

USD 307 ELL-SALINE SCHOOLS

FEDERALLY MANDATED POLICY REVIEW

Family and Medical Leave

Family and medical leave as required by federal law shall be granted for a period of not more than 12 weeks during a 12-month period. For purposes of this policy, a 12-month period shall be defined as a fiscal year beginning on July 1 and ending the following June 30. Spouses employed by the district may only take an aggregate of 12 weeks of leave for a birth or adoption of a child or to care for a child with a serious health condition.

Leave is available because of the following reasons:

1. the birth of a son or daughter of the employee and to care for the son or daughter;
2. the placement of a son or daughter with the employee for adoption or foster care;
3. the need to care for a spouse, son, daughter or parent of the employee because of a serious health condition; or
4. a serious health condition of the employee that prevents the employee from performing the job functions.

(Leave for reason 1 or 2 must be taken within 12 months of birth or placement.)

The leave shall normally be unpaid leave. However, if the employee has any paid vacation, personal, sick or disability leave that is available for use because of the reason for the leave, the paid leave shall be used first and counted toward the annual family and medical leave. The superintendent will notify the employee of the beginning date of family and medical leave and the amount of the employee's accrued paid leave designated as family and medical leave.

The employee is eligible for family and medical leave upon completion of 12 months of service in the district and employed at least 1250 hours during the preceding year.

During the period of any unpaid family and medical leave the board shall continue to pay the employer's share of the cost of group health benefits in the same manner as paid immediately prior to the leave. Any employee portion of the cost shall be paid by the employee to the treasurer on the payroll date or other time as the employee and superintendent may agree. The board may terminate group health coverage if the employee payment is not received within 30 days of the due date.

When leave is foreseeable, the employee shall give written notice 30 days in advance. If leave is not foreseeable, notice will be given as soon as practicable.

Upon the employee providing notice of need for leave, the employer will notify the employee of:

- a. the reasons that leave will count as family and medical leave,
- b. any requirements for medical certification,
- c. employer requirement of substituting paid leave,
- d. requirements for premium payments for health benefits and employee responsibility for repayment if employer pays employee share,
- e. right to be restored to same or equivalent job,
- f. any employer required fitness-for duty certifications.

(Family leave for reasons 1 or 2 may not be used intermittently or on a part-time basis without the prior approval of the superintendent.)

The superintendent may require an instructional employee to continue leave until the end of a semester if the leave begins more than five (5) weeks before the end of a semester, lasts more than three (3) weeks and the return would occur during the last three (3) weeks of the semester.

If the leave is for a reason other than the employee's serious health conditions, the superintendent may require an instructional employee to continue leave until the end of a semester, if:

- ◆ the leave begins in the least five (5) weeks of a semester, will last more than two (2) weeks and the return to work would occur in the least two (2) weeks of a semester, or
- ◆ the leave begins in the last three-(3) weeks of a semester, and lasts more than five (5) days.

Worker's Compensation

WHAT TO DO IF AN ACCIDENT OCCURS ON THE JOB

Notify your supervisor immediately. A written report must be filed by the injured employee within 10 days of the accident. Injuries occurring during the day should be seen by a physician at **Occupational Health Partners, 2265 S. 9th, Salina**. If a serious injury occurs during an evening or on a weekend, see the physician on call at the hospital emergency room and the hospital should notify Occupational Health Partners. The employee should contact the Superintendent and Occupational Health Partners the next business day to arrange care.

MEDICAL BENEFITS

An employer is required to furnish all necessary medical treatment and has the right to designate the treating clinic. **The designated clinic for USD 307 Ell-Saline Schools is Dr. Kelly Yoxell, Occupational Health Partners, 785-823-8381.** If the employee seeks treatment from a doctor not authorized by the employer, the employer or its insurance carrier is only liable up to \$500.

INJURIES OCCURRING WHEN AN EMPLOYEE IS "UNDER THE INFLUENCE"

The Workers' Compensation Law clearly states that compensation is not payable if the injury was caused primarily by the intoxication of the employee or by the influence of any drugs, barbiturates, or other stimulants not prescribed by a physician. Under the law, the employer may require the employee to submit to a test for the presence of any or all drugs or alcohol in his or her system. If the injured worker refuses to submit to a drug test, it shall be presumed in the absence of clear and convincing evidence to the contrary that the injury was caused primarily by the influence of drugs or alcohol.

INJURIES SUFFERED WHILE TRAVELING TO AND FROM WORK

An injury suffered while going to or coming from work is not an injury arising out of and in the course of employment whether or not the employer provided transportation. If such means of transportation was available for the exclusive personal use by the employee, unless the employee was engaged in a special errand or mission for the employer, or access to the vehicle was an integral element of the employment. An employee, who is injured while deviating from the course of his employment, including leaving the employer's premises, is generally not eligible for benefits unless such deviation is expressly approved by the employer.

HORSEPLAY

An employee who is injured during horseplay occurring in the course of the workday is not entitled to benefits unless the injured employee is an innocent victim not participating in the activity.

WEEKLY BENEFITS

Benefits are paid by the employer's workers compensation insurance carrier. Injured workers are not entitled to compensation for the first week they are off work unless they lose three consecutive weeks. The first compensation payment is normally due at the end of the 14th day of lost time. An injured employee is entitled to a weekly amount of 66 2/3% of his average weekly wage up to a maximum of 75% of the state's average weekly wage. These benefits are subject to legislative changes and for the latest information on benefit levels, please contact the division at the address and phone number below. If the injury results in permanent disability, the Kansas compensation law provides for additional benefits.

According to district policy Section EBAA Workers Compensation, an employee using temporary leave or other available leave in combination with workers compensation will be charged one full day of leave for each day of absence until the employee's leave benefits are exhausted. If the employee is the recipient of workers compensation benefits for absences resulting from the injury, the salary of the employee will be reduced by the amount the employee receives in workers compensation benefits. The amount of workers compensation benefits and leave benefits shall not exceed the regular daily rate of pay.

WHERE TO GET HELP OR INFORMATION ON YOUR CLAIM

Contact the Claims Advisory Section at the Kansas Division of Workers Compensation (DWC) immediately if you do not receive compensation in a timely manner. The DWC has full-time personnel who specialize in aiding injured workers with claim problems. DWC can be reached at - Kansas Department of Human Resources, DWC, 800 S.W. Jackson, Suite 600, Topeka, KS 66612-1227, 1-785-296-2996. DWC can give information on what benefits an injured worker is entitled to receive. Such problems as benefits not being paid on time, unpaid medical bills, questions in regard to proper settlement amounts, etc. should be brought to the attention of the Division's Claims Advisory Section. Current claims are being administered by Fee Insurance Group, Inc. First National Center/Suite 700, Hutchinson, Kansas 67504-0976.

Further information contact the district office at 785-914-5602.

Drug Free Schools and Communities Act

Drug Free Workplace

The unlawful possession, use, or distribution of illicit drugs and alcohol by students or school employees on school premises or as a part of any school activity is prohibited. This policy is required by the 1989 amendments to the Drug Free School and Communities Act, P.L. 102-226. This policy, and any curriculum used in conjunction with it, shall be evaluated at least every other year using criteria developed by the superintendent and approved by the board.

As a condition of continued employment in the district, all employees shall abide by the terms of this policy. Employees shall not unlawfully manufacture, distribute, dispense, possess or use illicit drugs, controlled substances, or alcoholic beverages on district property or at any school activity. Compliance with the terms of this policy is mandatory. Employees who are found violating the terms of this policy will be reported to the appropriate law enforcement officers. Additionally, an employee who violates the terms of this policy will be subject to the following sanctions:

- 1 Short-term suspension with pay;
- 2 Short-term suspension without pay;
- 3 Long-term suspension without pay;

- 4 Required participation in a drug and alcohol education, treatment, counseling, or rehabilitation program;
- 5 Termination or dismissal from employment

Prior to applying sanctions under this policy, employees will be afforded all due process rights to which they are entitled under their contracts or the provisions of Kansas law. Nothing in this policy is intended to diminish the right of the district to take any other disciplinary action, which is provided for in district policies or the negotiated agreement.

If it is agreed that an employee shall enter into and complete a drug education or rehabilitation program, the cost of such program will be borne by the employee. Drug and alcohol counseling and rehabilitation programs are available for employees of the district. A list of available programs along with names and addresses of contact persons for the program is on file with the board clerk.

Employees are responsible for contacting the directors of the programs to determine the cost and length of the program, and for enrolling in the programs.

Sexual Harassment

The primary goal of American public education is to prepare its young citizens for the full exercise of citizenship rights and responsibilities. If students are to develop the attitudes and behavior identified with effective citizenship, the school itself by precept and example should create a democratic atmosphere gradually expanding the opportunities for student participation in school decision-making as students demonstrate their capacity for accepting greater responsibility. It shall be the policy of the board to foster and encourage the development of procedures through which students may be effectively involved in establishing goals and objectives for their lives, insofar as these goals may properly be developed in the school setting.

In order for this to be possible, schools must operate in a fashion that allows all students and employees to function free from discrimination. Court decisions have clarified what sexual harassment is and the problems that it creates in the workplace and school. The board recognizes that sexual harassment of students or employees create a stressful situation that makes working or learning extremely difficult.

The board prohibits any and all forms of sexual harassment against any student or employee. Sexual harassment is defined as follows:

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature are sexual harassment when:

- A. submission to such conduct is made implicitly or explicitly a term or condition of employment;
- B. submission to or rejection of such conduct is used as a basis for employment decisions; or
- C. the conduct has the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile, or offensive work environment.

Should a person wish to file a sexual harassment complaint against an individual or group, that person would need to notify the building principal or superintendent in writing of the charges. All charges will be investigated and handled as discretely as possible. A written report will be prepared for the offended party. No retaliatory measures will be permitted nor tolerated against the person filing the complaint. Persons found to be in violation of the policy will have disciplinary measures applied, which may include suspension or dismissal from employment with the district.

Notice of Nondiscrimination

Applicants for admission and employment, students, parents, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the EII-Saline School District are hereby notified that this District does not discriminate on the basis of race, color, national origin, sex, age, or handicap in admission or access to, or treatment or employment in, its programs and activities. Any person having inquiries concerning the EII-Saline School District's compliance with the regulations implementing Title VI, Title IX, or Section 504 is directed to contact Mr. Brian Rowley, Superintendent of Schools, 412 E. Anderson, Brookville, Kansas, 785-225-6813, who has been designated by the EII-Saline School District to coordinate the District's efforts to comply with the regulations implementing Title VI, Title IX, and Section 504.

Equal Employment Opportunity Commission
400 State Ave., 9th Floor
Kansas City, KS 66101

Kansas Human Rights Commission
900 SW Jackson, 8th Floor
Topeka, KS 66603

United States Department of Education
Office for Civil Rights
10220 N. Executive Hills Blvd., 8th Floor
Kansas City, MO 64153-1367

I have read, reviewed, and understand the federally mandated policies for USD 307 EII-Saline Schools.

Signature

Date