employee’s performance as reflected in both formal and informal instruments, including, but not limited to, Charles City County Teacher Performance Evaluation System, classroom observations, letters of reprimand, etc.
4. Seniority  
Seniority shall be that period of time commencing with the most recent term of continuous full-time service in the Charles City County Public Schools based on date of contract with the Charles City County School Board, including authorized leave(s), but excluding employment under temporary or interim contract. For the purposes of this policy, a minimum of 180 work days in a school year will be required for a teacher to be credited with a year of seniority. Should a tie exist, the tie shall be broken in the following order:
  - a. official beginning date of employment as shown on the teacher’s contract;
  - b. the date the School Board took action on the employment of the teacher as shown in the Board’s minutes;
  - c. date of teacher’s signature on the teacher’s contract; and
  - d. selection by lot.
5. Teacher  
As used in this policy, “teacher” shall mean a regularly employed full-time classroom teacher, guidance counselor, or librarian/media specialist.

### Reduction in Force Procedures:

1. Probationary Contract Teachers:

Destaffing of probationary contract teachers on or before June 15 will be in accordance with the procedures set forth in §22.1-305 of the Code of Virginia. Except as provided hereafter, the destaffing of probationary contract teachers after June 15 will be in accordance with the provisions of this policy.

2. Continuing Contract Teachers:

When recommending the destaffing of teachers under continuing contract and probationary teachers after June 15, the superintendent will consider the performance of the teacher as reflected in that teacher's performance evaluation, employee licensure, areas of endorsement, and other qualifications, such as the employee being awarded highly effective or national board status and the teacher's seniority as defined above. If the superintendent determines that two or more employees under consideration for reduction are equal after application of the above identified criteria, then and only then shall seniority be the determining factor.

### Seniority Lists for Teachers

Seniority lists for teachers will be shown in ascending order of seniority and shall be comprised of lists based on the endorsement or other special areas of the active assignment as follows (or on the comparable endorsement areas under the Licensure Regulations of the Board of Education in effect at the time it may become necessary to implement reduction in force procedures):

- Subject Areas – English, Mathematics, History/Social Studies, Etc.
- Early/Primary Education – PK-3
- Elementary Education – PK-6
- Middle Education – 6-8
- Special Areas – Special Education, Federal or other specially funded programs, Adult Education, or other special areas.

A teacher holding a comprehensive elementary endorsement of grades PK-3 or PK-6 will be listed in the first category that is appropriate to the teacher's active assignment, i.e. either PK-3 or PK-6.

### Transfers

Transfers may be made within the division to accommodate the retention of employees affected by the reduction in force. The selection of personnel to be transferred will be governed by the need to maintain maximum effectiveness as determined by the superintendent in his/her sole discretion. Should a person refuse an assignment by transfer, he/she will lose all seniority and recall rights.

### Exceptions

1. The provisions of this policy shall not apply to the employment of personnel whose special skills and/or active assignment is essential to the effective operation of the school program. The determination of essential personnel shall be solely at the discretion of the school board upon recommendation of the superintendent.
2. The provisions of this policy shall not apply and shall not provide the basis for any employee action in situations involving adjustments in length of contracts of any personnel of the school division.
3. Any teacher on a plan of improvement shall not have any seniority or recall rights; provided, however, that the superintendent shall review the circumstances surrounding such plan of improvement, including, but not limited to, whether sufficient time has elapsed to allow the teacher to pursue the recommended corrective actions; whether the teacher has diligently pursued the recommended corrective actions; and whether the teacher had been previously placed on a plan of improvement. Based on such review, the superintendent may, in his/her sole discretion, exempt the teacher from this provision.

### Notification

All employees scheduled for reduction in force under this policy shall be notified in writing at the earliest possible date but not later than June 15 preceding the school year for which reduction in force shall become effective unless insufficient funding or decrease in enrollment after that date requires further or additional adjustments.

### Recall Procedures

1. Teachers under probationary contract shall have no recall rights but will be given consideration for reemployment at the discretion of the school board upon recommendation of the superintendent. The performance of the individual and length of service shall be among the factors considered in making this recommendation.
2. When openings occur, the eligible destaffed continuing contract teacher with the greatest seniority will be offered a vacant position in the endorsement area of his/her active assignment at the time of the reduction in force. A teacher may be offered a position that is in his/her endorsement area, but not in his/her active assignment. In any event, a teacher offered a position must accept the assignment or lose all recall rights. Eligible licensed employees who have not been recalled within one (1) year from time of notification of reduction in force will have no further recall rights. During the recall period, eligible licensed employees who are reduced and who have not been offered a position will be placed on the list of eligible substitutes and subject to call at the discretion of the particular principal or his or her designee.
3. When an eligible destaffed continuing contract teacher is to be recalled, he/she will be notified first by telephone and/or e-mail. If the employee cannot be reached through either of those means, the teacher will be notified by certified mail at his/her last known address. If the offer of re-employment is not accepted in writing within ten (10) work days of notice of recall, all rights of recall will be forfeited. It shall be the responsibility



of the teacher to maintain an accurate telephone number, e-mail address and mailing address with the Department of Human Resources.

Teachers will not be eligible for recall if:

1. The teacher, subsequent to termination, makes a contractual commitment with another school or school division from which release cannot be obtained prior to July 15.
2. The teacher fails to maintain a valid teacher's license.
3. The teacher, subsequent to termination, becomes unable to qualify for a position in the endorsement area of his active assignment at the time of the reduction in force.

Board Minutes

To avoid negative implications with regard to the professional record of an employee destaffed under this policy, the minutes of the board will clearly show that such termination of employment was due to a reduction in force.

Board Prerogatives

Notwithstanding any rights herein granted by the school board, the school board reserves the right to at all times destaff, transfer, reassign or recall employees of the division in any manner as may be, in the school board's sole discretion, necessary in the best interest of and for the more efficient operation of the schools of the division.

Adopted: April 19, 2003  
Revised: June 18, 2013  
Reviewed: October 18, 2016

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-304.

Cross Ref.: GCG Professional Staff Probationary Term and Continuing Contract

Adopted: April 19, 2003  
Revised: June 18, 2013  
Reviewed: October 18, 2016

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-304.

Cross Ref.: GCG Professional Staff Probationary Term and Continuing Contract

## RESIGNATION OF STAFF MEMBERS

The superintendent is authorized to approve resignations of employees. Any resignation must be in writing.

A teacher may resign after June 15 of any school year with the approval of the superintendent. The teacher shall request release from contract at least two weeks in advance of the intended date of resignation. Such request shall be in writing and state the cause of the resignation. The teacher may, within one week, withdraw a request to resign. Upon the expiration of the one week period, the superintendent shall notify the School Board of the decision to accept or reject the resignation. The School Board, within two weeks, may reverse the decision of the superintendent. In the event that the Board or the division superintendent declines to grant the request for release on the grounds of insufficient or unjustifiable cause, and the teacher breaches such contract, disciplinary action, which may include revocation of the teacher's license, may be taken pursuant to regulations prescribed by the Board of Education.

Other employees who wish to terminate their employment must give notice at least ten school days prior to their desired separation date. Notice should be given to the employee's immediate supervisor, who will inform the superintendent. The superintendent will inform the School Board of the resignation at its next regular meeting.

Adopted: September 17, 2002  
Revised: April 17, 2012; July 17, 2012  
Reviewed: October 18, 2016

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Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-304.

8 VAC 20-440-160.

Cross Refs.: GCPD Professional Staff Discipline  
GDB Support Staff Employment Status

## PROFESSIONAL STAFF DISCIPLINE

### A. Probation and Dismissal

Teachers may be dismissed for incompetency, immorality, non-compliance with school laws and regulations, disability in accordance with State and federal law, conviction of a felony or a crime of moral turpitude or other good and just cause. "Incompetency" includes, but is not be limited to, consistent failure to meet the endorsement requirements for the position or one or more unsatisfactory performance evaluations.

A teacher shall be dismissed if such teacher is or becomes the subject of a founded complaint of child abuse and neglect, pursuant to Va. Code § 63.2-1505, and after all rights to an appeal provided by Va. Code § 63.2-1526 have been exhausted. The fact of such finding, after all rights to an appeal provided by Va. Code § 63.2-1526 have been exhausted, shall be grounds for the School Board to recommend that the Board of Education revoke such person's license to teach.

In those instances, when licensed personnel are dismissed or resign due to a conviction of any felony; any offense involving the sexual molestation, physical or sexual abuse or rape of a child; any offense involving drugs; or due to having become the subject of a founded case of child abuse or neglect, the School Board shall notify the Board of Education within 10 business days of such dismissal or the acceptance of such resignation.

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

No teacher shall be dismissed or placed on probation solely on the basis of the teachers' refusal to submit to a polygraph examination requested by the School Board.

### B. Suspension

Employees of Charles City School Board may be suspended as provided in Policy GCPF Suspension of Staff Members.

### C. Failure to Perform Nonemergency Health-Related Services

With the exception of school administrative personnel and employees who have the specific duty to deliver health-related services, no licensed instructional employee, instructional aide, or clerical employee shall be disciplined, placed on probation, or dismissed on the basis of such employee's refusal to (i) perform nonemergency health-related services for students or (ii) obtain training in the administration of insulin and glucagon. However, instructional aides and clerical employees may not refuse to dispense oral medications.

*"Health-related services"* means those activities which, when performed in a health care facility, must be delivered by or under the supervision of a licensed or certified professional.

D. Effect of Probation Pursuant to Va. Code §18.2-251

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

Adopted: September 5, 2001  
Revised: July 15, 2008; July 17, 2012; June 18, 2013  
Reviewed: October 18, 2016

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 18.2-251, 22.1-274, 22.1-296.2, 22.1-307, 22.1-313, 22.1-315.

Cross Refs.:	GCE	Part-Time and Substitute Staff Employment
	GCG	Professional Staff Probationary Term and Continuing Contract
	GCDA	Effect of Criminal Conviction or Founded Complaint of Child Abuse or Neglect
	GCPF	Suspension of Staff Members
	JHC	Student Health Services and Requirement

## SUSPENSION OF STAFF MEMBERS

Employees of Charles City School Board, whether full-time or part-time, permanent or temporary, may be suspended for good and just cause

- when the safety or welfare of the school division or the students therein is threatened or
- when the employee has been charged by summons, warrant, indictment or information with the commission of
  - a felony; or
  - a misdemeanor involving
    - sexual assault as established in Article 7 (§18.2-61 et seq.) of Chapter 4 of Title 18.2, of the Code of Virginia,
    - obscenity and related offenses as established in Article 5 (§18.2-372 et seq.) of Chapter 8 of Title 18.2, of the Code of Virginia,
    - drugs as established in Article 1 (§18.2-247 et seq.) of Chapter 7 of Title 18.2, of the Code of Virginia,
    - moral turpitude, or
    - the physical or sexual abuse or neglect of a child;
    - or an equivalent offense in another state.

Except when an employee is suspended because of being charged by summons, warrant, indictment or information with the commission of any of the above-listed offenses, the superintendent or appropriate central office designee shall not suspend an employee for longer than sixty (60) days and shall not suspend an employee for a period in excess of five (5) days unless such employee is advised in writing of the reason for the suspension and afforded an opportunity for a hearing before the school board in accordance with Va. Code §§ 22.1-311 and 22.1-313, if applicable. Any employee so suspended shall continue to receive his then applicable salary unless and until the school board, after a hearing, determines otherwise. No employee shall be suspended solely on the basis of the employee's refusal to submit to a polygraph examination requested by the School Board.

Any employee suspended because of being charged by summons, warrant, information or indictment with any of the above-listed criminal offenses may be suspended with or without pay. In the event an employee is suspended without pay, an amount equal to the employee's salary while on suspended status shall be placed in an interest-bearing demand escrow account. Upon being found not guilty of one of the above-listed criminal offenses or upon the dismissal or nolle prosequi of the charge, such employee shall be reinstated with all unpaid salary and accrued interest from the escrow account, less any earnings received by the employee during the period of suspension, but in no event shall such payment exceed one year's salary.

In the event an employee is found guilty by an appropriate court of any of the above-listed criminal offenses and, after all available appeals have been exhausted and such conviction is upheld, all funds in the escrow account shall be repaid to the School Board.

If an employee is suspended because of information appearing on his/her criminal history record, the School Board shall provide a copy of the information obtained from the Central Criminal Records Exchange to the employee.

No employee will have his insurance benefits suspended or terminated because of suspension in accordance with this policy.

The placing of a school employee on probation pursuant to the terms and conditions of Va. Code § 18.2-251 shall be deemed a finding of guilt.

Adopted: July 17, 2012  
Revised:  
Reviewed: October 18, 2016

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-296.2, 22.1-315.

Cross Refs.	GCDA	Effect of Criminal Conviction or Founded Complaint of Child Abuse or Neglect
	GDG	Support Staff Probationary Period
	GBMA	Support Staff Grievances
	GCPD	Professional Staff Discipline

NONSCHOOL EMPLOYMENT BY STAFF MEMBERS

Employees may, during the hours not required of them to fulfill their responsibilities to Charles City School Board, engage in other employment as long as such employment does not detract from or interfere with their employment by Charles City School Board.

An employee who is on leave from Charles City School Board, in a paid or unpaid status, may not be employed by the School Board or any other employer in any capacity during the period of leave except with the prior written authorization of the superintendent.

The School Board does not endorse, support, or assume liability for any activity conducted by School Board employees in which division students or employees participate which is not sponsored by the School Board.

Adopted: April 17, 2012  
Revised:  
Reviewed: October 18, 2016

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Legal Ref.: 29 C.F.R. 825.216(e).

Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78.

Cross Refs.:	BBFA	Conflict of Interests and Disclosure of Economic Interests
	GAA	Staff Time Schedules
	GCBE	Family and Medical Leave
	GCBEA	Leave Without Pay
	GCBEB	Military Leave and Benefits
	GCQAB	Tutoring for Pay
	GCQB	Staff Research and Publishing

## TUTORING FOR PAY

Staff members may not be paid by anyone other than the Charles City School Board for tutoring students enrolled in a class under their direction.

Adopted: April 17, 2012  
Revised: July 17, 2012  
Reviewed: October 18, 2016

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78



## STAFF RESEARCH AND PUBLISHING

The Charles City School Board encourages employee innovation in creating and developing high-quality materials to improve student achievement and the efficiency of division operations. The School Board is the author of works produced by its employees within the scope of their employment and retains all rights to such works unless those rights are expressly waived or assigned to the employee who produced the work.

Any such assignment of rights will be accomplished in accordance with regulations promulgated by the superintendent. The regulations will provide that the work will remain available for the use of the School Board at no charge.

Employees who develop materials, including instructional materials and computer programs, outside the scope of their employment that have a connection to or are related to the division shall inform the superintendent in writing of their intent to develop such materials prior to commencing work.

Adopted: May 15, 2012  
Revised:  
Reviewed: October 18, 2016

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Legal Ref.: 17 U.S.C. §§ 101, 102, and 201.

Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78.

Cross Refs.: EGAAA                      Reproduction of Copyrighted Materials  
GCQA                                      Nonschool Employment by Staff Members

## SUPPORT STAFF

Support staff are those employees who need not hold a license issued by the Virginia Board of Education in order to obtain their positions. This category includes, but is not limited to, non-licensed administrative, clerical, maintenance, transportation, food services, and paraprofessional positions.

Adopted: May 15, 2012  
Revised: July 17, 2012  
Reviewed: October 18, 2016

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Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-78.

Cross Refs.: GCDA Effect of Criminal Conviction or Founded Complaint of  
Child Abuse or Neglect  
GCPB Resignation of Staff Members  
GCPF Suspension of Staff Members  
GDB Support Staff Employment Status

## SUPPORT STAFF EMPLOYMENT STATUS

The school division employs three types of support staff:

- Temporary employees who are hired for short-term needs on a daily basis; these employees do not receive benefits and are paid only for hours worked.
- Probationary employees who are fully qualified new employees assigned to authorized positions; these employees are eligible for salary increases and receive benefits.
- Regular employees who have successfully completed the prescribed probationary period; regular employees receive all employment benefits available under School Board policy.

The employment of support staff may be terminated with fifteen calendar days' notice. Support staff may also be subject to immediate dismissal for just cause.

Support staff who are removed from employment for just cause shall be ineligible thereafter for employment by Charles City School Board.

Adopted: May 15, 2012  
Revised: July 17, 2012  
Reviewed: October 18, 2016

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Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-78.

Cross Ref.:	GCDA	Effect of Criminal Conviction or Founded Complaint of
	GDG	Child Abuse or Neglect
	GBMA	Support Staff Probationary Period
	GCPF	Support Staff Grievances
		Suspension of Staff Members

## SUPPORT STAFF PROBATIONARY PERIOD

The probationary period for all support staff positions is twelve months.

Employees who have successfully completed the probationary period for one position will serve another probationary period if they move to another position.

Adopted: April 12, 2005  
Revised: July 20, 2010; April 17, 2012; July 17, 2012  
Reviewed: October 18, 2016

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-79.

Cross Ref.: GBMA Support Staff Grievances  
GD Support Staff  
GDB Support Staff Employment Status

## SUPPORT STAFF ASSIGNMENTS AND TRANSFERS

Support staff shall be assigned to positions for which their qualifications meet the needs of the school division's operations.

Support staff may request a transfer to a position within their area of competence and for which they are qualified. Support staff may be transferred to positions for which their qualifications best meet the needs of the school division.

Adopted: May 18, 2010  
Revised: July 17, 2012  
Reviewed: October 18, 2016

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78.

Cross Ref.:	GA	Personnel Policies Goals
	GD	Support Staff
	GDB	Support Staff Employment Status
	GDG	Support Staff Probationary Period

## EVALUATION OF SUPPORT STAFF

Every employee of the Charles City School Board will be evaluated on a regular basis.

The superintendent shall assure that cooperatively developed procedures for support staff evaluations are implemented within the division and included in the division's policy manual. The results of the evaluation shall be in writing, dated and signed by the evaluator and the person being evaluated, with one copy going to the central office personnel file and one copy to the employee.

The primary purposes of evaluation and assistance are:

- to optimize student learning and growth;
- to contribute to the successful achievement of the goals and objectives of the division's educational plan;
- to provide a basis for leadership improvement through productive performance appraisal and professional growth;
- to implement a performance evaluation system that promotes a positive working environment and continuous communication between the employee and the evaluator that promotes continuous professional growth, leadership effectiveness, improvement of overall job performance and improved student outcomes; and
- to promote self-growth, instructional effectiveness, and improvement of overall professional performance.

Adopted: July 15, 2008  
Revised: July 17, 2012  
Reviewed: October 18, 2016

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-313, 22.1-253.13:7.C.7.

Cross Ref.:	CBG	Evaluation of the Superintendent
	GCN	Evaluation of the Professional Staff
	GD	Support Staff
	GDB	Support Staff Employment Status
	GDG	Support Staff Probationary Period
	GDPF	Suspension of Staff Members

## SCHOOL BUS DRIVERS

### Eligibility for Employment

Any applicant for employment operating a school bus transporting pupils must

- a. have a physical examination of a scope prescribed by the Board of Education and furnish a form prescribed by the Board of Education showing the results of such examination
- b. furnish a statement or copy of records from the Department of Motor Vehicles showing that the applicant, within the preceding five years, has not been convicted of a charge of driving under the influence of alcohol or drugs, convicted of a charge of refusing to take a blood or breath test, convicted of a felony or assigned to any alcohol safety action program or driver alcohol rehabilitation program pursuant to Va. Code § 18.2-271.1 or, within the preceding 12 months, has not been convicted of two or more moving traffic violations or required to attend a driver improvement clinic by the Commissioner of the Department of Motor Vehicles pursuant to Va. Code § 46.2-498
- c. furnish a statement signed by two reputable persons who reside in the school division or in the applicant's community that the person is of good moral character
- d. exhibit a license showing the person has successfully undertaken the examination prescribed by Va. Code § 46.2-339
- e. have reached the age of 18 on the first day of the school year
- f. submit to testing for alcohol and controlled substances as required by state and federal law and regulation

Persons for whom registration with the Sex Offender and Crimes Against Minors Registry is required are not eligible for employment as a school bus driver.

Persons hired as school bus drivers must annually furnish the documents listed in (a) and (b) above prior to the anniversary date of their employment as a condition of continued employment as a school bus operator.

The Charles City School Board requires proof of current certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator as a condition of employment to operate a school bus transporting pupils.

## Drug and Alcohol Testing

The school division has a drug and alcohol testing program for school bus drivers and other employees who are required to hold a commercial driver's license (CDL) by U.S. Department of Transportation Regulations who perform safety-sensitive functions as required by federal and state law and regulations.

### Prohibited conduct

Drivers are prohibited from alcohol possession and/or use on the job, use during the four hours before performing safety-sensitive functions, having prohibited concentrations of alcohol in their systems while on duty or performing safety-sensitive functions, and use during eight hours following an accident or until after undergoing a post-accident alcohol test, whichever occurs first.

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substances except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver that the substance does not adversely affect his ability to safely operate a commercial motor vehicle.

### Required testing

Drivers are subject to pre-employment/pre-duty drug testing, reasonable suspicion alcohol and drug testing, random alcohol and drug testing, post-accident alcohol and drug testing, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations. Pursuant to state law, drivers are subject to pre-employment alcohol testing. Any employee who refuses to submit to a post-accident, random, reasonable suspicion or follow up test shall not perform or continue to perform safety-sensitive functions.

### Notification

Each driver receives educational materials that explain the requirements of federal law and regulations together with a copy of the division's policy and procedures for meeting these requirements. Each driver must sign a statement certifying that he/she has received a copy of the above materials and the division maintains this signed copy.

Before performing each alcohol or controlled substances test, the division will notify the driver that the test is required by federal law or regulation.

### Consequences if testing indicates drug or alcohol misuse

If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee shall be removed immediately from safety-sensitive functions in accordance with the federal regulations. All drivers shall be advised of resources available and before a driver is re-instated, if at all, the driver shall undergo an evaluation by a substance abuse professional, comply with any required rehabilitation and undergo a return-to-duty test with negative urine sample.



## Record retention

The division maintains records in compliance with the federal regulations in a secure location with controlled access. With the driver's consent, the division may obtain any of the information concerning drug and alcohol testing from the driver's previous employer. A driver is entitled upon written request to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances including information pertaining to alcohol or drug tests.

Records shall be made available to a subsequent employer upon receipt of a written request from a driver. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the driver's request.

## Test procedure

The division administers alcohol and controlled substance tests in accordance with federal laws.

Adopted: April 12, 2005  
Revised: June 18, 2003  
Reviewed: October 18, 2016

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Legal Refs.: 49 U.S.C. § 31136

49 C.F.R. § 382.101 et seq.

Code of Virginia, 1950, as amended, §§ 22.1-178, 46.2-339, 46.2-340.

8 VAC 20-70-280.

Cross Ref.: GBEA                      Unlawful Manufacture, Distribution, Dispensing,  
Possession or Use of a Controlled Substance

## Use of Alcohol, Drugs and Other Intoxicating Substances

All Charles City Public Schools' employees and students of the School Board of the Charles City Public Schools are entitled to a healthy, safe and productive work and learning environment free of alcohol, drugs, and other intoxicating substances including imitations of such products. Employees must be prepared and fit to perform their assigned duties upon arriving to the workplace and while performing school related activities. Employees shall not use alcohol or illegal drugs while performing their duties.

### A. Application

This Policy applies to all employees. Employees who operate commercial motor vehicles must also adhere to School Board Policy GDQ. Any employee who violates this policy will be subject to disciplinary action up to and including dismissal.

### B. Prohibitions

#### 1. Controlled Substances/Illegal Drugs

Employees are strictly prohibited from unlawfully manufacturing, distributing, dispensing, possessing, using, or being under the influence of cocaine, marijuana, amphetamines, opiates, phencyclidine, anabolic steroids and any other substance maintained on Schedules I through VI of the Drug Control Act (Virginia Code § 54.1-3400, et seq., as amended), or possessing, dispensing, or distributing drug paraphernalia and/or imitation controlled substances.

#### 2. Improper Use of Prescription Drugs

Authorized uses of prescription medications are not prohibited except where the employee was not prescribed the medication by a healthcare provider; the employee intentionally misuses the medication; or the employee otherwise uses the medication in a manner that violates state or federal law.

Employees are encouraged to notify their supervisors when taking prescription medications that potentially may interfere with the safe and effective performance of their duties or the operation of the school. Employees are also encouraged to submit documentation from the prescribing physician of the side effects of the medication and whether they are able to perform their job duties safely while taking the medication.

#### 3. Alcohol

Employees shall not possess, use or be under the influence of alcohol while in or upon the school property, during school hours or during school-sponsored activities.

#### 4. Performance of Duty While Impaired

No employee shall report to work, perform assigned duties, engage in School Division business, or participate in an activity involving students while the employee has detectable amounts of alcohol, illegal drugs, unauthorized prescription drugs, or illegal drug metabolites in his or her system.

No employee shall operate a School Board vehicle while the employee is under the influence of alcohol, illegal drugs, unauthorized prescription drugs, or illegal drug metabolites in his or her system.

### C. Reasonable Suspicion

An employee may be required to submit to a drug or alcohol test whenever there is reasonable suspicion that an employee's work performance or on-the-job behavior may have been affected by illegal drugs, abuse of prescription drugs, or alcohol. Reasonable suspicion is based on specific observations concerning the employee's appearance, behavior, speech, or odor. Observations supporting reasonable suspicion may include, but are not limited to: observation of drug or alcohol use or possession; a pattern of bizarre, abnormal or erratic behavior; glassy or bloodshot eyes; slurred speech; poor coordination and/or reflexes; onset of unusual perspiration or shakes; unusual drowsiness; sluggishness; excessive absenteeism, tardiness or other significant changes in job performance; damage to School Board property when there is no reasonable explanation for the occurrence of the damage; or other circumstances that reasonably suggest that an employee is impaired.

The building principal or supervisor who has a reasonable suspicion that an employee has violated this Policy shall immediately contact the Department of Human Resources. The principal or supervisor and the Director of Human Resources shall collaboratively review the information collected and determine whether reasonable suspicion exists.

If reasonable suspicion exists, the suspected employee shall be directed to submit to a drug or alcohol testing. The School Board reserves the right to use any testing procedure that best balances issues of cost effectiveness, accuracy or results, and respect for employee privacy.

### D. Refusal to Submit to Drug/Alcohol Testing

An employee shall be required to submit to an applicable alcohol or drug test to determine the presence of drugs and/or alcohol in the employee's system when there is a reasonable suspicion that the employee has violated this Policy.

Refusal to submit includes, but is not limited to: failing to appear for testing within a reasonable time (**as determined by the School Division- within 24 hours of notification**); failing to remain at testing site until testing is complete; failing to cooperate during testing process; failing to permit observation or monitoring of specimen when observation is required; failing to provide sufficient urine required for properly administering test; failing to provide sufficient breath for properly administering test; altering or substituting urine test; or other actions done for the purpose of interfering with the testing.

An employee who refuses a drug and/or alcohol test shall be deemed to have a positive test and will be subject to discipline up to and including dismissal.

### E. Alcohol/Drug Testing Procedures

#### 1. Alcohol Testing

Alcohol testing shall be conducted using federally approved evidential breath testing (EBT). This test may be conducted by qualified personnel at any site designated by the School Division.

Once the employee is notified that alcohol testing is required, he/she shall refrain from consuming any substance containing alcohol and must not eat, drink or put anything (e.g. cigarette, chewing gum) into his/her mouth until testing is complete.

A test result less than 0.02 alcohol concentration is considered a negative test result. A test result between 0.02 – 0.039 will result in the employee's immediate relief of duty until the employee's next regular workday, but not less than 24 hours after the test. The employee will be required to submit to another alcohol test upon returning to work. The employee may be recommended for disciplinary action. A test result of 0.04 or greater will subject an employee to disciplinary action up to and including dismissal.

If a screening or confirmation test cannot be completed, or an event occurs that would invalidate the test, a new screening or confirmation test shall be conducted. In the event that an employee attempts and fails to provide an adequate amount of breath, the employee shall be required to submit to a blood test at a facility of the School Division's choice.

Employees, who are suspected to be under the influence of alcohol, shall not be permitted to drive themselves to or from the test site.

## 2. Controlled Substances

Drug testing shall be performed at a medical laboratory or facility chosen by the School Division.

Once it is determined that an employee will undergo drug testing, the employee shall not eat, drink or put anything (e.g., cigarette, chewing gum, etc.) into his/her mouth until testing is complete.

A drug test may include an analysis for any substance which could impair an employee's ability to safely and/or effectively perform the duties and responsibilities required of the job, including, but not limited to the following:

- a. Heroin;
- b. Cocaine;
- c. Morphine and its derivatives;
- d. Phencyclidine (PCP);
- e. Methadone;
- f. Barbiturates;
- g. Amphetamines;
- h. Methaqualone;
- i. Marijuana, and other cannabinoids;
- j. Anabolic steroids, androgenic steroids; and
- k. Any other controlled substance used to enhance physical development or athletic performance.

A positive drug test shall be defined as any measurable amount of a controlled substance without proof of a valid prescription held by the employee tested, or any illegal substance that is reported at or above the current, approved cut-off limitations as determined by a medical laboratory or facility to be chosen by the School Division.

Whenever a screening test of an employee's urine sample is positive for the presence of drugs, a confirmatory test shall be conducted by the laboratory. The School Division shall bear the cost for the initial and confirmatory drug tests.

An employee who requests a second independent confirmatory test shall bear the cost of the test. Further, the request must be made, in writing, to the Director of Human Resources within seventy-two (72) hours of the date in which the employee received the results of the initial confirmatory test.

3. Test Results: Reporting Procedures and Confidentiality

The Department of Human Resources will notify the employee of a positive test result. The employee may submit any information about prescription medication he or she may be taking that may have influenced the test. The employee may appeal a positive result within 72 hours of notification of the positive result by submitting to a follow-up test at his or her own expense. Due to the nature of some banned illegal substances, however, follow-up test results may or may not be considered conclusive.

All testing records shall be maintained in files separate from the employee's personnel file in a secure location within controlled access by designated representatives in the Department of Human Resources.

**F. Enforcement**

Any employee who tests positive for alcohol or illegal drugs shall be recommended for discipline up to and including dismissal. Any employee who tests between .02 and .039 for alcohol will be immediately relieved of duty until the employee's next regular workday, but not less than 24 hours after the test. Upon the employee's return to work, the employee will submit to another alcohol test.

**G. Voluntary Admission of Substance and/or Alcohol Abuse**

An employee who voluntarily admits to drug or alcohol abuse may be referred to the Employee Assistance Program (EAP). An employee voluntarily seeks assistance for a substance abuse problem through EAP or a medical source will not be disciplined as a result of their disclosure of prior drug or alcohol use if:

1. The employee volunteers for EAP or treatment before the employee is notified of an incident that would constitute a violation of this Policy;
2. The employee successfully adheres to requirements of and completes all prescribed treatment programs; and
3. After the completion of the program, the employee refrains engaging in conduct that would constitute a violation of this policy.

After the employee is referred to the EAP based on a voluntary admission, the employee shall comply with the guidelines established by the EAP. Any additional counseling or treatment recommended by the EAP must be undertaken at the employee's expense. An employee's failure to comply with the recommended guidelines and procedures shall result in disciplinary action, up to and including dismissal.

Adopted: May 15, 2018

## ACCEPTANCE OF ELECTRONIC SIGNATURES AND RECORDS

### Policy Statement

Electronic or digital signatures can take many forms and can be created using many different types of technology. The authenticity and reliability of electronic signatures relating to transactions are dependent on the accompanying processes, supplemental records and the overall context in which records are created, transferred, and signed. The Charles City School Board adopts the following policy with respect to the use of electronic records and signatures in connection with its communications with parents, guardians, or other persons having control over a child enrolled in this division.

### Definitions

**“Attribution”** – An electronic record or electronic signature is attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic record or electronic signature was attributable.

**“Electronic Signature”**- An electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

**“Electronic Record”** – Any record created, generated, sent, communicated, received or stored by electronic means.

### Applicability

This policy applies to parents, guardians, and other persons having control or charge of a child enrolled in the division; and also to individuals affiliated with the division, whether paid or unpaid, including but not limited to teachers, administrators, staff, students, affiliates, and volunteers.

### Electronic Records

Electronic records created or received by the division shall be appropriately attributed to the individual(s) responsible for their creation and/or authorization or approval. The division shall utilize available technology to implement reliable methods for generating and managing electronic records. Any electronic record filed with or issued by the division may be given full force and effect of a paper communication if the following conditions are satisfied:

1. The communication is an electronic filing or recording and the Charles City County School Board agrees to accept or send such communication electronically; and

2. If a signature is required on the record or communication by any statute, rule or other applicable law or School Board policy, the electronic signature must conform to the requirements set forth in this policy governing the use of electronic signatures.

### Electronic Signatures

An electronic signature may be used if the law requires a signature unless there is a specific statute, regulation, or policy that requires records to be signed in non- electronic form. The issuance and/or acceptance of an electronic signature by the School Board may be permitted in accordance with the provisions of this policy and all applicable state and federal law. If permitted, such electronic signature shall have the full force and effect of a manual signature only if the electronic signature satisfies all of the following requirements:

1. The electronic signature identifies the individual signing the document by his/her name and title;
2. The identity of the individual signing with an electronic signature is capable of being validated through the use of an audit trail;
3. The electronic signature and the document to which it is affixed cannot be altered once the electronic signature has been affixed;
4. The electronic signature conforms to all other provisions of this policy.

### Acceptance, Use and Issuance of Electronic Records and Signatures

The School Board shall maintain an electronic recordkeeping system that can receive, store, and reproduce electronic records and signatures relating to communications and transactions in their original form. Such system should include security procedures whereby the School Board can

- a. verify the attribution of a signature to a specific individual,
- b. detect changes or errors in the information contained in a record submitted electronically,
- c. protect and prevent access, alteration, manipulation or use by an unauthorized person, and
- d. provide for nonrepudiation through strong and substantial evidence that will make it difficult for the signer to claim that the electronic representation is not valid.

The School Board shall ensure that all electronic records and signatures are capable of being accurately reproduced for later reference and retained until such time as all legally mandated retention requirements are satisfied.

The School Board shall maintain a secure hard copy log of the PIN/password or actual signature of any individual authorized to provide an electronic signature in connection with School Board business.

The School Board may receive and accept as original, electronic records and signatures so long as the communication, on its face, appears to be authentic.

Adopted: October 18, 2016

Revised:

Reviewed:

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-79.3, 59.1-479 et seq.

Cross Ref.: JO Student Records