

**TRANSPORTATION PROFESSIONALS
HANDBOOK**

2018-19



Manhattan-Ogden USD 383
Manhattan, Kansas

- This handbook is meant to be an abbreviated version of Manhattan-Ogden USD 383 policies, rules, and regulations. Should a discrepancy between board policy and any language in this handbook arise, district policy supersedes this handbook

Manhattan-Ogden USD 383 Mission and Goals

The mission of Manhattan-Ogden USD 383 is to educate each student to be a contributing citizen in a changing, diverse society.

GOALS

1. The education of all students will be based on high academic standards.
2. Curricular standards will be implemented consistently across the district.
3. Basic skills, thinking skills, core knowledge, multicultural understanding, and personal and civic responsibilities will be the foundation of an integrated curriculum.
4. Assessment of student learning will be aligned with district curriculum and state standards.
5. The district will provide support of programs through existing and new resources.
6. Schools will accommodate the needs of individual learners while being guided by high expectations for all students.
7. Lifelong learning experiences will be offered for pre-kindergarten through adult regardless of age, gender, ability, race, religion, or economic status.
8. The district will implement policies and practices to attract and retain quality staff. Regular, formal, and timely evaluation procedures will be used to improve the effectiveness of instruction and the performance of personnel.
9. The district and the schools will provide staff with adequate time and resources to engage in productive professional planning and development.
10. The appropriate use of technology for learning, instruction, communication, and management will be supported.
11. The district and the schools will provide a safe and orderly environment.
12. Schools will involve families in the education of their students.
13. The district and the schools will increase the frequency and effectiveness of communication with their staff, students, parents and community patrons.
14. Partnerships will be maintained and expanded with the broader communities.

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Manhattan-Ogden USD 383 does not discriminate on the basis of race, sex, color, religion, national origin, sexual orientation, age, disability, veteran status, or any other factors made unlawful under applicable federal and state laws. All personnel decisions are made without prejudice or discrimination, in accordance with the principles of equal opportunity.

TRANSPORTATION PROFESSIONALS

The Transportation Staff of Manhattan - Ogden USD383 are recognized as an essential part of the school system. It is the policy of USD 383 that this handbook and the terms contained, referred to, or mentioned there in, are not intended to create, nor should be construed to constitute, a contract of employment between Manhattan-Ogden USD 383 and any one or all of its personnel. This handbook and its items are presented only as a matter of information and direction regarding policy, benefits and other useful information. This handbook should be used in conjunction with the Policies of the Manhattan-Ogden USD 383 Board of Education.

ASSIGNMENT

12-Month A twelve-month work assignment is a regular schedule during the twelve months of the fiscal year.

Less than 12-Month A less than twelve-month work assignment is a regular schedule during the school year. Duties are performed during the school day when students are in attendance.

WAGES

SOCIAL SECURITY DEDUCTION

The rate withheld for old age, survivors and disability insurance is 6.2%. The rate withheld for MEDICARE is 1.45% with no maximum. Total combined rate of social security tax is 7.65%.

RETIREMENT (KPERS)

All school personnel, whose employment is considered a covered position, must participate in the Kansas Public Employee Retirement System. Membership requires a minimum of 630 hours per year, which typically means working at least 3.5 hours per day for 180 days. Larry Doll is the District Designated Agent. The employee contribution rate is 6% of your gross monthly salary.

PAYROLL EXEMPTIONS

Any change in exemptions requires the completion of a new W-4 form. If you desire to change your exemptions, contact the Human Resources or Payroll Office.

MONTHLY PAY SCHEDULE

All employees of the school district will be paid on the third Friday of every month. Payroll cutoff is the first Friday of every month.

ENTRY LEVEL WAGES

Bus Driver	\$14.00
Driver In Training	\$7.25
Bus Monitor	\$9.00
Activity Trip Driver	\$14.00
Bus Washer	\$9.00
Spare Driver	\$14.00

Salary for the following positions will be determined depending on experience. The entry-level salary is listed for staff hired with no experience. Depending on experience, the entry salary will not exceed the entry salary for Skilled Maintenance:

Mechanic	\$20.00
Dispatcher	\$14.50
Routing Specialist	\$14.50

WORK - HOLIDAY - VACATION SCHEDULE

Work Schedule

USD 383 defines a workweek to be forty (40) hours per week with the normal duty day being eight (8) hours daily, Monday through Friday. The supervisor may adjust the work schedule so that the total hours worked remains at or under 40 hours per week.

Paid sick leave is not considered hours worked. Other types of compensable time such as holidays, annual leave, and jury duty are treated the same as sick leave.

Compensation and Work Assignments

Classified employees shall be paid according to pay rates established by the board. Payment shall be made at the established pay date following the end of each pay period.

Work Assignments

Subject to board approval, the superintendent shall develop time schedules for all classified employees.

Attendance Required

Regular attendance is required of all employees subject to leave provisions in district policy, employee handbooks or other documents approved by the board. Excessive absences or tardiness, unauthorized leave or unexcused absences may result in disciplinary action including termination of employment.

Workweek

For the purposes of Fair Labor Standards Act (FLSA) compliance, the workweek will be 12:00 a.m. Sunday until 11:59 p.m. Saturday.

Overtime

Overtime is not at the discretion of the employee. Overtime is emergency in nature or unforeseen and is at the request of the supervisor. When required to work beyond the forty hours per week, overtime will be compensated at time and a half. Time and a half for hours worked over 40 hours in a week applies only to time the employee actually spends working.

Off-Duty Calls

Staff called during their off-duty hours will be paid a minimum of two hours. Same day/night recall will be paid minimum of one hour for all subsequent calls.

Emergency Calls

When an EMERGENCY arises on a Sunday or legal holiday, the Director of Transportation will make arrangements for staff to cover the emergency. Emergency time will be compensated at double time. Emergency is defined as an event that requires mechanic services without which school would be canceled or any other non-routine event defined by the Director of Transportation as an emergency.

HOLIDAY SCHEDULE

All Transportation staff will observe the following federal holidays:

- New Year’s Day
- Martin Luther King JR’s Birthday
- Thanksgiving
- Christmas Day
- Independence Day
- Labor Day
- Memorial Day

VACATION

Only Transportation staff employed full-time on an annual 12 month basis are granted vacation time.

Vacation must be approved in advance by the Director of Transportation.

Vacation leave is non-accumulative. Vacation leave must be used within 6 months of the end of the fiscal year in which earned.

YEARS OF SERVICE

- One to Three Years
- After Three Years
- After Six Years
- After Ten Years

VACATION DAY

8 hours per month/ 12 days annual (96 hours total)
 9.33 hours per month/ 14 days annual (112 hours total)
 10.67 hours per month/ 16 days annual (128 hours total)
 13.33 hours per month/ 20 days annual (160 hours total)

IRC SECTION 125 CAFETERIA FRINGE BENEFIT PLAN

The Board of Education participates in an approved IRC Section 125 Cafeteria Fringe Benefit plan. The district IRC Section 125 Cafeteria Fringe benefit plan is a salary reduction plan. The benefit plan year is October 1 to September 30.

All eligible employees are required to complete an enrollment form each plan year. Eligible employees work 17 ½ hours per week.

All employees are eligible to participate in the district's 403b plan.

DISABILITY INCOME PROTECTION

The Board of Education shall provide a policy of Disability Income Protection. In substance, the policy ensures that employees working half time or more and eligible for sick leave accrual shall be compensated in accordance with the terms, conditions, and exclusions of such policy for hereinafter specified periods of disability resulting from occupational or non-occupational illness or injury at a rate of 66 2/3% of the employee's regular monthly salary. The periods of disability for which payments are to be paid hereunder shall commence on the days following the expiration of the last day of the employee's accumulated sick leave days and shall continue to the date which is one-hundred eighty (180) days after the date of the commencement of the disability for which benefits are being paid.

All claims and determinations of eligibility are between the employee, their doctor and the insurance company. The district only provides this insurance as an employee benefit and has no control or influence over the determination of disability payments. All information supporting the claim is the responsibility of the employee.

Contact the Human Resources Department to obtain an application for disability income protection.

Please notify the Human Resources office when you return to work.

WORKPLACE SAFETY/WORKER'S COMPENSATION

All employees are expected to follow the safety policies and procedures established by each district department and contribute to a safe working environment.

Worker's Compensation laws of the State of Kansas cover all employees of the school district. Any employee who is injured in the line of duty shall receive the compensation as stated by the rules and regulations of the law. Specifically excluded are injuries to employees while engaged in social and recreational events under circumstances where the employee was under no duty to attend and where the injury did not result from the performance of tasks related to normal job duties or as specifically instructed to be performed by the employee. **THE EMPLOYEE SHOULD NOTIFY THE DISTRICT PERSONNEL OFFICE ON THE DAY THE ACCIDENT OCCURS.** Failure to report the accident within 10 days may result in the claim being denied by the worker's compensation carrier.

Whenever an employee is absent from work and is receiving workers compensation benefits due to a work-related injury the employee may use available paid sick leave to supplement the workers compensation. In no event shall the employee be entitled to an amount in excess of his/her full salary. Available paid sick leave may be used for this purpose until 1) available paid sick leave benefits are

exhausted; 2) the employee returns to work; or 3) employment is terminated; Sick leave shall be deducted on a prorated amount equal to the percentage of salary paid by the district.

Please make sure that the Human Resources office is informed regarding your injury status.

Notify the Human Resources office when you return to work.

CHOICE OF PHYSICIAN:

The Board shall have the right to choose a designated health care provider to provide medical assistance to any employee who suffers an injury while performing his/her job. Via Christi Occupational Health Clinic, 315 Seth Child, is the medical provider for Manhattan-Ogden USD 383.

RETURN TO WORK:

It is expected that an injured employee will return to work with or without restrictions and/or accommodations as soon as the attending physician signs the required documentation. In the event that the employee cannot return to his/her current position, efforts will be made to place the employee temporarily in another position that does not impact the physical limitations.

LEAVE

Any employee taking leave must first clear the absence with the supervisor in charge.

SICK LEAVE

1. Sick leave with pay will be granted to employees unable to render services because of personal illness or injury, whether incurred in performance of duty or otherwise. Sick leave of one day per month will be granted to 12-month employees. Employees working less than 12 months shall be entitled to an equivalent amount of sick leave based on hours scheduled.
2. Unused sick leave days may be accumulated to ninety days (90).
3. Accrued sick leave is not payable to an employee at termination.
4. Any employee absent for any period of time because of accident or injury irrespective of whether such injury was suffered within or outside the scope of his/her employment, or for a period of three (3) working days due to illness, may be required to submit a written statement from his/her physician stating he/she is physically able to return to duty. When requested, this statement is to be presented in person before the employee returns to duty in order that the present state of his/her convalescence can be discussed.
5. The Superintendent of Schools, with the approval of the Board of Education, may postpone the return to duty if he/she should conclude that the employee is physically unable to perform his/her duties or if the employee's condition is such that there would be a hazard of further injury.
6. The Board of Education may require a physical examination by a physician, designated by the employer, if such is deemed necessary to make a proper conclusion as to the employee's fitness to return to duty. The cost shall be born by the employer.
7. Absences other than for personal illness or injury, chargeable to sick leave, may be for the following reasons:
 - a. Illness or injury of a member of the employee's immediate family as defined by Federal Statute and State Laws i.e. spouse, parents, children (FMLA).
 - b. Established holidays of recognized religious denominations or sects.
 - c. Bereavement leave for family; defined as follows: mother, father, brothers, sisters, spouse, children, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandparents, grandchildren, and person having a "loco-parentis" relationship with the employee, that is whomever the employee believes "reared" them as a child.
 - d. Adoptive Leave.
 - e. Maternity Leave: Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery there from are, for all job-related purposes, temporary disabilities and will be treated as such under USD #383 employee sick leave plan.

- f. Inclement weather when school has been closed. See Inclement weather – School Closure No Students in Attendance.
8. The Superintendent or his/her designee may at his/her discretion grant extra leave without loss of pay if the circumstances so warrant. If such leave is granted, it may be charged against sick leave or vacation leave at his discretion.
9. Sick leave may not be used when school is not in session for less than 12 month employees unless you have worked the day prior and day after. (Spring & Summer Break, Holidays, ect.)

PERSONAL LEAVE

Each full-time employee will receive one (1) day of personal leave per year. Days of such leave not used may accumulate to five (5) days. Said leave is subject to the following limitations:

- No more than five (5) percent of the staff may take personal leave on any one day.
- Leave for personal reasons may not be taken during the first week or the last week of school, or one day before or after any regularly scheduled vacation period (Thanksgiving, Winter Break, Spring Break) except where public transportation cancellation prevents timely reporting for duty.

Personal Leave for transportation department staff working less than twelve months:

- Working four hours or less per day – 4 hours of personal leave per year
- Working more than four hours per day – 8 hours of personal leave per year
- Employees who have unused personal leave days over and above their maximum accumulation (5 days) on May 1st will be reimbursed \$72.50 per day for each day above the maximum accumulation. Payment for said personal days will be made in June.

INCLEMENT WEATHER – School closure - no students in attendance

If on a school day, school cannot be held due to inclement weather, an announcement will be made on the radio and other media outlets.

All mechanics are expected to report to work whether or not school is in session. All such persons would be expected to report for duty as soon as possible.

Staff positions that are less than twelve-months will not be expected to report for duty. The absence may be charged to personal leave. If no personal leave is available, the day may be charged to sick leave or leave without pay.

Staff positions that are twelve-month are expected to report to work whether or not school is in session. All such persons would be expected to report for duty as soon as possible.

If conditions are so bad that virtually no one can work, the Director of Transportation will notify staff that they should not report for duty, the following alternatives would be available:

Twelve-month personnel who do not report for duty have the following alternatives:

For the first two days that schools are closed for any reason the employee may select any leave category from which to apply the leave, which includes vacation, personal, sick leave or leave without pay. Beginning with the third day of closure for the school year, the employee must use available vacation or personal leave before applying for sick leave. Leave without pay may also be used in this situation.

Essential personnel who are required to work during school cancellation due to emergencies will receive additional personal leave hours based on the number of hours worked during the emergency day.

The superintendent has the authority to close all school buildings and district offices due to severe weather conditions. Such an announcement will be made on local radio stations and area television. If conditions should be so bad that virtually no one can get to work, an announcement will be made on the radio no later than 7:00 a.m. stating whether or not district and school offices will be open.

JURY DUTY

All employees receiving notice to serve on jury duty and who request to be relieved and who do serve on jury duty will receive their full salary in addition to any compensation from the court during the period of such service.

FAMILY AND MEDICAL LEAVE

Family and medical leave as required by federal law shall be granted for a period of no more than 12 weeks during a 12-month period. For purposes of this policy, a 12-month period shall be defined as a fiscal year beginning on July 1 and ending the following June 30. Spouses employed by the district may only take an aggregate of 12 weeks of leave for a birth or adoption of a child or to care for a child with a serious health condition.

Leave is available because of (1) the birth of a son or daughter of the employees and to care for the son or daughter; (2) the placement of a son or daughter with the employee for adoption or foster care; (3) the need for care for a spouse, son, daughter or parent of the employee because of a serious health condition; or (4) a serious health condition of the employee that prevents the employee from performing the job functions. (Leave for reason 1 or 2 must be taken within 12 months of birth or placement.)

The leave shall normally be unpaid leave. However, if the employee has any paid vacation, personal, sick or disability leave that is available for use because of the reason for the leave, the paid leave shall be used first and counted toward the annual family and medical leave. The Superintendent or his/her designee will notify the employee of the beginning date of family and medical leave and the amount of the employee's accrued paid leave designated as family and medical leave. The employee is eligible for family and medical leave upon completion of 12 months of service in the district and employed at least 1250 hours during the preceding year.

During the period of any unpaid family and medical leave the Board shall continue to pay the employer's share of the cost of group health benefits in the same manner as paid immediately prior to the leave. The employee shall pay any employee portion of the cost on the payroll date. Group health coverage will be terminated if the employee payment is not received within 30 days of the due date.

When leave is foreseeable, the employee shall give written notice 30 days in advance. If leave is not foreseeable, notice will be given as soon as practicable. Written notice should be sent to the Personnel Office and immediate supervisor. Upon the employee providing notice of need for leave, the employer will notify the employee of:

- the reasons that leave will count as family and medical leave
- any requirements for medical certification
- employer requirement of substituting paid leave
- requirements for premium payments for health benefits and employee
- responsibility for repayment if employer pays employee share
- right to be restored to same or equivalent job
- any employer required fitness-for-duty certifications

Family leave (reasons 1 or 2) may not be used intermittently or on a part-time basis without the prior approval of the Superintendent. The Superintendent or his/her designee may require an instructional employee to continue leave until the end of a semester, if the leave begins more than five (5) weeks before the end of the semester, lasts more than three (3) weeks and the return would occur during the last three (3) weeks of the semester.

If the leave is for a reason other than the employee's serious health conditions, the Superintendent or his/her designee may require an instructional employee to continue leave until the end of the semester if:

- the leave begins in the last five (5) weeks of a semester, will last more than two (2) weeks and the return to work would occur in the last two (2) weeks of a semester, or
- the leave begins in the last three (3) weeks of a semester, and lasts more than five (5) days.

MILITARY FAMILY LEAVE

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during “a single 12-month period” during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

RETIREMENT – PAYMENT FOR UNUSED SICK LEAVE

Transportation staff who retire after reaching age sixty (60) or who qualify for KPERS without a reduction in benefits will be paid \$15.00 for each day of unused sick leave subject to the following conditions:

1. Transportation staff retiring or leaving the District prior to age sixty (60) or who do not qualify for KPERS without a reduction in benefits will not receive pay for unused sick leave.
2. Reimbursement will be at the rate of \$15.00 per day to a maximum of ninety (90) days. Eight hours will be considered a day for reimbursement.
3. The maximum reimbursement for unused sick leave upon retirement will be \$1,350.00.
4. Payment will be made with the employee’s last check and shall be subject to all applicable deductions.

MILEAGE REIMBURSEMENT

Mileage required of Transportation staff beyond the normal reporting to work will be reimbursed at the rate annually determined by the Board of Education. The rate for the 2016-17 school year is \$0.545 per mile. All requests must be submitted to the employee’s supervisor with the appropriate verification.

BOARD POLICIES

GAM Personal Appearance

Appropriate dress and personal appearance is essential for all district employees.

GCA Compensation and Work Assignment

Classified employees shall be paid according to pay rates established by the board. Payment shall be made at the established pay date following the end of each pay period.

Work Assignments

Subject to board approval, the superintendent shall develop time schedules for all classified employees. The superintendent shall make work assignments for classified employees.

Attendance Required

Regular attendance is required of all employees subject to leave provisions in district policy, employee handbooks or other documents approved by the board. Excessive absences or tardiness, unauthorized leave or unexcused absences may result in disciplinary action including termination of employment.

Workweek

For the purposes of Fair Labor Standards Act (FLSA) compliance, the workweek will be 12:00 a.m. Sunday until 11:59 p.m. Saturday.

Classification of Employees

For purposes of compliance with the Fair Labor Standards Act (FLSA), the superintendent shall ensure that all job positions are classified as exempt or nonexempt and that employees are made aware of such classifications.

Overtime

Overtime is not at the discretion of the employee. Overtime is emergency in nature or unforeseen and is at the request of the supervisor.

Classified employees shall not work more than the hours assigned for the position. Principals and supervisors shall monitor employees' work to ensure that the overtime provisions of this policy and the Fair Labor Standards Act are followed. All employees shall be compensated for overtime worked, at a rate of one and a half times their normal rate of pay for any hours worked over 40 in a workweek.

Nonexempt employees whose workweek is less than 40 hours will be paid at the regular rate of pay for time worked up to 40 hours. Overtime pay will be provided only if an employee works more than 40 hours in a workweek.

GCRH Vacation

Annual earned vacation for non-certified personnel shall be established by the board of education. Vacation earned in a fiscal year must be utilized within six months following the end of the fiscal year. However, in exceptional circumstances, the Superintendent may grant an extension.

GCRH-R Vacation

Upon approval of an extension by the superintendent, unused vacation must be utilized by May 1.

GAOE Workers Compensation and Disability Benefits

Whenever an employee is absent from work and is receiving workers compensation benefits due to a work-related injury or is receiving district paid disability insurance, the employee may use available paid sick leave to supplement the workers compensation or district paid disability insurance payments. In no event shall the employee be entitled to a combination of workers compensation benefits, district paid disability insurance, and salary in excess of his/her full salary. Available paid sick leave may be used for this purpose until

1. Available paid sick leave benefits are exhausted;
2. The employee returns to work; or
3. The employment is terminated. Leave shall be deducted on a prorated amount equal to the percentage of salary paid by the district

GARI Family Medical Leave

District employees shall be provided family and medical leave as provided by a plan approved by the Board. The plan for providing leave under this policy shall be filed with the Personnel Office and made available to all staff at the beginning of each school year.

GAAC Sexual Harassment

The board of education is committed to providing a positive and productive working and learning environment, free from discrimination on the basis of sex, including sexual harassment. Sexual harassment will not be tolerated in the school district. Sexual harassment of employees or students of the district by board members, administrators, certificated and support personnel, students, vendors, and any others having business or other contact with the school district is strictly prohibited.

Sexual harassment is unlawful discrimination on the basis of sex under Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, and the Kansas Acts Against

Discrimination. All forms of sexual harassment are prohibited at school, on school property, and at all school-sponsored activities, programs or events. Sexual harassment against individuals associated with the school is prohibited, whether or not the harassment occurs on school grounds.

It shall be a violation of this policy for any student, employee or third party (visitor, vendor, etc.) to sexually harass any student, employee, or other individual associated with the school. It shall further be a violation for any employee to discourage a student or another employee from filing a complaint, or to fail to investigate or refer for investigation, any complaint lodged under the provisions of this policy. Violation of this policy by any employee shall result in disciplinary action, up to and including termination.

Sexual harassment shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may result from verbal or physical conduct or written or graphic material.

Sexual harassment may include, but is not limited to:

1. verbal harassment or abuse;
2. pressure for sexual activity;
3. repeated remarks to a person, with sexual or demeaning implication;
4. unwelcome touching; or suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning an employee's job status.

The district encourages all victims of sexual harassment and persons with knowledge of such harassment to report the harassment immediately. Complaints of sexual harassment will be promptly investigated and resolved.

Employees who believe they have been subjected to sexual harassment should discuss the problem with their immediate supervisor. If an employee's immediate supervisor is the alleged harasser, the employee should discuss the problem with the building principal or the district compliance coordinator. Employees who do not believe the matter is appropriately resolved through this meeting may file a formal complaint under the district's discrimination complaint procedure. (See KN)

Complaints received will be investigated to determine whether, under the totality of the circumstances, the alleged behavior constitutes sexual harassment under the definition outlined above. Unacceptable conduct may or may not constitute sexual harassment, depending on the nature of the conduct and its severity, pervasiveness and persistence. Behaviors which are unacceptable but do not constitute harassment may also result in employee discipline.

Any employee who witnesses an act of sexual harassment or receives a complaint of harassment from another employee or a student shall report the complaint to the building principal. Employees who fail to report complaints or incidents of sexual harassment to appropriate school officials may face disciplinary action. School administrators who fail to investigate and take appropriate corrective action in response to complaints of sexual harassment may also face disciplinary action.

Initiation of a complaint of sexual harassment in good faith will not adversely affect the job security or status of an employee, nor will it affect his or her compensation. Any act of retaliation against any person who has filed a complaint or testified, assisted, or participated in an investigation of a sexual harassment complaint is prohibited. Any person who retaliates is subject to immediate disciplinary action, up to and including termination of employment. To the extent possible, confidentiality will be maintained throughout the investigation of a complaint.

The desire for confidentiality must be balanced with the district's obligation to conduct a thorough investigation, to take appropriate corrective action or to provide due process to the accused.

False or malicious complaints of sexual harassment may result in corrective or disciplinary action against the complainant.

A summary of this policy and related materials shall be posted in each district facility. The policy shall also be published in student, parent and employee handbooks as directed by the district compliance coordinator. Notification of the policy shall be included in the school newsletter or published in the local newspaper annually.

GAACA Racial Harassment: Employees

The board of education is committed to providing a positive and productive working and learning environment, free from discrimination, including harassment, on the basis of race, color or national origin. Racial harassment will not be tolerated in the school district. Racial harassment of employees or students of the district by board members, administrators, certified and support personnel, students, vendors, and any others having business or other contact with the school district is strictly prohibited.

Racial harassment is unlawful discrimination on the basis of race, color or national origin under Titles VI and VII Civil Rights Act of 1964, and the Kansas Acts Against Discrimination. All forms of racial harassment are prohibited at school, on school property, and at all school-sponsored activities, programs or events. Racial harassment against individuals associated with the school is prohibited, whether or not the harassment occurs on school grounds.

It shall be a violation of this policy for any student, employee or third party (visitor, vendor, etc.) to racially harass any student, employee, or other individual associated with the school. It shall further be a violation for any employee to discourage a student or another employee from filing a complaint, or to fail to investigate or refer for investigation, any complaint lodged under the provisions of this policy. Violations of this policy by any employee shall result in disciplinary action, up to and including termination. Racial Harassment is racially motivated conduct which:

1. Affords an employee different treatment, solely on the basis of race, color or national origin, in a manner which interferes with or limits the ability of the employee to participate in or benefit from the services, activities or programs of the school;
2. Is sufficiently severe, pervasive or persistent so as to have the purpose or effect of creating a hostile working environment;
3. Is sufficiently severe, pervasive or persistent so as to have the purpose or effect of interfering with an individual's work performance or employment opportunities.

Racial harassment may result from verbal or physical conduct or written or graphic material. The district encourages all victims of racial harassment and persons with knowledge of such harassment to report the harassment immediately. Complaints of racial harassment will be promptly investigated and resolved.

Employees who believe they have been subjected to racial harassment should discuss the problem with their immediate supervisor. If an employee's immediate supervisor is the alleged harasser, the employee should discuss the problem with the building principal or the district compliance coordinator. Employees who do not believe the matter is appropriately resolved through this meeting may file a formal complaint under the district's discrimination complaint procedure. (See KN)

Complaints received will be investigated to determine whether, under the totality of the circumstances, the alleged behavior constitutes racial harassment under the definition outlined above. Unacceptable conduct may or may not constitute racial harassment, depending on the nature of the conduct and its severity, pervasiveness and persistence. Behaviors which are unacceptable but do not constitute harassment may also result in employee discipline.

Any employee who witnesses an act of racial harassment or receives a complaint of harassment or receives a complaint of harassment from another employee or a student shall report the complaint to the building principal. Employees who fail to report complaints or incidents of racial harassment to appropriate school officials may face disciplinary action. School administrators who fail to investigate and take appropriate corrective action in response to complaints of racial harassment may also face disciplinary action.

Initiation of a complaint of racial harassment in good faith will not adversely affect the job security or status of an employee, nor will it affect his or her compensation. Any act of retaliation against any person who has filed a complaint or testified, assisted, or participated in an investigation of a racial harassment complaint is prohibited. Any person who retaliates is subject to immediate disciplinary action, up to termination of employment.

To the extent possible, confidentiality will be maintained throughout the investigation of a complaint. The desire for confidentiality must be balanced with the district's obligation to conduct a thorough investigation, to take appropriate corrective action or to provide due process to the accused.

False or malicious complaints of racial harassment may result in corrective or disciplinary action against the complainant.

A summary of this policy and related materials shall be posted in each district facility. The policy shall also be published in student, parent and employee handbooks as directed by the district compliance coordinator. Notification of the policy shall be included in the school newsletter or published in the local newspaper annually.

GAACA-R Racial Harassment

The Associate Superintendent or his/her designee will be responsible for investigating and recommending a resolution of all complaints or reports of racial harassment.

GAOA Drug Free Workplace

Maintaining a drug free work place is important in establishing an appropriate learning environment for the students of the district. The unlawful manufacture, distribution, sale, dispensing, possession or use of a controlled substance is prohibited in the district.

GAOA-R Drug Free Workplace

As a condition of employment in the district, employees shall abide by the terms of this policy.

Employees shall not unlawfully manufacture, distribute, dispense, possess, be under the influence of, or use controlled substances in the workplace.

Any employee who is convicted under a criminal drug statute for a violation occurring at the workplace must notify the superintendent of the conviction within five days after the conviction.

Within 30 days after the notice of conviction is received, the school district will take appropriate action with the employee. Such action may include suspension, placement on probationary status, or other disciplinary action including termination. Alternatively, or in addition to any action short of termination, the employee may be required to participate satisfactorily in an approved drug abuse assistance or rehabilitation program as a condition of continued employment. The employee shall bear the cost of participation in such program. Each employee in the district shall be given a copy of this policy.

This policy is intended to implement the requirements of the federal regulations promulgated under the Drug Free Workplace Act of 1988, 34 CFR Part 85, Subpart F. It is not intended to supplant or otherwise diminish disciplinary actions, which may be taken under board policies or the negotiated agreement.

Maintaining a drug free workplace is important in establishing an appropriate learning environment for the students of the district. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the district.

GAOB Drug Free Schools

The unlawful possession, use, sale or distribution of illicit drugs and alcohol by school employees on school premises or as a part of any school activity is prohibited. This policy is required by the 1989 amendments to the Drug Free Schools and Communities Act, P.L. 102-226, 103 St. 1928. In addition, no school employee shall be under the influence of alcohol or illicit drugs while on duty.

GAOB-R Drug Free Schools

Employee Conduct:

As a condition of continued employment in the district, all employees shall abide by the terms of this policy. Employees shall not unlawfully manufacture, distribute, dispense, possess, use or be under the influence of illicit drugs, controlled substances, or alcoholic beverages on district property or at any school activity. Compliance with the terms of this policy is mandatory. Employees who are found violating the terms of this policy will be reported to the appropriate law enforcement officers. Additionally, an employee who violates the terms of this policy will be subject to any of the following sanctions:

1. Short term suspension with pay;
2. Short term suspension without pay;
3. Long term suspension without pay;
4. Required participation in a drug and alcohol education, treatment, counseling, or rehabilitation program.
5. Termination or dismissal from employment.

Prior to applying sanctions under this policy, employees will be afforded due process rights to which they are entitled under their contracts or the provisions of Kansas's law. Nothing in this policy is intended to diminish the right of the district to take any other disciplinary action, which is provided for in district policies or the negotiated agreement. This policy is not intended to change any right, duty or responsibilities in the current negotiated agreement.

If it is agreed that an employee shall enter into and complete a drug education or rehabilitation program, the cost of such program will be borne by the employee.

Employees are responsible for contacting the programs to determine the cost and length of the program, and for enrolling in the programs. A copy of this policy shall be provided to all employees.

GAOC Use of Tobacco

The use of tobacco products in any form and/or vaping devices, including electronic cigarettes, is prohibited in any building, owned, leased or rented by the district; in any school vehicle; and on the grounds of any building, owned, leased, or rented by the district including athletic/activity sites.

GAE Complaints

Any employee may file a complaint with their supervisor concerning a school rule, regulation, policy or decision that affects the employee. The complaint shall be in writing; filed within ten (10) days following the event complained of and shall specify the basis of the complaint. The supervisor shall meet with the employee and provide a written response within ten (10) days. If the employee disagrees with the decision, employee may appeal to the superintendent. The superintendent's decision shall be final. Employees covered by the negotiated agreement shall follow procedures outlined in that document.

HEALTH INSURANCE

The Board of Education will determine the amount it will pay towards the monthly premium for a single district provided health insurance plan. Eligibility for membership in the health plan will be determined by regulations outlined in the Affordable Care Act. This requires working an average of 30 hours per week. The board will not pay the health fringe to the salary of the employee in lieu of the insurance.

GUIDELINES FOR EMPLOYEE CONDUCT

It is not the intention of USD 383 to restrict the privileges of any employee by posting these guidelines for conduct. Our purpose is to make clear what is expected of every employee so that all may enjoy consistent and equal treatment.

The following actions will be considered causes for *immediate dismissal*:

- Giving false information on an employment application.
- Unauthorized use of confidential information.
- Inability to perform required job duties as specified in position description.
- Insubordination – refusal to comply with a supervisor’s instructions.
- Falsifying time cards or work records (either the employee’s own or those of others).
- Repeated failure to clock in or out.
- Sexual Harassment.
- Racial Harassment.
- Malicious damage to or gross negligence of company property.
- Theft from fellow workers or of employer’s property.
- Allowing someone else to use your district assigned key or key access card.
- Bringing any of the following items to work:
 1. Firearms, knives other than functional pocket knives, or weapons of any sort.
 2. Marijuana or any other drug, except those prescribed by a doctor for the employee’s personal use and so noted on the drug container.
 3. Fireworks or any kind of explosives.
 4. Alcoholic beverages.

The following actions will be considered causes for disciplinary action and/or dismissal.

- Excessive absenteeism or tardiness.
- Abuse of leave time or using Leave Without Of Pay (LWOP) without prior authorization by Director of Transportation.
- Failure to submit absence and modification logs to transportation office daily.
- Working overtime without approval of supervisor.
- Failure to work assigned hours as scheduled or modifying hours (setting own hours).
- Failure to report unexcused absence properly.
- Leaving building during regular working hours without permission.
- Use of obscene, abusive, or threatening language.
- Reporting to work under the influence of alcohol or narcotics.
- Creating unsafe or unsanitary conditions.
- Sleeping during assigned work schedule.
- Failure to wear the work uniform if required.
- Failing to maintain a professional appearance.
- Wearing sunglasses while working in the building.
- Using headphones while on duty.

All transportation personnel must abide by rules and guidelines that are put forth in the Transportation Training Manual.

ALCOHOL AND CONTROLLED SUBSTANCE TESTING PROGRAM

As a part of a federally mandated program employees of USD 383, whose job description requires the performance of a safety-sensitive function of a Commercial Driver's License (CDL), will be required to participate in an alcohol and controlled substance testing program. This program requires pre-employment, pre-duty, reasonable suspicion, random and post-accident controlled substance and alcohol testing of all employees. The program prohibits a covered employee from reporting for duty or remaining on duty under the influence of alcohol and/or controlled substance that could affect performance of a safety related function.

Any employee found to be in violation of the Drug and Alcohol Policy will be suspended without pay pending further action under this policy, which may result in termination of employee.

EMPLOYEE ALCOHOL TESTING PROGRAM

This program prohibits alcohol misuse that affects performance of a safety-sensitive function and extends to:

1. Use of alcohol on the job.
2. Use of alcohol during the four (4) hours before performance of a safety sensitive function.
3. Having prohibited concentrations of alcohol in the system while performing safety sensitive functions.
4. Exhibiting behavior and/or appearance characteristic of alcohol misuse.
5. Exhibiting adverse effect on the employee's ability to perform due to alcohol misuse while performing safety-sensitive function.
6. Use of alcohol following an accident.

If it is determined that an employee has misused alcohol they will be immediately relieved from performing safety-related functions and the following federally required penalties will be imposed:

- A covered employee with an alcohol concentration of 0.02 or greater but less than 0.04 may not be permitted to perform safety-sensitive functions until the next scheduled duty period (but not less than 24 hours following administration of the test.) However, a covered employee shall be prohibited from driving for a period of one year following an alcohol test indicating an alcohol concentration of 0.02 or greater when the employee has been involved in a fatal accident.
- A covered employee who is found through testing in the program to have an alcohol concentration of 0.04 or greater may not perform any safety-sensitive functions until they have been evaluated by a substance abuse professional and tests at less than 0.02 for the presence of alcohol.

EMPLOYEE CONTROLLED SUBSTANCE TESTING PROGRAM

A covered employee may not report for duty or remain on duty requiring the performance of safety-sensitive functions when the individual uses any controlled substance. An exception to this rule applies to an individual who uses a controlled substance pursuant to the instructions of a physician, and the individual has been advised that the substance does not adversely affect their ability to safely operate a commercial motor vehicle.

If it is determined that a covered employee has engaged in the prohibited use of a controlled substance, that employee will be removed from any duty requiring the performance of a safety-sensitive function, and the following protocol will be implemented:

- First Offense: Professional referral and a negative urine specimen from the employee.
- Refusal To Be Tested: Immediate Termination.

REQUIRED TESTS

1. PRE-PERFORMANCE TESTING

- a) **ALCOHOL:** All employees hired by USD 383 to perform safety-sensitive functions will be required to submit to an alcohol test prior to the performance of their assigned duties. The results of this test must be negative for the presence of alcohol.
- b) **CONTROLLED SUBSTANCES:** All employees hired by USD 383 to perform safety-sensitive functions must submit to testing for controlled substances, and have received a verified negative test result from the USD 383 medical review officer prior to the performance of their assigned duties.

1. **POST-ACCIDENT TESTING:** As soon as practical following an accident, a covered employee will be tested for alcohol and controlled substances if:
 - a) The employee was performing a safety-sensitive function with respect to the vehicle and the accident involved the loss of human life.
 - b) The employee receives a citation under state or local law for a moving traffic violation arising out of the accident.

Information about post-accident procedures and testing instructions will be provided to the employee(s) prior to their performance of safety-sensitive functions. In the unlikely event that a post-accident alcohol and /or controlled substance test is not administered, the district is required to submit a report to the Department of Transportation explaining the events surrounding why the test(s) was not administered. The results of breath or blood tests for alcohol and /or the urine specimen for controlled substances conducted by federal, state, or local officials having independent authority to conduct such tests shall be considered to satisfy the requirements of these regulations provided:

1. Such tests conform to applicable federal, state, and local requirements
2. The results of the tests are obtained by the employer (USD 383)

3. **RANDOM TESTING:** Employees covered by this program will be selected at random for unannounced alcohol and controlled substance testing. Employees will be selected by a “scientifically valid method” using employee’s social security numbers that assures that all covered employees have an equal chance of being tested. This program assures that the number of employees being tested will not be less than 50% of the total number of employees in the program.
4. **REASONABLE SUSPICION TESTING:** All employees in the program will submit to alcohol and/or controlled substance testing when there is reasonable suspicion to believe that the employee has violated the rules. Reasonable suspicion will be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee. A supervisor trained in detecting the symptoms of alcohol misuse and controlled substance use will determine reasonable suspicion. These observations must be made during, just preceding or just after the period of the workday that the employee was performing safety-sensitive function.

A written record of the observations leading to the reasonable suspicion testing for controlled substances will be made and signed by the supervisor who made the observations within 24 hours of the observed behavior.

5. RETURN-TO-DUTY TESTING

- a) **ALCOHOL:** A covered employee that has violated the alcohol misused rule will be evaluated and must submit to a repeat alcohol test with an alcohol concentration of less than 0.02 result before returning to a safety-sensitive function.
 - b) **CONTROLLED SUBSTANCES:** A covered employee that has violated the controlled substance rules must undergo a controlled substance test and receive a verified negative result prior to returning to the performance of a safety-sensitive function.
1. **FOLLOW-UP TESTING:** Each covered employee identified by a substance abuse professional as needing assistance in resolving problems with alcohol misuse and/or controlled substances use, and who has returned to safety-sensitive duty, shall be subject to a minimum of six unannounced follow-up tests over the first twelve (12) months following their return to duty.

ALCOHOL TESTING

- 1) **PROCEDURE:** Employee alcohol testing will be conducted with an evidential breath-testing device; however, a blood alcohol test may be performed under certain limited exceptions.
 - A) **BREATH TESTING:** Employee alcohol testing will be conducted with a federally approved evidential breath testing device at Peterson Clinical Laboratory:
 - 1) Breath alcohol testing will be administered only by personnel trained to perform breath alcohol testing
 - 2) The testing instrument employed will provide three (3) copies of each test result.
 - 3) Each test will be numbered sequentially with numbers visible to both the technician and the employee, with both the test number and test results printed on the test report.
 - 4) Instrument records will include the testing of an air blank (zero result) on ambient air.
 - B) **BLOOD ALCOHOL TESTING:** Blood alcohol testing will be performed only:
 - 1) When a post-accident or reasonable suspicion test is required, and an alcohol breath analyzer is not available.
 - 2) When a post-accident or reasonable suspicion test is required and an alcohol breath analyzer suitable for confirmation testing is not available.
 - 3) When a covered employee attempts and fails to provide an adequate amount of breath suitable for testing.
- 2) **TESTING SITE:** The employee will be tested in a secure area of the laboratory that affords both aural and visual privacy during the testing period.
- 3) **ALCOHOL TESTING FORM:** A standardized federal testing form will be utilized by the testing facility.

CONTROLLED SUBSTANCE TESTING

- 1) **PROCEDURE:** Employees covered by this program will report to Peterson Clinical Laboratory for collection of a urine specimen. The collected sample will be split into two containers, a chain of custody completed, and the specimens shipped to a National Institutes of Drug Abuse (NIDA) certified laboratory for analysis.

If testing of the first sample yields a negative result, the split sample will be discarded, if testing of the primary sample yields a confirmed positive results, the testing laboratory will retain two split sample for a minimum of one (1) year to allow for additional testing if necessary. (If a legal challenge is pending, the sample shall be retained until the issue is resolved.) If the employee requests a test of the split sample, the original testing laboratory will ship the unopened split sample to a second NIDA Certified Laboratory for testing. If testing of the split sample fails to confirm the presence of a controlled substance, the entire test is cancelled.

- 2) **COLLECTION SITE:** Specimen collection will be made in a secure area of the laboratory that affords both aural and visual privacy during the collection process.

RECORD RETENTION

The USD 383 Director of Transportation according to the following guidelines will maintain records of the alcohol misuse prevention and the controlled substance program in a secured file:

1) FIVE YEAR RETENTION REQUIREMENT

- (a) **ALCOHOL PROGRAM:** Records of any employee alcohol test result of 0.02 or greater, documentation of refusals to take a required alcohol test; documentation of equipment calibration, and documentation of employee evaluation and referrals.
- (b) **CONTROLLED SUBSTANCE PROGRAM** Records of any employee verified positive controlled substance test result, documentation of refusals to take a required controlled substance test, and documentation of employee evaluation and referrals

- 2) **TWO-YEAR RETENTION REQUIREMENT** Records related to the specimen collection process for alcohol and controlled substance testing and training.

- 3) **ONE-YEAR RETENTION REQUIREMENT** Records of negative employee test results.

Yearly, an annual report summarizing the results of the alcohol misuse prevention and the controlled substance program for the calendar year will be submitted to the Department of Transportation.

ALCOHOL MISUSE AND/OR CONTROLLED SUBSTANCE INFORMATION, TRAINING, AND REFERRAL

USD 383 will provide educational materials to every employee covered by the alcohol misuse and controlled substance use program which explains the federal mandates for this program and the USD 383 policies and procedures for meeting these requirements. Supervisors designated to determine whether reasonable suspicion exists to require an employee to submit to an alcohol and /or controlled substance test will receive a minimum of one hour (60 minutes) of training on the physical, behavior, speech, and performance indications of probable alcohol misuse and controlled substance use. A covered employee that has engaged in prohibited conduct will be referred to Pawnee Mental Health for evaluation by a substance abuse professional to determine if the employee requires assistance. However, there will be no provision for payment of rehabilitation by USD 383 or the guarantee of a job opening for the employee with or without salary.

RETURNING TO DUTY

- 1) **ALCOHOL MISUSE:** Before returning to duty, each employee identified as needing assistance for alcohol misuse must:
 - (a) Be evaluated again by a substance abuse professional to determine whether the employee has successfully complied with the rehabilitation program prescribed following the initial evaluation.
 - (b) Undergo an alcohol test with a negative result.
 - (c) Undergo a minimum of six (6) unannounced, follow-up controlled alcohol tests over the following twelve (12) months.

- 2) **CONTROLLED SUBSTANCE USE:** Before returning to duty, each employee identified as needing assistance for controlled substance use must:
 - (a) Be evaluated again by a substance abuse professional to determine whether the employee has successfully complied with the rehabilitation program prescribed following the initial evaluation.
 - (b) Undergo a controlled substance test with a negative result.
 - (c) Undergo a minimum of six (6) unannounced, follow-up controlled substance tests over the following twelve (12) months.

Compliance with the prescribed treatment is a precondition of reemployment; the final determination of whether to return an employee to their position will be made by USD 383 Director of Transportation.

**Manhattan-Ogden USD
383 Manhattan, Kansas**

**Notice of Non-
Discrimination**

The District does not discriminate on the basis of race, color, national origin, sex, sexual orientation, gender identity, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following persons have been designated to handle inquiries regarding the non-discrimination policies:

Executive Director of Special Services, Robinson Education Center, 2031 Poyntz Avenue., Manhattan, Kansas, 66502, 785-587-2000, has been designated to coordinate compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

Director of Human Resources, Robinson Education, 2031 Poyntz Avenue, Manhattan, Kansas 66502, 785-587-2000, has been designated to coordinate compliance with all other non-discrimination policies.

Inquiries may also be directed to:

Equal Employment Opportunity Commission
Gateway Tower
400 State Ave., Suite 905
Kansas City, KS 66101
(800) 669-4000

Kansas Human Rights Commission
900 SW Jackson, Suite 568-S
Topeka, KS 66612-1258
(785) 296-3206

United State Department of Education
Office for Civil Rights
One Petticoat Lane
1010 Walnut Street, Suite
320 Kansas City, MO 64106
(816) 268-0550

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