

PHILIPSBURG SCHOOL DISTRICT

5000 SERIES PERSONNEL

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4
5 Equal Employment Opportunity and Non-Discrimination

6
7 The District will provide equal employment opportunities to all persons, regardless of their race,
8 color, religion, creed, national origin, sex, age, ancestry, marital status, military status,
9 citizenship status, use of lawful products while not at work, physical or mental handicap or
10 disability, if otherwise able to perform essential functions of a job with reasonable
11 accommodations, and other legally protected categories.

12
13 The District will make reasonable accommodation for an individual with a disability known to
14 the District, if the individual is otherwise qualified for the position, unless the accommodation
15 would impose undue hardship on the District.

16
17 Persons who believe they have not received equal employment opportunities or have been
18 retaliated against should report their claims to the building principal. Claims of sex or disability
19 discrimination will be handled through the District's Title IX and Section 504 and ADA
20 Grievance Procedures. All other claims will be handled through the Uniform Complaint
21 Protocol. No employee or applicant will be discriminated against because he or she initiated a
22 complaint, was a witness, supplied information or otherwise participated in an investigation or
23 proceeding involving an alleged violation of this policy or State or federal laws. The District
24 reserves the right to take action against any individual who knowingly makes false accusations or
25 knowingly provides false information.

26 Retaliation against an employee who has filed a discrimination complaint, testified or
27 participated in any manner in a discrimination investigation or proceeding is prohibited.

28
29 Cross Reference: 1700 Uniform Complaint Procedure
30 Title IX, Section 504 and ADA Grievance Procedure

31
32 Legal Reference: Age Discrimination in Employment Act, 29 U.S.C. §§ 621, *et seq.*
33 Americans with Disabilities Act, Title I, 42 U.S.C. §§ 12111, *et seq.*
34 Equal Pay Act, 29 U.S.C. § 206(d)
35 Immigration Reform and Control Act, 8 U.S.C. §§ 1324(a), *et seq.*
36 Rehabilitation Act of 1973, 29 U.S.C. §§ 791, *et seq.*
37 Title IX of the Education Amendments, 20 U.S.C. §§ 1681, *et seq.*;
38 Montana Constitution, Art. X, § 1 - Educational goals and duties
39 § 49-2-101, *et seq.*, MCA Human Rights Act

40
41 Policy History:

42 Adopted on:

43 Reviewed on:

44 Revised on:

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4
5 Sexual Harassment/Sexual Intimidation in the Workplace

6
7 The District shall provide employees an environment free of unwelcome sexual advances,
8 requests for sexual favors and other verbal or physical conduct, or communications constituting
9 sexual harassment as defined and otherwise prohibited by State and federal law. Sexual
10 harassment includes sexual violence, which are physical sexual acts perpetrated against a
11 person’s will or where a person is incapable of giving consent due to the use of drugs or alcohol
12 or intellectual or other disability. Sexually violent acts could include rape, sexual assault, sexual
13 battery, sexual coercion, sexual abuse, sexual exploitation, indecent exposure or any actual or
14 attempted violation of Montana criminal laws.

15 District employees shall not make unwelcome sexual advances or request sexual favors or
16 engage in any unwelcome conduct of a sexual nature when: (1) submission to such conduct is
17 made either explicitly or implicitly a term or condition of an individual’s employment; (2)
18 submission to or rejection of such conduct by an individual is used as the basis for employment
19 decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially
20 interfering with an individual’s work performance or creating an intimidating, hostile or
21 offensive working environment. The terms intimidating, hostile or offensive include, but are not
22 limited to, conduct which has the effect of humiliation, embarrassment or discomfort. Sexual
23 harassment will be evaluated in light of all the circumstances. A violation of this policy may
24 result in discipline, up to and including discharge. Any person making a knowingly false
25 accusation regarding sexual harassment will likewise be subject to disciplinary action, up to and
26 including discharge.

27 Employees should report claims of sexual harassment to the Principal or Superintendent or the
28 District’s Title IX Coordinator and/or use the District’s Title IX Grievance Procedure. All
29 complaints, written or verbal, about behavior that may violate this policy shall be promptly
30 investigated. Initiating a complaint of sexual harassment shall not adversely affect the
31 complainant's employment, compensation or work assignments.

32
33 Cross References: Title IX Grievance Procedure

34
35 Legal References: 42 USC § 2000(e) et seq. Title VII of Civil Rights Act
36 20 USC §1681 et seq. Title IX
37 § 49-2-101, et seq. MCA Human Rights Act
38 § 49-1-102, MCA Freedom from discrimination
39 § 49-3-201, MCA et seq. Governmental Code of Fair Practices

40
41 Policy History:

42 Adopted on:
43 Reviewed on:
44 Revised on:

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3 **PERSONNEL**

4
5 Bullying/Harassment/Intimidation

6
7 The Board will strive to provide a positive and productive working environment. Bullying,
8 harassment or intimidation between employees or by third parties is strictly prohibited and shall
9 not be tolerated. This includes bullying, harassment or intimidation via electronic
10 communication devices (“cyber bullying”).

11
12 ***Definitions***

- 13 • A “hostile” working environment is one in which the offensive speech or conduct of
14 another person or persons is so severe or pervasive as to interfere with an employee’s
15 ability to perform his or her job. To be sufficiently severe, the working environment must
16 be one that a reasonable person would find hostile and abusive. In making its
17 determination, the District shall look at all the circumstances, including the frequency of
18 the offensive speech or conduct; its severity, whether it is physically threatening or
19 humiliating or merely an offensive utterance; and whether it unreasonably interferes with
20 an employee’s work performance. To be considered “hostile,” the speech or conduct must
21 go beyond rudeness or casual joking, reaching a level of harassment, mockery, ridicule
22 and/or unrelenting teasing. Isolated incidents or petty slights are generally not sufficient
23 to create a hostile working environment. In the absence of any of the conditions described
24 above, actions such as the issuance of a lawful directive, a disciplinary action, a negative
25 performance evaluation, a recommendation for the nonrenewal of an employment
26 contract or the denial for a request for an employment benefit may not constitute the basis
27 for a claim under this policy, but may be pursued through other dispute resolution
28 procedures.
- 29 • “Third parties” include but are not limited to coaches, school volunteers, parents, school
30 visitors, service contractors, or others engaged in District business, such as employees of
31 businesses or organizations participating in cooperative work programs with the District,
32 and others not directly subject to District control at inter-district and intra-District athletic
33 competitions or other school events.
- 34 • “District” includes District facilities, District premises, and non-District property if the
35 employee is at any District-sponsored, District-approved, or District-related activity or
36 function, such as field trips or athletic events, where the employee is engaged in District
37 business.
- 38 • “Harassment, intimidation, or bullying” means any act that substantially interferes with
39 an employee’s opportunities or work performance, that takes place on or immediately
40 adjacent to school grounds, at any school-sponsored activity, on school-provided
41 transportation, or anywhere conduct may reasonably be considered to be a threat or an
42 attempted intimidation of a staff member or an interference with school purposes or an
43 educational function, and that has the effect of:
 - 44 ○ Physically harming an employee or damaging an employee’s property;
 - 45 ○ Knowingly placing an employee in reasonable fear of physical harm to the
46 employee or damage to the employee’s property; or

1 ○ Creating a hostile working environment.

- 2
3 • “Electronic communication device” means any mode of electronic communication,
4 including but not limited to computers, cell phones, PDAs, or the internet.

5
6 ***Reporting***

7 All complaints about behavior which allege facts that, if true, could be reasonably found to
8 violate this policy shall be promptly investigated. The investigation may be suspended or
9 terminated if the employee files a claim in another forum making allegations that are the same or
10 similar to those presented in the complaint. Any employee or third party who has knowledge of
11 conduct in violation of this policy or feels he/she has been a victim of harassment, intimidation
12 or bullying in violation of this policy is encouraged to immediately report his/her concerns to the
13 building principal, who has overall responsibility for such investigations. Complaints against the
14 building principal shall be filed with the Superintendent. Complaints against the Superintendent
15 shall be filed with the Board.

16
17 The complainant shall be notified of the findings of the investigation and, as appropriate, that
18 remedial action has been taken.

19
20 ***Responsibilities***

21 The Superintendent shall be responsible for ensuring that notice of this policy is provided to staff
22 and third parties and for the development of administrative regulations, including reporting and
23 investigative procedures, as needed.

24
25 ***Consequences***

26 Staff whose behavior is found to be in violation of this policy will be subject to discipline up to
27 and including dismissal. Third parties whose behavior is found to be in violation of this policy
28 shall be subject to appropriate sanctions as determined and imposed by the Superintendent or the
29 Board. Individuals may also be referred to law enforcement officials.

30
31 ***Retaliation and Reprisal***

32 Retaliation is prohibited against any person who reports or is thought to have reported a
33 violation, files a complaint, or otherwise participates in an investigation or inquiry. Such
34 retaliation shall be considered a serious violation of Board policy, whether or not a complaint is
35 substantiated. False charges shall also be regarded as a serious offense and will result in
36 disciplinary action or other appropriate sanctions.

37
38 Cross Reference: 3325 Bullying, Harassment, Intimidation and Hazing

39
40 Legal Reference: 10.55.701(1)(g), ARM Board of Trustees
41 10.55.801(1)(d), ARM School Climate

42
43
44 Policy History:

45 Adopted on:

46 Reviewed on:

1 **Philipsburg School District**

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4
5 Hiring Process and Criteria

6
7 The Superintendent is responsible for recruiting personnel, in compliance with Board policy, and
8 for making hiring recommendations to the Board. The District will hire qualified personnel
9 consistent with Montana law, budget and staffing requirements and in compliance with law on
10 equal employment opportunities and veterans' preference. All applicants must complete a
11 District application form to be considered for employment.

12
13 Every applicant must provide the District with written authorization for a criminal background
14 investigation. The Superintendent will keep any conviction record confidential as required by
15 law and District policy. Every newly hired employee must complete all necessary employment
16 verification forms as required by federal and/or state law.

17
18 ***Certification***

19 The District requires its contracted certified staff to hold valid Montana teacher or specialist
20 certificates endorsed for the roles and responsibilities for which they are employed. Failure to
21 meet this requirement shall be just cause for termination of employment. No salary warrants may
22 be issued to a staff member, unless a valid certificate for the role to which the teacher has been
23 assigned has been registered with the county superintendent within sixty (60) calendar days after
24 a term of service begins. Every teacher and administrator under contract must bring their current,
25 valid certificate to the personnel office at the time of initial employment, as well as at the time of
26 each renewal of certification.

27
28 The personnel office will register all certificates, noting class and endorsement of certificates,
29 and will update permanent records as necessary. The personnel office also will retain a copy of
30 each valid certificate of a contracted certified employee in that employee's personnel file.

31
32
33 Cross Reference: 5122 Fingerprints and Criminal Background Investigation
34 Administrative Procedures

35
36 Legal Reference: § 20-4-202, MCA Teacher and specialist certification registration
37 § 39-29-102, MCA Point preference or alternative preference in
38 initial hiring for certain applicants - -
39 substantially equivalent selection procedure
40 20 USC § 6301 Every Student Succeeds Act

41
42
43 Policy History:

44 Adopted on:

45 Reviewed on:

46 Revised on:

1 **Philipsburg School District**

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4

5 Applicability of Personnel Policies

6

7 Except where expressly provided to the contrary, personnel policies apply uniformly to the
8 employed staff of the District. However, where there is a conflict between terms of a collective
9 bargaining agreement and District policy, the law provides that the terms of the collective
10 bargaining agreement shall prevail for staff covered by that agreement.

11

12 Board policies will govern when a matter is not specifically provided for in an applicable
13 collective bargaining agreement.

14

15

16

17 Legal Reference: § 39-31-102, MCA Chapter not limit on legislative authority

18

19 Policy History:

20 Adopted on:

21 Reviewed on:

22 Revised on:

1 **Philipsburg School District**

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4
5 Fingerprints and Criminal Background Investigations

6
7 Board policy requires that any finalist recommended to be employed in a paid or volunteer
8 position with the District, involving regular unsupervised access to students in schools, as
9 determined by the Superintendent, shall submit to a name-based and fingerprint criminal
10 background investigation conducted by the appropriate law enforcement agency. Any
11 subsequent offer of employment or appointment will be contingent on results of the fingerprint
12 criminal background check.

13
14 In addition to any individual recommended for hire in a paid or volunteer position involving
15 regular supervised access to students, an employee of a firm holding a contract with the District
16 who works in or at the school will be required to authorize, in writing, a name-based and
17 fingerprint criminal background investigation:

18
19 Any requirement of an applicant to submit to a fingerprint background check will be in
20 compliance the law. If an applicant has any prior record of arrest or conviction by any local,
21 state, or federal law enforcement agency for an offense other than a minor traffic violation, the
22 facts must be reviewed by the Superintendent, who will decide whether the applicant will be
23 declared eligible for appointment or employment. Arrests resolved without conviction will not
24 be considered in the hiring process, unless the charges are pending.

25		
26	Legal Reference:	§ 44-5-301, MCA Dissemination of public criminal justice
27		information
28		§ 44-5-302, MCA Dissemination of criminal history record
29		information that is not public criminal justice
30		information
31		§ 44-5-303, MCA Dissemination of confidential criminal justice
32		information – procedure for dissemination through
33		court
34		ARM 10.55.716 Substitute Teachers
35		Public Law 105-251, Volunteers for Children Act
36		

37 Policy History:

38 Adopted on:

39 Reviewed on:

40 Revised on:

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4
5 Staff Health

6
7 Medical Examinations

8
9 Through its overall safety program and various policies pertaining to school personnel, the Board
10 will promote the safety of employees during working hours and assist them in the maintenance
11 of good health. The Board will encourage all its employees to maintain optimum health through
12 the practice of good health habits.

13
14 The Board may require physical examinations of its employees, under circumstances defined
15 below. The District will maintain results of physical examinations in medical files separate from
16 the employee's personnel file and will release them only as permitted by law.

17
18 Physical Examinations

19
20 The District participates in a Pre-Placement Physical Program for all custodial and maintenance
21 personnel and other positions deemed inclusive of this policy as determined by specific Board
22 action. Subsequent to a conditional offer of employment in a position for which the District may
23 require participation in a pre-placement physical but before commencement of work, the District
24 may require an applicant to have a medical examination and to meet any other health
25 requirements which may be imposed by the state. The District may condition an offer of
26 employment on the results of such examination, if all employees who received a conditional
27 offer of employment in the applicable job category are subject to such examination. The report
28 shall certify the employee's ability to perform the job-related functions of the position for which
29 the employee is being considered. Such examination shall be used only to determine whether the
30 applicant is able to perform with reasonable accommodation job-related functions.

31
32 All bus drivers, whether full-time, regular part-time, or temporary part-time, are required by state
33 law to have a satisfactory medical examination before employment.

34
35 Communicable Diseases

36
37 If a staff member has a communicable disease and has knowledge that a person with
38 compromised or suppressed immunity attends the school, the staff member must notify the
39 school nurse or other responsible person designated by the Board of the communicable disease
40 which could be life threatening to an immune-compromised person. The school nurse or other
41 responsible person designated by the Board must determine, after consultation with and on the
42 advice of public health officials, if the immune-compromised person needs appropriate
43 accommodation to protect their health and safety.

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4
5 Classified Employment and Assignment

6
7 Each classified employee will be employed under a written contract of a specified term, with a
8 beginning and ending date. The employee will have no expectation of continued employment at
9 the end of the contract term.

10
11 The District reserves the right to change employment conditions affecting an employee’s duties,
12 assignment, supervisor, or grade.

13
14 The Board will determine salary and wages for classified personnel.

15
16
17 Legal Reference: § 39-2-904, MCA Elements of wrongful discharge – presumptive
18 probationary period
19 § 39-2-912, MCA Exceptions to Wrongful Discharge from
20 Employment Act
21 *Hunter v. City of Great Falls* (2002), 2002 MT 331
22 *Whidden v. Nerison*, 294 Mont. 346, 981 P.2d 271 (1999)
23 *Bowden v. The Anaconda Co.*, 38 St. Rep. 1974 (D.C. Mont. 1981)
24 *Prout v. Sears, Roebuck & Co.*, 236 Mont. 152, 722 P.2d 288 (1989)
25 *Stowers v. Community Medical Center, Inc.*, 2007 MT 309, 340 Mont.
26 116, 172 P.2d 1252.

27
28 Policy History:

29 Adopted on:

30 Reviewed on:

31 Revised on:

1 **Philipsburg School District**

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4
5 Assignments, Reassignments, Transfers

6
7 The Superintendent may assign, reassign, and/or transfer positions and duties of all staff.
8 Teachers will be assigned at the levels and in the subjects for which they are licensed and
9 endorsed, or for which they are enrolled in an internship as defined in ARM 10.55.602 and meet
10 the requirements of ARM 10.55.607. The Superintendent will provide for a system of
11 assignment, reassignment, and transfer of classified staff, including voluntary transfers and
12 promotions. Nothing in this policy prevents reassignment of a staff member during a school
13 year.

14
15 ***Classified Staff***

16 The District retains the right of assignment, reassignment, and transfer. Written notice of
17 reassignment or involuntary transfer will be given to the employee. The staff member will be
18 given opportunity to discuss the proposed transfer or reassignment with the Superintendent.

19
20 ***Certified***

21 Notice of their teaching assignments relative to grade level, building, and subject area will be
22 given to teachers before the beginning of the school year.

23
24 Provisions governing vacancies, promotions, and voluntary or involuntary transfers may be
25 found in negotiated agreements or employee handbooks.

26
27 Legal Reference: *Bonner School District No. 14 v. Bonner Education Association, MEA-*
28 *MFT, NEA, AFT, AFL-CIO, (2008) 2008 MT 9*
29 ARM 10.55.602 Definition of Internship
30 ARM 10.55.607 Internships

31 Policy History:

32 Adopted on:

33 Reviewed on:

34 Revised on:

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4

5 Vacancies

6

7 When the District determines that a vacancy exists for certified personnel, the administration will
8 follow the procedures as outlined in the current collective bargaining agreement.

9

10 Vacancies may be advertised in-District only or they may be advertised in-District and through
11 job service, Career Services at a college or university, local public advertising, and, where
12 appropriate and if time permits, through a broader regional and/or national basis. A vacancy
13 need not be advertised, as determined by the Superintendent.

14

15

16

17 Policy History:

18 Adopted on:

19 Reviewed on:

20 Revised on:

1 **Philipsburg School District**

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3 **PERSONNEL**

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4
5 Prohibition on Aiding and Abetting Sexual Abuse

6
7 The District prohibits any individual who is a school employee, trustee, officer, contractor, or
8 agent from assisting a current or former school employee, contractor, or agent in obtaining a new
9 job who knows or has probable cause to believe that such person engaged in sexual misconduct
10 regarding a minor or student in violation of law. Assisting a person in obtaining a new job
11 employment does not include the routine transmission of administrative or personnel files.

12
13 This prohibition does not apply if the information giving rise to probable cause:

- 14 1. Has been properly reported to a law enforcement agency with jurisdiction over the
15 alleged misconduct and any other authorities required by federal, state or local law,
16 including, but not limited to Title IX; and
17 2. One of the following three circumstances has occurred:
18 a. the matter has been officially closed or the prosecutor or police with jurisdiction
19 over the alleged misconduct has investigated the allegations and notified school
20 officials there is insufficient information to establish probable cause that the
21 school employee, contractor, or agent engaged committed or attempted, solicited,
22 or conspired to commit the violation of local, state, and/or federal law involving
23 in sexual misconduct regarding a minor or student in violation of law;
24 b. the school employee, contractor, or agent has been charged with, and acquitted or
25 otherwise exonerated of the alleged misconduct; or
26 c. the case or investigation remains open and there have been no charges filed
27 against or indictment of the school employee, contractor, or agent more than four
28 years from the date the information was reported to law enforcement.

29
30
31 Legal References: §§ 8038, 8556 Every Student Succeeds Act
32 Title IX, 20 U.S.C. 1681 *et seq.*
33 MCA § 20-4-110
34 MCA §45-5-501, *et seq.*
35 MCA §41-3-101 *et seq.*
36 Senate Bill 132

37
38
39 Cross References: Board Policy 5012

40
41 Policy History:

42 Adopted on:

43 Revised on:

44

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4
5 Evaluation of Non-Administrative Staff

6
7 Each non-administrative staff member’s job performance will be evaluated by the staff member’s
8 direct supervisor. Certified staff members may be evaluated according to the terms stated in the
9 current collective bargaining agreement if applicable. The evaluation model shall be aligned
10 with applicable district goals, standards of the Board of Public Education, and the district’s
11 mentorship and induction program. It shall identify what skill sets are to be evaluated, include
12 both summative and formative elements, and include an assessment of the educator’s
13 effectiveness in supporting every student in meeting rigorous learning goals through the
14 performance of the educator’s duties.

15
16 Employees shall be evaluated on a regular basis. Classified employees shall be provided
17 performance feedback at least once each year. The Superintendent shall designate who shall
18 perform the evaluations of each employee; normally they will be done by the employee’s
19 supervisor. The Superintendent will develop an evaluation instrument for each position within
20 the District.

21
22 For employees covered by a negotiated agreement, there may be additional considerations or
23 conditions defined in that document. In such situations, those aspects will be used to guide the
24 evaluation process. Where a specific conflict exists between those agreements and this policy,
25 the requirements of the negotiated agreement shall prevail.

26
27
28 Legal Reference: ARM 10.55.701(4)(a)(b) Board of Trustees

29
30 Policy History:

31 Adopted on:
32 Reviewed on:
33 Revised on:

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4
5 Personal Conduct

6
7 Employees are expected to maintain high standards of honesty, integrity, and impartiality in the
8 conduct of District business.

9
10 In accordance with state law, an employee should not dispense or utilize any information gained
11 from employment with the District, accept gifts or benefits, or participate in business enterprises
12 or employment that creates a conflict of interest with the faithful and impartial discharge of the
13 employee’s District duties. A District employee, before acting in a manner which might impinge
14 on any fiduciary duty, may disclose the nature of the private interest which would create a
15 conflict. Care should be taken to avoid using or avoid the appearance of using official positions
16 and confidential information for personal advantage or gain.

17
18 Further, employees are expected to hold confidential all information deemed not to be for public
19 consumption as determined by state law and Board policy. Employees also will respect the
20 confidentiality of people served in the course of an employee’s duties and use information gained
21 in a responsible manner. The Board may discipline, up to and including discharge, any
22 employee who discloses confidential and/or private information learned during the course of the
23 employee’s duties or learned as a result of the employee’s participation in a closed (executive)
24 session of the Board. Discretion should be used even within the school system’s own network of
25 communication.

26
27 No public officer or public employee shall retaliate against or condone or threaten to retaliate
28 against an individual who, in good faith, alleges waste, fraud or abuse.

29
30 Administrators and supervisors may set forth specific rules and regulations governing staff
31 conduct on the job within a particular building.

32
33
34
35 Legal Reference: § 20-1-201, MCA School officers not to act as agents
36 House Bill 208 Retaliation Unlawful

37
38 Policy History:

39 Adopted on:

40 Reviewed on:

41 Revised on:

1 **Philipsburg School District**

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4
5 Political Activity

6
7 The Board recognizes its employees’ rights of citizenship, including but not limited to engaging
8 in political activities. A District employee may seek an elective office, provided the employee
9 does not campaign on school property during working hours, and provided all other legal
10 requirements are met. The District assumes no obligation beyond making such opportunities
11 available. An employee elected to office is entitled to take a leave of absence without pay, in
12 accordance with the provisions of § 2-18-620, MCA.

13
14 No person, in or on District property, may attempt to coerce, command, or require a public
15 employee to support or oppose any political committee, the nomination or election of any person
16 to public office, or the passage of a ballot issue.

17
18 No District employee may solicit support for or in opposition to any political committee, the
19 nomination or election of any person to public office, or the passage of a ballot issue, while on
20 the job or in or on District property.

21
22 Nothing in this policy is intended to restrict the right of District employees to express their
23 personal political views.

24	25	26	27	Legal Reference:	5 USC 7321, et seq.	Hatch Act
28			28		§ 2-18-620, MCA	Mandatory leave of absence for employees holding
29			29			public office – return requirements
30			30		§ 13-35-226, MCA	Unlawful acts of employers and employees

31
32 Policy History:

33 Adopted on:

34 Reviewed on:

35 Revised on:

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4
5 Tobacco, Alcohol and Drug-Free Workplace

6
7 All District workplaces are tobacco-, drug- and alcohol-free. All employees are prohibited from:

- 8
9 • Smoking or otherwise using a tobacco product, vapor product, or alternative nicotine
10 product (tobacco includes, but is not limited to, cigarettes, cigars, snuff, smoking tobacco,
11 smokeless tobacco, or any other tobacco or nicotine innovation) while on District
12 property or while performing work for the District;
- 13 • Unlawfully manufacturing, dispensing, distributing, possessing, using, or being under the
14 influence of a controlled substance while on District premises or while performing work
15 for the District, including employees possessing a “medical marijuana” card.
- 16 • Distributing, consuming, using, possessing, or being under the influence of alcohol while
17 on District premises or while performing work for the District.
18

19 Nothing herein prohibits an employee from using a smoking cessation product on school
20 property. Upon prior notice and approval by a building administrator, a teacher or other
21 employee may possess a tobacco product, vapor product, or alternative nicotine product in a
22 classroom or otherwise on school property as part of a lecture, demonstration, or educational
23 forum concerning the risks associated with the use of a tobacco product, vapor product, or
24 alternative nicotine product.
25

26 For purposes of this policy, a controlled substance is one that is:

- 27
- 28 • Not legally obtainable;
 - 29 • Being used in a manner other than as prescribed;
 - 30 • Legally obtainable but has not been legally obtained; or
 - 31 • Referenced in federal or state controlled-substance acts.
32

33 As a condition of employment, each employee will:

- 34
- 35 • Abide by the terms of the District policy respecting a drug- and alcohol-free workplace;
36 and
 - 37 • Notify his or her supervisor of his or her conviction under any criminal drug statute, for a
38 violation occurring on District premises or while performing work for the District, no
39 later than five (5) days after such conviction.
40

41 In order to make employees aware of dangers of drug and alcohol abuse, the District will
42 endeavor to:

- 43
- 44 • Provide each employee with a copy of the District drug- and alcohol-free workplace
45 policy;
 - 46 • Post notice of the District drug- and alcohol-free workplace policy in a place where other

1 **Philipsburg School District**

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3 **PERSONNEL**

5228

4

5 Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

6

7 The District will adhere to federal law and regulations requiring a drug and alcohol testing
8 program for school bus and commercial vehicle drivers.

9

10 The program will comply with requirements of the Code of Federal Regulations, Title 49, §§
11 382, *et seq.* The Superintendent will adopt and enact regulations consistent with federal
12 regulations, defining the circumstances and procedures for testing.

13

14

15

16 Legal Reference: 49 U.S.C. § 45101, Alcohol and Controlled Substances Testing (Omnibus
17 Transportation Employee Testing Act of 1991)
18 49 C.F.R. Parts 40 (Procedures for Transportation Workplace Drug and
19 Alcohol Testing Programs), 382 (Controlled substance and alcohol use
20 and testing), and 395 (Hours of service of drivers)

21

22 Policy History:

23 Adopted on:

24 Reviewed on:

25 Revised on:

1 **Philipsburg School District**

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3 **PERSONNEL**

5231

4
5 Personnel Records

6
7 The District maintains a complete personnel record for every current and former employee. The
8 employees' personnel records will be maintained in the District's administrative office, under the
9 Superintendent's direct supervision. Employees will be given access to their personnel records,
10 in accordance with guidelines developed by the Superintendent.

11
12 In addition to the Superintendent or other designees, the Board may grant a committee or a
13 member of the Board access to cumulative personnel files. When specifically authorized by the
14 Board, counsel retained by the Board or by the employee will also have access to a cumulative
15 personnel file.

16
17 In accordance with federal law, the District shall release information regarding the professional
18 qualifications and degrees of teachers and the qualifications of paraprofessionals to parents upon
19 request, for any teacher or paraprofessional who is employed by a school receiving Title I funds,
20 and who provides instruction to their child at that school.

21
22 Personnel records must be kept for 10 years after termination.

23
24
25 Legal Reference: Admin. R. Mont. 10.55.701(5) Board of Trustees
26 § 20-1-212(2), MCA Destruction of records by school officer.

27
28 Policy History:

29 Adopted on:

30 Reviewed on:

31 Revised on:

32

1 **Philipsburg School District**

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3 **PERSONNEL**

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4
5 Abused and Neglected Child Reporting

6
7 A District employee who has reasonable cause to suspect that a student may be an abused or
8 neglected child shall report such a case to the Montana Department of Public Health and Human
9 Services and notify the Superintendent or principal that a report has been made. An employee
10 does not discharge the obligation to personally report by notifying the Superintendent or
11 principal.

12
13 Any District employee who fails to report a suspected case of abuse or neglect to the Department
14 of Public Health and Human Services, or who prevents another person from doing so, may be
15 civilly liable for damages proximately caused by such failure or prevention and is guilty of a
16 misdemeanor. The employee will also be subject to disciplinary action up to and including
17 termination.

18
19 When a District employee makes a report, the DPHHS may share information with that
20 individual or others as stated in 41-3-201(5). Individuals who receive information pursuant to
21 the above named subsection (5) shall maintain the confidentiality of the information as required
22 in 41-3-205.

23	24	
25	Legal Reference:	§ 41-3-201, MCA Reports
26		§ 41-3-202, MCA Action on reporting
27		§ 41-3-203, MCA Immunity from liability
28		§ 41-3-205, MCA Confidentiality – disclosure exceptions
29		§ 41-3-207, MCA Penalty for failure to report
30		

31 Policy History:

32 Adopted on:

33 Reviewed on:

34 Revised on:

1 **Philipsburg School District**

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3 **PERSONNEL**

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4

5 Non-Renewal of Employment/Dismissal from Employment

6

7 The Board, after receiving the recommendations of the Superintendent, will determine the non-
8 renewal or termination of certified and classified staff, in conformity with state statutes and
9 applicable District policy.

10

11

12

13

14

Legal Reference:	§ 20-4-204, MCA	Termination of tenure teacher services
	§ 20-4-206, MCA	Notification of nontenure teacher reelection – acceptance – termination.
	§ 20-4-207, MCA	Dismissal of teacher under contract

15

16

17

18

19 Policy History:

20 Adopted on:

21 Reviewed on:

22 Revised on:

1 **Philipsburg School District**

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3 **PERSONNEL**

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4

5 Resignations

6

7 The Board authorizes the Superintendent to accept on its behalf resignations from any District
8 employee. The Superintendent shall provide written acceptance of the resignation, including the
9 date of acceptance, to the employee, setting forth the effective date of the resignation.

10

11 Once the Superintendent has accepted the resignation, it may not be withdrawn by the employee.
12 The resignation and its acceptance should be reported as information to the Board at the next
13 regular or special meeting.

14

15

16

17 Legal Reference: *Booth v. Argenbright*, 225 M 272, 731 P.2d 1318, 44 St. Rep. 227 (1987)

18

19 Policy History:

20 Adopted on:

21 Reviewed on:

22 Revised on:

1 **Philipsburg School District**

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3 **PERSONNEL**

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4
5 Retirement Programs for Employees

6
7 All District employees shall participate in retirement programs under the Federal Social Security
8 Act and either the Teachers' Retirement System or the Public Employees' Retirement System in
9 accordance with state retirement regulations.

10
11 Certified employees who intend to retire at the end of the current school year should notify the
12 Superintendent in writing according to terms of the current collective bargaining agreement.

13
14 Those employees intending to retire, who are not contractually obligated to complete the school
15 year, should notify the Superintendent as early as possible and no less than sixty (60) days before
16 their retirement date.

17
18 The relevant and most current negotiated agreements for all categories of employees shall
19 specify severance stipends and other retirement conditions and benefits.

20
21 The District will contribute to the PERS whenever a classified employee is employed for more
22 than the equivalent of one hundred twenty (120) full days (960 hours) in any one (1) fiscal year.
23 Part-time employees who are employed for less than 960 hours in a fiscal year may elect PERS
24 coverage, at their option and in accordance with § 19-3-412, MCA.

25
26
27
28 Legal Reference: Title 19, Chapter 1, MCA Social Security
29 Title 19, Chapter 3, MCA Public Employees' Retirement System
30 Title 19, Chapter 20, MCA Teachers' Retirement

31
32 Policy History:

33 Adopted on:

34 Reviewed on:

35 Revised on:

1 **Philipsburg School District**

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3 **PERSONNEL**

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4
5 Disciplinary Action

6
7 District employees who fail to fulfill their job responsibilities or to follow reasonable directions
8 of their supervisors, or who conduct themselves on or off the job in ways that affect their
9 effectiveness on the job, may be subject to discipline. Behavior, conduct, or action that may call
10 for disciplinary action or dismissal includes but is not limited to reasonable job-related grounds
11 based on a failure to satisfactorily perform job duties, disruption of the District’s operation, or
12 other legitimate reasons.

13
14 Discipline will be reasonably appropriate to the circumstance and will include but not be limited
15 to a supervisor’s right to reprimand an employee and the Superintendent’s right to suspend an
16 employee, with or without pay, or to impose other appropriate disciplinary sanctions. In
17 accordance with Montana law, only the Board may terminate an employee or non-renew
18 employment.

19
20 The following procedures will be used in disciplining employees:

- 21
22 1. Employees will be notified of the Board policy/administrative regulation expectations
23 through handbooks and/or written correspondence. It is the employee’s obligation to be
24 familiar with District handbooks and notifications. When an employee violates a policy,
25 regulation or directive, the supervisor has discretion to issue a verbal or written warning.
26 2. The employee will be given a written reprimand, with a copy placed in the employee’s
27 personnel file.
28 3. Suspension without pay.
29 4. Recommendation for termination.

30
31 It is within the discretion of the supervisor to determine what step the employee will start on for
32 any particular infraction. The employee may request a step reduction after ninety (90) working
33 days. The supervisor may consider a step reduction, but is not obligated to grant any request.

34
35 The District’s restrictions on students who have brought to, or possess a firearm at, any setting
36 that is under the control and supervision of the school district and a student who has been found
37 to have possessed, used or transferred a weapon on school district property apply to all
38 employees.

39
40 The Superintendent is authorized to immediately suspend a staff member.

41
42

Cross Reference	Policy 3310	Student Discipline
43		
44 Legal Reference:	§ 20-3-210, MCA	Controversy appeals and hearings
45	§ 20-3-324, MCA	Powers and duties
46	§ 20-4-207, MCA	Dismissal of teacher under contract
47	§ 39-2-903, MCA	Definitions

Johnson v. Columbia Falls Aluminum Company LLC, 2009 MT 108N.

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Policy History:

Adopted on:

Reviewed on:

Revised on:

1 **Philipsburg School District**

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3 **PERSONNEL**

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4
5 Reduction in Force

6
7 The Board has exclusive authority to determine the appropriate number of employees. A
8 reduction in certified employees may occur as a result of but not be limited to changes in the
9 education program, staff realignment, changes in the size or nature of the student population,
10 financial considerations, or other reasons deemed relevant by the Board.

11
12 The Board will follow the procedure stated in the current collective bargaining agreement when
13 considering a reduction in force. The reduction in certified employees, other than administrators,
14 will generally be accomplished through normal attrition when possible. The Board may
15 terminate certified employees, if normal attrition does not meet the required reduction in force.

16
17 The Board will consider performance evaluations, staff needs, and other reasons it deems
18 relevant, in determining order of dismissal when it reduces classified staff or discontinues some
19 type of educational service.

20
21
22
23 Cross Reference: 5250 Non-Renewal of Employment/Dismissal from Employment

24
25 Legal Reference: § 20-4-206, MCA Notification of nontenure teacher reelection –
26 acceptance – termination

27
28 Policy History:

29 Adopted on:

30 Reviewed on:

31 Revised on:

1 **Philipsburg School District**

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3 **PERSONNEL**

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4
5 Leaves of Absence

6
7 Sick and Bereavement Leave

8
9 Certified employees will be granted sick leave according to terms of their collective bargaining
10 agreement.

11
12 Classified employees will be granted sick leave benefits in accordance with § 2-18-618, MCA.
13 For classified staff, “sick leave” is defined as a leave of absence, with pay, for a sickness
14 suffered by an employee or an employee’s immediate family. Sick leave may be used by an
15 employee when they are unable to perform job duties because of:

- 16
- 17 • A physical or mental illness, injury, or disability;
 - 18 • Maternity or pregnancy-related disability or treatment, including a prenatal care, birth, or
19 medical care for the employee or the employee’s child;
 - 20 • Parental leave for a permanent employee as provided in § 2-18-606, MCA;
 - 21 • Quarantine resulting from exposure to a contagious disease;
 - 22 • Examination or treatment by a licensed health care provider;
 - 23 • Short-term attendance, in an agency’s discretion to care for a person (who is not the
24 employee or a member of the employee’s immediate family) until other care can
25 reasonably be obtained;
 - 26 • Necessary care for a spouse, child or parent with a serious health condition, as defined in
27 the Family and Medical Leave Act of 1993; or
 - 28 • Death or funeral attendance of an immediate family member or, at an agency’s discretion,
29 another person.
- 30

31 Nothing in this policy guarantees approval of the granting of such leave in any instance. The
32 District will judge each request in accordance with this policy and governing collective
33 bargaining agreements.

34
35 It is understood that seniority will accumulate while a teacher or employee is utilizing sick leave
36 credits. Seniority will not accumulate, unless an employee is in a paid status. Abuse of sick leave
37 is cause for disciplinary action up to and including termination.

38
39 Personal Leave

40
41 Teachers will be granted personal and emergency leave according to terms of the current
42 collective bargaining agreement. Classified employees will be granted up to two (2) days of paid
43 personal leave per year. Personal leave may only be taken in full and half day increments.
44 Requests for personal leave must be submitted to the Superintendent or her authorized
45 representative in advance of the leave. Personal leave is non-accumulative. Personnel hired
46 during the first quarter of the school year will be entitled to two personal days. Personnel hired

1 during the second quarter will be entitled to one personal day. Personnel hired after the second
2 quarter will not be entitled to any personal days. Classified personnel will be paid for all unused
3 personal days at the end of each school year at the staff member's substitute hourly rate. If the
4 employee's employment is terminated for any reason, the employee is not entitled to any pay out
5 personal days.

6
7 Use of personal leave for classified employees will be limited to no more than two persons per
8 day in each building location.

9
10 Civic Duty Leave

11
12 Leaves for service on either a jury or in the Legislature will be granted in accordance with state
13 and federal law. A certified staff member hired to replace one serving in the Legislature does not
14 acquire tenure.

15
16 An employee who is summoned to jury duty or subpoenaed to serve as a witness may elect to
17 receive regular salary or to take annual leave during jury time. An employee who elects not to
18 take annual leave, however, must remit to the District all juror and witness fees and allowances
19 (except for expenses and mileage). The District may request the court to excuse an employee
20 from jury duty, when an employee is needed for proper operation of the school.

21
22
23

24 Legal Reference:	42 USC 2000e	Equal Employment Opportunities
	§ 2-18-601(10), MCA	Definitions
	§ 2-18-618, MCA	Sick leave
	§ 2-18-620, MCA	Mandatory leave of absence for employees holding public office – return requirements
	§ 49-2-310, MCA	Maternity leave – unlawful acts of employers
	§ 49-2-311, MCA	Reinstatement to job following pregnancy- related leave of absence

28
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34 Policy History:

35 Adopted on:

36 Reviewed on:

37 Revised on:

1 **Philipsburg School District**

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3 **PERSONNEL**

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4
5 Military Leave

6
7 Pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA) and
8 the Montana Military Service Employment Rights, the Superintendent shall grant military leave
9 to employees for voluntary or involuntary service in the uniformed services of the United States,
10 upon receipt of the required notice. Benefits shall be maintained for these employees as required
11 by law and/or collective bargaining agreements. A service member who returns to the District
12 for work following a period of active duty must be reinstated to the same or similar position and
13 at the same rate of pay unless otherwise provided by law.

14
15 Time spent in active military service shall be counted in the same manner as regular employment
16 for purposes of seniority or District service unless otherwise provided in a collective bargaining
17 agreement.

18
19 The District will not discriminate in hiring, reemployment, promotion, or benefits based upon
20 membership or service in the uniformed services.

21
22 All requests for military leave will be submitted to the Superintendent, in writing, accompanied
23 by copies of the proper documentation showing the necessity for the military leave request.

24
25 When possible, all requests for military leave will be submitted at least one (1) full month in
26 advance of the date military service is to begin.

27
28 Persons returning from military leave are asked to give the Superintendent notice of intent to
29 return, in writing, as least one (1) full month in advance of the return date.

30		
31		
32		
33	Legal Reference:	38 U.S.C. §§ 4301-4333
34		The Uniformed Services Employment and
35		Reemployment Act of 1994
36		Rights under federal law
37		Prohibition against employment
38		discrimination
39		Entitlement to leave of absence
40		Right to return to employment without loss
41		of benefits – exceptions – definition
42		Paid military leave for public employees

43 Policy History:

44 Adopted on:

45 Reviewed on:

46 Revised on:

1 **Philipsburg School District**

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3 **PERSONNEL**

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4

5 Breastfeeding Workplace

6

7 Recognizing that breastfeeding is a normal part of daily life for mothers and infants and that
8 Montana law authorizes mothers to breastfeed their infants where mothers and children are
9 authorized to be, the District will support women who want to continue breastfeeding after
10 returning from maternity leave.

11

12 The District shall provide reasonable unpaid break time each day to an employee who needs to
13 express milk for the employee's child, if breaks are currently allowed. If breaks are not currently
14 allowed, the District shall consider each case and make accommodations as possible. The
15 District is not required to provide break time if to do so would unduly disrupt the District's
16 operations. Supervisors are encouraged to consider flexible schedules when accommodating
17 employee's needs.

18

19 The District will make reasonable efforts to provide a room or other location, in close proximity
20 to the work area, other than a toilet stall, where an employee can express the employee's breast
21 milk. The available space will include the provision for lighting and electricity for the pump
22 apparatus. If possible, supervisors will ensure that employees are aware of these workplace
23 accommodations prior to maternity leave.

24

25

26

27 Legal Reference: Title 39, Chapter 2, Part 2, MCA General Obligations of Employers

28

29 Policy History:

30 Adopted on:

31 Reviewed on:

32 Revised on:

1 **Philipsburg School District**

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3 **PERSONNEL**

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4
5
6 Family Medical Leave

7
8 In accordance with provisions of the Family Medical Leave Act of 1993 (FMLA), a leave of
9 absence of up to twelve (12) weeks during a twelve-(12)-month period may be granted to an
10 eligible employee for the following reasons: 1) birth of a child; 2) placement of a child for
11 adoption or foster care; 3) a serious health condition which makes the employee unable to
12 perform functions of the job; 4) to care for the employee's spouse, child, or parent with a serious
13 health condition; 5) because of a qualifying exigency (as the Secretary shall, by regulation,
14 determine) arising out of the fact that the spouse or a son, daughter, or parent of the employee is
15 on active duty (or has been notified of an impending call or order to active duty) in the Armed
16 Forces in support of a contingency operation.

17
18 Servicemember Family Leave

19
20 Subject to Section 103 of the FMLA of 1993, as amended, an eligible employee who is the
21 spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a
22 total of twenty-six (26) workweeks of leave during a twelve-(12)-month period to care for the
23 servicemember. The leave described in this paragraph shall only be available during a single
24 twelve-(12)-month period.

25
26 Eligibility

27
28 An employee is eligible to take FMLA leave, if the employee has been employed for at least
29 twelve (12) months and has worked at least one thousand two hundred fifty (1,250) hours during
30 the twelve (12) months immediately prior to the date leave is requested, and there have been at
31 least fifty (50) District employees within seventy-five (75) miles for each working day during
32 twenty (20) or more workweeks in the current or preceding calendar year.

33
34 The Board has determined that the twelve-(12)-month period during which an employee may
35 take FMLA leave is July 1 to June 30.

36
37 Coordination of Paid Leave

38
39 Employees will be required to use appropriate paid leave while on FMLA leave. Workers'
40 compensation absences will be designated FMLA leave.

41
42 Medical Certification

43
44 The Superintendent has discretion to require medical certification to determine initial or
45 continued eligibility under FMLA as well as fitness for duty.

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Legal Reference: 29 U.S.C §2601, *et seq.* - Family and Medical Leave Act of 1993
29 C.F.R. Part 825, Family and Medical Leave Regulations
§§2-18-601, *et seq.*, MCA Leave Time
§§49-2-301, *et seq.*, MCA Prohibited Discriminatory Practices
Section 585 – National Defense Authorization Act for FY 2008, Public
Law [110-181]

Policy History:
Adopted on:
Reviewed on:
Revised on:

1 **Philipsburg School District**

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3 **PERSONNEL**

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4
5 Insurance Benefits for Employees

6
7 Newly hired certified employees are eligible for insurance benefits offered by the District
8 pursuant to the collective bargaining agreement. Classified employees working eighty (80)
9 hours or more per month are eligible to participate in the District health insurance or employer
10 paid cafeteria plan, under the following guidelines:

- 11
- 12 1. Less than full time employees (less than six (6) hours per day): The District will provide
- 13 a monthly payment equal to one half (1/2) of the current District certified contribution for
- 14 the single group health insurance premium, provided that eighty (80) to one hundred
- 15 nineteen (119) hours are worked each month.
- 16 2. Full-time employees (six (6) hours or more per day): The District will provide a monthly
- 17 payment equal to the current District certified contribution for the single group health
- 18 insurance premium, provided that a minimum of one hundred twenty (120) hours are
- 19 worked each month.
- 20 3. In lieu of participating in the health plan, employees who qualify will be eligible to enroll
- 21 in the District-paid cafeteria plan. The District will contribute \$2,500 annually, to be
- 22 paid in ten (10) installments (September through June.). Qualified employees must
- 23 provide proof of current year insurance coverage.

24
25 A medical examination at the expense of the employee may be required, if the employee elects to
26 join the District health insurance program after initially refusing coverage during the “open
27 season” (*July). An eligible employee wishing to discontinue or change health insurance
28 coverage must initiate the action by contacting the personnel office and completing appropriate
29 forms.

30
31 Anniversary dates of the health and dental insurance policies for the District shall be July 1st
32 through June 30th.

33
34
35
36 Legal Reference: § 2-18-702, MCA Group insurance for public employees and officers
37 § 2-18-703, MCA Contributions

38
39 Policy History:

40 Adopted on:

41 Reviewed on:

42 Revised on:

1 **Philipsburg School District**

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3 **PERSONNEL**

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4
5 Holidays

6
7 Holidays for certified staff are dictated in part by the school calendar. Temporary employees will
8 not receive holiday pay. Part-time employees will receive holiday pay on a prorated basis.

9
10 The holidays required for classified staff, by § 20-1-305, MCA, are:

- 11
12 1. Independence Day (July 4)
13 2. Labor Day (1st Monday in September)
14 3. Thanksgiving Day (4th Thursday in November)
15 4. Christmas Day (December 25th)
16 5. New Year's Day (January 1)
17 6. Memorial Day (last Monday in May)
18 7. President's Day (3rd Monday in February)
19 8. Martin Luther King Day (3rd Monday in January)
20 9. State and national election days when the school building is used as a polling place and
21 conduct of school would interfere with the election process

22
23 When an employee, as defined above, is required to work any of these holidays, another day
24 shall be granted in lieu of such holiday, unless the employee elects to be paid for the holiday in
25 addition to the employee's regular pay for all time worked on the holiday.

26
27 When one of the above holidays falls on Sunday, the following Monday will be a holiday. When
28 one of the above holidays falls on Saturday, the preceding Friday will be a holiday.

29
30 When a holiday occurs during a period in which vacation is being taken by an employee, the
31 holiday will not be charged against the employee's annual leave.

32
33
34
35 Legal Reference: § 20-1-305, MCA School holidays

36
37 Policy History:

38 Adopted on:

39 Reviewed on:

40 Revised on:

1 **Philipsburg School District**

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3 **PERSONNEL**

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4
5 Vacations

6
7 Classified and twelve-(12)-month administrative employees will accrue annual vacation leave
8 benefits in accordance with §§ 2-18-611, 2-18-612, 2-18-614 through 2-18-617 and 2-18-621,
9 MCA. Nothing in this policy guarantees approval for granting specific days as annual vacation
10 leave in any instance. The District will judge each request for vacation in accordance with
11 staffing needs.

12
13 Employees are not entitled to any vacation leave with pay until they have been continuously
14 employed for a period of six (6) calendar months.

15
16
17
18 Legal Reference: § 2-18-611, MCA Annual vacation leave
19 § 2-18-612, MCA Rate earned
20 § 2-18-617, MCA Accumulation of leave – cash for unused – transfer

21
22 Policy History:

23 Adopted on:

24 Reviewed on:

25 Revised on:

1 **Philipsburg School District**

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3 **PERSONNEL**

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4
5 Compensatory Time and Overtime for Classified Employees

6
7 Non-exempt classified employees who work more than forty (40) hours in a given workweek
8 may receive overtime pay of one and one-half (1½) times the normal hourly rate. All overtime
9 will have prior approval from an employee's immediate supervisor. Any unauthorized overtime
10 may result in disciplinary action up to and including termination.

11
12 Under Montana law and the Federal Fair Labor Standards Act, a classified employee may not
13 volunteer to work without pay in an assignment similar to the employee's regular work.

14
15 Blended Time

16
17 Classified Employees working two or more jobs for the District at different rates of pay shall be
18 paid overtime at a weighted average of the differing wages. This shall be determined by dividing
19 the total regular remuneration for all hours worked by the number of hours worked in that week
20 to arrive at the weighted average. One half that rate is then multiplied times the number of hours
21 worked over 40 to arrive at the overtime compensation due.

22
23
24 Legal Reference: 29 USC 201, et seq. Fair Labor Standards Act

25
26 Policy History:

27 Adopted on:

28 Reviewed on:

29 Revised on:

1 **Philipsburg School District**

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3 **PERSONNEL**

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4
5 Workers' Compensation Benefits

6
7 All employees of the District are covered by workers' compensation benefits. In the event of an
8 industrial accident, an employee should:

- 9
10 1. Attend to first aid and/or medical treatment during an emergency;
11
12 2. Correct or report as needing correction a hazardous situation as soon as possible after an
13 emergency situation is stabilized;
14
15 3. Report the injury or disabling condition, whether actual or possible, to the immediate
16 supervisor, within forty-eight (48) hours, on the Employer's First Report of Occupational
17 Injury or Disease; and
18
19 4. Call or visit the administrative office after medical treatment, if needed, to complete the
20 necessary report of accident and injury on an Occupational Injury or Disease form.
21

22 The administrator will notify the immediate supervisor of the report and will include the
23 immediate supervisor as necessary in completing the required report.
24

25 An employee who is injured in an industrial accident may be eligible for workers' compensation
26 benefits. By law, employee use of sick leave must be coordinated with receipt of workers'
27 compensation benefits, on a case-by-case basis, in consultation with the Workers' Compensation
28 Division, Department of Labor and Industry.
29

30 The District will not automatically and simply defer to a report of industrial accident but will
31 investigate as it deems appropriate to determine: (1) whether continuing hazardous conditions
32 exist which need to be eliminated; and (2) whether in fact an accident attributable to the District
33 working environment occurred as reported. The District may require the employee to authorize
34 the employee's physician to release pertinent medical information to the District or to a
35 physician of the District's choice, should an actual claim be filed against the Workers'
36 Compensation Division, which could result in additional fees being levied against the District.
37
38
39

40 Legal Reference: §§ 39-71-101, et seq., MCA Workers' Compensation Act
41

42 Policy History:

43 Adopted on:

44 Reviewed on:

45 Revised on:

1 **Philipsburg School District**

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4
5 Employee use of Electronic Mail, Internet, and District Equipment

6
7 Electronic mail (“e-mail”) is an electronic message that is transmitted between two (2) or more
8 computers or electronic terminals, whether or not the message is converted to hard-copy format
9 after receipt, and whether or not the message is viewed upon transmission or stored for later
10 retrieval. E-mail includes all electronic messages that are transmitted through a local, regional, or
11 global computer network.

12
13 Because of the unique nature of e-mail/Internet, and because the District desires to protect its
14 interest with regard to its electronic records, the following rules have been established to address
15 e-mail/Internet usage by all employees:

- 16
- 17 1. The District e-mail and Internet systems are intended to be used for educational purposes
18 only, and employees should have no expectation of privacy when using the e-mail or
19 Internet systems for any purpose. Employees have no expectation of privacy in District
20 owned technology equipment, including but not limited to District-owned desktops,
21 laptops, memory storage devices, and cell phones.
22
 - 23 2. Users of District e-mail and Internet systems are responsible for their appropriate use. All
24 illegal and improper uses of the e-mail and Internet system, including but not limited to
25 extreme network etiquette violations including mail that degrades or demeans other
26 individuals, pornography, obscenity, harassment, solicitation, gambling, and violating
27 copyright or intellectual property rights, are prohibited. Abuse of the e-mail or Internet
28 systems through excessive personal use, or use in violation of the law or District policies,
29 will result in disciplinary action, up to and including termination of employment.
30
 - 31 3. All e-mail/Internet records are considered District records and should be transmitted only
32 to individuals who have a need to receive them. If the sender of an e-mail or Internet
33 message does not intend for the e-mail or Internet message to be forwarded, the sender
34 should clearly mark the message “Do Not Forward.”
35

36 In order to keep District e-mail and Internet systems secure, users may not leave the terminal
37 “signed on” when unattended and may not leave their password available in an obvious place
38 near the terminal or share their password with anyone except the system administrator. The
39 District reserves the right to bypass individual passwords at any time and to monitor the use of
40 such systems by employees.

41
42 Additionally, District records and e-mail/Internet records are subject to disclosure to law
43 enforcement or government officials or to other third parties through subpoena or other process.
44 Consequently, the District retains the right to access stored records in cases where there is
45 reasonable cause to expect wrongdoing or misuse of the system and to review, store, and disclose
46 all information sent over the District e-mail systems for any legally permissible reason, including

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3
4 but not limited to determining whether the information is a public record, whether it contains
5 information discoverable in litigation, and to access District information in the employee's
6 absence. Employee e-mail/Internet messages may not necessarily reflect the views of the
7 District.
8

9 Except as provided herein, District employees are prohibited from accessing another employee's
10 e-mail without the expressed consent of the employee. All District employees should be aware
11 that e-mail messages can be retrieved, even if they have been deleted, and that statements made
12 in e-mail communications can form the basis of various legal claims against the individual author
13 or the District.
14

15 E-mail sent or received by the District or the District's employees may be considered a public
16 record subject to public disclosure or inspection. All District e-mail and Internet communications
17 may be monitored.
18

19 An individual User Release form must be filed with the District.
20
21
22

23 Policy History:

24 Adopted on:

25 Reviewed on:

26 Revised on:

1 **Philipsburg School District**

2
3 **PERSONNEL**

5460

4
5 Electronic Resources and Social Networking

6
7 The District recognizes that an effective public education system develops students who are
8 globally aware, civically engaged, and capable of managing their lives and careers. The District
9 also believes that students need to be proficient users of information, media, and technology to
10 succeed in a digital world.

11
12 Public school employees are held to a high standard of behavior. The Montana Department of
13 Education *Professional Educators of Montana Code of Ethics* requires District staff to maintain a
14 professional relationship with each student, both in and outside the classroom. The District
15 encourages all staff to read and become familiar with the Code of Ethics.

16
17 Therefore, the District will use electronic resources as a powerful and compelling means for
18 students to learn core subjects and applied skills in relevant and rigorous ways. It is the
19 District's goal to provide students with rich and ample opportunities to use technology for
20 important purposes in schools just as individuals in workplaces and other real-life settings. The
21 District's technology will enable educators and students to communicate, learn, share,
22 collaborate and create, to think and solve problems, to manage their work and to take ownership
23 of their lives.

24
25 The School Board discourages district staff from socializing with students on social networking
26 websites (during school or out-of-school). Staff are reminded that the same relationship,
27 exchange, interaction, information, or behavior that would be unacceptable in a non-
28 technological medium, is unacceptable when done through the use of technology. In fact, due to
29 the vastly increased potential audience digital dissemination presents, extra caution must be
30 exercised by staff to ensure they don't cross the line of acceptability.

31
32 Specifically, the following forms of technology-based interactivity or connectivity are expressly
33 not permitted or forbidden:

- 34
- 35 • Sharing personal landline or cell phone numbers with students;
 - 36 • Text messaging students;
 - 37 • Emailing students other than through and to school controlled and monitored accounts;
 - 38 • Soliciting students as friends or contacts on social networking sites;
 - 39 • Accepting the solicitation of students as friends or contacts on social networking sites;
 - 40 • Sharing with students access information to personal websites or other media through
41 which the staff member would share personal information and occurrences.
- 42

43 What in other mediums of expression could remain private opinions, when expressed by staff on
44 a social networking website, have the potential to be disseminated far beyond the speaker's
45 desire or intention, and could undermine the public perception of fitness of the individual to
46 educate students, and thus undermine teaching effectiveness. In this way, the effect of the

1 expression and publication of such opinions could potentially lead to disciplinary action being
2 taken against the staff member, up to and including termination or nonrenewal of the contract of
3 employment.

4
5 Staff shall not access social networking sites using District equipment or personal equipment,
6 including during breaks or preparation periods, during the instructional day, except if the staff
7 member has a duty free period. All school district employees who participate in social
8 networking websites, shall not post any school district data, documents, photographs, logos, or
9 other district owned or created information on any website. Further, the posting of any private or
10 confidential school district material on such websites is strictly prohibited.

11
12 The Board directs the Superintendent or his/her designee to create strong electronic educational
13 systems that support innovative teaching and learning, to provide appropriate staff development
14 opportunities and to develop procedures to support this policy.

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24 Cross Reference: 5015 Bullying/Harassment/Intimidation
25 5223 Personal Conduct
26 5255 Disciplinary Action
27 *Professional Educators of Montana Code of Ethics*

28
29 Policy History:
30 Adopted on:
31 Reviewed on:
32 Revised on:

1 **Philipsburg School District**

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3 **PERSONNEL**

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5 Payment of Wages Upon Termination

6
7 When a District employee quits, is laid off, or is discharged, wages owed will be paid on the next
8 regular pay day for the pay period in which the employee left employment or within fifteen (15)
9 days from the date of separation of employment, whichever occurs first.

10
11 In the case of an employee discharged for allegations of theft connected to the employee's work,
12 the District may withhold the value of the theft, provided:

- 13
14 • The employee agrees in writing to the withholding; or
15
16 • The District files a report of the theft with law enforcement within seven (7) business
17 days of separation.

18
19 If no charges are filed within thirty (30) days of the filing of a report with law enforcement,
20 wages are due within a thirty-(30)-day period.

21
22
23
24 Legal Reference: § 39-3-205, MCA Payment of wages when employee separated from
25 employment prior to payday – exceptions
26

27 Policy History:

28 Adopted on:

29 Reviewed on:

30 Revised on:

1 **Philipsburg School District**

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3 **PERSONNEL**

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4
5 HIPAA

6
7 **Health Insurance Portability and Accountability Act of 1996 (HIPAA)**

8
9 The District's group health plan is a Covered Entity under the Health Insurance Portability and
10 Accountability Act of 1996 (HIPAA) and its implementing regulations, the Standards for the
11 Privacy of Individually Identifiable Information. In order to comply with HIPAA and its related
12 regulations, the District has implemented the following HIPAA Privacy Policy:

13
14 **The HIPAA Privacy Rule**

15
16 The standards found in the Privacy Rule are designed to protect and guard against the misuse of
17 individually identifiable health information, with particular concern regarding employers using
18 an employee's (or dependent's) health information from the group health plan to make adverse
19 employment-related decisions. The Privacy Rule states that verbal, written, or electronic
20 information that can be used to connect a person's name or identity with medical, treatment, or
21 health history information is Protected Health Information (PHI) under the HIPAA Privacy Rule.

22
23 Under the HIPAA Privacy Rule:

- 24
- 25 1. Individuals have a right to access and copy their health record to the extent allowed by
26 HIPAA.
 - 27 2. Individuals have the right to request an amendment to their health record. The plan may
28 deny an individual's request under certain circumstances specified in the HIPAA Privacy
29 Rule.
 - 30 3. Individuals have the right to an accounting of disclosures of their health record for
31 reasons other than treatment, payment, or healthcare operations.
 - 32 4. PHI, including health, medical, and claims records, can be used and disclosed without
33 authorization for specific, limited purposes (treatment, payment, or operations of the
34 group health plan). A valid authorization from the individual must be provided for use or
35 disclosure for other than those purposes.
 - 36 5. Safeguards are required to protect the privacy of health information.
 - 37 6. Covered entities are required to issue a notice of privacy practices to their enrollees.
 - 38 7. Violators are held accountable with civil and criminal penalties for improper use or
39 disclosure of PHI.
- 40

41 Compliance

42
43 The District has been designated the Privacy Officer. The Privacy Officer will oversee all
44 ongoing activities related to the development, implementation, maintenance of, and adherence to
45 the District's policies and procedures covering the privacy of and access to patient health
46 information in compliance with HIPAA, other applicable federal and state laws, and the

1 District's privacy practices.

2
3 As required for a Covered Entity under HIPAA, the plan has developed these internal privacy
4 policies and procedures to assure that PHI is protected and that access to and use and disclosure
5 of PHI are restricted in a manner consistent with HIPAA's privacy protections. The policies and
6 procedures recognize routine and recurring disclosures for treatment, payment, and healthcare
7 operations and include physical, electronic, and procedural safeguards to protect PHI. The
8 procedures include safeguards for sending PHI via mail or fax, receiving PHI for plan purposes,
9 and workstation safeguards and procedures for securing and retaining PHI received by the plan.
10 Plan participants are entitled to receive a copy of the plan's policies and procedures upon
11 request.

12
13 The District has distributed a notice of privacy practices to plan participants. The notice informs
14 plan participants of their rights and the District's privacy practices related to the use and
15 disclosure of PHI. A copy of this notice may be obtained by contacting the Privacy Officer.

16
17 The HIPAA Privacy Rule prohibits the District from disclosing medical information without the
18 patient's written permission other than for treatment, payment, or healthcare operations purposes.
19 An authorization signed by the patient and designating specified individuals to whom the District
20 may disclose specified medical information must be on file, before the plan can discuss a
21 patient's medical information with a third party (such as a spouse, parent, group health plan
22 representative, or other individual).

23
24 The District has taken the following steps to ensure PHI is safeguarded:

- 25
- 26 • The District has implemented policies and procedures to designate who has and who does
27 not have authorized access to PHI.
 - 28 • Documents containing PHI are kept in a restricted/locked area.
 - 29 • Computer files with PHI are password protected and have firewalls making unauthorized
30 access difficult.
 - 31 • Copies of PHI will be destroyed when information is no longer needed, unless it is
32 required by law to be retained for a specified period of time.
 - 33 • The District will act promptly to take reasonable measures to mitigate any harmful effects
34 known to the group health plan, due to a use or disclosure of PHI in violation of the
35 plan's policies, procedures, or requirements of the HIPAA Privacy Rule.
 - 36 • The District will appropriately discipline employees who violate the District's group
37 health plan's policies, procedures, or the HIPAA Privacy Rule, up to and including
38 termination of employment if warranted by the circumstances.
- 39

40 The District will ensure health information will not be used in making employment and
41 compensation decisions. The HIPAA Privacy Rule and other applicable laws expressly prohibit
42 an employer from making adverse employment decisions (demotions, terminations, etc.) based
43 on health information received from the group health plan. To the extent possible, the District
44 has separated the plan operations functions from the employment functions and has safeguards in
45 place to prevent PHI from the plan from going to or being used by an employee's supervisor,
46 manager, or superior to make employment-related decisions.

1 Complaints

2

3 If an employee believes their privacy rights have been violated, they may file a written complaint
4 with the Privacy Officer.

5

6

7

8 Policy History:

9 Adopted on:

10 Reviewed on:

11 Revised on:

1 **Philipsburg School District**

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3 **PERSONNEL**

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5 Conflicts of Interest

6
7 Employees shall refrain from any activity that can be reasonably seen as creating a conflict of
8 interest with their duties and responsibilities as employees of the District.

9
10 The following conduct is specifically prohibited:

- 11
- 12 • Using public time, facilities, equipment, supplies, personnel, or funds for the employee's
- 13 private business purposes;
- 14 • Engaging in a substantial financial transaction for the employee's private business
- 15 purposes with a person whom the employee inspects or supervises in the course of official
- 16 duties;
- 17 • Assisting any person for a fee or other compensation in obtaining a contract, claim,
- 18 license, or other economic benefit from the District;
- 19 • Assisting any person for a contingent fee in obtaining a contract, claim, license, or other
- 20 economic benefit from the District;
- 21 • Performing an official act directly and substantially affecting to its economic benefit a
- 22 business or other undertaking in which the employee either has a substantial financial
- 23 interest or is engaged as counsel, consultant, representative, or agent;
- 24 • Performing an official act directly and substantially affecting a business or undertaking to
- 25 its economic detriment a business or other undertaking in which the employee has a
- 26 substantial personal interest in a competing firm or undertaking;
- 27 • Soliciting or accepting employment, or engaging in negotiations or meetings to consider
- 28 employment, with a person whom the employee regulates in the course of official duties
- 29 without first giving written notification to the employee's supervisor and Superintendent.
- 30

31 Employees who violate this policy will be subject to disciplinary action, up to and including
32 termination from employment.

33
34 Cross Reference:

35
36 Legal Reference: § 2-2-121, MCA Rules of conduct for public officers and public
37 employees
38
39
40

41 Policy History:

42 Adopted on:

43 Revised on:
44
45
46