



# Employee Handbook

Revised October 2023

### **General District Contact Information**

3011 W. Grand Blvd.  
Detroit, MI 48202  
(313) 240-4377  
[www.detroitk12.org](http://www.detroitk12.org)

**The DPSCD Board of Education does not discriminate on the basis of race, color, national origin, sex, sexual orientation, gender identity, disability, age, religion, height, weight, citizenship, marital or family status, military status, ancestry, genetic information, or any other legally protected category, (collectively, "Protected Classes") that are protected by Federal or State civil rights laws, in its educational programs and activities, including employment and admissions opportunities.**

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### WELCOME



**Welcome to Detroit Public Schools Community District**, Michigan's largest public education system. Thank you for your service and dedication to Detroit's children.

We are opening a new chapter in our journey toward becoming one of the nation's top performing urban school districts, creating lifelong learners equipped with the appropriate skills and competencies to be contributing members of society. Whether your contribution is in the classroom, transporting or feeding students so they are ready to learn, ensuring clean and safe learning environments, or managing District resources, your efforts are critical to achieving our shared goal. So, while our job descriptions may vary, our focus is the same: student success.

With your continued dedication and support, we will move closer to the goal of excellence in all that we do for students every day in every classroom throughout the District.

Students Rise. We All Rise.

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## ABOUT THIS HANDBOOK

The DPSCD Employee Handbook applies to all DPSCD employees, unless otherwise noted.

The DPSCD Employee Handbook is intended to be a guide for employees regarding DPSCD policies, administrative regulations, procedures and guidelines. The current version of the Employee Handbook can be found in PDF format on the District's [Human Resources site](#), and can be accessed via the Hub. This Handbook is current as of the date on the cover of this document.

Each employee is required to be knowledgeable about the policies and regulations of DPSCD and adhere to them in good-faith. The Employee Handbook does not contain all DPSCD policies, administrative regulations, procedures and/or guidelines that apply to employees, and may contain paraphrased versions of policies. The most complete and up to date version of policies, administrative regulations, procedures and/or guidelines, in their original text, can be accessed via BoardDocs, here: <https://go.boarddocs.com/mi/detroit/Board.nsf/Public>.

The Handbook is not a contract of employment, either expressed or implied.

The contents in this Handbook do not supersede any contractual obligation on behalf of DPSCD, or applicable State and/or Federal and/or local laws applicable to the District. If there is a conflict between the information in this Handbook and any law, rule, policy, or regulation of the United States, state of Michigan, city of Detroit, Michigan Board of Education, Detroit Board of Education or Detroit Public Schools Community District, the law, rule, policy or regulation is the controlling authority.

DPSCD reserves the right to revise, expand, or discontinue the information contained in this Handbook at any time. Only the Superintendent and/or the Superintendent's designee and/or Detroit Public Schools Community District Board of Education may approve such changes.

If any provision of this Handbook is held invalid, such invalidity shall not affect other provisions of this Handbook.

No handbook can include or anticipate every issue, question, or concern that may arise. When in doubt, please ask before you make a decision that could violate a law or policy and endanger your employment with the District.

Questions regarding the contents of this Handbook should be directed to the following:

- Your immediate supervisor
- Your assigned administrator
- Carrie S. Bryant, Senior Executive Director of Employee Relations, Employee Health Services and Benefits ([employee.relations@detroitk12.org](mailto:employee.relations@detroitk12.org))

## Superintendent



**Nikolai P. Vitti, Ed.D**  
Superintendent  
[nikolai.vitti@detroitk12.org](mailto:nikolai.vitti@detroitk12.org)

## Cabinet

**Nidia Ashby**  
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**Sharlonda Buckman**  
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**Ben Jackson**  
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**Machion Jackson**  
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**Jeremy Vidito**  
Chief Financial Officer  
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**Chrystal Wilson**  
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**Alycia Meriweather**  
Deputy Superintendent of External Partnerships and  
Innovation  
[alycia.meriweather@detroitk12.org](mailto:alycia.meriweather@detroitk12.org)

## Key Departmental Leadership

**Bernadette Kakooza**  
Inspector General  
[bernadette.kakooza@detroitk12.org](mailto:bernadette.kakooza@detroitk12.org)

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## DPSCD BOARD OF EDUCATION ADMINISTRATION

Detroit Public Schools Community District welcomed its new Board of Education at a public swearing-in ceremony at Cass Technical High School on January 11, 2017. The ceremony officially ushered in the return of the school district to local control under the governance of the seven-member board. The purpose of the locally elected Board is to serve as the governing body of the District and to provide public education services to children residing within the geographic boundaries of the City of Detroit. The Board is fundamentally a policy-making or legislative body rather than an administrative body. It is the responsibility of the Board to see that schools are operated properly, and not to administer them directly.

The term of a member of the elected Board shall begin on January 1 following the member's election, has duration as provided by law, and continues until a successor is elected and qualified.

### Members of the Board



**Angelique Peterson-Mayberry,  
President**  
Term Ending 12/31/2026



**Misha Stallworth,  
Vice President**  
Term Ending 12/31/2024



**Dr. Iris Taylor, Secretary**  
Term Ending 12/31/2026



**Sonya Mays, Treasury**  
Term Ending 12/31/2024



**Sherry Gay-Dagnogo**  
Term Ending  
12/31/2024



**LaTrice McClendon**  
Term Ending 12/31/2026



**Bishop Corletta J.  
Vaughn**  
Term Ending  
12/31/2026

### Secretary to the Board

**Vania Moore**  
Phone: (313) 873-7861  
Fax: (313) 873-3284

### General Board Contact Information

3011 W. Grand Boulevard  
12th Floor, Fisher Building  
Detroit, MI 48202  
(313) 240-4377

### Board Meetings

The DPSCD Board hosts [monthly board meetings](#) and sub-committee meetings. In addition, the Board hosts quarterly community meetings for the general public to learn about the latest news. Board meetings are held in-person, and online via the following link: <https://www.detroitk12.org/boardmeeting>. Please check the [calendar](#) for the most current locations, dates, and times. All meetings are subject to change.

Board meeting agendas and minutes are available on [BoardDocs](#).

### In-Person Public Comment

Members of the public are welcome to address the Board during "Public Comment." Individuals wishing to address the Board must register and receive an identification number. The Chair will call the numbers for individuals to address the Board during Public Comment. Please remain seated until your number is called.

### Virtual Public Comment

Virtual Public Comment will be facilitated through the Zoom Webinar platform. To register, you must use the "Raise Hand" feature to indicate that you wish to participate in virtual public comment. Via your computer, select the "raise your hand" option on the screen. Via your telephone, press \*9 to raise your hand. The meeting administrator will select the individuals in the order received. You will remain muted until it is your time to speak.

This link is to participate in public comment only; the meeting will not be broadcasted in this space:

Join by Computer: <https://bit.ly/DPSCDBoardMeetings> (please copy and paste link)

Join by Telephone: 1 (301) 715-8592

Webinar ID: 82002207102#

All comments will be limited to three (3) minutes.

### Accessibility

If you require accessibility assistance for meetings, please contact the Division of Operations at (313) 873-6532, in advance of an upcoming meeting.





## MISSION

We educate and empower every student, in every community, every day, to build a stronger Detroit.

## VISION

All students will have the knowledge, skills and confidence necessary to thrive in our city, our nation, our world.

## CORE VALUES

### Students First

Make decisions that are in the best interest of students. Use every resource strategically so that we can meet students' individual needs.

### Excellence

Be relentless in your pursuit of greatness. Be bold and innovate. Learn from your mistakes. Hold yourself and others to high standards.

### Integrity

Do the right thing, even when no one is looking. Be honest. Be trustworthy. Be accountable.

### Equity

Diversity is an asset that makes us stronger. Advocate for the needs of others. Ensure that all members of our community have access to the tools and resources they need to be successful.

### Service

Listen. Empathize. Respond. Own problems and help to solve them.

### Tenacity

Embrace hard work and persevere in the face of challenges. Follow through on your commitments and strive to do your best, no matter what.

**Students Rise.  
We All Rise.**

# BLUEPRINT 2023

## PRIORITIES



### Transformative Culture

Build and sustain strong school cultures where everyone feels loved, challenged, and prepared.



### Outstanding Achievement

Offer differentiated learning experiences that dramatically accelerate the academic experience of all students and to ensure they are college and career ready.



### Whole Child Commitment

Provide students with opportunities and resources to meet their physical and mental health needs, explore their interests, and honor their identities.



### Exceptional Talent

Build an excellent, effective team of dedicated staff to serve our students in a variety of settings.



### Responsible Stewardship

Ensure sustainable, transparent, and equitable deployment of resources to support safety and success.

DPSCD does not discriminate on the basis of race, color, national origin, sex, sexual orientation, gender identity, disability, age, religion, height, weight, citizenship, marital or family status, military status, ancestry, genetic information, or any other legally protected category, in its educational programs and activities, including employment and admissions. Questions? Concerns? Contact the Civil Rights Coordinator at (313) 240-4377 or [dpscd.compliance@detroitk12.org](mailto:dpscd.compliance@detroitk12.org) or 3011 West Grand Boulevard, 14<sup>th</sup> Floor, Detroit MI 48202.



# BE PART OF OUR RISE!

Detroit Public Schools Community District | 2023-2024 Academic Calendar

## KEY

<span style="background-color: yellow; border: 1px solid black; padding: 2px;">TW</span>	Teacher Workday
<span style="background-color: orange; border: 1px solid black; padding: 2px;">FDS</span>	First Day of School
<span style="background-color: brown; border: 1px solid black; padding: 2px;">PD</span>	District Professional Development Day All Schools
<span style="background-color: red; border: 1px solid black; padding: 2px;"></span>	School-Based Professional Development
<span style="background-color: pink; border: 1px solid black; padding: 2px;">LDSS</span>	Last Day of School for Students
<span style="background-color: purple; border: 1px solid black; padding: 2px;">TRD</span>	Teacher Records Day
<span style="background-color: lightblue; border: 1px solid black; padding: 2px;"></span>	Student Make-Up Days due to Emergency Cancellations or Inadequate Staff Attendance at Districtwide PD Days
<span style="background-color: lightgray; border: 1px solid black; padding: 2px;">CD</span>	Membership Count Days
<span style="background-color: blue; border: 1px solid black; padding: 2px;">PTC</span>	Parent Teacher Conferences
<span style="background-color: lightblue; border: 1px solid black; padding: 2px;">PTC-h</span>	Parent Teacher Conferences - High School
<span style="background-color: green; border: 1px solid black; padding: 2px;">RC</span>	Report Card Day
<span style="background-color: lightgreen; border: 1px solid black; padding: 2px;">Q</span>	Semester/Quarter Boundary
<span style="background-color: olive; border: 1px solid black; padding: 2px;">DRH</span>	District Recognized Holiday
<span style="background-color: black; border: 1px solid black; padding: 2px;"></span>	Schools Closed

## PARENT-TEACHER CONFERENCES

K-8<sup>th</sup> Grade:  
October 18 and March 20

9<sup>th</sup> -12<sup>th</sup> Grade:  
October 11 and March 13

- August 21 is the reporting day for teachers
- August 28 is the reporting day for students
- June 7 is the last day of school for students
- June 11 is the last day for teachers

Make up days for students and staff are pre-scheduled for June 12-21 in the event they are required due to emergency closure or inadequate staff attendance at PD days.

### FIRST SEMESTER

MON TUE WED THU FRI

#### AUGUST 2023

PD1	PD2	TW	24	25	STUDENTS PRESENT	STAFF PRESENT
FDS	29	30	31		4	7

#### SEPTEMBER 2023

DRH	5	6	7	8	1	
11	12	13	14	15		
18	19	20	21	22		
25	26	27	28	PD3	18	19

#### OCTOBER 2023

2	3	CD	5	6		
9	10	PTC-h	12	13		
16	17	PTC	19	20		
23	24	25	26	27		
Q1	Q2				22	22

#### NOVEMBER 2023

	1	2	3			
RC	PD4	8	9	10		
13	14	15	16	17		
20	21	22	DRH	24		
27	28	29	30		18	19

#### DECEMBER 2023

		1				
4	5	6	7	8		
11	12	13	14	15		
18	19	20	21	22		
DRH	26	27	28	29	16	16

Students present for 175 days  
Staff present for 183 days

### SECOND SEMESTER

MON TUE WED THU FRI

#### JANUARY 2024

DRH	2	3	4	5	STUDENTS PRESENT	STAFF PRESENT
8	9	10	11	12		
DRH	16	17	Q2	Q3		
22	23	24	RC	26		
PD5	30	31			16	17

#### FEBRUARY 2024

			1	2		
5	6	7	8	9		
12	13	CD	15	16		
19	20	21	22	23		
26	27	28	29		16	16

#### MARCH 2024

			1			
4	5	6	7	8		
11	12	PTC-h	14	15		
18	19	PTC	21	22		
25	26	27	28	DRH	16	16

#### APRIL 2024

1	Q3	Q4	4	5		
8	9	10	RC	12		
15	16	17	18	19		
22	23	24	25	26		
29	30				22	22

#### MAY 2024

		1	2	3		
6	7	8	9	10		
13	14	15	16	17		
20	21	22	23	24		
DRH	28	29	30	31	22	22

#### JUNE 2024

3	4	5	6	LDSS		
PD6	TRD	12	13	14		
17	18	DRH	20	21		
24	25	26	27	28	5	7

[detroitk12.org](https://detroitk12.org)



DPSCD does not discriminate on the basis of race, color, national origin, sex, sexual orientation, gender identity, disability, age, religion, height, weight, citizenship, marital or family status, military status, ancestry, genetic information, or any other legally protected category, in its educational programs and activities, including employment and admissions. Questions? Concerns? Contact the Civil Rights Coordinator at (313) 240-4377 or [dpscd.compliance@detroitk12.org](mailto:dpscd.compliance@detroitk12.org) or 3011 West Grand Boulevard, 14<sup>th</sup> Floor, Detroit MI 48202.

**FOR INFORMATION ON:**

**VIEW RESOURCES:**

<b>The Hub:</b> District info, news, events, and updates (internal)	<ul style="list-style-type: none"> <li>Hub: <a href="http://hub.detroitk12.org">hub.detroitk12.org</a></li> </ul>
<b>DPSCD Website:</b> District info, news, events and updates (external)	<ul style="list-style-type: none"> <li>Web: <a href="http://www.detroitk12.org">www.detroitk12.org</a></li> </ul>
<b>Annual Performance Evaluations</b>	<ul style="list-style-type: none"> <li>Hub: <a href="#">Evaluations</a></li> <li>Email: <a href="mailto:dpscd.evaluations@detroitk12.org">dpscd.evaluations@detroitk12.org</a></li> </ul>
<b>Benefits:</b> medical, dental, vision, and life insurance plans	<ul style="list-style-type: none"> <li>Hub: <a href="#">Employee Benefits</a></li> <li>Web: <a href="http://www.detroitk12.bswift.com">http://www.detroitk12.bswift.com</a></li> <li>Email: <a href="mailto:dps.benefits@detroitk12.org">dps.benefits@detroitk12.org</a></li> </ul>
<b>Civil Rights Complaints:</b> discrimination, retaliation, harassment	<ul style="list-style-type: none"> <li>Email: <a href="mailto:dpscd.compliance@detroitk12.org">dpscd.compliance@detroitk12.org</a></li> </ul>
<b>Collective Bargaining Agreements</b>	<ul style="list-style-type: none"> <li>Web: <a href="https://www.detroitk12.org/Page/7268">https://www.detroitk12.org/Page/7268</a></li> </ul>
<b>Disability Accommodations:</b> Americans with Disabilities Act (ADA)	<ul style="list-style-type: none"> <li>Hub: <a href="#">Employee Health Services</a></li> <li>Web: <a href="https://www.detroitk12.org/Page/5023">https://www.detroitk12.org/Page/5023</a></li> <li>Email: <a href="mailto:dps.ehs@detroitk12.org">dps.ehs@detroitk12.org</a></li> <li>Phone: (313) 870-5541</li> </ul>
<b>Employee Assistance Program (EAP)</b>	<ul style="list-style-type: none"> <li>Web: <a href="http://LifeAdvisorEAP.com">LifeAdvisorEAP.com</a></li> </ul>
<b>Employee Disclosures</b>	<ul style="list-style-type: none"> <li>Hub: <a href="#">Employee Disclosures</a></li> <li>Email: <a href="mailto:employee.disclosures@detroitk12.org">employee.disclosures@detroitk12.org</a></li> </ul>
<b>Employee ID Badges</b>	<ul style="list-style-type: none"> <li>Email: <a href="mailto:info.ccblu@detroitk12.org">info.ccblu@detroitk12.org</a></li> </ul>
<b>Employee Misconduct and Discipline</b>	<ul style="list-style-type: none"> <li>Hub: <a href="#">Employee Relations</a></li> <li>Email: <a href="mailto:employee.relations@detroitk12.org">employee.relations@detroitk12.org</a></li> </ul>
<b>Employee Records:</b> name, address and number changes, personnel files	<ul style="list-style-type: none"> <li>Email: <a href="mailto:hr.records@detroitk12.org">hr.records@detroitk12.org</a></li> </ul>
<b>Employment Verification Requests:</b> Loan forgiveness, wage verification, employment letters	<ul style="list-style-type: none"> <li>Email: <a href="mailto:dps.employmentverification@detroitk12.org">dps.employmentverification@detroitk12.org</a></li> <li>Web: <a href="http://www.detroitk12.org/VOE">www.detroitk12.org/VOE</a></li> </ul>
<b>Fundraising</b>	<ul style="list-style-type: none"> <li>Hub: <a href="#">Treasury</a></li> <li>Web: <a href="https://www.detroitk12.org/Page/7333">https://www.detroitk12.org/Page/7333</a></li> </ul>
<b>Furniture and Equipment Removal (Warehouse Services)</b>	<ul style="list-style-type: none"> <li>Hub: <a href="#">Operations</a></li> <li>Web: <a href="https://www.detroitk12.org/Page/14003">https://www.detroitk12.org/Page/14003</a></li> </ul>
<b>Medical Leave:</b> Family and Medical Leave Act (FMLA), Illness	<ul style="list-style-type: none"> <li>Hub: <a href="#">Employee Health Services</a></li> <li>Web: <a href="https://www.detroitk12.org/Page/5023">https://www.detroitk12.org/Page/5023</a></li> <li>Email: <a href="mailto:dps.ehs@detroitk12.org">dps.ehs@detroitk12.org</a></li> <li>Phone: (313) 870-5541</li> </ul>
<b>Office of Inspector General:</b> Fraud, Waste and Abuse, conflicts of interest, whistleblower complaints	<ul style="list-style-type: none"> <li>Hub: <a href="#">Office of Inspector General</a></li> <li>Email: <a href="mailto:inspectorgeneral@detroitk12.org">inspectorgeneral@detroitk12.org</a></li> <li>Phone: 313-870-5664</li> </ul>
<b>Payroll:</b> regular, supplemental, and retroactive pay, direct deposit, time corrections, deposit requests, garnishments, reimbursements, and W-2 and W-4 requests	<ul style="list-style-type: none"> <li>Hub: <a href="#">Payroll</a></li> <li>Web: <a href="https://www.detroitk12.org/Page/9002">https://www.detroitk12.org/Page/9002</a></li> </ul>
<b>Professional Learning Opportunities and SCECHs</b>	<ul style="list-style-type: none"> <li>Hub: <a href="#">Professional Growth</a></li> <li>Email: <a href="mailto:info.pd@detroitk12.org">info.pd@detroitk12.org</a></li> </ul>
<b>Public Safety</b>	<ul style="list-style-type: none"> <li>Web: <a href="https://www.detroitk12.org/police">https://www.detroitk12.org/police</a></li> </ul>
<b>Recruitment and Staffing:</b> recruitment, onboarding, staffing support, and transfers	<ul style="list-style-type: none"> <li>Hub: <a href="#">Recruitment &amp; Staffing</a></li> <li>Email: <a href="mailto:recruitment@detroitk12.org">recruitment@detroitk12.org</a></li> </ul>
<b>Retirement (Michigan Office of Retirement Service)</b>	<ul style="list-style-type: none"> <li>Web: <a href="https://www.michigan.gov/ors">https://www.michigan.gov/ors</a></li> </ul>
<b>Risk Management:</b> workers' compensation, employee injury reporting, theft, and damage reporting	<ul style="list-style-type: none"> <li>Hub: <a href="#">Risk Management</a></li> <li>Web: <a href="https://www.detroitk12.org/Page/9012">https://www.detroitk12.org/Page/9012</a></li> </ul>
<b>Substitute Teachers:</b> requesting substitute teacher, substitute teacher assignments, substitute teacher pay	<ul style="list-style-type: none"> <li>Email: <a href="mailto:devonna.harvey@detroitk12.org">devonna.harvey@detroitk12.org</a></li> <li>Email: <a href="mailto:andrea.davis@detroitk12.org">andrea.davis@detroitk12.org</a></li> </ul>
<b>Technology</b>	<ul style="list-style-type: none"> <li>Hub: <a href="#">Technology</a></li> <li>Web: <a href="https://www.detroitk12.org/Page/7737">https://www.detroitk12.org/Page/7737</a></li> </ul>



## RULES, POLICIES, PROCEDURES AND/OR GUIDELINES

### GENERAL EMPLOYMENT

#### ANTI-DISCRIMINATION, ANTI-RETALIATION AND EEO

The Board of Education's intent is to provide an environment that fosters the respect and dignity of each person. To this end, the Board is committed to maintaining an environment free of discrimination, unlawful harassment and intimidation in its educational programs and activities, and employment and admissions opportunities.

Prohibited conduct includes that which has the purpose or effect of creating an intimidating, hostile, discriminatory, or offensive environment on the basis of race, color, national origin, sex, sexual orientation, gender identity, disability, age, religion, height, weight, citizenship, marital or family status, military status, ancestry, genetic information and/or any other legally protect category (collectively, "Protected Classes"). Acts of discrimination and/or harassment against staff, students, community members, administration, Board members or third parties (e.g. visiting speaker, contract worker, vendor, athletic team member, volunteer, parent, etc.) is strictly forbidden. Any employee who is found to have violated Board Policy 0145 and any other applicable District policy will be subject to discipline.

The following individual serves as a District "Compliance Officer" (also known as "Civil Rights Coordinator"):

Jenice C. Mitchell Ford  
General Counsel, Office of General Counsel  
3011 W. Grand Blvd., 10th Floor  
Detroit, MI 48202  
[dpscd.compliance@detroitk12.org](mailto:dpscd.compliance@detroitk12.org)

The Civil Rights Coordinator(s) is responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, retaliation, or denial of equal access. The Civil Rights Coordinator(s) will receive all complaints related to civil rights and will disseminate them to the applicable department for resolution and/or investigation. Although the Civil Rights Coordinator(s) will disseminate to the applicable department, it will also oversee any investigation of any complaints of discrimination based on disability and will attempt to resolve such complaints.

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce 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 report, formal complaint, testified, assisted or participated or refused to participate 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.

Retaliation against a person for making a report of discrimination, alleging unlawful harassment/retaliation, filing a formal complaint, or participating in an investigation or meeting is prohibited and can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

To file a complaint of discrimination or retaliation, please utilize the Investigation and Complaint Procedures referenced in Board Policy 2260. Employees are required to promptly report incidents of unlawful discrimination and/or retaliation to an administrator, supervisor, or other District official so that the District may address the conduct.

**Refer to:** [Board Policy 0145](#), [Board Policy 1422](#), [Board Policy 2260](#), [Board Policy 3122.02](#), and [Board Policy 3123](#)

#### ANTI-HARRASSMENT

##### General Statement

It is the policy of the Board of Education to maintain an education and work environment that is free from all forms of

unlawful harassment, including sexual harassment. This commitment applies to all School District 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. Board Policy 1662 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 discriminatory harassment based on race, color, national origin, sex, sexual orientation, gender identity, disability, age, religion, height, weight, citizenship, marital or family status, military status, ancestry, genetic information, or any other legally protected category protected by Federal or State civil rights laws (hereinafter referred to as "unlawful harassment"), and encourages those within the School District community as well as Third Parties (including, but not limited to, guests and/or visitors on School District property, and vendors doing business with, or seeking to do business with, the Board), who feel aggrieved to seek assistance to rectify such 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, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

### **Reports and Complaints of Harassing Conduct**

To file a complaint of harassment, please use the Investigation and Complaint Procedures in Board Policy 2260.

Civil Rights Coordinator(s)/Compliance Officer(s) ([dpscd.compliance@detroitk12.org](mailto:dpscd.compliance@detroitk12.org)) will receive all complaints related to civil rights, including complaints of unlawful harassment. All employees must report incidents of harassment that are reported to them to the Civil Rights Coordinator(s)/Compliance Officer(s) ([dpscd.compliance@detroitk12.org](mailto:dpscd.compliance@detroitk12.org)) within two (2) days of learning of the incident Civil Rights Coordinator(s) will disseminate the complaints to the applicable department for resolution and/or investigation.

### **Allegations Constituting Criminal Conduct: Child Abuse**

State law requires any school teacher or school employee who knows or suspects that a child with a disability under the age of twenty-one (21) or that a child under the age of eighteen (18) has suffered or faces a threat of suffering a physical or mental wound, disability or condition of a nature that reasonably indicates abuse or neglect of a child to immediately report that knowledge or suspicion to the county children's services agency.

**Refer to:** [Board Policy 1662](#) and **Appendix Pages 4-7**, [Board Policy 2260](#), and [Board Policy 3123](#)

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## **COMPENSATION AND BENEFITS**

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### **FAIR LABOR STANDARDS ACT (FLSA) AND OVERTIME**

#### **FLSA**

It is the Board of Education's policy to comply with the provisions of the Fair Labor Standards Act (FLSA) and its implementing regulations. The Board will pay at least the minimum wage required by the FLSA to all covered, non-exempt employees. Non-exempt employees are hourly employees, or salaried employees who do not qualify for a professional, administrative, computer or executive exemption under the FLSA. Teachers are generally exempt, even if they are paid on an hourly basis.

Non-exempt employees who work more than forty (40) hours in a given workweek will receive overtime pay in accordance with the FLSA for all hours worked in excess of forty (40).

Non-exempt employees who work overtime without prior approval from the Superintendent or a supervisor may be subject to disciplinary action up to and including termination.

The workweek is established as Saturday 12:00 AM to Friday 11:59 PM.

To the extent that an employee's individual contract or collective bargaining agreement provides for greater benefits than mandated by the FLSA, the contractor bargaining agreement will be honored.

**Refer to:** [Board Policy 6700](#)

## Overtime

Employees, except for those identified as exempt under the Fair Labor Standards Act (FLSA) and state law, are entitled to overtime pay when he/she works more than forty (40) hours in a workweek in one or more positions. Employees must be authorized or required to work more than forty (40) hours to receive overtime pay. In working overtime, employees shall receive compensation at not less than one and one half (1.5) times the regular rate at which the employee is employed for actual hours worked in excess of forty (40) hours. Under federal law, there is no limit on the number of hours employees aged sixteen (16) and older may work in any workweek. Overtime pay is not required for work on Saturdays, Sundays, holidays or regular days of rest unless overtime is worked on such days.

Employees who work overtime without prior approval may be subject to disciplinary action up to and including termination.

The District may change an employee's work schedule without giving prior notice or obtaining the employee's consent unless otherwise subject to provisions of a Collective Bargaining Agreement or prior agreement with the employee.

**Refer to:** [Board Policy 6515](#)

## Work Hours

Work hours are established by individual work-sites/schools and in conjunction with any specified provisions in collective bargaining agreements for individual roles. School administrators are expected to be present at schools before arrival and after dismissal.

[District central office regular operational hours are 8:30 am to 5:00pm.](#)

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## PAYROLL

### Direct Deposit, Deductions, and Overpayments

Payment of wages shall be by use of direct deposit or payroll debit card except as provided otherwise pursuant to a collective bargaining agreement. Employees' selection between payment by direct deposit or electronic transfer and any subsequent change in election shall be done freely, without intimidation, coercion, or fear of discharge or reprisal for the choice. The District shall pay any fees or costs incurred in connection with paying wages or establishing a process for paying wages by direct deposit and payroll debit card.

If a situation arises in which an employee has been overpaid either in salary/wages or fringe benefits, the amount may be deducted from future payments as permissible.

If the District pays any amount of an employee's debt resulting from a default judgment under the State garnishment law, the District may deduct that amount from the employee's future payments as permissible.

The District recognizes that with limited permissible exceptions, as provided by law and as authorized, no deductions should be taken from the salaries of exempt employees.

### Payroll Calendar and Pay Frequency Change Requests

Salaried DFT 10-month employees who wish to make a change to their current pay frequency (i.e., electing compensation in 26 equal payments, or in 22 equal payments) can do so by following the electronic pay frequency change request process (paper and email requests are no longer accepted), by the deadline published on the Hub. More information is available on the Hub at <https://detroitk12.sharepoint.com/sites/HumanResources/SitePages/2023-2024-Pay-Frequency-Change-Request-for-DFT-10-month-Salaried-Staff.aspx>

### Additional Work Assignments and Additional Stipend Payments

The District may offer additional work assignments to employees based on available funding. These assignments are hourly, and employees are only paid for the actual time worked. No time is paid for District closures, holidays or employee absences for sick or vacation time. Additional work assignments include but are not limited to Summer School, after school, credit recovery, or tutoring programs. Employee pay rate is negotiated based on each employees union.

The District may offer additional stipend payments to employees based on available funds. Employees must complete all the activities outlined in the stipend, then will receive one lump sum payment for completion of the activities. The District reserves the right to not pay stipends if the employee does not complete the activities.

An employee may not start working an additional work assignment or additional stipend payment until they are hired into the role by Human Resources. Administrators must not to permit employees to work in an additional work assignment until the assignment is approved and the employee is hired into the assignment by Human Resources.

## Employee Self-Service Portal

Employees may access a variety of information through the PeopleSoft HCM / Payroll Employee Self Service Portal on the Hub.

- View Paystub
- Update W-4 Deductions
- Access W-2s Online

Access the Hub by clicking the following link and signing in with your DPSCD credentials: [DPSCD Hub](#).

Refer to: [Board Policy 6510](#), [Board Policy 6520](#), and <https://www.detroitk12.org/Page/9002>

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## BENEFITS

Kapnick Insurance Group administers the District's health, dental, vision and life insurance plans. Employees have access to an online portal at <https://detroitk12.bswift.com/> where they enroll in benefits, complete life event changes and print additional copies of their benefit confirmation statement.

Kapnick assists District employees through the Benefits Solution Center. Employees can reach the Benefits Solution Center Monday – Friday, 8:30am – 5:00pm, via phone at (888) 447-9038, and via email at [servicecenter@kapnick.com](mailto:servicecenter@kapnick.com). The Benefits Solution Center can assist with the following:

- |                                   |                                  |
|-----------------------------------|----------------------------------|
| • Online Enrollment               | • Claim Assistance               |
| • Explanation of Benefits         | • Life Status Events             |
| • ID Card Reorders                | • Benefit Plan Provisions        |
| • Carrier Information             | • FSA Account Balances/Inquiries |
| • Finding Participating Providers | • COBRA Assistance               |

Employees can find out more about their **retirement benefits** at the Michigan Office of Retirement Services website: [www.michigan.gov/orsschools](http://www.michigan.gov/orsschools).

## Who to Contact

COVERAGE	PHONE	WEBSITE/E-MAIL
Benefits Enrollment: DPSCD Online Benefit Center	Online Only	<a href="https://detroitk12.bswift.com/servicecenter@kapnick.com">https://detroitk12.bswift.com/servicecenter@kapnick.com</a>
Benefits Support: DPSCD Benefits Solution Center	(888) 447-9038	<a href="https://detroitk12.bswift.com/servicecenter@kapnick.com">https://detroitk12.bswift.com/servicecenter@kapnick.com</a>
<b>Medical and RX Plans</b>		
BCN	(800) 662-6667	<a href="http://www.bcbsm.com">www.bcbsm.com</a>
BCBSM	(800) 752-1455	<a href="http://www.bcbsm.com">www.bcbsm.com</a>
HAP	(800) 422-4641	<a href="http://www.hap.org">www.hap.org</a>
<b>Dental Plan</b>		
Delta Dental	(800) 524-0149	<a href="http://www.deltadentalmi.com">www.deltadentalmi.com</a>
<b>Vision Plan</b>		
Heritage Vision Plans	(800) 252-2053	<a href="http://www.heritagevisionplans.com">www.heritagevisionplans.com</a>

Heritage Hearing Value Add	(833) 934-0222	<a href="http://www.amplifonusa.com/heritagevisionplans">www.amplifonusa.com/heritagevisionplans</a>
<b>Tax-Deferred Annuity Plan – 403(b)/457</b>		
Omni Group – TDA Administrator	(877) 544-6664	<a href="http://www.omni403b.com">www.omni403b.com</a>
<b>Life Insurance</b>		
Securian	(866) 293-6047	<a href="http://www.lifebenefits.com">www.lifebenefits.com</a>
<b>Flexible Spending Accounts</b>		
Kapnick Flex	(800) 550-3539	<a href="https://kigflex.lh1ondemand.com/flex@kapnick.com">https://kigflex.lh1ondemand.com/flex@kapnick.com</a>
<b>Retirement and Group ORS</b>		
Michigan Office of Retirement Services	(800) 381-5111	<a href="http://www.michigan.gov/orsschools">http://www.michigan.gov/orsschools</a>

Refer to: [Board Policy 1619](#) and <https://www.detroitk12.org/Page/9007>

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## EMPLOYEE ASSISTANCE PROGRAM (EAP)

The District believes that early recognition and treatment for mental health problems, illegal drug use or controlled substance abuse, emotional problems, and other personal concerns is important for successful rehabilitation, return to productive work, and reduced personal, family, and social disruption.

Whenever feasible, the District will assist staff members in overcoming either work-related or personal issues. The District's Employee Assistance Program (EAP) is available to all staff members and it provides professional, confidential, voluntary counseling and other assistance.

EAP provides a short-term intervention strategy and is designed to provide staff the opportunity to promptly address issues of immediate concern to them and their families. The EAP can assist staff members who require longer-term assistance to source an appropriate alternative provider.

Assistance through the EAP will be provided on a confidential basis, and each staff member will be referred to the appropriate treatment and counseling services.

### Employee Assistance Program

For confidential assistance in many areas, including relationship and family concerns, death of a loved one, stress, anxiety, depression, substance abuse, eldercare referrals, childcare referrals, financial referrals, and legal referrals, contact Ulliance at (800) 448-8326 or visit [www.LifeAdvisorEAP.com](http://www.LifeAdvisorEAP.com).

The decision to seek diagnosis and accept treatment and support 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 Employee.

Although the District will assist a staff member to the extent feasible through the Employee Assistance Program, the District cannot guarantee that the staff member's use of illegal drugs or abuse of alcohol or controlled substances will not impact adversely the staff member's employment status through disciplinary procedures.

Refer to: [Board Policy 4170.01](#) and <https://www.detroitk12.org/Page/9008>

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## EMPLOYEE EVALUATIONS

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### SCHOOL ADMINISTRATOR EVALUATIONS

The school administrators evaluation system shall ensure that if an administrator is rated as minimally effective or ineffective, the person(s) conducting the evaluation shall develop and require the school administrator to implement an improvement plan to correct the deficiencies. The improvement plan shall recommend professional development opportunities and other measures designed to improve the rating of the administrator on his/her next annual year-end

evaluation. An administrator rated as "ineffective" on three (3) consecutive year-end evaluations must be dismissed from employment with the District. This subdivision does not affect the ability of the District to dismiss a school administrator from his/her employment regardless of whether the school administrator is rated ineffective on three (3) consecutive evaluations.

**Refer to:** [Board Policy 1420](#)

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## PROFESSIONAL STAFF EVALUATIONS

Employees' job performance is evaluated at least annually in a year-end evaluation, while providing timely and constructive feedback. Teachers rated highly effective on three (3) consecutive year-end evaluations may be evaluated every other year, at the District's discretion. If a professional staff member, after receiving a reasonable degree of assistance, fails to perform his/her assigned responsibilities in a satisfactory manner, dismissal, or non-renewal procedures may be invoked. A teacher rated as "ineffective" on three (3) consecutive year-end evaluations must be dismissed from employment as a teacher with the District. In such an instance, all relevant evaluation documents may be used in the proceedings. This subdivision does not affect the ability of the District to dismiss a teacher from his/her employment regardless of whether professional staff are rated ineffective on three (3) consecutive evaluations.

If a non-probationary teacher is rated as ineffective on an annual year-end evaluation, the teacher may request a review of the evaluation and the rating by the Superintendent.

**Refer to:** [Board Policy 3220](#)

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## LEAVES AND ACCOMMODATIONS

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### LEAVE TYPES

The District recognizes the importance of providing leave benefits to its employees. Leave benefits are provided in accordance with State and Federal Regulations. An overview of leave types is available in Board Policy 3430.

**Refer to:** [Board Policy 3430](#)

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### SICK LEAVE ABUSE

Sick leave is to be used in accordance with District policies, practices, and guidelines in order to prevent and deter sick leave abuse. District employees and agents shall immediately report all instances of suspected sick leave abuse to the Superintendent and/or his designee.

**Refer to:** [Board Policy 3432](#) and [Board Policy 4432](#)

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### FMLA

In accordance with Federal law, the District shall provide up to twelve (12) weeks of unpaid FMLA leave in any twelve (12) month period to eligible employees. FMLA leave is granted for the following reasons:

- A-1: the birth of a child and/or the care of a newborn child within one (1) year of the child's birth;
- B-1: the placement of a child with the staff member by way of adoption or foster care and/or to care for the child within one (1) year of the child's arrival;
- C-1: the staff member is needed to care for a spouse, parent or dependent child if such individual has a serious health condition, or
- D-1: the staff member's own serious health condition prevents him/her from performing the functions of his/her position.



Service Member FMLA provides eligible employees unpaid leave for one, or for a combination of specific reasons, as listed in Board Policy 3430.01. An eligible employee may take up to twenty-six (26) workweeks of leave during a single twelve (12) month period to care for a service member who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

#### **When to Apply for FMLA Leave**

Whenever the leave is foreseeable, the employee shall provide the District with thirty (30) days' advance notice. If there is insufficient time to provide such notice because of unforeseeable events, the employee shall provide such notice as soon as possible and practical, generally not later than the next business day after the employee realizes the need for leave. Failure to follow the leave notice requirements may result in delay of obtaining the leave. Employees will still be required to comply with the absence reporting procedures at their buildings.

#### **How to Apply for FMLA Leave**

Required forms must be completed and submitted to Employee Health Services. Forms and instructions can be found at this site: <https://www.detroitk12.org/Page/4985>.

#### **How Will Employees Know the Status of Their FMLA Leave Request**

At all phases of the FMLA process the District shall provide employees critical electronic notices via work (District) email about pending, current, and future FMLA leaves. The District issued email account will, therefore, serve as the primary means of communication for all incoming and outgoing FMLA-related District communications.

Refer to: [Board Policy 3231.01](#), [Board Policy 3430.01](#) and Appendix Pages 14-20, and <https://www.detroitk12.org/Page/4985>

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## **CHILD FAMILY LEAVE**

The District recognizes and understands an employee's need for maternity/paternity leave to care for their newborn or newly adopted child. Available leave is explained in Board Policy 3437.02, and the leave shall run concurrently with FMLA provided the employee qualifies for FMLA.

Refer to: [Board Policy 3437.02](#)

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## **NURSING EMPLOYEES**

Staff members who breastfeed their children shall be provided additional unpaid break time, as necessary, to express breast milk on District premises.

Prior to returning to work from maternity leave, the employee shall notify their supervisor of their need to express milk during work hours. The employee shall also keep their supervisor informed of these needs throughout the period of lactation.

The building administrator shall designate a mutually agreed upon private area, other than a restroom, where an employee can express breast milk.

An employee can express milk during regularly scheduled break periods. The Principal or employee's supervisor shall make an accommodation if the time of regular breaks needs to be adjusted or if additional and/or longer breaks are needed. If more breaks are needed or the break(s) need to be longer than legally required, the additional time required shall be unpaid, and the employee's work schedule or workday shall be modified accordingly.

Refer to: [Board Policy 4430.03](#)

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## MILITARY LEAVE

The Board provides military leave, reemployment, and other rights as established by the Federal Uniformed Services Employment and Reemployment Rights Act (USERRA) and State law.

**Refer to:** [Board Policy 4437.01](#)

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## DISABILITY ACCOMMODATIONS

The District will provide a reasonable accommodation to an individual with a disability, under the law, and as described in Board Policy 3123. Generally, the individual with a disability must inform the District that an accommodation is needed.

A reasonable accommodation is a change or adjustment to a job, or to the work environment, that would permit a qualified individual with a disability to perform the essential functions of a job, or to enjoy the benefits and privileges of employment equal to those enjoyed by employees without disabilities. A reasonable accommodation is not required if it would cause an undue hardship on the operation of the District's programs and/or activities.

To be eligible for a reasonable accommodation regarding a job, a person must be qualified for the job, have a disability as defined by the law, and be able to perform the essential functions of the job with or without a reasonable accommodation. The District does not have to eliminate an essential job function. The District may choose among reasonable accommodations as long as the chosen accommodation allows the employee to perform the essential function of the job.

Employees who request an accommodation and are unable to report to their assigned work location in accordance with their assigned schedule must follow the call-in/notification procedures for their work location, and in accordance with their collective bargaining agreement (if applicable), and Board Policy 3129.

### **When to Request an ADA Accommodation**

A request may be made at any time. It is recommended that you make the request as soon as you recognize that it is needed, and not to delay, as the review and finalization process takes time.

### **How to Request an ADA Accommodation**

Please submit completed ADA forms to Employee Health Services. The ADA forms and instructions can be found at this site: <https://www.detroitk12.org/Page/5023>.

### **How Will Employees Know the Status of Their ADA Accommodation Request**

Employees will receive a written determination regarding their submitted request.

**Refer to:** [Board Policy 3123](#), [Board Policy 3129](#) and Appendix Pages 7-9

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## EMPLOYEE CONDUCT

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### ATTENDANCE

Timely/punctual and regular attendance is an expectation of performance for all District employees, and essential responsibility of all District employees.

Employees are expected to follow the established guidelines for recording their actual hours worked. Failure to properly sign/clock-in and/or out shall be counted as an absence until other evidence is provided.

All persons to whom Board Policy 3129 applies who are unable to report to work must notify their immediate supervisor at the earliest opportunity, and no later than one hour prior to the scheduled starting time or in accordance with work location procedures, whichever is earlier. All employees to whom Board Policy 3129 applies must advise their supervisor of the anticipated date of return.



Employees are expected to notify their supervisor in accordance with their work location's procedures for absences and/or tardies in the event they cannot be at work as required. Should an employee need to be absent or late reporting to work, it is the employee's responsibility to notify their supervisor in accordance with the supervisor's/department's notification process. Employees are required to report on a daily basis when absent (this is not required for employees on an approved Continuous FMLA).

An employee who fails to call in, or report to work, in compliance with their work location's procedures for absences and/or tardies, is considered a no-call/no-show. Any one incident of failure to call/show may result in disciplinary action. Five (5) consecutive missed workdays and failure to notify the employee's supervisor shall subject the employee to disciplinary action.

**Refer to: [Board Policy 3129](#) and Appendix Pages 7-9, and [Board Policy 3139.01](#)**

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## TELECOMMUTING

Telecommuting is the ability to work from home or a pre-approved work location away from an employee's work location or District locations making use of the internet, email or phone. By using available technology, an employee is not required to physically commute from home or elsewhere to a District work location.

Telecommuting is neither a universal employee right nor a universal employee benefit. Telecommuting is not appropriate for all employees and positions, nor all employees in the same or similar jobs, and shall be considered on a case-by-case basis by the Superintendent and his/her designees. School-based and site-based positions (those that are critical to the operations of schools and provide direct support to students, families and constituents), are not eligible for telecommuting. Telecommuting may be allowed as a reasonable accommodation under the Americans with Disabilities Act (ADA). Requests will be considered on a case-by case-basis in accordance with the law, District policy and administrative guidelines.

A decision to allow telecommuting shall be made by the Superintendent and cabinet-level designee, in accordance with District administrative guidelines, as an option when appropriate to the particular needs of the District and telecommuter, or under special circumstances such as adverse weather conditions or under special circumstances such as adverse weather conditions. Telecommuting shall only be approved on a time-limited basis by the Superintendent and his/her designees and may be discontinued by the Superintendent or his/her designees at any time. All exceptions to Board Policy 1435 may only be made by the Superintendent when required to meet District needs.

Failure to fulfill work requirements may result in loss of telecommuting privileges, time charged to leave bank, unpaid leave, revocation of telecommuting privileges, disciplinary action, and/or termination of employment.

Employees who do not have or are not able to provide themselves an appropriate place to perform telecommuting work functions shall not telecommute and should work instead at their generally assigned District work location.

Time at home or elsewhere spent in activities other than work shall not be submitted as work-time by the employee to his/her supervisor or designee as directed. Such a circumstance would constitute falsification of time records to receive pay for time not worked and shall be grounds for termination.

District employees on Family Medical Leave Act (FMLA) leave, or other types of continuous leave shall be prohibited from telecommuting.

**Refer to: [Board Policy 1435](#)**

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## DRESS AND GROOMING

The Board believes that staff members set an example in dress and grooming for students to follow. A staff member who understands this precept and adheres to it enlarges the importance of his/her task to serve as a role model to students, presents an image of dignity, and encourages respect. These factors act in a positive manner toward the maintenance of academic decorum and discipline.

District employees shall generally maintain a neat, well-groomed, and professional appearance that is appropriate for their

job functions. Attire should always be appropriate to the work location environment and reflect a professional image to the division, school, or department's internal and external customers, the public, and stakeholders whom professional and support staff interact. Business casual is the minimum level of acceptable dress in most District work locations.

Professional and support staff are expected to comply with the standards outlined in Board Policy 3216.

**Refer to: [Board Policy 3216](#) and Appendix Pages 12-13**

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## **SPEECH**

The Board acknowledges the right of professional and support staff members, as citizens in a democratic society, to speak out on issues of public concern.

The following guidelines are adopted by the Board to help clarify and, therefore, avoid situations in which the professional and support staff member's expression could conflict with the District's interests. In such situations, he/she should:

- A. state clearly that his/her expression represents personal views and not necessarily those of the School District where appropriate;
- B. not make threats, use obscenities, or use abusive language towards co-workers, administrators, or officials of the District;
- C. refrain from making public expressions which s/he knows to be false or are made without regard for truth or accuracy;
- D. not make defamatory comments about co-workers, administrators, or the district as a whole;
- E. refrain from making public expressions that incite imminent lawless action; and
- F. commit slander or libel against the District or its board members, officers, administrators, employees, agents or contractors.

**Refer to: [Board Policy 3310](#)**

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## **RELIGIOUS CEREMONIES AND OBSERVANCES**

District staff members shall not use prayer, religious readings, or religious symbols as a devotional exercise or in an act of worship or celebration. The District shall not function as a disseminating agent for any person or outside agency for any religious or anti-religious document, book, or article. Distribution of such materials on District property by any party shall be in accordance with District policy.

The Board acknowledges that it is prohibited from adopting any policy or rule respecting or promoting an establishment of religion or prohibiting any person from the free, individual, and voluntary exercise or expression of the individual's/person's religious beliefs. However, such exercise or expression may be limited to lunch periods or other non-instructional time periods when individuals are free to associate.

Observance of religious holidays through devotional exercises or acts of worship is also prohibited. Acknowledgment of, explanation of, and teaching about religious holidays of various religions is encouraged. Celebration activities involving nonreligious decorations and use of secular works are permitted, but it is the responsibility of all faculty members to ensure that such activities are strictly voluntary, do not place an atmosphere of social compulsion or ostracism on groups or individuals, and do not interfere with the regular school program.

The Board shall not conduct or sanction a baccalaureate service in conjunction with graduation ceremonies.

The Board shall not include religious invocations, benedictions, or formal prayer at any school-sponsored event.

**Refer to: [Board Policy 8800](#)**

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## FUNDRAISING

Fundraising is limited in order to prevent disruption and includes solicitation and collection of money for any purpose including collection of money in exchange for tickets, papers, or any other goods or services. Fundraising in school, on school property, or at any school-sponsored event is permitted only when the profit is to be used for school purposes or for an activity connected with the schools.

All fundraising guidelines must be followed. The District considers any activity aiming to solicit financial support or gather voluntary contributions of resources for a particular purpose or charity a fundraising activity.

Requests for fundraising activities are initiated at the discretion of the principal and approved by appropriate District staff. It is the responsibility of the principal to follow the District's internal fund accounting policies and procedures in approving and maintaining adequate controls and accountability over all fundraising activities.

Fundraising activities shall be conducted during non-instructional class time, preferably before and after school or during lunch, so as not to interrupt instruction in the core subjects. At the principal's discretion through approval of fundraising request, the collection of money for pre-paid activities or pre-sale items only may be authorized at a specified time during the school day, as long as this process does not disrupt classroom instruction.

Only District personnel who have received and satisfactorily passed training on handling cash may collect and transact funds in District-approved accounts. All funds shall be deposited into District approved accounts. All fundraising activities and collection of funds associated with fundraising activities shall strictly follow district procedures established by the Superintendent or his/her designee.

In the event that a fundraiser, including a crowdfunding fundraiser is conducted without proper approval or in a manner deemed detrimental to the District or its participants, the District may take legal action and/or disciplinary action against the responsible persons.

The District is not legally responsible for fundraising activities conducted at the local school level and/or approved in accordance with Board Policy 5830.

**Refer to:** [Board Policy 5830](#), and <https://www.detroitk12.org/Page/7333>

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## PERSONAL PROPERTY

From time-to-time employees may wish to bring personal property to work either for reasons associated with professional or employment responsibilities or for use during off-duty time. This practice is permitted provided it is understood that the District is not responsible or liable for any loss, damage, or misuse of said property.

Except in extraordinary circumstances, the District will provide all employees with the equipment and tools necessary to perform their assigned duties.

The owner of the personal property bears all responsibility and assumes all risk for loss, damage or misuse of personal property while it is on Board property and waives any and all claims for loss or damage against the Board and the District. This provision applies, without limitation, to trespassers, invitees, visitors, and independent contractors.

**Refer to:** [Board Policy 3281](#)

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## DISTRICT PROPERTY AND INFORMATION

All administrative, instructional, and non-instructional employees, shall maintain appropriate oversight and security of all District property in their care. This includes but is not limited to technology equipment, classroom resource materials, and any and all other District property. Employees should take the necessary precautions in securing workspaces that contain District property. Negligence found in securing items that are otherwise damaged, stolen or misplaced may result in disciplinary action up to and including termination.

In addition, the District collects, classifies, and retains data/information from and about students, staff, vendors/contractors, and other individuals, about programs and initiatives undertaken by the school system, and about

and related to the business of the District. This information may be in hard copy or digital format and may be stored in the District or offsite with a Third Party provider.

Data/information collected by the District shall be classified as Confidential, Controlled, or Published. Data/information will be considered Controlled until identified otherwise.

Protecting District Information Resources is of paramount importance. Information security requires everyone's active participation to keep the District's data/information secure.

Individuals who are granted access to data/information collected and retained by the District must follow established procedures so the information is protected and preserved. Board members, administrators, and all District staff members, as well as contractors, vendors, and their employees granted access to data/information retained by the District are required to certify their compliance with the established information security protocols pertaining to District data/information annually. Further, all individuals granted access to Confidential Data/Information retained by the District must certify their compliance with the information security protocols pertaining to Confidential Data/Information annually.

Failure to adhere to Board Policy 8305 and its related administrative guidelines may put data/information collected and retained by the District at risk. Employees who violate this policy and/or the administrative guidelines promulgated consistent with this policy may have disciplinary consequences imposed, up to and including termination of employment, and/or referral to law enforcement.

**Refer to: [Board Policy 7535](#) and [Board Policy 8305](#)**

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## TECHNOLOGY AND EQUIPMENT

### **Personal Internet Account Privacy – Staff**

The District may:

1. request or require an employee to disclose access information (user name, password, login information, or other security information protecting access to a personal internet account) to the District to gain access to or operate any of the following:
  - a. An electronic communications device paid for in whole or in part by the employer.
  - b. An account or service provided by the employer, obtained by virtue of the employee's employment relationship with the employer, or used for the district's business purposes.
2. discipline or discharge an employee for transferring the proprietary or confidential information or financial data to an employee's personal internet account without the District's authorization.
3. conduct an investigation or require an employee to cooperate in an investigation in any of the following circumstances:
  - a. If there is specific information about activity on the employee's personal internet account, for the purpose of ensuring compliance with applicable laws, regulatory requirements, or prohibitions against work-related employee misconduct.
  - b. If the District has specific information about an unauthorized transfer of the District's proprietary information, confidential information, or financial data to an employee's personal internet account.
4. restrict or prohibit an employee's access to certain websites while using an electronic communications device paid for in whole or in part by the District or while using the District's network or resources, in accordance with State and Federal law.
5. monitor, review, or access electronic data stored on an electronic communications device paid for in whole or in part by the employer, or traveling through or stored on a District's network, in accordance with State and Federal law.

6. screen employees or applicants prior to hiring or to monitor or retain employee communications is established under Federal law or by a self-regulatory organization, as defined in section 3(a)(26) of the securities and exchange act of 1934, 15 USC 78c(a)(26).
7. view, access, or use information about an employee or applicant that can be obtained without any required access information or is available in the public domain.

**Refer to:** [Board Policy 7540.08](#)

### **Video Surveillance and Electronic Monitoring**

In order to protect District property, promote security and protect the health, welfare, and safety of students, staff, and visitors, pursuant to Board Policy 7440.01, the District authorizes the use of video surveillance and electronic monitoring equipment on school property, in school buildings, and on school buses. Information obtained through video surveillance/electronic monitoring may be used to identify intruders and persons breaching contracts (including employment agreements), breaking the law, District policy, or the Student Code of Conduct (i.e., it may be used as evidence in disciplinary actions and criminal proceedings). Ordinarily, video surveillance/electronic monitoring equipment will not be used to make an audio recording of conversation occurring on school grounds or property.

Board Policy 7440.01 does not address or cover instances where school officials record a specific event (e.g., a play, music performance, athletic contest, graduation, or Board meeting) or an isolated instance where a classroom is videotaped for educational or research purposes. Authorized videotaping for educational, instructional and/or research purposes is permitted and is not addressed by Board Policy 7440.01.

Video surveillance is to be implemented in accordance with Board Policy 7440.01 and the related guidelines. The District will not accept or tolerate the improper use of video surveillance/electronic monitoring equipment and will take appropriate action in any cases of wrongful use of Board Policy 7440.01.

**Refer to:** [Board Policy 7440.01](#)

### **Recording of District Meetings**

Video recording of any District meeting, including IEP and 504 team meetings, is strictly prohibited, with the exception of meetings open to the public under the Open Meetings Act.

**Refer to:** [Board Policy 2461](#)

### **Technology Privacy**

The District recognizes its staff members' right to privacy in their personal lives. This policy serves to inform staff members of the Board's position with respect to staff-member privacy in the educational and workplace setting and to protect the Board's interests.

All District Technology Resources are the District's property and are intended to be used solely for business purposes. The District retains the right to access and review all Information Resources, including but not limited to electronic and voice mail, computer files, databases, and any other electronic transmissions contained in or used in conjunction with the District's computer system/network, telephone system, electronic mail system, and voice mail system. Staff members shall have no expectation that any personal information/data maintained, stored, or transmitted on or through such systems is confidential or private.

Review of such information may be done by the District with or without the staff member's knowledge. The use of passwords does not guarantee confidentiality, and the District retains the right to access information in spite of a password.

All passwords or security codes must be registered with the District. A staff member's refusal to permit such access to Information Resources may be grounds for discipline up to and including discharge.

District Technology Resources are to be used only for business and educational purposes.

No personal messages should be exchanged via District-owned technology. Because District Technology Resources are to be used solely for business and educational purposes, staff members are prohibited from sending offensive, discriminatory, or harassing computer, electronic, or voice mail messages.

The administrators and supervisory staff members authorized by the Superintendent have the authority to search and access information electronically.

**Refer to:** [Board Policy 7540.01](#)

### **Web Accessibility, Content, Apps, and Services**

The District authorizes staff members to create web content, services and software applications (apps) hosted by the District on its servers or District-affiliated servers and published on the Internet related to the District's educational purposes. For purposes of Board Policy 7540.02, an app is defined as a self-contained program or piece of software enabling the user to perform a specific task.

The web content, services and apps must comply with State and Federal law (e.g., copyright laws, Children's Internet Protection Act (CIPA), Section 504 of the Rehabilitation Act of 1973 (Section 504), Americans with Disabilities Act (ADA), Student Online Personal Protection Act (SOPPA) and Children's Online Privacy Protection Act (COPPA), and reflect the professional image/brand of the District, its employees, and students. Web content, services and apps must be consistent with the District's Mission Statement. Staff-created web content, services and apps are subject to prior review and approval of the Superintendent or his/her designee before being published on the Internet and/or utilized with students.

The District will adhere to the technical standards of compliance identified at [www.detroitk12.org/webaccessibility](http://www.detroitk12.org/webaccessibility). The District measures the accessibility of online content and functionality according to the World Wide Web Consortium's Web Content Accessibility Guidelines (W3C's) Web Content Accessibility Guidelines 2.1 Level AA (WCAG2.1).

**Refer to:** [Board Policy 7540.02](#) and <https://www.detroitk12.org/webaccessibility>

### **Staff Technology Acceptable Use And Safety**

The District provides Technology and Information Resources to support the educational and professional needs of its staff and students. The District provides staff with access to the Internet for limited educational purposes only and utilizes online educational services/applications to enhance the instruction delivered to its students and to facilitate the staff's work. The District's computer network and internet system does not serve as a public access service or a public forum, and the District imposes reasonable restrictions on its use consistent with its limited educational purpose.

Regarding Artificial Intelligence, staff are permitted to use Artificial Intelligence and Natural Language Processing (NLP) tools (collectively, "AI/NLP tools") to accomplish their job responsibilities so long as the use is ethical, responsible, and does not violate any provisions of this policy (e.g., it does not infringe on students' or staff members' privacy rights, violate their duty to maintain confidentiality related to personally identifiable information, etc.).

**Refer to:** [Board Policy 7540.04](#) and **Appendix Pages 20-23**, and [Board Policy 7544](#)

### **District-Issued Staff E-Mail Account**

The District provides and authorizes staff members and Board members to use electronic mail ("e-mail") hosted by the District on its servers for its educational purposes. The District is committed to the effective use of e-mail by all District staff and Board members in the conduct of their official duties. This policy and corresponding administrative guidelines are intended to establish a framework for the proper use of e-mail for conducting official business and communicating with colleagues, students, parents and community members.

When available, the District's e-mail system must be used by employees for any official District e-mail communications. Personal e-mail accounts on providers other than the District's e-mail system may be blocked at any time if concerns for network security, SPAM (e.g. unsolicited, undesirable or illegal messages), or virus/spyware/malware protection arise. Furthermore, District staff are expected to exercise reasonable judgment and prudence and take appropriate precautions to prevent viruses from entering the District's network when opening or forwarding any e-mails or attachments to e-mails originating from unknown sources.



District staff shall not send or forward mass e-mails, even if the e-mails concern District business.

**Refer to:** [Board Policy 7540.05](#)

### **District-Owned Personal Communication Devices**

The District will provide personal communication devices ("PCDs") to employees who by the nature of their job have a routine and continuing business need for the use of such devices for official District business. For purpose of Board Policy 7530.01, "personal communication device" includes computers, laptops, tablets, electronic readers, cell phones, personal digital assistants ("PDAs"), Wi-Fi enabled or broadband access devices, two-way radios or video broadcasting devices, or other web-enabled devices of any type, or other devices that allow a person to record and/or transmit, on either real or delayed time basis, sound, video, still images, text, or other information. PCDs are provided as tools to conduct District business and to enhance business efficiencies. District-owned cell phones are not a personal benefit and shall not be a primary mode of communication unless they are the most cost-effective means to conduct District business (i.e., because some cell phone services plans are billed on a time-used basis, District-owned cell phones should not be used if a less costly alternative method of communication is safe, convenient and readily available).

The Superintendent or his/her designee shall designate those staff members who will be issued a District-owned cell phone and provided with a cell phone and/or wireless Internet/data service plan.

District-owned cell phones and/or their related service plans are to be used only to place calls, access the Internet, or receive/send e-mails, instant messages or text messages for District business purposes.

Furthermore, District-owned cell phones are not to be used to place calls or send/receive e-mails, instant messages or text messages of a personal nature, or access the Internet for personal business.

In order to continue to be eligible to receive a District-owned cell phone, staff members are required to answer all calls on his/her District-owned cell phone and promptly respond to any messages.

Employees are subject to all applicable laws, policies and guidelines pertaining to the protection of the security, confidentiality (if applicable), integrity, and availability of the data stored on their District-owned PCDs. See Board Policy 7530.02 - Staff Use of Personal Communication Devices.

Any employee who regularly places or receives personal calls, or uses his/her District-owned cell phone to send/receive personal e-mails, text messages, or instant messages, shall be subject to disciplinary action.

Violation of Board Policy 7530.01 may constitute just cause for disciplinary action up to and including termination. Use of the District-owned PCD in any manner contrary to local, State or Federal laws will constitute misuse and will result in the District canceling the employee's privilege to use the PCD and requiring the employee to immediately return the device.

**Refer to:** [Board Policy 7530.01](#) and [Board Policy 7530.02](#)

### **Staff Use of Personal Communication Devices**

Employees whose job responsibilities include regular or occasional driving and who use a personal communication device ("PCD") (as defined in [Board Policy 0100](#)) for business use are expected to refrain from using their devices while driving.

Employees may not use a PCD in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, bullied, embarrassed, or intimidated.

Employees are subject to all applicable laws, policies, and guidelines pertaining to the protection of the security, confidentiality (if applicable), integrity, and availability of the data stored on their PCDs.

Cellular/wireless communications are public records subject to retention and disclosure, upon request, in accordance with Board Policy 8310 – Public Records. Cellular/wireless communications that are student records should be maintained pursuant to Board Policy 8330 – Students Records. Finally, cellular/wireless communications and other electronically stored information (ESI) stored on the staff member's PCD may be subject to a litigation hold. Staff is required to comply with District requests to produce copies of cellular/wireless communications in their possession that are either public records or education records, or constitute ESI is subject to a litigation hold.

The District prohibits employees from maintaining the following types of student or parent records and/or information on their PCDs:

- A. social security numbers
- B. driver's license numbers
- C. credit and debit card information
- D. financial account numbers
- E. student personally identifiable information
- F. information required to be kept confidential pursuant to the Americans with Disabilities Act (ADA)
- G. personal health information as defined by the Health Insurance Portability and Accountability Act (HIPAA)

If an employee maintains records and/or information on a PCD that is confidential, privileged, or otherwise protected by State and/or Federal law, the employee is required to encrypt the records and/or information.

**Refer to:** [Board Policy 0100](#), [Board Policy 7530.02](#), [Board Policy 8310](#), and [Board Policy 8330](#)

### **Utilization of the District's Website and Remote Access to the District's Network**

District employees are permitted to use their personally-owned or District-owned computer or workstation and/or web-enabled devices of any type to remotely (i.e. away from District property and facilities) access the District's server and thereby connect to the District's Network. The District's Network is a part of its Technology Resources. Board Policy 7543 is limited to remote access connections used to do work on behalf of or for the benefit of the District including, but not limited to, reading or sending e-mail, reviewing or using District-provided intranet web resources, and completing assigned coursework.

Each individual granted remote access privileges pursuant to Board Policy 7543 must adhere to the standards listed in the policy.

Additional standards and regulations for remotely accessing and connecting to the District network shall be developed and published in administrative guidelines. Users are required to sign the applicable agreement form (Form 7540.03 F1 or Form 7540.04 F1) prior to being permitted to use remote access.

Any user who violates Board Policy 7543 may be denied remote access and connection privileges.

Any employee who violates Board Policy 7543 may be disciplined, up to and including termination; any contractor, vendor, or agent who violates this policy may have his/her/their contract with the District terminated; and any student who violates this policy may be disciplined up to and including suspension or expulsion.

**Refer to:** [Board Policy 7543](#)

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## **SOCIAL MEDIA AND ELECTRONIC COMMUNICATIONS**

### **Social Media**

In designating District-approved social media platforms/sites, the Superintendent or his/her designee shall specify which platforms/sites are appropriate for use at the District-level, the building or department level, for extra-curricular activities, and at the individual level by employees for professional purposes.

The District regulates employees' use of social media for purposes related to their District assignment to the same extent as it regulates any other form of employee communication in that regard.

Employees who access District-approved social media platforms are expected to conduct themselves in a respectful, courteous, and professional manner.



District-approved social media sites shall not contain content that is obscene; is vulgar and lewd such that it undermines the school's basic educational mission; is libelous or defamatory; constitutes hate speech; promotes illegal drug use; is aimed at inciting an individual to engage in unlawful acts or to cause a substantial disruption or material interference with District operations; or interferes with the rights of others. Staff who post prohibited content shall be subject to appropriate disciplinary action.

The District is committed to protecting the privacy rights of students, parents/guardians, staff, volunteers, Board members, and other individuals on District-approved social media sites. District employees are prohibited from posting or releasing confidential information about students, employees, volunteers, or District operations through social media, without appropriate consent (i.e., express written consent from the parent of a student, the affected employee or volunteer, or the Superintendent concerning District operations).

Employees are prohibited from using District technology resources to access social media for personal use during work hours. They are reminded that the District may monitor their use of District technology resource.

Employees are permitted to use personal communication devices not owned by the Board to access social media for personal use during work hours, provided it does not interfere with the employee's job performance or duties.

Employees are prohibited from posting or engaging in communication that violates State or Federal law, Board policies, or administrative procedures. If an employee/volunteer's communication interferes with his/her ability to effectively perform his/her job or violates State or Federal law, Board policies, or administrative procedures, the District may impose disciplinary action and/or refer the matter to appropriate law enforcement authorities.

## **Electronic Communications**

Electronic communications include social networking sites, instant/direct messaging, text messaging, e-mailing and photo-sharing, among others.

To protect staff and students, the following restrictions are also established:

- A. Electronic communications with students shall be appropriate in tone, content, and quantity. Stalking, harassment, or other unwelcome behaviors are prohibited, including any type of sexually suggestive comments, photos, or graphics.
- B. Electronic communications with other employees shall be appropriate in tone, content, and quantity. Stalking, harassment, or other unwelcome behaviors are prohibited.
- C. Electronic communications during work time shall only be allowed for work-related matters or personal emergencies. Work time is defined as all paid work time is not a designated break or meal period.
- D. Personal communications with students are not to occur through electronic methods. This does not apply to students to whom you are related or over whom you have guardianship.
- E. Electronic communications with students are only to occur through District-specified and maintained e-mail accounts or websites.
- F. The District may require the employee to produce records for review when there is reason to believe this policy has been violated. Records within the District's control may be reviewed periodically to assure this policy is being complied with. These may include Internet logs, cell phone records, e-mail, websites, apps, Internet content or other similar documentation.

Questions regarding acceptable electronic communications or unwelcomed electronic communications from someone associated with the District should be submitted to the Technology Department.

**Refer to:** [Board Policy 7544](#), [Board Policy 7545](#), and <https://www.detroitk12.org/Page/7737>

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## **ELECTRONIC DISCLOSURES**

All District employees, officers and agents shall file Electronic Disclosures upon hire, and thereafter, annually – disclosing the following:

- 1) all existing, potential, possible and probable conflicts of interest,
- 2) any situation which may impair an employee, officer or agent's ability to perform their duties in a fair and impartial manner, and
- 3) any arrest, arraignment, criminal charge, conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering a plea of guilty or nolo contendere for any criminal offense (other than a minor traffic violation)

Such Electronic Disclosures are also required to be made as an update when a conflict or criminal activity arises that is required to be disclosed.

**Refer to:** [Board Policy 1130](#) and **Appendix Pages 1-4**, [Board Policy 1411](#), [Board Policy 3113](#), [Board Policy 3121.02](#), [Board Policy 3210](#) and **Appendix Pages 9-11**, [Board Policy 3210.01](#), [Board Policy 3214](#), [Board Policy 3231](#), [Board Policy 3231.01](#), [Board Policy 4115](#), [Board Policy 6460](#), and <https://www.detroitk12.org/Domain/5081>

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## ARRESTS AND CONVICTIONS

District employees are required to self-report within forty-eight (48) hours any arrest, arraignment, or charge, other than a minor traffic violation, to their supervisor and the Detroit Public Schools Community District Criminal Convictions, Background and Fingerprinting Unit, and if required by law, to the appropriate state agency. The notice shall not be considered an admission of guilt nor be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory.

Self-reporting shall also be required for any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering a plea of guilty or nolo contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment.

When the District receives a report that shows an individual has been convicted of a listed offense under State statutes or any felony, the Superintendent and his/her designee shall take steps to verify that information using public records, in accordance with the procedures provided by the State Department of Education.

Verified convictions may result in termination of employment or rejection of an application. The District will not hire or continue to employ any individual, either directly or as a contracted employee to work regularly and continuously in the schools, who has been convicted of a "listed" offense as defined in M.C.L. 28.722. The District will not hire or continue to employ any individual, either directly or as a contracted employee to work regularly and continuously in the schools, who has been convicted of any non-listed felony or misdemeanors, related to child abuse or controlled substances unless both the Superintendent and the Board provide written approval.

Neither the Board nor the Superintendent shall consider criminal charges that did not result in conviction, or pending misdemeanor charges in determining whether to hire or continue the employment of any individual.

The Superintendent shall require that all legally sufficient complaints be filed in writing to DPSCD Criminal Convictions, Background and Fingerprinting Unit and the District's Office of Employee Relations. All employees shall promptly report any felonious criminal complaint against any staff member that comes to the employee's attention that may be grounds for the revocation or suspension of a teaching certificate or employment license. The willful failure by an employee to promptly report a complaint shall subject the employee to discipline as provided by law and policy.

**Refer to:** [Board Policy 3121](#), [Board Policy 3121.01](#), [Board Policy 3121.02](#), and [Board Policy 3140](#)

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## ETHICS

### Standards of Ethical Conduct

All employees are representatives of the District and shall conduct themselves, both in their employment and in the community, in a manner that will reflect credit upon themselves and the school system.

All professional staff members shall follow the standards outlined in Board Policy 3210.

## **Staff Gifts**

To avoid the appearance of impropriety, the Board discourages the exchange of gifts between staff and students.

Based on the foregoing, it is the policy of the Board that:

- A. Staff members may accept gifts from students less than \$50. Examples include a mug, piece of fruit, or baked item.
- B. Staff members shall consult with their building administrator regarding the appropriateness of providing gifts to students. Factors to consider include, but are not limited to 1) student need; 2) cost of gift; 3) nature of gift; and 4) relationship of gift to educational program or District activity. If a staff member wishes to give a gift to a student, s/he may do so as a gift to the classroom. Examples of such class gifts include, but are not limited to, library books or other educational resources for the class.
- C. Items may not be cash or cash equivalents.

The Superintendent may approve acts of generosity to individual staff members in unusual situations. The Superintendent shall establish administrative guidelines requiring all staff to disclose gifts valued greater than \$50.

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.

## **Conflicts**

### **Conflicts of Interest**

The maintenance of high standards of honesty, integrity, impartiality and professional conduct by the District's employees, officers, and agents ("Officials," i.e. District employee, officer or agent) is essential to ensure the proper performance of school business as well as to earn and keep public confidence in the District.

Board Policy 1130 is adopted to provide guidance on 1) how to avoid actual or perceived conflicts, and 2) what to do if a conflict arises. Officials are expected to perform their official duties in a manner free from both actual conflicts and the appearance of conflicts.

Conflict of Interest occurs when an individual has a financial interest, directly or indirectly, or some other interest that could in some way impair one's fairness and impartiality on the job.

Officials found to be in violation of Board Policy 1130 will be subject to disciplinary action up to and including termination, as permitted by applicable Board policy, collectively bargained agreements as well as Federal, State, and local law.

### **Conflicting Employment or Contractual Relationship**

No District officer or employee shall have or hold any employment or contractual relationship with any business entity or any agency which is conducting business with the officer or employee's school or work location.

No District officer or employee shall engage, have, or hold any employment or contractual relationship or have any interest, direct or indirect: 1) that results in any conflict between his/her private interests and the performance of his/her duties; 2) that results in a benefit to any other organization or agency apart from or over the interests of the District; 3) in which he/she acts, or has cause to act, in a manner adverse to the interests of the District; or 4) that impedes the full and faithful or proper discharge of his/her duties.

District officers and employees have a duty to disclose any employment or contractual relationship that represents a conflict of interest, as described above, in accordance with applicable District policies and administrative guidelines.

## **Vendor Relations**

The District's purchasing activity is intended solely to serve the operations of the District – and not Board members, employees or their friends or family members. Accordingly, Board members and employees are expected to strictly adhere to the District's conflict of interest policies as it applies to all dealings with vendors.

## **Whistleblower**

The Board encourages and requires staff to report all fraudulent or potentially fraudulent activity, and violations or suspected violations of laws, regulations, rules or unsafe conditions in the workplace.

There are several ways to file a report with the Office of Inspector General, as further explained at the following link: [How to File a Complaint with the OIG](#)

Any employee making such a report is protected in accordance with the Whistleblower Protection Act and shall not be disciplined or retaliated against for making the report. Employees who knowingly make a false report are subject to disciplinary action, up to and including termination.

**Refer to:** [Board Policy 1130](#) and **Appendix Pages 1-4**, [Board Policy 1411](#), [Board Policy 3113](#), [Board Policy 3210](#) and **Appendix Pages 9-11**, [Board Policy 3210.01](#), [Board Policy 3214](#), [Board Policy 6460](#), and <https://www.detroitk12.org/Domain/5081>

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## **FRAUD, WASTE, AND ABUSE**

The Board prohibits and will not tolerate or condone fraudulent, unethical, or dishonest activities that promote or condone fraud, waste, and abuse.

Board Policy 8900: 1) identifies what constitutes fraud, waste, and abuse; 2) establishes protocol for the reporting and investigation of suspected wrongful activities that fall within these definitions; and 3) if fraud, waste or abuse is substantiated, authorizes the Superintendent or his/her designee to pursue employee discipline and/or legal remedies made available under the law.

Board Policy 8900 applies to all District officers and employees as well as consultants, vendors, contractors, and/or any other party with a current or prospective business relationship with the District. Any investigative activity required will be conducted without regard to the suspected wrongdoers' length of service, position/title, or relationship(s) to the District.

Employees are required to call the Fraud Hotline or contact the Office of Inspector General (OIG) directly, when they have credible information regarding potentially fraudulent activity. The District shall protect persons who report potential fraud, waste, abuse and or ethical violations to the OIG. Retaliation against any person who makes a report to the OIG is strictly prohibited. However, any person who knowingly makes a false report to the OIG is subject to discipline, up to and including termination.

**Refer to:** [Board Policy 1270](#), [Board Policy 3214](#), [Board Policy 8900](#) and **Appendix Pages 23-25**

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## **NEPOTISM**

An applicant for any position in the District, or any employee seeking a promotion or transfer, shall be considered solely on the basis of respective qualifications for such position regardless of whether the applicant or employee is or is not related by blood, marriage, law, or other relations/connection established by living in the same house of any member of the Board or to any employee of the District, except as otherwise provided herein.

No member of the Board, the Superintendent, an employee or contractor shall participate in or exert any influence on any personnel action including recommendations for appointment, employment, promotion, transfer, change of assignment, advancement, dismissal, or evaluation of an applicant or employee to whom he/she is related.

No member of the Board, the Superintendent, an employee or contractor shall directly supervise or be directly supervised by an employee to whom he/she is related. The supervisor of any District entity or department shall disclose to the Superintendent and his/her designee or Board President any relative for whom the supervisor is responsible as to personnel actions, employment decisions, payroll authorization, or job performance evaluations.

All employees shall disclose to the Superintendent and his/her designees, the names of all relatives working at the same work location. Work location is defined to include payroll cost center or any administrative unit under the supervision of an employee of the District. Failure to immediately advise shall be grounds for disciplinary action, up to and including dismissal.

Employees shall not be assigned to a department where a relative is a program, office or department leader.

No employee shall be recommended for any personnel action including appointment, employment, dismissal, evaluation, promotion or transfer to a position that would result in a violation of Board Policy 4115.

**Refer to:** [Board Policy 4115](#)

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## OUTSIDE EMPLOYMENT, ACTIVITIES, AND SPECIAL INTERESTS GROUPS

### Outside Activities of Staff

It is the policy of the Board of Education that professional staff members avoid situations in which their personal interests, activities, and associations may conflict with the interests of the District. If such situations occur, the Superintendent shall evaluate the impact of such activity or association upon the professional staff member's responsibilities and take appropriate action as necessary.

- A. Staff members should not give work time to an outside interest, activity, or association without valid reason to be excused from assigned duties.
- B. Staff members shall not use school property or school time to solicit or accept customers for private enterprises without written administrative permission.
- C. Staff members shall not engage in business transactions on behalf of personal or private enterprise in which s/he may profit by virtue of his/her official position or authority or benefit financially from confidential information which the employee has obtained or may obtain by reason of his/her position or authority.
- D. Staff members shall not campaign on school property during duty hours on behalf of any political issue or candidate for local, State, or National office.
- E. Staff members may not accept fees for tutoring when such tutoring is conducted during the normal workday or on District property.

Professional staff members are encouraged to contribute articles to professional publications and to engage in approved professional research. Publications and productions shall be subject to copyright provisions listed in Board Policy 3231.

### Outside Employment

Outside employment is regarded as employment for compensation that is not within the duties and responsibilities of the employee's regular position with the school system. Employees shall not be prohibited from holding employment outside the District as long as such employment does not result in a conflict of interest nor interfere with assigned school duties as determined by the District.

The Board expects employees to disclose outside employment. The Board expects employees to devote maximum effort to the position in which employed. An employee will not perform any duties related to an outside job during regular working hours or for professional employees during the additional time that the responsibilities of the District's position require; nor will an employee use any District facilities, equipment or materials in performing outside work.

When the periods of work are such that certain evenings, days, or vacation periods are duty-free, the employee may use such off-duty time for the purposes of non-school employment.

Board Policy 3231.01 prohibits outside supplemental employment while on any type of leave. Employees are required to abide by all District policies, including, but not limited to, Family and Medical Leave (FMLA) (Board Policy 3430.01) while on approved FMLA or other medical leave. An employee approved for FMLA leave shall not work in any capacity that impedes the employee's recovery from, or treatment for reported health condition(s). Employees found to be in violation

of Board Policy 3231.01 and/or found to be engaging in outside employment while on FMLA leave that potentially impedes the employee's recovery efforts, shall be subject to investigation, potential disciplinary action up to and including dismissal.

### **Relations with Special Interest Groups**

Any request from civic institutions, charitable organizations, or special interest groups, including religious groups, which involve such activities as patriotic functions, contests, exhibits, sales of products to and by students, sending promotional materials home with students, graduation prizes, fund raising, and free teaching materials must be carefully reviewed to ensure that such activities promote student interests without advancing the special interests of any particular group.

It is the policy of the District that students, staff members, and District facilities not be used for advertising or promoting the interests of any non-school agency or organization, public or private, without the approval of the Superintendent or designee; and any such approval, granted for whatever cause or group, shall not be construed as an endorsement of said cause or group by the District or the Board.

**Refer to: [Board Policy 3231](#), [Board Policy 3231.01](#), [Board Policy 3430.01](#) and Appendix Pages 14-20, and [Board Policy 9700](#)**

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### **DRUGS, ALCOHOL, AND SMOKING**

The Board of Education believes that quality education requires a drug-free workplace. It will seek, therefore, to establish and maintain an educational setting which meets the requirements in the Drug-Free Workplace Act and the Drug-Free Schools and Communities Act.

The Board prohibits the manufacture, possession, use, distribution, or dispensing of any controlled substance by any member of the District's staff at any time while on District property or while involved in any District-related activity or event. Likewise, the Board prohibits the manufacture, possession, use, distribution, or dispensing of alcoholic beverages by any member of the District's staff at any time while on District property during the school day or while involved in any District-related activity or event. Except, alcohol may be used or possessed by a District staff member on District property outside of the school day if such staff member is: (i) participating in a recognized religious service or religious ceremony; or (ii) attending a non-school related event under Policy 7510 – Community Use of School Facilities. Any staff member who violates Board Policy 3122.01 – Drug-Free Workplace, shall be subject to disciplinary action in accordance with District guidelines and the terms of any collective bargaining agreements.

The Board reserves the right to require certain employees to submit to alcohol and controlled substance testing.

The Board shall not permit the manufacture, possession, use, distribution, or dispensing of any controlled substance, alcohol, and any drug paraphernalia, by any member of the District's staff at any time while on District property or while involved in any District related activity or event.

Michigan law specifically prohibits any person to possess marihuana or otherwise engage in the medical use of marihuana on a school bus or on the grounds of any preschool, primary school, or secondary school. Therefore, the Board prohibits the use of marihuana products on District premises, in District vehicles, and in all school buildings owned and/or operated by the District.

A professional or support staff member having an illness or other problem relating to the use of alcohol or other substances will receive the same careful consideration and offer of assistance that is presently extended to professional or support staff members having any other illness.

The responsibility to correct unsatisfactory job performance or behavior resulting from a suspected health problem rests with the professional or support staff member. Failure to do so will result in appropriate corrective or disciplinary action as determined by the Board.

No professional or support staff member will have his/her job security or promotion opportunities jeopardized by his/her request for counseling or referral assistance.

Staff members may not avoid consequences of positive drug or alcohol testing after being instructed to submit to a drug or alcohol test.



The Board of Education desires to protect students and employees who choose not to use tobacco from exposure to the use of tobacco products, including the effects of secondhand smoke and vapor/aerosol exposure. Pursuant to state law, the Board prohibits the use of tobacco products on District premises, in District vehicles, and in all school buildings owned and/or operated by the District.

**Refer to:** [Board Policy 3122.01](#), [Board Policy 3170](#), and [Board Policy 3215](#)

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## WEAPONS, VIOLENCE AND THREATS

### **Administrative Staff Possession and Use of Weapons**

The Board of Education prohibits members of the administration from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, including athletic events, or in a District vehicle.

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 spring, air and gas-powered guns (whether loaded or unloaded) that will expel a BB, pellet, or paintballs, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapon, ammunition, and explosives or any other weapons described in 18 U.S.C. 921.

The Superintendent shall refer a staff member who violates this policy to law enforcement officials. The staff member will also be subject to disciplinary action, up to and including termination, as permitted by applicable Board policy and the terms of applicable existing collective bargaining agreements.

Exceptions to this policy include:

- A. weapons under the control of law enforcement personnel;
- B. items approved by an administrator, principal, or director as part of a class or individual presentation under adult supervision, if used for the purpose of and in the manner approved; (Working firearms and ammunition shall never be approved.)
- C. theatrical props that do not meet the definition of "weapons" above, used in appropriate settings;
- D. starter pistols used in appropriate sporting events.

Staff members shall immediately report knowledge of dangerous weapons and/or threats of violence by students, staff members, or visitors to their immediate supervisor, building or office administrator or the Office of Employee Relations. Failure to report such information may subject the staff member to disciplinary action, up to and including termination.

**Refer to:** [Board Policy 1217](#)

### **Threatening Behavior Toward Staff Members**

The Board of Education believes that a staff member should be able to work in an environment free of threatening speech or actions.

Threatening behavior consisting of any words, deeds, or electronic communications including social media that intimidate a staff member or cause anxiety concerning his/her physical and/or psychological well-being is strictly forbidden. Any student, parent, visitor, staff member, or agent of this Board who is found to have threatened a member of the staff will be subject to discipline or reported to the authorities.

The Superintendent and his/her designees shall implement guidelines whereby students and employees understand this policy and appropriate procedures are established for prompt and effective action on any reported incidents.

**Refer to:** [Board Policy 3362.01](#)

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## WORK PLACE SAFETY

All staff members shall be responsible for maintaining a safe work environment and participating in investigations as necessary. Reasonable action shall be taken to ensure that persons involved in an investigation, or in providing information during an investigation do not suffer any form of retaliation, inclusive of unconsented transfers, because of their good faith participation. Steps to avoid retaliation may include placing a party to the investigation on administrative leave or other reasonable action. Additional steps may be taken to address workplace safety issues.

It is the Superintendent and his/her designee's intent to create and maintain an environment free from disruptive, threatening, and violent behavior. The Board will not tolerate inappropriate or intimidating behavior within the workplace.

Examples of inappropriate behavior by staff members include but are not limited to:

1. Behavior that distracts, interferes with or prevents normal work functions or activities. This behavior includes but is not limited to yelling, using profanity or vulgarity, verbally abusing others; Behavior that includes physical actions short of actual contact/injury (e.g., moving closer aggressively), oral or written threats to a person or property, whether in person, over the telephone or through other means of communication;
2. Behavior that includes physical assault, with or without weapons behavior that a reasonable person would interpret as being violent, (e.g., throwing things, pounding on a desk or door, or destroying property), and specific threats to inflict physical harm; and
3. Behavior(s), which creates incidents that, are stressful or traumatic that interfere with an individual's or group of individual's ability to function in his/her educational or work environment.

Employees experiencing workplace safety issues are required to notify, in writing, their immediate supervisor. When appropriate, complaints under Board Policy 4362.02 may be reported to the local law enforcement agencies, by the Superintendent and his/her designees. All reports or complaints under Board Policy 4362.02 shall be investigated and include confidentiality where appropriate. Once an investigation is complete, a recommendation on how to handle the complaint shall be submitted to the Superintendent for disposition.

Counseling for staff will be coordinated by the District for both the victim and any others within the District affected by a violent traumatic incident.

Members of the staff who have obtained a protective order should supply a copy of the order to the Superintendent and his/her designees. Other parties may also be informed when deemed necessary for the safety of District personnel.

Staff who violate Board Policy 4362.02 may be subject to discipline up to and including discharge.

**Refer to: [Board Policy 4362.02](#)**

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## FITNESS FOR DUTY AND PHYSICAL EXAMINATION

The Superintendent or his/her/their designee reserves the right to require any employee to submit to an examination in order to determine the physical and/or mental capacity to perform assigned duties.

If an instructional staff member is endangering the safety of students and/or is unable to perform essential functions of the position to which the staff member is assigned, with or without reasonable accommodations, the staff member will be offered the opportunity for a meeting to discuss these issues.

The Superintendent and his/her/their designees may require an instructional staff member to submit to an appropriate examination by a health provider designated by the Superintendent and his/her/their designee to determine whether or not the staff member is a danger to the safety of students and/or is able to perform essential functions of the position to which the staff member is assigned, with or without reasonable accommodations.

The staff member shall execute a release that complies with the Health Insurance Portability and Accountability Act (HIPAA) to allow the report of the medical examination to be released to the Board/Superintendent and to allow the



Superintendent to speak to the health care provider who conducted the medical examination for clarification. Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for disciplinary action according to the terms of the applicable employee agreement.

Pursuant to State law, the Americans with Disabilities Act and the Genetic Information Nondiscrimination Act, the results of the examination shall be treated as a confidential medical record and will be exempt from release, except as provided by law.

Upon the recommendation of the Superintendent and approval of the Board, a staff member may be placed on a leave of absence related to fitness for duty. This leave shall be without pay but an employee may use available accrued leave or request leave in accordance with the Family Medical Leave Act (FMLA). Under certain circumstances, the Superintendent may recommend the instructional staff member's dismissal.

The staff member is entitled to a hearing as provided in law or the applicable collective bargaining agreement.

**Refer to:** [Board Policy 1460](#) and [Board Policy 3161](#)

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## PERSONNEL

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### HIRING, PROMOTION, AND SELECTION

False or misleading statements or responses, or omissions made by a person in connection with seeking employment may bar a person from employment with the District or, if discovered after employment, may result in disciplinary action, including termination upon the recommendation of the Superintendent and the approval of the Board. Each case shall be considered on its own merits.

The Superintendent shall serve as the chief executive officer of the District.

It shall be the responsibility of the Superintendent to determine the need for and define operational requirements sufficient to ensure optimized functioning of the District. Maintenance of an efficient, skilled, operational workforce is essential to the effective performance of the District and schools. The Superintendent shall make any necessary modifications to the District's organization which are in the best interests of students, make the most strategic use of District resources, serve the mission, vision, core values, and priorities of the District.

**Refer to:** [Board Policy 1100](#) and [Board Policy 3120](#)

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### ASSIGNMENT AND TRANSFER

The Superintendent and their designee(s) shall be responsible for the proper assignment and unbiased transfer of all professional and support staff members and shall attempt to effect the optimum assignment of the professional and support staff in conformance with any applicable contractual, legal, State certification and Federal requirements.

**Refer to:** [Board Policy 3130](#)

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### DISCIPLINE

Progressive discipline is designed to correct unacceptable employee conduct through a series of progressively more serious penalties. Depending on the circumstances, progressive discipline provides the employee with an opportunity to correct their behavior before discharge. Progressive disciplinary steps include, but are not limited to, the following:

- A. Verbal Warning;
- B. Written Reprimand;
- C. Suspension with or without pay; and
- D. Demotion or Discharge.

Progressive discipline may be issued at an appropriate level based on the circumstances surrounding the infraction, the nature and severity of the offense, the employee's past record, and previous history of discipline. Progressive discipline requires that any penalty imposed must correspond to the severity of the misconduct. It should be noted that several disciplinary steps may be skipped if the misconduct of the employee is so serious that a more severe penalty is appropriate. Consequently, under certain circumstances discharge may be warranted on the first offense. The District reserves the right to determine whether infractions committed warrant suspension or discharge.

A fair and objective investigation should be conducted and the degree of discipline administered should be reasonably related to the seriousness of the employee's proven offense and the prior disciplinary record of the employee.

The District shall abide by due process as required by law or as such term is set forth in a collective bargaining agreement, the Teacher Tenure Act, or the individual contract, as applicable.

**Refer to:** [Board Policy 3139.01](#)

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## DEMOTION AND DISCHARGE

All instances of demotion and discharge must involve due process.

### **Probationary Teachers**

Teachers, new to the District, who have not previously acquired tenure in the State of Michigan, will be in a probationary status for the first five (5) years of employment before becoming eligible for tenure in the District, except as provided in Board Policy 3142. A teacher must receive ratings of Effective or Highly Effective on the last three (3) annual performance evaluations to achieve tenure.

A teacher who is in a probationary period may be dismissed from his/her employment by the Board at any time.

### **Tenured Teachers**

Demotion and discharge of tenured teachers will be governed by the Michigan Teachers' Tenure Act and standard District personnel practice.

### **Administrative Personnel**

Demotion and discharge of administrative staff shall be consistent with state and federal law and standard District personnel practice. The employment of District administrators, principals, assistant principals, guidance directors and other administrators who do not assume tenure in those positions shall be by written contract and is governed by Section 1229 of the Revised School Code.

**Refer to:** [Board Policy 1250](#), [Board Policy 3139.01](#), [Board Policy 3140](#), [Board Policy 3142](#), and [Board Policy 4140](#)

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## ADMINISTRATOR NON-RENEWAL

Non-renewal of an administrator's contract will be conducted in accordance with Board Policy 1443.

**Refer to:** [Board Policy 1250](#) and [Board Policy 1443](#)

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## UNEMPLOYMENT BENEFITS

Michigan's Unemployment Insurance Agency (UIA) administers the unemployment insurance program that provides temporary financial assistance to individuals if they become unemployed through no fault of their own. Benefits are paid through taxes on employers that are covered under the Michigan Employment Security Act.

**Refer to:** [Unemployment Insurance Hub Post](#)

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## STUDENT ISSUES

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### STUDENT SUPERVISION AND WELFARE

Administrators 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.

Since most information concerning a child in school, other than directory information described in the student records policy is confidential under Federal and State laws, any administrator 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.

**Refer to:** [Board Policy 1613](#)

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### STUDENT ABUSE AND NEGLECT

Michigan Child Protection Law requires professional staff and all other persons employed by this District who are mandatory reporters under the law (mandatory reporters) who have reasonable cause to suspect child abuse and/or neglect to file reports with the Department of Human Services, Children's Protective Services Division.

All mandatory reporters who have reasonable cause to suspect child abuse or neglect shall immediately report any such case 1) directly to Child Protective Services through central intake by telephone, or through the online reporting system; in addition to 2) his/her supervisor; and 3) the principal or his/her designee.

All other persons employed by this District who are not designated mandatory reporters under the law report suspected child abuse or neglect to 1) his/her supervisor, and 2) the principal or his/her designee who shall, in turn, immediately notify Children's Protective Services.

**Refer to:** [Board Policy 8462](#)

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### CORPORAL PUNISHMENT AND USE OF REASONABLE FORCE AND RESTRAINT

District employees shall assume full authority over students under their span of control and maintain order. Under no circumstance shall District employees find it necessary to resort to physical force or violence to compel student obedience and manage disruptive behavior. Instead, district employees shall consider the application of alternative discipline approaches that include, but are not limited to, counseling, student mediation, conflict resolution, parental involvement, alternative education programs, restorative justice, and other forms of positive reinforcement. If all other means fail, professional staff shall consider the administrative removal of disruptive students through detention and in-school/out-of-school suspension. By no means, shall corporal punishment ever be exercised to manage disruptive behavior.

#### **Corporal Punishment**

While recognizing that students may require disciplinary action in various forms, the Board does not condone, in any form, the use of corporal punishment as an appropriate means to discipline students. Corporal punishment is strictly prohibited.

If any staff member, full-time, part-time, or substitute intentionally inflicts, or causes physical pain to be inflicted by hitting, paddling, spanking, slapping, head-butting, forcing prolonged maintenance of physically-painful positions, or make use of any other kind of physical force as a means of disciplining a student, the professional or support staff member shall be subject to discipline up to and including discharge.

A staff member engaging in corporal punishment shall also be subject to possible criminal charges and prosecution.

#### **Reasonable Force and Restraint**

Staff may use or apply incidental, minor, or reasonable physical contact (reasonable physical force) as necessary to maintain order and control in a school or school-related setting for the purpose of providing an environment conducive to safety and learning, under limited circumstances, as described below:

- A. if after requesting that the student refrain from further disruptive acts, staff may restrain a student whose behavior is interfering with the orderly exercise and performance of school district functions;
- B. for self-defense or defense of another;
- C. to prevent a student from inflicting harm on himself or herself;
- D. to quell a disturbance threatening physical injury to others;
- E. to obtain possession of weapons or other dangerous objects upon or within the control of the student; or
- F. for the protection of property.

**Refer to: [Board Policy 5630](#)**

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#### STUDENT NON-FRATERNIZATION

The Board expects all District internal and external stakeholders who directly engage with students on or off District property, to maintain the highest professional, moral and ethical standards in their conduct with students. The interactions and relationships between all District internal and external stakeholders should be based upon mutual respect and trust, an understanding of the appropriate boundaries between adults and students in educational settings; and consistent with District and community standards.

The Board expects all professional and support staff, contractors, as well as all athletic coaches, counselors, administrators, volunteers, and other District stakeholder who directly engage with students on or off District property, to maintain appropriate professional relationships with students and be sensitive to the appearance of impropriety in their conduct with students. All professional and support members are encouraged to discuss issues and concerns with District administrators or other personnel who function in an administrative/supervisory capacity whenever they are unsure whether particular conduct may constitute or appear as a violation of this policy.

Any person with knowledge or suspicion of an improper relationship between staff and a student must immediately report the conduct to school administration. Staff who makes a good-faith report of a suspected fraternization violation, or who cooperates in inquiries or investigations related to the investigation of such a report, shall be protected from retaliation in accordance with District policy.

The District shall take appropriate disciplinary action, up to and including dismissal, against any staff found to have violated Board Policy 3213.

**Refer to: [Board Policy 3213](#)**

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#### STUDENT POSSESSION OF WEAPONS

The Board of Education prohibits students from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, including athletic events, or in a District vehicle-without the permission of the Superintendent.

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 whatsoever, including spring, air and gas-powered guns (whether loaded or unloaded) that will expel a BB, pellet, or paintballs, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives or any other weapon described in 18 U.S.C 921.

This policy shall also encompass such actions as look-alike items, false fire alarms, bomb threats, or intentional calls to falsely report a dangerous condition.

The Superintendent is authorized to establish instructional programs on weapons which require students to immediately report knowledge of weapons and threats of violence by students and staff to the building principal. Failure to report such knowledge may subject the student to discipline up to and including suspension or expulsion from school.

The Superintendent will refer any student who violates this policy to the student's parents or guardians and to the criminal justice or juvenile delinquency system. The student may also be subject to disciplinary action, up to and including expulsion.

Policy exceptions include:

- A. weapons under the control of law enforcement personnel;
- B. items pre-approved by the building principal as part of a class or individual presentation under adult supervision, if used for the purpose and in the manner approved. (Working firearms and any ammunition will never be approved as part of a presentation.)

This policy will be published annually in all District student and staff handbooks. Publication is not a precondition to enforcement of this policy.

**Refer to: [Board Policy 5772](#)**

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## STUDENT RECORDS

Only records of students mandated by the State or Federal government and/or necessary and relevant to the function of the District or specifically permitted by the Board will be compiled by District employees. The Board authorizes collection of student records as listed in Board Policy 8330, in addition to the membership record required by law.

Student records shall be available only to students and their parents, eligible students, and school officials, within the meaning of FERPA, who have a legitimate educational interest in the information, or to other individuals or organizations as permitted by law.

**Refer to: [Board Policy 8330](#)**

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## POLICIES

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### BOARD POLICY 1130 – CONFLICTS OF INTEREST

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Section	1000 Administration
Title	CONFLICTS OF INTEREST
Code	po1130
Status	Active
Adopted	March 12, 2019
Last Revised	December 14, 2021 (*to ensure you are viewing the most recent version, view the policy on BoardDocs, here: <a href="#">Board Policy 1130</a> )

### 1130 – CONFLICT OF INTEREST

#### Statement of Purpose

The maintenance of high standards of honesty, integrity, impartiality and professional conduct by the District's employees, officers, and agents ("Officials") is essential to ensure the proper performance of school business as well as to earn and keep public confidence in the District.

This policy is adopted to provide guidance on 1) how to avoid actual or perceived conflicts, and 2) what to do if a conflict arises. Officials are expected to perform their official duties in a manner free from both actual conflicts and the appearance of conflicts.

#### Definitions

- A. **Conflict of Interest** occurs when an individual has a financial interest, directly or indirectly, or some other interest that could in some way impair one's fairness and impartiality on the job.
- B. **Disclosure** means an oral and/or written statement setting forth the nature and details of a conflict.
- C. **Family Member** means parents, children, uncle, aunt, cousin, nephew, niece, spouse, domestic partner, grandparents, all family members by marriage or by adoption including in-laws and "step" family members, half-brother, half-sister or person who resides in the same household of any employee or Board member.
- D. **Financial Interest** means income, honoraria, payment for service (including consulting services) or equity such as stock, stock options or other ownership interests and royalties.
- E. **Official** means District employee, officer or agent.
- F. **Other Interest** occurs when an individual has an interest that could in some way impair one's fairness and impartiality on the job.
- G. **Nominal Value** means a monetary value of \$100 or less.

#### Disclosure Requirements

- A. **Annual Disclosures.** All Officials shall file Electronic Disclosures upon hire, and thereafter, annually – disclosing all existing, potential, possible and probable conflicts of interest.



- B. **Update to Annual Disclosures.** All Officials must file a written update to his/her annual disclosure at any time if a change in circumstances presents a potential or perceived conflict of interest. Put another way, when an Official determines the possibility of a conflict of interest, he/she must disclose his/her interest, in writing.
- C. **Disclosure of Interest in a Contract.** If an Official's financial interest pertains to a proposed contract with the District ("Contract"), he/she shall disclose his/her financial interest in the Contract to the Superintendent or his/her designee within seven (7) days of discovering the existence of the pending or actual contractual relationship with the District. The Superintendent or his/her designee will report the disclosed conflict to the Board and such disclosed conflict will be made a part of the Board's official minutes.
- D. **Disclosure of Interest in Employment Action.** If an Official required to participate as a committee member in an employment interview becomes aware of an employment applicant that presents a conflict of interest for the Official, or an appearance of a conflict of interest, the Official should immediately advise the committee chairperson of such conflict of interest. If the Official is the committee chairperson, he/she should disclose the conflict to a representative of the Division of Human Resources, and refrain from participating in the interview process, unless cleared to do so by Human Resources.
- E. **Disclosure of Acceptance of Unsolicited Gift.** If an Official accepts an unsolicited gift of nominal value, he/she must disclose same to the Superintendent or his/her designee **prior** to acceptance of the gift.
- F. **District's Disclosure of an Official's Conflict.** Upon discovery of any potential conflict of interest, the District will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency consistent with the requirements of the granting agency or, if applicable, the pass-through entity.
- G. **District's Disclosure of Fraud.** The District will disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

## Standards of Conduct

The following list of expected behavior(s) is intended to provide examples and guidance – it is not intended to be all-inclusive, nor a substitute for good judgment on the part of a District Official:

- A. No District Official shall use his/her position as a District Official to benefit himself/herself or any other individual or agency apart from the total interest of the District.
- B. No Official shall engage in or have a financial interest, directly or indirectly, in any activity that 1) conflicts; 2) has the appearance of a conflict; or 3) raises a reasonable question of conflict - with his/her duties and responsibilities in the school system.
- C. Officials 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 or parents of such student in the course of the Official's employment or professional relationship with the District. Prohibited services include, but are not limited to:
  - 1. The provision of any private lesson or services for a fee;
  - 2. The use, sale, or improper divulging of any privileged or confidential information about a student gained in the course of the Official's employment or professional relationship with the District through his/her access to District records;
  - 3. 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; and
  - 4. The requirement of students or clients to purchase any private goods or services provided by an Official

or any business or professional practitioner with whom any Official has a financial or other relationship, as a condition of receiving any grades, credits, promotions, approvals or recommendations.

Should exceptions to this prohibition be necessary in order to provide services to students or clients of the District, all such exceptions will be made known to the Official's supervisor and will be disclosed to the Superintendent or his/her designee **before** entering into any private relationship.

- D. Officials shall not make use of materials, equipment or facilities of the District in private practice. For example, an Official cannot: 1) use facilities before, during or after regular business hours for service to private practice clients; or 2) check out items from an instructional materials center for private practice or personal gain.
- E. No Official may participate in the selection, award, or administration of a contract supported by a Federal award if he/she has a real or apparent conflict of interest. Such a conflict of interest would arise when the Official or his/her family member, or an organization which employs or is about to employ the Official or his/her family member, has a financial interest in or a tangible personal benefit from a firm considered for a contract.
- F. Officials shall not participate in any human resource decisions, including involvement in the hiring or selection of applicants for employment if there is any potential or perceived conflict of interest; whether from the Official's or the applicant's perspective.
- G. Officials shall not be given special consideration in dealings with the District.
- H. Officials must adhere to all applicable District policies related to conflict of interest.
- I. To the extent that the District has a parent, affiliate or subsidiary organization that is not a State, local government or Indian tribe, the District may not conduct a procurement action involving the parent, affiliate or subsidiary organization if the District is unable, or appears to be unable, to be impartial.

## Gifts and Gratuities

- A. **Contractors Involving Federal Grant Funds.** Officials cannot solicit or accept gifts, gratuities, honoraria, favors, loans or other things of monetary value from District contractors or subcontractors who are paid by the District using Federal grant funds.
- B. **No Solicitation of Contractors Not Involving Federal Grant Funds.** Officials cannot solicit or accept gifts, gratuities, honoraria, favors, loans or other things of monetary value from any person or company: 1) doing business with the District; 2) seeking to do business with the District; 3) seeking official action for the District; or (iv) that has interests that could be substantially affected by the performance of the Official's job duties.
- C. **Exceptions.** The prohibition in "Standards of Conduct" Item B above shall not apply to:
  - 1. An award publicly presented to an Official by an individual, governmental body or non-governmental entity or organization in the recognition of public service;
  - 2. Complimentary copies of trade publications, books, reports, pamphlets, calendars, periodicals or other informational materials;
  - 3. A gift received from an Official's relative or family member provided that the relative or family member is not acting as a third party's intermediary or an agent in an attempt to circumvent this policy;
  - 4. Admission or registration fee, travel expenses, entertainment, meals or refreshments that are furnished to the Official:
    - a. By the sponsor(s) of an event, appearance or ceremony, which is related to official District business in connection with such an event, appearance or ceremony to which one (1) or more of the public are invited; or
    - b. In connection with teaching, a speaking engagement, or the provision of assistance to an

organization or another governmental entity as long as the District does not compensate the Official for admission or registration fees, travel expenses, entertainment, meals or refreshments for the same activity; and

5. A gift of unsolicited items of "nominal value" received from a contractor or subcontractor who is party to a District contract that is not paid with Federal grant funds. Officials are allowed to accept unsolicited items valued up to \$100.00 in any one month period provided that the frequency is limited.
6. A gift that falls under any of the above exceptions which seems unreasonable may be subject to review by the District.

- D. If an Official accepts a gift in violation of this policy, he/she should return the gift and immediately disclose same to the Superintendent or his/her designee.

### **Disciplinary Action for Violation of This Policy**

Officials found to be in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination, as permitted by applicable Board policy, collectively bargained agreements as well as Federal, State, and local law.

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### **BOARD POLICY 1662 – ANTI-HARASSMENT**

Section	1000 Administration
Title	ANTI-HARASSMENT
Code	po1662
Status	Active
Adopted	December 12, 2017

Last Revised December 6, 2022 (\*to ensure you are viewing the most recent version, view the policy on BoardDocs, here: [Board Policy 1662](#))

### **1662 - ANTI-HARASSMENT**

#### **General Policy Statement**

It is the policy of the Board of Education to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all School District 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 discriminatory harassment based on race, color, national origin, sex, sexual orientation, gender identity, disability, age, religion, height, weight, citizenship, marital or family status, military status, ancestry, genetic information, or any other legally protected category, (collectively, "Protected Classes") that are protected by Federal or State civil rights laws (hereinafter referred to as "unlawful harassment"), and encourages those within the School District community as well as Third Parties, who feel aggrieved to seek assistance to rectify such 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, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

#### **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 unlawful harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.
- D. Sexual conduct/relationships with students by District employees or any other adult member of the School District 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". The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to District employees or other adult members of the School District community.

## Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

**Complainant** is the individual who alleges, or is alleged, to have been subjected to unlawful harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.

**Respondent** is the individual who has been alleged to have engaged in unlawful harassment, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged harassment.

**School District community** means students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

**Third Parties** include, but are not limited to, guests and/or visitors on School District 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 District community at school-related events/activities (whether on or off District property).

**Day(s):** Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

## Reports and Complaints of Harassing Conduct

Members of the School District community, which includes all staff, and Third Parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other School District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent

To file a complaint of harassment based upon this policy, please utilize the Investigation and Complaint Procedures referenced in Policy 2260.

## Anti-Harassment Compliance Officer

The Board designates the following individual to serve as the District's "Anti-Harassment Compliance Officer" for the District (hereinafter referred to as "the Compliance Officer"):

Benjamin Jackson  
Assistant Superintendent, Human Resources  
3011 W. Grand Blvd., 10th Floor  
Detroit, MI 48202  
dpdcd.compliance@detroitk12.org

The names, titles, and contact information of these individuals will be published annually in the staff handbooks, if any, and on the School District's web site.

The Compliance Officer are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding harassment.

The Compliance Officer will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the District community, and Third Parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

The Compliance Officer shall accept reports of unlawful harassment directly from any member of the School District community or a Third Party or receive reports that are initially filed with an administrator, supervisor, or other District-level official. Upon receipt of a report of alleged harassment, the Compliance Officer will contact the Complainant and begin either an informal or formal complaint process (depending on the request of the Complainant or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. The Compliance Officer will provide a copy of this policy to the Complainant and Respondent. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All Board employees must report incidents of harassment that are reported to them to the Compliance Officer within two (2) days of learning of the incident.

Any Board employee who directly observes unlawful harassment is obligated, in accordance with this policy, to report such observations to the Compliance Officer within two (2) days. Additionally, any Board employee who observes an act of unlawful harassment is expected to intervene to stop the harassment, 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 harassment. Thereafter, the Compliance Officer or designee must contact the Complainant, if age eighteen (18) or older, or Complainant's parents/guardians if the Complainant is under the age eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

### **Privacy/Confidentiality**

The District will employ all reasonable efforts to protect the rights of any party involved in a complaint concerning harassment. 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 public records created as a part of an investigation of a complaint of discrimination/retaliation will be maintained by the Compliance Officer in accordance with the Board's records retention policy and applicable law. Additionally, the Respondent must be provided the Complainant's identity.

### **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful harassment/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further such 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 and Federal law and the terms of the relevant collective bargaining agreement(s).

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

### **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce 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 report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, 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 and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

### **Allegations Constituting Criminal Conduct: Child Abuse**

State law requires any school teacher or school employee who knows or suspects that a child with a disability under the age of twenty-one (21) or that a child under the age of eighteen (18) has suffered or faces a threat of suffering a physical or mental wound, disability or condition of a nature that reasonably indicates abuse or neglect of a child to immediately report that knowledge or suspicion to the county children's services agency. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board Policy.

### **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 information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information provided regarding the Board's policy and harassment in general, will be age and content appropriate.

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## **BOARD POLICY 3129 – EMPLOYEE ATTENDANCE AND PUNCTUALITY**

Section	3000 Professional Staff
Title	EMPLOYEE ATTENDANCE AND PUNCTUALITY
Code	po3129
Status	Active
Adopted	August 14, 2018

Last Revised March 14, 2023 (\*to ensure you are viewing the most recent version, view the policy on BoardDocs, here: [Board Policy 3129](#))

### **3129 - EMPLOYEE ATTENDANCE AND PUNCTUALITY**

Timely and regular attendance is an expectation of performance for all District employees. To ensure adequate staffing, positive employee morale, and to meet expected performance standards throughout the District, all District staff shall be held accountable for adhering to their workplace schedule. Excessive employee absenteeism and tardiness negatively affects the provisioning of educational services and is therefore unacceptable. Punctual and regular attendance is, therefore, an essential responsibility of all District employees.

This policy sets forth the expectations for attendance, communication requirements, and establishes corrective action standards for unacceptable employee attendance.

### **Failure to Sign/Clock-in and/or out for Employees**



Employees are expected to follow the established guidelines for recording their actual hours worked. Not to exceed five (5) minutes at the discretion of the work location supervisor or his/her designee. Failure to properly sign/clock-in and/or out shall be counted as an absence until other evidence is provided.

### **Misrepresentation of Time Worked/Failure to be at Assigned Work Location**

Misrepresentation of time worked is when an employee may sign/clock-in but does not directly report to his/her assigned work area to begin work or sign/clock-in and leaves the work area. Employee supervisors shall address such misrepresentation of time worked through progressive disciplinary action.

Misrepresentation is also when an employee clocks in/out for another employee. Misrepresentation of work of this nature could be fraudulent and subject to disciplinary action.

### **Call-in Guidelines for Employees**

All persons to whom this policy applies who are unable to report to work must notify his/her immediate supervisor at the earliest opportunity, and no later than one hour prior to the scheduled starting time or in accordance with work location procedures, whichever is earlier. All employees to whom this policy applies must advise his/her supervisor of the anticipated date of return.

Should an employee need to be absent or late reporting to work, it is the employee's responsibility to notify their supervisor in accordance with the supervisor's/departments' notification process. Employees are required to report on a daily basis when absent (this is not required for employees on an approved Continuous FMLA). Requests in advance are recommended when employees are requesting time off for vacation, personal business and/or planned sick time based on supervisor/departments' guidelines.

All employees to whom this policy applies on sick leave must be in contact with her/his supervisor on a daily basis during the period of absence. If the expected date of return is not known, the employee shall disclose the date for follow-up treatment. An employee who fails to call in and report to work as scheduled for more than five (5) consecutively scheduled workdays will be classified as having abandoned their position and employment may be subject to termination. The supervisor shall consult the Department of Human Resources and Talent if this situation occurs.

Incidents of not following the departmental notification procedures, including No-Call/No-Show, will be addressed in accordance with the District's Progressive Discipline policy.

### **Employee Job Abandonment**

Employees are expected to notify their supervisor in accordance with their work location's procedures for absences and/or tardies in the event he/she cannot be at work as required. An employee who fails to call or report to work is considered a no-call/no-show. Any one incident of failure to call/show may result in disciplinary action. Five (5) consecutive missed workdays and failure to notify the employee's supervisor shall be considered job abandonment and shall be subject to disciplinary action, up to and including termination.

### **Employee Excessive Absenteeism**

District Work Rule A states that "All employees are expected to report for duty every working day. Excessive tardiness or absenteeism will not be condoned." Employees who call in using their work location's procedures, but demonstrate a pattern of poor attendance as outlined in Policy 3432 and Policy 4432 (Sick Leave Abuse) are considered to be excessively absent. Employees considered excessively absent shall be subject to disciplinary action, up to and including termination.

### **Medical Examinations**

An employee not able to return to work following five (5) consecutive days of absence for personal illness may, at the District's discretion, have a medical examination by the District's designated physician. The medical examination shall be restricted to the employee's stated reason(s) for the consecutive absences.

Employees who remain on extended sick leave may be asked to have a medical examination by the District's designated physician during the period they are absent after continued absence beyond two (2) consecutive pay periods. Such examinations are required when sufficient evidence of continued illness is not obtainable by other means.

The Department of Human Resources and Talent shall require a medical examination by the District's designated physician for an employee at any time when the maintenance of minimum health standards in a school or department is in question.

An employee returning from a leave of absence shall, at the District's discretion, have a medical examination by the District's designated physician. A form provided by the District for such purpose, from the employee's personal physician, is required for return from leave of absence for illness. An employee who has been ill with a communicable disease must have a medical examination and release by the District's designated physician.

### **Discipline Related to Employee Attendance**

Attendance will be monitored on a regular basis and unsatisfactory attendance will be addressed in a timely and consistent manner. If the employee demonstrates a pattern and practice of absenteeism or tardiness and fails to begin work as scheduled thereby affecting instruction, student care, operational or business functions of the District, disciplinary action shall be warranted.

When an employee has been previously counseled under the District's progressive discipline guidelines, the totality of the circumstances will be assessed when determining further action. For situations involving suspension or termination of employment, the supervisor shall consult with the District's Office of Employee Relations prior to implementing disciplinary action.

Timely and regular attendance is a performance expectation of all District employees. Consequently, those employees who have exhibited unsatisfactory attendance which resulted in disciplinary action (written or final) during the course of the year shall have the behavior documented in their annual evaluation.

Any disciplinary action taken to address employee attendance as described within this policy shall be consistent and in accordance with applicable negotiated, collectively bargained agreements and State law.

### **Time Period for Employee Attendance Management**

A rolling twelve (12) month period will be considered in monitoring employee attendance. Attendance will be monitored with the most recent occurrence and subsequent disciplinary action taken for additional occurrences.

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## **BOARD POLICY 3210 – STANDARDS OF ETHICAL CONDUCT**

Section	3000 Professional Staff
Title	STANDARDS OF ETHICAL CONDUCT
Code	po3210
Status	Active
Adopted	May 2, 2018

Last Revised December 14, 2021 (\*to ensure you are viewing the most recent version, view the policy on BoardDocs, here: [Board Policy 3210](#))

### **3210 - STANDARDS OF ETHICAL CONDUCT**

All employees are representatives of the District and shall conduct themselves, both in their employment and in the community, in a manner that will reflect credit upon themselves and the school system.

All professional staff members shall:

- A. teach efficiently and faithfully, using the books and materials required, following the prescribed courses of study, and employing approved core content standards, pedagogical approaches, and methods of instruction as provided by law and by the rules of the Michigan Department of Education, and as required by the District;
- B. keep current in their subject area through attendance at professional meetings, acquaintance with professional publications, and participation in in-service activities;
- C. make a reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety;
- D. not unreasonably restrain a student from independent action in pursuit of learning;
- E. not unreasonably deny a student access to diverse points of view;
- F. not intentionally suppress or distort subject matter relevant to a student's academic program;
- G. not intentionally expose a student to unnecessary embarrassment or disparagement;
- H. not intentionally violate or deny a student's legal rights;
- I. not harass or discriminate against any student on any basis prohibited by law or the Board and shall make reasonable efforts to assure that each student is protected from harassment or discrimination;
- J. not exploit a relationship with a student or any district staff member for personal gain or advantage;
- K. keep confidential personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law;
- L. take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated;
- M. not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression;
- N. not use institutional privileges for personal gain or advantage;
- O. accept no gratuity, gift, except as permitted by Board Policy 3214, loan, reward, promise of future employment, favor, or service-based upon an understanding that might influence professional judgment;
- P. maintain honesty in all professional dealings;
- Q. maintain, prepare, and promptly submit (according to applicable timelines) all reports that may be required by State law, State Department of Education rules, Board rules, and administrative directives;
- R. not deny a colleague professional benefits, advantages, or participation in any professional organization on any basis prohibited by law or the Board;
- S. not interfere with a colleague's exercise of political or civil rights and responsibilities;
- T. not use abusive and/or profane language or display unseemly conduct in the workplace;
- U. not engage in harassment or discriminatory conduct which interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment; and, further, shall make reasonable efforts to assure that each individual is protected from such harassment or discrimination;
- V. not make malicious or intentionally false statements about a colleague;
- W. not use coercive means or promise special treatment to influence professional judgments of colleagues;

- X. not misrepresent one's own professional qualifications;
- Y. not submit fraudulent information on any document in connection with professional activities;
- Z. not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position;
- AA. not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment;
- BB. provide upon the request of a certificated individual a written statement of specific reason for recommendations that lead to the denial of pay increases, significant changes in employment, or termination of employment;
- CC. not assist entry into or continuance in the profession of any person known to be unqualified in accordance to applicable statutes and State Board of Education rules;
- DD. self-report within forty-eight (48) hours to appropriate authorities any arrest and final dispositions of such arrest other than minor traffic violations, to their supervisor and the District's Criminal Convictions, Background and Fingerprinting Unit, and if required by law, to the appropriate state agency. DDUI is not considered a minor traffic violation. Staff members shall self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment;
- EE. report any criminal act, and/or disruptive, and/or inappropriate behavior to the administrator or designee to whom the employee is responsible;
- FF. report all allegations of child abuse and/or neglect immediately upon knowledge, to the Michigan Department of Health and Human Services, call 855-444-3911, any time day or night, and the site administrator. Failure to immediately report child abuse and/or neglect to the proper authorities will lead to disciplinary action.
- GG. seek no reprisal against any individual who has reported any allegation of a violation;
- HH. No staff member shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or hold any employment or contractual relationship; or incur any obligation of any nature that is in conflict with the proper or full and faithful discharge of his/her duties;
- II. Engage in respectful discourse regarding issues that impact the educators or other school workers whether in face-to-face interactions or in online interactions, including when using social media. Educator is defined as licensed educators which include paraprofessionals, teachers, teacher leaders, student support personnel and administrators. Other school workers include administrators, coaches, custodians, secretaries and all other school staff;
- JJ. Not engage in professional or personal activity that reduces one's effectiveness within the school community. School community includes school administrators, teachers, school staff members, students, their parents and families, school board members and other community members; and
- KK. Exhibit professional and personal conduct that is in the best interest of the District, learning community, school community, and the teaching profession. Learning community is a group of educators who work with one another to achieve the shared goals of their school and engage in collaborative professional learning to strengthen practice and increase student results.

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#### BOARD POLICY 3216 – STAFF DRESS AND GROOMING

Section	3000 Professional Staff
Title	STAFF DRESS AND GROOMING
Code	po3216

Status Active

Adopted May 22, 2018

Last Revised July 12, 2022 (\*to ensure you are viewing the most recent version, view the policy on BoardDocs, here: [Board Policy 3216](#))

Last Reviewed May 27, 2022

### **3216 - STAFF DRESS AND GROOMING**

The Board believes that staff members set an example in dress and grooming for students to follow. A staff member who understands this precept and adheres to it enlarges the importance of his/her task to serve as a role model to students, presents an image of dignity, and encourages respect. These factors act in a positive manner toward the maintenance of academic decorum and discipline.

District employees shall generally maintain a neat, well-groomed, and professional appearance that is appropriate for their job functions. Attire should always be appropriate to the work location environment and reflect a professional image to the division, school, or department's internal and external customers, the public, and stakeholders whom professional and support staff interact.

No dress code policy can cover all contingencies, so employees must exert a certain amount of judgment in their choice of clothing. Notwithstanding, the District retains the authority to specify dress and grooming guidelines for staff that will prevent such matters from having an adverse impact on the educational process. When assigned to District duty, on or off District property, all professional and support staff members shall:

- A. remain physically clean, neat, and well groomed;
- B. dress in a manner consistent with duties and responsibilities that communicates to students a pride in personal appearance;
- C. practice grooming habits in such a way that their hairstyle or dress does not cause a health, safety hazard, and or disrupt work and classroom settings; and
- D. dress in a manner that communicates professionalism to students and the community.

Central Office based professional and support staff who interact with members of the public, parents, students, employment applicants, vendors, and community/ business leaders shall default to business professional dress with their attire unless the Superintendent and his/her/their central office designee(s) indicate otherwise. When in doubt, professional staff and support staff employed at the central office shall adhere to a business professional dress code. Examples of business or professional clothing include jackets and blazers with matching pants, skirt or dresses. Central office staff adhering to the business professional dress code shall wear slacks/pants, shirts/blouses and other formal combinations.

Central Office staff shall dress conservatively. Revealing clothing should be avoided. Persons employed in the central office shall wear dress shoes. Head wear is not permitted in a business professional dress code unless it is for religious or cultural significance or for occupational purposes.

Business casual is the minimum level of acceptable casual dress in all other District settings. Employees and contract workers should minimally default to business casual with their attire unless division/department management indicates otherwise. Notwithstanding, business casual is the minimum level of acceptable dress in most District work locations.

All school based professional and support staff shall minimally maintain a "business casual" dress in order to work comfortably, while projecting a professional image for students, parents, and community members. "Business casual" is a generally accepted dress code standard for the school settings. Appropriate "business casual" dress is typically less formal than traditional business clothing but still professional enough to be appropriate for office and school environments.

Examples of "business casual" clothing items includes but is not limited to: 1) khaki styled pants, trousers and business casual slacks at least ankle length, 2) pressed dress shirt or blouse (traditional button-down, collared is often appropriate)—a tie is optional and a blazer can also be appropriate, 3) polishable loafers, oxfords and boots, pumps, flats,

dress sandals, and other types of shoes shall adhere to the "business casual" standard.

Examples of inappropriate "business casual" clothing items include but are not limited to: 1) sweat suits, jogging suits, warm-up suits, wind suits, 2) Yoga pants/exercise leggings, 3) shorts, skirts, and dresses shorter than three inches above the knee (all types)—unless needed to execute assigned duties and responsibilities, 4) casual sandals, "Flip-Flop" thong sandals – plastic, foam, and/or rubber beach type, 5) faded, tattered, frayed, or wrinkled clothing inclusive of denim jeans, 6) casual t-shirts, tube tops, crop tops, off the shoulder tops, spaghetti straps without something over them 7) no midriff, back skin, cleavage or undergarments may show when standing, bending, sitting or stooping, 8) hats or baseball caps, head coverings that do not serve an occupational, cultural or religious purpose or protect from inclement weather and 9) Clothing that is see-through.

Wearing workplace-appropriate denim jeans that are free of holes and tears on special event days or occasionally is appropriate. Collared shirts, polo shirts, sweaters, and turtlenecks are appropriate. T-shirts with school logos that promote school spirit or a university/college going culture shall be considered appropriate attire for the purpose of this policy.

Clothing for all professional and support staff members shall be non-distracting in length and fit, clean, and properly fitting. The cut of sleeveless garments shall not expose undergarments or be otherwise immodest. Upper garments must adequately cover the waistline and must not expose the midriff while the professional and support staff member is performing school-related activities.

Garments traditionally designed as undergarments, such as boxer shorts, sport bras, sleeveless undershirts or other male/female undergarments shall not be worn as outer garments or intentionally displayed. All footwear must remain secure on feet and not present a safety hazard.

The Superintendent and his/her/their designees may approve variations of this staff dress code policy for special situations such as field days, spirit days, class or team days, work days (when there are no parent conferences or meetings with the public) or for those individuals whose responsibilities may necessitate an alternate form of dress, such as physical education teachers, vocational education instructors, coaches (in season), JROTC and other support personnel, such as food service personnel. Disciplines of particular subject areas may necessitate staff dress and grooming guidelines other than "business casual," in such circumstances the Superintendent and his/her/their designees shall provide direction.

Professional and support staff are expected to comply with the standards outlined in this policy. Determination of the appropriateness of professional and support staff dress shall remain under the purview and discretion of the Superintendent and his/her/their designees. He/she/they shall counsel individual employee(s) regarding suitable, appropriate, acceptable and professional dress, and provide direction as needed. At the worksite level, central office and school-based administrators shall remain responsible for ensuring that employees comply with this policy. Employees who report to work dressed in an unacceptable manner shall be sent home and directed to return to work in proper attire within a reasonable time period. Repeated violations may result in further disciplinary action.

Reasonable accommodations shall be made, by the Superintendent and his/her/their designees for employees who because of a held religious beliefs, cultural heritage, or medical reasons request a waiver of a particular part of this policy and supporting guidelines for professional and support staff dress and grooming. In addition, the Board recognizes employees' right to dress in accordance with their gender identity, within the constraints of the preceding dress and grooming guidelines.

Revised 12/14/21

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## BOARD POLICY 3430.01 – FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA")

Section	3000 Professional Staff
Title	FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA")
Code	po3430.01
Status	Active



Adopted May 2, 2018

Last Revised December 14, 2021 (\*to ensure you are viewing the most recent version, view the policy on BoardDocs, here: [Board Policy 3430.01](#))

### **3430.01 - FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA")**

In accordance with Federal law, the District shall provide up to twelve (12) weeks of unpaid FMLA leave in any twelve (12) month period to eligible administrators for the following reasons:

A-1: the birth of a child and/or the care of a newborn child within one (1) year of the child's birth;

B-1: the placement of a child with the staff member by way of adoption or foster care and/or to care for the child within one (1) year of the child's arrival;

C-1: the staff member is needed to care for a spouse, parent or dependent child if such individual has a serious health condition, or

D-1: the staff member's own serious health condition prevents him/her from performing the functions of his/her position.

### **Employee Entitlement to Service Member FMLA**

#### **Leave Entitlement**

Service member FMLA provides eligible employees unpaid leave for one, or for a combination, of the following reasons:

A-2: A "qualifying exigency" arising out of a covered family member's (spouse, son, daughter, or parent) covered active duty or call to covered active duty in the United States Armed Forces including the National Guard and Reserves. Qualifying exigencies, as defined by Federal regulations, include: 1) short-notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation (maximum fifteen (15) calendar days); 7) post-deployment activities; 8) caring for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty; and 9) additional activities not encompassed in the other categories, but agreed to by the employer and employee. Covered active duty means deployment with the Armed Forces to a foreign country.

B-2: To care for a covered family member, including next of kin as provided in the statute, who has incurred an injury or illness or aggravation of a pre-existing illness or injury while in the line of duty while on covered active duty in the United States Armed Forces, including the National Guard and Reserves, provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank, or rating. Covered active duty means deployment with the Armed Forces to a foreign country. This leave is also available to care for veterans of the United States Armed Forces, including the National Guard and Reserves, provided the veteran was a service member at any time within the five (5) years prior to the start of the treatment, recuperation or therapy. In accordance with applicable regulations, a veteran's serious injury or illness incurred or aggravated in the line of active duty can also be manifested by: 1) a physical or mental condition with a VA Service Disability Rating of 50% or greater and is the condition precipitating the need for leave; or 2) a physical or mental condition that substantially impairs the ability to secure or substantially follow a gainful occupation, or would do so absent treatment; or 3) an injury, including psychological, for which the veteran has been enrolled in the Dept. of V.A. Program of Comprehensive Assistance for Family Care Givers.

#### **Duration of Service Member FMLA**

- A. When leave is due to a "Qualifying Exigency": An eligible employee may take up to twelve (12) workweeks of leave during any twelve (12) month period. Such leave shall be counted with regular FMLA leave time in calculating the twelve (12) weeks of allowable leave.
- B. When leave is to care for an injured or ill service member: An eligible employee may take up to twenty-six (26) workweeks of leave during a single twelve (12) month period to care for the service member who is undergoing

medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. This is a one (1) time benefit per service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed twenty-six (26) weeks in a single twelve (12) month period.

- C. Service Member FMLA runs concurrent with other leave entitlements provided under Federal, State, and local law.

## **General FMLA Provisions**

Administrators are "eligible" if they have worked for the District for at least twelve (12) months, and for at least 1,250 hours over the twelve (12) months prior to the leave request. Service time may be aggregated when the break-in service is less than seven (7) years for military obligation or subject to recall under a collective bargaining agreement. All full-time administrators are deemed to meet the 1,250-hour requirement. All periods of absence from work due to or necessitated by USERRA-covered service is counted in determining an employee's eligibility for FMLA leave.

Twelve (12) month period for determining hours worked and use of leave is defined as a rolling twelve (12) month period measured backward from the date the staff member uses FMLA leave (i.e. the "leave year" is specific to each individual staff member).

For Service Member FMLA leave, the use of the twenty-six (26) weeks of leave will be measured forward from the first date on which the employee takes leave.

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves:

- A. inpatient care, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or
- B. continuing treatment by a healthcare provider, including:
  - 1. a period of incapacity of more than three (3) consecutive full calendar days and any subsequent treatment or period of incapacity relating to the same condition, that also involves either in-person treatment two (2) or more times by a healthcare provider within thirty (30) days of the first date of incapacity absent extenuating circumstances beyond the employee's control, or in-person treatment by a healthcare provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of a healthcare provider;  
  
The first visit to the healthcare provider must occur within seven (7) days of the first date of incapacity.
  - 2. any incapacity due to pregnancy or for prenatal care;  
  
An expectant mother is entitled to FMLA leave for incapacity due to pregnancy even if she does not receive treatment from a healthcare provider during the absence, and even if the absence does not last for more than three (3) consecutive, full calendar days.
  - 3. any period of incapacity or treatment for such incapacity due to a chronic serious health condition;
  - 4. a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective;
  - 5. any period of absence to receive multiple treatments by a healthcare provider either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis);
- C. conditions for which cosmetic treatment are administered are not "serious health conditions" unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, earaches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia

problems, periodontal disease, etc., are conditions that do not meet this definition and do not qualify for FMLA leave.

Whenever the leave is foreseeable, the staff member shall provide the District with thirty (30) days' notice. If there is insufficient time to provide such notice because of unforeseeable events, the staff member shall provide such notice as soon as possible and practical, generally not later than the next business day after the employee realizes the need for leave. Failure to follow the leave notice requirements may result in delay of obtaining the leave. Employees will still be required to comply with the absence reporting procedures at their buildings.

When planning medical treatment, the staff member must consult with the District and make a reasonable effort to schedule the leave so as not to unduly disrupt the regular operation of the District, subject to the approval of the healthcare provider.

The staff member may request to substitute any of his/her earned or accrued paid vacation leave, personal leave or family leave (per the applicable collective bargaining agreement) for unpaid FMLA leave provided for the birth, adoption or foster care placement of a child, or qualifying exigency for a Service Member Family Leave (see A-1, B-1, and A-2 on page one).

The staff member may request to substitute any of his/her earned or accrued paid vacation, personal leave or sick leave (per the applicable collective bargaining agreement) for unpaid FMLA leave provided for the staff member's own serious health condition or to care for a spouse, parent or dependent child with a serious health condition (see C-1 and D-1 on page one and B-2 on page two).

If the staff member has not earned or accrued adequate paid leave to encompass the entire twelve (12) or twenty-six (26) week period of FMLA leave, any additional weeks of leave to which the staff member is entitled to shall be unpaid. Whenever a staff member uses paid leave for a qualifying leave under this policy, such leave will count towards the maximum allowable leave, the paid leave, and FMLA/Service Member Family leave to which the staff member is entitled will run concurrently.

The District may allow a staff member to take FMLA leave intermittently or on a reduced-leave schedule for the birth, adoption or foster care placement of a child (see A-1 and B-1 on page one). A staff member may take FMLA leave on an intermittent or reduced-leave schedule when medically necessary for his/her own serious health condition or to care for a spouse, parent or dependent child with a serious health condition (see C-1 and D-1 on page one). The taking of such leave results in the total reduction of the twelve (12) weeks only by the amount of leave actually taken. Leave will be accounted for in increments no greater than the smallest increment used for other similar leaves, but in no event greater than one (1) hour increments. Leave entitlement will not be reduced by more than the amount of leave actually taken.

If the intermittent or reduced-leave schedule is foreseeable based on planned medical treatment, the District 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. Instructional staff members (i.e. individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced-leave schedule which would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave must elect either to:

- A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- B. transfer temporarily to an available alternative position offered by the District for which the instructional staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

The District will notify the staff member when the District intends to designate leave as FMLA-qualifying. Such notice may be given orally or in writing. When verbal notice is given, it will be followed by written notice within ten (10) business days. In the case of intermittent or reduced-leave schedule leave, only one (1) such notice is required unless the circumstances regarding the leave have changed. If the District does not have sufficient information about the reason for an employee's use of paid leave, the District may inquire further to ascertain whether the paid leave is FMLA-qualifying. Once the District learns that a paid leave is for an FMLA leave-qualifying reason, the District will promptly notify the staff member that the paid leave will count toward the staff member's twelve (12) week FMLA-leave entitlement.

In cases in which the District employs both spouses, the total amount of FMLA leave is twelve (12) weeks for the couple,

except when the leave is due to the serious health condition of either spouse or a child, or twenty-six (26) weeks of FMLA leave for Service Member Leave.

When FMLA leave is taken for the staff member's own serious health condition or to care for a spouse, parent or dependent child with a serious health condition (see C-1 and D-1 on page one), the staff member must provide medical certification from the healthcare provider of the eligible staff member or his/her immediate family member. When the staff member requests qualifying Service Member Leave, he/she must provide certification of a qualifying exigency or of the service member's serious illness. For service member leave, any certification permitted under 29 C.F.R. 825.310 shall be allowed.

The staff member may either:

- A. submit the completed medical certification to the District; or
- B. direct the healthcare provider to transfer the completed medical certification directly to the District, which will generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

In the event the staff member fails to provide medical certification, any leave taken by the employee will not qualify for FMLA Leave/Service Member Family Leave.

When the need for FMLA leave is foreseeable and at least thirty (30) days' notice has been provided, the staff member must provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the Superintendent within fifteen (15) calendar days after the staff member requests FMLA leave unless it is not practicable under the circumstances to do so despite the staff member's diligent and good faith efforts.

Any dispute over eligibility for FMLA leave shall be discussed between the employee and District. The District shall be responsible for maintaining a record of those communications.

The District reserves the right to obtain, at its expense, the opinion of a second healthcare provider and, in the event of conflict, the opinion of a third healthcare provider whose decision shall be binding and final. The staff member may either:

- A. submit the opinion of the second healthcare provider, and the opinion of the third healthcare provider if applicable, to the District; or
- B. direct the second or third healthcare provider to transfer his/her opinion directly to the Superintendent, which will generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

In the event the staff member fails to provide the medical opinion of the second or third healthcare provider, if applicable, any leave taken by the employee will not qualify for FMLA leave.

A staff member who takes leave for his/her own serious health condition prior to returning to work must provide the District with a statement from his/her healthcare provider that he/she is able to resume work.

Upon return from any FMLA leave, the District will restore the staff member to his/her former position or to a position with equivalent employment benefits, pay and conditions of employment. During FMLA leave, the District shall maintain the staff member's current coverage under the District's group health insurance program on the same conditions as coverage would have been provided if the staff member had been continuously working during the leave period. If the staff member was paying all or part of the premium payments prior to going on FMLA leave, the staff member must continue to pay his/her share during the leave.

Any leave or return from leave during the last five (5) weeks of an academic term shall be reviewed individually by the District to minimize disruption to the students' program. Special rules under the FMLA may apply for instructional staff.

The staff member shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.

The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the staff member's leave.

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 of the staff member or of the staff member's immediate family member, 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 unpaid FMLA leave period.

### **Communication Requirements During FMLA Leave and Prior to Return to Work**

Effective three-way communication between employees, health care providers, and the District is critically important at all phases of the FMLA process and is a key component of administering the District's FMLA program. At all phases of the FMLA process the District shall provide employees critical electronic notices via work (District) email about pending, current, and future FMLA leaves, as well as their responsibilities and rights under the FMLA. The District issued email account will, therefore, serve as the primary means of communication for all incoming and outgoing FMLA-related District communications.

Fielding occasional emails from the District's Employee Health Services (EHS) office, and or work site supervisors that relate to the administration of the FMLA process are critically important to ensure compliance with FMLA requirements. Employees shall therefore occasionally monitor their work (District) email account while on FMLA to respond to any FMLA-related communications from the District's EHS office, worksite supervisor(s), and or employee's health care provider(s) related to their FMLA leave. For employees who experience hardship accessing their work (District) email, it is their responsibility to call the District's EHS office to report any experienced communication difficulties and provide periodic updates on his/her status and intent to return to work.

District employees on FMLA shall comply with the District's usual and customary notice and procedural requirements for requesting leave. Employees on FMLA shall follow District call-in guidelines like any other employee. Under FMLA regulations, an employee must comply with the District's call-in procedures unless unusual circumstances prevent them from doing so. In such cases, the employee shall provide notice to his/her supervisor as soon as practicably possible. Failure to provide timely absence or tardy notice to the employee's immediate supervisor may lead to FMLA leave approval delays or denials and may be subject to progressive employee discipline where good cause is not shown. Failure to adhere to daily call-in requirements while on an intermittent FMLA leave may also result in processing and associated compensation delays.

### **Work Beyond District Employment While on FMLA Leave**

District Policy 3231.01 titled Outside Employment prohibits outside supplemental employment for all District employees while on any type of leave. An employee approved for FMLA leave shall therefore not work in any capacity that impedes the employee's recovery from, or treatment for reported health condition(s). As such, employees found to be engaging in outside employment while on FMLA leave that potentially impedes the employee's recovery efforts shall be subject to investigation, potential disciplinary action and dismissal.

FMLA fraud occurs when employees take FMLA leave for purposes other than those permitted under FMLA. For example:

- Working for another employer, performing same or similar duties that the employee's FMLA medical certification form says he or she is not able to perform; or
- Engaging in off-duty activity, while on FMLA leave for one's own serious health condition, that is inconsistent with the limitations the serious health condition imposes.

### **Travel While on FMLA Qualifying Leave**

Whether District employees engage in personal travel while on FMLA leave and retain the law's protections will depend on the nature of their activities while engaging in personal travel, and whether those activities stand in contrast to the reason FMLA qualifying leave was taken. This policy requires employees on medical leave to stay close to home and allows travel for purpose of obtaining treatment for themselves or to care for an immediate family member (spouse, child, or parent) with a serious health condition. Long-distance travel requires written permission from the District.

### **Recertification**

To the extent permitted by applicable law, if the District has reason to doubt the validity of a medical certification, the District shall exercise its right to obtain a second or third medical opinion at the District's expense. If the District determines that the certification is incomplete, it shall provide a written notice indicating what additional information is required.



During an FMLA leave, employees shall be required to provide the District periodic status updates regarding expected date of return and/or intent to return to work.

Recertification shall be required no more often than every thirty (30) days in connection with an absence by the staff member unless the condition will last for more than thirty (30) days. For conditions that are certified as having a minimum duration of more than thirty (30) days, the District will not request recertification until the specified period has passed, except that in all cases the staff member must submit recertification every six (6) months in connection with an absence by the employee. Additionally, the District may require a staff member to provide recertification in less than thirty (30) days if the staff member requests an extension of leave, the circumstances described in the previous certification have changed significantly, or if the District receives information that casts doubt upon the staff member's stated reason for the absence or the continuing validity of the certification. Finally, staff members must provide a new medical certification each leave year for medical conditions that last longer than one (1) year. If an employee fails to provide a recertification within a reasonable time under the particular facts and circumstances, then the employer may deny continuation of the FMLA leave protections.

A staff member who takes leave for their own serious health condition that makes him/her unable to perform the functions of his/her position; prior to returning to work, must provide the District and his/her designees with a fitness-for-duty certification that specifically addresses the staff member's ability to perform the essential functions of his/her job. The fitness-for-duty certification shall only apply to the particular health condition that caused the staff member's need for FMLA leave. If reasonable safety concerns exist, the District shall under certain circumstances, require a staff member to submit a fitness-for-duty certification before he/she returns to work from FMLA leave. The cost of the certification shall be borne by the staff member.

### **Dishonesty, Fraud, and Misuse of FMLA**

All credible reports of suspected FMLA abuse shall be investigated and documented. FMLA dishonesty, fraud, and abuse refers to employees' legitimate use of FMLA qualifying leaves in a fraudulent manner, or in cases where FMLA was fraudulently obtained by the employee. All findings of FMLA malfeasance and or abuse shall be subject to disciplinary action and dismissal. Under all circumstances where an employee has committed fraud in obtaining FMLA leave, the District is exempted from all obligations to the employee under FMLA rules. A staff member who fraudulently obtains and uses FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

### **Compliance**

Absent extenuating circumstances, if an employee fails to follow this policy, the District shall exercise its right to delay or deny the FMLA request. The District shall prepare administrative guidelines that are appropriate for this policy and shall ensure that the policy and associated administrative guidelines are posted and properly adhered to.

In any areas where discretion is allowed in the implementation of this policy or its guidelines for implementation, such discretion shall be exercised in a non-discriminatory manner. Similarly, situated persons shall be treated similarly.

The District shall provide a copy of this policy to all staff members on any form of FMLA. A notice of Rights and Obligations shall also be provided each time an employee requests FMLA leave or the District has sufficient information to believe that the employee may qualify for FMLA leave.

The approval, denial and administration of leave under this policy will be governed by the Family Medical Leave Act of 1993, as amended, and its published regulations, as applied and interpreted by the Superintendent and his/her designees.

The District will not interfere with, restrain, or deny the exercise or attempted exercise of a right established under this FMLA policy. Further, the District 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 FMLA policy. Nothing herein shall prevent the District from taking an employment action that is independent of the exercise of a right under this FMLA policy. Finally, the District will not deprive an employee who takes FMLA pursuant to this policy of any benefit that accrued before the date that leave commences.



Section	7000 Property
Title	STAFF TECHNOLOGY ACCEPTABLE USE AND SAFETY
Code	po7540.04
Status	Active
Adopted	January 15, 2019
Last Revised	June 13, 2023 (*to ensure you are viewing the most recent version, view the policy on BoardDocs, here: <a href="#">Board Policy 7540.04</a> )

#### 7540.04 - **STAFF TECHNOLOGY ACCEPTABLE USE AND SAFETY**

Technology directly affects the ways in which information is accessed, communicated and transferred in society. Educators are expected to continually adapt their means and methods of instruction and the way they approach student learning to incorporate the latest technologies. The District provides Information & Technology Resources to support the educational and professional needs of its staff and students. The District provides staff with access to the Internet for educational purposes only and utilizes online educational services/applications to enhance the instruction delivered to its students and to facilitate the staff's work. The District's computer network and internet system does not serve as a public access service or a public forum, and the District imposes reasonable restrictions on its use consistent with its stated educational purpose.

The District regulates the use of District Information & Technology Resources by principles consistent with applicable local, State, and Federal laws, the District's educational mission and articulated expectations of employee conduct as delineated in Employee Work Rules. The District's technology policy series and its related administrative guidelines and any applicable employment contracts and collective bargaining agreements govern the staff's use of the District's Information & Technology Resources and staff's personal communication devices when they are connected to District Information & Technology Resources, including online educational services/apps, regardless of whether such use takes place on or off school property (see [Policy 7530.02](#)).

Staff members are prohibited from using District Information & Technology Resources to engage in illegal conduct (e.g., libel, slander, vandalism, harassment, theft, plagiarism, inappropriate access, etc.) or conduct that violates this Policy and its related administrative guidelines (e.g., making personal attacks and injurious comments, invading a person's privacy, etc.). Nothing herein, however, shall infringe on a staff member's First Amendment rights. Because District Information & Technology Resources are not unlimited, the Board may institute restrictions aimed at preserving these resources, such as placing limits on the use of bandwidth, storage space, and printers.

Staff members have no right or expectation to privacy when using District Information & Technology resources (including, but not limited to, privacy in the content of their personal files, messages/e-mails, and records of their online activity).

Staff are expected to use District Information & Technology Resources to promote educational excellence in our schools by providing students with the opportunity to develop the resource-sharing, innovation, and communication skills and tools essential to both life and work. The District encourages staff to develop the appropriate skills necessary to effectively access, analyze, evaluate, and utilize these resources in enriching educational activities. The instructional use of the Internet and online educational services/apps will be guided by [Policy 2521 - Selection of Instructional Materials and Equipment](#).

The Internet is a global information and communication network that brings incredible education and information resources to students. Through the internet, students and staff can access relevant information to enhance their learning and the education process. Further, District Information & Technology Resources provide students and staff with the opportunity to communicate with people throughout the world. However, access to such an incredible quantity and diversity of information and resources brings with it certain unique challenges and responsibilities.

While the Board uses various technologies to limit the use of District Information & Technology Resources to only use/access online services/apps and resources that have been pre-approved for the purpose of instruction, study, and research related to the curriculum, it is impossible to prevent users from accessing and/or coming in contact with online content that has not been pre-approved for use by students of certain ages. It is no longer possible for educators and

community members to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted guidelines and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them) when significant portions of students' education take place online or through the use of online educational services/apps.

Pursuant to Federal law, the District has implemented technology protection measures to protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act (CIPA). At the discretion of the Superintendent, the technology protection measures may also be configured to protect against access to other material considered inappropriate for students to access. The District also utilizes software and/or hardware to monitor online activity of staff members to restrict access to child pornography and other material deemed as obscene, objectionable, inappropriate, and/or harmful to minors. The technology protection measures may not be disabled at any time that students may be using the District Information & Technology Resources if such disabling will cease to protect against access to materials prohibited under the Children's Internet Protection Act. Any staff member who attempts to disable the technology protection measures without express written consent of an appropriate administrator will be subject to disciplined, up to and including termination.

The Superintendent or designees may temporarily or permanently unblock access to websites or online educational services/apps containing appropriate material if access to such sites has been inappropriately blocked by the technology protection measures. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures. The Superintendent or his/her designees may also disable the technology protection measures to enable access for bona fide research or other lawful purposes.

Principals are responsible for providing training so that staff under their supervision are knowledgeable about this policy and its accompanying guidelines.

Staff members will have access to professional development programs in accordance with the provisions of law and this policy. Training shall include:

- A. the safety and security of staff and students while using e-mail, chat rooms, social media, and other forms of direct electronic communications;
- B. the inherent danger of students disclosing personally identifiable information online;
- C. the consequences of unauthorized access (e.g., 'hacking', 'harvesting', 'digital piracy', 'data mining', etc.), cyberbullying, and other unlawful or inappropriate activities by students or staff online; and
- D. unauthorized disclosure, use, and dissemination of personally identifiable information regarding minors or any other individual.

Staff members shall provide guidance and instruction to their students regarding the appropriate use of District Information & Technology Resources and online safety and security as specified above. Additionally, such training shall include, but not be limited to, education concerning appropriate online behavior including interacting with others on social media, including in chat rooms, and cyberbullying awareness and response. Further, staff members shall monitor students' online activities while the students are at school.

Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions; or use of specific monitoring tools to review browser history and network, server, and computer logs.

The unauthorized disclosure of personally identifiable information about students online is prohibited.

All staff members who use District Information & Technology Resources are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying guidelines.

In order to keep District Information & Technology Resources operating in a safe, secure, efficient, effective, and beneficial manner to all users, staff members are required to comply with all District-established cybersecurity

procedures, for which they have been trained. Principals are responsible for providing such training on a regular basis and measuring the effectiveness of the training.

Staff will be assigned a District-provided e-mail address they are required to use for all school-related electronic communications, including those to students, parents and other staff members in accordance with [Policy 7540.05](#).

With prior approval from the Superintendent or designee, staff may direct students who have been issued District assigned e-mail accounts to use those accounts when signing up/registering for access to various online educational services/apps that the student will use for educational purposes under teacher supervision.

Staff members are responsible for good behavior when using District Information and Technology Resources - i.e., behavior comparable to that expected when they are in physical classrooms, school buildings, and at school-sponsored events. Because communications on the Internet are often public in nature, general rules for professional behavior and communication apply. The District does not approve any use of District Information & Technology Resources that is not authorized by or conducted strictly in compliance with this policy and its accompanying guidelines.

Staff may only use District Information & Technology Resources to access or use social media in accordance with the District's social media policy, [Policy 7544](#).

Staff and students are strictly prohibited from sharing District-issued login credentials with other users.

### **Use of Artificial Intelligence/Natural Language Processing Tools**

Staff are permitted to use Artificial Intelligence and Natural Language Processing (NLP) tools (collectively, "AI/NLP tools") to accomplish their job responsibilities so long as the use is ethical, responsible, and does not violate any provisions of this policy (e.g., it does not infringe on students' or staff members' privacy rights, violate their duty to maintain confidentiality related to personally identifiable information, etc.).

With respect to students, it is the Board's policy that they are required to rely on their own knowledge, skills, and resources when completing school work. A student's unauthorized use of AI/NLP tools is considered a form of plagiarism and any student found using such tools without permission or in a prohibited manner will be disciplined in accordance with the Student Code of Conduct.

Notwithstanding the preceding, students are allowed to use AI/NLP tools in the school setting if they receive prior permission/consent from their teacher, so long as they use the AI/NLP tools in an ethical and responsible manner. Teachers have the discretion to authorize students to use AI/NLP tools for the following uses:

- A. Research assistance: AI/NLP tools can be used to help students quickly and efficiently search for and find relevant information for their school projects and assignments.
- B. Data Analysis: AI/NLP tools can be used to help students to analyze, understand, and interpret large amounts of data, such as text documents or social media posts. This can be particularly useful for research projects or data analysis assignments – e.g., scientific experiments and marketing research.
- C. Language translation: AI/NLP tools can be used to translate texts or documents into different languages, which can be helpful for students who are learning a new language or for students who are studying texts written in a different language.
- D. Writing assistance: AI/NLP tools can provide grammar and spelling corrections, as well as suggest alternative word choices and sentence structure, to help students improve their writing skills.
- E. Accessibility: AI/NLP tools can be used to help students with disabilities access and understand written materials. For example, text-to-speech software can help students with specific learning disabilities or visual impairments to read texts and AI-powered translation tools can help students with hearing impairments to understand spoken language.

If a student has any questions about whether they are permitted to use AI/NLP tools for a specific class assignment, they should ask their teacher.

Users who disregard these policies and the accompanying guidelines may have their user privileges suspended or revoked, and disciplinary action taken against them. Users are personally responsible and liable, both civilly and criminally, for uses of District Information & Technology Resources that are not authorized by this policy and its accompanying guidelines.

The Board designates the Superintendent and designee as the administrators responsible for initiating, implementing, and enforcing this policy and its accompanying guidelines as they apply to staff members' use of District Technology and Information Resources.

In addition, Federal and State confidentiality laws forbid schools and their employees from using or disclosing student education records without parental consent. See [Policy 8330](#). Education records include a wide variety of information; posting personally identifiable information about students is not permitted. Staff members who violate State and Federal confidentiality and/or privacy laws related to the disclosure of student or employee personally identifiable employee information may be disciplined.

Staff members retain rights of communication for collective bargaining purposes and union organizational activities.

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**BOARD POLICY 8900 – FRAUD, WASTE, AND ABUSE**

Section	8000 Operations
Title	FRAUD, WASTE, AND ABUSE
Code	po8900
Status	Active
Adopted	January 15, 2019
Last Revised	December 14, 2021 ((*to ensure you are viewing the most recent version, view the policy on BoardDocs, here: <a href="#">Board Policy 8900</a> )

**8900 - FRAUD, WASTE, AND ABUSE**

The Board prohibits and will not tolerate or condone fraudulent, unethical, or dishonest activities that promote or condone fraud, waste, and abuse.

Consistent with the standards of conduct in the Code of Ethics and other District policies and administrative guidelines, the Board is committed to establishing and maintaining an organizational culture of ethical behavior. As such, the Superintendent and his/her designees shall be responsible for implementing an effective system of internal controls to prevent and/or minimize fraud, waste, and abuse.

This policy applies to all District officers and employees as well as consultants, vendors, contractors, and/or any other party with a current or prospective business relationship with the District. Any investigative activity required will be conducted without regard to the suspected wrongdoers' length of service, position/title, or relationship(s) to the District.

This policy: 1) identifies what constitutes fraud, waste, and abuse; 2) establishes protocol for the reporting and investigation of suspected wrongful activities that fall within these definitions; and 3) if fraud, waste or abuse is substantiated, authorizes the Superintendent or his/her designee to pursue employee discipline and/or legal remedies made available under the law.

**What Constitutes Fraud, Waste, and Abuse**

Fraud is a willful or deliberate act or omission by which an individual intends to unlawfully deprive the District through an unauthorized benefit, service, property or something of value by deception, misrepresentation or other unethical or unlawful means. Fraudulent acts include, but are not limited to:

- A. Forgery, falsification or alteration of District documents or records;
- B. Falsification or misrepresentation of reports, timesheets, travel claims for reimbursement or other expense reimbursement claims;
- C. Authorizing or receiving compensation for time not worked;
- D. Unauthorized removal, theft or inappropriate use or destruction of District records, furniture, fixtures, equipment, goods, supplies or other assets;
- E. Embezzlement or misappropriation of funds or impropriety in handling or reporting of money or financial transactions of the District;
- F. Offer, payment or acceptance of bribes or gratuities;
- G. Accepting or seeking anything of material value from contractors, vendors, or persons providing services/materials to the District. Except for those items allowed by Policy 3214 - Staff Gifts;
- H. Unauthorized accessing, taking another's information (including e-mail communications), and/or disclosing or distributing confidential District information;
- I. Taking or using the intellectual property of the District or a third party for personal gain; and
- J. Any similar or related irregularity.

Waste is the careless expenditure, consumption, or mismanagement of District resources to the detriment of the District. Most waste does not involve a violation of law. Instead, waste relates to inappropriate actions and inadequate oversight, which may result in a monetary loss or unnecessary costs to the District. Wasteful acts include, but are not limited to:

- A. Inappropriate or unallowable expenses charged to federal or state grants;
- B. Excessive or unnecessary purchases that are not consistent with the school or operational unit of the District; and
- C. Mismanagement or any act that results in the loss or misuse of District assets.

Abuse involves behavior that is deficient or improper when compared with behavior that a prudent person would consider reasonable and necessary business practice, given the facts and circumstances. Abuse can occur in financial or non-financial settings, and does not necessarily involve fraud, violation of laws, or administrative guidelines. Abusive acts include, but are not limited to:

- A. Misuse of authority or position for personal benefit or advantage for a family member(s) or business associate(s);
- B. Personal use or misuse of District vehicles, property, supplies or other assets;
- C. Conducting personal business on District time; and
- D. Abuse of authority and/or actions taken to circumvent District policies and administrative guidelines.

#### Reporting of Suspected Irregular Activity:

- A. All employees or agents of the District shall be responsible for reporting any observed or suspected fraud, waste, abuse, or related activity. No officer or employee of the Board and District shall threaten, discipline or retaliate against an employee; or intimidate or coerce an employee because the employee has acted in accordance with the requirements of this policy. Similarly, an employee shall not destroy, or allow to be destroyed, any document or record of any kind that the employee knows may be relevant to a past, present or future investigation.
- B. Complaints may be filed with the OIG via the fraud hotline, web-based complaint form, fax, email, postal mail, phone, or in person. Persons making reports may choose to remain anonymous or disclose their identity.

Information provided to the Inspector General (along with witness statements and investigation results) will be kept confidential to the extent permitted by applicable law(s).

Protocol for Investigation by OIG: The Inspector General is authorized, under Board Policy 1270, to initiate, conduct, supervise, and coordinate investigations designed to detect, deter, and prevent fraud, waste, financial mismanagement, misconduct and other abuses in the District.

Generally, OIG final reports comprise the following results: 1) Unfounded; 2) Findings and Recommendation(s) for corrective action including an employee disciplinary hearing convened by the District's Human Resources' Office of Employee Relations or other administrative action(s); and 3) Referral to appropriate law enforcement organization for criminal matters.

The Inspector General will provide the Superintendent and/or his/her designee as well as board leadership with investigative status updates on sensitive matters and matters having potential for media interest.

Upon conclusion of an investigation by the OIG, recommendations shall be considered by the Superintendent and his/her designees. If the allegations involve criminal wrongdoing, the Inspector General will refer the matter to the appropriate Law Enforcement agency and coordinate with such agency and/or judicial entities in an effort to obtain court-ordered restitution, or to recover District assets lost by fraud.



# EMPLOYEE RIGHTS

## UNDER THE FAIR LABOR STANDARDS ACT

### FEDERAL MINIMUM WAGE

# \$7.25

PER HOUR

BEGINNING JULY 24, 2009

**The law requires employers to display this poster where employees can readily see it.**

#### OVERTIME PAY

At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

#### CHILD LABOR

An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment.

#### TIP CREDIT

Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

#### PUMP AT WORK

The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for their nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

#### ENFORCEMENT

The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

#### ADDITIONAL INFORMATION

- Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to the pump at work requirements.
- Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.
- Some state laws provide greater employee protections; employers must comply with both.
- Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243  
[www.dol.gov/agencies/whd](http://www.dol.gov/agencies/whd)



WH1099 REV 04/23



GRETCHEN WHITMER  
GOVERNOR

## Michigan Department of Labor and Economic Opportunity

Wage and Hour Division  
PO Box 30476  
Lansing, MI 48909-7976

### REQUIRED POSTER GENERAL REQUIREMENTS - MINIMUM WAGE and OVERTIME



SUSAN CORBIN  
DIRECTOR

#### Coverage

The Improved Workforce Opportunity Wage Act (IWOWA), Public Act 337 of 2018, as amended, covers employers who employ 2 or more employees 16 years of age and older.

#### Minimum Hourly Wage Rate

Employees must be paid at least:

Effective Date	Minimum Hourly Wage Rate	Tipped Employee		85%** Rate
		Minimum Hourly Rate	Reported Average Hourly Tips	
January 1, 2021	\$9.65*	\$3.67	\$5.98	\$8.20
January 1, 2022	\$9.87*	\$3.75	\$6.12	\$8.39
January 1, 2023	\$10.10*	\$3.84	\$6.26	\$8.59

\*An increase in the minimum hourly wage rate as prescribed in subsection (1) does not take effect if the unemployment rate for this state, as determined by the Bureau of Labor Statistics, United States Department of Labor, is 8.5% or greater for the calendar year preceding the calendar year of the prescribed increase. An increase in the minimum hourly wage rate as prescribed in subsection (1) that does not take effect pursuant to this subsection takes effect in the first calendar year following a calendar year for which the unemployment rate for this state, as determined by the Bureau of Labor Statistics, United States Department of Labor, is less than 8.5%.

► \*\*Minors 16-17 years of age may be paid 85% of the minimum hourly wage rate.

#### Training Wage

A training wage of \$4.25 per hour may be paid to employees 16 to 19 years of age for the first 90 calendar days of employment.

#### Overtime

Employees covered by the IWOWA must be paid 1-1/2 times their regular rate of pay for hours worked over 40 in a workweek. The following are exempt from overtime requirements: employees exempt from the minimum wage provisions of the Fair Labor Standards Act of 1938, 29 USC 201 to 219 (except certain domestic service employees), professional, administrative, or executive employees; elected officials and political appointees; employees of amusement and recreational establishments operating less than 7 months of the year; agricultural employees, and any employee not subject to the minimum wage provisions of the act.

#### Compensatory Time

If an employer meets certain conditions, employees may agree to receive compensatory time of 1-1/2 hours for each hour of overtime worked. The agreement must be voluntary, in writing, and obtained before the compensatory time is earned. All compensatory time earned must be paid to an employee. Accrued compensatory time may not exceed 240 hours. Employers must keep a record of compensatory time earned and paid. Contact the Wage and Hour Division for information on the conditions an employer must meet in order to offer compensatory time off in lieu of overtime compensation.

#### Equal Pay

An employer shall not discriminate on the basis of sex by paying employees a rate which is less than the rate paid to employees of the opposite sex for equal work on jobs requiring equal skill, effort, and responsibility performed under similar working conditions - except where payment is pursuant to a seniority system, merit system or system measuring earnings on the basis of quantity or quality of production or a differential other than sex.

#### Enforcement

An employee may either file civil action for recovery of unpaid minimum wages or overtime, or they may file a complaint with the Department of Labor and Economic Opportunity. The department may investigate a complaint and file civil action to collect unpaid wages or overtime due the employee and all employees of an establishment. Recovery under this act can include unpaid minimum wages or overtime, plus an equal additional amount as liquidated damages, costs, and reasonable attorney fees. A civil fine of \$1,000 can be assessed to an employer who does not pay minimum wage or overtime.

LEO is an equal opportunity employer/program.

Auxiliary aids, services and other reasonable accommodations are available, upon request, to individuals with disabilities.

[www.michigan.gov/wagehour](http://www.michigan.gov/wagehour) • Toll Free 1-855-4MI-WAGE (1-855-464-9243)

WHD 9904 (Revised • 12/2021)



# Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help.

## Who is Protected?

- Employees (current and former), including managers and temporary employees
- Job applicants
- Union members and applicants for membership in a union

## What Types of Employment Discrimination are Illegal?

Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the bases of:

- Race
- Color
- Religion
- National origin
- Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity)
- Age (40 and older)
- Disability
- Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history)
- Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding
- Interference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy accommodation

## What Organizations are Covered?

- Most private employers
- State and local governments (as employers)
- Educational institutions (as employers)
- Unions
- Staffing agencies

## What Employment Practices can be Challenged as Discriminatory?

All aspects of employment, including:

- Discharge, firing, or lay-off
- Harassment (including unwelcome verbal or physical conduct)
- Hiring or promotion
- Assignment
- Pay (unequal wages or compensation)
- Failure to provide reasonable accommodation for a disability; pregnancy, childbirth, or related medical condition; or a sincerely-held religious belief, observance or practice
- Benefits
- Job training
- Classification
- Referral
- Obtaining or disclosing genetic information of employees
- Requesting or disclosing medical information of employees
- Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding
- Conduct that coerces, intimidates, threatens, or interferes with someone exercising their rights, or someone assisting or encouraging someone else to exercise rights, regarding disability discrimination (including accommodation) or pregnancy accommodation

## What can You Do if You Believe Discrimination has Occurred?

Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC in any of the following ways:

**Submit** an inquiry through the [EEOC's public portal](https://publicportal.eeoc.gov/Portal/Login.aspx) (<https://publicportal.eeoc.gov/Portal/Login.aspx>)

**Call** 1-800-669-4000 (toll free)  
1-800-669-6820 (TTY)  
1-844-234-5122 (ASL video phone)

**Visit** an [EEOC field office](http://www.eeoc.gov/field-office) ([www.eeoc.gov/field-office](http://www.eeoc.gov/field-office))

**E-Mail** [info@eeoc.gov](mailto:info@eeoc.gov)

Additional information about the EEOC, including information about filing a charge of discrimination, is available at [www.eeoc.gov](http://www.eeoc.gov).





## EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action commitments of companies doing business with the Federal Government. If you are applying for a job with, or are an employee of, a company with a Federal contract or subcontract, you are protected under Federal law from discrimination on the following bases:

### **Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin**

Executive Order 11246, as amended, prohibits employment discrimination by Federal contractors based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

### **Asking About, Disclosing, or Discussing Pay**

Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees.

### **Disability**

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

### **Protected Veteran Status**

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans.

### **Retaliation**

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal contractors under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP)  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210  
1-800-397-6251 (toll-free)

If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services. OFCCP may also be contacted by submitting a question online to [OFCCP's Help Desk](https://ofccphelpdesk.dol.gov/s/) (<https://ofccphelpdesk.dol.gov/s/>), or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor and on [OFCCP's "Contact Us"](https://www.dol.gov/agencies/ofccp/contact) webpage (<https://www.dol.gov/agencies/ofccp/contact>).

## PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

### **Race, Color, National Origin, Sex**

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

### **Individuals with Disabilities**

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

(Revised 6/27/2023)

# MICHIGAN LAW

## PROHIBITS DISCRIMINATION

IN EMPLOYMENT, EDUCATION, HOUSING, PUBLIC  
ACCOMMODATION, LAW ENFORCEMENT OR PUBLIC SERVICE

### BASED ON

religion, race, color, national origin, sex,  
disability, age<sup>1</sup>, marital status<sup>1</sup>, height<sup>2</sup>, weight<sup>2</sup>,  
arrest record<sup>2</sup>, genetic information<sup>2</sup>, and  
familial status<sup>3</sup>

Persons with disabilities needing accommodations for employment  
must notify their employers in writing within 182 days.

<sup>1</sup> Under the education article, age and marital status  
are prohibited considerations for admissions only

<sup>2</sup> in employment only

<sup>3</sup> in housing only

If you think you have been  
**discriminated** against, you  
may file a **complaint** with  
the Michigan Department  
of Civil Rights.

Call 1-800-482-3604  
Video Phone: 313-437-7035  
[www.michigan.gov/mdcr](http://www.michigan.gov/mdcr)



Post in a conspicuous place.

02-2017



# Your Employee Rights Under the Family and Medical Leave Act

## What is FMLA leave?

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected leave** for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.

Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you,
- Your serious mental or physical health condition that makes you unable to work,
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness **may take up to 26 workweeks** of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in **one block of time**. When it is medically necessary or otherwise permitted, you may take FMLA leave **intermittently in separate blocks of time, or on a reduced schedule** by working less hours each day or week. Read Fact Sheet #28M(c) for more information.

FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

## Am I eligible to take FMLA leave?

You are an **eligible employee** if **all** of the following apply:

- You work for a covered employer,
- You have worked for your employer at least 12 months,
- You have at least 1,250 hours of service for your employer during the 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location.

Airline flight crew employees have different "hours of service" requirements.

You work for a **covered employer** if **one** of the following applies:

- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year,
- You work for an elementary or public or private secondary school, or
- You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.

## How do I request FMLA leave?

Generally, **to request FMLA leave you must:**

- Follow your employer's normal policies for requesting leave,
- Give notice at least 30 days before your need for FMLA leave, or
- If advance notice is not possible, give notice as soon as possible.

You **do not have to share a medical diagnosis** but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You **must also inform your employer if FMLA leave was previously taken** or approved for the same reason when requesting additional leave.

Your **employer may request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency.

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

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

## What does my employer need to do?

If you are eligible for FMLA leave, your **employer must:**

- Allow you to take job-protected time off work for a qualifying reason,
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your **employer cannot interfere with your FMLA rights** or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer must confirm whether you are eligible** or not eligible for FMLA leave. If your employer determines that you are eligible, your **employer must notify you in writing:**

- About your FMLA rights and responsibilities, and
- How much of your requested leave, if any, will be FMLA-protected leave.

## Where can I find more information?

Call **1-866-487-9243** or visit [dol.gov/fmla](https://dol.gov/fmla) to learn more.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. **Scan the QR code to learn about our WHD complaint process.**



**WAGE AND HOUR DIVISION**  
UNITED STATES DEPARTMENT OF LABOR







**Michigan Department of Labor and Economic Opportunity**  
**Wage and Hour Division**  
**PO Box 30476**  
**Lansing, MI 48909-7976**  
**REQUIRED POSTER**

GRETCHEN WHITMER  
GOVERNOR

SUSAN CORBIN  
DIRECTOR

**GENERAL REQUIREMENTS – PAID MEDICAL LEAVE ACT\***

**Coverage**

The Paid Medical Leave Act, 2018 Public Act 338, as amended by 2018 Public Act 369, effective March 29, 2019, covers employers who employ 50 or more individuals. The act covers individuals engaged in service to an employer in the business of the employer and from whom an employer is required to withhold for federal income tax purposes. An eligible employee does not include executive, administrative, and professional overtime exempt employees, employees covered by a private collective bargaining agreement that is in effect, employees of the United States government, another state, or a political subdivision of another state, individuals whose primary work location is not in this state, individuals 16-19 years of age being paid the youth training wage in accordance with the Improved Workforce Opportunity Wage Act, temporary employees as described in the Michigan Employment Security Act, variable hour employees as defined by 26 CFR 54.4980H-1, employees covered by the Railway Labor Act and Railroad Unemployment Insurance Act, individuals employed by an employer for 25 weeks or fewer in a calendar year for a job scheduled for 25 weeks or fewer, individuals who worked, on average, fewer than 25 hours per week during the immediately preceding calendar year. (See section 2 of The Paid Medical Leave Act, 2018 Public Act 338.)

**Paid Medical Leave Accrual**

Paid medical leave accrual begins on March 29, 2019, or upon commencement of the employee's employment, whichever is later. Paid medical leave is accrued at a rate of 1 hour for every 35 actual hours worked; however, an employer is not required to allow accrual of over 1 hour in a calendar week or more than 40 hours in a benefit year. A benefit year is any consecutive 12-month period used by an employer to calculate an eligible employee's benefits. Employees can carry over up to 40 hours of unused accrued paid medical leave from one benefit year to the next; however, employers are not required to allow employees to use more than 40 hours in a single benefit year. An employer may provide the total amount of paid medical leave all at once by providing at least 40 hours at the beginning of the benefit year or on the date that the individual becomes eligible during the benefit year on a prorated basis. If an employer adopts this practice, it does not have to permit employees to carry over unused leave to the next benefit year. (See section 3 of the Paid Medical Leave Act, 2018 Public Act 338).

**Paid Medical Leave Usage**

An employee may use paid medical leave as it is accrued except an employer may require an employee to wait until the 90<sup>th</sup> calendar day after commencing employment before using accrued paid medical leave. Paid medical leave must be used in 1-hour increments unless the employer has a different increment policy set forth in writing in an employee handbook or other employee benefit document. Employees must follow the employer's usual and customary notice, procedural, and documentation requirements for requesting leave. The employee must be allowed at least 3 days to provide documentation. Employees may take paid medical leave for any of the following:

- Physical or mental illness, injury, or health condition of the employee or his or her family member
- Medical diagnosis, care, or treatment of the employee or employee's family member
- Preventative care of the employee or his or her family member
- Closure of the employee's primary workplace by order of a public official due to a public health emergency
- The care of his or her child whose school or place of care has been closed by order of a public official due to a public health emergency
- The employee's or his or her family member's exposure to a communicable disease that would jeopardize the health of others as determined by health authorities or a health care provider

For domestic violence and sexual assault situations, employees may use paid medical leave for any of the following:

- Medical care or psychological or other counseling
- Receiving services from a victim services organization
- Relocation and obtaining legal services
- Participation in civil or criminal proceedings related to or resulting from the domestic violence or sexual assault

**Employee Rights**

An employee may file a complaint with the Department of Labor and Economic Opportunity (LEO) within 6 months of the alleged violation. LEO shall investigate a complaint and attempt mediation, where appropriate.

**Penalties**

If informal resolution is unsuccessful and a violation found, payment of paid medical leave improperly withheld will be requested and penalties may be imposed. An employer who fails to provide paid medical leave is subject to an administrative fine of not more than \$1,000.00. An employer who willingly violates the posting requirement is subject to an administrative fine of not more than \$100.00 for each separate violation.

\*For precise language of the statute, see Public Act 338 of 2018, as amended

LEO is an equal opportunity employer/program.

Auxiliary aids, services and other reasonable accommodations are available, upon request, to individuals with disabilities.

[www.michigan.gov/wagehour](http://www.michigan.gov/wagehour) • Toll Free 1-855-4MI-WAGE (1-855-464-9243)

WHD 9911 (Revised • 8/2021)



# Job Safety and Health IT'S THE LAW!

## All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a work-related injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

*This poster is available free from OSHA.*

**Contact OSHA. We can help.**

## Employers must:

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violations.

On-Site Consultation services are available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.



**1-800-321-OSHA (6742) • TTY 1-877-889-5627 • [www.osha.gov](http://www.osha.gov)**

OSHA 30548 2015



# MICHIGAN SAFETY AND HEALTH PROTECTION ON THE JOB

THE MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ACT, 1974 P.A. 154, AS AMENDED, REQUIRES POSTING OF THIS DOCUMENT IN A CENTRAL AND CONSPICUOUS LOCATION. FAILURE TO DO SO MAY RESULT IN A PENALTY.

The Michigan Occupational Safety and Health Act (MIOSH Act), Act No. 154 of the Public Acts of 1974, as amended, provides job safety and health protection for Michigan employees through the maintenance of safe and healthful working conditions. Under the MIOSH Act and a state plan approved in September 1973 by the U.S. Department of Labor, the Michigan Department of Labor and Economic Opportunity is responsible for administering the Act. Department representatives conduct job site inspections and investigations to ensure compliance with the Act and with safety and health standards.

The contents of this poster describe many important provisions of the Act. These provisions apply equally to employers and employees in either private industry or the public sector.

**EMPLOYER REQUIREMENTS:** MIOSHA requires that each employer:

1. Furnish to each employee employment and a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm to the employee.
2. Comply with promulgated rules and standards and with orders issued pursuant to the Act.
3. Post this and other notices and use other appropriate measures to keep his or her employees informed of their protection and obligations under the Act, including the provisions of applicable rules and standards.
4. Notify the Michigan Department of Labor and Economic Opportunity within 8 hours of any work-related fatality. Notification may be accomplished by calling 1-800-858-0397.
5. Notify the Michigan Department of Labor and Economic Opportunity within 24 hours of all work-related inpatient hospitalizations, amputations and losses of an eye. Notification may be accomplished by calling 844-464-6742 (4MIOSHA).
6. Make available to employees, for inspection and copying, all medical records and health data in the employer's possession pertaining to that employee.
7. Afford an employee an opportunity with or without compensation to attend all meetings between the Department of Labor and Economic Opportunity and the employer relative to any appeal of a citation by the employer.

**COMPLAINTS:** Employees and employee representatives who believe that an unsafe or unhealthful condition exists in their workplace have the right to request an inspection by giving written notice to the Department of Labor and Economic Opportunity. If a condition exists which may present an immediate danger, the Department should be notified in the most expedient manner without regard to a written notice. The names of complainants will be kept confidential and not revealed upon the request of the employee. Employees also have the right to bring unsafe or unhealthful conditions to the attention of the department representative during the conduct of an inspection or investigation.

The Act provides that employees may not be discharged or in any manner discriminated against for filing a complaint or exercising any of their rights under the Act. An employee who believes he or she has been discriminated against may file a complaint with the Michigan Department of Labor and Economic Opportunity within 30 days of the alleged discrimination.

The U.S. Department of Labor is monitoring the operation of the Michigan Occupational Safety and Health Administration (MIOSHA) to assure the effective administration of the state act. Any person may make a written complaint regarding the state administration of the state act directly to the Regional Office of OSHA, 230 South Dearborn, Chicago, Illinois 60604.

**CITATIONS:** If upon inspection or investigation the Department of Labor and Economic Opportunity believes that a requirement of the Act has been violated, a citation alleging such violation and setting a time period for correction will be issued to the employer. The citation must be prominently posted at or near the place of the alleged violation for three days or until the violation is corrected, whichever is later.

The Act provides for first instance penalties of up to \$7,000 for a violation. Penalties of up to \$7,000 per day may be assessed for failure to correct a violation within a proposed abatement period. Any employer who willfully or repeatedly violates the Act may be assessed penalties of up to \$70,000 for each such violation. Employers may appeal the alleged citation, the proposed penalties or the abatement periods to the Department and to the Board of Health and Safety Compliance and Appeals. Employees may appeal the abatement period in a similar manner. Employees also may appeal to the Board of Health and Safety Compliance and Appeals any decision issued by the Department in response to an employer appeal.

8. Give the representative of employees the opportunity to accompany the department during the inspection or investigation of a place of employment and to prohibit the suffering of any loss of wages or fringe benefits or discriminate against the representative of employees for time spent participating in the inspection, investigation, or opening and closing conferences.
9. Provide personal protective equipment, at the employer's expense, when it is specifically required by a MIOSHA standard.
10. Not permit an employee, other than an employee whose presence is necessary to avoid, correct or remove an imminent danger, to operate equipment or engage in a process which has been tagged by the Department and which is the subject of an order issued by the Department identifying that an imminent danger exists.
11. To promptly notify an employee who was or is being exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by a MIOSHA standard.

**EMPLOYEE REQUIREMENTS:** MIOSHA requires that each employee:

1. Comply with promulgated rules and standards and with orders issued pursuant to the Act.
2. Not remove, displace, destroy, or carry off a safeguard furnished or provided for use in a place of employment, or interfere in any way with the use thereof by any other person.

**INSPECTIONS/INVESTIGATIONS:** Inspections and investigations are conducted by trained personnel. The Act requires that an employer representative and a representative of employees be given an opportunity to accompany the department representative for the purpose of aiding in the inspection or investigation.

If a representative of employees does not participate, the department representative will consult with a number of employees concerning matters of safety or health in the place of employment.

Criminal penalties also are provided for in the Act. A person who knowingly makes a false statement or report pursuant to the Act upon conviction is punishable by a fine of up to \$10,000 or may be imprisoned for not more than 6 months or both. Any willful violation resulting in death of an employee, upon conviction, is punishable by a fine of up to \$10,000 or by imprisonment for not more than one year or both. A second conviction doubles the maximum monetary penalty and is punishable by imprisonment for up to three years.

**VOLUNTARY ACTIVITY AND COMPLIANCE ASSISTANCE::** The act encourages employers and employees to reduce workplace hazards voluntarily.

The Michigan Department of Labor and Economic Opportunity offers limited on-site consultation assistance to employers to assist them in achieving compliance with occupational safety and health standards. Training specialists are available and can give advice on the correction of hazardous conditions and on the development of safety and health systems. Department staff are available to conduct seminars and training relative to occupational safety and health for both employer and employee groups. Requests for service should be addressed to the department at the address shown below.

The U.S. Department of Labor will continue to enforce federal standards governing maritime operations of long shoring, shipbuilding, ship breaking and ship repairing. These issues are not covered by the Michigan Plan for Occupational Safety and Health

#### **MORE INFORMATION:**

Department of Labor and Economic Opportunity  
Michigan Occupational Safety and Health Administration  
530 W. Allegan Street, P.O. Box 30643  
Lansing, Michigan 48909-8143  
[www.michigan.gov/miosha](http://www.michigan.gov/miosha)

## **THIS IS AN IMPORTANT DOCUMENT - DO NOT COVER!**



MIOSHA Complaint Hotline .....	1-800-866-4674
Fatality Hotline .....	1-800-858-0397
MIOSHA Injuries/Illnesses Reporting .....	1-844-464-6742
Consultation and Training Assistance .....	1-517-284-7720

The Department of Labor and Economic Opportunity is a equal opportunity employers/program.



MIOSHA/CET 2010 (09/20)





# YOUR RIGHTS UNDER USERRA

## THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

### REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- ☆ you ensure that your employer receives advance written or verbal notice of your service;
- ☆ you have five years or less of cumulative service in the uniformed services while with that particular employer;
- ☆ you return to work or apply for reemployment in a timely manner after conclusion of service; and
- ☆ you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

### RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you:

- ☆ are a past or present member of the uniformed service;
- ☆ have applied for membership in the uniformed service; or
- ☆ are obligated to serve in the uniformed service;

then an employer may not deny you:

- ☆ initial employment;
- ☆ reemployment;
- ☆ retention in employment;
- ☆ promotion; or
- ☆ any benefit of employment

because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

### HEALTH INSURANCE PROTECTION

- ☆ If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
- ☆ Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

### ENFORCEMENT

- ☆ The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- ☆ For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at <https://www.dol.gov/agencies/vets/>. An interactive online USERRA Advisor can be viewed at <https://webapps.dol.gov/elaws/vets/userra>
- ☆ If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.
- ☆ You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: <https://www.dol.gov/agencies/vets/programs/userra/poster> Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.



U.S. Department of Labor  
1-866-487-2365



U.S. Department of Justice



Office of Special Counsel



1-800-336-4590

Publication Date — May 2022

## ATTENTION EMPLOYEES

**The Michigan Whistleblowers' Protection Act (469 P.A. 1980) creates certain protections and obligations for employees and employers under Michigan law.**

### PROTECTIONS:

It is illegal for employers in Michigan to discharge, threaten or otherwise discriminate against you regarding your compensation, terms, conditions, location or privileges of employment because you or a person acting on your behalf reports or is about to report a violation or a suspected violation of federal, state or local laws, rules or regulations to a public body.

It is illegal for employers in Michigan to discharge, threaten or otherwise discriminate against you regarding your compensation, terms, conditions, location or privileges of employment because you take part in a public hearing, investigation, inquiry or court action.

### OBLIGATIONS:

The Act does not diminish or impair either your rights or the rights of your employer under any collective bargaining agreement.

The Act does not require your employer to compensate you for your participation in a public hearing, investigation, inquiry, or court action.

The Act does not protect you from disciplinary action if you make a report to a public body that you know is false.

### ENFORCEMENT:

If you believe that your employer has violated this Act you may bring civil action in circuit court within 90 days of the alleged violation of the Act

### PENALTIES:

Persons found in violation of this Act may be subject to a civil fine of up to \$500.00.

If your employer has violated this Act the court can order your reinstatement, the payment of back wages, full reinstatement of fringe benefits and seniority rights, actual damages, or any combination of these remedies. The court may also award all or a portion of the costs of litigation, including reasonable attorney fees and witness fees to the complainant if the court believes such an award is appropriate.

This poster is provided as a *courtesy* of the Michigan Occupational Safety and Health Administration (MIOSHA). MIOSHA **does not enforce** the Michigan Whistleblowers' Protection Act (469 P.A.1980)

Visit our website at [www.michigan.gov/miosha](http://www.michigan.gov/miosha) for additional information.



## ***Notice To All Employees:***

# ***Information about Unemployment Benefits***

This employer is covered by the  
**MICHIGAN EMPLOYMENT SECURITY ACT**  
Unemployment benefits are payable to qualified and eligible workers  
of this employer through Michigan's Unemployment Insurance Agency.

### **File an unemployment claim online**

If you become unemployed, you can file your new unemployment claim or  
reopen an established claim online through the Michigan Web Account  
Manager (MiWAM) at [michigan.gov/uia](http://michigan.gov/uia). Click on MiWAM for Workers.

A claim for benefits begins the week it is filed. File your claim the first  
week you become unemployed.

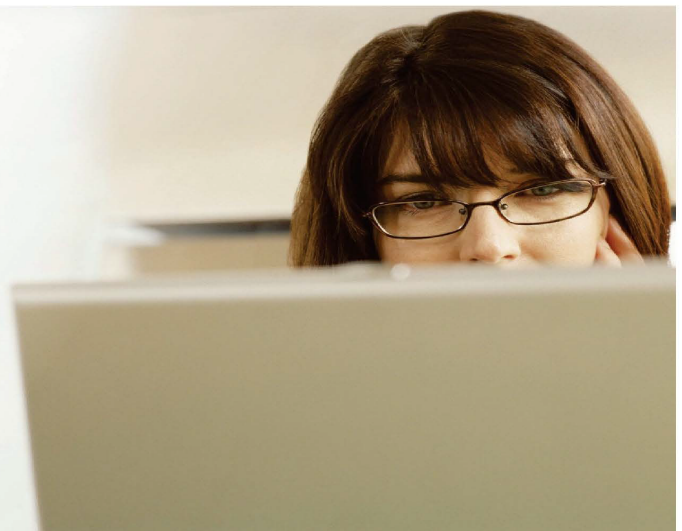
*For complete information about  
your benefit rights and  
responsibilities, review the  
Handbook for Unemployed  
Workers at [michigan.gov/uia](http://michigan.gov/uia).*

**STATE OF MICHIGAN  
DEPARTMENT OF LABOR AND  
ECONOMIC OPPORTUNITY  
UNEMPLOYMENT INSURANCE AGENCY**

UIA is an equal opportunity employer/program. Auxiliary aids, services and other  
reasonable accommodations are available upon request to individuals with disabilities.

Michigan Department of Labor and Economic Opportunity  
Unemployment Insurance Agency; Authority: Michigan Administrative  
Code, Section R 421.105; Paid for with federal funds.

UIA 1710  
(Rev. 12-19)





GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

SUSAN CORBIN  
DIRECTOR

Informational Sheet:  
Youth Employment Standards Act 90 of 1978, as amended

**POSTING REQUIREMENT**

**MCL 409.110 Minor under 16 years; days and hours of employment.**

**Sec. 10.** A minor under 16 years shall not be employed in an occupation subject to this act for more than 6 days in 1 week, nor for a period longer than a weekly average of 8 hours per day or 48 hours in 1 week, nor more than 10 hours in 1 day. The minor shall not be employed between the hours of 9 p.m. and 7 a.m. A minor who is a student in school shall not be employed more than a combined school and work week of 48 hours during the period when school is in session.

**MCL 409.111 Minor 16 years and over; days and hours of employment; employment in agricultural processing.**

**Sec. 11. (1).** Except as provided in subsection (3), a person shall not employ a minor 16 years of age or older in an occupation subject to this act for more than any of the following periods:

- (a) Six days in 1 week.
- (b) An average of 8 hours per day in 1 week.
- (c) Ten hours in 1 day.
- (d) Subject to subdivision (e), 48 hours in 1 week.
- (e) If the minor is a student in school and school is in session, 24 hours in 1 week.

**(2)** Except as provided in subsection (3), a person shall not employ a minor 16 years of age or older between 10:30 p.m. and 6 a.m. However, except as provided in subsection (3), a person may employ a minor 16 years of age or older who is a student in school until 11:30 p.m. on any of the following days:

- (a) On Fridays and Saturdays.
- (b) During school vacation periods.
- (c) During periods when the minor is not regularly enrolled in school.

**(3)** A person may employ a minor 16 years of age or older in farming operations involved in the production of seed or in agricultural processing for a period greater than the periods described in subsections (1) and (2) if all of the following conditions are met: If a minor is a student in school, the period greater than the periods described in subsections (1) and (2) occurs when school is not in session.

- (a) The minor is employed for not more than 11 hours in 1 day.
- (b) The minor is employed for not more than 62 hours in any week. However, the employer shall not require the minor to work more than 48 hours during any week without the consent of the minor.
- (c) The minor is not employed between 2 a.m. and 5:30 a.m.
- (d) The agricultural processing employer maintains on file a written acknowledgment of the minor's parent or guardian consenting to the period of employment authorized under this subsection.

**(4)** As used in this section:

- (a) "Agricultural processing" means the cleaning, sorting or packaging of fruits or vegetables.
- (b) "Farming operations involved in the production of seed" means farming activities and research involved in the production of seed, including plant detasseling, hand-pollination, roguing, or hoeing, and any other similar farming activity required for commercial seed production.

History: Am. 1978, Act 90, Eff. June 1, 1978 ;-- Am. 1995, Act 251, Eff. Mar. 28, 1996 ;-- Am. 1996, Act 499, Imd. Eff. Jan. 9, 1997 ;-- Am. 2000, Act 418, Imd. Eff. Jan. 8, 2001 ;-- Am. 2011, Act 197, Imd. Eff. Oct. 18, 2011

**MCL 409.112 Meal and rest period.**

**Sec. 12.** A minor shall not be employed for more than 5 hours continuously without an interval of at least 30 minutes for a meal and rest period. An interval of less than 30 minutes shall not be considered to interrupt a continuous period of work.

**MCL 409.112a Prohibition of minors working alone in occupation involving a cash transaction after sunset or 8 p.m. at fixed location.**

**Sec. 12a.** A minor who would otherwise be permitted under this act to be employed in an occupation subject to this act shall not be employed in an occupation that involves a cash transaction subject to this act after sunset or 8 p.m., whichever is earlier, at a fixed location unless an employer or other employee 18 years of age or older is present at the fixed location during those hours.

History: Add. 1980, Act 436, Eff. Mar. 31, 1981.

**IMPORTANT: Administrative Rule, R408.6207 REQUIRES A MINOR SUBJECT TO ACT 90 BE SUPERVISED BY THE EMPLOYER OR ANOTHER EMPLOYEE 18 YEARS OF AGE OR OLDER**

LEO is an equal opportunity employer/program.  
Auxiliary aids, services and other reasonable accommodations are available, upon request, to individuals with disabilities.

WAGE AND HOUR DIVISION  
P.O. Box 30476 • Lansing, Michigan 48909-7976  
**OVERNIGHT MAIL ADDRESS: 2407 N. GRAND RIVER • LANSING, MICHIGAN 48906**  
Toll Free: 1-855-4MI-WAGE (1-855-464-9243) • (517) 284-7800 • FAX (517) 763-0110  
[www.michigan.gov/wagehour](http://www.michigan.gov/wagehour)

WHD-9919 08/21