

Policy

BOARD OF EDUCATION
LICKING COUNTY EDUCATIONAL SERVICE CENTER

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CREATING A POSITION

The Governing Board recognizes the need to establish positions which, when filled by competent, qualified classified staff, will assist the District in achieving the educational goals set by the Board. The District employs only U.S. Citizens and others lawfully authorized to work in the United States.

Upon the recommendation of the Superintendent and Treasurer, the Treasurer's office shall verify all new staff and substitutes' right to work in the United States according to the Federal Immigration Reform and Control Act of 1986.

The Governing Board authorizes the Superintendent to set the duties to be performed by all personnel (an exception to this - board policies 1220.02 and 1320 sets the duties for the superintendent and treasurer):

- A. to create new positions;
- B. to specify the number of persons within each job category;
- C. set the initial salary for a new position (all salary schedules shall be approved by the Governing Board; a contracted position(s)' salary for a participating district may be a different salary as agreed to by that district).

In the exercise to create new positions, primary consideration will be given to:

- A. the special needs of the students; and
- B. the operational services of the participating District.

Ref: R.C. 3313.17, 3313.47, 3319.07, and 3319.08
Federal Immigration Reform and Control Act of 1986

Adopted: May 12, 1998
Revised: June 10, 2003

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JOB DESCRIPTIONS

The Governing Board recognizes that it is essential for Educational Service Center and employee accountability for each staff member to be fully aware of the duties and responsibilities of his/her position. Job descriptions document and describe the essential functions for professional and classified staff positions and thereby promote organizational effectiveness and efficiency. Therefore, the Superintendent shall maintain continuously a comprehensive, coordinated set of job descriptions for professional and classified staff positions.

Job descriptions for positions of Superintendent (Policy 1220.02) and Treasurer (Policy 1320), which report directly to this Board, shall be defined as policies of the Board. All other job descriptions shall be defined as guidelines of the Superintendent and will be originated and maintained in accordance with the provisions specified in the bylaws of the Board (See Bylaw 0132) and each shall contain the following provision: "The employee shall remain free of any alcohol or nonprescribed controlled substance abuse in the workplace throughout his/her employment in the District."

Following revision of a job description, staff members who hold the positions for which the essential functions are described in that revised job description shall be provided access to the updated version and the opportunity to discuss the revisions therein with their immediate supervisor.

Upon employment by the Board, the staff member shall receive a copy of the current job description for the position for which s/he has been employed. The employee's immediate supervisor shall review this job description with the staff member as part of the employment orientation process. Employees will be evaluated, at least in part, against their job descriptions. Job descriptions shall be brief, factual, and, wherever possible, generically descriptive.

Each job description shall include the requirement that the staff member serve as a role model for students and District Staff in how to conduct themselves as citizens and as responsible, intelligent human beings. In particular, each job description shall indicate the staff member's legal responsibility to help instill in district staff students the belief in and practice of ethical principles and democratic values.

Each job description shall include the requirement that the staff member observe all Safety and Hygiene regulations and procedures set by the Licking County Board of Education, the State of Ohio (HB 308), and Federal OSHA laws in the best interests of all its employees and district students.

The Americans with Disabilities Act (ADA) requires that the District's job descriptions be reviewed and, if necessary, revised to insure that employment practices do not discriminate against any current staff member or job candidate who has a disability.

Americans with Disability Act, HB308-OSHA; R.C. 3313.602
Adopted: January 11, 2005
Revised: February 8, 2011

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EMPLOYMENT OF CLASSIFIED STAFF

The Governing Board recognizes that it is vital to the successful operation of the Licking County ESC that positions created by the Board are filled with qualified and competent personnel.

The Board shall approve the employment and fix the compensation and establish the term of employment for each classified staff member employed by this Board.

Individuals employed in the following categories shall be considered members of the classified staff:

- A. secretary
- B. educational aide
- C. treasurer's assistant
- D. OT assistant/associate (COTA)
- E. payroll clerk
- F. custodian/maintenance
- G. attendance officer
- H. project coordinator
- I. parent mentor
- J. EMIS coordinator
- K. associate teacher
- L. general education preschool teacher
- M. A.S.A. (after school aides)

Such approval shall be given only to those candidates for employment recommended by the Superintendent. When the Board has rejected any recommended candidate, the Superintendent shall make a substitute recommendation. All applications for employment shall be referred to the Superintendent.

Relatives of Board members may be employed by the Board, provided a member of the Board does not participate in any way in the discussion or vote on the employment when conflict of interest is involved. Such approval shall be given only to those candidates for employment recommended by the Superintendent or by another individual designated by the Board in the event that the Superintendent's nomination would be in violation of R.C. 2921.42.

Any classified staff member's intentional misstatement of fact material to qualifications for employment or the determination of salary shall be considered to constitute grounds for dismissal.

The employment of classified staff members prior to approval by the Board is authorized when their employment is required to maintain continuity in the Center's operations. Employment shall be recommended to the Board at the next regular meeting. When appropriate, no candidate for employment, as a classified staff member, shall receive recommendation for such employment without having proffered visual evidence of proper certification or that application for such certification is in process or evidence of specific experience needed.

It will be incumbent upon the employee to furnish and maintain appropriate licensure required to perform the duties of the position throughout the term of employment. The contract shall be contingent upon the continuation, at current levels, of any state and/or federal, or other local funding sources, which directly supports the position at the LCESC.

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The Superintendent shall prepare procedures for the recruitment and selection of all classified staff.

The following guidelines shall also require that any information and record obtained from such inquiries about BCII/FBI or TB test results (if required) be kept confidential and shall not be released or disseminated. Effective September 1, 2008 new employees will not be required to complete a TB Test with the following exception: The Ohio Health Department will maintain a list of nations at risk of spreading TB. If the Health department determines it necessary to require an individual test, or if a prospective employee is currently coming from a country on that list, s/he may be required to have a TB test.

A background check (BCII and FBI) shall be completed once upon employment and an FBI background check every five (5) years thereafter, by September 5th, or before, of the fifth year, unless needed to apply for a certificate or license renewal.

Should it be necessary to employ a person to maintain continuity of the program, prior to receipt of the criminal history record, the Superintendent may employ the person on a provisional basis until the report is received. Every applicant who is employed before the criminal record check can be completed shall execute a resignation that shall automatically be accepted by the Board should the record show noncompliance. Falsification of any information on an employment application shall result in disqualification from, or termination of, employment.

The Center is prohibited from inquiring about prior criminal convictions of any applicant on an application form. However, all employees of the Center must undergo a criminal background check as a condition of employment. An employee who has been convicted of or plead guilty to one or more of the disqualifying offenses enumerated in the Ohio Revised Code may be deemed ineligible to work in the Center.

By signing below, understand and agree that, pursuant to the law,

- A. the Board of Education must request a criminal history check on me from the Bureau of Criminal Intelligence and Investigation and possibly from the Federal Bureau of Investigation;
- B. until that report is received and reviewed by the District, I am regarded as a conditional employee; and
- C. I may be deemed ineligible to work for the District based on the results of my background check and immediately released from employment as a result.

I hereby authorize such a records check and agree to pay the fee charged by the Bureau of Criminal Intelligence and Investigation and any additional fees associated with an FBI check.

(See Policy 4121 and Form 4121 F1)

R.C. 2909.34, 2921.01, 2921.42, 3319.02, 3319.07, 3319.11, 3319.23-.282, 3319.283, 3319.301, 3319.39; 20 U.S.C. 6319; 20 U.S.C. 7801 (HB56 2016)

Approved: May 12, 1998

Revised: May 10, 2016

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EMPLOYMENT OF RETIRED CLASSIFIED STAFF

The Governing Board recognizes that it is vital to the successful operation of the ESC that certificated positions created by the Board are filled with highly qualified and competent personnel. Candidates who are collecting an Ohio (or other state) State Employees Retirement System pension may apply to be hired in a position for which they hold appropriate qualifications.

The Board shall approve the employment, fix the compensation and establish the term of employment for each classified staff member employed by this ESC. When the Board has rejected any recommended candidate, the Superintendent shall make a substitute recommendation.

The Superintendent shall develop procedures for the recruitment, screening and recommendation of candidates, including retired classified staff, for employment in accordance with the following guidelines where the Board agrees as follows:

- A. Issue of new and renewed contracts to retired employees shall be for a one year term. This will be effective for contracts issued after July 1, 2002.
- B. Full-time retired employees shall be entitled to the following benefits: life insurance and dental insurance or as determined by law; may also purchase vision insurance.
- C. Full-time retired employees shall be earning sick leave starting at zero balance, unless carrying from another school district since retirement (such days will not be converted to severance), shall be reimbursed for travel/necessary expenses as provided by policy, and shall be reimbursed for course work according to policy.

The classified candidate shall agree to the following:

- A. Shall be assigned to such specific position as may be designated by the superintendent;
- B. That the salary schedule is agreed upon, with experience and training, and the classified staff member will not challenge the placement on that basis;
- C. To furnish throughout the term of contract valid and appropriate certification to perform the duties of the position; and
- D. That if this candidate is employed before the criminal record check can be completed, the classified employee shall execute a resignation that shall automatically be accepted by the Governing Board should the record show non-compliance.

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- E. That this contract is contingent upon the continuation, at current levels, of any state, federal, or local funding which directly supports the position to which the employee has been assigned, and upon the renewal of any contract for the Educational Service Center services which supports the position to which the administrator or teacher is assigned.

Part-time retired employees shall not be entitled to sick leave on the basis of use for the limited scheduled days they have agreed to work. They shall be entitled to reimbursement for travel and work expenses according to policy. They shall be entitled to reimbursement for course work on a prorated basis, but not for less than half time.

Relatives of Board members may be employed by the Board, provided a member of the Board does not participate in any way in the discussion or vote on the employment when conflict of interest is involved. Such approval shall be given only to those candidates for employment recommended by the Superintendent or by another individual designated by the Board in the event that the Superintendent's nomination would be in violation of R.C. 2921.42

A candidate's intentional misstatement of fact material to his/her qualifications on application, resume, and/or interview process, for employment or the determination of his/her salary, and/or receipt of a negative BCII/FBI report, will be considered by the Board to constitute grounds for dismissal.

It will be incumbent upon the employee to furnish and maintain appropriate licensure required to perform the duties of the position throughout the term of employment. The contract shall be contingent upon the continuation, at current levels, of any state and/or federal, or other local funding sources which directly supports the position at the LCESC.

(Effective September 1, 2008 new employees will not be required to complete a TB Test with the following exception: The Ohio Health Department will maintain a list of nations at risk of spreading TB. If a prospective employee is currently coming from a country on that list, s/he may be required to have a TB test.)

Full time retired/rehired employees working more than 168 days per year shall qualify for single medical insurance only at a prorated basis.

The Center is prohibited from inquiring about prior criminal convictions of any applicant on an application form. However, all employees of the Center must undergo a criminal background check as a condition of employment. An employee who has been convicted of or plead guilty to one or more of the disqualifying offenses enumerated in the Ohio Revised Code may be deemed ineligible to work in the Center.

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By signing below, understand and agree that, pursuant to the law,

- A. the Board of Education must request a criminal history check on me from the Bureau of Criminal Intelligence and Investigation and possibly from the Federal Bureau of Investigation;
- B. until that report is received and reviewed by the District, I am regarded as a conditional employee; and
- C. I may be deemed ineligible to work for the District based on the results of my background check and immediately released from employment as a result.

I hereby authorize such a records check and agree to pay the fee charged by the Bureau of Criminal Intelligence and Investigation and any additional fees associated with an FBI check.
(See Policy 4121 and Form 4121 F1)

R.C. 3319.01, 3319.02, 3319.07, 3319.16, 3319.17, 3319.27, 3319.171, 3319.36
A.C. 3301-73-21; 20 U.S.C. 6319; 20 U.S.C. 7801 (HB56 2016)

Cross Ref: 1521 Retired/rehired Administrators
3120.02 Retired/rehired Teachers
4421 Benefits

Adopted: April 9, 2002
Revised: May 10, 2016

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TEMPORARY WORK ASSIGNMENTS

The Governing Board recognizes its responsibility to meet staffing needs at any and all of its work sites and reserves the right for the Superintendent to place an employee in a temporary work position to meet an immediate need.

The Superintendent is authorized to assign a substitute employee to a vacant or new position for a probationary period of up to 90 days. If the assignment has begun after the beginning of the school year, such probationary period may be extended as a substitute. This option allows the employee to realize a better take home pay for the periods earned, rather than spreading the few remaining days of the year over the summer.

A temporary employee who performs unsatisfactorily or acts inappropriately may be asked to leave such assignment at any time. To be considered for the position on contract for fulltime a recommendation needs to be forwarded by the supervisor to the Superintendent. Terms of such offer may be considered at an interview with the Superintendent.

Relatives of Board members may be employed by the Board, provided a member of the Board does not participate in any way in the discussion or vote on the employment when conflict of interest is involved. Such approval shall be given only to those candidates for employment recommended by the Superintendent or by another individual designated by the Board in the event that the Superintendent's nomination would be in violation of R.C. 2921.42.

The Center is prohibited from inquiring about prior criminal convictions of any applicant on an application form. However, all employees of the Center must undergo a criminal background check as a condition of employment. An employee who has been convicted of or plead guilty to one or more of the disqualifying offenses enumerated in the Ohio Revised Code may be deemed ineligible to work in the Center.

By signing below, understand and agree that, pursuant to the law,

- A. the Board of Education must request a criminal history check on me from the Bureau of Criminal Intelligence and Investigation and possibly from the Federal Bureau of Investigation;
- B. until that report is received and reviewed by the District, I am regarded as a conditional employee; and
- C. I may be deemed ineligible to work for the District based on the results of my background check and immediately released from employment as a result.

I hereby authorize such a records check and agree to pay the fee charged by the Bureau of Criminal Intelligence and Investigation and any additional fees associated with an FBI check.
(See Policy 4121 and Form 4121 F1)

R.C. 3319.01, 3319.02, 3319.07, 3319.16, 3319.17, 3319.27, 3319.171, 3319.36
A.C. 3301-73-21; 20 U.S.C. 6319; 20 U.S.C. 7801 (HB56 2016)

Adopted: March 8, 2005
Revised: May 10, 2016

TEMPORARY WORK ASSIGNMENT FORM

On _____ (date) you will be assigned to the _____ position
at _____ (site). The completion date shall be _____
(up to 60 days) or sooner.

While you are acting as the temporary _____, your rate of pay will be
\$ _____ per hour/per day.

The maximum length of time of this temporary position will be 90 days.

We appreciate you filling in on a temporary basis until a full-time/regular replacement can
be hired.

We would also like you to be aware that the LCESC's policy requires the posting of this
position and interviewing of selected qualified candidates. Promotion to the temporary
position does not necessarily mean an individual is qualified for the fulltime position.
(Completion of Background check as required in Policy 4121 and notification agreement
4121 F1 also required as next steps).

Employee Signature

Date

Administrative Staff Signature

Date

EMPLOYMENT OF SUBSTITUTES

The Governing Board recognizes its responsibility to procure the services of substitute classified staff in order to prevent the interruption of the operation of the schools.

The names of potential substitute personnel and the positions in which they may substitute shall be maintained by the Superintendent.

Relatives of Board members may be employed by the Board, provided a member of the Board does not participate in any way in the discussion or vote on the employment when conflict of interest is involved. Such approval shall be given only to those candidates for employment recommended by the Superintendent or by another individual designated by the Board in the event that the Superintendent's nomination would be in violation of R.C. 2921.42.

Preference will be given to candidates for substitute employment who are residents of this County School District.

The employment of substitute-classified staff prior to approval by the Board is authorized when their employment is required to maintain continuity of services in the District. Retroactive employment shall be recommended to the Board at the next meeting.

In order to ensure reliable assistance in the absence of regular classified personnel, the Board will offer competitive compensation to qualified substitutes.

It will be incumbent upon the employee to furnish and maintain appropriate licensure required to perform the duties of the position throughout the term of employment. The contract shall be contingent upon the continuation, at current levels, of any state and/or federal, or other local funding sources, which directly supports the position at the LCESC and contingent upon a clear background check through BCII & FBI. These background checks shall be repeated as required by law, once every five years unless needed to renew a certificate or license application.

In addition to a background check, the Center shall verify and keep record of all classified staff TB test results (if required) for health, protection, and safety (R.C. 3313.71); the records of these confidential items for such applicants shall be placed in a separate medical file and not in their personnel file. (Effective September 1, 2008 new employees will not be required to complete a TB Test with the following exception: The Ohio Health Department will maintain a list of nations at risk of spreading TB. If a prospective employee is currently coming from a country on that list, s/he may be required to have a TB test).

Classified substitutes will be paid on a per diem basis at an hourly rate established by the Board.

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The Center is prohibited from inquiring about prior criminal convictions of any applicant on an application form. However, all employees of the Center must undergo a criminal background check as a condition of employment. An employee who has been convicted of or plead guilty to one or more of the disqualifying offenses enumerated in the Ohio Revised Code may be deemed ineligible to work in the Center.

By signing below, understand and agree that, pursuant to the law,

- A. the Board of Education must request a criminal history check on me from the Bureau of Criminal Intelligence and Investigation and possibly from the Federal Bureau of Investigation;
- B. until that report is received and reviewed by the District, I am regarded as a conditional employee; and
- C. I may be deemed ineligible to work for the District based on the results of my background check and immediately released from employment as a result.

I hereby authorize such a records check and agree to pay the fee charged by the Bureau of Criminal Intelligence and Investigation and any additional fees associated with an FBI check.

(See Policy 4121 and Form 4121 F1)

R.C. 2909.34, 2921.01, 2921.42, 3319.02, 3319.07, 3319.11, 3319.23-.282, 3319.283, 3319.301, 3319.39; 20 U.S.C. 6319; 20 U.S.C. 7801 (HB56 2016)

Adopted: May 12, 1998

Revised: May 10, 2016

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SELECTING INTERNS

The Governing Board encourages cooperation with State-approved colleges and universities in the training of teacher aides and non-teaching interns, because the public school offers an essential ingredient - direct experience with students and teachers at work in the classroom. However, certain safeguards have been found to be necessary for the best interests of all concerned.

Colleges and universities should first make contact with the Superintendent regarding placement of a educational aide or non-teaching assistant intern.

The following conditions shall also be met:

- A. The institution making the assignment shall provide on-going supervision in a manner suitable to the Superintendent;
- B. The supervising teacher or administrator must agree to work effectively with both the aide or intern and the institutional supervisor;
- C. If at any time the quality of an internship is judged to be inferior or s/he is disruptive to the ongoing program, the Superintendent may request withdrawal of that person from the program.

The Board also authorizes the Superintendent to provide, in cooperation with appropriate colleges and universities, a "field experience" program in order for selected students to gain first-hand knowledge of and experience in a school environment. The institution making the assignment shall provide adequate follow-up supervision.

The following guidelines shall also require that any information and record obtained from such inquiries about BCII/FBI.

Should it be necessary to accept an intern to maintain continuity of the program, prior to receipt of the criminal history record, the Superintendent may accept the intern on a provisional basis until the report is received. Every intern who is appointed before the criminal record check can be completed shall execute a resignation that shall automatically be accepted by the Board should the record show noncompliance. Falsification of any information on an employment application shall result in disqualification from, or termination of, employment.

(Effective September 1, 2008 new employees will not be required to complete a TB Test with the following exception: The Ohio Health Department will maintain a list of nations at risk of spreading TB. If a prospective employee is currently coming from a country on that list, s/he may be required to have a TB test.)

The Superintendent may terminate an intern program if one or more aspects of the program are not of high quality or meeting Center or District needs or expectations.

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The Center is prohibited from inquiring about prior criminal convictions of any applicant on an application form. However, all employees of the Center must undergo a criminal background check as a condition of employment. An employee who has been convicted of or plead guilty to one or more of the disqualifying offenses enumerated in the Ohio Revised Code may be deemed ineligible to work in the Center.

By signing below, understand and agree that, pursuant to the law,

- A. the Board of Education must request a criminal history check on me from the Bureau of Criminal Intelligence and Investigation and possibly from the Federal Bureau of Investigation;
- B. until that report is received and reviewed by the District, I am regarded as a conditional employee; and
- C. I may be deemed ineligible to work for the District based on the results of my background check and immediately released from employment as a result.

I hereby authorize such a records check and agree to pay the fee charged by the Bureau of Criminal Intelligence and Investigation and any additional fees associated with an FBI check.

(See Policy 4121 and Form 4121 F1)

R.C. 2909.34, 2921.01, 2921.42, 3319.02, 3319.07, 3319.11, 3319.23-.282, 3319.283, 3319.301, 3319.39; 20 U.S.C. 6319; 20 U.S.C. 7801 (HB56 2016)

Ref: A.C. 3301-25-05

Adopted: August 17, 2000

Revised: May 10, 2016

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VOLUNTEERS

The Governing Board recognizes that certain programs and activities can be enhanced through the use of volunteers who have particular knowledge or skills that will be helpful to members of the professional and classified staff responsible for the conduct of those programs and activities.

The Superintendent shall be responsible for recruiting community volunteers, reviewing their capabilities, and making appropriate placements. S/he shall not be obligated to make use of volunteers whose abilities are not in accord with Center needs. The Superintendent may terminate the services of a volunteer at any time that s/he determines that the performance does not meet the goals of the Center and/or that such services are no longer needed.

The Superintendent is to inform each volunteer that s/he:

- A. is required to abide by all Board policies and Center guidelines while on duty as a volunteer (including, but not limited to, the volunteer's obligation to keep confidential and not release or permit access to any and all student personally identifiable information to which s/he is exposed except as authorized by law);
- B. will be covered under the Center's liability policy, but the Center cannot provide any type of health insurance to cover illness or accident incurred while serving as a volunteer, nor is the person eligible for workers' compensation;
- C. will be asked to sign a form releasing the Center of any obligation should the volunteer become ill or receive an injury as a result of his/her volunteer services.

The Superintendent shall also ensure that each volunteer is properly informed of the district's appreciation for his/her time and efforts in assisting in the operation of the schools.

The Superintendent has established administrative guidelines and procedures in Policy 4121 to facilitate a background records check that complies with the law and ensures that, at the time of the initial application, the applicant is properly informed of the requirements to obtain a criminal history records (BCII and FBI) check prior to employment. A volunteer's intentional misstatement of fact material to his/her qualifications on application, resume, and/or interview process, and/or receipt of a negative BCII and FBI reports, will be considered by the Board to constitute grounds for dismissal.

Should it be necessary to start a volunteer to maintain continuity of the program, prior to receipt of the criminal history record, the Superintendent may initiate such volunteer activities by the person on a provisional basis until the report is received.

Furthermore, the Superintendent shall inform all volunteers who work or apply to work unsupervised with children on a regular basis of the need to display appropriate behavior at all times.

If a criminal records check indicates that a volunteer has been convicted of or pleaded guilty to any of the offenses listed and described in R.C. 109.572 (A) (1), the volunteer will be informed either that the Board is no longer interested in maintaining his/her volunteer service or that the volunteer will be assigned to duties for which s/he will not be supervising children.

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The Center is prohibited from inquiring about prior criminal convictions of any applicant on an application form. However, all employees of the Center must undergo a criminal background check as a condition of employment. An employee who has been convicted of or plead guilty to one or more of the disqualifying offenses enumerated in the Ohio Revised Code may be deemed ineligible to work in the Center.

By signing below, understand and agree that, pursuant to the law,

- A. the Board of Education must request a criminal history check on me from the Bureau of Criminal Intelligence and Investigation and possibly from the Federal Bureau of Investigation;
- B. until that report is received and reviewed by the District, I am regarded as a conditional employee; and
- C. I may be deemed ineligible to work for the District based on the results of my background check and immediately released from employment as a result.

I hereby authorize such a records check and agree to pay the fee charged by the Bureau of Criminal Intelligence and Investigation and any additional fees associated with an FBI check.
(See Policy 4121 and Form 4121 F1)

R.C. 2909.34, 2921.01, 2921.42, 3319.02, 3319.07, 3319.11, 3319.23-.282, 3319.283, 3319.301, 3319.39; 20 U.S.C. 6319; 20 U.S.C. 7801 (HB56 2016)

Adopted: April 14, 1998
Revised: May 10, 2016

Form

**BOARD OF EDUCATION
LICKING COUNTY EDUCATIONAL SERVICE CENTER**

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VOLUNTEER RELEASE FORM

I have offered my services as a volunteer to help the Center in the following areas:

I agree to abide by all relevant Board policies and administrative guidelines while on duty for the Center. I understand that, although I am covered under the Center's liability insurance policy, I am not covered by its health insurance policy nor am I eligible for workers' compensation. Should I become ill or suffer an accident while doing volunteer work for the Center, I agree that I shall be responsible for any and all hospital and medical charges that may accrue. I understand further that, as a volunteer, I am not in any manner considered an employee of the Center or entitled to any benefits provided to employees.

I further release the LCESC Governing Board of Education from any and all liability for any damages, whatever their nature, which may result as a consequence of my volunteer services.

All volunteers need to display appropriate behavior at all times. In accordance with R.C. 109.574-7, all volunteers who work or apply to work unsupervised with children on a regular basis may/will be required to provide a set of fingerprints at any time so that a criminal records check can be conducted. If a criminal records check is conducted, it will be done as a condition of initial or continued service as a volunteer. If a criminal records check indicates that a volunteer has been convicted of or pleaded guilty to any of the offenses described in R.C.109.572 (A)(1), the volunteer will be informed of the Board's actions in accordance with Policy 3120.09 and Policy 4121.

By signing here, and form 4121F1, I authorize such a records check and agree to pay the fee charged by the Bureau of Criminal Intelligence and Investigation and any additional fees associated with an FBI check. (Also, complete Form 4121F1).

Volunteer

Address

City, Zip, Phone Number with Area Code

Date

District Representative

Policy
BOARD OF EDUCATION

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LICKING COUNTY EDUCATIONAL SERVICE CENTER

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CRIMINAL HISTORY RECORD CHECK

In accordance with State law, the Governing Board requires a criminal background check including information from the Bureau of Criminal Identification and Investigation (BCII) and the Federal Bureau of Investigation (FBI) of each applicant the Superintendent recommends for employment on the Center's non-teaching staff as well as for all current non-teaching employees on a periodic basis. These requirements apply to any non-teaching employee, including individuals employed by a private company under contract with the Board to provide essential services in accordance with Policy 8142, and all substitutes and persons employed on a part-time basis such as coaches or activity advisors.

Specific rules relating to employees engaged in the operation of a vehicle for student transportation (bus/van drivers) and non-teaching employees who are also licensed by the Ohio Department of Education (e.g. aides, with a permit, paraprofessionals with a license, and those who do not hold a valid educator's license but who are employed by the Board under a student activity permit) shall be implemented as prescribed by law and applicable administrative code.

A criminal background check is not required of any currently-employed staff member who is a candidate for another position in the Center, unless otherwise required by law and/or this policy.

The Board authorizes the Educational Service Center to undertake the criminal history record check for individuals the Board may employ. The Superintendent shall establish administrative guidelines that require an appropriate record check that complies with the law.

Any information and records obtained from such inquiries are not public records and shall be kept confidential and not released or disseminated.

Should it be necessary to employ a person to maintain continuity of the Center's operation, prior to receipt of the criminal history record, the Superintendent may, except in the case of a bus driver, employ the person on a provisional basis until the report is received.

Effect of Guilty Plea and/ or Conviction of Enumerated Crime – All Non-Teaching Employees

Non-teaching employees who are also licensed by the Ohio Department of Education (e.g., aides with a permit, paraprofessionals with a license, and those individuals who do not hold a valid educator's license but who are employed by the Board under a student activity permit) who engage in conduct unbecoming the teaching profession and/or who it is determined have pled guilty to or have been convicted of any offense enumerated under R.C. 3319.39(b)(1), including a judicial finding for intervention in lieu of conviction and/or participation in a pre-trial diversion program relating to any of the offenses listed therein, are subject to the mandatory reporting requirements set forth in Policy 8141, in addition to an action by the Board to terminate their employment. In addition, consistent with the State law and Policy 3138, the Superintendent shall immediately suspend such licensed non-teaching employees from all duties that require the care, custody, or control of a child during any pending criminal action for which that licensed non-teaching staff member has been arrested, summoned and /or indicted for any crimes set forth in R.C. 3319.31(C).

Policy

BOARD OF EDUCATION LICKING COUNTY EDUCATIONAL SERVICE CENTER

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All other non-teaching employees who are the subject of a criminal records check including applicants hired provisionally in advance of a completed criminal records check, as well as individuals employed by a private company under contract with the Board to provide essential school services in accordance with Policy 8141, or who it is determined have pled guilty to or been convicted of any offense enumerated under R.C. 3319.39(B)(1), including a judicial finding for intervention in lieu of conviction and/or participation in a pre-trial diversion program relating to any of the offenses listed therein, shall not be hired or shall be released from employment, as applicable, unless such individual meets the rehabilitation standards adopted by the Ohio Department of Education under division (E) of that section at the time of the hiring and/or upon discovery of such plea or conviction by the Board.

Suspension From Duties Involving Care, Custody or Control of a Child for Arrest, Summons and/or Indictment for Certain Crimes

In accordance with the State law and Policy 4138, the Superintendent (or Treasurer in case of an employee whose duties are assigned by the Treasurer) shall immediately suspend any non-licensed, non-teaching employee from all duties that require the care, custody, or control of a child during any pending criminal action for which that staff member has been arrested, summoned, and/or indicted for any crimes listed under R.C. 3319.39 (B)(1).

The Center is prohibited from inquiring about prior criminal convictions of any applicant on an application form. However, all employees of the Center must undergo a criminal background check as a condition of employment. An employee who has been convicted of or plead guilty to one or more of the disqualifying offenses enumerated in the Ohio Revised Code may be deemed ineligible to work in the Center.

By signing below, understand and agree that, pursuant to the law,

- A. the Board of Education must request a criminal history check on me from the Bureau of Criminal Intelligence and Investigation and possibly from the FBI;
- B. until that report is received and reviewed by the District, I am regarded as a conditional employee; and
- C. I may be deemed ineligible to work for the District based on the results of my background check and immediately released from employment as a result.

I hereby authorize such a records check and agree to pay the fee charged by the Bureau of Criminal Intelligence and Investigation and any additional fees associated with an FBI check. (See Policy 4121 and Form 4121 F1)

R.C. 2909.34, 2921.01, 2921.42, 3319.02, 3319.07, 3319.11, 3319.23-.282, 3319.283, 3319.301, 3319.39; 20 U.S.C. 6319; 20 U.S.C. 7801 (HB56 2016), A.C. 3301-25-05

Cross Ref: 3121 Criminal History Record Check
6151 Bad Check Return
6153 Background Check Fees

Adopted: May 12, 1998; Revised: May 10, 2016

REQUEST FOR A CRIMINAL HISTORY RECORD CHECK

SPECIAL UPDATE MARCH 2016

Licking County Educational Service Center
145 North Quentin Rd
Newark, OHIO 43055

The Center is prohibited from inquiring about prior criminal convictions of any applicant on an application form. However, all employees of the Center must undergo a criminal background check as a condition of employment. An employee who has been convicted of or plead guilty to one or more of the disqualifying offenses enumerated in the Ohio Revised Code may be deemed ineligible to work in the Center.

By signing below, understand and agree that, pursuant to the law,

- A. the Board of Education must request a criminal history check on me from the Bureau of Criminal Intelligence and Investigation and possibly from the Federal Bureau of Investigation;
- B. until that report is received and reviewed by the Center, I am regarded as a conditional employee; and
- C. I may be deemed ineligible to work for the Center based on the results of my background check and immediately released from employment as a result.

I hereby authorize such a records check and agree to pay the fee charged by the Bureau of Criminal Intelligence and Investigation and any additional fees associated with an FBI check.

Date

Signature

Adopted: April 12, 2016

Guidelines

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LICKING COUNTY EDUCATIONAL SERVICE CENTER

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CRIMINAL HISTORY RECORD CHECK

Prior to making any offer of employment to a new applicant, whether it be for full-time or part-time employment or as a regular volunteer who will be involved in the care, control, and/or custody of students, the following procedure is to be used:

- A. The applicant must be informed either by direct communication or by information on the application form that a criminal history record check must be obtained at the expense of the applicant and submitted at the time of application to the District. The applicant should be told to indicate on the request that the criminal history record check is being required by R.C. 3319.311.
- B. The prospective employee may submit or ask the District to obtain from BCII the results of a criminal history record check conducted by BCII providing the application is within twelve (12) months of the date the check was done.
- C. The prospective employee is to submit a set of fingerprints that have been taken either by a State or a local (county) law enforcement agency. The prints are to be on a standard form card prescribed by the BCII. If the prospective employee does not provide the fingerprints on this form,
 1. s/he shall make arrangements to obtain the prints from a Licking County Education Service Center in Newark, Ohio.
 2. s/he should report to the Jan Rice, who shall take the prints at the County Office for the District.
- D. The prospective employee shall also provide proof that s/he has been a resident of Ohio for the previous five (5) years. Such proof may consist of:
 1. tax returns to the State of Ohio for the previous five (5) years;
 2. Board of Elections verification of voting location;
 3. Bureau of Motor Vehicles verification of driver's license;
 4. other verification described in R.C. 5747.24/25.
- E. Each request must be accompanied by a check, payable to the Bureau of Criminal Identification and Investigation in the amount stipulated by the BCII. If the prospective employee has not been a resident of Ohio for the previous five (5) years and cannot provide evidence that the BCII has requested information from the Federal Bureau of Investigation as part of a criminal history records check, such a request is to be made to the BCII. Costs related to obtaining the criminal history record check are to be borne by the applicant.

Guidelines

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- F. The Superintendent shall determine whether or not to consider disqualification of a prospective employee based on the records check.
- G. All information received from the records check shall be kept confidential by the person receiving the report and is to be shared only with the Superintendent. If the prospective employee is subsequently employed, the record check shall be kept in his/her confidential file. If not employed, it shall be returned to the prospective employee.

The Center is prohibited from inquiring about prior criminal convictions of any applicant on an application form. However, all employees of the Center must undergo a criminal background check as a condition of employment. An employee who has been convicted of or plead guilty to one or more of the disqualifying offenses enumerated in the Ohio Revised Code may be deemed ineligible to work in the Center.

By signing below, understand and agree that, pursuant to the law,

- A. the Board of Education must request a criminal history check on me from the Bureau of Criminal Intelligence and Investigation and possibly from the Federal Bureau of Investigation;
- B. until that report is received and reviewed by the District, I am regarded as a conditional employee; and
- C. I may be deemed ineligible to work for the District based on the results of my background check and immediately released from employment as a result.

I hereby authorize such a records check and agree to pay the fee charged by the Bureau of Criminal Intelligence and Investigation and any additional fees associated with an FBI check.

(See Policy 4121 and Form 4121 F1)

R.C. 2909.34, 2921.01, 2921.42, 3319.02, 3319.07, 3319.11, 3319.23-.282, 3319.283, 3319.301, 3319.39; 20 U.S.C. 6319; 20 U.S.C. 7801 (HB56 2016)

Ref: A.C. 3301-25-05

Revised: May 10, 2016

Policy

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NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

The Governing Board does not discriminate on the basis of race, color, national origin, disability (collectively Protected Classes) or any other legally protected category, in its programs and activities, including employment opportunities.

The Superintendent shall appoint and publicize the name of the compliance officer(s) who is responsible for coordinating the Educational Service Center's effort to comply with applicable Federal and State laws and regulations, including the Center's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or denial of access. The Compliance Officer shall also verify that the proper notice of non-discrimination for Title II of the American Disabilities Act (as amended) Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended) and the Age Discrimination in Employment Act is provided to staff members and the general public. Any sections of the Center's policies dealing with hiring, promotion, and tenure need to contain a statement of non-discrimination similar to that in the Board's statement above. In addition, any gender specific terms should be eliminated from such policies.

[NOTE: School Centers are advised to appoint both a male and a female CO in order to provide complainants with the option to report their concerns to an individual of the gender of the individual they would feel most comfortable. The CO's may also serve as the Center's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinator. Additionally, by appointing two (2) CO's, there should always be a CO available to investigate a claim of discrimination that pertains to the other CO.]

The CO's names and contact information shall be posted on the Center's website and mentioned on the monthly recap of board meetings.

The CO's are responsible for coordinating the Center's efforts to comply with applicable Federal AND State laws and regulations, including the Center's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination / retaliation or denial of equal access. The CO's shall also verify that proper notice of nondiscrimination for Title II o the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975, is provided to staff members and the general public. A copy off each of the Acts and regulations on which this notice is based may be found in the CO's office.

Reports and Complaints of Unlawful Discrimination and Retaliation

Employees are encouraged to promptly report incidents of unlawful discrimination and / or retaliation to an administrator, supervisor, or other Center-level official so that the Board may address the conduct. Any administrator, supervisor, or other Center Level employee or official who receives such a complaint shall file it with the CO at his/her first convenience.

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Employees who believe they have been unlawfully discriminated / retaliated against are entitled to utilize the complaint procedure set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment. While there are not time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The CO's will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. CO's shall accept complaints of unlawful discrimination/retaliation directly from any member of the School Center community or a visitor to the Center, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint, either directly or through a school building administrator, a CO will begin either an informal or formal process (depending on the request of the person alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to any person who files a complaint. In the case of formal complaint, the CO will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the School Center community must report incidents of discrimination/retaliation that are reported to them to the CO within two business days of learning of the incident/conduct.

Any employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to a CO within two(2) business days. Additionally, any Board employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact the employee within two (2) working days to advise him/her of the Board's intent to investigate the wrongdoing.

Investigation and Complaint Procedure (see Form 9130 F1)

Any employee who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims and a process of rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process: however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received)

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination/retaliation with the United States Department of Education Office of Civil Rights, the Ohio Civil Rights Commission (OCRC) or Equal Opportunity Commission (EEOC).

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Informal Complaint Procedure

The goal of the informal complaint procedure is to stop quickly inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who believes s/he has been unlawfully discriminated against. This informal procedure is not required as a precursor to filing of a formal complaint. The informal process is only available in those circumstances where the parties (the alleged target of the discrimination or retaliation, and individual(s) alleged to have engaged in the incident) agree to participate in it.

Employees who believe that they have been unlawfully discriminated/retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a Center employee or any other adult member of the School Center community against a student will be formally investigated.

As an initial course of action, if an individual feels that s/he is being unlawfully discriminated /retaliated against and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory / retaliatory conduct that it is not appropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible. The CO is available to support and counsel individuals when taking the initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful conduct of his/her concerns is not prohibited from otherwise filing an informal or formal complaint. In addition, with regard to certain types of unlawful discrimination, such as sexual discrimination, the CO may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully discriminated /retaliated against may make an informal complaint, either orally or in writing: (1) to a building administrator; (2) directly to a CO; and/or (3) to the Superintendent or other Center-level employee.

All informal complaints must be reported to a CO who will either facilitate an informal resolution as described below, or appoint another individual to facilitate an informal resolution.

The Center's informal complaint procedure is designed to provide employees who believe they are being unlawfully discriminated /retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawfully discriminated /retaliated against, informal resolution may involve, but not be limited to, one of the following:

- A. Advising the individual about how to communicate his/her concerns to the person who allegedly engaged in the unlawfully discriminated /retaliated against behavior.

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- B. Distributing a copy of Policy 3122 – Non-Discrimination as a reminder to the individual(s) in the school building or office where the individuals whose behavior is being questioned works.
- C. If both parties agree, the CO may arrange and facilitate a meeting between the individual claiming the unlawfully discriminated /retaliated against and the individual accused of engaging in the misconduct to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal processes terminated at any time to move to the formal complaint process.

All material generated as part of the informal complaint process will be retained by the CO in accordance with the Board's records retention policy.

Formal Complaint Procedures

If a complaint is not resolved through the informal complaint process, if one of the parties requested that the informal complaint process be terminated to the move to the formal complaint process, or if the individual elects to file a formal complaint initially, the formal complaint procedure shall be implemented.

An individual who believes s/he has been subjected to unlawful discrimination/retaliation (hereinafter referred to as the "Complainant"), may file a formal complaint, either orally or in writing, with a principal, the CO, Superintendent, or other Center-level employee. Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. If a Complainant informs a principal, Superintendent, or other Center-level employee, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO within two (2) business days.

Throughout the course of the process, the CO should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document

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Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person who allegedly engaged in the misconduct. In making such a determination, the CO should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deems appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 1422 - Non-Discrimination. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the CO or a designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO or the designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. The CO's recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used. () The CO may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or the designee, the Superintendent must either issue a final decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

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If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

If the Superintendent determines the Complainant was subjected to unlawful discrimination/retaliation, she/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

The decision of the Superintendent shall be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the employee alleging the unlawful discrimination/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The Complainant may be represented, at his/her own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The School Center will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent(s).

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

All public records created as a part of an investigation of a complaint of discrimination/retaliation will be maintained by the CO in accordance with the Board's records retention policy.

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Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against an employee, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation, or participates as a witness in an investigation is prohibited. Specifically, the Board will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the School Center community related to the implementation of this policy and shall provide training for Center students and staff where appropriate. All training, as well as all information provided regarding the Board's policy and discrimination in general, will be age and content appropriate.

R.C. 4112.01, 4112.02, A.C. 3301-35-03(A), Fourteenth Amendment, U.S. Constitution
20 U.S.C. Section 1681, Title IX of Education Amendment Act
20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974
20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act
42 U.S.C. 6101 et seq., Age Discrimination Act of 1975
42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended
34 C.F.R. Part 110 (7/27/93)
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
42 U.S.C., 2000e, et seq., Civil Rights Act of 1964
29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended, 29 C.F.R. Part 1635

Adopted: January 11, 1980
Revised: June 10, 2014

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DRUG-FREE WORKPLACE

Level I

The Governing Board believes that quality education is not possible in an environment affected by drugs. It will seek, therefore, to establish and maintain an educational setting which is not tainted by the use or evidence of use of any controlled substance.

The Board shall not permit the manufacture, possession, use, distribution, or dispensing of any controlled and/or illegal substance, alcohol, tobacco, and any drug paraphernalia as defined by law, or any look-a-like drugs, any e-cigarettes, and/or medical marijuana by any member of the Licking County Educational Service Center's professional staff at any time while on any local district or county ESC property or while involved in any District or County-related activity or event. Any staff member who violates this policy shall be subject to disciplinary action in accordance with administrative guidelines.

The Superintendent shall establish guidelines that ensure compliance with this policy and that each staff member is provided access to the standards regarding unlawful possession, use, or distribution of illicit drugs and/or alcohol, and/or medical marijuana by staff and informed that compliance with this requirement is mandatory to remain employed with the LCESC. Such guidelines shall provide for appropriate disciplinary actions, if and when needed. Posting of notice shall be through the LCESC website at www.lcesc.org.

Cross Ref: 3122.02 Drug Free Workplace –Levels II & III
3170 Substance Abuse
3170.01 Employee Assistance

41 U.S.C. 701 et seq., Drug-Free Workplace Act of 1988
20 U.S.C. 3224A
P.L. 101-126

Revised: October 9, 1990
Revision: January 10, 2017

3122.01/4122.01 **Form 1**

MEMORANDUM
CERTIFICATION REGARDING DRUG-FREE SCHOOLS

This is to certify that the LICKING CO ESC has designed and implemented the necessary policies and administrative guidelines to comply with the requirements of Public Law 101 - (Drug-Free Schools and Communities Act as amended in 1989). The District's program shall:

1. emphasize the prevention of drug use by administrative request of testing of employees;
2. provide standards of conduct that are applicable to all staff and which clearly prohibit, at a minimum, the unlawful possession, use, and/or distribution of illicit drugs, alcohol, and/or medical marijuana on school premises or as a part of any school activity;
3. include a clear statement that disciplinary sanctions, up to and including termination and referral for prosecution, will be imposed on staff members who violate the school standards of conduct and a description of those sanctions;
4. ensure that all staff members have been provided information about drug and alcohol counseling, rehabilitation, and re-entry programs available to them and how to make contact with an appropriate program (see policies 3170.01 and 4170.01 Employee Assistance);
5. ensure that all staff members have access through the LCESC website www.lcesc.org , under Staff Resources to our policies 3122.01 and 3122.02, to the standard of conduct regarding the unlawful possession, use, or distribution of illicit drugs, and/or their look-a-likes, and/or alcohol, and/or medical marijuana by employees and have been notified of the requirement that compliance with the standards of conduct is mandatory.

A review of the school district's program will be conducted periodically to determine its effectiveness, to implement changes as needed, and to ensure that disciplinary sanctions are consistently enforced.

The District shall continue a good faith effort to maintain drug-free schools through compliance with the Drug-Free Schools and Communities Act.

Posting Date: April 18, 2007
Revision Date: January 10, 2017

Policy

BOARD OF EDUCATION
LICKING COUNTY EDUCATIONAL SERVICE CENTER

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DRUG-FREE WORKPLACE LEVEL II & III

1. STATEMENT OF POLICY

The Licking County ESC Governing Board believes that it is very important to provide a safe workplace environment for all its employees. The ESC is taking steps to address the problem of substance use that negatively affects every workplace, including ours. The Licking County ESC is concerned with the health and well-being of all employees. Behaviors related to substance use can endanger all employees, not just substance users. We can't condone and won't tolerate behaviors on the part of employees that relate to substance use, such as:

- use of illegal drugs
- issue of alcohol
- sale, purchase, transfer, trafficking, use or possession of any illegal drugs
- arrival or return to work under the influence of any drug (legal or illegal) or alcohol to the extent that job performance is affected
- medical marijuana

Management is fully committed to our Drug-Free Workplace Policy which establishes clear guidelines for acceptable and unacceptable employee behavior for everyone in the workplace. We will not tolerate substance use in violation of this Policy and intend to hold everyone reasonably responsible for supporting the Policy.

This Policy describes our Governing Board's Drug-Free Workplace Program, and every employee is expected to read and understand it. The Policy applies to every employee including management, and also applies to contractors and subcontractors we may use. The consequences stated in this Drug-Free Policy will apply to anyone who violates the Policy.

The Licking County ESC holds all employees accountable in terms of substance use but also supports getting help for employees. Employees who come forward voluntarily to identify that they have a substance problem will receive ESC support and assistance (as described and limited in policy 3170.01). However, if an employee has a substance problem and does not come forward, and the employee then tests positive for drug, alcohol and / or medical marijuana use in violation of this Policy, the Licking County ESC reserves the right to terminate employment for violation of this work rule. Employees whose jobs are subject to any special law or regulation may face additional requirements in terms of substance use. Other consequences that apply to all employees who violate this Policy are spelled out within this document.

This program will go into effect within 30 days of the announcement of our Drug-Free EZ Program and this new Policy that describes our Drug-Free EZ Program. Our policy covers five key parts of the Governing Board's program. The five parts are:

- a written policy that clearly spells out the program rules and how everyone benefits
- annual substance awareness education for all employees
- training for supervisors regarding their responsibilities
- drug/alcohol testing, the most effective way to change behaviors related to substance use
- employee assistance (see policies 3170.01 & 4170.01)

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Employees will have the opportunity to receive information about how substance use is a problem affecting the workplace. You will learn the signs and symptoms, dangers of use, and how and where to get help for yourselves and your families. Trent Montgomery will be our Drug-Free Workplace Program Administrator so everyone knows who to go to for information or help. He will be responsible for arranging drug and alcohol testing, as needed, and will have a list of places that employees can turn to for help for themselves and/or their families. He will also arrange to get knowledgeable presenters to educate our employees about substance use.

Protections for Employees

This program is designed to protect employees from the behaviors of substance users. Some of the protections built into the program are the following:

- Employee records like testing results and referrals for help will be kept confidential. Information will be on a need-to-know basis. Any violation of confidentiality rights is subject to disciplinary action up to and including termination of employment.
- The LCESC is committed to employees who have a substance problem getting help. Each situation will be reviewed individually. Employee assistance (as described in policy 3170.01) is available for employees and their families. A list of resources may be available by calling the 1-800 number on the back of your medical health benefits card. We want you to come forward if you have a substance problem and not wait. If you test positive, you're risking losing your job. We don't want that to happen.
- All supervisors will be trained in their duties related to testing before this program begins.
- All employees will receive awareness education every year to help identify problems and learn where they can go for help.
- Collection of urine specimens and breath testing will be done at a local clinic, and urine drug test specimens will be analyzed by a laboratory certified by the federal government. These labs use the highest level of care in ensuring that results are accurate, and the process that's used is 100% accurate in detecting that the substances that the Licking County ESC is concerned about are present in the employee in sufficient quantity to lead to behaviors that may hurt the person or other employees. The lab will work closely with our local clinic to ensure fairness and accuracy of every test, and we also have a Medical Review Officer (called an MRO) at the agency doing the testing, a trained physician responsible for checking whether there's a valid reason for the presence of the substance in the employee's system. The MRO is an expert in drugs and alcohol. When the MRO receives positive test results, the MRO will contact the employee and any appropriate health care provider to determine whether there is a valid reason for the presence of the drug in the person's system.
- The testing program consists of an initial screening test. If the initial results are positive, then a second test is used. Cut-off levels for each drug and for alcohol are established for what will be considered a positive test. These levels show that the employee didn't just have a little of the substance in his or her system but enough to affect workplace safety and the ability to do the job.

These cut-off levels come from federal guidelines and are fair for all employees.

Policy

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Employee Awareness Education

Every employee will have this information presented in a required reading of the staff manual annually through PublicSchoolWORKS coursework. Access to our written Policy is available through our website at www.lcesc.org (go to pull down tab on Staff Resources and click onto policies – certified employees use the 3000 section and classified employees use the 4000 section), and everyone will be expected to sign that they reviewed such policy. New employees will hear about the program during orientation and will receive substance education as soon as possible thereafter.

Supervisor Training

Supervisors will be trained to recognize substance problems that may endanger the employee and others as well as violate this Policy. This training is in addition to the employee education session. Supervisors will be trained about testing responsibilities, how to recognize behaviors that demonstrate an alcohol/drug problem and how to make referrals for help.

Drug and Alcohol Testing

Testing will be used to detect problems, get employees not to use substances in a way that they violate our Policy and then allow us to take appropriate action to correct the situation. In addition to alcohol, the drugs that we are testing for are the following:

- Amphetamines (speed, uppers)
- Cocaine (including crack cocaine)
- Marijuana
- Opiates (codeine, heroin, morphine)
- Phencyclidine (PCP, “angel dust”)

Employee Assistance (see policies 3170.01 or 4170.01)

The Licking County ESC believes in offering assistance to employees with a substance problem. We don't have a rehabilitation program and can't afford to pay for someone to attend a program, but we are supportive of employees taking action on their own behalf to address a substance problem. We have a list of local community resources by calling the appropriate 1-800 number through our Health Insurance provider or calling LCAPP for employees who come forward voluntarily to seek help. The list is of places to go for a confidential assessment and for treatment. When an employee has a substance problem, we'll meet with the employee to discuss the problem and any violation of this Policy. The Licking County ESC Governing Board reserves the right to terminate based on a positive test.

WHEN WILL A TEST OCCUR?

Employees will be tested for the presence of drugs in the urine and/or alcohol on the breath under any and/or all of the conditions outlined below:

A. Post-Offer, Pre-Employment Medical Examination and Drug Testing

As part of the Licking County ESC's employment procedures, all final applicants considered for hiring **may** be required to undergo a post-offer, pre-employment medical examination and a drug screen/test that is conducted by a contractor designated by the ESC.

B. Reasonable Suspicion Testing

Reasonable suspicion testing will occur when management has reason to suspect that an employee may be in violation of this Policy. The suspicion will be documented in writing prior to the release of the test findings. A reasonable suspicion test may occur based on:

1. observed behavior, such as direct observation of drug/alcohol use or possession and/or physical symptoms of drug and/or alcohol use;
2. pattern of abnormal conduct or erratic behavior;
3. arrest or conviction for a drug-related offense, or identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking. The employee is responsible for notification of the Licking County ESC, within five (5) working days, of any drug-related conviction;
4. information provided either by reliable and credible sources or independently corroborated regarding an employee's substance use; or
5. newly discovered evidence that the employee has tampered with a previous drug or alcohol test.

Reasonable suspicion testing does not require certainty, but mere "hunches" are not sufficient to justify testing. To prevent this, all managers/supervisors will be trained to recognize drug and alcohol-related signs and symptoms. Testing may be for drugs or alcohol or both.

Employees who report for this level of testing are not to return to work until test results are confirmed with the employer. The employee shall be placed on administrative leave for that period of time until allowed to return to work. If the determination is negative the administrative leave may be shortened depending on discipline considered at that time.

C. Post-Accident Testing

Post-accident testing may be conducted whenever an accident occurs, regardless of whether there's an injury. We consider an accident an unplanned, unexpected or unintended event that occurs on our property, during the conduct of our business, or during working hours, or which involves one of our motor vehicles or motor vehicles that are used in conducting LCESC business, or is within the scope of employment, and which results in any of the following:

1. A fatality of anyone involved in the accident;
2. Bodily injury to the employee and/or another person that requires off-site medical attention away from the ESC's place of employment;
3. Vehicular damage in apparent excess of \$1,000.00; or
4. Non-vehicular damage in apparent excess of \$1,000.00.

When such an accident results in one of the situations above, any employee who may have contributed to the accident may be tested for drugs or alcohol use or both.

Policy

BOARD OF EDUCATION
LICKING COUNTY EDUCATIONAL SERVICE CENTER

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Drug and/or Alcohol Testing after an Accident

Urine specimen collection (for drugs) or breath/saliva (for alcohol) is to occur as quickly as possible after a need to test has been determined. At no time will a urine specimen be collected after **32 hours** from the time of an employment-related incident. Breath or saliva alcohol testing will be performed as quickly as possible, but no later than eight hours after the incident, or it will be documented but not performed. If the employee responsible for an employment-related accident is injured, it is a condition of employment that the employee grants the ESC the right to request that attending medical personnel obtain appropriate specimens (breath, urine and/or blood) for the purpose of conducting alcohol and/or drug testing. Further, all employees grant the ESC access to any and all other medical information that may be relevant in conducting a complete and thorough investigation of the work-related accident including a full medical report from the examining physician(s) or other health care providers. A signed consent to testing form is considered a condition of employment. Management reserves the right to determine who may have caused or contributed to a work-related accident and may choose not to test after minor accidents if there is no violation of a safety or work rule, minor damage and/or injuries and no reasonable suspicion.

D. Follow up Testing after Return-to-Duty from Assessment or Treatment

This test occurs when an employee who has previously tested positive and the decision is made to not terminate the employee under a “last-chance” agreement. A negative return-to-duty test is required before the employee will be allowed to return to work. If the employee fails this test, this will lead to termination of employment. Once an employee passes the drug and/or alcohol test and returns to work, management may choose to do additional unannounced tests for as long as we deem necessary. Any employee with a second positive test result will be terminated.

SUBSTANCES TO BE TESTED FOR AND METHODS OF TESTING

The procedure that we’re relying on is called systems presence testing. This is how qualified testing professionals identify the presence of one or more of prohibited controlled substances or alcohol that may be present in the employee. There is an initial screening test. If it’s negative, then a negative test is declared. If the initial test is positive (comes in at or higher than the cut-off level), a second test called a “confirmatory” test is done. This is a different test and is considered accurate by experts and in court. Cut-off levels are standards that have been established for each of the tested drugs after years of research. These levels will be used to interpret all drug screens/tests, whether for a pre-employment examination, reasonable suspicion test, and post-accident test or follow up test.

Breath alcohol testing will be conducted by a medical clinic that uses only certified equipment and personnel. Breath alcohol concentrations exceeding .02 will be considered a verified positive result. In the event of an accident where an employee has “whole blood” alcohol drawn at a medical treatment facility, a result equal to or greater than .02 shall be considered to be a verified positive result. The Licking County ESC also reserves the right to add or delete substances on the list above, especially if mandated by changes in existing Federal, State or local regulations or laws.

An employee who adulterates, attempts to adulterate or substitutes a specimen or otherwise manipulates the testing process will be terminated. A refusal to produce/provide a specimen is considered a positive test unless there’s a verifiable medical reason that the specimen could not be produced.

SPECIMEN COLLECTION PROCEDURE

Urine specimens and breath testing will be conducted by trained collection personnel who meet standards for urine collection and breath alcohol testing. Confidentiality is required from our collection sites and labs. Employees are permitted to provide urine specimens in private, but subject to strict scrutiny by collection personnel so as to avoid any alteration or substitution of the specimen. Breath alcohol testing will likewise be done in an area that affords the individual privacy. In all cases, there will only be one individual tested at a time. Failure to appear for testing within **32 hours** when scheduled shall be considered refusal to participate in testing, and will subject an employee to the range of disciplinary actions, including dismissal, and an applicant to the cancellation of an offer of employment. An observed voiding will only occur if there are grounds for suspecting manipulation of the testing process.

REVIEW OF TEST RESULTS

To ensure that every employee who is tested is treated fairly, we have hired a Medical Review Officer (“MRO”). The MRO is a doctor with a specialized knowledge of substance abuse disorders and will be able to determine whether there are any valid reasons for the presence in the employee’s system of the substance that was tested positive.

EMPLOYEES’ RIGHTS WHEN THERE IS A POSITIVE TEST RESULT

An employee who tests positive under this Policy will be given an opportunity to explain the findings to the MRO prior to the issuance of a positive test result to the Licking County ESC. Upon receipt of a confirmed positive finding, the MRO will attempt to contact the employee by telephone or in person. If contact is made by the MRO, the employee will be informed of the positive finding and given an opportunity to rebut or explain the findings. The MRO can request information on recent medical history and on medications taken within the last thirty days by the employee. If the MRO finds support in the explanation offered by the employee, the employee may be asked to provide documentary evidence to support the employee’s position (for example, the names of treating physicians, pharmacies where prescriptions have been filled, etc.). A failure on the part of the employee to provide such documentary evidence will result in the issuance of a positive report by the MRO with no attendant medical explanation. A medical disqualification of the employee will result. If the employee fails to contact the MRO as instructed, the MRO will issue a positive report to the Licking County ESC.

REPORTING OF RESULTS

All test results will be reported to the MRO prior to the results being issued to the Licking County E.S.C. The MRO will receive a detailed report of the findings of the analysis from the testing laboratory. Each substance tested for will be listed along with the results of the testing. The ESC will receive a summary report, and this report will indicate that the employee passed or failed the test. All of these procedures are intended to be consistent with the most current guidelines for Medical Review Officers, published by the federal Department of Health and Human Services.

STORAGE OF TEST RESULTS AND RIGHT TO REVIEW TEST RESULTS

All records of drug/alcohol testing will be stored separately and apart from the employee's general personnel documents. These records shall be maintained under lock and key at all times. Access is limited to designated ESC officials. The information contained in these files shall be utilized only to properly administer this Policy and to provide to certifying agencies for review as required by law. Designated ESC officials that shall have access to these records are charged with the responsibility of maintaining the confidentiality of these records. Any breach of confidentiality with regard to these records may be an offense resulting in termination of employment.

Any employees tested under this Policy have the right to review and/or receive a copy of their own test results. An employee may request from the Drug-Free Coordinator, in writing, presenting a duly notarized Employee Request for Release of Drug Tests Results Form, requesting that a copy of the test be provided. The ESC will use its best efforts to promptly comply with this request and will issue to the employee a copy of the results personally or by U.S. Certified Mail, Return Receipt Requested.

POSITIVE TEST RESULTS

Employees who are found to have a confirmed positive drug or alcohol test will be immediately taken off safety-sensitive duties and are subject to discipline up to and including termination.

TERMINATION NOTICES

In those cases where substance testing results in the termination of employment, all termination notices will list "misconduct" as the reason. Termination shall be deemed "for cause".

41 U.S.C. 701 et seq., Drug-Free Workplace Act of 1988
20 U.S.C. 3224 A
P.L. 101-126

Cross Ref:	3122	Equal Opportunity Employer
	3122.01	Drug Free Workplace Level I
	mmmc1xx.	Substance Abuse Employee Assistance

Forms:	F1	Acknowledgment of Receipt
	F2	Consent and Release Form
	F3	Report of Suspected Job Related Abuse
	F4	Last Chance Agreement

Adopted: April 17, 2007
Reviewed: January 10, 2017

Form 1

BOARD OF EDUCATION

PROFESSIONAL/CLASSIFIED STAFF

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**ACKNOWLEDGEMENT OF REVIEW of
DRUG-FREE WORKPLACE POLICY**

The purpose of this policy is to ensure compliance with the Drug-Free Workplace Act of 1988 and to comply with the Drug-Free Schools and Campuses Act of 1989. In addition, the Licking County Educational Service Center wishes to promote the idea of a drug-free workplace and to ensure a reasonably safe and healthful working environment. Therefore, all compliance will involve the following:

All employees are expected to abide by the provisions of both Acts which are reflected in these policies (3122.01/02 & 4122.01/02). The workplace is defined to include the offices of the Licking County Educational Service Center and any location in which Service Center personnel are performing the work of this office.

Compliance with this policy is a condition of employment and rationale for this is based upon Licking County Educational Service Center compliance with federal law. Federal law states that compliance with the standards of conduct outlined herein are required and mandatory.

The Licking County Educational Service Center intends to strictly enforce this policy and employees must understand, in summary, that unlawfully manufacturing, distributing, dispensing, possessing, or using any controlled substance in this workplace will be viewed as inappropriate behavior and as behavior which is absolutely prohibited. Unlawful possession, use, or distribution of illicit drugs, and/or alcohol, **and/or medical marijuana** in the workplace is strictly prohibited. Controlled substances include, but are not limited to: narcotics, marijuana, stimulants, depressants, hallucinogens, designer drugs, look-a-likes, and or any other unlawful drugs. The Drug-Free Workplace Act does not include alcohol but the Drug-Free Schools and Campuses Act does and, therefore, any unlawful possession, use, or distribution of alcohol or drugs is subject to sanction.

Signing this form acknowledges that the employee has reviewed a copy of the Licking County ESC’s Drug-Free Workplace Policy (provided online at www.lcesc.org – go to Staff Resources and pull down that tab and click onto policies and go to the 3000 section if certificated employee or to 4000 section if a classified employee–scroll down to 3122.01/02 or 4122.01/02), has had the opportunity to discuss the Policy and have questions answered, and understands all of the provisions in the Policy. Although it reflects the Licking County ESC’s current Policy regarding substance use, it may be necessary to make changes from time to time to best serve the needs of our organization. However, any changes deemed necessary will be made in writing, and the modified Policy will be shared with every employee.

By my signature below, I acknowledge that I have reviewed a copy of the Drug-Free Workplace Policies 3122.01 and 3122.02 or 4122.01 and 4122.02 of the Licking County ESC. I understand that it is my obligation to read, understand and comply with the procedures and provisions contained within this Policy.

Date Signed

Employee’s Signature

Witness Signature

Printed Name of Employee

Form 2

**BOARD OF EDUCATION
LICKING COUNTY EDUCATIONAL SERVICE CENTER**

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CONSENT & RELEASE FORM FOR EMPLOYEES/APPLICANTS

I, _____, (applicant or employee name), as an employee/applicant of the Licking County ESC, hereafter, the ESC) hereby acknowledge that the ESC's policies **may** require me to submit to urine drug testing and/or breath alcohol testing.

I further understand that the purpose of this analysis is to determine or rule out the presence of non-prescribed or prohibited dangerous controlled substances in my system.

I acknowledge that to continue as an employee of the LCESC I must submit to this request for a urine sample and/or breath alcohol test, and agree to participate in the testing program.

I hereby and herewith release the Licking County ESC, its employees, agents and contractors from any and all liability whatsoever arising from this request for testing, from the actual testing procedures, and from decisions made concerning my application for or continuation of employment based on the results of the analysis, as far as legally allowed.

I agree to cooperate in all aspects of the testing program.

I hereby authorize the release of my drug and/or alcohol test results to the contractor's Medical Review Officer (MRO), and/or to the ESC's examining physician, as provided by the ESC's Policy.

I further acknowledge that the ESC has provided me with an opportunity to ask questions related to its drug and alcohol testing program and that all my questions have been answered.

Revised: January 10, 2017

Employee/Applicant Signature _____ Date _____

Employee/Applicant Printed Name _____

Witness Signature & Printed Name _____

REPORT OF SUSPECTED JOB-RELATED DRUG OR ALCOHOL USE

The individual identified below is suspected of failing to comply with the Licking County ESC's Drug-Free Workplace Policies 3122.01 and 3122.02.

Employee Name _____ Location _____

List below all of the behaviors observed by the supervisor that created a concern that the employee named above might be in violation of the Licking County ESC Drug-Free Workplace Policy.

If there were observable changes in the employee's job performance, list these behaviors below.

List below any physical signs or symptoms of possible substance use that the employee exhibited.

Eyes: _____

Coordination: _____

Speech: _____

Other: _____

Other Pertinent Observations: _____

Name of Supervisor Reporting: _____

Title of Supervisor: _____

Name of Concurring Supervisor/Managerial Witness: _____

Position: _____

Date: _____ Time: _____ Shift: _____

Testing Ordered: _____ Yes Employee Consent: _____/Yes Date Tested: _____ Alcohol
_____ No Consent Obtained: _____/No _____ Drugs

MRO Findings: _____

Follow-up Actions Taken: _____

LCESC Official's Signature: _____ Date: _____

LAST CHANCE AGREEMENT

On ____ (date), _____, (appropriate ESC personnel), agreed to your request to seek counseling and referral to a rehabilitation program for alcohol and drug use. The following conditions apply to your rehabilitation program for alcohol and drug use. The following conditions apply to your rehabilitation program:

1. You must authorize (choose appropriate employee assistance program or treatment program/counselor) to provide proof of enrollment in an alcohol/drug abuse rehabilitation program and proof of attendance at all required sessions on a monthly basis to the ESC's (supervisor, Drug-Free Coordinator, H.R. Manager, etc.). The ESC will closely monitor your attendance and will terminate your employment (cancel this agreement) if you do not regularly attend all required sessions.
2. You will pay for all costs of rehabilitation which are not covered under LCESC's benefits.
3. During the _____ (identify time frame in terms of months) following completion of your rehabilitation program, the ESC may test you for alcohol and/or drug use on an unannounced basis to determine if you are in compliance with the ESC's Policies. The ESC will promptly terminate your employment if you refuse to submit to testing or if you test positive during this period.
4. You must meet all established standards of conduct and job performance. The ESC will terminate you (your services) if your on-the-job conduct or job performance is unsatisfactory. Satisfactory performance includes ongoing compliance with the ESC's drug/alcohol testing policy, including testing if there is reasonable suspicion of a violation of the prohibition of use.
5. Nothing in this agreement alters your employment (contract) status. The ESC hopes its employment (contractual) relationship with you will be a happy and enduring one. Nevertheless, you remain free to resign your employment (terminate your agreement) at any time for any or no reason without notice. Similarly, the ESC reserves the right to terminate you, (your services) for any or no reason, without notice. No one can alter your at-will status except the Superintendent, in writing.

I voluntarily agree to all of the above conditions and authorize (treatment program/counselor, employee assistance provider) to provide my supervisor with proof of my enrollment and attendance at the recommended rehabilitation program.

Date Agreement Signed

Licking County Educational Service Center
Company Name

Employee Signature

Company Representative Signature

Signature of Witness

Signature of Witness

Policy

**BOARD OF EDUCATION
LICKING COUNTY EDUCATIONAL SERVICE CENTER**

CLASSIFIED STAFF

4122.2/page 1 of 2

NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE

The Governing Board prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Harassment of a person because of his/her genetic information is also prohibited. Likewise, retaliation against an applicant or employee for engaging in protected activity is prohibited.

In accordance with the Genetic Information Act (GINA), the Board shall not request, require or purchase genetic information of employees, their family members or applicants for employment. Further, in compliance with this Act, employees are directed not to provide any genetic information, including the individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be acquired as part of the certification process for FMLA leave, when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the Educational Service Center's application process.

The Center recognizes that genetic information may be acquired through commercially and publicly available documents like newspapers, books, magazines, periodicals, television shows or the Internet. The Center prohibits, however, its employees from searching such sources with the intent of finding or obtaining genetic information, or accessing sources from which they are likely to acquire genetic information.

"Genetic information," as defined by GINA, means information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

If the Center either legally and/or inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment or a medical provider, it shall be treated as a confidential medical record in accordance with law.

The Superintendent shall appoint a compliance officer who shall be responsible for overseeing the Center's compliance with Federal regulations and promptly dealing with any inquiries or complaints. S/He shall also verify that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members, and that all Center requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the ADA or a request for sick leave) is accompanied by written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II, including the Governing Board, from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with this law, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services and, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

42 U.S.C. 2000ff et seq., the Genetic Information Act
29 C.F.R. Parts 1635

Adopted: May 18, 2010
Revised: December 13, 2011

Policy

BOARD OF EDUCATION
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SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

The Governing Board prohibits discrimination against any employee or applicant based upon his/her disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aides or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

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The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the Educational Service Center's program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

Compliance Officer(s)

The Board designates the following individual(s) to serve as the Center's 504 Compliance Officer(s)/ADA Coordinator(s) (hereinafter referred to as the "Center Compliance Officer(s)"). [NOTE: School Centers may want to consider appointing both a male and a female Center Compliance Officer in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. Additionally, by appointing two (2) Center Compliance Officers, there should always be a Compliance Officer available to investigate a claim that pertains to the other Compliance Officer.] The Compliance Officer shall be the Director of Preschool.

The name(s), title(s), and contact information of this/these individual(s) will be published annually: in the staff handbooks, on the School Center's web site, and on monthly recaps/updates to staff.

The Center Compliance Officer(s) **(is) (are)** responsible for coordinating the Center's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the Center Compliance Officer(s).

The Center Compliance Officer(s) will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. See below.

Training

The Center Compliance Officer(s) will also oversee the training of employees in the Center so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

Facilities

No qualified person with a disability will, because the Center's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

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For facilities constructed or altered after June 3, 1977, the Center will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the Center is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the Center's Compliance Officer(s) will be posted throughout the Center, and published in the Center's recruitment statements or general information publications.

Complaint Procedures

If a person believes that s/he has been discriminated against on the basis of his/her disability, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Section 504. In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

Internal complaints must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. The complaint must be filed with a Center Compliance Officer within the time limits specified below. The Center's Compliance Officer is available to assist individuals in filing a complaint.

Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination based upon disability. This complaint procedure is not available to unsuccessful applicants.

- A. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights. An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the Center Compliance Officer.
- B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the Center Compliance Officer. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the Center Compliance Officer of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) calendar days of the circumstances or event giving rise to the complaint, unless the time for filing is extended by the Center Compliance Officer for good cause.

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- C. The Center Compliance Officer will conduct an independent investigation of the matter (which may or may not include a hearing). This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The Center Compliance Officer will provide the complainant with a written disposition of the complaint within ten (10) work days. If no decision is rendered within ten (10) work days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent. The Center Compliance Officer shall maintain the Center's files and records relating to the complaint.
- D. The Superintendent will, within ten (10) work days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint. The Superintendent will render his/her decision within ten (10) work days of the hearing.

The employee may be represented, at his/her own cost, at any of the above described meetings/hearings.

- F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the complainant was subjected to unlawful discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

OCR Complaint

At any time, if an employee believes that s/he has been subjected to discrimination based upon his/her disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR can be reached at:

U.S. Department of Education
Office for Civil Rights
Cleveland Office
1350 Euclid Avenue
Suite 325
Cleveland, Ohio 44115
(216) 522-4970
FAX: (216) 522-2573
TDD: (216) 522-4944
E-mail: OCR.Cleveland@ed.gov
Web: <http://www.ed.gov/ocr>

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination, or participates as a witness in an investigation, is prohibited. Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

29 C.F.R. Part 1630

29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended

34 C.F.R. Part 104

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

Adopted: November 8, 2011

Revised: July 17, 2014

EMPLOYMENT CONTRACT

The Governing Board requires for the mutual protection of the Board and the classified staff member that every employee's contract shall include the term for which employment is contracted, the salary, and such other matters as may be necessary to a full and complete understanding of the contract.

The Board authorizes the Superintendent to prepare and present to each newly employed classified staff member a job description for his/her classification of work. The employee must sign a statement signifying receipt of such job description.

The normal sequence for contract renewal is the first contract shall be for one (1) year; the second contract shall be for two (2) years; and the third contract shall be for continuing status. Exception can be made only once for a one year probationary status contract at the third contract consideration in place of a non-renewal. If the employee waives his/her right to a continuing contract, when evaluations and work performance do not justify recommending continuing status at that point in time, an employee may opt for a one-time one year contract at the offering of the administration.

It will be incumbent upon the employee to furnish and maintain appropriate licensure required to perform the duties of the position throughout the term of employment. The contract shall be contingent upon the continuation, at current levels, of any state and/or federal, or other local funding sources which directly supports the position at the LCESC.

R.C. 3319.081 et seq.

Cross Ref: 1400 Job Descriptions
 3124 Employment Contract (Professional)

Adopted: May 12, 1998
Revised: November 12, 2013

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ASSIGNMENT AND TRANSFER

The Governing Board believes that the careful placement of classified staff within the County District is vital to the utilization of qualified and competent classified staff for the successful functioning of the County District.

Responsibility for the assignment and transfer of classified staff members shall be vested in the Superintendent.

R.C. 3319.081, 3319.04

Adopted: May 12, 1998

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REDUCTION IN FORCE

It is the responsibility of the Governing Board of the Licking County ESC to provide appropriate staffing levels for the implementation of the educational programs for the participating districts in the County cooperatives and to do so efficiently and economically.

The Board reserves the right to reduce positions and to suspend contracts of staff members pursuant to such reduction whenever reasons of decreased enrollment of students, return to duty of regular classified staff members after leaves of absence, suspension of schools or territorial changes affecting the districts, or financial and contractual reasons so warrant. In lieu of suspending an entire contract, the Board may suspend the contract of a staff member in part and provide a level of compensation commensurate with the percentage of work performed.

In making any such reduction(s), the Board will suspend contracts in accordance with the recommendation of the Superintendent who shall, within each pay classification affected, give preference first to employees on continuing contract. The Board shall not give preference to any classified staff member based on seniority alone, except when making a decision between employees who have comparable evaluations.

Classified employees whose contracts are suspended shall be considered to restoration of employment in order of seniority of service to the ESC if a non-teaching position for which the employee is qualified becomes vacant or is created, but shall not give preference to any classified staff member based on seniority alone, except when making a decision between employees who have comparable evaluations and performance.

Such higher seniority employees will not forfeit such right to restoration by reason of having declined recall to a position with fewer hours. Such recall rights shall exist for up to one year from date of Reduction in Force action. The employee shall have ten (10) calendar days to respond for an equivalent position recall notice. If the recall notice is sent between August 1st and October 1st, recall response shall be five (5) calendar days.

R.C. 3319.172

Adopted: May 12, 1998
Revised: June 10, 2014

SUSPENSION DURING PENDING CRIMINAL ACTIONS

The Superintendent shall immediately suspend a classified staff member from all duties that require care, custody or control of a child during any pending criminal action for which that staff member has been arrested, summoned and/or indicted for any crimes listed under R.C. 3319.31(C).

If the individual arrested, summoned, and /or indicted for any of the crimes listed under R.C.3319.31(C) is a person whose duties are assigned by the Treasurer under R.C. 3313.31(B), the Treasurer shall immediately suspend the person from all duties that require the care, custody, or control of a child while the criminal action is pending.

R.C. 3313.31(B), 3319.31(C), 3319.40

Cross Ref: 4121 Criminal History Records Check

Adopted: June 16, 2009

STAFF DISCIPLINE

The Governing Board retains the right and the responsibility to manage the work force. When the discipline of a staff member becomes necessary, such action shall be in proportion to the employee's offense or misconduct, consistent with appropriate procedural and substantive due process and State law.

The Superintendent will file a report with the Ohio Department of Education, in accordance with Policy 8141 and State law, concerning certain non-teaching employees who are licensed by the Ohio Department of Education (e.g. aides with a permit, paraprofessionals with a license, and those individuals who do not hold a valid educator's license but who are employed by the Board under a Student Activity Permit) who plead guilty to or who are convicted of certain crimes and/or where it is reasonably determined that such non-teaching employee has engaged in conduct which is unbecoming the teaching profession under certain specific circumstances as defined therein.

All other non-teaching employees who are the subject of a criminal records check as set forth in Policy 4121, and Policy 8141, including applicants hired provisionally in advance of a completed criminal records check (BCII and FBI), and/or individuals employed by a private company under contract with the Board to provide essential school services. Such person will work within the Center's program facilities in a position which does not require a license issued by the State Board of Education, is not assigned to operate a vehicle for student transportation, and involves routine interaction with a child or regular responsibility for the care, custody or control of a child, who it is determined to have pled guilty to or been convicted of any offense enumerated under R.C. 3319.39(B)(1), shall not be hired or shall be released from employment, as applicable, unless such individual meets the rehabilitation standards adopted by the Department of Education under division (E) of that section at the time of the hiring and/or upon discovery of such plea or conviction by the Board.

Cross Ref: 4140 Termination and Resignation
8141 Misconduct Reporting

R.C. 124.34, 3319.081, 3319.31, 3319.313, 4117.08 (C), 3319.391, 3319.392, 3327.10
A.C. 3301-73-21, 3301-20-01

Approved: December 16, 2003
Revised: June 16, 2009

TERMINATION OR RESIGNATION

The employment of a classified staff member may, upon a majority vote of the Board, be suspended or terminated for violation of Board policies and in accordance with (Ohio Revised Code), when applicable.

It is the policy of the Board that classified staff who are not going to be rehired be given an opportunity to resign.

A classified staff member under contract may resign by filing a written resignation with the Superintendent at least fourteen (14) days prior to the effective date of the resignation. The Superintendent, on behalf of the board, is authorized to accept resignations, which have been submitted by employees, subject to ratification by the Board; provided however, that upon ratification by this Board, such resignations shall be deemed effective as of the date and time of the Superintendent's acceptance of such resignation from the employee.

Normally, the Board shall release any classified staff member who desires to take another position.

A resignation, once accepted by the Superintendent in behalf of the Board, may not be rescinded.

The Superintendent will file a report to the Ohio Department of Education, on forms provided by the Department for that purpose, matters of professional misconduct on the part of certain classified employees who are also licensed by the Ohio Department of Education (e.g., aides with a permit, paraprofessionals with a license, and those individuals who do not hold a valid educator's license but who are employed by the Board under a Student Activity Permit) in those specific circumstances set forth in State law and Policy 8141, including a conviction of the staff member of certain enumerated crimes and/or in conjunction with the non-renewal or termination of a licensed staff member under threat of same and/or during the course of an investigation for conduct which is determined to be unbecoming to the teaching profession. Report of any investigation regarding whether or not a licensed classified staff member has committed an act or offense for which the Superintendent is required to make a report to the Ohio Department of Education, and it is determined that the results of the investigation do not warrant initiating an action suspending, revoking, or otherwise limiting that classified employee's license or permit, the report(s) of any investigation will be moved to a separate public file.

Cross Ref: 1140 Admin Termination and Resignation
 3140 Teachers Termination and Resignation
 4140 Classified Termination and Resignation

R.C. 3319.081, 3319.31, 3319.313, 3319.39

A.C. 3301-73-21

Adopted: May 12, 1998

Revised: June 16, 2009

DISCIPLINARY ACTIONS

In the event of an infraction of district rules by a nonteaching employee, it shall be the policy of the Governing Board to apply the statutes of the state, these policies and the regulations of the district with equal consideration to each employee.

The Board reserves the right within the law to impose penalties for disciplinary reasons. However, where an employee fails or refuses to perform contracted work without acceptable reason, the Superintendent may deduct without further authorization, wages reasonably related to the time not worked.

In the event that it is necessary to take disciplinary action against an employee, a notice in ordinary and concise language shall be sent to the employee specifying:

1. The specific acts and omissions upon which the disciplinary action is based.
2. A statement of the cause for the action taken.
3. A quotation of the rule or regulation which it is claimed the employee violated.
4. A date when the employee may be heard if he so wishes.
5. The penalty that may be suffered as a result of the employee's acts or omissions.
6. Rules for the administrative hearing, including the right to offer evidence and cross examine witnesses.

The Board authorizes the superintendent to suspend a nonteaching employee without pay for five or less working days. Longer suspensions require Board ratification.

Cross Ref: 4151 Staff Discipline Procedures
4364 Employee Concern/Complaint Procedures

Reference: R.C. 124.34, 3319.081(c), 4731.11

Adopted: May 12, 1981

Revised: May 12, 1998

STAFF DISCIPLINE PROCEDURES

In order for the Educational Service Center staff to have a consistent and fair disciplinary procedure, the following policy and guidelines have been adopted. These steps are designed to be corrective rather than punitive. With the exception of unacceptable conduct, in which case more serious disciplinary action up to and including dismissal or termination may be recommended immediately, any employee whose employment is terminated will have gone through the following steps:

- STEP 1 Verbal Warning - This is a verbal discussion in which the teacher or supervisor has a face-to-face conference with the employee to discuss his/her work performance, or conduct, and what needs to be corrected. A note about this discussion will be placed in the employee's file.
- STEP 2 Written Warning - If there is little or no improvement after the verbal warning, or if other more serious infractions occur, the next step is a written warning. The teacher or supervisor completes a report in the employee's presence covering the issues that need to be corrected. The staff member has the right to read and discuss the report and comment in writing. A higher-level supervisor may be present.
- STEP 3 Second Written Warning - Notice With Suspension. If there is little or no progress made after a reasonable time has elapsed after the first written warning, or if other more serious actions occur again, the next step is a second written warning. The teacher or supervisor completes a report in the staff member's presence covering the issues that need to be corrected. In addition to the written warning a suspension of three days without pay shall be issued by the Superintendent to the employee. The employee has the right to read and discuss the report and comment in writing.
- STEP 4 Termination - After step 3, if there is no marked improvement, or other more serious infractions occur or the same infractions occur again, the discipline, up to and including discharge, may be recommended to the Superintendent for a hearing of termination/and/or further discipline.
- STEP 5 Following the hearing, the Governing Board authorizes the Superintendent to initiate a suspension without pay pending action by the Board*. The Superintendent shall make a recommendation to the Governing Board for action to suspend and or terminate the employment of such staff member for violation(s) of Board Policy/Procedures/Guidelines/Job Description or other reasonable directives requested of such employee and/or for good and just cause.

** The board authorizes (in policy 4150) the superintendent to suspend a nonteaching employee without pay for five or less working days. Longer suspensions require board ratification.*

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Contracts may be terminated by a majority vote of the board of education. Such contracts can only be terminated for violation of written rules and regulations as set forth by the board of education or for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, or any other acts of misfeasance, malfeasance, and/or nonfeasance. In addition to the right of a board of education to terminate the contract of an employee, the board may suspend an employee for a definite period of time. The action of the board to suspend or terminate must be served on the employee by certified mail. Within ten days following receipt of such notice by the employee, the employee may file an appeal, in writing, to the common pleas court within the county in which the employing school district is located. After hearing the appeal, the common pleas court may affirm, disaffirm, or modify the action of the board.

Steps 1, 2, and 3 should be followed consecutively if the incidents requiring these steps fall within a span of one contract year. The Superintendent's Hearing, Step 4, will follow notification to the employee that there are grounds being considered for suspension and/or termination. A representative of the employee's choice may be present at such hearing, as well as Board being represented by its counsel. At Step 5 the employee will be informed through certified mail in writing of pending action by the Governing Board at its next regular meeting. The employee has the right to be heard in private prior to the Board's taking action to dismiss.

An employee who has acted in a manner to cause serious safety or threat to the well being of other employees and/or students, and/or has been involved with a criminal act that could cause loss of certification, and/or the superintendent has determined that other serious violation(s) have occurred, then the suspension and termination process can be moved immediately to Step four (4), and then to the Board at Step five (5) for final approval.

Cross Ref: 4150 Disciplinary Actions
4364 Employee Concern/Complaint Procedures

O.R.C. 124.34, 3319.08, 3319.08.1, 3319.08.3

Adopted: December 14, 1999

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PHYSICAL EXAMINATION

The Governing Board, acting through the Superintendent, reserves the right to require, after a conditional offer of employment, that the successful candidate submit to a medical examination in order to determine his/her physical and/or mental capacity to perform the essential functions of the position, with or without reasonable accommodations, provided that the Board requires other successful candidates for the same position (or job classification) to do so. Such examinations shall be done in accordance with the Superintendent's guidelines and/or the terms of the negotiated, collective-bargained agreements.

Employees will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the report of medical examination to be released to the Board/Superintendent and to allow the Superintendent or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification. (See form 3160 F2).

Such report should indicate whether the candidate can perform the essential functions of the position, with or without reasonable accommodation.

In compliance with the Genetic Information Nondiscrimination Act (GINA) and Board Policy 3122.02 the successful candidate who is required to submit to a medical examination, as well as the health care provider that is designated by the Board to conduct the examination, are directed not to collect genetic information or provide any genetic information, including the candidate's family medical history, in the report of the medical examination.

Employees will be notified of the results of the medical examination upon receipt. Any and all reports of such examination will be maintained in a separate confidential file in accordance with the American with Disabilities Act and the Genetic Information Nondiscrimination Act, as amended (ADA) and the Genetic Information Nondiscrimination Act (GINA).

In the event of a report indicating that the candidate is not qualified to perform the position's essential functions, with or without reasonable accommodations, the Superintendent will make a recommendation to the Board of non-employment. The Superintendent or his/her designee may discuss the results with the healthcare provider who conducted the medical examination prior to the Superintendent making a recommendation to the Board.

The Board shall pay for required medical examinations. The Board may require at initial employment, that all professional staff members undergo a tuberculosis examination in accordance with law and at the direction of the Ohio Department of Health, the local health department, or the Center's medical advisor.

R.C. 3313.71; 29 C.F.R. Part 1630; 29 C.F.R. Part 1635; 42 U.S.C. 12101 et seq., American with Disabilities Act of 1990, as amended; 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act; A.C. 3701-15-02

Adopted: April 14, 1998

Revised: December 13, 2011

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UNREQUESTED LEAVES OF ABSENCE / FITNESS FOR DUTY

The Board may place a classified staff member on unrequested leave of absence for physical or mental inability when the staff member is unable to perform assigned duties. If the Superintendent believes the staff member is unable to perform assigned duties, the professional staff member will be offered the opportunity for a meeting to discuss these issues.

Prior to placing a classified staff member on unrequested leave, the Board may require the staff member to submit to an appropriate examination by a health provider designated and compensated by the Educational Service Center. The results of any such examination shall be treated as confidential medical record and will be used only in compliance with law.

The classified staff member will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) in order to allow the report of the medical examination to be released to the Board/Superintendent and to allow the Superintendent or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification. Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for disciplinary action, up to and including termination.

As required by Federal law and regulation and Board Policy 3222.02, the Superintendent shall direct the provider designated by the Board to conduct the examination not to collect genetic information or provide any genetic information, including the individual's family medical history, in the report of the medical examination.

Pursuant to State law and in accordance with the Americans with Disabilities Act, as amended (ADA) and the Genetic Information Nondiscrimination Act (GINA), the results of any such examination shall be treated as a confidential medical record and will be exempt from release, except as provided by law. If the Center inadvertently receives genetic information about an individual who is required to submit to an appropriate examination from the medical provider it shall be treated as a confidential medical record as required by the ADA.

If, as a result of such examination, the classified staff member is found to be unable to perform assigned duties, the staff member shall be placed on unpaid involuntary leave of absence until proof of recovery, satisfactory to the Superintendent, is furnished or for a period not to exceed two (2) consecutive school years.

A classified staff member subject to an unrequested leave of absence is entitled to a hearing as provided for in State law.

R.C. 3319.13, 3319.16, 29 C.F.R. Part 1630, 29 C.F.R. Part 1635, 29 U.S.C. 12201 et seq.,
Americans with Disabilities Act of 1990, as amended
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

Adopted: April 14, 1999

Revised: December 13, 2011

SUBSTANCE ABUSE

The Governing Board recognizes alcoholism and drug abuse as treatable illnesses. Such illnesses may impair the performance of classified staff. When appropriate, the Board may assist such employees in a manner recommended by appropriate specialists in the treatment of those illnesses.

A classified staff member having an illness or other problem relating to the use of alcohol or other drugs including controlled substances, medications not prescribed by the employee's physician, or medications not taken as prescribed, will receive the same careful consideration and offer of assistance that is presently extended to classified staff having any other illness.

The responsibility to correct unsatisfactory job performance, attendance, or behavioral problems resulting from a suspected health problem rests with the classified staff member. Additionally, regardless of whether a classified staff member has an illness or other problem relating to the use of alcohol or other drugs, it remains the responsibility of the classified staff member to report to work and perform his/her duties in a fit and appropriate condition at all times. Being under the influence of alcohol or other drugs while on duty, on school property or at a school related activity/event is not acceptable. Failure to correct unsatisfactory job performance, attendance or behavior and /or working or reporting to work under the influence of alcohol or other drugs, for whatever reason, will result in appropriate corrective or disciplinary action as determined by the Board, up to and including termination.

If a classified staff member sustains a workplace injury while s/he is under the influence of alcohol or a controlled substance not prescribed by his/her physician, s/he may be disqualified for compensation and benefits under the Workers Compensation Act. If the classified staff member tests positive or refuses to submit to a test for alcohol and/or other drugs after sustaining a workplace injury, the employee may dispute or prove untrue the presumption or belief that alcohol and/or drugs are the proximate cause of the injury (i.e., rebuttable presumption). The Board directs the Superintendent to establish guidelines and post a notice advising employees that the result of, or the employees' refusal to submit to an alcohol or other drug test may affect an employee's rights to receive worker's compensation benefits.

If a classified staff member voluntarily requests counseling or assistance before the Board learns of the classified member's substance problem (through a positive test result or otherwise), the classified staff member's job security or promotion opportunities will not be jeopardized by his/her request for counseling or referral assistance. A classified staff member may not avoid the consequences of a positive test by requesting counseling or assistance for a substance abuse problem after being instructed to submit to a drug test.

Classified staff who suspects they may have alcoholism or other drug abuse problem are encouraged to seek counseling and information on a confidential basis by contacting resources available for such service.

Cross Ref:	4122.01	Drug Free Workplace Level I
	4122.02	Drug Free Workplace Levels II & III
	4170.01	Employee Assistance Procedure

R.C. 2925.01 et seq., 3313.60,
R.C. 3719.01 et seq., 4123.54
Rehabilitation Act of 1073, 29 U.S.C. 794

Adopted: May 12, 1998
Revised: April 17, 2007

EMPLOYEE ASSISTANCE PROCEDURE

The Governing Board believes that early recognition and treatment of illegal drug use, controlled substance abuse and / or alcohol abuse is important for successful rehabilitation, return to productive work, and reduced personal, family, and social disruption.

The Board encourages the earliest possible diagnosis and treatment for illegal drug use or controlled substance abuse and supports sound treatment efforts. Whenever feasible, the LCESC may assist staff members in overcoming illegal drug use or controlled substance abuse. However, the decision to seek diagnosis and accept treatment for illegal drug use or controlled substance abuse is primarily the individual staff member's responsibility. Any costs associated with treatment in excess of those costs covered by the staff member's medical insurance plan shall be borne by the individual.

Staff members with personal drug or controlled substance abuse problems are encouraged to request assistance from the Director/Superintendent (coordinator of the assistance program or administrator).

Assistance may be provided on a confidential basis, and each staff member may be assisted in referral to appropriate treatment sources and counseling services as are available. Neither the principal nor the superintendent in supplying a referral list of resources should be construed as making or rendering a diagnosis. Such referrals should not be considered as an endorsement by either the principal or superintendent.

Although the LCESC may assist a staff member to the extent feasible through the Employee Assistance Policy, the Board cannot guarantee that the staff member's use of illegal drugs or abuse of alcohol and / or controlled substances, or seeking, and/or receiving assistance, will not adversely impact the staff member's employment status through disciplinary procedures.

R.C. 2925.01 et seq., 3313.59, 3313.60, 3701.141

R.C. 3719.01 et seq., 3720.01 et seq., 4757.13

Cross Ref: Drug Free Workplace-4122.01 & 4122.02;
 Unrequested Leaves of Absence 4161;
 Substance Abuse 4170;
 and Drug and Alcohol Testing of CDL License Holders 4162

Adopted: May 12, 1998

Revised: April 17, 2007

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STAFF ETHICS

An effective educational program requires the services of **individuals with** integrity, high ideals, and human understanding. To maintain and promote these essentials, the Governing Board expects all classified staff members to maintain high standards in their working relationships, and in the performance of their professional duties, to:

- A. recognize basic dignities of all individuals with whom they interact in the performance of duties;
- B. represent accurately their qualifications;
- C. exercise due care to protect the mental and physical safety of students, colleagues, and subordinates;
- D. seek and apply the knowledge and skills appropriate to assigned responsibilities;
- E. keep in confidence legally-confidential information;
- F. ensure that their actions or those of another on their behalf are not made with specific intent of advancing private economic interests;
- G. refrain from using his/her position or public property, or permitting another person to use an employee's position or public property for partisan political or religious purposes; which will in no way limit constitutionally or legally protected rights as a citizen; and
- H. refuse to accept anything of value offered by another for the purpose of influencing judgment.

In addition, the Board believes that each classified staff member should maintain standards of exemplary professional conduct and conform his/her behavior to the code of ethics set forth below as adopted, in part, from the Association of American Educator's Code of Ethics and National Education Association's Code of Ethics of the Education Profession, by demonstrating a commitment to students, the educational profession, and the Educational Service Center and community.

Commitment to Students – Each classified staff member shall:

- A. strive to create a learning environment that nurtures to fulfillment the potential of all students and stimulates the spirit of inquiry, acquisition of knowledge and understanding, and the formulation of worthy goals;
- B. not unreasonably restrain students from independent action in the pursuit of learning or deny each student's access to varying points of view;

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- C. deal considerately and justly with each student and seek to resolve problems, including discipline, according to Board policy and law;
- D. refrain from intentionally exposing students to disparagement or embarrassment;
- E. refrain from revealing confidential information concerning students, unless disclosure serves a compelling professional purpose or is required by law;
- F. make a constructive effort to protect students from conditions detrimental to learning, health or safety;
- G. endeavor to present facts without distortion, bias or personal prejudice;
- H. refrain from using his/her professional relationships with students for private advantage;
- I. not on the basis of race, color, creed, sex, national origin, marital status, religious beliefs, family, social or cultural background, unfairly exclude any student from participation in any program, deny benefits to any student, or grant any advantage to any student; and
- J. refuse to accept compensation from any other source, other than the Board, for performance of his/her official duties, any other act or service in his/her public capacity, for the general performance of the duties of his/her public employment, or as a supplement to his/her public compensation.

Commitment to the Educational Profession – Each classified staff member shall:

- A. assume responsibility and accountability for his/her performance and continually strive to demonstrate competence;
- B. endeavor to maintain the dignity of the profession by respecting and obeying the law, and by demonstrating personal integrity;
- C. apply for, accept, or assign a position or a responsibility on the basis of qualifications, and adhere to the terms of the contract or appointment;
- D. continue professional growth;
- E. comply with written Board policies, administrative guidelines, or applicable laws and regulations;
- F. honestly account for all funds committed to his/her charge;
- G. refrain from using the Center or professional privileges for personal or partisan advantage; and
- H. refrain from knowingly or willfully making false statements about a colleague or the Center.

Commitment to the Center and Community – Each classified staff member shall:

- A. recognize that quality education is the common goal of the public, Governing Board, administration and staff members;
- B. make concerted efforts to communicate to parents all information that should be revealed in the interest of a student;
- C. endeavor to understand and respect the value and traditions of the diverse cultures represented in the community and in his/her classroom; and
- D. manifest a positive and active role in Center/community relations.

Adopted: April 14, 1998

Revised: July 14, 2009

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CONFLICT OF INTEREST

- A. The proper performance of school business is dependent upon the maintenance of unquestionably high standards of honesty, integrity, impartiality, and professional conduct by Governing Board employees. Further, such characteristics are essential to the Board's commitment to earn and keep the public confidence in the Educational Service Center. For these reasons, the Board adopts the following guidelines to assure that conflicts of interest do not occur. These guidelines are not intended to be all-inclusive, nor to substitute for good judgment on the part of all employees.
1. No employee shall engage in or have a financial interest, directly or indirectly, in an activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the school system.
 2. Employees shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment with the Educational Service Center.

Included by way of illustration rather than limitation are the following:
 - a. the provision of any private lessons or services for a fee;
 - b. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's employment or through his/her access to Educational Service Center records;
 - c. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals;
 - d. the requirement of students to purchase any private goods or services provided by an employee or any business or professional practitioner with whom any employee has a financial relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations;
 3. Employees shall not make use of materials, equipment, or facilities of the Educational Service Center in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.
- B. Exceptions to Part A of this policy shall be approved by the Superintendent before entering into any private relationship.

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- C. Employees may not participate in the selection, award, or administration of a contract supported by a Federal grant/award if s/he has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, any member of his/her family, his/her partner, or an organization which employs or is about to employ any of the parties described in this section, has financial or other interest in a tangible personal benefit from a firm considered for a contract.

No employee may solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontract involved with Federal Grants funds, except that an employee may accept the gift of an unsolicited item of nominal value. For purpose of this section, “nominal value” means that the gift has a monetary value of \$150.00 or less.

Violation of this policy shall result in discipline, which may include termination from employment.

R.C. Chapter 102, R.C. 2921.42, R.C. 2921.43
Ohio Ethics Commission Advisory Opinions No. 92-014 and 2001-03
2 C.F.R. 200.318

Adopted: March 14, 2006
Revised: December 13, 2016

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STUDENT SUPERVISION AND WELFARE

Classified staff members shall maintain a standard of care for the supervision, control, and protection of students commensurate with their assigned duties and responsibilities and are expected to establish and maintain professional staff/student boundaries that are consistent with their legal, professional and ethical duty of care for students.

The Superintendent shall maintain and enforce the following standards:

- A. A classified staff member shall report immediately to a building administrator any accident, safety hazard, or other potentially harmful condition or situation s/he detects.
- A. A classified staff member shall provide proper instruction in safety matters as presented in assigned course guides.
- B. A classified staff member shall not send students on any personal errands.
- D. Each classified staff member shall immediately report to building administrator knowledge of threats of violence by students.
- E. A classified staff member shall not associate or fraternize with students, at any time in a manner that may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity that could be considered abusive or sexually suggestive or involve harmful substances such as drugs, alcohol, or tobacco. Any sexual or other inappropriate conduct with a student by any staff member will subject the offender to potential criminal prosecution and disciplinary action by the Board up to and including termination of employment.
- F. If a student approaches a classified staff member to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc. the staff member may attempt to assist the student by facilitating contact with certified or licensed individuals in the District or community who specialize in the assessment, diagnosis, and treatment of the student's problem. However, under no circumstances should a staff member attempt, unless properly licensed and authorized to do so, to counsel, assess, diagnose, or treat the student's problem or behavior, nor should a staff member inappropriately disclose personally identifiable information concerning the student to third persons not specifically authorized by law.
- G. A classified staff member shall not transport students in a private vehicle without the approval of the director/supervisor.
- H. A student shall not be required to perform work or services that may be detrimental to his/her health.

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Classified staff members shall only engage in electronic communication with students via email, texting, social media and/or online networking media, such as Facebook, Twitter, YouTube, MySpace, Skype, blogs, etc. when such communication is directly related to curricular matters or co-curricular/extracurricular events or activities with prior approval of the principal (or supervisor).

Classified staff members are prohibited from electronically transmitting any personal identifiable image of a student(s), including video, photographs, streaming video, etc. via email, text message, or through the use of social media and/or online networking media, such as Facebook, Twitter, YouTube, MySpace, Skype, blogs, etc. unless such transmission has been made a part of a pre-approved curricular matter or co-curricular/extracurricular event or activity such as a school sponsored publication or production in accordance with policy 5722.

Since most information concerning a child in school, other than directory information described in Policy 8330, is confidential under Federal and State laws, any staff member who shares confidential information with another person not authorized to receive the information may be subject to discipline and/or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse.

Pursuant to the laws of the State and Board Policy 8462, each professional staff member shall report to the proper legal authorities immediately, any sign of suspected child abuse or neglect.

Cross Ref: 5722 School Publications
 8330 Student Records
 8660 Transportation by Private Vehicle

R.C. 2907.03

Adopted: November 10, 1999

Revised: June 14, 2011

STAFF GIFTS

The Governing Board considers the presentation of gifts to classified staff members by students and their parents an undesirable practice because it tends to embarrass students with limited means and gives the appearance of currying favor.

Based on the foregoing premise, it is the policy of the Board that classified staff members may accept gifts of nominal value from students or parents.

The Superintendent may approve acts of generosity to individual staff members in unusual situations. However, at no time may a staff member accept compensation from any other source, other than the Board, for the performance of his/her official duties, any other act or service in his/her public capacity, for the general performance of duties of his/her public employment, or as a supplement to his/her public compensation.

Upon the recommendation of the Superintendent, the Board shall consider, as appropriate, the presentation of token gifts to retiring members of the staff who have rendered service for a period of time.

Classified staff members shall not accept any form of compensation from vendors that might influence their recommendations on the eventual purchase of equipment, supplies, or services. Such compensation includes, but is not limited to cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that a classified staff member receives such compensation, albeit unsolicited, from a vendor, the classified staff member shall immediately notify the Treasurer, in writing, that s/he received such compensation and shall thereafter promptly transmit said compensation to the Treasurer.

Auditor of State Bulletin 2000-006, Ohio Ethics Commission Advisory Opinion 2008.01

Adopted: May 12, 1998
Revised: April 14, 2009

USE OF TOBACCO BY CLASSIFIED STAFF

The Governing Board is committed to providing students, staff, and visitors with an indoor tobacco- and smoke-free environment. The negative health effects of tobacco use for both users and nonusers, particularly in connection with second hand smoke, are well established. Further, providing an indoor non-smoking and tobacco-free environment is consistent with the responsibilities of teachers and staff to be positive role models for our students.

For purposes of this policy, "use of tobacco" means to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco, as well as all uses of tobacco, or tobacco substitutes, including cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, or any other matter or substances that contain tobacco, in addition to papers used to roll cigarettes and/or smoking electronic, "Vapor," or other substitute forms of cigarettes, clove cigarettes and any lighted smoking devices for burning tobacco or any other substitutes.

In order to protect students and staff who choose not to smoke or use tobacco from an environment noxious to them, and because the Board cannot, even by indirection, condone smoking or the use of tobacco, the Board prohibits the use of tobacco or tobacco substitute products by professional staff members at all times within any indoor facility owned or leased or contracted for, by the Board. Such prohibition also applies to school facilities or grounds; Board owned and/or operated buses or vehicles, at any school-related event and in designated areas in statute and by Ohio's Smoke-Free Workplace Program.

R.C. 3313.20, 3313.47, 3313.751, 3794 et seq.
20 USC 6081 et seq, 20 U.S.C. 7182
U.S.D.O.E. Memorandum, 1995
A.C. 3701-52

Cross Ref: 3215 Professional Staff
 5512 Students
 7434 School Premises

Adopted: April 14, 1998
Revised: June 14, 2011

STAFF DRESS AND GROOMING

The Governing Board believes that classified staff members, like professional staff members, set an example in dress and grooming for students to follow. A classified staff member who understands this precept and adheres to it enlarges the importance of his/her task and presents an image of dignity and professionalism.

The Board retains the authority to specify the following dress and grooming guidelines for staff that will prevent such matters from having an adverse impact on the educational process. All classified staff members shall, when assigned to County/District duty:

- A. be physically clean, neat, and well groomed
- B. dress in a manner consistent with their assigned responsibilities
- C. dress in a manner that communicates to students a pride in personal appearance
- D. dress in a manner that does not cause damage to County/District property
- E. be groomed in such a way that their hair style or dress does not disrupt the educational process nor cause a health or safety hazard.

Adopted: May 12, 1998

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DANGEROUS WEAPONS

The LCESC Governing Board prohibits professional staff members from possessing, storing, making, or using a weapon, including a concealed weapon, in a school safety zone and any setting that is under the control and supervision of the Board for the purpose of school activities approved and authorized by the Board including, but not limited to, property leased, owned, or contracted for by the Board, a school-sponsored event, or in a Board or District owned vehicle, except as permitted by law.

Any staff member found possessing a weapon or other device designed to inflict serious bodily harm on District premises, a school vehicle, or on property being used by the District for school purposes may be charged with a felony. This restriction applies to staff members licensed to possess firearms unless serving as an authorized security officer, law enforcement officer, or attendance officer.

The term “weapon” means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type, including air and gas powered guns (whether loaded or unloaded), knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives.

The Superintendent shall ensure that any staff member possessing a weapon or other device designed to inflict serious bodily harm is reported immediately to the appropriate law enforcement agency, regardless of whether such staff member possesses a valid concealed weapon license. As well, the staff member shall be disciplined up to and including discharge consistent with law, due process, and the terms of any negotiated agreement.

Exceptions to this policy include weapons:

- A. weapons under the control of law enforcement personnel, handguns in the possession of a person who has a concealed handgun license;
- B. an active duty member of the armed forces with a valid military identification card and documentation of successful completion of firearms training if the handgun remains in the vehicle with the individual or is left in a locked vehicle when the person exits the vehicle;
- C. weapons carried by an on-duty security officer employed by the Board;
- D. objects indistinguishable from a firearm used during school safety training.

Staff members shall report any information concerning weapons and/or threats of violence by students, staff members, or visitors to the program administrator. Failure to report such information may subject the staff member to disciplinary action, up to and including termination.

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The Board directs the Superintendent to post notices prohibiting the carrying and possession of concealed weapons in a school safety zone, including schools and school buildings, on school premises and school buses, and at school activities. The notices shall contain a statement substantially in the following form: “Unless otherwise authorized by law, pursuant to Ohio Revised Code 2923.122, no person shall knowingly possess, have under the person’s control, convey, or attempt to convey a deadly weapon or dangerous ordinance into a school safety zone.”

The Superintendent shall conspicuously post such notices at each entrance of a school and/or school building and in areas inside the building where visitors are required to report. Notices shall also be posted at each entrance leading into a school activity (particularly those activities held outside of the school building) and parcel of land. Further, notices shall be posted in each school bus and other Board-owned vehicle, including a school van.

R. C. 2923.12, 2923.122, 3313.20, 2923.22, 2923.1961, 2923.122, 2923.19; 18 USC 922

Adopted: April 14, 1998

Revised: May 9, 2017

HEPATITIS-B IMMUNIZATIONS

The Governing Board is interested in the continued good health and well being of the staff. The Licking County Educational Service Center will provide full time employees who are at high-risk of Hepatitis-B infections the opportunity to receive Hepatitis-B immunizations:

1. at no cost to the employee if selected provider is used, or
2. with the reimbursement not to exceed the rate of selected provider if employee chooses another provider.

Employees at high-risk of Hepatitis-B infections may waive the right to the cost-free immunization by completing a waiver form. Employees who had previously waived their right to the cost free immunization and who wish to participate in the program may do so in writing to the county superintendent.

The Licking County Educational Service Center will arrange for the initial administration of these immunizations for high-risk employees. Following the initial administration of these immunizations, future high-risk employees will be responsible to schedule their own immunizations and inform the county superintendent for record-keeping purposes.

High-risk employees are identified as follows:

- Teachers in the MH/ED (SBH) programs
- Teacher assistant/aides in MH/ED (SBH) programs
- Teachers in the Preschool programs
- Teacher assistant's in the Preschool programs
- Speech Therapists
- Special Education and Preschool Supervisors
- Any other person as deemed necessary by the Superintendent

Ref: 29 CFR, 1910.1030

Adopted: November 8, 1994

Revised: November 12, 2002

EVALUATION OF CLASSIFIED STAFF

The Governing Board recognizes the importance of implementing a program of classified staff member evaluations for the purpose of promoting individual job performance and improving services to students.

The goals of the Board's evaluation plan for classified personnel are:

- A. to improve and reinforce the skills, attitudes, and abilities which enable a classified staff member to be effective in achieving assigned job goals;
- B. to identify and remediate weaknesses which prevent a classified staff member from achieving the goals of assigned duties.
- C. to create individual goals annually to maximize focus on current building and/or program Continuous Improvement Plans.

The Superintendent shall prepare administrative guidelines for the conduct of classified staff member evaluations whereby each classified staff member is evaluated at least once annually.

R.C. 3319.081
A.C. 3301-35-03 (A)

Adopted: May 12, 1998
Revised: September 19, 2006

OUTSIDE ACTIVITIES OF CLASSIFIED STAFF

Staff members should avoid situations in which their personal interests, activities, and associations may conflict with the interests of the Educational Service Center. If such situations threaten a staff member's effectiveness within the School System, the Superintendent and the Governing Board shall evaluate the impact of such interest, activity, or association upon the staff member's responsibilities.

- A. Staff members may not dedicate work time to an outside interest, activity, or association.
- B. Staff members may not use school property or school time to solicit or accept customers for private enterprises.
- C. Staff members may not engage in business transactions on behalf of private enterprises in which s/he may profit by virtue of his/her official position or authority or benefit financially from confidential information, that the staff member has obtained or may obtain by reason of his/her position or authority.
- D. Staff members may not campaign on school property during working hours in behalf of any political issue or candidate for local, State, or National office. The constitutional right to express political and other opinions as citizens is reserved to all employees.
- F. Staff members should refrain from expressions that would disrupt the efficient operation of the school and/or interfere with the maintenance of discipline by school officials.

R.C. 3313.20

Adopted: May 12, 1998
Revised: April 17, 2007

JURY DUTY

Should a classified staff member be called for jury duty, s/he shall report same to the Superintendent in advance of such leave request.

Staff members serving jury duty will not be penalized in any way for doing so as long as a reasonable advance notice has been given. Once the employee on jury duty turns the endorsed check from the court in to the school treasurer within fifteen (15) days of return from jury duty, the employee will receive full pay. This compensation must be paid regardless of whether the employee is paid on an hourly, per diem, or salary basis.

While on jury duty, classified staff members are required to report daily their schedule for the following day, and must report to work when excused for one (1) day or more or suffer loss of pay.

The time spent on jury duty will not be charged against personal leave and will count as time on the job.

Classified staff members must submit to their Treasurer a record from the courts of the number of days served.

R.C. 3313.21.1

A.C. 7.48

Adopted: November 8, 2011

Revised:

STAFF DEVELOPMENT

The Governing Board believes that training is a prerequisite for continued growth of staff and, therefore, encourages, and in some cases requires, the participation of classified staff members in inservice and other training programs. All staff members are required to complete online training courses for the Safety Program.

The Superintendent may plan and implement a program of in-service training through the responsible supervisors for classified staff members and explore other training programs.

The Board may reimburse staff members for the costs incurred in participation therein, subject to prior approval of the Superintendent.

Guidelines for implementation of required training for continued employment of Educational Aides for special education support programs shall be made available through the website posting and email.

Participation in the program shall be voluntary unless considered part of the duties of any participating staff member.

Cross Ref:	3241	Professional Development (Certified Staff)
	3141AG	Early Education Department Required Training (Certified Staff)
	4242.1 AG	Early Education Department Required Training
	4242.2 AG	MD Department Required Training

R.C. 3319.071
A.C. 3301-35-03

Adopted: May 12, 1998
Revised: December 14, 2010

Administrative Guidelines

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Early Education Department Required Trainings: Educational/Building Aides, Custodial/Maintenance Workers (full-time) Child Care Coordinators, Associate Teachers

The Ohio Department of Education's *Rules for Preschool Programs*, 3301-37-04 letter (N) states: Unless the preschool staff member or director holds an associate or higher degree in child development or early childhood education from an accredited college, university, or technical college, a pre-kindergarten associate certificate or license endorsement, the preschool staff member and director shall annually complete in-service training of fifteen hours until a total of forty-five hours has been completed. Preschool staff members who have met the forty-five hour in-service requirement shall thereafter complete ten annual clock hours of in-service.

A. In-service training will be in one or more of the following areas:

1. Child development or early child education
2. Child abuse recognition and prevention
3. First aid; and/or
4. Prevention, recognition and management of communicable diseases

The Ohio Department of Education's *Rules for Preschool Programs*, 3301-37-04 letter (P) states: Preschool staff members licensed by the department shall complete ten annual clock hours which may be part of the professional development plan in accordance with Chapter 3301-24 of the Administrative Code. Annual completion refers to the school year, from July first to June thirtieth.

Should there be a cost of the training; the employee will assume this cost, as it is essential to their employment to obtain the training. Some required training might be provided by the Educational Service Center during regular work hours. If the employee cannot or does not participate in the offered training when scheduled, the employee will be responsible for obtaining the required training at his/her own expense. Further, the employee cannot use work time or earn compensatory time for the make-up training time.

Failure to comply with the requirements may be grounds for disciplinary action or dismissal.

O.R.C. 3301-37-04 (N)

Effective: April 13, 2004

Revised: December 14, 2010

Administrative Guidelines

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MD Staff Department Required Trainings MD Department Educational Aides

The federal *No Child Left Behind Act (NCLB)* which took effect in 2002 requires that all Title I schools and programs have qualified instructional staff including paraprofessionals who have instructional duties in targeted assistance Title I programs or in school wide Title I buildings.

In order to be highly qualified, paraprofessionals must meet one of three criteria:

1. Complete at least two years of study at an institution of higher education (defined as 48 semester or 72 quarter hours as verified by college transcript from an accredited institution of higher education);
2. Obtain an associate (or higher) degree from an accredited institution of higher education (defined as an associate degree program from an accredited institution of higher education); and /or
3. Meet a rigorous standard of quality and demonstrate, through a formal State or local academic assessment-(i) knowledge of, and the ability to assist in instructing reading, writing, and mathematics; of (ii) knowledge of, and the ability to assist in readiness for reading, writing and mathematics.

Since it is vital to the operation of our classrooms in the local Title I districts that the paraprofessional staff be aligned with *NCLB*, the MD program will provide staff with information and opportunity to obtain their HQT-ESEA verification for the paraprofessional certificate. Should there be a cost to obtain this status; this cost will be assumed by the employee as it is essential to their employment to obtain the training/testing. An effort will be made to offer low or no cost training/testing. Course work taken will be reimbursed based on board policy 3421.

Any staff who currently can verify HQT status via one of the three criteria, will be grandfathered in as having HQT status but must have this status added to their paraprofessional certification at their expense and verified to the ESC upon their certification's next renewal date.

Any staff that needs to pursue HQT status via one of the three criteria will be given until the end of the 2010-11 school year to complete the training requirement and have HQT status added to their certificate upon the next renewal date of the Educational Aide certification.

Any newly hired staff after January 1, 2011 will have 90 days to complete criteria 3 in order to have HQT status.

Effective December 14, 2010

WORKING PERIODS

The periods of work required of the non-teaching staff shall be clearly specified to insure the smooth operation of the county district.

The Governing Board reserves the right to specify the working hours for non-teaching employees.

The Superintendent shall apply uniformly the following working periods for non-teaching Classified employees.

- Secretarial-Clerical Office - From July 1, to June 30, full-time employment is eight (8) hours per day, five (5) days per week.
- Central office staff shall ordinarily report for work when schools are closed for bad weather or calamity days, unless informed otherwise that particular day by the Superintendent.
- Educational Aides – are expected typically to match their host worksite (Phoenix Central, Flying Colors at Union St and Etna, Granville MD Classes, Heath MD Classes, North Fork MD classes, upon arrival of students whom you are responsible for until the time students depart each day

Full-time employment will be scheduled to the governing board's yearly-adopted calendar, unless the site is at a local school facility (then by their calendar).

A year long, full-time aide's contract will not be longer than 190 days, unless by supplemental contract. Full-time aide's work schedule will be defined at a minimum of a thirty-five (35) hour work week to qualify for full-time benefits, but are expected to work the normal hours for their host school sites as mentioned above, unless some of 190 days are scheduled for over the summer. Aides with between 121 day and 190 day contracts will be allowed a proportional amount of board paid benefits.

Cross Ref: 4250 Working Periods
 4251 Classified Compensatory Time
 4410 Salary Schedules
 4411 Placement on Salary Schedules
 4421 Benefits
 8220 School/Work Day

Ref: R.C. 3319.086

Adopted: May 12, 1981
Revised: August 11, 2015

Policy

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LICKING COUNTY EDUCATIONAL SERVICE CENTER

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CLASSIFIED COMPENSATORY TIME

The Governing Board provides programs and services to meet the needs of teachers, administrators, students and parents. This service-oriented approach requires activity during times which are best suited to the needs of our customers, not necessarily during regularly scheduled office hours. On occasion, classified employees might be expected to work beyond regularly scheduled hours.

The Governing Board of Education honors compensatory time when approved in advance by the administrator in charge.

Administrative Guidelines:

1. Compensatory time will be requested only in full hour amounts (no fractions).
2. The request to earn compensatory time will be made in writing and in advance of service earned and must have the prior approval of the immediate supervisor. The Superintendent is authorized to make exceptions if acceptable reasons are presented for use of earned comp time in advance.
3. Compensatory time is earned-
 - a. Employee(s) who meet minimum hours for benefits: at the rate of one (1) hour for each hour worked for employees whose regular contract week is less than forty (40) hours actually worked up to 40 hours actually worked and at one and one-half (1 1/2) hours per hour exceeding 40 hours actually worked .
 - b. A maximum of 40 hours of compensatory time may be earned within a Fiscal Year. The superintendent may approve additional hours on specific projects as needs arrive as long as comp time can be scheduled and encouraged to be used by January 15 for hours earned in the first semester and those hours earned in the second semester be used by June 30 at year's end. If the comp time is not used within such framework, it shall be lost.
4. Compensatory time must be used within the semester in which it is accumulated.
5. Compensatory time may only be earned and used with the approval of the immediate supervisor and may not conflict with the successful completion of job responsibilities.
6. Compensatory time earned through required work specifically requested by your supervisor beyond 40 hours may be converted to pay by Superintendent Approval, whereby the immediate Supervisor presents support for such request. This may require a performance audit of the position in question to determine why the functions of the job cannot be managed during such assignment times; and where alternative solutions may be required first, ie., use of flex time, adjusting workload, or schedule, or both before asking to pay for any extra time.

R.C. 3319.08, 3319.111

Adopted: August 8, 1995

Revised: August 9, 2016

WHISTLEBLOWER PROTECTION

The Governing Board encourages all employees, acting in good faith, to report possible suspected or actual violations of State and Federal laws or Board policies and administrative guidelines. The Board directs the Superintendent to develop guidelines that shall be used to ensure that the Board's policy on Whistleblower Protection is implemented properly and in compliance with State laws. The Board will verify that employees are protected from interference with reporting violations and from retaliations for having reported a violation or refusing an illegal order.

To that end, it is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that possibly violates State or Federal law or Board policy or administrative guidelines, to report such conduct to his/her immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, the employee may report to the Superintendent. If the reported conduct relates to the Superintendent, the report may be filed directly with the Board President. Board members and employees are prohibited from retaliating against an individual who has reported a violation and/or refused an illegal order and shall not use or attempt to use their position to prevent an employee from reporting a possible violation or refusing an illegal order.

After such a report is made, the immediate supervisor will ask that employee's report be put in writing. Any employee making such a report shall be protected from discipline, retaliation, or reprisal for making such report as long as the employee made a reasonable and good faith effort to determine the accuracy of any information reported. Employees are subject to disciplinary action, up to and including termination, for purposely, knowingly, or recklessly making a false report under this policy.

In the case of reporting suspected fraud or fraudulent activity, an employee may file a report using the Auditor of State's system for reporting of fraud. This reporting mechanism may be used either in addition to or instead of filing a written report with the employee's supervisor or other Educational Service Center authority.

Guidelines so established shall set procedures for proper reporting and investigations of such reports. If such reported violation is found to be correct then efforts shall be taken to correct the violation or refer such violation if it so merits to the appropriate law enforcement or government agency.

Cross Ref: 1411 AG, 1411 F1/F2 Whistleblower Administrative Guidelines
3311 Whistleblower Protection (Prof)
4311 Whistleblower Protection (Classified)

Adopted: November 13, 2012
Revised:

ANTI-HARASSMENT

General Policy Statement

It is the policy of the Governing Board to maintain an education and work environment which is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all School Educational Service Center operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against harassment based on sex, race, color, national origin, religion, disability, genetic information or any other unlawful basis, and encourages those within the School Center community as well as third parties, who feel aggrieved to seek assistance to rectify the problems. The Board will investigate all allegations of harassment and in those cases where unlawful harassment is substantiated; the Board will take immediate steps to end the harassment. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "School Center community" , means students, administrators, teachers, staff, and all other school personnel, including Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on School Center property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School Center community at school-related events/activities (whether on or off School Center property).

Other Violations of the Anti-Harassment Policy

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating harassment charges comprises part of one's supervisory duties.

Definitions
Sexual Harassment

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, “sexual harassment” is defined as:

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

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual’s employment, or status in a class, educational program, or activity;
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual;
- C. Such conduct has the purpose or effect of interfering with the individual’s work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or interfering with one’s ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Physical assault.
- C. Threats or insinuations that a person’s employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person’s body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals.

- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
- H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
- I. In the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.
- J. Inappropriate boundary invasions by a Center employee or other adult member of the School Center community into a student's personal space and personal life.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.

NOTE: Sexual conduct/relationships with students by Center employees or any other adult member of the School Center community is prohibited, and any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of "sexual battery" as set forth in Ohio Revised Code 2907.03. The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to Center employees or other adult members of the School Center community.

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Reports and Complaints of Harassing Conduct

Members of the School Center community and third parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other School Center official so that the Board may address the conduct before it becomes severe, pervasive, or persistent.

Members of the School Center community or third parties who believe they have been unlawfully harassed by another member of the School Center community or a third party are entitled to utilize the Board's complaint process. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The names and titles of the Anti-Harassment Complaint Coordinators with whom complaints of sexual and other forms of unlawful harassment should be filed are set forth in the administrative guidelines that supplement this policy. The names and titles of these individuals will be published annually in the parent and staff handbooks.

The Superintendent shall establish administrative guidelines describing both a formal and informal process for making a charge of harassment, a process for investigating claims of harassment, and a process for rendering a decision regarding whether the claim of harassment was substantiated. This policy and the administrative guidelines will be readily available to all members of the School Center community and posted in appropriate places throughout the School Center. Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Complaint Coordinators. Thereafter, the Complaint Coordinator must contact the student, if age eighteen (18) or older or the student's parents if under the age eighteen (18), to advise s/he/them of the Board's intent to investigate the alleged misconduct, including the obligation of the Complaint Coordinator or designee to conduct an investigation following all the procedures outlined for a formal complaint.

Privacy/Confidentiality

The School Center will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and its related administrative guidelines shall be maintained as confidential to the extent permitted by law.

Informal Process for Addressing Complaints of Harassment

The administrative guidelines will include an informal complaint process to provide members of the School Center community or third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Members of the School Center community or third parties who believe that they have been unlawfully harassed may initiate their complaint through this informal complaint process, but are not required to do so. The administrative guidelines will include as a requirement the prerequisite that the informal process is only available in those circumstances where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in the informal process. Those members of the School Center community or third parties who believe that they have been unlawfully harassed may proceed immediately to the formal complaint process and individuals who seek resolution through the informal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process. However, all complaints of harassment involving a Center employee or any other adult member of the Center community against a student will be formally investigated.

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Formal Process for Addressing Complaints of Harassment

The administrative guidelines will also include a formal complaint process. While the formal complaint process may serve as the first step to resolution of a charge of unlawful harassment, it is also available in those circumstances when the informal complaint process fails to satisfactorily resolve a concern. Because of the need for flexibility, no specific time lines are established for initiating the formal complaint process; however, once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within thirty-one (31) calendar days of the complaint being received).

Members of the School Center community or third parties who feel they have been unlawfully harassed should file a formal written complaint with the principal of their school building or with one of the Complaint Coordinators identified in the administrative guidelines. Oral complaints of harassment will be reduced to writing by the individual receiving the complaint and the Complainant will be asked to verify the accuracy of the reported charge by signing the document. Complaints received by a school building principal will be immediately reported to the appropriate Complaint Coordinator identified in the administrative guidelines.

After a complaint is filed, the Complaint Coordinator or designee shall conduct a prompt and timely investigation. The investigation may include interviews of the complainant, the individual accused of engaging in harassing behavior, and any other witness who may reasonably be expected to have information relevant to the situation. All interviewed parties and witnesses will be provided an opportunity to present any evidence that they reasonably believe to be relevant to the situation.

At the conclusion of the investigation the Complaint Coordinator or designee will prepare and deliver to the Superintendent a written report summarizing the evidence gathered during the investigation and providing his/her recommendations regarding whether or not the complaint of unlawful harassment has been substantiated. The written report must be based on the totality of the circumstances involved in the complaint, the nature of the alleged conduct, the context in which the alleged conduct occurred, and the ages and maturity of the individuals involved.

Upon review of the written report the Superintendent will either issue a final decision regarding whether or not the complaint of unlawful harassment was substantiated, or request that further investigation be conducted. A copy of Superintendent's action will be delivered to both the Complainant and the individual accused of the harassing conduct. The decision of the Superintendent shall be final.

The Complainant process set forth in the policy and in the administrative guidelines is not intended to interfere with the rights of a member of the School Center community or a third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Ohio Civil Rights Commission, or the Equal Employment Opportunity Commission.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment regardless of whether the member of the School Center community or third party alleging the harassment pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy and administrative guidelines or in such other manner as deemed appropriate by the Board or its designee.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment regardless of whether the member of the School Center community or third party alleging the harassment pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy and administrative guidelines or in such other manner as deemed appropriate by the Board or its designee.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law. When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

Where the Board becomes aware that a prior remedial action has been taken against a member of the School Center community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to eliminate such conduct in the future. Criminal Conduct including CHILD Abuse and/or sexual Misconduct/ and allegations involving conduct unbecoming of the teaching profession will be reported to the Ohio Department of Education on forms required in accordance with Policy 8141.

Education and Training

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate training to all members of the Center staff related to the implementation of this policy and any of its accompanying administrative guidelines. All training regarding the Board's policy and administrative guidelines, and harassment in general, will be age and content appropriate.

R.C. 4112.02

20 U.S.C. 1681 et seq.,

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

29 U.S.C. 794, Rehabilitation Act of 1973, as amended

29 C.F.R. Part 1635,

29 C.F.R. 6101, the Age Discrimination Act of 1975

42 U.S.C. 12101 et seq. Americans with Disabilities Act of 1990, as amended

42 U.S.C. 2000d et seq. The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)

42 U.S.C. 2000e et seq.

42 U.S.C. 2000ff et seq. The Genetic Information Nondiscrimination Act

42 U.S.C. 1983; & National School Boards Association Inquiry & Analysis – May 2008

Adopted: April 14, 1998

Revised: May 19, 2015

THREATENING BEHAVIOR TOWARD STAFF MEMBERS

The Governing Board recognizes that a classified staff member has the right to work in an environment untainted by sexual or other forms of harassment or discrimination. Offensive conduct which has the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile, discriminatory, or offensive educational environment disrupts the educational process and impedes the legitimate pedagogical concerns of the District.

Sexual harassment includes all unwelcome sexual advances, requests for sexual favors, and verbal or physical contacts of a sexual nature whenever submission to such conduct is made a condition of employment or a basis for an employment decision.

Other prohibited (Harassment) conduct includes that which has the purpose or effect of creating an intimidating, hostile, discriminatory, or offensive educational environment on the basis of gender, religion, race, color, ethnicity, age, and/or disability.

The harassment of a staff member or student of this District is strictly forbidden. Any professional/classified staff member or agent of the Board who is found to have harassed a classified staff member, student, or other employee of the District will be subject to discipline and/or consideration for filing charges against such individual.

NOTE: Any teacher, administrator, coach, or other school authority that engages in sexual conduct with a student may also be guilty of the criminal charge of "sexual battery" as set forth in Ohio revised Code 2907.03. The issue of consent is irrelevant in regard to such criminal charge.

The Superintendent shall establish administrative guidelines, which address the conduct prohibited by this policy, and describe a reporting procedure. The Superintendent shall ensure that the policy and administrative guidelines are available to all classified staff members and are posted in appropriate places throughout the District.

RC. 4112, 42 USC 2000d et seq, 42 USC 2000e et seq, 29 USC 621 et seq
29 USC Section 794, 42 USC Section 12101 et seq, 20 USC 1681 et seq

Cross Ref:	3362	Sexual Harassment (Professional Staff)
	4362	Sexual Harassment (Classified Staff)
	5517	Sexual and Other Forms of Harassment (Students)

Adopted: May 12, 1998
Revised: December 11, 2001

EMPLOYEE CONCERN/COMPLAINT RESOLUTION PROCEDURES

The Governing Board believes it is in the best interest of the various departments of the Licking County Educational Service Center to prevent problems by opening channels for communication for workers to express themselves at the appropriate levels of authority.

A. DEFINITIONS

1. A concern about a working condition shall be expressed on an informal level by an employee to the immediate supervisor.
2. A complaint shall be a formal acknowledgement of perceived misinterpretation or misapplication of any provisions of:
 - a. The rules, orders, regulations and established policy of the Governing Board of Education, and/or
 - b. Administrative regulations governing or affecting employees,
 - c. Departmental Guidelines - rules that are explicit or implied.
3. A “day” shall be a school day during the school year and a weekday (Monday through Friday) during the summer. Time limits shall be considered as maximums, unless otherwise mutually agreeing to an extension of time. Failure to meet timelines on the part of the employee shall forfeit the complaint as null and void.

B. INITIATION AND PROCESSING

1. Level One, Employee
 - a. An employee shall schedule an appointment with his/her immediate supervisor (within 5 days) with the intent to discuss a concern or a formal complaint. Then the employee will discuss the problem with the director or immediate supervisor with the objective of resolving the matter informally. The complaint should be written and presented at Level I within 20 days of the employee becoming aware of an alleged violation or misapplication of board policy, regulations, guidelines or procedures.
 - b. If the employee is not satisfied with the disposition of the concern, he/she may file a written complaint with his/her supervisor/director within (10) days following the act or condition, which is the basis of his/her complaint. Copies of such written complaint are to be sent to the Superintendent. The Supervisor shall communicate his/her decision in writing within five (5) days to the employee, and to the Superintendent.

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2. Level Two
 - a. Within ten (10) days of receipt by the employee of the decision rendered by the Supervisor, such decision may be appealed to the Superintendent. The appeal shall include a copy of the decision, and the grounds for appeal.
 - b. The appeal shall be heard by the Superintendent within ten (10) days of its receipt by him/her. Five (5) days prior to the hearing, written notice of the time and place shall be given to the employee and any administrator who has previously been involved in the complaint.
 - c. Within five (5) days of hearing the appeal, the Superintendent shall communicate to the employee and any administrator who has previously been involved in the complaint his/her written decision, including supporting reasons.
3. Level Three
 - a. If the action taken by the Superintendent does not resolve the complaint to the satisfaction of the employee, the employee may appeal in writing to the Governing Board. The notice of appeal shall be sent to the Superintendent and a copy filed with the President of the Governing Board. The Superintendent shall place the matter on the agenda for the next regular meeting of the Governing Board. The employee shall have the right to be represented at such meeting by counsel. Nothing herein shall preclude the Administration from having representation at said Board level.
 - b. The Governing Board shall act upon such appeal at that meeting. The Governing Board's act shall be based upon the recommendation of the Superintendent and the arguments presented by or on the behalf of the employee(s). Copies of the final action and supporting reasons shall be sent to the employee(s), Superintendent, and Supervisor.

C. GENERAL PROCEDURES

1. Time limits stipulated herein are considered maximums to ensure rapid resolution to problems. Time limits may only be extended by mutual agreement of all parties concerned.
2. The Administration and employee will cooperate in the investigation of any work related complaints and both parties will furnish each other with such information, as it is necessary for the processing of any complaint.

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3. It will be the practice of all parties in interest to process work complaints after the regular workday has ended or at other times, which do not interfere with, assigned duties.
4. The form to be utilized in the processing of formal complaints (Levels One, Two, and Three) is that which is attached hereto as Appendix A.
5. No decision on any one case shall require a retroactive wage adjustment in any other case.

Therefore, it is to all employees' best interest to solve problems as quickly as possible for the best efficiency of the Educational Service Organization.

Cross Ref: 4150 Disciplinary Actions
4151 Staff Discipline Procedures

Adopted: November 10, 1999

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4364/ F1

Formal Complaint Form

_____ Level of Complaint

Name of Employee

Job Position

Date submitted

School Facility

Immediate Supervisor

Employee accompanied by: _____

Nature of Complaint: State specific rules, contract, policy, procedures, etc.
that allegedly have been misinterpreted or misapplied.....

(If additional space is needed, use other side)

What relief is sought to correct the situation?.....

Employee's signature

Received by (Supervisor)

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SALARY SCHEDULES

In order to insure periodic review of staff needs, the Governing Board will review annually the salary schedules for all classified staff members. The Board will adjust salaries in accordance with the law and at such times, as it deems prudent and necessary.

The Governing Board shall inform all employees of their salary for the following year by July 1.

R.C. 3317.02, 3317.14, 3319.12, and 3317.13

Adopted: May 12, 1998

Revised:

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COMPENSATION FOR PART-TIME STAFF

The Governing Board requires that part-time classified staff members be prorated so that they are compensated in an amount equivalent to the portion of time worked, whether it is a fraction of a day or a fraction of a year. The Superintendent shall ensure that such arrangements comply with State Statutes and laws that apply to employment for part-time employees.

Part-time employees shall be defined as contracts with **less than 28 hours per week** or a schedule of less than 162 days per year.

Cross Ref:

3124/4124	Employment Contract
4250	Working Periods
3421/4421	Benefits
4421.01	Insurance (Full Time Employees)

Ref: R.C. 3317.02, 3317.14, 3319.12, and 3317.13

Adopted: May 11, 2004

Revised: February 11, 2014

PLACEMENT ON SALARY SCHEDULE

The Governing Board retains the authority to specify the salary of new positions and to determine the credit to be awarded for placement on an existing salary schedule, in accordance with any applicable terms of this policy.

The County Superintendent is authorized to credit all past documented service of an applicant for employment for proper placement on the salary schedule on the following basis:

- A. actual service time in a public school system;
- B. service (not more than ten (10) as a classified employee in a chartered, nonpublic school in Ohio or in another state public school, regardless of training level, with each year consisting of at least 120 days under a classified employee's contract;
- C. 5-10 years (not more than ten (10) in a chartered school or institution or a school or institution that subsequently became chartered or a chartered, special-education program or a special-education program that became chartered operated by the State or by a subdivision or other local government unit of this State as a certified teacher, regardless of training level; each year must consist of at least 120 days;
- D. not more than five (5) years for active military experience which must be eight (8) continuous months of service to be recognized as a year of authorized experience;
- E. service, not more than five (5) yrs experience in a similar/related job classification in the private sector working with children.

Credit will not be given for self-employment or substitute experience except as required by law.

- A. The Superintendent may recommend credit, to a maximum of 5 years, past service in:
 - 1. a private school located in any other state or U.S. territory;
 - 2. an overseas dependent school operated by the U.S. Armed Forces;
 - 3. a school approved by the State - Department of Education and operated by a State Agency,
 - 4. a college, university, or related work experience;

Reference: R.C. 3317.14, 3319.08, 3319-12

Adopted: February 9, 1999
Revised: October 14, 2003

SEVERANCE

The Governing Board authorizes the payment to a retiring employee of the Licking County Educational Service Center of one-fourth (1/4) of their accumulated, but unused, sick leave days to a maximum payment of fifty (50) days. Such severance will not be paid for less than one-half (1/2) day.

For purposes of this policy "retirement" means retirement under either the School Employees Retirement System or the State Teachers Retirement System and includes disability retirement.

In order to qualify for severance pay an employee shall:

- A. Have completed ten (10) or more years of service with the State, any political subdivision, or any combination thereof.
- A. Have an effective retirement date no later than ninety (90) calendar days after the final date of service with the Licking County Educational Service Center.
- B. Have made application within three (3) months following the effective date of retirement.
- C. Have completed a minimum of five (5) years of employment since the last hiring at the Licking County Educational Service Center.

If approved, the Governing Board will pay severance in the following manner:

- A. Payment shall be made no later than ninety (90) days after the application is filed and the employee's retirement is verified to the office of the Superintendent by the appropriate retirement system.
- B. Payment shall be a one-time, lump-sum amount.
- C. Payment shall be based upon the employee's daily rate of pay at the time of retirement exclusive of overtime or restoration of sick leave.

Payment of severance shall eliminate all obligations of the employer at the time of retirement from any further payment or restoration of sick leave unused.

Cross Ref: 4432 Sick Leave
Ref: A.C. 124.39, ORC 3319.141

Adopted: May 12, 1998
Revised: June 7, 2016

GROUP HEALTH PLANS

The Governing Board of education shall have the discretion to establish and maintain group health plans for the benefit of eligible employees. The definition of group health plans, as used in this policy, may include, but is not limited to, major medical, prescription drug, and dental plans. These group health plans may provide certain health benefit plans to employees as permitted by law.

The Board may provide a Health Savings Account (HSA) option as one of the choices a full-time employee may select from a group health benefit plan.

The Board authorizes the Treasurer to set a designated amount into the Health Savings account of up to \$500.00 as an incentive for an employee to select for the first time the HSA option. This amount will be reviewed by the Board annually prior to insurance renewals.

The Board has elected to provide minimum value health coverage for some or all of its eligible employees. The terms and conditions of the health coverage are set forth in the appropriate plan documents.

The Board retains the right to evaluate the options provided and amounts the board and employees share to be contributed.

Adopted: November 18, 2003

Revised: January 10, 2017

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LICKING COUNTY EDUCATIONAL SERVICE CENTER

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PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS

The Governing Board provides coverage to eligible employees under fully insured group health plans. The Board has established the following fully insured group health plans: Medical and Prescription, and Dental (all at shared premium costs), optional Vision at 100% employee cost, optional Cancer insurance, optional Long-term Care Insurance.

The Board acknowledges that these group plans are required to comply with the Health Insurance Portability and Accountability Act (HIPPA) Privacy Rule as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Fully insured group health plans generally are exempt from many of the requirements imposed upon self-funded group health insurance plans.

The Board also acknowledges that these fully funded insured group health plans are required to comply with the HIPPA Security Rule. The group health plans, working together with the insurer, will ensure the confidentiality, integrity, and availability of the group health plan's electronic Protected Health Information in accordance with the HIPPA Security Rule.

The Board hereby appoints the Treasurer to serve as the Security Official of the group health plans. All of the group health plans' functions are carried out by the insurer and the insurer owns and controls all of the equipment and media used to create, maintain, receive, and transmit electronic Protected Health Information relating to the group health plans. Accordingly, the insurer is in the best position to implement the technical, physical, and administrative safeguards required by the HIPPA Security Rule.

The Security Official does not have the ability to assess the insurer's policies related to the HIPPA Security Rule. Accordingly, unless otherwise determined by the Security Official, the group health plans shall utilize as administrative guidelines the insurer's own policies addressing security measures for the group health plans' electronic Protected Health Information.

The fully insured group health plans established by the Board shall:

- A. Refrain from taking any retaliatory action against any individual for exercising any right under the plan, filing a complaint with Health and Human Services, participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by Privacy Rule provided that the individual has a good faith belief that the practice opposed is unlawful;
- B. Not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or eligibility of benefits;

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- C. If the plan document is amended in accordance with the Privacy Rule, the plan must retain a copy of the plan document as amended for six (6) years from the date of its amendment for the date when it last was in effect, whichever is the later;
- D. Provide notification to affected individuals, the Secretary of the U.S. Department of Health and Human Services, and the media (when required), if the plan or one of its business associates discovers a breach of unsecured protected health information, in accordance with the requirements of HIPPA and its implementing regulations.

Fully insured group health plans established by the Board shall not create or receive protected health information, except for the following:

- A. Summary health information is de-identified information that summarizes claims history, claims expenses, or type of claims experienced by health plan participants;
- B. Information on whether an individual is participating in a group health plan, or is enrolled in or has dis-enrolled from a health insurance carrier or HMO offered by the plan;
- C. Information disclosed to the plan under a signed authorization that meets the requirements of the Privacy Rule.

29 C.F.R. Part 1635

42 U.S.C. 2000ff et seq., the Genetic Information Nondiscrimination Act

45 C.F.R. 160.102(a), 164.530 (g), 164.530 (h), 164.530 (j), 164.530 (k), 164.404

45 C.F.R. 164.406, 164.408, 164.502, 164.520(a)

Adopted: November 18, 2003

Revised: January 10, 2017

PATIENT PROTECTION AND AFFORDABILITY CARE ACT

The Governing Board acknowledges that the Patient Protection and Affordability Care Act (“ACA”) imposes certain obligations upon the Educational Service Center. Such obligations include the following:

- A. The Center shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee’s employment start date.
- B. Employees of the Center have the option to enroll in the Health Insurance Marketplace. If a full-time employee (as defined by ACA) of the Center enrolls in Health Insurance marketplace and receives a subsidy, then the Center may be liable for a penalty.

In the event the Center concludes that it is fiscally-wise to incur the potential penalty in lieu of providing affordable, minimum value coverage to all fulltime employees, the Center shall incur the potential penalty.

29 USC 218b
26 USC 4980H

Adopted: January 10, 2017

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BENEFITS

The Governing Board realizes the concern of its classified staff for the availability of those protective and personally advantageous benefits beyond an individual's basic salary. It is the Board's desire to make available or provide, within the limits of law and sound fiscal management, those which are beneficial to the classified staff member as provided the professional staff and the Educational Service Center.

Part-time employees (**less than 28 hours per week** or scheduled for less than a 162 day contract) will not be offered medical benefits. Those working 162 days shall have their insurance prorated per Diem worked.

Full time retired/rehired employees contracted for 162 days per year or more shall qualify for single medical insurance only.

Ref: R.C. 9.90, 3313.202, 3917.01, 3319.02

Cross Ref: 1521 Retired/rehired Administrators
 3120.02 Retired/rehired Teachers
 4120.02 Retired/rehired Classified Workers
 3421 Benefits
 4250 Working Periods

Adopted: May 12, 1998
Revised: February 11, 2014

GROUP HEALTH INSURANCE

The Governing Board shall provide Major Medical and prescription insurance for qualifying employees who authorize coverage for such option in writing according to the shared premium structure as follows, effective September 1, 2016 the employee's share shall be collected the month in advance of effective date/or it can double the employee's share for one month if the effective date for the health insurance starts with employment date.

	Board Share	Employee Share
Plan A (HSA Plan)		
Employee	90%	10%
Family	80%	20%
Plan B (Step Up)		
Employee	80%	20%
Family	65%	35%
Plan C (Economy)		
Employee	85%	15%
Family	75%	25%
Dental Plan		
Employee	85%	15%
Family	70%	30%

Ref: R.C. 3313.202

Adopted: January 1, 1980
Revised: July 21, 2016

LCESC PAYMENT FOR COLLEGE CREDIT

Any classified employee, who earns college credit from an approved college with prior approval from the Superintendent and who presents evidence that such course work has been satisfactorily completed, shall be paid at the rate of one hundred and twenty-five dollars (\$125) per semester hour, seventy-five dollars (\$75) per quarter hour (contingent on remaining funds in the pool each year); but under no circumstances will such employee be reimbursed more than the actual cost for tuition for the course.

Part-time employees shall be prorated the above reimbursement per credit. An individual may be approved to participate (by the Superintendent) after hire date but before actual employment but is subject to provisions of forfeiture if leaving employment before first year is completed. Such individual shall not be reimbursed before his/her first payroll receipt. This revision shall be effective from July 1, 2015.

Reimbursement will be made for courses which fall into one or more of the following categories:

- A. courses which are directly related to the employee's assignment
- B. courses which relate to any certification area listed on the individual's certificate
- C. other course work specifically approved by the Superintendent

The employee must receive a grade of "B" or better, and/or if a pass/fail course receive a passing grade, to be eligible for reimbursement.

Reimbursement is limited to six (6) semester or nine (9) quarter hours per year. The Superintendent must approve request for reimbursement before the course is taken. The provisions as in policy #3421.2 will govern reimbursement for courses for any classified employee who has to maintain certification/licensure to continue his/her job requirements.

Course work will be reimbursed in the next check run following treasurer's receipt of a copy of grade/transcript and proof of payment for the course.

An employee who does not return to the district for the whole following year shall reimburse the Board for tuition reimbursement which s/he has received for courses taken, by either payment to the Board or pay reduction from remaining pays. *If there is a pay reduction, there will be a \$3.00 service fee for doing so per pay period requested.*

The maximum obligation of the Board for tuition reimbursement each year (July 1 thru June 30) for classified employees shall not exceed \$4,000. Reimbursement up to this maximum shall be on a first-come, first-served basis as determined by the date the request for reimbursement is submitted to the Superintendent on appropriate forms.

Adopted: September 12, 2000
Revised: June 9, 2015

Form
BOARD OF EDUCATION

CLASSIFIED STAFF
Form 4421.02

LICKING COUNTY EDUCATIONAL SERVICE CENTER
CLASSIFIED TUITION REIMBURSEMENT
APPLICATION FOR COLLEGE CREDIT

(Submit in duplicate)

NAME _____ DATE _____

BUILDING/PROGRAM _____

COLLEGE/UNIVERSITY _____ DEPT. _____

COURSE NAME _____ NUMBER _____

BEGINNING DATE _____ ENDING DATE _____

NUMBER OF HOURS _____
_____ Quarter
_____ Semester

Attach a copy of the course description or briefly describe the course below:

Employee's Signature _____

Supervisor/Director's Signature _____

_____ APPROVED

Superintendent's Signature _____

_____ NOT APPROVED

Date _____

Number of hours approved _____ Rate per hour _____ Total _____

(NOTE: If this course is canceled or not completed, please notify the Treasurer's Office).

**UPON SUCCESSFUL COMPLETION OF THE COURSE, SUBMIT A COPY OF YOUR GRADE
SLIP/TRANSCRIPT AND A PAID RECEIPT/STATEMENT FROM THE COLLEGE
TO THE TREASURER'S OFFICE FOR PAYMENT**

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DENTAL INSURANCE

The Governing Board shall provide, at a shared employee/Board expense, Dental insurance for all qualifying full-time employees who authorize coverage for such option in writing according to the shared premium structure as follows effective **September 1, 2015**. The employee's share shall be collected a month in advance of the effective date from payroll/or can collect double the premium if start date is commensurate with employment.

	Board Share	Employee Share
Employee	85%	15%
Family	70%	30%

Ref: R.C. 3313.202

Adopted: January 1, 1980
Revised: July 14, 2015

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GROUP LIFE INSURANCE

The Governing Board realizes the concern of its professional staff for the availability of those protective and personally advantageous benefits beyond an individual's basic salary. It is the Board's desire to make available or provide, within the limits of law and sound fiscal management, those which are beneficial to the professional staff member as provided the classified staff and the Educational Service Center.

The Governing Board shall provide, at Board expense, term life insurance for all regular full time employees working at least 20 or more hours per week and other employees who work a minimum of 120 (or more) days as provided in their employment contract. A new employee shall have coverage effective the first of the month following start date, unless the start date is the first of the month.

Class 1: All eligible employees - \$50,000.00

R.C. 3313.202, A.C. 3.91, 7.01

Adopted: May 12, 1998

Revised: February 11, 2014

LEAVES OF ABSENCE

All classified staff members not otherwise covered by the terms of a negotiated, collective-bargained agreement of this County District shall be entitled to the leave benefits which are not less than those provided to professional staff.

All requests for unpaid leaves of absence by classified staff members shall be presented to the Governing Board for approval.

Any classified staff member granted a leave of absence by the Board shall be considered to have terminated all work with the County School District until the completion of the leave. Exceptions may be made by the Superintendent in cases where the best interest of the County District might be served.

Adopted: May 12, 1998

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CALL TO ACTIVE DUTY LEAVE

Once per calendar year, an eligible staff member may take leave for up to ten (10) days or eighty (80) hours, whichever is less, if all of the following conditions are satisfied:

- A. The Governing Board has employed the staff member for at least twelve (12) consecutive months and for at least 1,250 hours in the twelve (12) months immediately preceding commencement of the leave.
- B. The staff member is the parent, spouse, or a person who has or had legal custody of a person who is a member of the uniformed services and who is called into active duty in the uniformed services for a period longer than thirty (30) days, or is injured, wounded, or hospitalized while serving on active duty in the uniformed services.
- C. The staff member gives notice to the Board that s/he intends to take leave pursuant to this policy at least fourteen (14) days prior to taking the leave if the leave is being taken because a call to active duty or at least two (2) days prior to taking the leave if the leave is being taken because of an injury, wound, or hospitalization. If the staff member receives notice from a representative of the uniformed services that the injury, wound, or hospitalization is of a critical or life-threatening nature, the staff member may take the leave under this policy without the prior notice to the Board.
- D. In non-medical situations, the dates on which the staff member takes a leave pursuant to this policy occur no more than two (2) weeks prior to or one (1) week after the deployment date of the employee's spouse, child, ward, or former ward.
- E. The staff member does not have any other leave available for his/her use except sick leave or disability leave.

A staff member seeking to take leave pursuant to this policy must provide certification from the appropriate military authority to verify that the staff member satisfies the criteria described in paragraphs B, C, and D above.

“Active Duty” means full-time duty in the military service of the United States or active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or a proclamation of the Governor. “Active Duty” does not include active duty for training, initial active duty for training or the period of time for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any duty unless such period is contemporaneous with an active duty period.

“Uniformed Services” means the armed forces, the Ohio organized militia when engaged in full-time National Guard duty, the commissioned corps of the public health service, and any other category of persons designated by the President of the United States in time of war or emergency.

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While the leave provided for this policy is unpaid, the Board will continue to provide benefits to the full-time staff member during the period of time the staff member is on this leave. For purposes of this policy, “benefits” is defined as employment benefits other than salary or wages, that the Board regularly provides or makes available to employees, including, but not limited to, medical insurance, disability insurance, life insurance, retirement plans. The staff member is responsible for the same proportion of the cost of the benefits as s/he regularly pays during periods of time whens/he is not on leave.

Upon the completion of the leave taken pursuant to this policy, the Board will restore the staff member to the position s/he held prior to taking that leave or a position with equivalent seniority, benefits, pay, and other terms and conditions of employment.

The Board will not interfere with, restrain, or deny the exercise or attempted exercise of a right established under this policy. Further, the Board will not discharge, fine, suspend, expel, discipline, or discriminate against a staff member with respect to any term or condition of employment because of the staff member’s actual or potential exercise, or support for another employee’s exercise, of any right established under this policy. Nothing herein shall prevent the Board from taking an employment action that is independent of the exercise of a right under this policy. Finally, the Board will not deprive an employee who takes leave pursuant to this policy of any benefit that accrued before the date that leave commences.

R.C 5906.01-.03

Approved: February 8, 2011

Revised:

UNPAID LEAVE REQUEST

A full-time employee with five (5) years of service in the Licking County ESC may, with Governing Board approval, be granted an unpaid leave of absence. An employee shall not be paid salary, wages, or board-paid fringe benefits while on an unpaid leave of absence. A written application shall be made to the Superintendent stating the purpose of the leave, the approximate beginning and ending dates of the requested leave, and a signed statement regarding the need for or desirability of said leave.

The following conditions shall apply to any leave granted under this policy:

1. Unpaid leave shall normally be in school-year blocks or semester blocks.
2. Requests for leave must be submitted at least ninety (90) calendar days in advance. The Superintendent may waive this requirement in unusual circumstances.
3. Any use of a leave of absence for a purpose other than that stated in the approved application may be grounds for the termination of the employee's contract.
4. The individual employment contract of any employee on an unpaid leave of absence shall continue to run during the period of such leave, and shall therefore be subject to renewal, non-renewal or suspension as otherwise provided by law.
5. An unpaid leave of absence requested for the purpose of the employee's illness or disability shall be granted for a period not to exceed one (1) year.
6. Time spent on approved leave of absence shall not count towards seniority. Time spent on an approved leave of absence shall not be counted toward salary schedule increments or retirement. An approved leave of absence shall not be considered an interruption of continuous service for the purpose of determining seniority.
7. Upon the expiration of the leave, the employee shall assume the contract status held at the time the leave was granted, including any modification of that status arising out of item (5) above in a similar position.

Reference: R.C. 3319.13

Adopted: January 13, 2004

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SICK LEAVE

The Governing Board recognizes its statutory duty to provide paid sick leave to regular full time employees of this Center for absence due to personal illness, pregnancy, exposure to contagious disease which could be communicated to others, and for absence due to illness, injury, or death in the employee's immediate family.

All regular full-time employees of the Center eligible for sick leave shall receive fifteen (15) such sick leave days annually at the rate of one and one-quarter (1+1/4) a month. Unused sick leave shall be cumulative up to 200 days. Substitute employees shall not earn, accumulate, or use sick leave. In accordance with Policy 4436 – Personal Leave - Employees who have any unused personal days by June 30 of each year shall have the unused personal leave converted to sick leave and added to their sick leave accumulation. Such conversion will be for no less than one-half (1/2) day.

The Board shall accept by transfer the accumulated sick leave up to 200 days which any new employee has acquired in another position of public service in Ohio. This 200-day accumulation may be used for sick leave usage during the employment at the LCESC.

New employees shall be credited with up to five (5) days sick leave in advance, which shall be part of, but not in excess of, the days that can be accumulated for the contract year.

A. **Use of Sick Leave** - Sick leave may be used for the following purposes and must have the approval of the Superintendent:

1. For absence of the employee due to personal illness, injury, including any disabling condition caused by pregnancy, or exposure to a contagious disease which could be communicated to other employees or to students;
2. For absence of the employee due to illness or injury of someone in the employee's immediate family. In this section the employee's immediate family is defined as the employee's parent, spouse, or child. Any legal dependent living in the employee's household may be considered immediate family. An employee may use a maximum of thirty (30) days of sick leave for this purpose during any one-contract year. In the event circumstances may warrant consideration for additional days for this purpose, the circumstances shall be reviewed with the Superintendent. The Superintendent shall be authorized to grant up to an additional fifteen (15) days for this purpose if in his/her judgment the circumstances should so justify. If additional time is required, a non-paid medical leave of absence may be requested;
3. For absence due to death in the immediate family of an employee. In this section the immediate family of an employee is defined as the employee's parents, spouse, child, sibling, grandparent, aunt, uncle, in-laws bearing any of these relationships or any dependent living in the employee's household (as defined in #2 above). An employee may use a maximum of three (3) days of sick leave for this purpose during any one-contract year. In the event circumstances may warrant considerations for additional

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days for this purpose, the circumstances shall be reviewed with the Superintendent. The Superintendent shall be authorized to grant additional days for this purpose if in his/her judgment the circumstances should so justify.

- B. **Portion of Day** - Absences for a portion of a day up to one-half (1/2) day shall result in a one-half (1/2) day deduction. Absences for a portion of a day greater than one-half (1/2) day shall result in a one (1) day deduction.
- C. **Verification of Sick Leave** - The employee is required to notify his/her immediate superior as soon as possible after becoming aware of the need to use sick leave.
- D. Personal leave shall not be used in combination with comp time use, sick leave or vacation days (days before or after).
- E. Personal leave shall not be used for the last two (2) weeks of school, the last week before winter break, nor for required inservice meetings at opening of school and last teacher workday.

The Superintendent is authorized to make exceptions to these rules depending upon the circumstances the employee submits for consideration of the exception.

The fulltime employee shall complete the Kiosk request for approval for sick leave no later than the second workday after returning to work from sick leave. No sick leave payment shall be made unless the required form is submitted. Falsification of any information on the form shall constitute grounds for the termination of the employee's contract. If the absence is not reported properly on Kiosk within ten (10) days following the return to work, the employee shall be docked for that/those days on next pay date.

If medical attention was required, the employee shall state the name and address of the attending physician. The administration may require a signed physician's statement justifying the use of sick leave, or may make other reasonable regulations in order to carry out its duty to ensure compliance with this article and with applicable statutes.

Substitutes who are scheduled to work the full-time equivalent of less than one hundred and twenty (120) days per school year, or persons who are employed by the Board on an as needed basis, seasonal, or intermittent basis, are not eligible for paid sick leave.

While an employee is on an approved paid sick leave on a scheduled work day, the employee is not to be working at another job outside of the LCESC for his/her normal working hours.

Employees must be in attendance on scheduled work days or be in an authorized leave status.

R.C. 143.29, 3319.08, 3319.141; A.C. 3301-37-01(X)

Adopted: May 12, 1981

Revised: August 11, 2015

VACATION CLASSIFIED EMPLOYEES

The Governing Board will provide twelve-month* classified employees vacation days within the contract year.

Years of service for twelve-month classified employees refers to service to the Licking County Governing Board, in chartered public or private schools, including colleges and universities, or in a similar capacity to another organization. In determining years of service, the decision of the Superintendent is final.

Classified Employees

Years of Service	Days of Vacation	Per Quarter	Max
0 - 5	10	2.50	12.50
6-10	15	3.75	18.75
11-20	20	5.00	25.00
20-29	23	5.75	28.75
30+	25	6.25	31.25

Vacation days will be earned on a quarterly (three month) basis and twelve-month classified employees may begin to use accrued vacation days following the first quarter of employment for the Licking County Governing Board. All requests for use of vacation days must be pre-approved by the supervisor and Superintendent. Vacation days are not to be planned for the beginning and ending weeks of the student school year, and during opening and ending staff inservice days.

Twelve-month classified employees may accumulate and carry forward a maximum accumulation amount not to exceed that, which can be earned for five quarters. Any vacation time in excess of that amount which is not taken at the end of the quarter is forfeited. Twelve-month classified employees may opt, however, to receive, at the end of a quarter, pay not to exceed three (3) days at the current rate of pay. Payment received under this is in lieu of vacation time, and therefore, would reduce an employee's vacation time by like amount. Vacation must be used or reimbursed in not less than one-half (1/2) day units.

At Termination of Employment

Upon termination of employment, twelve-month classified employees will be provided a lump-sum payment for accumulated vacation time with a maximum accumulation amount not to exceed that, which can be earned for five quarters. Lump-sum payments are limited to the amount of vacation time the employee has accumulated at the time of separation.

Reference: R.C. 9.44, 3319.01, 3319.02

* Twelve months will be considered any board-approved contracts from 248 to 261 days.

Adopted: January 1, 1980
Revised: June 7, 2016

HOLIDAYS

The Licking County Educational Service Center non-teaching employees will have the following paid holidays, provided each such employee accrued earnings on his next preceding and his next following scheduled workdays before and after such holiday/non-scheduled workday or was properly excused from attendance at work on either or both of those days:

190-240 day classified employees:

New Year's Day, Martin Luther King Day, Memorial Day, Labor Day,
Thanksgiving Day and Christmas Day

248-260 day classified employees (in addition to the holidays listed for 190-240 day employees) will also receive: Fourth of July

The Superintendent will determine any non-scheduled paid workdays of 12-month employees on the employee's yearly work calendars.

If a paid holiday falls on a Saturday, the employee shall be off on the preceding Friday. If the holiday falls on Sunday, the employee shall be off that following Monday.

R.C. 3319.087

Adopted: June 2, 1998

Revised: July 8, 2008

CHILD CARE LEAVE

1. An unpaid leave of absence requested for the purpose of child care will not be approved for any period that begins prior to the employee's completion of five (5) years of employment at the Licking County Educational Service Center.
2. For purposes of child care leave, the advance request requirement shall be interpreted to require an advance notice of at least ninety (90) calendar days. The superintendent may waive this requirement in unusual circumstances.
3. The maximum length of a leave of absence granted for the purpose of child care leave shall be four (4) school semesters. An employee may not return from a child care leave of absence except at the beginning of a school semester, unless special permission is granted in writing by the superintendent.
4. If all requirements of unpaid leave in policy 3431 are met, the employee's request for an unpaid leave of absence for the purpose of child care will be granted unless there is a reason, involving the continuity or quality of the educational program, which is deemed by the Governing Board to be sufficient to deny the leave request.

Cross Ref: 4431 UNPAID LEAVE

Ref: 42 U.S.C. 2000e-2(a); 29 C.F.R. 7604-1 et seq;
R.C. 3319.13, 3319.141, 4112/01

Adopted: June 2, 1998
Revised: December 10, 2002

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PERSONAL LEAVE

Full-time non-teaching employees may be permitted three days of non-cumulative personal leave each school year. Such leave shall be with pay and shall not be deducted from sick leave.

Personal leave days may be used for necessary personal business i.e., meeting a lawyer, taxes, religious holidays, or emergencies beyond an employee's control, subject to the following conditions (but not working another job):

- A. Request shall be completed through the Kiosk system at least 24 hours in advance of absence, except in the event of an emergency.
- B. Personal leave shall not normally be approved for two consecutive days, or for the work day immediately preceding or following a holiday or extended holiday period when preceded or followed by non-scheduled work day.
- C. Personal leave shall not be used for leave which would otherwise be covered by sick leave.
- D. The number of persons granted personal leave for any one day will be limited to the needs of the county office as determined by the Superintendent.
- E. Personal leave may not be used in less than one-half (1/2) day increments.
- F. Personal leave shall be prorated for employees that either resign or retire from their position during the contract year or are employed after the normal start date of the position.
- G. Personal leave shall not be used in combination with comp time use, sick leave or vacation days (days before or after).
- H. Personal leave shall not be used for the last two (2) weeks of school, the last week before winter break, nor for required inservice meetings at opening of school and last teacher workday.

The Superintendent is authorized to make exceptions to these rules depending upon the circumstances the employee submits for consideration of the exception.

Employees who have any unused personal days by June 30 of each year shall have the unused personal leave converted to sick leave and added to their sick leave accumulation. Such conversion will be for no less than one-half (1/2) day.

Employees must be in attendance on scheduled work days or be in an authorized leave status. If the absence is not reported properly on Kiosk within ten (10) days following the return to work, the employee shall be docked for that/those days on next pay date.

R.C. 3319.142 - 124.386

Adopted: June 2, 1998
Revised: August 11, 2015

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LICKING COUNTY EDUCATIONAL SERVICE CENTER

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FMLA LEAVE

Qualifying Reasons for FMLA and Military Family Leave

In accordance with Federal law, the Governing Board shall provide up to twelve (12) work weeks of unpaid FMLA leave in any twelve (12) month period to eligible classified full-time staff members for one of the following reasons:

- A. the birth or care of a newborn child within one (1) year of the child's birth;
- B. the adoption or foster care of a child within one (1) year of the child's arrival;
- C. the care of a spouse, son, daughter, or parent if such individual has a serious health condition;
- D. a serious health condition of the staff member which disables him/her from performing the functions of his/her position. Such a condition may be an illness, injury, impairment, or physical or mental condition that involves in-patient care in a hospital, hospice, or residential medical facility or requires continuing treatment by a health-care provider (M.D. or D.O.);
- E. any exigency (as defined in applicable Federal regulations) arising out of the fact that the staff member's spouse, son, daughter, or parent is on active duty (or has been notified of impending call or order to active duty) in the Armed Forces in support of a contingency operation.

In addition, an eligible staff member who is a spouse, son, daughter, parent, or next of kin (i.e., the nearest blood relative) or a covered service member shall be entitled to a total of twenty-six (26) weeks of leave during a twelve (12) month period to care for the Service Member (Service Member Leave). Service Member Leave shall only be available during a single twelve (12) month period. Additionally, during the single twelve (12) month period described in this paragraph, an eligible staff member shall be entitled to a combined total of twenty-six (26) work weeks of leave under this paragraph and general FMLA leave described in the preceding paragraph. Nothing in this paragraph shall be construed to limit the availability of general FMLA leave under the preceding paragraph during any other twelve (12) month period. A covered Service Member is defined as (1) a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or is in therapy or is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (2) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of (5) five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy. Serious injury or illness for purposes of Service Member Family Leave is defined as an injury or illness incurred by a covered service member in line of duty on active duty in the Armed Forces (or existed before the beginning of the covered service member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating. In the case of a veteran the injury or illness could have manifested itself before or after the member became a veteran.

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Classified staff members are "eligible" if they have worked for the Board for at least twelve (12) months and for at least 1,250 hours over the twelve (12) months prior to the leave request. Months and hours that reservists or National Guards would have worked if they had not been called up for military service counts toward the staff member's eligibility for FMLA leave/Service Member Family Leave.

"Twelve-month period" is defined as the twelve-month period measured forward from the date the staff member's first FMLA leave begins (i.e., the "leave year" is specific to each individual staff member).

If the Superintendent and the staff member agree, such leave may be taken intermittently or on a reduced-leave schedule in the event of the birth, adoption, or foster care of a child. A staff member has the right, however, to take intermittent or reduced-leave schedule (half days) when medically necessary to care for a spouse, child, or parent who has a serious health condition, or if the staff member has a serious health condition. In both cases, the taking of such leave results in the total reduction of the twelve (12) weeks only by the amount of leave actually taken. A staff member may also take FMLA leave on an intermittent or reduced-leave schedule for reason (E) above. Finally, Service Member Family Leave may be taken on an intermittent or reduced-leave schedule when medically necessary. Regardless, the taking of such leave results in the total reduction of the twelve (12) or twenty-six (26) weeks only by the amount of leave actually taken. If the intermittent or reduced-leave schedule is foreseeable based on planned medical treatment or the staff member is taking Service Member Family Leave, the Superintendent may require the staff member to transfer temporarily to an available alternative position which better accommodates recurring periods of leave. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties.

Whenever the leave is necessitated by the serious health condition of the staff member or his/her family member or the leave is taken pursuant to Service Member Family Leave, and is foreseeable based on planned medical treatment, the staff member shall provide the Superintendent with thirty (30) days notice. If there is insufficient time to provide such notice because of the need for treatment, the staff member shall provide such notice as early as practicable. When a staff member is taking leave because of a "qualifying exigency" (i.e., reason (E) and the leave is foreseeable, whether because the staff member's spouse, son, daughter, or parent is on active duty, or because of notification of an impending call or order to active duty in support of a contingency operation) the staff member shall provide such notice to the Superintendent as is reasonable and practicable. When planning medical treatment or taking leave pursuant to Service Member Family Leave, the staff member must consult with the Superintendent and make a reasonable effort to schedule the leave so as not to unduly disrupt the regular operation of the Center, subject to the approval of the health care provider.

The Board shall require or the staff member may request that all accrued paid vacation leave, medical or sick leave, or personal leave be used to substitute for the family leave described in this policy. In cases in which the District employs both the husband and the wife, the total amount of family leave is twelve (12) weeks for the couple, except when the leave is due to the serious health condition of either the husband or the wife.

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If the staff member has not earned or accrued adequate paid leave to encompass the entire twelve (12) week leave or twenty-six (26) week period of Service Member Family Leave, the additional weeks of leave to obtain the twelve (12) weeks of Family leave or twenty-six (26) weeks of Service Member Family Leave, the staff member is entitled to take the remainder of the leave unpaid. Whenever a staff member uses paid leave in substitution for unpaid FMLA leave/Service Member Family Leave, such leave counts toward the twelve (12) week/twenty-six (26) week maximum leave allowance provided by this policy.

In the case of a health condition of a family member, the Superintendent is directed to obtain medical certification from the physician of the staff member or his/her family member, including:

- A. the date the serious health condition began;
- B. the probable duration;
- C. appropriate medical facts regarding the condition;
- D. a statement that the staff member is needed to care for the family member; and
- E. an estimate of the amount of time needed for such care.

In the event of the staff member's own health condition, a statement from his/her physician will be required which states that the staff member is unable to perform the functions of his/her position. Any leave or return from leave during the last five (5) weeks of an academic term shall be reviewed individually by the Superintendent to ensure minimal disruption to the students' program.

The Board reserves the right to obtain, at its expense, the opinion of a second health provider and, in the event of conflict, the opinion of a third health provider whose decision shall be binding and final.

The staff member shall provide the District with a statement from his/her physician that s/he is able to assume full-time responsibilities for his/her position.

At the end of any leave described in this policy, the Board shall restore the staff member to his/her former position or to one that is equivalent in responsibility and compensation. During a family leave, the Board shall maintain the staff member's current coverage under the District's health insurance program, but the staff member shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.

Should the staff member elect not to return to work at the end of the leave for reasons other than the continuation, recurrence, or onset of the health condition that gave rise to the leave or for circumstances beyond the control of the staff member, the staff member shall reimburse the District for the health insurance premiums paid by the District during the leave period.

A staff member who fraudulently obtains FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

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The Board may not restore the position of any staff member whose salary is among the highest ten percent (10%) of those paid by the Board when it deems that such staff member's absence from the Center will create a substantial disruption to District operations.

A staff member shall have no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously employed. If the staff member fails to return to work at the end of the leave for reasons other than the continuation, recurrence, or onset of a serious health condition that entitles the staff member to leave pursuant to reasons (C) or (D) on page one or Military Caregiver Leave, or for circumstances beyond the control of the staff member, the staff member shall reimburse the Board for the health insurance premiums paid by the Board during the unpaid FMLA leave period.

A staff member who fraudulently obtains FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

The Superintendent shall provide a copy of this policy upon the request of a staff member.

Family and Medical Act of 1993

P.L. 103-03 Section 107 stat. 6 (1993)

29 U.S.C. 2601 et seq., 29 C.F.R. part 825, 45 C.F.R., Part 160, 164

Adopted: May 12, 1998

Revised: December 8, 2015

Form
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LICKING COUNTY EDUCATIONAL SERVICE CENTER
FAMILY LEAVE REQUEST FORM

3437 / 4437 F1

Name _____ Date _____

School / Building / Dept. _____ Number of days requested _____

Date(s) of leave : Beginning _____ through _____

Type of Family Leave requested (check one)

- Serious personal health condition
- Serious health condition of a family member
- Childbirth
- Adoption or foster care of a child

I understand the policy of the Board regarding family leave and agree to abide by its provisions.
() Copy attached.

EMPLOYEE'S SIGNATURE DATE

PRINCIPAL / SUPERVISOR'S SIGNATURE DATE

SUPERINTENDENT'S APPROVAL DATE

(BEFORE THE SUPERINTENDENT CAN APPROVE THIS REQUEST, FORM 3437 /4437 F2 MUST BE COMPLETED AND RETURNED TO THE SUPT'S OFFICE).

COMMENTS:

Form
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FAMILY LEAVE REQUEST FORM

Name _____

3437/4437 F2

STATEMENT OF THE EMPLOYEE'S HEALTH CARE PROVIDER:

1. Date health-care began _____

2. Probable duration of the condition _____

3. Medical facts related to the condition :

4. The employee named above is needed to care for the indicated family member.

5. The employee will need to provide care for the family member for a period
of _____ .

Physician's Name (signature)

Date

Address

Consulted

(THIS FORM SHALL NOT BE CONSTRUED TO WAIVE THE PHYSICIAN- PATIENT PRIVILEGE).

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MILITARY SERVICE

The Board of Education recognizes that military service rendered by a professional staff member in the defense of our country or in maintaining preparedness is a service benefiting all citizens.

Any newly employed teacher placed on the salary guide shall be credited with one (1) year of District service for each year of military service to a maximum of five (5).

The Board reserves the right to specify certain conditions for the granting of military leave or training leaves of absence. Employees that are members of the armed force and on a "Mobility Roster" will be granted military leave as follows:

Request may be made by those professional staff members who are members of the State Guard, National Guard, Naval Militia, U.S. Army Reserve, U.S. Naval Reserve, U.S. Air Force Reserve, U.S. Marine Corp. Reserve, other organizations affiliated with the reserves or on an order by the Governor of Ohio. Any professional staff member on such leave shall receive compensation in accordance with law during the period of leave and shall accrue seniority status during the period of his/her leave.

All professional staff members shall make every effort to schedule his/her period of training when school is not in session.

If period of training occurs during a school session, the professional staff member shall provide the Superintendent with the name of his/her supervisor in the reserves or the militia so that arrangements may be discussed to alter such service date.

Employees who choose to enlist in the armed forces while employed are exempt from military leave during basic or advanced training. Once reaching reserve status, employees are eligible for military leave if called to active duty.

All other military leave absences are covered by Ohio Revised Code.

R.C. 3319.14, 5903.03, 5923.05
339.01.5

Adopted: May 13, 2003

JOB RELATED EXPENSES

The Governing Board may provide for the payment of the actual and necessary expenses, including traveling expenses, of any classified staff member of the LCESC incurred in the course of performing services for the LCESC, whether within or outside the County, under the direction of the Board and in accordance with the Superintendent's administrative guidelines.

The validity of payments for job-related expenses shall be determined by the Superintendent. All meeting expenses, including qualified meals, shall have proper itemized receipt documentation attached to the appropriate LCESC form when submitted. Qualified meals shall be allowed only if covered in the registration fee or the expenditure involves an overnight stay at such professional meeting or event. However, under no circumstances will classified staff members be reimbursed for the purchase of alcoholic beverages.

The Board shall pay the expenses of classified staff members when they attend meetings approved in accordance with the policy of this Board and in accordance with the administrative guidelines of the Superintendent. Mileage forms shall be submitted on a monthly basis. Any employee submitting for less than \$25.00 for travel expenses shall be reimbursed when the multiple months submitted equals \$25.00 or more. In no case shall a person submit for job related expenses for the previous year (the fiscal year ends June 30th of each year).

These guidelines are to include the following limits for reimbursable mileage costs:

1. If the employee's first and/or last work site is less than the distance from the county office (or assigned site) from their home to office, there is no travel reimbursement.
2. If the first and/or last work site is farther than the distance from the employee's home to the office, the excess of that distance from the employee's home to the office is reimbursable.
3. All mileage between the first and last work site is reimbursable.
4. Any official travel that is over and above the normal work day or week is reimbursable with the exception of "catch-up" time in the office.
5. Mileage to and from the site will utilize actual odometer readings. Please discard the 1991 chart that showed miles from the ESC to many school buildings in Licking County. Many of those building no longer exist and have relocated in new buildings at new addresses. Many of the highways have changed and better routes are available to get from one building to another.
6. The mileage reimbursement is effective July 1, 2015 at 50¢. This policy will need to be reviewed annually.
7. Travel shall be by the most direct and economical route.

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Professional staff members are expected to exercise the same care incurring travel expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Unauthorized costs and additional expenses incurred for personal preference or convenience will not be reimbursed.

Unauthorized expenses include, but are not limited to, alcohol, movies, supplemental insurance on rental cars, fines for traffic violations, and the entertainment/meals/lodging of spouses or personal guests.

This policy does not address every issue, exception, or contingency that may arise in the course of travel. Therefore, check with your supervisor prior to submitting any monthly work related expenses for which you have any additional questions.

Cross Ref: 3213 Student Supervision and Welfare
 3440 Job Related Expenses (Professional Staff)
 6550 Travel Payment and Reimbursement
 8660 Transportation by Private Vehicle

Adopted: April 14, 1998
Revised: June 9, 2015

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RECOGNITION AND AWARDS

The Licking County Educational Service Center (ESC)'s Governing Board is committed to giving appropriate recognition for exemplary contributions to education. The purpose of this policy is to permit the Board to honor such classified staff members, Board members, and non-employees with plaques, pins, awards, and other acknowledgments.

Further, the Governing Board does hereby affirm that the expenses incurred as listed above do serve public purpose and facilitate our educational objectives.

The Governing Board authorizes the establishment of appropriations code(s) for the implementation of this fund. The funds shall be made available from the Board's General Fund.

This policy shall remain in effect until such time as changed by the Governing Board or by law.

Adopted: November 17, 1998

Revised: June 7, 2016

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UNAUTHORIZED WORK STOPPAGE

The Governing Board is obligated and committed to provide certain basic services to students participating in County/District programs. Therefore, if the schools are open and students are in attendance, those basic services will be provided.

Recognizing the fact that a District, for various reasons, could experience an unauthorized work stoppage, the Board remains committed to providing educational and related services to the schools and will fulfill its obligations to operate the schools, when possible.

Classified staff members who fail to perform their normal duties when so required as part of an unauthorized work stoppage will be subject to loss of pay and fringe benefits, including paid insurance coverage, as well as disciplinary measures in accordance with the policies of this Board and the laws of the State.

R.C. 3313.202, 4117.01 et seq.

Adopted: May 12, 1998