

*WESTPHALIA INDEPENDENT SCHOOL  
DISTRICT*



**Employee Handbook  
2015-2016**

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# Introduction

The purpose of this handbook is to provide information that will help with questions and pave the way for a successful year. Not all district policies and procedures are included. Those that are have been summarized. Suggestions for additions and improvements to this handbook are welcome and may be sent to the superintendent.

## *Disclaimer*

This handbook is neither a contract nor a substitute for the official district policy manual. Nor is it intended to alter the at-will status of noncontract employees in any way. Rather, it is a guide to and a brief explanation of district policies and procedures related to employment. Nothing in this handbook supersedes or contradicts any district policy or changes any aspect of the employment relationship between you and the district or any terms and conditions of that relationship. All district employees serve on an at-will basis unless they have received, signed, and returned a written contract authorized by the board of trustees or a written employment agreement authorized by the board of trustees or the superintendent. These policies and procedures can change at any time; these changes shall supersede any handbook provisions that are not compatible with the change. For more information, employees may refer to the policy codes that are associated with handbook topics, confer with their supervisor, or call the appropriate district office. Policy manuals are located in the School Office and are available for employee review during normal working hours.

# Employee Handbook/Policies and Procedures Guide Receipt

Name \_\_\_\_\_

Campus/department \_\_\_\_\_

I hereby acknowledge receipt of my personal copy of the Westphalia ISD Employee Handbook and Policies and Procedures. I agree to read the handbook and abide by the standards, policies, and procedures defined or referenced in this document.

The information in this handbook is subject to change. I understand that changes in district policies may supersede, modify, or render obsolete the information summarized in this booklet. As the district provides updated policy information, I accept responsibility for reading and abiding by the changes.

I understand that no modifications to contractual relationships or alterations of at-will employment relationships are intended by this handbook.

I understand that I have an obligation to inform my supervisor or department head of any changes in personal information, such as phone number, address, etc. I also accept responsibility for contacting my supervisor or the Superintendent if I have questions or concerns or need further explanation.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Note: You have been given two copies of this form. Please sign and date one and keep it. Sign and date the other copy and forward it to Shelley Thornton.

If you are accessing this form online, please print off two copies, sign, date and keep one and forward the other copy to Shelley Thornton.

# District information

## Description of the district

Located in Falls County, Westphalia is a rural farming community approximately 30 miles south of Waco. The school has a long history of dedicated people who served the children and the needs of the community over the years. Enrollment for the current school year is approximately 160 students. The district currently employs a staff of 21. The present and future education needs for Westphalia ISD have always been and will always be what drives the people who are in a position to make a difference.

## Mission statement

Westphalia Independent School District is committed to excellence in education which will allow students student to realize their potential in an environment of mutual trust and respect.

## District goals and objectives

*Policies AF*

## Board of trustees

*Policies BA, BAA, BBA, BBB, BBE, BBF, BE, BEC, BED*

Texas law grants the board of trustees the power to govern and oversee the management of the district's schools. The board is the policy-making body within the district and has overall responsibility for the curriculum, school taxes, annual budget, employment of the superintendent and other professional staff, and facilities. The board has complete and final control over school matters within limits established by state and federal law and regulations.

The board of trustees is elected by the citizens of the district to represent the community's commitment to a strong educational program for the district's children. Trustees are elected annually and serve three-year terms. Trustees serve without compensation, must be registered voters, and must reside in the district.

Current board members include:

Michelle Weaver, President

Carl Hubik, Vice-President

Scott Hoelscher

Billy Pitts

Trustees usually meet on the third Thursday of each month at 7:00 PM in the Library of the school. In the event that large attendance is anticipated, the board may meet in the school gymnasium or cafeteria. Special meetings may be called when necessary. A written notice of regular and special meetings will be posted on the front entrances at least 72 hours before the scheduled meeting time. The written notice will show the date, time, place, and subjects of each meeting. In emergencies, a meeting may be held with a two-hour notice.

All meetings are open to the public. In certain circumstances, Texas law permits the board to go into a closed session. Closed session may occur for such things as discussing prospective gifts or donations, real-property acquisition, certain personnel matters including employee complaints, security matters, student discipline, or to consult with attorneys regarding pending litigation.

## **Employment**

### **Equal employment opportunity**

*Policy DAA*

The Westphalia ISD does not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, disability, military status, or on any other basis prohibited by law. Employment decisions will be made on the basis of each applicant's job qualifications, experience, and abilities.

Employees with questions or concerns relating to discrimination on any of the basis listed above should contact the superintendent.

### **Job vacancy announcements**

*Policy DC*

To the extent possible, announcements of job vacancies by position and location will be posted on the Westphalia ISD job listings site on the Internet.

### **Employment after retirement**

Individuals receiving retirement benefits from the Teacher Retirement System (TRS) may be employed in certain positions or on a part-time basis without affecting their benefits, according to TRS rules and state law. Service retirees who retire before May 31 may return to work in a Texas public school without a reduction in benefits one full calendar month after the retirement date provided they meet specific conditions. Retirees may work in the following capacities without a loss of retirement benefits:

- As a principal or assistant principal on a full-time basis, if certified as a principal and following a 12-month break in service. Retirees that retired under early age or disability provisions are excluded.
- As a full-time bus driver (early age and disability retirees excluded).
- As a substitute at no more than the established daily substitute pay rate (Individuals receiving disability retirement benefits may not work for more than 90 days in a school year.)
- On a half-time or less basis during any month. Half-time employment cannot exceed the lesser of 50 percent of the position's full-time load or 92 hours in a month.
- On a full-time basis during a six-month period during a school year, provided that this is their only employment in a Texas public school. Individuals who retire in August may begin employment in October of the school year following their retirement.

Under this last provision, retirees must submit annual written notice to TRS by the last day of the first month of full employment to avoid a disruption of benefits. Working any part of a month counts as a full month.

Other restrictions apply when a person has retired because of a disability. Individuals retiring because of a disability should contact TRS for details about employment restrictions.

**Shortage areas.** Certain retirees may return to work on a full-time basis as a principal or assistant principal or teacher in an acute shortage area without a reduction in their annuities. Acute teaching shortage areas are determined by the board based on Commissioner of Education guidelines. When filling acute shortage area positions, the district must give hiring preference to certified applicants who are not retirees. To be eligible for full TRS benefits a retiree must meet the following criteria:

- Have not been subject to a reduction in benefits for retirement at an early age or retired under disability provisions
- Have a 12-month continuous break in public school service since retirement
- Be appropriately certified for the position in the applicable school year

Employees can contact the superintendent for additional information or contact TRS by calling 800-223-8778 or 512-542-6400. TRS information is also available on the Web ([www.trs.state.tx.us](http://www.trs.state.tx.us)).

## **Contract and noncontract employment**

*Policies DC, DCA, DCB, DCC, DCD, DCE*

State law requires the district to employ all full-time professional employees in positions requiring a certificate from State Board for Educator Certification (SBEC) and nurses under probationary, term, or continuing contracts. Employees in all other positions are employed at-will or by a contract that is not subject to the procedures for nonrenewal or termination under Chapter 21 of the Texas Education Code. The paragraphs that follow provide a general description of the employment arrangements used by the district.

**Probationary contracts.** Nurses and full-time professional employees new to the district and employed in positions requiring SBEC certification must receive probationary contracts during their first year of employment. Former employees who are hired after at least a two-year lapse in district employment also may be employed by probationary contract. The probationary period for those who have been employed in public schools for at least five of the eight years preceding employment with the district may not exceed one school year. For those with less experience, the probationary period will be three school years, with an optional fourth school year if the board determines it is doubtful whether a term or continuing contract should be given.

**Term and continuing contracts.** Full-time professionals employed in positions requiring certification and nurses will be employed by term or continuing contracts after they have successfully completed the probationary period. Campus principals and central office administrators are

employed under one to three-year term contracts. The terms and conditions of employment are detailed in the contract and employment policies. All employees will receive a copy of their contract and employment policies.

**Noncertified professional and administrative employees.** Employees in professional and administrative positions that do not require SBEC certification (such as noninstructional administrators) are not employed by contract. Employment is not for any specified term and may be terminated at any time by either the employee or the district.

**Paraprofessional and auxiliary employees.** All paraprofessional and auxiliary employees, regardless of certification, are employed at will and not by contract. Employment is not for any specified term and may be terminated at any time by either the employee or the district.

## **Searches and alcohol and drug testing**

### *Policy DHE*

Noninvestigatory searches in the workplace, including accessing an employee's desk, file cabinets, or work area to obtain information needed for usual business purposes may occur when an employee is unavailable. Therefore, employees are hereby notified that they have no legitimate expectation of privacy in those places. In addition, the district reserves the right to conduct searches when there is reasonable cause to believe a search will uncover evidence of work-related misconduct. Such an investigatory search may include drug and alcohol testing if the suspected violation relates to drug or alcohol use. The district may search the employee, the employee's personal items, work areas, lockers, and private vehicles parked on district premises or work sites or used in district business.

**Employees required to have a commercial driver's license.** Any employee who is required to have a commercial driver's license (CDL) is subject to drug and alcohol testing. This includes all drivers who operate a motor vehicle designed to transport 16 or more people, counting the driver; drivers of large vehicles; or drivers of vehicles used in the transportation of hazardous materials. Teachers, coaches, or other employees who primarily perform duties other than driving are subject to testing requirements when their duties include driving.

Drug testing will be conducted before an individual assumes driving responsibilities. Alcohol and drug tests will be conducted when reasonable suspicion exists, at random, when an employee returns to duty after engaging in prohibited conduct, and as a follow-up measure. Testing may be conducted following accidents. Return-to-duty and follow-up testing will be conducted when an employee who has violated the prohibited alcohol conduct standards or tested positive for alcohol or drugs returns to duty.

All employees required to have a CDL who are subject to alcohol and drug testing will receive a copy of the district's policy, the testing requirements, and detailed information on alcohol and drug abuse and the availability of assistance programs. Employees with questions or concerns relating to alcohol and drug policies and related educational material should contact the superintendent.

## **First aid and CPR certification**

### *Policy DBA*

Coaches or chief sponsors of an extracurricular athletic activity (including cheerleading) that is sponsored or sanctioned by the district or University Interscholastic League (UIL) must maintain and submit to the district proof of current certification in first aid and cardiopulmonary resuscitation (CPR). Certification must be issued by the American Red Cross, the American Heart Association, or another organization that provides equivalent training and certification.

## **Reassignments and transfers**

### *Policy DK*

All personnel are subject to assignment and reassignment by the superintendent or designee when the superintendent determines that the assignment or reassignment is in the best interest of the district. Reassignment is a transfer to another position, department, or facility that does not necessitate a change in the employment contract. Campus reassignments must be approved by the principal at the receiving campus except when reassignments are due to enrollment shifts or program changes. Extracurricular or supplemental duty assignments may be reassigned at any time. Employees who object to a reassignment may follow the district process for employee complaints as outlined in this handbook and district policy DGBA (Local).

Employees with the required qualifications for a position may request a transfer to another campus or department. A written request for transfer must be completed and signed by the employee and the employee's supervisor. Requests for transfer during the school year will be considered only when the change will not adversely affect students and after a replacement has been found. All transfer requests must be approved by the superintendent.

## **Workload and work schedules**

### *Policy DL*

**Professional employees.** Professional and administrative employees are exempt from overtime pay and are employed on a 10-, 11-, or 12-month basis, according to the work schedules set by the district. A school calendar is adopted each year designating the work schedule for teachers and all school holidays. Notice of work schedules including required days of service and scheduled holidays will be distributed each school year.

Classroom teachers will have planning periods for instructional preparation and conferences. The schedule of planning periods is set at the campus level but must provide at least 450 minutes within each two-week period in blocks not less than 45 minutes. Teachers and librarians are entitled to a duty-free lunch period of at least 30 minutes. The district may require teachers to supervise students one day a week when no other personnel are available.

**Paraprofessional and auxiliary employees.** Support employees are employed at will and will be notified of the required duty days, holidays, and hours of work for their position on an annual basis. Paraprofessional and auxiliary employees are not exempt from overtime and are not autho-

rized to work in excess of their assigned schedule without prior approval from the superintendent or principal.

## **Notification of parents regarding qualifications**

*Policy DK, EHBD*

In schools receiving Title I funds, the district is required by the No Child Left Behind Act (NCLB) to notify parents at the beginning of each school year that they may request information regarding the professional qualifications of their child's teacher. NCLB also requires that parents be notified if their child has been assigned, or taught for four or more consecutive weeks by, a teacher who is not highly qualified.

Texas law also requires that parents be notified if their child is assigned for more than 30 consecutive days to a teacher who does not hold an appropriate teaching certificate. This notice is not required if parental notification under NCLB is sent. Inappropriately certified or uncertified teachers includes individuals serving with an emergency permit (including individuals waiting to take the TExES exam) or individuals who do not hold any certificate or permit. No later than the 30th instructional day after the date of assignment the superintendent or designee will send a written notice to parents. Information relating to teacher certification will be made available to the public upon request.

Employees who have questions about their certification status can call the superintendent.

## **Outside employment and tutoring**

*Policy DBF*

Employees who wish to accept outside employment or engage in other activities for profit must submit a written request to their supervisor. Approval for outside employment will be determined by the superintendent and based on whether outside employment interferes with the duties of the regular assignment. Teachers are not allowed to privately tutor their students for pay, except during the summer months.

## **Performance evaluation**

*Policy DN, DNA, DNB*

Evaluation of an employee's job performance is a continuous process that focuses on improvement. Performance evaluation is based on an employee's assigned job duties and other job-related criteria. All employees will participate in the evaluation process with their assigned supervisor at least annually. Written evaluations will be completed on forms approved by the district. Reports, correspondence, and memoranda also can be used to document performance information. All employees will receive a copy of their written evaluation, have a performance conference with their supervisor, and get the opportunity to respond to the evaluation.

## **Employee involvement**

*Policy BQA, BQB*

At both the campus and district levels, Westphalia ISD offers opportunities for involvement in matters that affect employees. As part of the district's planning and decision-making process, employees serve on district and campus-level advisory committees. Plans and detailed information about the shared decision-making process are available in each campus office or from the principal.

## **Staff development**

*Policy DMA*

Staff development activities are organized to meet the needs of employees and the district. Staff development for instructional personnel is predominantly campus-based, related to achieving campus performance objectives, addressed in the campus improvement plan, and approved by a campus-level advisory committee. Staff development for noninstructional personnel is designed to meet specific licensing requirements (e.g., bus drivers) and continued employee skill development.

Individuals holding renewable SBEC certificates are responsible for obtaining the required training hours and maintaining appropriate documentation.

# **Compensation and benefits**

## **Salaries, wages, and stipends**

*Policy DEA*

Employees are paid in accordance with administrative guidelines and a pay structure established for each position. The district's pay plans are reviewed by the administration each year and adjusted as needed. All district positions are classified as exempt or nonexempt according to federal law. Professional and administrative employees are generally classified as exempt and are paid monthly salaries. They are not entitled to overtime compensation. Other employees are generally classified as nonexempt and are paid based on hourly wages or provided compensatory time for each overtime hour worked. (See *Overtime*, page 14)

Salary and wage schedules are reviewed annually and adjusted according to the budgeted amounts approved by the board. All employees will receive written notice of their pay and work schedules before the start of each school year. Classroom teachers, full-time librarians, full-time nurses, and full-time counselors will be paid no less than the minimum state salary schedule. Contract employees who perform extracurricular or supplemental duties may be paid a stipend in addition to their salary according to the district's extra-duty pay schedule.

Employees should contact the business manager for more information about the district's pay schedules or their own pay.

## **Paychecks**

All employees are paid monthly. During the school year, paychecks are delivered to each campus. Paychecks will not be released to any person other than the district employee named on the check without the employee's written authorization. During summer breaks, paychecks will be mailed to employees.

An employee's payroll statement contains detailed information including deductions, withholding information, and the amount of leave accumulated. Pay dates are scheduled on the 25<sup>th</sup> of each month.

## **Payroll deductions**

*Policy CFEA*

Automatic payroll deductions for the Teacher Retirement System of Texas (TRS) and federal income tax are required for all full-time employees. Medicare tax deductions also are required for all employees hired after March 31, 1986. Temporary and part-time employees who are not eligible for TRS membership must have their Social Security contributions deducted.

Other payroll deductions employees may elect include deductions for the employee's share of premiums for health, dental, life, and vision insurance, and annuities. Employees also may request payroll deduction for payment of membership dues to professional organizations. Salary deductions are automatically made for unauthorized or unpaid leave.

## **Overtime compensation**

*Policy DEA*

The district compensates overtime for nonexempt employees in accordance with federal wage and hour laws. All employees are classified as exempt or nonexempt for purposes of overtime compensation. Professional and administrative employees are ineligible for overtime compensation. Only nonexempt employees (hourly employees and paraprofessional employees) are entitled to overtime compensation. Nonexempt employees are not authorized to work beyond their normal work schedule without advance approval from their supervisor.

Overtime is legally defined as all hours worked in excess of 40 hours weekly and is not measured by the day or by the employee's regular work schedule. Employees who must work beyond their normal schedule but less than 40 hours per week will be compensated in straight-time pay or equivalent time off in the same workweek. Employees must work more than 40 total hours in a week to earn overtime compensation. For the purpose of calculating overtime, a workweek begins at 12:01 a.m. Sunday and ends at midnight Saturday.

Employees may be compensated for overtime at time-and-a-half rate with compensatory time off (comp time) or direct pay. The following applies to all nonexempt employees:

- Employees can accumulate up to 60 hours of compensatory time.
- Comp time must be used in the duty year that it is earned.

- Use of comp time may be at the employee's request with supervisor approval as workload permits.
- An employee may be required to use comp time before using any other available paid leave (e.g., sick, personal, vacation).
- Weekly time sheets will be maintained on all nonexempt employees for the purpose of wage and salary administration.

## **Travel expense reimbursement**

### *Policy DEE*

Before any travel expenses are incurred by an employee, the superintendent must give approval. For approved travel, employees will be reimbursed for mileage and other travel expenditures according to the current rate schedule established by the district. Employees must submit receipts, to the extent possible, to be reimbursed for expenses other than mileage.

## **Health, dental, and life insurance**

### *Policy CRD*

Group health insurance coverage is provided through TRS-ActiveCare, the statewide public school health insurance program. The district's contribution to employee insurance premiums is determined annually by the board of trustees. Employees eligible for health insurance coverage include the following:

- Employees who are active, contributing TRS members
- Employees who are not contributing TRS members and who are regularly scheduled to work at least 10 hours per week

TRS retirees and employees who are not contributing TRS members that are regularly scheduled to work less than 10 hours per week are not eligible to participate in TRS-ActiveCare.

New hires are subject to a 90-day waiting period before the district begins paying for a portion of health insurance premiums for TRS-ActiveCare. An employee may choose to buy the insurance during this period by paying out-of-pocket. Insurance coverage would then begin the first day of the month following the first day of work. Coverage for employees who choose not to buy the insurance would begin on the 91st day of employment. Employees who were contributing members of TRS at the time they were hired are not subject to the 90-day waiting period.

The insurance plan year is from September 1 through August 31. Current employees can make changes in their insurance coverage during open enrollment each spring. Detailed descriptions of insurance coverage, employee cost, and eligibility requirements are provided to all employees in a separate booklet. Employees should contact the school business manager for more information.

## **Supplemental insurance benefits**

*Policy CRG*

At their own expense, employees may enroll in supplemental insurance programs. Premiums for these programs can be paid by payroll deduction. Employees should contact the business manager for more information.

## **Cafeteria plan benefits (Section 125)**

Employees may be eligible to participate in the Cafeteria Plan (Section 125) and, under IRS regulations, must either accept or reject this benefit. This plan enables eligible employees to pay certain insurance premiums on a pretax basis (i.e., disability, accidental death and dismemberment, cancer and dread disease, dental, and additional term life insurance). A third-party administrator handles employee claims made on these accounts.

New employees must accept or reject this benefit during their first month of employment. All employees must accept or reject this benefit on an annual basis and during the specified time period.

## **Workers' compensation insurance**

*Policy CRE*

The district, in accordance with state law, provides workers' compensation benefits to employees who suffer a work-related illness or are injured on the job. Benefits help pay for medical treatment and make up for part of the income lost while recovering. Specific benefits are prescribed by law depending on the circumstances of each case.

All work-related accidents or injuries should be reported immediately to the superintendent. Employees who are unable to work because of a work-related injury will be notified of their rights and responsibilities under the Texas Labor Code.

## **Unemployment compensation insurance**

*Policy CRF*

Employees who have been laid off or terminated through no fault of their own may be eligible for unemployment compensation benefits under the Texas Unemployment Compensation Act. Employees are not eligible to collect unemployment benefits during regularly scheduled breaks in the school year or the summer months if they have employment contracts or reasonable assurance of returning to service. Employees with questions about unemployment benefits should contact the superintendent.

## **Teacher retirement**

*Policy DEG*

All personnel employed on a regular basis for at least one-half of the normal work schedule are

members of the Teacher Retirement System of Texas (TRS). For new employees, there is a 91-day waiting period before TRS membership begins. Substitutes not receiving TRS service retirement benefits who work at least 90 days a year are also eligible for TRS membership and to purchase a year of creditable service. TRS provides members with an annual statement of their account showing all deposits and the total account balance for the year ending August 31, as well as an estimate of their retirement benefits.

Employees who plan to retire under TRS should notify the superintendent as soon as possible. Information on the application procedures for TRS benefits are available from the business manager. Additional inquiries should be addressed to: Teacher Retirement System of Texas, 1000 Red River Street, Austin, TX 78701-2698, or call 800-223-8778 or 512-542-6400. TRS information is also available on the Web ([www.trs.state.tx.us](http://www.trs.state.tx.us)).

## **Other benefit programs**

*Policy DEB*

## **Leaves and absences**

*Policy DEC*

The district offers employees paid and unpaid leaves of absence in times of personal need. This handbook describes the basic types of leave available and restrictions on leaves of absence. Employees who have personal needs that will require long leaves of absence should call the superintendent for counseling about leave options, continuation of benefits, and communicating with the district.

Employees who take an unpaid leave of absence may continue their insurance benefits at their own expense. Health care benefits for employees on leave authorized under the Family and Medical Leave Act will be paid by the district as they were when they were working. Otherwise, the district does not make benefit contributions for employees who are not on active payroll status.

Employees must follow district and department or campus procedures to report or request any leave of absence and complete the appropriate leave request form. Any employee who is absent more than two days because of a personal or family illness must submit a medical certification from a qualified health care provider confirming the specific dates of the illness, the reason for the illness, and in the case of personal illness—the employee's fitness to return to work.

Personal and local sick leave is earned on a yearly basis. Leave is available for the employee's use. If an employee leaves the district before the end of the work year, the cost of any unearned leave days taken shall be deducted from the employee's final paycheck.

**PLEASE NOTE: *Excessive absences can be a reason for nonrenewal.*** Excessive meaning any leave that is not in compliance with policy and procedure for taking available local, state, or federal leave.

## Personal leave

State law entitles all employees to five days of paid personal leave per year. *Personal leave is earned at a rate of one-half a workday for every eighteen workdays of employment up to the statutory maximum of five workdays per year.* A day of earned personal leave is equivalent to an assigned workday. There is no limit on the accumulation of state personal leave, and it can be transferred to other Texas school districts and is generally transferable to education service centers. There are two types of personal leave: nondiscretionary and discretionary.

**Nondiscretionary.** Leave that is taken for personal or family illness, emergency, a death in the family, or active military service is considered nondiscretionary leave. This type of leave allows very little or no advance planning and will be granted to employees in the same manner as sick leave.

**Discretionary.** Leave that is taken at an employee's discretion and that can be scheduled in advance is considered discretionary leave. An employee wishing to take discretionary personal leave must submit a notice of the request seven days in advance of the anticipated absence to his or her principal or supervisor. Discretionary personal leave will be granted on a first-come, first-served basis. The effect of the employee's absence on the educational program or department operations, as well as the availability of substitutes, will be considered by the principal or supervisor.

## Sick leave

Previously accumulated state sick leave is available for use and may be transferred to other school districts in Texas. Sick leave can be used only in daily increments except when coordinated with family and medical leave taken on an intermittent or reduced-schedule basis or when coordinated with workers' compensation benefits.

If an employee uses more sick leave than he or she has earned, the cost of unearned sick leave will be deducted from the employee's next paycheck. Sick leave may be used for the following reasons only:

- Employee illness
- Illness in the employee's immediate family
- Family emergency (i.e., natural disasters or life-threatening situations)
- Death in the immediate family
- Active military service

## Local leave

*Policy DEC (Local)*

All employees shall earn an additional two equivalent workdays of local personal leave per school year. Local personal leave shall be noncumulative and shall be taken with no loss of pay. Local personal leave shall be subject to the same notice requirements and scheduling limitations

as discretionary leave. Employees shall be charged with leave as used even if a substitute is not employed during the absence. Leave shall be recorded in whole or half workdays only.

## **Temporary disability**

**Certified employees.** Any full-time employee whose position requires certification from the State Board for Educator Certification (SBEC) is eligible for temporary disability leave. The purpose of temporary disability leave is to provide job protection to full-time educators who cannot work for an extended period of time because of a mental or physical disability of a temporary nature. A full-time educator may request to be placed on temporary disability leave or be placed on leave. Pregnancy and conditions related to pregnancy are treated the same as any other temporary disability.

Employees must request approval for temporary disability leave. The leave request must be accompanied by a physician's statement confirming the employee's inability to work and estimating a probable date of return. If disability leave is approved, the length of leave is no longer than 180 calendar days. If disability leave is not approved, the employee must return to work or be subject to termination procedures. If an employee is placed on temporary disability leave involuntarily, he or she has the right to request a hearing before the board of trustees. The employee may protest the action and present additional evidence of fitness to work.

When an employee is ready to return to work, the superintendent should be notified at least 30 days in advance. The return-to-work notice must be accompanied by a physician's statement confirming that the employee is able to do the job. Professional employees returning from leave will be reinstated to the school to which they were previously assigned as soon as an appropriate position is available. If a position is not available before the end of the school year, professional employees will be reinstated at the beginning of the following school year.

## **Workers' compensation benefits**

An employee absent from duty because of a job-related illness or injury may be eligible for workers' compensation weekly income benefits if the absence exceeds seven calendar days.

An employee receiving workers' compensation wage benefits for a job-related illness or injury may choose to use accumulated sick leave or any other paid leave benefits. An employee choosing to use paid leave will not receive workers' compensation weekly income benefits until all paid leave is exhausted or to the extent that paid leave does not equal the pre-illness or -injury wage. If the use of paid leave is not elected, then the employee will only receive workers' compensation wage benefits for any absence resulting from a work-related illness or injury, which may not equal his or her pre-illness or -injury wage.

## **Assault leave**

Assault leave provides extended job income and benefits protection to an employee who is injured as the result of a physical assault suffered during the performance of his or her job. An

injury is treated as an assault if the person causing the injury could be prosecuted for assault or could not be prosecuted only because that person's age or mental capacity renders the person nonresponsible for purposes of criminal liability.

An employee who is physically assaulted at work may take all the leave time medically necessary (up to two years) to recover from the physical injuries he or she sustained. At the request of an employee, the district will immediately assign the employee to assault leave. Days of leave granted under the assault leave provision will not be deducted from accrued personal leave and must be coordinated with workers' compensation benefits. Upon investigation the district may change the assault leave status and charge leave used against the employee's accrued paid leave. The employee's pay will be deducted if accrued paid leave is not available.

## **Bereavement leave**

*Policy DEC (Local)*

## **Jury duty**

Employees will receive leave with pay and without loss of accumulated leave for jury duty. Employees must present documentation of the service and retain any compensation they receive.

## **Other court appearances**

Employees will be granted paid leave to comply with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding. Other absences for court appearances related to an employee's personal business must be taken as personal leave or leave without pay (if no personal leave is available). Employees may be required to submit documentation of their need for leave for court appearances.

## **Military leave**

**Paid leave for military service.** Any employee who is a member of the Texas National Guard, Texas State Guard, or reserve component of the armed forces will be granted a paid leave of absence without loss of any accumulated leave for authorized training or duty orders. Paid military leave will not exceed 15 days per year. In addition, an employee is entitled to use available state and local personal or sick leave during a time of active military service.

**Reemployment after military leave.** Employees who leave the district to enter into the United States uniformed services or ordered to active state military duty (Texas National Guard or Texas State Guard) may return to employment if they are honorably discharged. Employees who wish to return to the district will be reemployed in the position they would have held if employment had not been interrupted or reassigned to an equivalent or similar position provided they are still qualified to perform the required duties. To be eligible for reemployment, employees must provide notice of their obligation or intent to perform military service, provide evidence of honorable discharge or release, and submit an application for reemployment to the superintendent.

Employees who perform service in the uniformed services may elect to continue their health plan coverage at their own cost for a period not to exceed 24 months. Employees should contact the superintendent for details on eligibility, requirements, and limitations.

## **Employee relations and communications**

### **Employee recognition and appreciation**

*Policy DJ*

Continuous efforts are made throughout the year to recognize employees who make an extra effort to contribute to the success of the district. Employees are recognized at board meetings, in the school newspaper, bulletin board postings, and through special events and activities.

### **District communications**

Throughout the school year, the staff and students publish newsletters, brochures, fliers, calendars, news releases, and other communication materials. These publications offer employees and the community information pertaining to school activities and achievements.

## **Complaints and grievances**

*Policy DGBA*

In an effort to hear and resolve employee complaints in a timely manner and at the lowest administrative level possible, the board has adopted an orderly process that all employees must follow when bringing formal complaints and grievances. Employees are encouraged to discuss problems or complaints with their supervisors or an appropriate administrator at any time.

The formal grievance process provides all employees with an opportunity to be heard up to the highest level of management if they are dissatisfied with an administrative response. Once all administrative grievance procedures are exhausted, employees can bring grievances to the board of trustees. For ease of reference, the district's policy concerning the process of bringing complaints and grievances is reprinted as follows:

*Policy DGBA (Local)*

### **PERSONNEL-MANAGEMENT RELATIONS EMPLOYEE COMPLAINTS/GRIEVANCES**

This policy provides employees an orderly process for the prompt and equitable resolution of grievances when a concern has not been resolved. The Board intends that, whenever feasible, grievances be resolved at the lowest possible administrative level. This policy shall not be construed to create new or additional rights beyond those granted by Board policy or law.

**DEFINITIONS** For purposes of this policy, “days” shall mean calendar days. The terms “complaint” and “grievance” shall have the same meaning. A grievance under this policy may include, but shall not be limited to, any of the following:

1. Grievances concerning an employee’s wages, hours, or conditions of work.
2. Specific allegations of unlawful discrimination in employment on the basis of sex (including allegations of sexual harassment), race, religion national origin, age, or disability.
3. Specific allegations of unlawful discrimination or retaliation on the basis of the employee’s exercise of constitutional rights.
4. Whistleblower complaints.

**OTHER REVIEW**

**PROCESSES** Procedures and information regarding sexual harassment by other employees are found at DHC and information regarding federal nondiscrimination is found at DAA.

An employee’s dismissal or nonrenewal may be the subject of a grievance under this policy only if the District does not otherwise provide for a review of the matter.

The following are governed by other review processes and are not subject to this policy:

1. Grievances regarding suspension without pay of a contractual employee: DF series.
2. Grievances regarding termination of an employment contract governed by Chapter 21 of the Education code: DF series
3. Grievances against a District peace officer: CKE
4. Grievances regarding instructional materials: EFA

**NOTICE TO**

**EMPLOYEES** The principal of each campus and other supervisory personnel shall ensure that employees under their supervision are informed of this policy.

**FREEDOM FROM**

**RETALIATION** Neither the Board nor the administration shall unlawfully retaliate against any employee for bringing a grievance under the policy. [See DG]

**WHISTLEBLOWER**

**COMPLAINTS** Employees who allege adverse employment action in retaliation for reporting a violation of law to an appropriate authority shall initiate a grievance under this Policy within the time specified by law. [See DG (LEGAL)] The complaint shall first be filed in accordance with LEVEL TWO below. Time lines for the employee and the District set out in this policy may be shortened to

allow the Board to make a final decision within 60 days of the initiation of the complaint.

**GENERAL  
PROVISIONS**

A grievance must specify the individual harm alleged. An employee is prohibited from bringing separate or serial grievances regarding the same event or action. All time limits shall be strictly complied with unless modified by mutual consent. Costs of any grievance shall be paid by the party incurring them.

**CONSOLIDATION**

When the Superintendent determines that two or more individual grievances are sufficiently similar in nature and remedy to permit their resolution through one proceeding, he or she may consolidate the grievances.

**DECISIONS**

Announcing a decision in the employee's presence constitutes communication of the decision.

**INITIATING  
GRIEVANCE**

Unless otherwise specified in policy, an employee shall initiate a grievance as provided at LEVEL ONE, below.

**LEVEL ONE:**

An employee who has grievance shall request a conference with the principal or immediate supervisor by submitting the grievance in writing on a form provided by the District. The form must be filed within 15 days of the time the employee first knew or should have known of the event or series of events about which the employee is complaining.

The principal or supervisor shall hold the conference within seven days after receipt of the written request. The principal or supervisor shall have seven days following the conference within which to respond.

**LEVEL TWO**

If the outcome of the conference at Level One is not to the employee's satisfaction

or if the time for a response has expired, the employee may request a conference with the Superintendent or designee to discuss the grievance. The request shall be in writing on a form provided by the District and must be filed within seven days following receipt of a response or, if no response is received, within seven days of the response deadline.

The Superintendent or designee shall hold the conference within seven days after receiving the written request. The Superintendent or designee shall have seven

days following the conference within which to respond.

### LEVEL THREE

If the outcome of the conference at Level Two is not to the employee's satisfaction or if the time for a response has expired, the employee may submit to the Superintendent or designee a request to place the matter on the agenda of a future board meeting. The request shall be in writing on a form provided by the District and must be filed within seven days following receipt of a response or, if no response is received, within seven days of the response deadline.

The Superintendent or designee shall inform the employee of the date, time, and place of the meeting.

The Superintendent or designee shall provide the Board with copies of the employee's original grievance, all responses, and any written documentation previously submitted by the employee and the administration. The Board is not required to consider documentation not previously submitted or issues not previously presented.

The presiding officer may set reasonable time limits. The Board shall hear the Grievance and may request a response from the administration. The District shall make an audiotape record of the Level Three proceeding before the Board.

The Board shall then make and communicate its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting.

### CLOSED MEETING

If the grievance involves the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the employee bringing the grievance, it may be heard by the Board in closed meeting unless the employee bringing the grievance requests that it be heard in public.

### EXCEPTION

However, if the grievance involves a complaint or charge against another District employee or a Board member, it shall be heard in closed meeting unless an open meeting is requested in writing by the employee or Board member against whom the complaint or charge is brought.

# Employee conduct and welfare

## Standards of conduct

### *Policy DH*

All employees are expected to work together in a cooperative spirit to serve the best interests of the district and to be courteous to students, one another, and the public. Employees are expected to observe the following standards of conduct:

- Recognize and respect the rights and property of students and coworkers and maintain confidentiality in all matters relating to students and coworkers.
- Report to work according to the assigned schedule.
- Notify their immediate supervisor in advance or as early as possible in the event that they must be absent or late. Unauthorized absences, chronic absenteeism, tardiness, and failure to follow procedures for reporting an absence may be cause for disciplinary action.
- Know and comply with department and district procedures and policies.
- Observe all safety rules and regulations and report injuries or unsafe conditions to a supervisor immediately.
- Use district time, funds, and property for authorized district business and activities only.

All district employees should perform their duties in accordance with state and federal law, district policy, and ethical standards for professional educators. Alleged incidents of certain misconduct by educators, including having a criminal record, must be reported to SBEC not later than the seventh day the superintendent first learns of the incident. See *Reports to the State Board for Educator Certification*, page 38 for additional information.

The *Code of Ethics and Standard Practices for Texas Educators* is reprinted below:

### **Code of Ethics and Standard Practices for Texas Educators**

#### **Statement of Purpose**

The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty. The Texas educator, in exemplifying ethical relations with colleagues, shall extend just and equitable treatment to all members of the profession. The Texas educator, in accepting a position of public trust, shall measure success by the progress of each student toward realization of his or her potential as an effective citizen. The Texas educator, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community.

## **I Professional Ethical Conduct, Practices and Performance.**

- Standard 1.1. The educator shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of the school district, educational institution, educator preparation program, the Texas Education Agency, or the State Board for Educator Certification (SBEC) and its certification process.
- Standard 1.2. The educator shall not knowingly misappropriate, divert or use monies, personnel, property or equipment committed to his or her charge for personal gain or advantage.
- Standard 1.3. The educator shall not submit fraudulent requests for reimbursement, expenses or pay.
- Standard 1.4. The educator shall not use institutional or professional privileges for personal or partisan advantage.
- Standard 1.5. The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents of students or other persons or organizations in recognition or appreciation of service.
- Standard 1.6. The educator shall not falsify records, or direct or coerce others to do so.
- Standard 1.7. The educator shall comply with state regulations, written local school board policies and other state and federal laws.
- Standard 1.8. The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.
- Standard 1.9. The educator shall not make threats of violence against school district employees, school board members, students or parents of students.
- Standard 1.10. The educator shall be of good moral character and demonstrate that he or she is worthy to instruct or supervise the youth of this state.
- Standard 1.11. The educator shall not intentionally or knowingly misrepresent the circumstances of his or her prior employment, criminal history, and/or disciplinary record when applying for subsequent employment.
- Standard 1.12. The educator shall refrain from the illegal use or distribution of controlled substances and/or abuse of prescription drugs and toxic inhalants.
- Standard 1.13. The educator shall not consume alcoholic beverages on school property or during school activities when students are present.

## **II Ethical Conduct Toward Professional Colleagues.**

- Standard 2.1. The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.
- Standard 2.2. The educator shall not harm others by knowingly or recklessly making false statements about a colleague or the school system.
- Standard 2.3. The educator shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.
- Standard 2.4. The educator shall not interfere with a colleague's exercise of political, professional or citizenship rights and responsibilities.
- Standard 2.5. The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, gender, disability, family status, or sexual orientation.

- Standard 2.6. The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.
- Standard 2.7. The educator shall not retaliate against any individual who has filed a complaint with the SBEC or who provides information for a disciplinary investigation or proceeding under this chapter.

### **III Ethical Conduct Toward Students.**

- Standard 3.1. The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.
- Standard 3.2. The educator shall not intentionally, knowingly, recklessly, or negligently treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health or safety of the student or minor.
- Standard 3.3. The educator shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.
- Standard 3.4. The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, gender, disability, national origin, religion, family status, or sexual orientation.
- Standard 3.5. The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.
- Standard 3.6. The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student or minor.
- Standard 3.7. The educator shall not furnish alcohol or illegal / unauthorized drugs to any person under 21 years of age or knowingly allow any person under 21 years of age to consume alcohol or illegal / unauthorized drugs in the presence of the educator.
- Standard 3.8. The educator shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard.
- Standard 3.9. The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:
- i. The nature, purpose, timing, and amount of the communication;
  - ii. The subject matter of the communication;
  - iii. Whether the communication was made openly or the educator attempted to conceal the communication;
  - iv. Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
  - v. Whether the communication was sexually explicit; and
  - vi. Whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student.

## **Harassment**

*Policies DHB, FNCL*

Employees shall not engage in prohibited harassment, including sexual harassment, of other employees or students. While acting in the course of their employment, employees shall not engage in prohibited harassment of other persons, including board members, vendors, contractors, volunteers, or parents. A substantiated charge of harassment will result in disciplinary action.

Employees who believe they have been harassed are encouraged to promptly report such incidents to the campus principal or superintendent. If the campus principal is the subject of a complaint, the employee shall report the complaint directly to the superintendent. An employee who suspects or knows that a student is being harassed by a school employee or by another student shall inform his or her principal or superintendent.

Any allegation of harassment of students or employees shall be investigated and addressed. An employee may appeal the decision of the principal or superintendent regarding the investigation into the allegations in accordance with the employee complaint and grievance policy and procedures. To the greatest extent possible, complaints shall be treated as confidential. Limited disclosure may be necessary to complete a thorough investigation. The district will not retaliate against an employee who in good faith reports perceived harassment.

## **Sexual harassment**

*Policies DHC, FNCL, FFG*

**Employee-to-employee.** Sexual harassment of a coworker is a form of discrimination and is prohibited by law. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct under the following conditions:

- Submission to such conduct is explicitly or implicitly a term or condition of employment.
- Submission to or rejection of such conduct is used as the basis for employment decisions.
- The conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or otherwise offensive work environment.

Employees who believe that they have been sexually harassed by another employee are encouraged to come forward with complaints. The district will promptly investigate all allegations of sexual harassment and will take prompt appropriate disciplinary action against employees found to have engaged in conduct constituting sexual harassment of other employees. The district's policy outlining the process of filing complaints of sexual harassment is reprinted below:

*Policy DHC(Local)*

### **COMPLAINT PROCEDURE**

For the purpose of the following complaint process, "days" means calendar days.

An employee who believes he or she has been or is being subjected to any form of sexual harassment shall bring the matter to the attention of the principal, immediate supervisor, or Title IX coordinator for employees. No procedure or step in this policy shall have the effect of requiring the employee alleging harassment to present the matter to a person who is the subject of the complaint.

#### LEVEL ONE

The employee shall request a conference with the principal or immediate supervisor by submitting the complaint in writing or by requesting a conference. If the complaint is made orally, the supervisor receiving the complaint shall reduce it to writing.

The principal or supervisor shall hold the conference as soon as possible, but in any event within seven days after receipt of the complaint. The principal or supervisor shall ordinarily have seven days following the conference within which to investigate and respond. The employee shall be informed if extenuating circumstances delay the investigation.

#### LEVEL TWO

If the outcome of the conference at Level One is not to the employee's satisfaction, the employee may request a conference with the Superintendent or designee to discuss the complaint. The request should be in writing and shall be filed within seven days following receipt of a written response, if no written response is received, within seven days of the response deadline.

The Superintendent or designee shall hold the conference as soon as possible, but in any event within seven days after receipt of the written request. The Superintendent or designee shall have seven days following the conference within which to respond.

#### LEVEL THREE

If the outcome at Level Two is not to the employee's satisfaction or if the time for a response has expired, the employee may present the complaint to the Board. The Superintendent shall place the matter on the agenda for the next regular Board meeting. [See BE (LOCAL)]

The Superintendent or designee shall provide the board with copies of the employee's original complaint, all responses, and any written documentation previously submitted by the employee and the administration.

#### CLOSED MEETING

The Board may hear the allegation of sexual harassment in closed meeting, if posted in accordance with law, unless an open hearing is requested in writing by the employee or Board member against whom the complaint or charge is brought.

**Employee-to-student.** Sexual harassment of students by employees is a form of discrimination and is prohibited by law. Sexual harassment of students includes any welcome or unwelcome

sexual advances, requests for sexual favors, and other oral, written, physical, or visual conduct of a sexual nature. Romantic relationships between district employees and students are strictly prohibited. Other prohibited conduct includes the following:

- Engaging in sexually oriented conversations for the purpose of personal sexual gratification
- Telephoning students at home or elsewhere and engaging in inappropriate social relationships
- Engaging in physical contact that would reasonably be construed as sexual in nature
- Enticing or threatening students to get them to engage in sexual behavior in exchange for grades or other school-related benefits

In most instances, sexual abuse of a student by an employee violates the student's constitutional right to bodily integrity. Sexual abuse may include, but is not limited to, fondling, sexual assault, or sexual intercourse.

Employees who suspect a student is being sexually harassed or abused by another employee are obligated to report their concerns to the campus principal. All allegations of sexual harassment or sexual abuse of a student will be reported to the student's parents and promptly investigated. Conduct that may be characterized as known or suspected child abuse also will be reported to the appropriate authorities, as required by law. Employees with questions or concerns relating to the alleged sexual harassment of a student should contact the superintendent.

## **Drug-abuse prevention**

*Policies DH, DI*

Westphalia ISD is committed to maintaining a drug-free environment and will not tolerate the use of illegal drugs in the workplace. Employees who use or are under the influence of alcohol or illegal drugs as defined by the Texas Controlled Substances Act during working hours may be dismissed. The district's policy on drug abuse and drug-free schools follows:

***From Policy DH(LOCAL)***

### **ALCOHOL AND DRUGS**

Employees shall not unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while at school or at school-related activities during or outside the usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
4. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs.

An employee need not be legally intoxicated to be considered "under the influence" of a

controlled substance.

#### EXCEPTION

An employee who uses a drug authorized by a licensed physician through a prescription specifically for that employee's use shall not be considered to have violated this policy.

#### *DI(EXHIBIT)*

### **DRUG-FREE SCHOOLS REQUIREMENTS**

The District prohibits the unlawful distribution, possession, or use of illegal drugs, inhalants, and alcohol on school premises or as any part of the District's activities.

Employees who violate this prohibition shall be subject to disciplinary sanctions. Such Sanctions may include referral to drug and alcohol counseling or rehabilitation programs or employee assistance programs, termination from employment with the District, and referral to appropriate law enforcement officials for prosecution. [See policies at DH and DHE] 41 U.S.C. 702 (a)(1)(A); 28 TAC 169.2

Compliance with these requirements and prohibitions is mandatory and is a condition of employment.

[This notice complies with notice requirements imposed by the federal Drug-Free Schools and Communities Act Amendments of 1989 (20 U.S.C. 3224a and 34 DFR 86.201]

### **Reporting suspected child abuse**

*Policy DG, DH, FFG, GRA*

All employees are required by state law to report any suspected child abuse or neglect to a law enforcement agency, Child Protective Services, or appropriate state agency (e.g., state agency operating, licensing, certifying, or registering a facility) within 48 hours of the event that led to the suspicion. Reports to Child Protective Services can be made to a local office or to the Texas Abuse Hotline (800-252-5400). State law specifies that an employee may not delegate to or rely on another person to make the report.

Under state law, any person reporting or assisting in the investigation of reported child abuse or neglect is immune from liability unless the report is made in bad faith or with malicious intent. In addition, the district is prohibited from retaliating against an employee who, in good faith, reports child abuse or neglect or who participates in an investigation regarding an allegation of child abuse or neglect.

An employee's failure to report suspected child abuse may result in prosecution for the commission of a Class B misdemeanor. In addition, a certified employee's failure to report suspected child abuse may result in disciplinary procedures by SBEC for a violation of the Code of Ethics and Standard Practices for Texas Educators.

Employees who suspect that a student has been or may be abused or neglected should also report their concerns to the campus principal. This includes students with disabilities who are no longer minors. Employees are not required to report their concern to the principal before making a report to the appropriate agencies. In addition, employees must cooperate with child abuse and neglect investigators. Reporting the concern to the principal does not relieve the employee of the requirement to report to the appropriate state agency. Interference with a child abuse investigation by denying an interviewer's request to interview a student at school or requiring the presence of a parent or school administrator against the desires of the duly authorized investigator is prohibited.

## **Fraud and financial impropriety**

*Policy DG, CCA*

All employees should act with integrity and diligence in duties involving the district's financial resources. The district prohibits fraud and financial impropriety, as defined below. Fraud and financial impropriety includes, but is not limited to, the following:

- Forgery or unauthorized alteration of any document or account belonging to the district
- Forgery or unauthorized alteration of a check, bank draft, or any other financial document
- Misappropriation of funds, securities, supplies, or other district assets, including employee time
- Impropriety in the handling of money or reporting of district financial transactions
- Profiteering as a result of insider knowledge of district information or activities
- Unauthorized disclosure of confidential or proprietary information to outside parties
- Unauthorized disclosure of investment activities engaged in or contemplated by the district
- Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the district
- Destroying, removing, or inappropriately using records, furniture, fixtures, or equipment
- Failing to provide financial records required by state or local entities
- Failure to disclose conflicts of interest as required by policy
- Any other dishonest act regarding the finances of the district

## **Conflict of interest**

Employees are required to disclose to their supervisor any situation that creates a potential conflict of interest with proper discharge of assigned duties and responsibilities or creates a potential conflict of interest with the best interests of the district. This includes the following:

- A personal financial interest
- A business interest
- Any other obligation or relationship

An employee with a substantial interest in a business entity or interest in real property must

disclose the interest to the district prior to the award of a contract or authorization of payment. This is done by filing an affidavit with the superintendent. An employee is also considered to have substantial interest if a close family member (e.g., a spouse, parent, child, or spouse's parent or child) has a substantial interest.

## **Gifts and favors**

### *Policy DBD*

Employees may not accept gifts or favors that could influence, or be construed to influence, the employee's discharge of assigned duties. The acceptance of a gift, favor, or service by an administrator or teacher that might reasonably tend to influence the selection of textbooks may result in prosecution of a class B misdemeanor offense. This does not include staff development, teacher training, or instructional materials, such as maps or worksheets, that convey information to students or contribute to the learning process.

## **Associations and political activities**

### *Policy DGA*

The district will not directly or indirectly discourage employees from participating in political affairs or require any employee to join any group, club, committee, organization, or association. Employees may join or refuse to join any professional association or organization.

An individual's employment will not be affected by membership or a decision not to be a member of any employee organization that exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

## **Safety**

### *Policy CK*

The district has developed and promotes a comprehensive program to ensure the safety of its employees, students, and visitors. The safety program includes guidelines and procedures for responding to emergencies and activities to help reduce the frequency of accidents and injuries. To prevent or minimize injuries to employees, coworkers, and students and to protect and conserve district equipment, employees must comply with the following requirements:

- Observe all safety rules.
- Keep work areas clean and orderly at all times.
- Immediately report all accidents to their supervisor.
- Operate only equipment or machines for which they have training and authorization.

Employees with questions or concerns relating to safety programs and issues can contact the superintendent.

## **Tobacco use**

*Policies DH, GKA, FNCD*

Smoking or using tobacco products is prohibited on all district-owned property and at school-related or school-sanctioned activities, on or off campus. This includes all buildings, playground areas, parking facilities, and facilities used for athletics and other activities. Drivers of district-owned vehicles are prohibited from smoking while inside the vehicle. Notices stating that smoking is prohibited by law and punishable by a fine are displayed in prominent places in all school buildings.

## **Employee arrests and convictions**

*Policy DH*

An employee who is arrested for any felony or any offense involving moral turpitude must report the arrest to the principal or immediate supervisor within three calendar days of the arrest. An employee who is convicted of or receives deferred adjudication for such an offense must also report that event to the principal or immediate supervisor within three days of the event. Moral turpitude includes, but is not limited to, the following:

- Dishonesty
- Fraud
- Deceit
- Theft
- Misrepresentation
- Deliberate violence
- Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor
- Drug- or alcohol-related offenses
- Acts constituting abuse under the Texas Family Code

## **Possession of firearms and weapons**

*Policies FNCG, GKA*

Employees, visitors, and students are prohibited from bringing firearms, knives, or other weapons onto school premises or any grounds or building where a school-sponsored activity takes place. To ensure the safety of all persons, employees who observe or suspect a violation of the district's weapons policy should report it to the superintendent or principal immediately.

## **Visitors in the workplace**

*Policy GKC*

All visitors are expected to enter any district facility through the main entrance and sign in in the office. Employees who observe an unauthorized individual on the district premises should immediately direct him or her back to the office to sign in and get a visitor's badge.

## **Copyrighted materials**

### *Policy EFE*

Employees are expected to comply with the provisions of copyright law relating to the unauthorized use, reproduction, distribution, performance, or display of copyrighted materials (i.e., printed material, videos, computer data and programs, etc.). Rented videotapes are to be used in the classroom for educational purposes only. Duplication or backups of computer programs and data must be made within the provisions of the purchase agreement.

## **Computer use and data management**

### *Policy CQ*

The district's electronic communications systems, including its network access to the Internet, is primarily for administrative and instructional purposes. Limited personal use of the system is permitted if the use:

- Imposes no tangible cost to the district
- Does not unduly burden the district's computer or network resources
- Has no adverse effect on job performance or on a student's academic performance (not done during instructional time)

Electronic mail transmissions and other use of the electronic communications systems are not confidential and can be monitored at any time to ensure appropriate use.

Employees and students who are authorized to use the systems are required to abide by the provisions of the district's communications systems policy and administrative procedures. Failure to do so can result in suspension or termination of privileges and may lead to disciplinary action. Employees with questions about computer use and data management can contact the technology coordinator.

## **Asbestos management plan**

### *Policy CKA*

The district is committed to providing a safe environment for employees. An accredited management planner is developing an asbestos management plan for each piece of district property. A copy of the district's management plan is kept in the office and is available for inspection during normal business hours.

## **Pest control treatment**

### *Policy DI*

Employees are prohibited from applying any pesticide or herbicide without appropriate training and prior approval of the integrated pest management (IPM) coordinator. Any application of pesticide or herbicide must be done in a manner prescribed by law and the district's pest management program.

Notices of planned pest control treatment will be posted in a district building 48 hours before the treatment begins. Notices are generally located on the front entrances. Pest control information sheets are available from the school office upon request.

## **General procedures**

### **Bad weather closing**

*Policy CKC*

The district may close schools because of bad weather or emergency conditions. When such conditions exist, the superintendent will make the official decision concerning the closing of the district's facilities. When it becomes necessary to open late or to release students early, the following television stations will be notified by school officials:

**KWTX** Channel 10

**KXXV** Channel 25

**KCEN** Channel 6

### **Emergencies**

*Policy CKC*

All employees should be familiar with the evacuation diagrams posted in their work areas. Fire, tornado, and other emergency drills will be conducted to familiarize employees and students with evacuation procedures. Fire extinguishers are located throughout all district buildings. Employees should know the location of the extinguishers nearest their place of work and how to use them.

### **Purchasing procedures**

*Policy CH*

All requests for purchases must be submitted to the business manager on an official district purchase order (PO) form with the appropriate approval signatures. No purchases, charges, or commitments to buy goods or services for the district can be made without a PO number. The district will not reimburse employees or assume responsibility for purchases made without authorization. Employees are not permitted to purchase supplies or equipment for personal use through the district's business office. Contact the superintendent for additional information on purchasing procedures.

### **Name and address changes**

It is important that employment records be kept up to date. Employees must notify the school office if there are any changes or corrections to their name, home address, home telephone number, marital status, emergency contact, or beneficiary. Forms to process a change in personal information can be obtained from the school office.

## Personnel records

### *Policy GBA*

Most district records, including personnel records, are public information and must be released upon request. Employees may choose to have the following personal information withheld:

- Address
- Phone number
- Social Security number
- Information that reveals whether they have family members

The choice to not allow public access to this information may be done at anytime by submitting a written request to superintendent's office. New or terminating employees have 14 days after hire or termination to submit a request. Otherwise, personal information will be released to the public.

## Building use

### *Policy GKD*

The superintendent is responsible for scheduling the use of facilities after school hours. Contact the superintendent to request to use school facilities and to obtain information on the fees charged.

# Termination of employment

## Resignations

### *Policy DFE*

**Contract employees.** Contract employees may resign their position without penalty at the end of any school year if written notice is received 45 days before the first day of instruction of the following school year. A written notice of resignation should be submitted to the superintendent. Contract employees may resign at any other time only with the approval of the board of trustees. Resignation without the consent of the board may result in disciplinary action by the State Board for Educator Certification (SBEC).

The superintendent will notify SBEC when an employee resigns and reasonable evidence exists to indicate that the employee has engaged in any of the acts listed in *Reports to the State Board for Educator Certification*, on page 38.

**Noncontract employees.** Noncontract employees may resign their positions at any time. A written notice of resignation should be submitted to the superintendent at least two weeks prior to the effective date. Employees are encouraged to include the reasons for leaving in the letter of resignation but are not required to do so.

## **Dismissal or nonrenewal of contract employees**

*Policies DFAA, DFAB, DFBA, DFBB, DFCA, DFD, DFF*

Employees on probationary, term, and continuing contracts can be dismissed during the school year or nonrenewed at the end of the year according to the procedures outlined in district policies. Contract employees dismissed during the school year, suspended without pay, or subject to a reduction in force are entitled to receive notice of the recommended action, an explanation of the charges against them, and an opportunity for a hearing. The time lines and procedures to be followed when a suspension, termination, or nonrenewal occurs will be provided when a written notice is given to an employee. Advance notification requirements do not apply when a contract employee is dismissed for failing to obtain or maintain appropriate certification or whose certification is revoked for misconduct. Information on the time lines and procedures can be found in the DF series policies that are provided to employees or in the policy manuals located in the conference room and school office.

## **Dismissal of noncontract employees**

*Policy DCD*

Noncontract employees are employed at will and may be dismissed without notice, a description of the reasons for dismissal, or a hearing. It is unlawful for the district to dismiss any employee for reasons of race, religion, sex, national origin, disability, military status, any other basis protected by law, or in retaliation for the exercise of certain protected legal rights. Noncontract employees who are dismissed have the right to grieve the termination. The dismissed employee must follow the district process outlined in this handbook when pursuing the grievance.

## **Exit interviews and procedures**

*Policy DC*

Exit interviews will be scheduled for all employees leaving the district. Information on the continuation of benefits, release of information, and procedures for requesting references will be provided at this time. Separating employees are asked to provide the district with a forwarding address and phone number and complete a questionnaire that provides the district with feedback on his or her employment experience.

All district keys, books, property, and equipment must be returned upon separation from employment. The district may withhold the cost of any unreturned items from the final paycheck.

## **Reports to State Board for Educator Certification**

*Policy DF*

The dismissal or resignation of a certified employee will be reported to the SBEC when the superintendent first learns about an alleged incident of conduct that involves the following:

- Any form of sexual or physical abuse of a minor or any other illegal conduct with a student or a minor

- The possession, transfer, sale, or distribution of a controlled substance
- The illegal transfer, appropriation, or expenditure of school property or funds
- An attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle the individual to a professional position or to receive additional compensation associated with a position
- Committing a crime on school property or at a school-sponsored event
- Reports concerning court-ordered withholding

## **Reports concerning court-ordered withholding**

The district is required to report the termination of employees that are under court order or writ of withholding for child support or spousal maintenance to the court and the individual receiving the support (Texas Family Code §8.210, 158.211). Notice of the following must be sent to the court and support recipient:

- Termination of employment not later than the seventh day after the date of termination
- Employee's last known address
- Name and address of the employee's new employer, if known

## **Student issues**

### **Equal educational opportunities**

*Policy FB*

The Westphalia ISD does not discriminate on the basis of race, color, religion, national origin, sex, or disability in providing education services, activities, and programs, including vocational programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

Questions or concerns about discrimination of students on any of the bases listed above should be directed to the principal or superintendent.

### **Student records**

*Policy FL*

Student records are confidential and are protected from unauthorized inspection or use. Employees should take precautions to maintain the confidentiality of all student records. The following people are the only people who have general access to a student's records:

- Parents of a minor or of a student who is a dependent for tax purposes
- The student (if 18 or older or attending an institution of postsecondary education)
- School officials with legitimate educational interests

The student handbook provides parents and students with detailed information on student records. Parents or students who want to review student records should be directed to the campus principal for assistance.

## **Parent and student complaints**

### *Policy FNG*

In an effort to hear and resolve parent and student complaints in a timely manner and at the lowest administrative level possible, the board has adopted orderly processes for handling complaints on different issues. The superintendent's office can provide parents and students with information on filing a complaint. Parents are encouraged to discuss problems or complaints with the teachers or the appropriate administrator at any time. Parents and students with complaints that cannot be resolved should be directed to the campus principal. The formal complaint process provides parents and students with an opportunity to be heard up to the highest level of management if they are dissatisfied with a principal's response.

## **Administering medication to students**

### *Policy FFAC*

Only designated employees can administer medication to students. A student who must take prescription medication during the school day must bring a written request from his or her parent and the medicine, in its original, properly labeled container. Contact the principal or school nurse for information on procedures that must be followed when administering medication to students.

## **Dietary supplements**

### *Policy DH, FFAC*

District employees are prohibited by state law from knowingly selling, marketing, or distributing a dietary supplement that contains performance-enhancing compounds to a student with whom the employee has contact as part of his or her school district duties. In addition, employees may not knowingly endorse or suggest the ingestion, intranasal application, or inhalation of a performance-enhancing dietary supplement to any student.

## **Psychotropic drugs**

### *Policy FFAC*

District employees are prohibited by state law from doing the following:

- Recommending that a student use a psychotropic drug
- Suggesting a particular diagnosis
- Excluding from class or school-related activity a student whose parent refuses to consent to a psychiatric evaluation or to authorize the administration of a psychotropic drug to a student

## **Student discipline**

*Policies in the FN series and FO series*

Students are expected to follow the classroom rules, campus rules, and rules listed in the Student Code of Conduct and Student Handbook. Teachers and administrators are responsible for taking disciplinary action based on a range of discipline management strategies that have been adopted by the district. Other employees that have concerns about a particular student's conduct should contact the classroom teacher or campus principal.

Teachers must file a written report with the principal or another appropriate administrator when they have knowledge that a student has violated the Student Code of Conduct. A copy of this report will be sent by the principal or administrator to the student's parents within 24 hours.

## **Student attendance**

*Policy FDD*

Teachers and staff should be familiar with the district's policies and procedures for attendance accounting. These procedures require students to have parental consent before they are allowed to leave campus. When absent from school, the student, upon returning to school, must bring a note signed by the parent that describes the reason for the absence. These requirements are addressed in campus training and in the student handbook. Contact the campus principal for additional information.

## **Hazing**

*Policy FNCC, FO*

Students must have prior approval from the principal or designee for any type of "initiation rites" of a school club or organization. Any teacher, administrator, or employee who observes a student engaged in any form of hazing, who has reason to know or suspect that a student intends to engage in hazing, or has engaged in hazing must report that fact or suspicion to the designated campus discipline person.

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