

**Section G
PERSONNEL**

New code	Heading	Old Code	Notes
GC	Professional Staff	GB	This is model.
GCA	Professional Staff Positions	CBG, GBB	This is model; includes all professional staff.
GCB	Professional Staff Contracts and Compensation	CGA, GBA (part of it)	This is model; same as your GBA.
GCC, -R, -E	Professional Staff Leaves and Absences	GBRH, GBRIA, GBRIB, -R, -E, GBRID	Combined all policies into one and included model language. Move some procedural language to rule. No change to exhibit.
GCD	Professional Staff Vacations and Holidays	GBRK, CGPH	This is model; included your holidays.
GCE, -R	Professional Staff Recruitment	GBC/GBD, -R (part of it)	This is model policy. Recruitment and hiring are two separate policies.
GCEC	Posting and Advertising of Professional Vacancies	GBJ (you don't have)	This is model.
GCF, -R	Professional Staff Hiring	GBA (part of it) GBC/GBD, -R (part of it)	This is model policy. Recruitment and hiring are two separate policies.
GCFB	Hiring of Administrative Staff	CGD, -R	Added purpose and revised title. Deleted rule (outdated).
GCG, -R	Part-Time and Substitute Professional Staff Employment	GBRJ, IKH, -R	This is updated model; includes criminal record check information. Rule is new.
GCI	Professional Staff Development	GAC, GAD	This is updated model; basically the same with updated language and references.
GCK, -R	Professional Staff Assignments and Transfers	GBE, GBM, -R	Replaced with updated model; combines both policies. Updated language in rule.
GCMD	Instructional Staff Extra Duty	GBRE	Replaced with updated model language.
GCNA	Supervision of Instructional Staff	GBH (you don't have)	This is model.
GCO, -R	Evaluation of Professional Staff	CGI	This is model; includes evaluation of all professional staff. Rule is model.
GCOA	Evaluation of Instructional Staff	GBI	This is model.

New code	Heading	Old Code	Notes
GCQA/ GCQB	Instructional Staff/Administrative Staff Reduction in Force	GBKA	Replaced with updated model language.
GCQC/ GCQD	Resignation of Instructional Staff/Administrative Staff	GBO, -R	Replaced with updated model policy.
GCQE	Retirement of Professional Staff	GBQ	This is model based on law (more information).
GCQF, -R	Discipline, Suspension and Dismissal of Professional Staff	GBK	Updated language in policy. Rule is model.
GCR	Nonschool Employment of Professional Staff	GBRG	Revised language and added last paragraph.
GCRD	Tutoring for Pay	GBRGB	Updated language and added legal reference.
GD	Support/Classified Staff	GC	Added purpose statement and deleted unnecessary language.
GDA	Support Staff Positions	GCB	This is your language; changed "classified" to "support."
GDB	Support Staff Contracts and Compensation	GCA	Added contracts language.
GDBC, -R	Support Staff Supplementary Pay/Overtime	GCRD, -R	Added purpose statement and legal reference to policy. Changed "vocational" to "career and technology" in rule.
GDC, -R	Support Staff Leaves and Absences	GCRG, -R, GCRGA, , GCRGD	Same as new GCC, -R minus sabbatical information.
GDD	Support Staff Vacation and Holidays	GBRK	This is model; used your holidays from GBRK.
GDF	Support Staff Hiring	GCD	Revised criminal record check language and updated legal references.
GDJ	Support Staff Assignments and Transfers	GCM (you don't have)	This is model.
GDO	Evaluation of Support Staff	GCI (you don't have)	This is model.
GDQB	Resignation of Support Staff	GCO	Revised language and added last sentence.
GDQC	Retirement of Support Staff	GCQ	This is model based on law; more detailed.
GDQD	Discipline, Suspension and Dismissal of Support Staff	GCK, GCN	This is model; combines both policies.

New code	Heading	Old Code	Notes
GDR	Nonschool Employment of Support Staff	GCRF	Updated language; last two paragraphs are model.

PROFESSIONAL STAFF

Code **GC** Issued **DRAFT/12**

Purpose: To establish the basic structure for policies dealing with professional staff members.

All personnel policies and regulations in this subsection pertain to personnel who are required to hold a professional educator's certificate issued by the state of South Carolina. This group may also include non-certified administrative staff.

Additional personnel policies and regulations relating only to support/classified employees are in the GD subsection.

Adopted 9/27/93; Revised ^

PROFESSIONAL STAFF POSITIONS

Code **GCA** Issued **DRAFT/12**

Purpose: To establish the basic structure for the creation of professional staff positions.

The board, on the recommendation of the superintendent, will classify and authorize positions for professional personnel which are necessary for the operation of the district's educational program and related services. In each case, the board will approve the broad purpose and function of the position as recommended by the superintendent. The superintendent will be responsible for the employment of a person who meets the stated purpose and function.

Job descriptions

The superintendent will be responsible for writing and maintaining job descriptions covering qualifications, essential duties and other details pertaining to all professional staff positions in the school system.

Adopted 9/27/93; Revised ^

PROFESSIONAL STAFF CONTRACTS AND COMPENSATION

Code **GCB** Issued **DRAFT/12**

Purpose: To establish the basic structure for professional staff contracts and compensation.

Compensation

The board will attempt to pay its professional employees at a level that will attract and hold personnel dedicated to education.

The compensation of certificated personnel is based on the state salary schedule with local supplements as approved by the board. The schedule takes into consideration the levels of professional training and years of service in the district.

The effective date for annual salary changes as determined by the salary schedule or by action of the board is July 1.

Contracts

Upon recommendation of the superintendent, the board awards teacher contracts on or before April 15th of each year. Teachers must give written acceptance of their contracts to the superintendent on or before April 25th. Failure to give such notification constitutes contract rejection.

The board will award administrative contracts on the recommendation of the superintendent.

Teacher and Employee Retention Incentive Program (TERI) participants

Should a mid-year vacancy occur in a contract position held by a TERI employee, the board authorizes the superintendent or his/her designee to fill such vacancy for the remainder of the school year in which the vacancy occurs through a letter of agreement. This letter of agreement will state that the employee has no right to or expectation of continuing employment beyond the period specified in the letter of agreement.

When issuing contracts, the district will offer TERI employees working under TERI agreements that will expire during the ensuing school year the same type of contract the participant had the previous year. The contract will specifically contain notice that the contract expires on the date designated in the employee's TERI agreement and will specifically reiterate said expiration date.

Contract releases

For release of teachers from contracts, see policy GCQC/GCQD.

Adopted 8/28/75; Revised 9/27/93, 11/24/08, ^

Legal references:

- A. S. C. Code, 1976, as amended:
 - 1. Section 59-19-80 - Requirements as to purchases and teacher employment (teacher contracts to be awarded in public).

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2. Section 59-19-290 - Contracts in excess of apportioned funds void.
3. Section 59-20-50 - Minimum salary schedule.
4. Section 59-21-20 - Teacher contracts to be based on school term of 190 days.
5. Section 59-25-410 - Notice to teacher of employment status.
6. Section 59-25-420 - Teacher required to notify board of acceptance; opportunity for hearing if not reemployed.
7. Section 59-25-710 - Salary complaints.
8. Section 9-1-2210 - Teacher and Employee Retention Incentive Program; operation.

PROFESSIONAL STAFF LEAVES AND ABSENCES

Code **GCC** Issued **DRAFT/12**

Purpose: To establish the basic structure for all types of professional staff leaves and absences.

NOTE: This policy -- and accompanying administrative rule -- may include sick leave (to include Family and Medical Leave Act requirements), personal/emergency/ legal leave, maternity/paternity/parental leave, military leave, conferences/training workshops and sabbaticals. Vacations and holidays are the subject of a separate policy.

The continuous presence of employees promotes excellence in the instructional program by ensuring the following.

- the uninterrupted continuity of education
- greater teacher-student contact time
- appropriate role-model emulation
- consistent classroom discipline
- reduced cost

Therefore, the board expects employees to come to work every day. The board recognizes, however, that certain absences are unavoidable. At such times, staff should take leave in accordance with this policy and its accompanying administrative rule.

Absent employees must comply with procedures as set forth in the administrative rule that accompanies this policy.

Definitions

For the purpose of this policy, the term "full-time employee" means a person employed by the district a minimum of 30 hours per week.

"Immediate family" includes parent, spouse, child, sibling or any other person living in the home who is dependent on the employee for care.

Sick leave

Accrual of paid sick leave

All full-time employees of the district will accrue sick leave on the basis of one and one-fourth days of sick leave for each month of active service. This will provide 12 days for nine months (190 days).

Full-time employees will be advanced one-half of their applicable sick leave at the beginning of each semester of the school year. If an employee leaves the district and has used more advanced days than he/she has earned to date, the salary paid for the unearned sick leave days will be deducted from the employee's last pay check, prorated to the individual's daily salary.

Employees may accumulate up to 90 days of sick leave which is accumulated but not used.

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Use of sick leave for absences

Sick leave is to be used primarily for absences caused by personal illness, illness in the immediate family or death in the immediate family. Employees annually may use a maximum of fifteen accrued sick leave days for illness in the immediate family and a maximum of eight accrued sick leave days for death in the immediate family. Additionally, employees annually may use a maximum of three accrued sick leave days for the death of other family members. Sick leave used for a death in the immediate family shall include the day of the services and be taken consecutively.

A maximum of six calendar weeks from the date of adoption ~~30 days sick leave~~ may be used annually for the adoption of a preschool child.

Sick leave may be taken in one-half or full day increments.

Adjustments in pay

All absences in excess of authorized entitlements will be considered as days of leave without pay.

Pay adjustments for absenteeism in excess of leave entitlements will be made in the pay period in which they occur or the pay period following the absence. Such adjustments will be calculated using the per day salary of the employee (anticipated annual earnings divided by contract days) and the number of excess absences per category.

Termination

The district may terminate the employment of any employee who fails to comply with the requirements of this policy and accompanying administrative rule, who fails to request extended leave in accordance with this policy and accompanying rule, who fails to report to work at the expiration of authorized leave, or who fails to obtain an extension of previously approved leave. An employee is also subject to termination from employment with the district for misstatements of fact and/or misrepresentations of purpose for which leave of absence is desired or on the basis of which sick leave is obtained.

The district will not terminate from employment those employees under this policy who have accrued sick leave and who are using it in compliance with this policy. The district will not terminate from employment any employee during a continuing leave of less than 91 workdays, provided none of the aforementioned grounds for termination are present.

Transfer of sick leave

Upon written request of an employee, accumulated sick leave will be transferred to or from any school district or state agency in South Carolina as required by Section 59-1-400 and Section 8-11-46, Code of Laws of South Carolina, 1976.

Reinstatement of sick leave

A person whose employment is terminated due to a reduction in force (RIF) will have all accumulated sick leave benefits reinstated provided the return to work occurs within a two-year recall period.

Organ donor leave

Employees may take a leave of absence to be an organ donor without loss of pay, time or leave for one or more periods, not exceeding a total of 30 workdays in a fiscal year. Saturdays, Sundays and state holidays may not be included in this 30-day period unless the Saturday, Sunday or holiday is a regularly scheduled workday for the employee.

An employee seeking leave to be an organ donor must forward a written request, including the appropriate documentation from the attending physician verifying that the employee is the donor, to the superintendent no later than thirty days prior to the leave.

Unused sick leave days in excess of 90 days maximum

Employees will earn a bonus at the end of each school year for any days accumulated above 90 days that are not used. The bonus will be determined by multiplying the number of unused sick leave days above 90 by \$40. The bonus will be paid by June 30 of the current year, and the employee will begin the next school year with 90 accumulated sick leave days.

Family and Medical Leave Act (FMLA)

It is the policy of the school district to provide eligible employees unpaid leave in accordance with the Family and Medical Leave Act (FMLA). To that end, the board authorizes the superintendent and school district administrators to develop an administrative rule to provide a fair and systematic procedure by which eligible employees may take unpaid leaves of absence for family and medical reasons.

The board will provide leave to eligible employees consistent with the Family and Medical Leave Act of 1993 (FMLA). Eligible employees are entitled to up to 12 workweeks of unpaid family and medical leave in any fiscal year. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single fiscal year. The district will continue to pay the district's share of the employee's health benefits during the leave. In addition, the district will restore the employee to the same or a similar position with equivalent pay, benefits and other terms of employment after the termination of the leave in accordance with board policy.

In complying with the FMLA, the district will adhere to the requirements of the Americans with Disabilities Act as well as other applicable federal and state laws.

For further information, please refer to administrative rule GCC-R.

Personal/Emergency/Legal leave

Personal leave

The board recognizes that employees must sometimes take a day of personal leave; however, the board believes that the needs of children are better served by the regular employee than by a substitute. Therefore, it is the desire of the board that employees exercise discretion based upon professional integrity when taking personal leave.

The district will allow an employee to use up to four days of sick leave annually for personal reasons.

Employees must submit a written request for personal leave to their supervisor at least five days in advance. Prior permission from the employee's immediate supervisor must be obtained prior to the time the leave is taken.

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Personal leave will not be granted on days set aside for in-service education, on the last day before or the first day after a holiday, or during the first two or last two weeks of the school year, except in extenuating circumstances and **with the principal/supervisor's recommendation** and the superintendent's approval.

Emergency leave

For emergencies and unusual situations not covered by the leave policies of the district, an employee may request the superintendent or his/her designee's authorization for use of sick leave days. The employee must submit the request in writing through the principal or supervisor to the superintendent or his/her designee.

Legal absence

Employees should notify their principal or immediate supervisor as soon as they know they are being called for jury duty or subpoenaed. An employee should submit a copy of a jury duty summons or subpoena to his/her principal or supervisor. The district will grant employees leave without loss of pay when they are summoned for jury duty or subpoenaed in the line of duty to represent the district as a witness or defendant. Any jury fee or travel payment will be retained by the employee. If an employee must appear in court for any reason other than the above, the employee must elect to request authorized leave. Whenever a prospective juror is dismissed before the end of the working day, he/she will return to his/her official duties.

The district encourages school employees, including teachers, certified personnel at the building level and bus drivers, selected to jury service during the school year to request a postponement to a date that does not conflict with the school term.

No salary adjustment will be made unless the employee is found to be using legal leave improperly.

Maternity/Paternity leave

~~A pregnant employee is eligible for extended illness leave. While on leave, she may receive pay for accumulated sick leave as provided herein.~~

~~Note: District should set out any other leave related to this section here but not that contained in the Family and Medical Leave Act.~~

Military leave

Employees of the district may take military leave without loss of pay, seniority or efficiency rating for one or more periods not exceeding a total of 15 work days in one year. Saturdays, Sundays and state holidays may not be included in this 15 days unless the Saturday, Sunday or holiday is a regularly scheduled work day for the employee.

Military leave may be taken when the employee is engaged in training or other duties ordered by the Governor, the Department of Defense, the Department of the Army, the Department of the Air Force, the Department of the Navy, the Department of the Treasury, or any other department or agency of the government of the United States having authority to issue lawful orders requiring military service. This leave applies to employees who are either enlisted or commissioned members of the South Carolina National Guard, the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, or the United States Coast Guard Reserve.

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In the event an employee is called upon to serve during an emergency, he/she will be entitled to such leave of absence for not exceeding 30 additional days.

The board expects employees to request their training for a period when school is not in session.

An employee seeking leave for annual active duty training must forward a written request, including the appropriate verifying data, to the superintendent or his/her designee no later than 30 days prior to the pre-arranged military activity.

Extended military leave

Employees who enlist or are called to active duty are eligible for up to five years extended military leave. All provisions of federal law apply to extended military leave (reemployment, benefits, etc.). However, the district is not required to maintain employee benefits for extended leave.

Written substantiation of leave under this policy is required. Falsification of reason for leave may be cause for disciplinary action up to and including termination of employment.

Application and approval for leave under this policy are made on the leave application form.

~~Reimbursement for accumulated annual and/or sick leave under Teacher and Employee Retention Incentive (TERI) program~~

~~The district will reimburse employees under TERI for unused annual and/or sick leave at the time of separation from the district. The district will pay the employee for (insert number of days here) accumulated annual and/or sick leave days at the rate of (insert rate of daily pay information here).~~

~~District needs to add information about when or if a payout will occur here.~~

↓

~~***NEED UNUSED SICK LEAVE LANGUAGE GBRIB***~~

Conferences/Training workshops

The board believes that it is desirable to provide professional leave for teachers in order to attract and retain faculty who will continue to grow professionally and enhance their service to the public schools of the district.

The district may grant temporary leave to an employee for the purpose of attending activities designed to improve employee competency or to improve the instructional or service programs of the district.

The superintendent may authorize professional leave for attending state, regional and national meetings, workshops and conferences (including observing in other schools) without pay deduction. The employee must apply for prior approval through his/her supervisor.

The superintendent will determine the number of absences allowable for professional leave. Absences will also be subject to budget limitations for employing substitutes and reimbursement for travel, meals and lodging.

Academic/Sabbatical leave

The board is committed to the principle of providing opportunities for the professional improvement of its certified staff. In granting leave, consideration will be given by the board to the best interest of the district as well as to the employee. Consequently, the board will grant academic or sabbatical leaves of absence under the conditions outlined below.

Eligibility

Certified personnel will be eligible for academic or sabbatical leave generally after three consecutive years of employment with the district. An employee is eligible for academic leave only once every three years.

Duration of leave

Academic or sabbatical leave generally will be for one semester. However, if the employee is pursuing advanced study at an institution of higher education, leave may be granted for two consecutive semesters within the same school year.

Application process

A written application for academic or sabbatical leave must be submitted to the superintendent or his/her designee no later than March 1, or as early as practical, for leave for the subsequent fall semester and September 1 for leave for the subsequent spring semester. The superintendent and the employee's principal or supervisor will review the written request which must include an outline of the professional improvement and/or the purpose of the leave. A request for such leave will be granted to a certified employee if recommended by the superintendent or his/her designee and the principal or supervisor and if approved by the board. Applicants will be notified of the decision of the board within a reasonable time period.

Compensation

Academic or sabbatical leave will be granted **without** pay.

An employee on academic or sabbatical leave will not accrue sick leave; however, accumulated sick leave will be carried over and reinstated upon the employee's return to work. Such employee will not be covered by workers' compensation.

An employee granted academic or sabbatical leave will do the following.

- Choose whether or not to keep his/her group insurance in effect. Should an employee choose to do so, he/she must pay the entire premium (both his/her portion and the district's portion) and make arrangements with the district for timely payment of such premiums.
- Choose whether or not to continue making his/her normal contributions to the South Carolina Retirement System. An employee who chooses this option must make arrangements directly with the retirement system for the timely payment of such contributions.
- Choose to request that the South Carolina Department of Education recognize certain time spent in graduate school as being equivalent to teaching experience credit.

Return from academic or sabbatical leave

A written request to return to active employment must be submitted to the superintendent or his/her designee in writing by September 1, if returning for the spring semester, and by March 1 if returning for the fall semester.

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Official statements of completion or copies of transcripts showing fulfillment of academic pursuits must be submitted to the superintendent or his/her designee within two weeks of returning from an academic leave.

Whenever possible, a person returning to the district from a leave of absence will be placed in the school or position where they were previously assigned. The right is reserved to place the employee anywhere in the system where a suitable vacancy exists. Failure to accept a position when offered will be considered a forfeiture of the right of reemployment.

The board guarantees the employee upon his/her return to the district a position comparable to the one he/she held immediately prior to being granted academic or sabbatical leave, but not necessarily in the same school or administrative office.

Adopted 1/1/74,; Revised 9/28/75, 9/27/76, 8/27/84, 4/28/86, 6/27/88, 6/26/89, 9/24/90, 9/27/93, 8/25/97, 9/22/97, 6/26/00, 10/24/05, 9/25/06, 2/23/09, 5/24/10, 4/25/11, 8/22/11, ^

Legal references:

A. United States Code:

1. P.L.103-3 and 29 CFR Part 825 - The Family and Medical Leave Act of 1993.
2. Title 38 U.S. Code, Chapter 43, Sections 4301-4333, Public Law 103-353 - The Uniformed Services Employment and Reemployment Act of 1994 (USERRA).

B. S. C. Code, 1976, as amended:

1. Section 8-7-20 - Requires granting of military leave, without pay, up to five years.
2. Section 8-7-90 - Requires 15 days per year of leave with pay for members of National Guard and Reserve Units of the various Armed Forces. Also grants an additional 30 days of leave with pay in emergency situations.
3. Section 8-11-65 - Organ donor leave.
4. Section 9-1-2210 - Teacher and Employee Retention Incentive Program.
5. Section 14-1-190 - Compensation received for jury duty deemed to be expense money.
6. Section 14-7-845 - Relating to optional postponement of jury service for students and employees.
7. Section 25-1-2250 - Employees entitled to leave with pay when serving in National Guard.
8. Section 59-1-400 - Sick leave for public school district employees.

PROFESSIONAL STAFF LEAVES AND ABSENCES

Code **GCC-R** Issued **DRAFT/12**

Procedures regarding absences

An employee must notify his/her principal or immediate supervisor as early as practicable when it is necessary for him/her to be absent. Unless the length of absence has been definitely set through prior communications, each employee who is absent must notify the school or department daily in accordance with procedures established by the school principal or supervisor.

An employee who has been absent must sign a statement setting forth the specific reason(s) for his/her absence. Such statement must be made on the district absence report form and filed within two days after the employee returns to work.

An employee who anticipates taking an extended leave of absence for five or more consecutive working days must submit the request for leave to his/her supervisor at least 30 calendar days prior to the effective date of the leave or as soon as practicable. If an emergency situation arises, the employee should submit the request for leave as soon as feasible. The leave request must include a statement to the director of personnel from a licensed medical doctor stating the anticipated length of convalescence or period required for medical treatment. Any employee returning from an extended leave of absence must present a statement from the attending physician certifying the employee's ability to return to a normal work schedule.

Upon written request, the superintendent or his/her designee may grant an employee leave without pay following the exhaustion of all accrued sick leave for personal illness. Leave with or without pay will not exceed 91 workdays in any school year unless approved by the board.

Verification and use of leave

The use of sick leave for personal illness or the illness of an immediate family member is subject to verification. Specifically, the district may require an employee to submit a physician's statement verifying an illness when the employee has utilized sick leave for more than 10 working days within a school year, after an absence for personal illness of three consecutive days or more, or if the employee is requesting extended leave. The district also reserves the right to require an employee to submit a medical physician's statement verifying an illness when the administration believes verification is needed or when an employee's use of leave for personal illness forms a pattern or abuse is suspected.

Additionally, the district reserves the right to require an employee to submit a medical physician's statement verifying the illness of an immediate family member for absences of three consecutive days or more.

If the employee does not provide the required physician's statement within five working days upon written request, the district may take appropriate disciplinary actions, up to and including a recommendation of termination from employment.

The district may require the opinion of a second physician designated and paid for by the board regarding verification of any illness or disability.

The district may require an employee to provide a physician's statement attesting to his/her ability to perform required duties before returning to work.

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Ordinarily, employees will be expected to return to work the first school day after the recuperative period is completed.

Family and Medical Leave Act (FMLA)

Pursuant to board policy GCC GBRIB, the District Five Schools of Spartanburg County adopts the following guidelines to provide a fair and systematic procedure by which eligible employees may take unpaid leaves of absence for family and medical reasons.

Eligibility requirements

To qualify for leave under this policy, an employee must have been employed by the school district for at least 12 months, as of the date on which the requested leave will commence. In addition, the employee must have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

Leave entitlement

An eligible employee is entitled to a total of 12 workweeks of unpaid leave during any fiscal year (July 1 through June 30) for the following.

- the birth of a son or daughter of the employee
- the placement of a child with the employee for adoption or foster care
- to care for a spouse, son, daughter or parent of the employee, if such spouse, son, daughter or parent has a serious health condition
- because of a serious health condition of the employee that renders the employee unable to perform the essential functions of the position
- a family member (spouse, son, daughter or parent) is on active duty or has been called to active duty for any "exigency situation" as defined in federal regulation

However, an eligible employee who is the spouse, son, daughter, parent or next of kin (nearest blood relative of the individual) of a covered service member is entitled to a total of 26 workweeks of leave in a single fiscal year to care for the service member with a serious illness or injury incurred in the line of duty on active duty. Leave under this paragraph is available only during a single year. During that year, the employee is entitled to a combined total of 26 workweeks of leave under this policy.

An eligible employee who desires to take leave under this administrative rule will request such leave from his/her immediate supervisor who will then notify the superintendent or his/her designee of the request. Requests will be responded to in a timely manner.

The entitlement to leave for the birth or placement of a child for adoption or foster care expires 12 months after the date of such birth or placement.

If circumstances require, an employee may take family leave prior to the birth or placement of a child for prenatal care or to prepare for placement, e.g., to attend counseling sessions or appear in court.

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“Foster care” is 24-hour care for children in substitution for and away from, their parents or guardian, by or with the agreement of the state or pursuant to a judicial determination.

“Son or daughter” means a biological, adopted or foster child, stepchild, legal ward or child or a person standing in loco parentis, who is either under age 18 or age 18 or older and incapable of self-care because of a mental or physical disability. Persons who are “in loco parentis” include those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child.

A “serious health condition” is an illness, injury, impairment or physical or mental condition that involves any of the following.

- any period of incapacity or treatment in connection with or consequent to inpatient care in a hospital, hospice or residential medical care facility
- any period of incapacity requiring absence from work or other regular daily activities of more than three calendar days, that also involves continuing treatment by a healthcare provider
- continuing treatment by a healthcare provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or for prenatal care.

“Continuing treatment by a healthcare provider” means any of the following.

- the employee or family member is treated two or more times for the injury or illness by a healthcare provider
- the employee or family member is treated for the injury or illness two or more times by a provider of healthcare services (e.g., physical therapist) under orders of or on referral by, a healthcare provider or is treated for the injury or illness by a healthcare provider on at least one occasion which results in a regime of continuing treatment under the supervision of the healthcare provider
- the employee or family member is under the continuing supervision of, but is not necessarily being actively treated by, a healthcare provider due to a serious long-term or chronic condition or disability which cannot be cured

A “healthcare provider” is defined as follows.

- a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices
- a podiatrist, dentist, clinical psychologist, optometrist or chiropractor (limited to treatment of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist), authorized to practice in the state and performing within the scope of his/her practice as defined under state law
- a nurse practitioner or nurse midwife who is authorized to practice under state law and who is performing within the scope of his/her practice as defined under state law
- a Christian Science practitioner listed with the First Church of Christ, Scientist in Boston, Massachusetts

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Intermittent or reduced schedule leave

“Intermittent leave” is leave taken in separate blocks of time due to a single illness or injury, rather than for one continuous period of time and may include leave periods from one hour or more to several weeks.

A “reduced schedule leave” is a leave schedule that reduces an employee’s usual number of working hours per workweek or hours per work day.

Leave for the birth or placement of a child will not be taken intermittently or on a reduced schedule without the written consent of the superintendent or his/her designee, who will consult with the employee’s immediate supervisor before granting such consent.

Leave to care for a seriously ill spouse, son, daughter or parent or for the employee’s own serious health condition or for a serious injury or illness of a covered service member which requires treatment by a healthcare provider periodically, rather than for one continuous period of time may be taken intermittently or on a reduced schedule only when medically necessary.

If an employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, the superintendent or his/her designee may require such employee to transfer temporarily to an available alternative position for which the employee is qualified that (1) has equivalent pay and benefits; and (2) better accommodates recurring periods of leave or family leave (for instructional employees, see section entitled “Rules applicable to periods near the conclusion of an academic term for employees employed principally in an instructional capacity” below).

Substitution of paid leave

An eligible employee may elect or the superintendent or his/her designee may require the employee to substitute any available accrued **paid** vacation leave or personal leave or family leave of the employee for leave taken for either of the following.

- the birth or placement of a child
- to care for a seriously ill spouse, child or parent

An eligible employee may elect or the superintendent or his/her designee may require the employee to substitute any of the available accrued **paid** vacation leave, personal leave or medical or sick leave of the employee for leave taken for either of the following.

- to care for a seriously ill spouse, child or parent
- for the employee’s own serious health condition

Paid Vacation or personal leave may be substituted, at either the employee’s or the school district’s option, for any qualified unpaid family or medical leave without limitation. Paid family, medical or sick leave may be substituted for unpaid leave under this policy only if the circumstances necessitating the leave entitle the employee to paid leave under the applicable policy.

Foreseeable leave/notice required

When the necessity for leave for the birth or placement of a child is foreseeable based on an expected birth or placement, the employee must provide at least 30 days notice to his/her

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immediate supervisor of the anticipated timing and duration of the employee's leave. The failure to provide such notice with no reasonable excuse for the delay may result in the denial of a request for leave until 30 days after the employee provides notice.

If the date of the birth or placement requires leave to begin in less than 30 days, the employee must provide as much notice as is practicable.

When leave to care for a seriously ill spouse, child or parent or for an employee's own serious health condition is foreseeable based on planned medical treatment, the employee must do the following.

- Make a reasonable effort to schedule the treatment so as not to disrupt unduly the school district's operations, subject to the approval of the healthcare provider and duration of the employee's leave, except that if the date of treatment requires leave to begin in less than 30 days, the employee must provide as much notice as practicable.
- Provide at least 30 days notice to his/her immediate supervisor of the anticipated timing and duration of the employee's leave, except that if the date of treatment requires leave to begin in less than 30 days, the employee must provide as much notice as practicable.

Spouses employed by the school district

If a husband and wife who are both eligible for family and medical leave are employed by the school district and both take leave for the birth, foster placement or adoption of a child or to care for a seriously ill parent, the aggregate number of workweeks of leave to which both may be entitled may not exceed 12 workweeks during any 12-month period.

A husband and wife who are both eligible for family and medical leave and are employed by the school district may be granted family and medical leave only for a combined total of 26 workweeks of leave per fiscal year if the leave is to care for a covered service member with a serious illness or injury.

Certification

A request for leave to care for a seriously ill spouse, child or parent or for the employee's own serious health condition must be supported by a certification issued by the healthcare provider of the employee or family member. The district has pre-approved forms available which an employee may use for this purpose.

The certification must contain the following information.

- date on which the serious health condition commenced
- probable duration of the condition
- appropriate medical facts regarding the condition
- for leave taken to care for a seriously ill spouse, child or parent, a statement that the employee is needed to care for the spouse, child or parent and an estimate of the amount of time the employee will be needed for that purpose

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- for leave taken due to an employee's serious health condition, a statement that the employee is unable to perform the essential functions of the position
- for intermittent or reduced schedule leave for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment
- for intermittent or reduced schedule leave for an employee's serious health condition, the statement of the medical necessity for the intermittent or reduced schedule leave and the expected duration of such leave
- for intermittent or reduced schedule leave to care for a seriously ill spouse, child or parent, a statement that the employee's intermittent or reduced schedule is necessary for the care of the spouse, child or parent or will assist in their recovery and the expected duration and schedule of the intermittent or reduced schedule leave

If the superintendent or his/her designee or the employee's immediate supervisor has reason to doubt the validity of a certification, he/she may require, at the district's expense, the employee obtain the opinion of a second healthcare provider designated or approved by the superintendent or his/her designee.

A healthcare provider designated or approved by the superintendent or his/her designee will not be one who is employed on a regular basis by the school district.

If the first and second opinions of the healthcare providers are conflicting, the opinion of a third healthcare provider designated or approved jointly by the superintendent or his/her designee may require the employee or family member to submit to an examination (though not treatment) to obtain a second or third certification from a healthcare provider other than a Christian Science practitioner.

The superintendent or his/her designee may require subsequent recertification on a reasonable basis, but no more often than every 30 days, unless one of the following occurs.

- the employee requests an extension of leave
- the circumstances described by the original certification have changed significantly
- the superintendent or his/her designee receives information which casts doubt on the continuing validity of the prior certification

Designation of leave as FMLA

The school district must designate the leave as paid or unpaid FMLA leave within five business days of learning that a FMLA reason supports the leave. The district must also provide other written information concerning the employee's rights and obligations under FMLA. If the district does not make the designation on time or provide appropriate information, the absence will not count against the employee's FMLA entitlement.

Employment and benefits protection

Restoration to position

Any employee who takes leave for the intended purpose of the leave will be entitled, on return from leave, to be restored to the position of employment held by the employee when the leave

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commenced or to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

The taking of leave will not result in the loss of any employment benefits accrued prior to the date on which leave commenced.

A restored employee is not entitled to the accrual of any seniority or employment benefits during any period of leave or any right, benefit or position of employment other than that to which the employee would have been entitled had the leave not been taken.

As a condition of restoration for an employee who has taken leave due to his/her own serious health condition, the employee must provide a certification from the healthcare provider stating that the employee is able to resume work. Until such a certification is provided, reinstatement will be denied.

An employee on leave must report periodically to his/her immediate supervisor on his/her status and intention to return to work.

Exemption of certain highly compensated employees

The superintendent or his/her designee may deny restoration to a salaried employee who is among the highest paid 10 percent of school district employees under the following circumstances.

- such denial is necessary to prevent substantial and grievous economic injury to the operations of the school district
- the superintendent or his/her designee notifies the employee of the intent to deny restoration at the time he/she determines such injury would occur
- if leave has commenced, the employee decides not to return to work

If the superintendent or his/her designee believes that reinstatement may be denied to a key employee, the superintendent or his/her designee must give written notice to the employee at the time leave is requested that he/she qualifies as a key employee. In addition, the employee must be fully informed of the potential consequences with respect to reinstatement and maintenance of health benefits if it is determined that substantial and grievous economic injury will result from the employee's reinstatement.

As soon as the superintendent or his/her designee determines that such an injury will result from reinstatement, he/she must again notify the employee in writing of this determination and advise the employee that the school district cannot deny leave but that it intends to deny restoration to employment on completion of the leave. This notice must be delivered in person or by certified mail. It also must explain the basis for the finding that substantial and grievous economic injury will result and must provide the employee a reasonable time in which to return to work.

If the employee elects to remain on leave, the school district will continue to maintain his/her health benefits until the employee gives notice that he/she no longer wishes to return to work or until reinstatement is actually denied at the conclusion of the leave.

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Once the key employee's leave has expired, he/she still is entitled to request reinstatement. The superintendent or his/her designee must then determine whether there will be substantial and grievous economic injury from reinstatement, based on the facts at that time. If it is determined that such an injury will result, the superintendent or his/her designee will notify the employee in writing of the denial of restoration. This notice must be delivered in person or by certified mail.

Maintenance of health benefits

During an employee's leave, the school district will maintain coverage under any group health plan at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of the leave.

The employee must continue to pay his/her portion of all insurance premiums to maintain coverage. If an employee's premium payment is more than 30 days late, the school district may discontinue coverage of the employee under the policy. The district will provide 15 days advance notice before any such cancellation of coverage.

If coverage lapses because an employee has not made premium payments, upon the employee's return from leave, the school district will restore the employee to coverage and benefits equivalent to those the employee would have had if leave had not been taken and the premium payments had not been missed.

If the school district continues coverage under the policy by paying the employee's portion of the premiums, the district is entitled to recover all such payments. Further, the school district may recover from an employee its share of health plan premiums paid during a period of leave under this policy if the employee fails to return to work at the expiration of the leave, unless the reason for the employee's failure to return is due to the continuation, recurrence or onset of a serious health condition or other circumstances beyond the employee's control. If an employee fails to return because of the continuation, recurrence or onset of a serious health condition, the employee must provide a certification of the employee's or family member's serious health condition. The district also will not seek recovery for its share of premiums for any portion of paid leave substituted or used by an employee.

Intermittent or reduced schedule leave for instructional employees

If an eligible employee employed principally in an instructional capacity requests leave to care for a seriously ill spouse, child or parent, for the employee's own serious health condition or leave to care for a covered service member which is foreseeable based on planned medical treatment and the employee would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, the superintendent or his/her designee, in consultation with the school principal, may require that the employee elect either of the following.

- to take leave for periods of a particular duration, not to exceed the duration of the planned medical treatments
- to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and which better accommodates recurring periods of leave

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Rules applicable to periods near the conclusion of an academic term for employees employed principally in an instructional capacity.

If an eligible employee employed principally in an instructional capacity begins leave more than five weeks prior to the end of an academic semester, the superintendent or his/her designee, in consultation with the school principal, may require the employee to continue taking leave until the end of the semester under the following circumstances.

- the leave is of at least three weeks duration
- the return would occur during the three-week period before the end of the term

If an eligible employee employed principally in an instructional capacity begins leave for the birth or placement of a child or to care for a seriously ill child, spouse or parent during the period that commences five weeks prior to the end of an academic semester, the superintendent or his/her designee, in consultation with the school principal, may require the employee to remain on leave until the end of the semester under the following circumstance.

- the leave is greater than two weeks
- the return to employment would occur during the two-week period before the end of the term

If an employee employed principally in an instructional capacity begins leave for the birth or placement of a child or to care for a seriously ill spouse, child or parent during the period that commences three weeks prior to the end of an academic semester and the duration of the leave is greater than five working days, the superintendent or his/her designee, in consultation with the school principal, may require the employee to continue taking leave until the end of the term.

If the school district requires an employee to remain on leave until the end of an academic term and this results in the employee taking more leave than is necessary to resolve the condition which necessitated the leave, the additional leave time required to be taken will not be deducted from the employee's total available FMLA leave. The employee, however, will continue during this time to be entitled to the maintenance of health benefits and job restoration in accordance with this administrative rule.

Issued 9/27/93; Revised 10/23/95, 9/25/06, 2/23/09, ^

**EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE
FAMILY AND MEDICAL LEAVE ACT (FMLA)**

Basic leave entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for any of the following reasons.

- incapacity due to pregnancy, prenatal medical care or child birth
- to care for the employee's child after birth or placement for adoption or foster care
- to care for the employee's spouse, son or daughter, or parent, who has a serious health condition
- a serious health condition that makes the employee unable to perform the employee's job

Military family leave entitlements

Eligible employees with a spouse, son, daughter or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his/her duties for which the servicemember is undergoing medical treatment, recuperation or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months and if at least 50 employees are employed by the employer within 75 miles.

Definition of serious health condition

A serious health condition is an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a healthcare provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a healthcare provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of paid leave for unpaid leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a healthcare provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employee's rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful acts by employers

FMLA makes it unlawful for any employer to do the following.

- Interfere with, restrain or deny the exercise of any right provided under FMLA.
- Discharge or discriminate against any person for opposing any practice made lawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the US Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA Section 109 (29 USC § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

PROFESSIONAL STAFF VACATIONS AND HOLIDAYS

Code **GCD** Issued **DRAFT/12**

Purpose: To establish the basic structure for professional staff vacations and holidays.

School year personnel

The school calendar, as adopted by the board, establishes the school recess periods and holidays for instructional staff members employed on a school-year basis.

Administrators and year round personnel

Regular full-time administrators employed on a full-year basis (52 weeks) and year round instructional personnel will receive vacations and holidays as follows.

Vacations

- All district employees who are 12-month employees accrue leave at the rate of 5/6th day per month for a total of 10 days per year.
- Employees must obtain the prior approval of their supervisor before using accrued leave.
- Vacation leave may not be accrued beyond the fiscal school year without superintendent's approval.

Holidays

Independence day	one day
Labor Day	one day
Thanksgiving	three days
Election Day	one day (general election-even years)
Christmas/New Year's	number of days varies by school year <i>(maintenance employees and full-time custodians will work five days)</i>
Martin Luther King	one day
Spring vacation	five days <i>(maintenance employees and full-time custodians will work three days)</i>
Memorial Day	one day

If an employee's job requires him/her to work on a holiday, the employee may take that day at a later date.

NOTE: District should add/subtract local holidays permitted/not permitted.

Administrative personnel and district office level personnel who are 12-month employees will observe the school calendar holidays.

Adopted 3/22/93; Revised 9/27/93, 2/7/02, 10/24/05, 9/25/06, 6/23/08, ^

PROFESSIONAL STAFF RECRUITMENT

Code **GCE** Issued **DRAFT/12**

Purpose: To establish the basic structure for recruitment of high-quality professional staff.

It is the policy of the board to recruit and hire professional personnel on the basis of qualifications and merit. Personnel recruitment and selection are the responsibility of the superintendent. Principals and directors will assist as needed.

The district is required by federal and state laws, executive orders, rules and regulations not to illegally discriminate on the basis of race, religion, color, disability, sex, age, alienage or national origin. The district is committed to nondiscrimination in its employment practices.

District policies and practices regarding equal opportunity employment apply to all levels and phases of personnel administration. These include recruitment or recruitment advertising.

Minority educators will receive fair and equal treatment under each program and each section of the Education Improvement Act of 1984 including, but not limited to, employment opportunities and selection for training programs.

Adopted 6/24/85; Revised 9/27/93, 11/24/08, 9/26/11, ^

Legal references:

A. United States Code:

1. 20 U.S.C. Sections 1681-86 - Prohibits discrimination on the basis of sex.
2. 42 U.S.C. 2000e, et seq. - Prohibits discrimination in hiring based on race, color, national origin, religion or sex.
3. Equal Pay Act of 1972 - Nondiscrimination as to wages on basis of sex.
4. 29 U.S.C. 621 et seq. - Age Discrimination in Employment Act - Nondiscrimination on the basis of age in employment.
5. 42 U.S.C. 12101, et seq. - Americans with Disabilities Act - Prohibits discrimination in employment and access to programs and facilities on the basis of disability.
6. The Uniformed Services Employment and Reemployment Rights Act of 1994 (P.L. 103-353; 38 U.S.C. 4301).

B. Code of Federal Regulations:

1. Title 41, Chapter 60, Part 60-20 - Prohibits discrimination on the basis of sex.

C. S. C. Code, 1976, as amended:

1. Section 1-1-550 - Public employees shall give preference to employment of honorably discharged veterans.
2. Section 1-13-80 - Unlawful employment practices; exceptions.
3. Section 59-1-510 - Guidelines and regulations for recruitment and hiring staff in professional areas.
4. Section 59-1-520 - Intervention by state department of education for non-compliance.
5. Section 59-26-40 - "Prior to the initial employment of a teacher, the school shall request a criminal record history from the South Carolina Law Enforcement Division for past convictions of any crime listed in Chapter 3 of Title 16, Offenses Against the Person, any crime listed in Chapter 15 of Title 16, Offenses Against Morality and Decency and for the crime of contributing to the delinquency of a minor, contained in section 16-17-490."

PROFESSIONAL STAFF RECRUITMENT

Code **GCE-R** Issued **DRAFT/12**

The Superintendent/Personnel Director will analyze each job vacancy prior to initiating the recruitment process in order to determine which recruitment strategies will be the most effective for the specific job vacancy. The superintendent may consider strategies that include, but are not limited to, the following.

- advertisements in local, state and regional newspapers
- advertisements in professional publications
- advertisements with college and university placement services
- interviews with students enrolled in teacher education programs
- internal and external searches
- inquiries and referrals
- professional contacts with community organizations that promote the interest of minority groups
- publications and pamphlets
- special activities and events for prospective applicants
- video packages and recruiting programs

The administration will design and publish a district brochure or webpage that will be used in the effort to recruit quality individuals. The district brochure or webpage will contain general information about the district, the educational programs, teacher benefits, district schools and student enrollment as well as the communities and county at large.

The superintendent and/or his/her designee will write and publish the job vacancy announcement/advertisement within the confines of the district's recruitment and/or employment policies and procedures.

The superintendent will base the context of the job vacancy announcement/advertisement primarily on the actual job description and/or criteria to be used in selecting the most qualified person for the position.

The announcement/advertisement may also include such information as job title, major job responsibilities, location of the district, how to apply for the position, minimum qualifications and deadline for receiving applications.

Issued 6/24/85; Revised 9/27/93, 3/28/05, ^

POSTING AND ADVERTISING OF PROFESSIONAL VACANCIES

Code **GCEC** Issued **DRAFT/12**

Purpose: To establish the basic structure for posting and advertising professional vacancies.

The board believes it has the obligation to provide the best administrative and supervisory personnel available for the district regardless of race, color, creed, sex, age, disability or national origin.

Except in extreme emergencies, the administration will advertise all job vacancies within the district.

Promotional positions

The board declares its support of a policy to give teachers from its present staff consideration with respect to the filling of promotional vacancies. Promotional positions are those positions which are administrative in nature, such as principal, assistant principal, etc.

***NOTE:** ~~District should set out advertising policy here such as the example below.~~*

~~The district will advertise openings in administrative and supervisory positions as set out below.~~

- ~~The district will advertise in the local newspaper, through the district webpage and other professional employment listings when appropriate. all district schools, administrative offices and, when appropriate, university placement offices.~~*
- No promotional vacancy will be filled until it has been posted for at least three school days.*

Adopted ^

PROFESSIONAL STAFF HIRING

Code **GCF** Issued **DRAFT/12**

Purpose: To establish the basic structure for the hiring of high quality district staff.

The superintendent will make recommendations to the board for employment. The superintendent will establish that all persons nominated for employment meet the qualifications set out for the particular position. Principals should be actively involved in the hiring of personnel for their school.

The district board will make the final decision regarding employment of professional personnel in the district.

The superintendent may use a "Letter of Intent" to assure a prospective employee of a forthcoming recommendation to be hired.

The district will not employ any candidate without a personal interview.

Federal and state laws prohibit employers from hiring aliens not legally eligible to work in the United States. They also require all new employees to present evidence of employment eligibility and require employers to verify that eligibility. The district will utilize the federal work authorization program E-Verify for verification of work authorization submitted by an employee. Newly hired employees must complete the required I-9 form no later than three days following their first working day.

Should a vacancy occur in a position during the year, the board authorizes the superintendent to fill such vacancies for the remainder of the school year in which the vacancy occurs pursuant to a letter of agreement, when appropriate. The superintendent or his/her designee may determine whether advertising the vacancy is necessary or whether the position may be filled through some other means.

The superintendent is authorized to hire retired employees to work in the district on an "as needed" basis when their employment would serve the best interests of the school system. In such cases, the superintendent will notify the employee of the at-will status of his/her employment. The continued employment of retired employees will be at the discretion of the superintendent who will make such decisions in the best interests of the district. The decision to employ or not employ retired employees will not be subject to the district's grievance procedures.

For issuance of contracts at the conclusion of the TERI program participation, see policy GCB, Professional Staff Contracts and Compensation.

For required criminal record checks on new employees, see policy GBEBDA* Criminal Record Checks.

Cf. GBEBDA*

Adopted 6/24/85; Revised 9/27/93, 11/24/08, 9/26/11, ^

Legal references:

- A. United States Code:
1. 20 U.S.C. Sections 1681-86 - Prohibits discrimination on the basis of sex.

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2. 42 U.S.C. 2000e, et seq. - Prohibits discrimination in hiring based on race, color, national origin, religion or sex.
 3. 42 U.S.C. 12101, et seq. - Prohibits employment discrimination on the basis of disability.
 4. Public Law 107-110 - No Child Left Behind, revised Elementary and Secondary Education Act (ESEA) of 2001, Title 1, Part A, Subpart 1, Section 1119 - Qualifications for teachers and paraprofessionals.
 5. Public Law 99-603 - Immigration Reform and Control Act of 1986.
 6. Public Law 104-208 - Illegal Immigration Reform and Immigrant Responsibility Act of 1996.
- B. Code of Federal Regulations:
1. 41 CFR 60-20 (1998) - Prohibits discrimination on the basis of sex.
- C. S. C. Code, 1976, as amended:
1. Section 1-1-550 - School districts shall give preference to employment of honorably discharged veterans.
 2. Section 59-1-510 - Guidelines and regulations for recruitment and hiring staff in professional areas.
 3. Section 59-1-520 - Intervention by State Department of Education for non-compliance.
 4. Section 59-19-80 - Requirements as to purchases and teacher employment (teaching contracts to be issued in public meeting).
 5. Section 59-25-410, et seq. - Employment and Dismissal Act - Teachers to be notified of employment status by April 15th.
 6. Section 59-26-40(M) - Before initial employment of a teacher, the local school district shall request a criminal record history from the South Carolina State Law Enforcement Division for past convictions of any crimes.
 7. Section 59-18-1300 - District accountability system.
 8. Section 9-1-2210 - Teacher and Employee Retention Incentive Program; operation.
 9. Section 9-1-1790 - Amount which may be earned upon return to covered employment.
 10. South Carolina Illegal Immigration Reform Act (Act 280 of 2008).
 11. Section 16-1-60 - Violent crimes defined.
 12. Section 23-3-115 - Fees for criminal record searches conducted for charitable organizations.
 13. Section 23-3-130 - Determination of information to be supplied and methods of evaluation and dissemination; promulgation of rules and regulations.
 14. Section 23-3-430 - Sex offender registry; convictions and not guilty by reason of insanity findings requiring registration.
 15. Section 59-19-117 - Background checks.
 16. Section 59-25-150 and 160 - Revocation or suspension of certificate; "just cause" defined.
- D. State Board of Education Regulations:
1. R43-205 - Administrative and professional personnel qualifications, duties and workloads.

PROFESSIONAL STAFF HIRING

Code **GCF-R** Issued **DRAFT/12**

The application process

Each individual seeking employment in the district must apply in writing. The district will require each individual making application to submit the following documents to the district office as part of the application process.

- application form
- South Carolina teaching credential
- college transcripts (undergraduate and graduate, if applicable)
- three professional references

The district does not consider the individual's application file complete until the district office has received these documents.

~~Generally, the district will request that the applicant submit a health verification form only if he/she is chosen for the position.~~ At the time of initial employment, each employee must submit the health verification form.

In addition, the district requires that the employee submit, at the time of employment, all required personal information, data and documentation to the school district office.

The superintendent or his/her designee will notify each individual who submitted an application after the deadline that he/she will not be considered for the position. The district will accept applications postmarked on the date of the deadline.

Selection of professional personnel

The superintendent and/or his/her designee will receive all applications for professional job vacancies. The superintendent or his/her designee, in consultation with the principal of the school involved, will then perform the initial screening.

The superintendent has the authority to decide when and/or how structured interview techniques may be used, who will conduct the interview, and who may assist/participate in the interview process. In making the decision, the superintendent may consider such factors as the level and/or impact of the position, areas of responsibility, and the relationship of the position to other positions on the organizational chart. The principal of the school involved should be part of the screening and interviewing process.

The general procedures and requirements for recruiting and selecting individuals for district-level and school-level positions will be similar.

If so directed by the superintendent, the principal/director will continue the screening process. The steps will include verification and evaluation of references and credentials. (The applicant's "credentials" are defined as college or university transcripts, teaching credentials, professional experience, health certificates, or professional examination scores and the like.)

The principal/director is responsible for reviewing the references and credentials of the applicant, as well as other application data. Utilizing the information gained during this phase of the

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selection process, he/she will make a determination as to who will be invited to participate in the interview process. The principal/director will schedule and conduct the interview.

Upon the completion of the selection of the most qualified applicant for the position, the principal/director will submit a final recommendation to the superintendent. The superintendent may accept or reject the recommendation. The superintendent will recommend the applicant for employment to the board.

However, prior to the initial employment or final validation of contract, the district will request a criminal record history from South Carolina Law Enforcement Division along with a National Sex Offender Registry search, in full compliance with board policies GCF and GBEBDA*.

The final decision regarding employment in the district will be made by the board.

The superintendent or his/her designee will notify the remaining applicants that the position has been filled. The superintendent will take this step only after the candidate has accepted the offer of employment and the district has received the criminal record history.

Complaint procedure

Any unsuccessful applicant for employment having reason to believe that he/she was not a successful applicant because of some discriminatory reason such as race or color may have his/her grievance heard according to the procedure set forth in Section 59-19-510, et seq., Code of Laws of South Carolina 1976, as amended.

Any applicant who feels that he/she has not received fair and equal treatment in regard to employment decisions may file a written complaint with the district civil rights coordinator within 30 days of the position being filled or within 10 days of receiving notification that the position has been filled, whichever occurs sooner.

The written complaint will specify the position for which the employee applied and how the employee was treated unequally. The person filing such complaint will then be notified by the civil rights coordinator of the procedures to be followed.

Issued 6/24/85; Revised 9/27/93, 3/28/05, ^

HIRING OF ADMINISTRATIVE STAFF

Code **GCFB** Issued **DRAFT/12**

Purpose: To establish the basic structure for the hiring of administrative staff.

Mandatory assessment of principal appointees

Any person considered by the board for permanent appointment as a principal will be assessed in accordance with state law and state board of education regulations.

Contract status

An administrator employed by the district on a contract will retain his/her rights as a teacher under state law. However, state law does not grant these rights to the position or salary of an administrator (for example, if he/she is returned to the classroom).

For required criminal record checks on new employees, see policy GBEBDA*, Criminal Record Checks.

Cf. GBEBDA*

Adopted 1974; Revised 3/22/93, 9/26/11, ^

Legal references:

A. S.C. Code, 1976, as amended:

1. Section 59-24-10 - Assessment of leadership and management capabilities of persons being considered for appointment as elementary or secondary school principals.
2. Section 59-24-15 - Rights of certified education personnel employed as administrators.
3. Section 16-1-60 - Violent crimes defined.
4. Section 23-3-115 - Fees for criminal record searches conducted for charitable organizations.
5. Section 23-3-130 - Determination of information to be supplied and methods of evaluation and dissemination; promulgation of rules and regulations.
6. Section 23-3-430 - Sex offender registry; convictions and not guilty by reason of insanity findings requiring registration.
7. Section 59-19-117 - Background checks.
8. Section 59-25-150 and 160 - Revocation or suspension of certificate; "just cause" defined.

B. State Board of Education Regulations:

1. R43-205 - Administrative and professional personnel qualifications, duties and workloads.

C. Court cases:

1. Henry-Davenport v. The School District of Fairfield County, 391 S.C. 85, 705 S.E.2d 26 (S.C. 2011).

PART-TIME AND SUBSTITUTE PROFESSIONAL STAFF EMPLOYMENT

Code **GCG** Issued **DRAFT/12**

Purpose: To establish the basic structure for the employment of part-time and substitute professional employees.

Substitute teachers serve in the absence of regular teachers. To as great an extent as possible, substitute teachers should possess the training and experience to ensure that students will receive uninterrupted instruction when the regular teacher has to be absent.

Periodically the district office will send to the schools a list from which a principal/director may select substitute teachers. Only the principal/director or his/her designee may employ substitute teachers. The following minimum qualifications are required in order for an applicant to be submitted for approval and listed by the district office.

- Although a certified teacher is preferred, a high school diploma or a GED will meet the minimum educational requirements.
- Statements from reliable references that attest to the acceptability of the candidate's character and dependability.
- A willingness to be available for substitute work and to respond on short notice.
- *Option:* Attendance at a training session for substitutes.

The principal/director has the responsibility for evaluating the effectiveness of each substitute teacher employed in his/her school.

For required criminal record checks on new employees, see policy GBEBDA* Criminal Record Checks.

Cf. GBEBDA*

Adopted prior to 1974; Revised 9/27/93, 4/25/94, 11/22/99, ^

Legal references:

- A. S.C. Code, 1976, as amended:
1. Section 16-1-60 - Violent crimes defined.
 2. Section 23-3-115 - Fees for criminal record searches conducted for charitable organizations.
 3. Section 23-3-130 - Determination of information to be supplied and methods of evaluation and dissemination; promulgation of rules and regulations.
 4. Section 23-3-430 - Sex offender registry; convictions and not guilty by reason of insanity findings requiring registration.
 5. Section 59-19-117 - Background checks.
 6. Section 59-25-150 and 160 - Revocation or suspension of certificate; "just cause" defined.

PART-TIME AND SUBSTITUTE PROFESSIONAL STAFF EMPLOYMENT

Code **GCG-R** Issued **DRAFT/12**

Schools must follow these procedures when it is necessary to obtain a substitute teacher.

- If a teacher is absent from school, he/she will notify the principal according to each school's policy, before 9:00 p.m., if possible, of the expected absence the next day.
- A teacher may notify the principal ~~by 7:00 a.m.~~ on the day of absence. If a teacher knows he/she will be out several days, he/she should notify the principal of the number of days he/she expects to be out as far in advance as possible.
- The teacher must make the attendance record book and the class record book, along with lesson plans, available for the substitute teacher.
- The principal will secure all substitute teachers. Teachers will not make such arrangements.

Long-term substitutes

After serving as a substitute teacher for 10 consecutive teaching days in the same teaching position, a substitute teacher who is currently certified ~~or who has been certified within the previous five years~~ will receive an increase in pay commensurate with his/her certification as specified on the Spartanburg District Five Teacher Salary Schedule. The 10 consecutive day requirement need be met only once during a school year. With any subsequent long-term situations, 11 days or more, the substitute teacher will be paid commensurate with his/her certification beginning the first day. This requirement to delay 10 days for certified pay may be waived by the superintendent.

A substitute teacher who is currently certified ~~or who has been certified within the previous five years~~ beginning a long-term substitute position on the first day of a school year will be paid commensurate with his/her certification beginning the first day.

~~After serving as a substitute teacher for 10 consecutive teaching days in the same teaching position, a substitute teacher whose certificate has expired more than five years will be compensated commensurate with a bachelor of arts certificate with zero years' experience. The 10 consecutive day requirement need be met only once during a school year. With any subsequent long-term situations, 11 days or more, the substitute teacher will be paid commensurate with a bachelor of arts certificate with zero years' experience, beginning the first day of the long-term substitution.~~

Substitute teachers are eligible to participate only in the retirement and social security portions of the district's fringe benefits program.

Issued 5/4/92 (effective 8/20/92); Revised 4/25/94, 11/27/00, 5/07/02, 11/03, ^

PROFESSIONAL STAFF DEVELOPMENT

Code **GCI** Issued **DRAFT/12**

Purpose: To establish the basic structure for the professional development of the district staff.

The board encourages and expects all professional staff members to pursue appropriate staff development activities that will help them better meet the demands of their positions.

The board recognizes that the key to a successful educational program is a well-trained, competent staff dedicated to professional growth. Therefore, the board will include in its budget resources for providing approved inservice activities and staff development opportunities.

While professional growth through participation in ongoing staff development activities is the responsibility of all employees, the encouragement for such professional growth is a district obligation. Therefore the district should assist in the development and scheduling of appropriate staff development activities which will enable employees to effectively meet their responsibilities.

The board will maintain and support a planned, comprehensive staff development program that includes district-sponsored activities to train groups in specific areas. The program also will include workshops, seminars and course work through outside resources. The superintendent is responsible for designing, developing and evaluating programs with the involvement of other administrators and teachers.

The board expects all professional employees of the district to participate in inservice programs. State-sponsored programs must meet national standards for professional development and focus on effective instructional leadership as it pertains to instructional leadership and school-based improvement. Part of this state-sponsored training must include instruction for administrators on the importance of school improvement councils and ways to make councils an active force in school improvement as well as a program of instruction in the essentials of constitutional protections and prohibitions as they relate to religion and public school operations.

Within budgetary limitations and staff time commitments to their jobs, the board will encourage staff members to attend outside conferences and workshops.

Professional development plans

All school administrators will develop an on-going individual professional development plan with annual updates. This plan will be geared to their role or position and will support both individual growth and organizational needs as defined by the district's strategic plan or the school renewal plan.

Principal Induction Program

The district will provide a school principal serving for the first time as a building level principal, director of a specialized education unit or career and technology education center director with a formal induction program.

This program will be in conjunction with the state department of education that will assist the district in providing support and professional development for first-year principals through the Principal Induction Program.

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Components will be based on statewide criteria and statewide performance standards for assisting, developing and evaluating principals.

The district will implement this program in accordance with state law and state board of education regulations.

Adopted 7/28/75; Revised 4/02, ^

Legal references:

A. S. C. Code of Laws 1976, as amended:

1. Section 59-3-90 - Inservice training programs for teachers.
2. Section 59-17-140 (A) - Inservice training related to religion and public school operations.
3. Section 59-24-30 - Individual professional development plans.
4. Section 59-24-50 - Continuous professional development programs.
5. Section 59-24-80 - Formal induction program for first year principals.
6. Section 59-1-435 - Religious Viewpoints Antidiscrimination Act.

B. State Board of Education Regulations:

1. R 43-167 - Principal Induction Program.
2. R 43-165.1 - Program for Assisting, Developing and Evaluating Principal Performance.

PROFESSIONAL STAFF ASSIGNMENTS AND TRANSFERS

Code **GCK** Issued **DRAFT/12**

Purpose: To establish the basic structure for the transfer and assignment of professional staff in the district.

Assignment

The superintendent will assign instructional personnel on the basis of their qualifications, the needs of the district and their expressed desires. When he/she cannot meet all three conditions, the superintendent will assign personnel in this order.

- first, in accordance with the needs of the district and its students
- second, where the administration believes the employee is most qualified to serve
- third, as to expressed preference of the employee

The superintendent will annually determine the professional staff to be assigned each school. On or before August 15th of each year the superintendent will notify each teacher of his/her tentative assignment for the following school year.

All personnel are employed by the district, not a particular school. Differences in expected enrollment and the actual enrollment, as well as other district needs, sometimes result in changed assignments.

The superintendent is authorized to reassign personnel in the best interests of the district.

Transfer

The transfer of a teacher from one school to another may be initiated by the teacher, by the principal of the school or by the superintendent. ~~In the case of transfers initiated by the teacher and with all other considerations regarding assignment being equal, the administration will grant employee preferences for transfer in order of seniority in the district~~ Transfers initiated by the teacher will be subject to the approval of the principals involved and in accordance with administrative rule GCK-R.

Adopted 8/28/75; Revised 9/27/93, 1/02, ^

Legal references:

A. S. C. Code, 1976, as amended:

1. Section 59-25-410 - Teacher to be notified of assignment by August 15th.

PROFESSIONAL STAFF ASSIGNMENTS AND TRANSFERS

Code **GCK-R** Issued **DRAFT/12**

The superintendent may make personnel transfers within the district on a voluntary or involuntary basis. The district will use the following procedures in making transfers.

Voluntary transfer

- An employee who wants a transfer for the next academic year must discuss his/her desire with his/her principal/director (if in a school) or with his/her immediate supervisor (if on the district level).
- The employee should then write a letter of request to the superintendent or his/her designee no later than March 15 stating the reason for requesting a transfer and giving the name of the school to which the transfer is desired.
- Upon receipt of the request, the superintendent or his/her designee will set a time for the employee making the request to meet with the principal of the school to which the transfer is requested (if a vacancy for which he/she qualifies exists).
- Based upon the recommendation of the two principals (and/or other immediate supervisors involved), the superintendent or his/her designee will give written notice to the employee requesting the transfer that the request has been either approved or disapproved. The staff member must be recommended by both principals/directors of the school to which the employee desires a transfer.

Involuntary transfer

If, in the opinion of the superintendent, an involuntary transfer would be in the best interest of the district, the district will use the following procedure.

- The superintendent or his/her designee will discuss the need for the transfer with the principal (if in a school) or with the immediate supervisor (if on the district level).
- The superintendent or his/her designee will have a conference with the principal/director of the school to which transfer is being contemplated.
- The superintendent or his/her designee will then talk with the employee to be transferred giving reasons why the transfer is being made. Refusal to comply with the transfer may result in loss of employment for the following year.
- The administration will not use transfers as a disciplinary action.

Issued 1/02; Revised ^

INSTRUCTIONAL STAFF EXTRA DUTY

Code **GCMD** Issued **DRAFT/12**

Purpose: To establish the basic structure for the requirement of extra duty responsibilities for the district instructional staff.

The board expects teachers to assume reasonable duties over and above their regular teaching responsibilities in order to provide students with the most comprehensive educational program possible.

Professional staff members will assist in the supervision of students as part of their regular duties during the school day. This includes, but is not necessarily limited to, the fulfillment of bus, lunchroom and hall duty.

The board also expects all teachers to attend functions of their respective schools, such as open houses or PTO/PTA meetings, and to attend other school events when requested by the principal/director of the school.

The board may compensate certified staff for major extracurricular responsibilities and assignments in accord with the district's supplementary pay schedule as adopted by the board.

Adopted 9/27/93, ^

SUPERVISION OF INSTRUCTIONAL STAFF

Code **GCNA** Issued **DRAFT/12**

Purpose: To establish the board's vision for the supervision of instructional staff in the district.

The school principal is the instructional leader of the school. As such, he/she is responsible for the supervision of instruction and instructional personnel.

The purpose of supervision (and teacher evaluation) is to improve the educational program and the effectiveness of instruction. Thus, the school principal is responsible for guiding teachers in implementing the approved objectives and reviewing teacher plans, observing actual instruction, offering suggestions for the improvement of teaching, and helping teachers correct deficiencies. The principal may require a teacher to change methods and lesson plans when these conflict with the approved curriculum or board policy. A teacher who willfully ignores such a directive may be referred to the superintendent for action on charges of insubordination.

Principals and assistant principals are expected to be particularly attentive to the needs of new teachers, of those teachers who are undertaking new instructional programs, and of those teachers whose classes, for no apparent reason other than the quality of daily lesson planning and instruction, have not achieved as well as comparable classes on standardized tests.

Adopted ^

EVALUATION OF PROFESSIONAL STAFF

Code **GCO** Issued **DRAFT/12**

Purpose: To establish the basic structure for evaluation of administrators in the district to ensure accountability.

The appropriate personnel will evaluate the performance of every administrator fairly and on a periodic basis in an effort to improve the quality of all work performance.

The superintendent will enforce the rules, regulations and procedures necessary for conducting an efficient, effective program of evaluation in accordance with state laws and regulations.

The elements of the performance evaluation program are as follows.

- Every employee is informed of the criteria by which his/her performance is evaluated.
- Every employee has the right to receive the results of his/her performance evaluation in writing.

Principal evaluation

The district will use standards and procedures adopted by the state board of education for the purpose of conducting evaluations of principals and guiding their professional development. The superintendent may add standards and criteria as established by the board and/or by the principal and superintendent in collaboration. The district may use an approved alternative evaluation process that meets state standards and national standards.

The district will establish an annual Professional Development Plan (PDP) for a principal based on the state evaluation program's performance standards and criteria and the school's renewal plan.

The district will utilize the results from principal evaluations in decisions regarding principal development, compensation, promotion, retention and removal. Satisfactory performance on an evaluation does not guarantee reemployment as a principal.

Adopted 3/22/93; Revised 2/02/02, 9/26/11, ^

Legal references:

- A. S.C. Code, 1976, as amended:
 1. Section 59-24-40 - Evaluation of and performance standards for school principals.
- B. State Board of Education Regulations:
 1. R-43-165.1 - Program for Assisting, Developing and Evaluating Principal Performance (PADEPP).

EVALUATION OF PROFESSIONAL STAFF

Code **GCO-R** Issued **DRAFT/12**

Evaluation cycle

The evaluation cycle will be consistent with the school year as defined by law. After the induction year, principals will be evaluated annually (induction principals are those serving for the first time as building-level principals and are considered probationary until completion of the requirements of the Principal Induction Program (PIP) and receipt of an overall rating of proficient or exemplary on the PADEPP evaluation instrument in the second year of employment as a principal). A full evaluation using the PADEPP performance standards will be conducted every other year. Evaluations on years between full evaluations will include Performance Standard 2 Instructional Leadership, performance standards rated the previous year as needs improvement, and any additional performance standards identified for growth in the principal's professional development plan. Full evaluations may be conducted each year as determined by the superintendent.

Principals with Tier 1 certification

First-year principal

A first-year principal will participate in PIP. The superintendent or his/her designee will provide the first-year principal with written and oral feedback relative to each performance standard and criterion at least at mid-year and end-of-year conferences. The superintendent or his/her designee will observe, collect relevant data, consult with the principal on a regular and consistent basis, and provide the principal with an informal written evaluation.

Second-year principal

A second-year principal will enter the evaluation cycle. Upon completing PIP in year one and receiving an overall rating of proficient or exemplary on the PADEPP evaluation instrument in the second year of employment, the principal will be eligible for Tier 2 principal certification. If the overall rating on the PADEPP evaluation instrument in the second year of employment as a principal is needs improvement, the principal will remain on Tier 1 certification until the district verifies to the department of education that the principal has achieved an overall rating of proficient or exemplary on PADEPP.

Principals with Tier 2 certification

The superintendent or his/her designee will evaluate Tier 2 principals annually. The evaluation will address each of the nine PADEPP performance standards and accompanying criteria. A full evaluation using all PADEPP performance standards will be conducted every other year. The evaluations conducted in years between full evaluations will include Performance Standard 2 Instructional Leadership, performance standards rated the previous year as needs improvement and any additional performance standards identified for growth in the principal's PDP. Full evaluations may be conducted each year as determined by the superintendent. The principal will receive feedback regarding his/her performance at least at mid-year and end-of-year conferences.

Each principal may respond in writing to his/her formal evaluation; however, the written response must be submitted to the evaluator within 10 working days of the summative conference.

All appeals will follow the district policies and procedures governing the appeal process.

Issued ^

EVALUATION OF INSTRUCTIONAL STAFF

Code **GCOA** Issued **DRAFT/12**

Purpose: To establish the basic structure for the evaluation of the professional instructional staff in the district to ensure accountability.

The appropriate personnel will evaluate the performance of every instructional employee fairly and on a periodic basis in an effort to improve the quality of all work performance.

The superintendent will enforce the rules, regulations and procedures necessary for conducting an efficient, effective program of employee performance evaluation.

The elements of the performance evaluation program are as follows.

- Every employee is informed of the criteria by which his/her performance is evaluated.
- Every employee has the right to be informed of his/her performance evaluation.

Assisting, Developing, and Evaluating Professional Teaching (ADEPT) System

The district will use the ADEPT System to evaluate all certified teachers employed under induction, annual and continuing contracts. The district will base all evaluations on the ADEPT System Performance Standards.

The district will develop plans and procedures for teacher evaluation based on the following components of ADEPT.

Induction programs

The district will develop or adopt induction programs to provide teachers with comprehensive guidance and assistance throughout the school year. These programs must contain criteria and/or requirements necessary for teachers to complete the induction contract year. No person may be employed as an induction teacher for more than one year.

Annual contract

The district must use a valid and reliable process for evaluating and assisting teachers employed under annual contracts to assess the extent to which teachers typically perform at levels required by state standards (ADEPT Performance Standards). If the district is not using TEAM to conduct formal evaluations, it must have state board approval of its locally designed process. The process must include components as outlined in the state board of education ADEPT implementation guidelines.

The district must establish criteria or requirements to be met by teachers to successfully complete an annual contract year to include successful completion of the formal evaluation process. An annual contract teacher who has demonstrated potential but who has not yet met the formal evaluation criteria is eligible for a diagnostic assistance year at the annual contract level. The district may provide this during the teacher's first annual contract year or during the annual contract year following the teacher's first unsuccessful formal evaluation. A teacher is eligible to receive only one diagnostic assistance year.

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Teachers may not be employed under an annual contract for more than four years in accordance with state board of education regulations.

Continuing contract

The district may conduct formal or informal evaluations of teachers during their continuing contract years. The district will evaluate all continuing contract teachers on a continuous basis. Based on the individual teacher's needs and past performance, this evaluation may be formal or informal.

Teachers consistently performing according to ADEPT Performance Standards should be evaluated informally. This evaluation can be goals-based. If the district is not using TEAM to conduct formal evaluations, it must have state board approval of its locally designed evaluation process. An informal evaluation process designed or selected by the district for use with continuing contract teachers must be approved by the state board.

Teachers employed from out of state or from a nonpublic school setting

A certified teacher from out of state or from a nonpublic-school setting employed by the district is eligible for employment under an induction or annual contract, at the discretion of the district. At the annual contract level, teachers may receive either a diagnostic assistance year or a formal evaluation. Teachers must meet all requirements for the professional certificate, including successful completion of a full formal evaluation at the annual contract level (unless a final portion is waived under certain circumstances), before they are eligible to receive a continuing contract.

Teachers employed in charter schools

If a charter school operating within the district elects to implement the ADEPT system for evaluating their teachers, it must do so in compliance with all provisions of law and state board of education regulation and implementation guidelines. The contract between the charter school and its sponsor (the district) must include an ADEPT provision. All certified teachers in the charter school must be placed under an induction, annual or continuing contract, as appropriate, and must be assisted and evaluated consistent with the district's state board of education approved ADEPT plan.

The charter school ADEPT provision must address the charter school's responsibilities for ensuring the fidelity of the implementation of the system and the district's responsibility in terms of staff training and program implementation. The provision must be included in the district's ADEPT plan and approved by the state board of education prior to implementation. The district agrees to disseminate all ADEPT-related information from the state department of education to the charter school and to report charter school teacher data as required.

Training and reporting

The district must provide appropriate training for all personnel responsible for conducting the evaluation process.

The district must meet all reporting requirements as outlined in law and state board regulation.

Adopted 1/02; Revised 9/26/11, ^

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Legal references:

- A. S.C. Code, 1976, as amended:
 - 1. Section 59-26-10 through Section 59-26-40 - A system for the training, certification, initial employment, evaluation and continuous professional development of public educators.
- B. State Board of Education Regulations:
 - 1. R-43-205.1 - Assisting, Developing, and Evaluating Professional Teaching (ADEPT).
- C. State Board of Education:
 - 1. Guidelines for Implementation of ADEPT.

INSTRUCTIONAL STAFF/ADMINISTRATIVE STAFF REDUCTION IN FORCE

Code **GCQA/GCQB** Issued **DRAFT/12**

Purpose: To establish the basic structure for any needed reduction in professional staff.

General statement of policy

Under South Carolina law, the board is responsible for maintaining good public elementary and secondary schools. The board is also responsible for implementing the educational interests of the state. The board's primary consideration is the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the school district. The board recognizes, however, that it may become necessary to eliminate professional staff positions in certain circumstances. Therefore, the board publishes this policy to provide a fair and orderly process should such eliminations become necessary.

Reasons for elimination of professional staff positions

The board has the sole and exclusive prerogative to eliminate professional staff positions consistent with the provisions of state statutes. This elimination should not result in a failure in its duty to implement the educational interests of the state and to provide good public elementary and secondary schools.

The board may find it necessary to eliminate professional staff positions because of decreases in student enrollment, changes in curriculum, financial exigency or other circumstances as determined by the board.

Definitions (as used in this policy)

- "*Days*" means calendar days.
- "*Teacher*" or "*professional staff*" means any employee of the district who holds a certificate issued by the South Carolina State Department of Education and who is employed in a teaching or administrative position below the rank of superintendent.
- "*Financial exigency*" means any significant decline in the district's financial resources that is brought about by the decline in enrollment or by other actions or events that compel a reduction in the school's current operations budget.
- "*Change in curriculum*" means any elimination, curtailment or reorganization of curriculum offering, program or school operation or a reorganization or consolidation of two or more individual schools that is unrelated to financial exigency.

Procedure

- Before it begins action to not renew professional staff contracts under this procedure, the board will consider its ability to eliminate positions and/or reduce staff by any of the following.
 - voluntary retirement
 - voluntary resignation
 - transfer of existing staff members

PAGE 2 - GCQA/GCQB - INSTRUCTIONAL STAFF/ ADMINISTRATIVE STAFF REDUCTION IN FORCE

- voluntary leaves of absence
- salary reductions
- part-time employment
- In the event further reduction is required, the board will adhere to the following guidelines.
 - Reduction in force (RIF) will be on a districtwide basis. Therefore, the superintendent is not limited to considering for RIF termination only those professional staff members in a particular school, area or program in which the loss of enrollment, program curriculum or financial exigency has occurred.
 - Once the board (after consulting with the superintendent) has determined that a reason exists which requires an elimination of professional staff positions, the superintendent will, after considering the possibilities set forth above, determine which positions must be eliminated. The superintendent will present his/her recommendations to the board for approval.
 - Once the board has approved the elimination of the specified positions or changes to be made in programs, the superintendent will use specified criteria to select those professional staff members who are to be considered for nonrenewal. The superintendent will make a recommendation to the board based on the application of the following criteria, but not necessarily in this order.
 - certification (areas and type)
 - degrees earned
 - professional experience in other areas which may be available
 - total years of professional experience in the district
 - total years of teaching experience
 - qualifications and ability as determined by the district evaluation procedure
 - performance evaluation
 - attendance record
 - principal/supervisor's recommendation
 - type of contract
 - extracurricular needs of the schools

Length of service in the district will be a consideration only where the need arises to choose for termination from among employees considered by the administration to be equally competent in their performance.

Notice to individual staff member

If, after considering the superintendent's recommendation, the board acts to terminate employment of a professional staff member, the board will give written notice of that decision to the affected member. The superintendent will send the written notice by certified mail, return receipt requested. The notice will include a statement of the conditions requiring termination of employment and a general description of the procedures followed in making the decision.

The district will assume that the staff member's address as it appears on the school district record is the correct address. It is the staff member's responsibility to see that the district has his/her current address on file.

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Review of individual terminations

A professional staff member may request a review of the board action, provided such request is made within 10 calendar days after his/her receipt of the notice of termination. The only purpose of the review will be to determine whether the decision to terminate was arbitrary or capricious or generated by ill will, fraud, collusion or other such motives with respect to that individual.

The request for review must be in writing and addressed to the chairman of the board. The request must clearly state the grounds on which the staff member contends the decision was arbitrary or capricious or generated by ill will, fraud, collusion or other such motives. The request must include a short, plain statement of facts to support the contention.

The board will hold a hearing within 30 calendar days after they receive the request. The board will give the staff member at least five days' notice of the hearing.

The board will conduct the hearing informally, in public or in private as the staff member may wish. The staff member and the superintendent may each be accompanied by legal counsel. The board will consider only the evidence that is presented at the hearing. The board will only consider the evidence that it considers fair and reliable. The board members, staff member and superintendent may question all witnesses.

Except as herein provided, the chairman of the board will control the hearing.

The hearing will begin with the staff member's presentation of contentions. This presentation will be limited to those grounds specified in the request for a hearing and supported by such proof as he/she desires to offer.

When the staff member concludes his/her presentation, the board will consider whether the proof offered in support of the contention establishes the contention. This consideration will take place in executive session.

If the board determines that the contention has not been established, it will notify the parties and conclude the hearing. This action finally determines the decision to terminate.

If the board determines that rebuttal is desirable, it will notify the parties and the hearing will proceed. The superintendent may then present, in rebuttal of the staff member's contention or in general support of the decision to terminate, such testimony or documentary proof as he/she desires to offer, including his/her own testimony.

After the superintendent completes his/her presentation, the board will consider the matter in executive session. The burden is on the staff member to satisfy the board by clear and convincing evidence that the decision to terminate was arbitrary or capricious, or generated by ill will, fraud, collusion or other such motives.

If the board determines that the staff member did not establish his/her contention, it will, by a simple unelaborated statement, so notify the staff member and the superintendent. Such a determination finally confirms the decision to terminate. The employee will be notified within 10 days following the hearing of the board's decision. If the board determines that the professional staff member's contention has been established, it will inform the staff member and the superintendent by a written notice that states what corrective action must be taken.

PAGE 4 - GCQA/GCQB - INSTRUCTIONAL STAFF/ ADMINISTRATIVE STAFF REDUCTION IN FORCE

Obligations with respect to re-employment or other employment

For two years after the effective date of a termination pursuant to this policy, the board will not replace the professional staff member whose employment has been terminated without first offering the position to the terminated professional staff. The board will make the offer by certified mail, return receipt requested. The board will notify the professional staff member that he/she must submit written acceptance within 15 calendar days. Failure to make written acceptance within 15 calendar days or rejection of the position eliminates all re-employment rights of the professional staff member.

If the professional staff member is recalled within one year, the district will restore all of the sick leave and unused personal leave he/she had accrued on the effective date of the layoff.

If the professional staff whose employment has been terminated requests assistance, the school district will give him/her reasonable assistance in finding other employment.

Exclusive RIF procedure

This RIF procedure is the only procedure that may be used in a reduction in force.

Any existing procedure for reconsidering or examining an employee discharge, non-reappointment or grievance is not available for considering an issue that arises from a reduction in force. Similarly, no other personnel action other than a reduction in force may be considered under this RIF procedure.

Adopted 9/27/93; Revised ^

Legal references:

- A. S.C. Code, 1976, as amended:
 - 1. Section 59-25-415 - Rehiring of employees terminated for economic reasons.

RESIGNATION OF INSTRUCTIONAL STAFF/ ADMINISTRATIVE STAFF

Code **GCQC/GCQD** Issued **DRAFT/12**

Purpose: To establish the basic structure for the resignation of professional staff members.

Any professional staff member who wants to cancel or terminate a contract must state his/her desire in writing to the superintendent. The district is under no obligation to release a teacher from a contract except as set out below. For such resignation to be effective, it must be accepted in writing by the superintendent.

The board will be formally advised of all resignations. When the superintendent does not accept a resignation and the employee fails to continue to perform his/her contractual duties, the superintendent will report the breach of contract to the board. The board may send a formal complaint to the state board of education requesting that appropriate action be taken against the employee for failure to comply with contractual obligations. If there is conclusive evidence, the state board will take action on a complaint signed by the appropriate administrator; however, there must be documentation that the board voted to send the complaint. Both state law and state board of education regulation provide for suspension or revocation of the professional certificate under such circumstances.

Contract releases (teachers)

The board will not release a teacher from his/her contract after July 1 (~~may insert different date~~) except under one of the following conditions.

- circumstances beyond the teacher's control (ex., military/business transfer of spouse)
- serious illness of teacher
- recommendation by superintendent

The teacher must submit a request for contract release in writing to the superintendent 30 days prior to the deadline set forth in this policy.

The district reserves the right not to release the teacher if written notice is not given before the date specified above or a suitable replacement has not been found.

Until a teacher has been formally released from his/her contract, the district expects the teacher to report for duty on the first day of the school year or to continue to report for duty if the request for release is made mid-year.

If a teacher signs a new contract without having been properly released from a previous contract, the new contract is considered to be void.

Adopted prior to 1974; Revised 9/27/93, ^

Legal references:

- A. S. C. Code of Laws, 1976, as amended:
 1. Section 59-25-150 - State Board of Education may revoke/suspend certificate for just cause.
 2. Section 59-25-160 - "Just cause" for revocation/suspension of certificate by State Board.
 3. Section 59-25-530 - Unprofessional conduct; breach of contract.
- B. State Board of Education Regulation:
 1. R43-206 - Professional personnel resignation.
 2. R43-58 - Disciplinary action on educator certificates.
 3. R43-58.1 - Reporting of terminations of certain school district employees.

RETIREMENT OF PROFESSIONAL STAFF

Code **GCQE** Issued **9/12**

Spartanburg County School District Five participates in and follows all requirements of the S.C. State Retirement System.

(Also GCQ)

Adopted prior to 1974; Revised 9/27/93, 1/02, 9/24/12

Legal references:

A. Federal Law:

1. 29 U.S.C. 621 *et seq.* - Age Discrimination in Employment Act of 1967.

B. S.C. Code, 1976, as amended:

1. Section 9-1-10 - Teachers are members of the state retirement system.
2. Section 9-1-1510, (A), (B) - Retirement eligibility (Class One or Two member; Class Three member).
3. Section 9-1-1515 - Early retirement.
4. Section 9-1-1550 - Service retirement allowances.
5. Section 9-1-2210 - Teacher and Employee Retention Incentive Program.

DISCIPLINE, SUSPENSION AND DISMISSAL OF PROFESSIONAL STAFF

Code **GCQF** Issued **DRAFT/12**

Purpose: To establish the basic structure for discipline, suspension and dismissal of professional staff in order to ensure accountability for due process as well as a quality educational program.

It is the responsibility of the school administration to operate the public schools in a manner that will maintain a broad community confidence in and support of the public schools. In the absence of such support, the district cannot maintain a strong, effective public education program.

Therefore, it is the policy of the board to remove from employment any professional staff member who fails or who may be incompetent to give instruction in accordance with the directions of the superintendent or who otherwise manifests an evident unfitness for teaching. The principal should be actively involved in this process for the school.

Any action of the district under this policy will be taken pursuant to the provisions of the Teacher Employment and Dismissal Act, Section 59-25-410, et seq., Code of Laws of South Carolina 1976, as amended except for persons employed under an induction contract or an annual contract as defined in state law.

Cf. GBEB, GBEBB

Adopted 4/02, Revised ^

Legal references:

- A. S.C. Code of Laws 1976, as amended:
 - 1. Section 59-18-1300 - District accountability system.
 - 2. Section 59-25-150 - State board of education may revoke/suspend certificate for just cause.
 - 3. Section 59-25-160 - Revocation or suspension of certificate; "just cause" defined.
 - 4. Section 59-25-410, et seq. - Teacher Employment and Dismissal Act.
 - 5. Section 59-26-40 - Induction, annual and continuing contracts; termination of employment for annual contract teachers; hearing.

- B. State Board of Education Regulations:
 - 1. R43-58 - Disciplinary action on educator certificates.
 - 2. R43-58.1 - Reporting terminations of certain district employees.

DISCIPLINE, SUSPENSION AND DISMISSAL OF PROFESSIONAL STAFF

Code **GCQF-R** Issued **DRAFT/12**

Evident unfitness for teaching is manifested by conduct such as, but not limited to, the following.

- incompetence
- persistent neglect of duty
- willful violation of rules and regulations of the state board of education
- unprofessional conduct
- drunkenness
- cruelty
- crime against the laws of this state or the United States
- immorality
- any conduct involving moral turpitude
- dishonesty
- evident unfitness for the position for which one is employed
- illegal use, sale or possession of drugs or narcotics
- obtaining or attempting to obtain a certificate through fraudulent means or through misrepresentation of material facts
- failure to comply with the provisions of a contract without the written consent of the board
- test security violation
- failure to comply with a court order for child support
- failure for a second time to complete successfully the formal evaluation process as an annual contract teacher

Whenever a principal or designated school administrator charged with the supervision of a teacher finds it necessary to reprimand a teacher for a reason that he/she believes may lead to dismissal or cause the teacher not to be re-employed, he/she will generally take the following steps in consultation with the superintendent or his/her designee.

Performance concerns

If the issue involves a performance problem, the principal or designated school administrator will discuss the concern(s) with the teacher and provide the teacher with an opportunity to respond to the concerns. The administrator should, where appropriate, follow up such a conference in writing.

If an informal discussion does not resolve the matter, the principal or designated school administrator will bring the concerns, in writing, to the attention of the teacher involved and make a reasonable effort to assist the teacher to correct whatever appears to be the cause of potential dismissal or failure to be re-employed. Such efforts may include formally evaluating the teacher, placing the teacher on an improvement plan and/or some other acceptable means of notice and assistance. Except in those cases warranting immediate suspension and recommendation for termination, the administration should allow reasonable time for improvement.

Misconduct concerns

If the issue involves misconduct, the principal or designated school administrator will immediately confer with the superintendent or his/her designee. The superintendent or his/her designee will advise the principal regarding appropriate actions to take. The superintendent or

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his/her designee is authorized to place an employee on administrative leave, with pay, while an investigation is conducted.

Disciplinary action, up to and including a recommendation of termination, may be taken against any certified employee who is determined to have engaged in unprofessional or inappropriate conduct towards students, parents or staff members.

Such conduct may include, but is not limited to, any of the following.

- violating district policies or procedures
- engaging in criminal conduct
- engaging in inappropriate conduct of a sexual nature towards other employees or students
- harassment, intimidation or bullying
- making inappropriate comments to students

This includes any action or conduct communicated or performed in person, in writing or electronically through such means as a telephone, cell phone, computer, Blackberry or other telecommunication device, and includes text messaging and instant messaging. Disciplinary action, including a recommendation of termination, may also be taken against any employee whose conduct the administration has determined has impaired the employee's ability to be an effective teacher.

Reporting expectations

The board directs the superintendent to report to the state board of education the name and certificate number of any certified educator who is dismissed, resigns or is otherwise separated from employment with this district based on allegations of misconduct set forth in state board of education Regulation 43-58.

Issued ^

NONSCHOOL EMPLOYMENT OF PROFESSIONAL STAFF

Code **GCR** Issued **DRAFT/12**

Purpose: To establish the basic structure for the non-school employment of professional staff.

The board prohibits a professional staff member from engaging in any employment (including consultant work) that would have the following effect.

- Impair the individual's usefulness as an employee in the district.
- Make time and/or energy demands upon the individual that could interfere with his/her effectiveness in performing regular assigned duties.
- Compromise or embarrass the school system.
- Adversely affect the individual's employment status or professional personnel standing.
- Conflict with the employee's assigned school or district duties in any way.

An employee will not engage in any other employment or in any private business during his/her regular school or district work hours or during the hours necessary to fulfill appropriate assigned duties.

If an employee is unsure whether additional employment will interfere with the individual's assigned duties in the district, he/she may request a conference with the superintendent or his/her designee to discuss the situation.

Adopted prior to 1974; Revised 9/27/93, 1/27/97, ^

TUTORING FOR PAY

Code **GCRD** Issued **DRAFT/12**

Purpose: To establish the basic structure regarding district staff tutoring students for payment.

A teacher may enter into an agreement with parents/legal guardians for tutoring students for a fee. This practice must be limited to students other than those for whom the teacher is currently exercising teaching, administrative or supervisory responsibility. These restrictions are to assure all students reasonable assistance without charge from their own teachers, as well as to avoid placing a teacher in a position where he/she may have a conflict of interest.

A teacher may not tutor any student for pay during his/her regular working hours or on school premises.

These agreements are between the parents/legal guardians and the teachers and the district assumes no responsibility for monitoring these activities.

Adopted 8/28/75; Revised 9/27/93, ^

Legal references:

- A. S.C. Code, 1976, as amended:
 - 1. Section 8-13-700 - Use of facilities for private gain.

SUPPORT/CLASSIFIED STAFF

Code **GD** Issued **DRAFT/12**

Purpose: To establish the basic structure for policies dealing with support/classified staff members.

This section contains personnel policies applicable only to district employees in positions where certification by the state is not required. It may include some policies that also pertain to administrators whose jobs do not require state certification.

Adopted 9/27/93; Revised ^

SUPPORT STAFF POSITIONS

Code **GDA** Issued **DRAFT/12**

The board, on the recommendation of the superintendent, will categorize and authorize positions for support staff which are necessary for the operation of the district program and services.

In each case, the board will approve the broad purpose and function of the position as recommended by the superintendent, and delegate to him/her the task of writing, or causing to be written, a job description covering qualifications, duties and other details applying to the position.

The superintendent is responsible for maintaining a coordinated set of job descriptions for all support positions in the school system.

Adopted 9/27/93; Revised ^

Legal references:

- A. S. C. Code, 1976, as amended:
 - 1. Section 59-19-270 - Board of trustees may employ technical and clerical personnel.
- B. State Board of Education Regulations:
 - 1. R-43-209 - Non-professional/paraprofessional personnel positions, qualifications and duties.

SUPPORT STAFF CONTRACTS AND COMPENSATION

Code **GDB** Issued **DRAFT/12**

Purpose: To establish the basic structure for support staff contracts and compensation.

Compensation

The board will base the salary of all support staff on salary schedules or hourly rates set by the board on the recommendation of the superintendent. The board will set compensation according to the responsibility of the position, services rendered, evaluation of performance, years of service, provisions of the district's operational budget and any applicable state and federal laws.

The effective date for all salary changes as determined by the salary schedule or by action of the board is July 1. (~~Option: anniversary date of employment~~).

Contracts

Except under unusual circumstances, the district does not issue contracts to support staff. The district considers such staff to be "at-will" employees under the provisions of South Carolina law.

Adopted prior to 1974; Revised 9/27/93, ^

Legal references:

- A. S. C. Code, 1976, as amended:
1. Section 59-67-470 - School bus drivers to be employed by the board of trustees.
 2. Section 59-67-480 - Salaries of school bus drivers to be fixed annually by General Assembly.

SUPPORT STAFF SUPPLEMENTARY PAY/OVERTIME

Code **GDBC** Issued **DRAFT/12**

Purpose: To establish the basic structure for district compliance with the Fair Labor Standards Act (FLSA) provisions regarding minimum wage and overtime.

The board recognizes that the district is subject to the provisions of the Fair Labor Standards Act. This Act includes provisions applicable to school districts relating to minimum wage and overtime pay for non-exempt employees.

The district will pay a minimum wage on an hour-by-hour basis to all district employees, either part time or full time, permanent or temporary which is no less than the federal minimum wage, except under designated training and apprenticeship programs exempt under special U.S. Department of Labor certification.

The board also recognizes that it may occasionally be necessary for non-exempt persons to work more than 40 hours during a given workweek. Individuals will be paid time-and-a-half (in money or compensatory time off) for each hour of overtime worked. No overtime, as defined by the FLSA, will be required or permitted without authorization from the employee's immediate supervisor.

The district requires all employees who are subject to the provisions of the FLSA to complete a daily time record showing actual hours worked. Failure to maintain or falsification of such records may be grounds for disciplinary action.

The administration will maintain records and establish regulations that are consistent with this policy and the requirements of the Fair Labor Standards Act.

Adopted 9/27/93; Revised 6/05, ^

Legal references:

- A. United States Code:
 1. Fair Labor Standards Act, 29 U.S.C. §§ 201-216.
- B. Department of Labor Regulations:
 1. 29 C.F.R. Parts 511-800.
- C. United States Supreme Court:
 1. Garcia v. San Antonio Metropolitan Transit Authority, 105 S. Ct. 1005 (1985) - Minimum wage and overtime hours provisions of the federal FLSA applied to state and local government employees.
- D. Court cases:
 1. Purdham v. Fairfax Co. Sch. Bd., 637 F.3d 421, 427 (4th Cir. 2011).

SUPPORT STAFF SUPPLEMENTARY PAY/OVERTIME

Code **GDBC-R** Issued **DRAFT/12**

Minimum wage

The **minimum** wage paid on an hour-by-hour basis to all employees either full or part time, permanent or temporary will be at the approved rate as determined by the federal government, except under designated training and apprenticeship programs exempt under special U.S. Department of Labor certification.

Workweek

A workweek will be a continuous period of 168 hours in the form of seven consecutive 24-hour periods. The district workweek begins at 12:01 a.m. each Monday for all employees and runs for seven consecutive days. Each workweek stands alone for the purpose of determining overtime pay for non-exempt employees.

Hours worked

Hours worked means all hours during which the individual is required to be on duty - generally from the required starting time to normal quitting time. Meal periods do not count as hours worked unless the individual is required to perform work duties during the meal period. Break periods of 20 minutes or longer do not count as work time.

Travel

Ordinary travel time from home to a base location or vice versa is not work time. Official travel that occurs during an individual's regular working hours will be considered hours worked.

Leave

Time taken for annual leave, sick leave, leave without pay or other leave taken for the purpose of jury duty, military assignment or because of death in the family will not be counted as time worked and is therefore not counted as compensable time for the purpose of overtime pay.

Part time in different capacity

If individuals are employed in one capacity but voluntarily work part time in a different capacity on an occasional or sporadic basis, the hours logged in the secondary capacity will not be counted as hours worked for overtime purposes.

Substitution in same capacity

Employees, at their own option but with the approval of the employer, may substitute during scheduled hours for other employees employed in the same capacity. In the case of such substitution, the hours involved are credited to the scheduled employee and not to the substitute employee. The employer need not maintain a record that the substitution has taken place.

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Overtime hours

Overtime hours will be held to a minimum consistent with the needs and requirements of sound and orderly administration. All overtime hours worked by non-exempt employees must be scheduled and duly authorized. With respect to the payment of overtime in money, or in compensatory time, the district will have the discretion to determine which method of payment to choose. The district reserves the right to require employees taking compensatory time to schedule comp time in minimal increments of four hours. This requirement is subject to change by the district upon written notification to all affected employees.

Where an employee in a single workweek works at two or more different types of work for which different straight-time rates have been established, the employee's regular rate for that week is the weighted average of such rates. (That is, the earnings from all such rates are added together.) This total is then divided by the total number of hours worked at all jobs.

Compensatory time off

Non-exempt employees who work more than 40 hours during any workweek may be awarded compensatory time off ("comp time"). Comp time will be awarded at the rate of one and one-half hours for each hour of overtime worked.

- Comp time may be accrued up until 240 hours (160 overtime hours). Overtime work beyond this maximum accrual will be monetarily compensated at the rate of one and one-half times the individual's normal hourly rate of pay.
- Supervisors should ensure all comp time is used by June 30.
- Every effort will be made to permit the use of comp time at the time mutually agreed upon by the individual and his/her supervisor. However, where the individual's absence would unduly disrupt the district's operations, the district retains the right to postpone comp time usage.
- Time off later for working on an official holiday will not be considered compensatory time off but as a delayed holiday. Employees who are required to work on an announced holiday must be given equal time off within the same fiscal year.

Monetary compensation

Non-exempt employees who work in excess of 40 hours per workweek will be paid at one-and-one-half times their "regular rate."

Termination

Individuals with unused comp time who are terminated or who terminate their employment will be paid for unused comp time at one and one-half times their final regular rate of pay or for the average regular rate of pay for the final three years of employment, whichever is higher.

Volunteers

A volunteer is defined as an individual who receives no compensation or who is paid expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered and such services are not the same type of services which the individual is employed to perform for the district.

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Students

Career and technology students performing work as part of a curriculum are students and not workers. Students helping in office capacities for short periods of time are volunteers and not employees.

Exclusions

Executive, administrative and professional employees will be considered exempt if they meet all of the following respective duties tests for exemption from coverage under the law.

Highly compensated employees

Employees who perform office or non-manual work and earn a salary of at least \$100,000 per year will be completely exempt from coverage in that they regularly and customarily perform at least one of the duties of an exempt executive, administrative or professional employee. The \$100,000 compensation can include bonuses and commissions, but not benefits.

Executive

The employee's primary duty consists of the following.

- Management of the enterprise or of a customarily recognized department or subdivision.
- The employee must customarily and regularly direct the work of at least two or more other employees.
- The employee must have the authority to hire or fire other employees; or whose suggestions and recommendations the hiring, firing, advancement, promotion or any other change of status of other employees are given particular weight.

The employee must devote no more than 20 percent of his/her hours worked to activities not directly and closely related to the managerial duties.

The employee must be paid on a salary basis at a rate of at least \$455 a week exclusive of board, lodging or other facilities.

Administrative

The employee's primary duty consists of the following.

- performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers
- includes the exercise of discretion and independent judgment with respect to matters of significance

The employee must not spend more than 20 percent of the time worked in the workweek on work that is not directly and closely related to the administrative duties discussed above.

The employee must be paid on a salary or fee basis at a rate of not less than \$455 a week exclusive of board, lodging or other facilities.

Professional

The employee's primary duty consists of the following.

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- work requiring advance knowledge (defined as work which is predominately intellectual in character, and which includes work requiring consistent exercise of discretion and judgment) in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study
- work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor

The employee must do work that is predominately intellectual and varied as distinguished from routine mental, manual, mechanical or physical duties.

The employee must not spend more than 20 percent of the time worked in the workweek on activities not essentially a part of and necessarily incident to the professional duties.

The employee must be paid on a salary or fee basis at a rate of not less than \$455 a week exclusive of board, lodging or other facilities.

Permissible deductions

The district can take deductions from an exempt employee's salary for violations of workplace conduct rules without risking the loss of the exempt employee's status.

Safe harbor rule

The district will lose overtime exemptions if and when it has an actual practice of making improper deductions from an employee's salary. The district may utilize a "safe harbor" to reduce the risk that improper deductions will destroy an exemption by ensuring the following.

- has a clearly communicated policy prohibiting improper deductions and includes a complaint mechanism
- reimburses employees for any improper deductions
- makes a good faith commitment to comply with FLSA regulations in the future

The district will lose the protection of the "safe harbor" if it willfully violates the above provisions and continues to make improper deductions.

Record-keeping

Exempt employees

The following records must be kept for each employee.

- name and identifying number
- home address
- birth date if the employee is under 19
- sex and occupation in which employed

Non-exempt employees

The following records must be kept for each employee.

- name and identifying number
- home address

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- sex and occupation in which employed
- time and day on which his/her workweek or work period begins and length of the work period
- regular rate of pay for any workweek or work period
- hours worked each day and each workweek or work period
- total daily, weekly or work period straight-time earnings (includes one time, but not time and one-half pay for overtime)
- overtime excess compensation (the "half time" or more extra compensation for overtime)
- total additions to or deductions from wages paid each pay period
- total wages paid each pay period
- date of payment and the pay period covered by the payment

Retention of records

Preserved for three years

- payroll records
- certificates, agreements, plans, notices, etc. (e.g. contracts, written agreements or memoranda summarizing the terms of oral agreements)
- sales and purchase records

Preserved for two years

- supplementary basic records such as basic employment and earnings records, wage rate tables and work time schedules
- order, shipping and billing records
- records of additions to or deductions from wages paid
- records which explain the basis for payment of any wage differential to employees of the opposite sex in the same establishment (29 C.F.R. Sec 516.6)

Issued 9/27/93; Revised 6/05, ^

SUPPORT STAFF LEAVES AND ABSENCES

Code **GDC** Issued **DRAFT/12**

Purpose: To establish the basic structure for all types of support staff leaves and absences.

NOTE: This policy -- and accompanying administrative rule -- may include sick leave (to include Family and Medical Leave Act requirements), personal/emergency/ legal leave, maternity/paternity/parental leave, military leave, conferences/training workshops and sabbaticals. Vacations and holidays are the subject of a separate policy.

The continuous presence of employees promotes excellence in the instructional program by ensuring the following.

- the uninterrupted continuity of education
- greater teacher-student contact time
- appropriate role-model emulation
- consistent classroom discipline
- reduced cost

Therefore, the board expects employees to come to work every day. The board recognizes, however, that certain absences are unavoidable. At such times, staff should take leave in accordance with this policy and its accompanying administrative rule.

Absent employees must comply with procedures as set forth in the administrative rule that accompanies this policy.

Definitions

For the purpose of this policy, the term "full-time employee" means a person employed by the district a minimum of 30 hours per week.

"Immediate family" includes parent, spouse, child, sibling or any other person living in the home who is dependent on the employee for care.

Sick leave

Accrual of paid sick leave

All full-time employees of the district will accrue sick leave on the basis of one and one-fourth days of sick leave for each month of active service. This will provide 12 days for nine months (190 days).

Full-time employees will be advanced one-half of their applicable sick leave at the beginning of each semester of the school year. If an employee leaves the district and has used more advanced days than he/she has earned to date, the salary paid for the unearned sick leave days will be deducted from the employee's last pay check, prorated to the individual's daily salary.

Employees may accumulate up to 90 days of sick leave which is accumulated but not used.

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Use of sick leave for absences

Sick leave is to be used primarily for absences caused by personal illness, illness in the immediate family or death in the immediate family. Employees annually may use a maximum of fifteen accrued sick leave days for illness in the immediate family and a maximum of eight accrued sick leave days for death in the immediate family. Additionally, employees annually may use a maximum of three accrued sick leave days for the death of other family members. Sick leave used for a death in the immediate family shall include the day of the services and be taken consecutively.

A maximum of six calendar weeks from the date of adoption ~~30 days sick leave~~ may be used annually for the adoption of a preschool child.

Sick leave may be taken in one-half or full day increments.

Adjustments in pay

All absences in excess of authorized entitlements will be considered as days of leave without pay.

Pay adjustments for absenteeism in excess of leave entitlements will be made in the pay period in which they occur or the pay period following the absence. Such adjustments will be calculated using the per day salary of the employee (anticipated annual earnings divided by contract days) and the number of excess absences per category.

Termination

The district may terminate the employment of any employee who fails to comply with the requirements of this policy and accompanying administrative rule, who fails to request extended leave in accordance with this policy and accompanying rule, who fails to report to work at the expiration of authorized leave, or who fails to obtain an extension of previously approved leave. An employee is also subject to termination from employment with the district for misstatements of fact and/or misrepresentations of purpose for which leave of absence is desired or on the basis of which sick leave is obtained.

The district will not terminate from employment those employees under this policy who have accrued sick leave and who are using it in compliance with this policy. The district will not terminate from employment any employee during a continuing leave of less than 91 workdays, provided none of the aforementioned grounds for termination are present.

Transfer of sick leave

Upon written request of an employee, accumulated sick leave will be transferred to or from any school district or state agency in South Carolina as required by Section 59-1-400 and Section 8-11-46, Code of Laws of South Carolina, 1976.

Reinstatement of sick leave

A person whose employment is terminated due to a reduction in force (RIF) will have all accumulated sick leave benefits reinstated provided the return to work occurs within a two-year recall period.

Organ donor leave

Employees may take a leave of absence to be an organ donor without loss of pay, time or leave for one or more periods, not exceeding a total of 30 workdays in a fiscal year. Saturdays, Sundays

and state holidays may not be included in this 30-day period unless the Saturday, Sunday or holiday is a regularly scheduled workday for the employee.

*An employee seeking leave to be an organ donor must forward a written request, including the appropriate documentation from the attending physician verifying that the employee is the donor, to the superintendent no later than **thirty** days prior to the leave.*

Unused sick leave days in excess of 90 days maximum

Employees will earn a bonus at the end of each school year for any days accumulated above 90 days that are not used. The bonus will be determined by multiplying the number of unused sick leave days above 90 by \$40. The bonus will be paid by June 30 of the current year, and the employee will begin the next school year with 90 accumulated sick leave days.

Family and Medical Leave Act (FMLA)

It is the policy of the school district to provide eligible employees unpaid leave in accordance with the Family and Medical Leave Act (FMLA). To that end, the board authorizes the superintendent and school district administrators to develop an administrative rule to provide a fair and systematic procedure by which eligible employees may take unpaid leaves of absence for family and medical reasons.

The board will provide leave to eligible employees consistent with the Family and Medical Leave Act of 1993 (FMLA). Eligible employees are entitled to up to 12 workweeks of unpaid family and medical leave in any fiscal year. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single fiscal year. The district will continue to pay the district's share of the employee's health benefits during the leave. In addition, the district will restore the employee to the same or a similar position with equivalent pay, benefits and other terms of employment after the termination of the leave in accordance with board policy.

In complying with the FMLA, the district will adhere to the requirements of the Americans with Disabilities Act as well as other applicable federal and state laws.

For further information, please refer to administrative rule GCC-R.

Personal/Emergency/Legal leave

Personal leave

The board recognizes that employees must sometimes take a day of personal leave; however, the board believes that the needs of children are better served by the regular employee than by a substitute. Therefore, it is the desire of the board that employees exercise discretion based upon professional integrity when taking personal leave.

The district will allow an employee to use up to four days of sick leave annually for personal reasons.

Employees must submit a written request for personal leave to their supervisor at least five days in advance. Prior permission from the employee's immediate supervisor must be obtained prior to the time the leave is taken.

Personal leave will not be granted on days set aside for in-service education, on the last day before or the first day after a holiday, or during the first two or last two weeks of the school year, except in extenuating circumstances and **with the principal/supervisor's recommendation** and the superintendent's approval.

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Emergency leave

For emergencies and unusual situations not covered by the leave policies of the district, an employee may request the superintendent or his/her designee's authorization for use of sick leave days. The employee must submit the request in writing through the principal or supervisor to the superintendent or his/her designee.

Legal absence

Employees should notify their principal or immediate supervisor as soon as they know they are being called for jury duty or subpoenaed. An employee should submit a copy of a jury duty summons or subpoena to his/her principal or supervisor. The district will grant employees leave without loss of pay when they are summoned for jury duty or subpoenaed in the line of duty to represent the district as a witness or defendant. Any jury fee or travel payment will be retained by the employee. If an employee must appear in court for any reason other than the above, the employee must elect to request authorized leave. Whenever a prospective juror is dismissed before the end of the working day, he/she will return to his/her official duties.

The district encourages school employees, including teachers, certified personnel at the building level and bus drivers, selected to jury service during the school year to request a postponement to a date that does not conflict with the school term.

No salary adjustment will be made unless the employee is found to be using legal leave improperly.

Maternity/Paternity leave

~~A pregnant employee is eligible for extended illness leave. While on leave, she may receive pay for accumulated sick leave as provided herein.~~

~~Note: District should set out any other leave related to this section here but not that contained in the Family and Medical Leave Act.~~

Military leave

Employees of the district may take military leave without loss of pay, seniority or efficiency rating for one or more periods not exceeding a total of 15 workdays in one year. Saturdays, Sundays and state holidays may not be included in this 15 days unless the Saturday, Sunday or holiday is a regularly scheduled work day for the employee.

Military leave may be taken when the employee is engaged in training or other duties ordered by the Governor, the Department of Defense, the Department of the Army, the Department of the Air Force, the Department of the Navy, the Department of the Treasury, or any other department or agency of the government of the United States having authority to issue lawful orders requiring military service. This leave applies to employees who are either enlisted or commissioned members of the South Carolina National Guard, the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, or the United States Coast Guard Reserve.

In the event an employee is called upon to serve during an emergency, he/she will be entitled to such leave of absence for not exceeding 30 additional days.

The board expects employees to request their training for a period when school is not in session.

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An employee seeking leave for annual active duty training must forward a written request, including the appropriate verifying data, to the superintendent or his/her designee no later than 30 days prior to the pre-arranged military activity.

Extended military leave

Employees who enlist or are called to active duty are eligible for up to five years extended military leave. All provisions of federal law apply to extended military leave (reemployment, benefits, etc.). However, the district is not required to maintain employee benefits for extended leave.

Written substantiation of leave under this policy is required. Falsification of reason for leave may be cause for disciplinary action up to and including termination of employment.

Application and approval for leave under this policy are made on the leave application form.

~~Reimbursement for accumulated annual and/or sick leave under Teacher and Employee Retention Incentive (TERI) program~~

~~The district will reimburse employees under TERI for unused annual and/or sick leave at the time of separation from the district. The district will pay the employee for (insert number of days here) accumulated annual and/or sick leave days at the rate of (insert rate of daily pay information here).~~

~~District needs to add information about when or if a payout will occur here.~~

Conferences/Training workshops

The board believes that it is desirable to provide professional leave for employees in order to attract and retain faculty who will continue to grow professionally and enhance their service to the public schools of the district.

The district may grant **temporary professional** leave to an employee for the purpose of attending activities designed to improve employee competency or to improve the instructional or service programs of the district.

The superintendent may authorize professional leave for attending state, regional and national meetings, workshops and conferences (including observing in other schools) without pay deduction. The employee must apply for prior approval through his/her supervisor.

The superintendent will determine the number of absences allowable for professional leave. Absences will also be subject to budget limitations for employing substitutes and reimbursement for travel, meals and lodging.

Adopted 1/1/74,; Revised 9/28/75, 9/27/76, 8/27/84, 4/28/86, 6/27/88, 6/26/89, 9/24/90, 9/27/93, 10/23/95, 8/25/97, 9/22/97, 9/27/99, 6/26/00, 11/03, 10/24/05, 9/25/06, 2/23/09, 5/24/10, 4/25/11, 8/22/11,^

Legal references:

A. United States Code:

1. P.L.103-3 and 29 CFR Part 825 - The Family and Medical Leave Act of 1993.
2. Title 38 U.S. Code, Chapter 43, Sections 4301-4333, Public Law 103-353 - The Uniformed Services Employment and Reemployment Act of 1994 (USERRA).

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B. S. C. Code, 1976, as amended:

1. Section 8-7-20 - Requires granting of military leave, without pay, up to five years.
2. Section 8-7-90 - Requires 15 days per year of leave with pay for members of National Guard and Reserve Units of the various Armed Forces. Also grants an additional 30 days of leave with pay in emergency situations.
3. Section 8-11-65 - Organ donor leave.
4. Section 9-1-2210 - Teacher and Employee Retention Incentive Program.
5. Section 14-1-190 - Compensation received for jury duty deemed to be expense money.
6. Section 14-7-845 - Relating to optional postponement of jury service for students and employees.
7. Section 25-1-2250 - Employees entitled to leave with pay when serving in National Guard.
8. Section 59-1-400 - Sick leave for public school district employees.

SUPPORT STAFF LEAVES AND ABSENCES

Code **GDC-R** Issued **DRAFT/12**

Procedures regarding absences

An employee must notify his/her principal or immediate supervisor as early as practicable when it is necessary for him/her to be absent. Unless the length of absence has been definitely set through prior communications, each employee who is absent must notify the school or department daily in accordance with procedures established by the school principal or supervisor.

An employee who has been absent must sign a statement setting forth the specific reason(s) for his/her absence. Such statement must be made on the district absence report form and filed within two days after the employee returns to work.

An employee who anticipates taking an extended leave of absence for five or more consecutive working days must submit the request for leave to his/her supervisor at least 30 calendar days prior to the effective date of the leave or as soon as practicable. If an emergency situation arises, the employee should submit the request for leave as soon as feasible. The leave request must include a statement to the director of personnel from a licensed medical doctor stating the anticipated length of convalescence or period required for medical treatment. Any employee returning from an extended leave of absence must present a statement from the attending physician certifying the employee's ability to return to a normal work schedule.

Upon written request, the superintendent or his/her designee may grant an employee leave without pay following the exhaustion of all accrued sick leave for personal illness. Leave with or without pay will not exceed 91 workdays in any school year unless approved by the board.

Verification and use of leave

The use of sick leave for personal illness or the illness of an immediate family member is subject to verification. Specifically, the district may require an employee to submit a physician's statement verifying an illness when the employee has utilized sick leave for more than 10 working days within a school year, after an absence for personal illness of three consecutive days or more, or if the employee is requesting extended leave. The district also reserves the right to require an employee to submit a medical physician's statement verifying an illness when the administration believes verification is needed or when an employee's use of leave for personal illness forms a pattern or abuse is suspected.

Additionally, the district reserves the right to require an employee to submit a medical physician's statement verifying the illness of an immediate family member for absences of three consecutive days or more.

If the employee does not provide the required physician's statement within five working days upon written request, the district may take appropriate disciplinary actions, up to and including a recommendation of termination from employment.

The district may require the opinion of a second physician designated and paid for by the board regarding verification of any illness or disability.

The district may require an employee to provide a physician's statement attesting to his/her ability to perform required duties before returning to work.

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Ordinarily, employees will be expected to return to work the first school day after the recuperative period is completed.

Family and Medical Leave Act (FMLA)

Pursuant to board policy GBRIB, the District Five Schools of Spartanburg County adopts the following guidelines to provide a fair and systematic procedure by which eligible employees may take unpaid leaves of absence for family and medical reasons.

Eligibility requirements

To qualify for leave under this policy, an employee must have been employed by the school district for at least 12 months, as of the date on which the requested leave will commence. In addition, the employee must have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

Leave entitlement

An eligible employee is entitled to a total of 12 workweeks of unpaid leave during any fiscal year (July 1 through June 30) for the following.

- the birth of a son or daughter of the employee
- the placement of a child with the employee for adoption or foster care
- to care for a spouse, son, daughter or parent of the employee, if such spouse, son, daughter or parent has a serious health condition
- because of a serious health condition of the employee that renders the employee unable to perform the essential functions of the position
- a family member (spouse, son, daughter or parent) is on active duty or has been called to active duty for any "exigency situation" as defined in federal regulation

However, an eligible employee who is the spouse, son, daughter, parent or next of kin (nearest blood relative of the individual) of a covered service member is entitled to a total of 26 workweeks of leave in a single fiscal year to care for the service member with a serious illness or injury incurred in the line of duty on active duty. Leave under this paragraph is available only during a single year. During that year, the employee is entitled to a combined total of 26 workweeks of leave under this policy.

An eligible employee who desires to take leave under this administrative rule will request such leave from his/her immediate supervisor who will then notify the superintendent or his/her designee of the request. Requests will be responded to in a timely manner.

The entitlement to leave for the birth or placement of a child for adoption or foster care expires 12 months after the date of such birth or placement.

If circumstances require, an employee may take family leave prior to the birth or placement of a child for prenatal care or to prepare for placement, e.g., to attend counseling sessions or appear in court.

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“Foster care” is 24-hour care for children in substitution for and away from, their parents or guardian, by or with the agreement of the state or pursuant to a judicial determination.

“Son or daughter” means a biological, adopted or foster child, stepchild, legal ward or child or a person standing in loco parentis, who is either under age 18 or age 18 or older and incapable of self-care because of a mental or physical disability. Persons who are “in loco parentis” include those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child.

A “serious health condition” is an illness, injury, impairment or physical or mental condition that involves any of the following.

- any period of incapacity or treatment in connection with or consequent to inpatient care in a hospital, hospice or residential medical care facility
- any period of incapacity requiring absence from work or other regular daily activities of more than three calendar days, that also involves continuing treatment by a healthcare provider
- continuing treatment by a healthcare provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or for prenatal care.

“Continuing treatment by a healthcare provider” means any of the following.

- the employee or family member is treated two or more times for the injury or illness by a healthcare provider
- the employee or family member is treated for the injury or illness two or more times by a provider of healthcare services (e.g., physical therapist) under orders of or on referral by, a healthcare provider or is treated for the injury or illness by a healthcare provider on at least one occasion which results in a regime of continuing treatment under the supervision of the healthcare provider
- the employee or family member is under the continuing supervision of, but is not necessarily being actively treated by, a healthcare provider due to a serious long-term or chronic condition or disability which cannot be cured

A “healthcare provider” is defined as follows.

- a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices
- a podiatrist, dentist, clinical psychologist, optometrist or chiropractor (limited to treatment of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist), authorized to practice in the state and performing within the scope of his/her practice as defined under state law
- a nurse practitioner or nurse midwife who is authorized to practice under state law and who is performing within the scope of his/her practice as defined under state law
- a Christian Science practitioner listed with the First Church of Christ, Scientist in Boston, Massachusetts

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Intermittent or reduced schedule leave

“Intermittent leave” is leave taken in separate blocks of time due to a single illness or injury, rather than for one continuous period of time and may include leave periods from one hour or more to several weeks.

A “reduced schedule leave” is a leave schedule that reduces an employee’s usual number of working hours per workweek or hours per workday.

Leave for the birth or placement of a child will not be taken intermittently or on a reduced schedule without the written consent of the superintendent or his/her designee, who will consult with the employee’s immediate supervisor before granting such consent.

Leave to care for a seriously ill spouse, son, daughter or parent or for the employee’s own serious health condition or for a serious injury or illness of a covered service member which requires treatment by a healthcare provider periodically, rather than for one continuous period of time may be taken intermittently or on a reduced schedule only when medically necessary.

If an employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, the superintendent or his/her designee may require such employee to transfer temporarily to an available alternative position for which the employee is qualified that (1) has equivalent pay and benefits; and (2) better accommodates recurring periods of leave or family leave (for instructional employees, see section entitled “Rules applicable to periods near the conclusion of an academic term for employees employed principally in an instructional capacity” below).

Substitution of paid leave

An eligible employee may elect or the superintendent or his/her designee may require the employee to substitute any available accrued **paid** vacation leave or personal leave or family leave of the employee for leave taken for either of the following.

- the birth or placement of a child
- to care for a seriously ill spouse, child or parent

An eligible employee may elect or the superintendent or his/her designee may require the employee to substitute any of the available accrued **paid** vacation leave, personal leave or medical or sick leave of the employee for leave taken for either of the following.

- to care for a seriously ill spouse, child or parent
- for the employee’s own serious health condition

Paid Vacation or personal leave may be substituted, at either the employee’s or the school district’s option, for any qualified unpaid family or medical leave without limitation. Paid family, medical or sick leave may be substituted for unpaid leave under this policy only if the circumstances necessitating the leave entitle the employee to paid leave under the applicable policy.

Foreseeable leave/notice required

When the necessity for leave for the birth or placement of a child is foreseeable based on an expected birth or placement, the employee must provide at least 30 days notice to his/her immediate supervisor of the anticipated timing and duration of the employee’s leave. The failure

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to provide such notice with no reasonable excuse for the delay may result in the denial of a request for leave until 30 days after the employee provides notice.

If the date of the birth or placement requires leave to begin in less than 30 days, the employee must provide as much notice as is practicable.

When leave to care for a seriously ill spouse, child or parent or for an employee's own serious health condition is foreseeable based on planned medical treatment, the employee must do the following.

- Make a reasonable effort to schedule the treatment so as not to disrupt unduly the school district's operations, subject to the approval of the healthcare provider and duration of the employee's leave, except that if the date of treatment requires leave to begin in less than 30 days, the employee must provide as much notice as practicable.
- Provide at least 30 days notice to his/her immediate supervisor of the anticipated timing and duration of the employee's leave, except that if the date of treatment requires leave to begin in less than 30 days, the employee must provide as much notice as practicable.

Spouses employed by the school district

If a husband and wife who are both eligible for family and medical leave are employed by the school district and both take leave for the birth, foster placement or adoption of a child or to care for a seriously ill parent, the aggregate number of workweeks of leave to which both may be entitled may not exceed 12 workweeks during any 12-month period.

A husband and wife who are both eligible for family and medical leave and are employed by the school district may be granted family and medical leave only for a combined total of 26 workweeks of leave per fiscal year if the leave is to care for a covered service member with a serious illness or injury.

Certification

A request for leave to care for a seriously ill spouse, child or parent or for the employee's own serious health condition must be supported by a certification issued by the healthcare provider of the employee or family member. The district has pre-approved forms available which an employee may use for this purpose.

The certification must contain the following information.

- date on which the serious health condition commenced
- probable duration of the condition
- appropriate medical facts regarding the condition
- for leave taken to care for a seriously ill spouse, child or parent, a statement that the employee is needed to care for the spouse, child or parent and an estimate of the amount of time the employee will be needed for that purpose
- for leave taken due to an employee's serious health condition, a statement that the employee is unable to perform the essential functions of the position

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- for intermittent or reduced schedule leave for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment
- for intermittent or reduced schedule leave for an employee's serious health condition, the statement of the medical necessity for the intermittent or reduced schedule leave and the expected duration of such leave
- for intermittent or reduced schedule leave to care for a seriously ill spouse, child or parent, a statement that the employee's intermittent or reduced schedule is necessary for the care of the spouse, child or parent or will assist in their recovery and the expected duration and schedule of the intermittent or reduced schedule leave

If the superintendent or his/her designee or the employee's immediate supervisor has reason to doubt the validity of a certification, he/she may require, at the district's expense, the employee obtain the opinion of a second healthcare provider designated or approved by the superintendent or his/her designee.

A healthcare provider designated or approved by the superintendent or his/her designee will not be one who is employed on a regular basis by the school district.

If the first and second opinions of the healthcare providers are conflicting, the opinion of a third healthcare provider designated or approved jointly by the superintendent or his/her designee may require the employee or family member to submit to an examination (though not treatment) to obtain a second or third certification from a healthcare provider other than a Christian Science practitioner.

The superintendent or his/her designee may require subsequent recertification on a reasonable basis, but no more often than every 30 days, unless one of the following occurs.

- the employee requests an extension of leave
- the circumstances described by the original certification have changed significantly
- the superintendent or his/her designee receives information which casts doubt on the continuing validity of the prior certification

Designation of leave as FMLA

The school district must designate the leave as paid or unpaid FMLA leave within five business days of learning that a FMLA reason supports the leave. The district must also provide other written information concerning the employee's rights and obligations under FMLA. If the district does not make the designation on time or provide appropriate information, the absence will not count against the employee's FMLA entitlement.

Employment and benefits protection

Restoration to position

Any employee who takes leave for the intended purpose of the leave will be entitled, on return from leave, to be restored to the position of employment held by the employee when the leave commenced or to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

The taking of leave will not result in the loss of any employment benefits accrued prior to the date on which leave commenced.

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A restored employee is not entitled to the accrual of any seniority or employment benefits during any period of leave or any right, benefit or position of employment other than that to which the employee would have been entitled had the leave not been taken.

As a condition of restoration for an employee who has taken leave due to his/her own serious health condition, the employee must provide a certification from the healthcare provider stating that the employee is able to resume work. Until such a certification is provided, reinstatement will be denied.

An employee on leave must report periodically to his/her immediate supervisor on his/her status and intention to return to work.

Exemption of certain highly compensated employees

The superintendent or his/her designee may deny restoration to a salaried employee who is among the highest paid 10 percent of school district employees under the following circumstances.

- such denial is necessary to prevent substantial and grievous economic injury to the operations of the school district
- the superintendent or his/her designee notifies the employee of the intent to deny restoration at the time he/she determines such injury would occur
- if leave has commenced, the employee decides not to return to work

If the superintendent or his/her designee believes that reinstatement may be denied to a key employee, the superintendent or his/her designee must give written notice to the employee at the time leave is requested that he/she qualifies as a key employee. In addition, the employee must be fully informed of the potential consequences with respect to reinstatement and maintenance of health benefits if it is determined that substantial and grievous economic injury will result from the employee's reinstatement.

As soon as the superintendent or his/her designee determines that such an injury will result from reinstatement, he/she must again notify the employee in writing of this determination and advise the employee that the school district cannot deny leave but that it intends to deny restoration to employment on completion of the leave. This notice must be delivered in person or by certified mail. It also must explain the basis for the finding that substantial and grievous economic injury will result and must provide the employee a reasonable time in which to return to work.

If the employee elects to remain on leave, the school district will continue to maintain his/her health benefits until the employee gives notice that he/she no longer wishes to return to work or until reinstatement is actually denied at the conclusion of the leave.

Once the key employee's leave has expired, he/she still is entitled to request reinstatement. The superintendent or his/her designee must then determine whether there will be substantial and grievous economic injury from reinstatement, based on the facts at that time. If it is determined that such an injury will result, the superintendent or his/her designee will notify the employee in writing of the denial of restoration. This notice must be delivered in person or by certified mail.

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Maintenance of health benefits

During an employee's leave, the school district will maintain coverage under any group health plan at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of the leave.

The employee must continue to pay his/her portion of all insurance premiums to maintain coverage. If an employee's premium payment is more than 30 days late, the school district may discontinue coverage of the employee under the policy. The district will provide 15 days advance notice before any such cancellation of coverage.

If coverage lapses because an employee has not made premium payments, upon the employee's return from leave, the school district will restore the employee to coverage and benefits equivalent to those the employee would have had if leave had not been taken and the premium payments had not been missed.

If the school district continues coverage under the policy by paying the employee's portion of the premiums, the district is entitled to recover all such payments. Further, the school district may recover from an employee its share of health plan premiums paid during a period of leave under this policy if the employee fails to return to work at the expiration of the leave, unless the reason for the employee's failure to return is due to the continuation, recurrence or onset of a serious health condition or other circumstances beyond the employee's control. If an employee fails to return because of the continuation, recurrence or onset of a serious health condition, the employee must provide a certification of the employee's or family member's serious health condition. The district also will not seek recovery for its share of premiums for any portion of paid leave substituted or used by an employee.

Intermittent or reduced schedule leave for instructional employees

If an eligible employee employed principally in an instructional capacity requests leave to care for a seriously ill spouse, child or parent, for the employee's own serious health condition or leave to care for a covered service member which is foreseeable based on planned medical treatment and the employee would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, the superintendent or his/her designee, in consultation with the school principal, may require that the employee elect either of the following.

- to take leave for periods of a particular duration, not to exceed the duration of the planned medical treatments
- to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and which better accommodates recurring periods of leave

Rules applicable to periods near the conclusion of an academic term for employees employed principally in an instructional capacity

If an eligible employee employed principally in an instructional capacity begins leave more than five weeks prior to the end of an academic semester, the superintendent or his/her designee, in

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consultation with the school principal, may require the employee to continue taking leave until the end of the semester under the following circumstances.

- the leave is of at least three weeks duration
- the return would occur during the three-week period before the end of the term

If an eligible employee employed principally in an instructional capacity begins leave for the birth or placement of a child or to care for a seriously ill child, spouse or parent during the period that commences five weeks prior to the end of an academic semester, the superintendent or his/her designee, in consultation with the school principal, may require the employee to remain on leave until the end of the semester under the following circumstance.

- the leave is greater than two weeks
- the return to employment would occur during the two-week period before the end of the term

If an employee employed principally in an instructional capacity begins leave for the birth or placement of a child or to care for a seriously ill spouse, child or parent during the period that commences three weeks prior to the end of an academic semester and the duration of the leave is greater than five working days, the superintendent or his/her designee, in consultation with the school principal, may require the employee to continue taking leave until the end of the term.

If the school district requires an employee to remain on leave until the end of an academic term and this results in the employee taking more leave than is necessary to resolve the condition which necessitated the leave, the additional leave time required to be taken will not be deducted from the employee's total available FMLA leave. The employee, however, will continue during this time to be entitled to the maintenance of health benefits and job restoration in accordance with this administrative rule.

Issued 9/27/93; Revised 10/23/95, 9/25/06, 2/23/09, ^

SUPPORT STAFF VACATIONS AND HOLIDAYS

Code **GDD** Issued **DRAFT/12**

Purpose: To establish the basic structure for support staff vacations and holidays.

School year personnel

The school calendar, as adopted by the board, establishes the school recess periods and holidays for staff members employed on a school-year basis.

Administrators and year round personnel

Regular full-time administrators employed on a full-year basis (52 weeks) and year round instructional personnel will receive vacations and holidays as follows.

Vacations

- All district employees who are 12-month employees accrue leave at the rate of 5/6th day per month for a total of 10 days per year.
- Employees must obtain the prior approval of their supervisor before using accrued leave.
- Vacation leave may not be accrued beyond the fiscal school year without superintendent's approval.

Holidays

Independence day	one day
Labor Day	one day
Thanksgiving	three days
Election Day	one day (general election-even years)
Christmas/New Year's	number of days varies by school year (maintenance employees and full-time custodians will work five days)
Martin Luther King	one day
Spring vacation	five days (maintenance employees and full-time custodians will work three days)
Memorial Day	one day

If an employee's job requires him/her to work on a holiday, the employee may take that day at a later date.

NOTE: District should add/subtract local holidays permitted/not permitted.

Administrative personnel and district office level personnel who are 12-month employees will observe the school calendar holidays.

Adopted 3/22/93; Revised 9/27/93, 2/7/02, 10/24/05, 9/25/06, 6/23/08, ^

SUPPORT STAFF HIRING

Code **GDF** Issued **DRAFT/12**

Purpose: To establish the basic structure for the hiring of support staff.

The superintendent employs all support staff.

It is the superintendent's responsibility to ensure that all persons employed meet the qualifications established for the particular position. The superintendent will establish an interview and selection procedure that will allow principals or supervisors an opportunity to be actively involved in the selection of an employee for their school. However, the superintendent will make or approve the final selection.

The superintendent will consider all candidates based on the needs of the district as well as on their merits and qualifications. The district will not discriminate or give preferential treatment with regard to race, age, national origin, sex, handicap, alienage or religion. The district will make reasonable accommodation to known physical or mental limitations of otherwise qualified disabled persons where such accommodation would not impose an undue hardship on the operation of district programs.

The district will not employ any candidate without a personal interview by the appropriate supervisor.

Federal and state laws prohibit employers from hiring aliens not legally eligible to work in the United States. They also require all new employees to present evidence of employment eligibility and require employers to verify that eligibility. The district will utilize the federal work authorization program E-Verify for verification of work authorization submitted by an employee. Newly hired employees must complete the required I-9 form no later than three days following their first working day.

Should a vacancy occur in a position during the year, the board authorizes the superintendent to fill such vacancies for the remainder of the school year in which the vacancy occurs pursuant to a letter of agreement, when appropriate. The superintendent or his/her designee may determine whether advertising the vacancy is necessary or whether the position may be filled through some other means.

The superintendent is authorized to hire retired employees to work in the district on an "as needed" basis when their employment would serve the best interests of the school district. In such cases, the superintendent will notify the employee of the at-will status of his/her employment. The continued employment of retired employees will be at the discretion of the superintendent, who will make such decisions in the best interests of the district. The decision to employ or not employ retired employees will not be subject to the district's grievance procedures.

For required criminal record checks on new employees, see policy GBEBDA* Criminal Record Checks.

Cf. GBEBDA*

Adopted 8/28/75; Revised 9/27/93, 11/24/08, ^

Legal references:

- A. United States Code:
 - 1. 20 U.S.C. Sections 1681-86 - Prohibits discrimination on the basis of sex.

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2. 42 U.S.C. 2000e, et seq. - Prohibits discrimination in hiring based on race, color, national origin, religion or sex.
 3. 42 U.S.C. 12101, et seq. - Prohibits employment discrimination on the basis of disability.
 4. Public Law 107-110 - No Child Left Behind, revised Elementary and Secondary Education Act (ESEA) of 2001, Title 1, Part A, Subpart 1, Section 1119 - Qualifications for teachers and paraprofessionals.
 5. Public Law 99-603 - Immigration Reform and Control Act of 1986.
 6. Public Law 104-208 - Illegal Immigration Reform and Immigrant Responsibility Act of 1996.
- B. Code of Federal Regulations:
1. 41 CFR 60-20 (1998) - Prohibits discrimination on the basis of sex.
- C. S. C. Code, 1976, as amended:
1. Section 1-1-550 - School districts shall give preference to employment of honorably discharged veterans.
 2. Section 59-18-1300 - District accountability system.
 3. Section 9-1-2210 - Teacher and Employee Retention Incentive Program; operation.
 4. Section 9-1-1790 - Amount which may be earned upon return to covered employment.
 5. South Carolina Illegal Immigration Reform Act (Act 280 of 2008).
 6. Section 16-1-60 - Violent crimes defined.
 7. Section 23-3-115 - Fees for criminal record searches conducted for charitable organizations.
 8. Section 23-3-130 - Determination of information to be supplied and methods of evaluation and dissemination; promulgation of rules and regulations.
 9. Section 23-3-430 - Sex offender registry; convictions and not guilty by reason of insanity findings requiring registration.
 10. Section 59-19-117 - Background checks.
- D. State Board of Education Regulations:
1. R43-209 - Support personnel/paraprofessional personnel positions, qualifications and duties.

SUPPORT STAFF ASSIGNMENTS AND TRANSFERS

Code **GDJ** Issued **DRAFT/12**

Purpose: To establish the basic structure for the transfer and assignment of support staff in the district.

Assignment

All personnel are employed by the district, not a particular school.

The superintendent will assign or reassign support staff members on the basis of their qualifications, the needs of the district and their expressed desires. When he/she cannot meet all three conditions, the superintendent will assign personnel in this order.

- first, in accordance with the needs of the district and its students
- second, where the administration believes the employee is most qualified to serve
- third, as to expressed preference of employees

Transfer

The transfer of a support staff member from one school to another may be initiated by the staff member, by the principal of the school or by the superintendent. ~~In the case of a transfer initiated by the staff member and with all other considerations regarding assignment being equal, the administration will grant employee preferences for transfer in order of seniority in the district~~ Transfers initiated by the staff member will be subject to the approval of the principals involved.

All transfers require the approval of the superintendent.

Adopted ^

EVALUATION OF SUPPORT STAFF

Code **GDO** Issued **DRAFT/12**

Purpose: To establish the basic structure for evaluation of support staff to ensure accountability.

The development of a strong, competent support staff and the maintenance of high morale among staff members are major objectives of the board. The major duties of the board regarding support staff are to establish wage and salary policies which encourage employees to put forth their best efforts and to provide a good atmosphere in which to work. A program of continuous evaluation is necessary for the board to fulfill its duties.

The board directs the superintendent to develop and implement a program of support staff evaluation. It will be the responsibility of each supervisor to inform the employee in advance of the criteria to be used in the evaluation.

The evaluation system for support staff is designed to measure the level of performance of individual employees and to encourage continued professional development. The evaluation system will not be a contract obligation of the district or a contract right of the employee. It is not intended to create, nor will it be construed to create, an expectation or assurance of continued employment. Neither the substance nor the content of the evaluation will be subject to the grievance process.

Adopted ^

RESIGNATION OF SUPPORT STAFF

Code **GDQB** Issued **DRAFT/12**

Purpose: To establish the basic structure for the resignation of support staff members.

A support staff member who wishes to terminate his/her employment with the district may submit a letter of resignation to his/her supervisor. The supervisor will forward the request to the superintendent. The staff member should submit this letter two weeks before the desired termination date.

The superintendent will present a list of resignations to the board of trustees as appropriate.

Adopted 9/27/93; Revised ^

RETIREMENT OF SUPPORT STAFF

Code **GDQC** Issued **DRAFT/12**

Spartanburg County School District Five participates in and follows all requirements of the S.C. State Retirement System.

(Also GBQ)

Adopted prior to 1974; Revised 9/27/93, 9/24/12

Constitutional and Statutory Provisions:

A. Federal Law:

1. 29 U.S.C. 621 et seq. - Age Discrimination in Employment Act of 1967.

B. S. C. Code, 1976, as amended:

1. Section 9-1-10 - Teachers are members of the State Retirement System.
2. Section 9-1-1510 - Members may retire at age 60, or after 30 28 years of creditable service.
3. Section 9-1-1515 - Early retirement.
4. Section 9-1-1550 - Service retirement allowances.
5. Section 9-1-2210 – Teacher and Employee Retention Incentive Program.

DISCIPLINE, SUSPENSION AND DISMISSAL OF SUPPORT STAFF

Code **GDQD** *Issued* **DRAFT/12**

Purpose: To establish the basic structure for the discipline, suspension and dismissal of support staff.

The board authorizes the superintendent to discipline, suspend or dismiss support staff as required. Principals should be actively involved in this process for their school.

Adopted 9/27/93; Revised 4/99, ^

Legal references:

- A. S.C. Code of Laws 1976, as amended:
 - 1. Section 59-18-1300 - District accountability system.

NONSCHOOL EMPLOYMENT OF SUPPORT STAFF

Code **GDR** Issued **DRAFT/12**

Purpose: To establish the basic structure for the non-school employment of support staff.

The district employs all school personnel for a specific job in the schools. The board expects each employee to carry out the duties of his/her position to the satisfaction of the superintendent of schools, the principal and his/her supervisor. The board also recognizes that an individual may desire to improve himself/herself financially.

The district will allow support staff to receive compensation for outside activities as long as these activities do not interfere with the proper discharge of his/her assigned school or district duties or do not cause poor public relations within the community. The board expects the employee to carry on any outside activity in a businesslike and ethical manner.

An employee will not engage in any other employment or in any private business during his/her regular school or district work hours or during the hours necessary to fulfill appropriate assigned duties.

If an employee is unsure whether additional employment will interfere with the individual's assigned duties in the district, he/she may request a conference with the superintendent or his/her designee to discuss the situation.

Adopted 9/27/93; Revised ^