<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Adopted/Revised</th>
</tr>
</thead>
<tbody>
<tr>
<td>4111</td>
<td>Creating Positions</td>
<td>29 April 2004</td>
</tr>
<tr>
<td>4124</td>
<td>Employment Contract</td>
<td>11 November 2013</td>
</tr>
<tr>
<td>4125</td>
<td>Employment of Support Staff Members</td>
<td>22 July 2008</td>
</tr>
<tr>
<td>4140</td>
<td>Termination</td>
<td>29 April 2004</td>
</tr>
<tr>
<td>4145</td>
<td>Layoffs</td>
<td>29 April 2004</td>
</tr>
<tr>
<td>4146</td>
<td>Nonrenewal of Nontenured Support Staff</td>
<td>29 April 2004</td>
</tr>
<tr>
<td>4151</td>
<td>Assessment of Pay</td>
<td>29 April 2004</td>
</tr>
<tr>
<td>4152</td>
<td>Freezing or Reducing Wages</td>
<td>29 April 2004</td>
</tr>
<tr>
<td>4159</td>
<td>Support Staff Member/School District Reporting Responsibilities</td>
<td>15 November 2010</td>
</tr>
<tr>
<td>4160</td>
<td>Physical Examination</td>
<td>29 April 2004</td>
</tr>
<tr>
<td>4161</td>
<td>Examination for Cause</td>
<td>29 April 2004</td>
</tr>
<tr>
<td>4211</td>
<td>Attendance</td>
<td>29 April 2004</td>
</tr>
<tr>
<td>4211.3</td>
<td>Consulting Outside the District</td>
<td>29 April 2004</td>
</tr>
<tr>
<td>4214</td>
<td>Conflict of Interest</td>
<td>29 April 2004</td>
</tr>
<tr>
<td>4215</td>
<td>Code of Ethics</td>
<td>29 April 2004</td>
</tr>
<tr>
<td>4218</td>
<td>Substance Abuse</td>
<td>29 April 2004</td>
</tr>
<tr>
<td>4219</td>
<td>Commercial Driver Controlled Substance and Alcohol Use Testing</td>
<td>29 April 2004</td>
</tr>
<tr>
<td>4220</td>
<td>Employee Evaluation</td>
<td>29 April 2004</td>
</tr>
<tr>
<td>4230</td>
<td>Outside Activities</td>
<td>15 April 2013</td>
</tr>
<tr>
<td>4233</td>
<td>Political Activities</td>
<td>29 April 2004</td>
</tr>
<tr>
<td>4240</td>
<td>Employee Training</td>
<td>29 April 2004</td>
</tr>
<tr>
<td>4281</td>
<td>Inappropriate Staff Conduct</td>
<td>15 April 2013</td>
</tr>
<tr>
<td>4282</td>
<td>Use of Social Networking Sites</td>
<td>25 September 2012</td>
</tr>
<tr>
<td>4321</td>
<td>Acceptable Use of Computer Network(s)/Computers and Resources by Support Staff Members</td>
<td>29 April 2004</td>
</tr>
<tr>
<td>4322</td>
<td>Staff Member’s Use of Cellular Telephones</td>
<td>28 June 2004</td>
</tr>
<tr>
<td>4323</td>
<td>Personal Property</td>
<td>28 June 2004</td>
</tr>
<tr>
<td>4324</td>
<td>Right of Privacy</td>
<td>14 May 2012</td>
</tr>
<tr>
<td>4340</td>
<td>Grievance</td>
<td>29 April 2004</td>
</tr>
<tr>
<td>4351</td>
<td>Healthy Workplace Environment</td>
<td>12 April 2010</td>
</tr>
<tr>
<td>4352</td>
<td>Sexual Harassment</td>
<td>29 April 2004</td>
</tr>
<tr>
<td>4360</td>
<td>Support Staff Member Tenure</td>
<td>29 April 2004</td>
</tr>
<tr>
<td>4381</td>
<td>Protection Against Retaliation</td>
<td>29 April 2004</td>
</tr>
<tr>
<td>4410</td>
<td>Compensation</td>
<td>29 April 2004</td>
</tr>
<tr>
<td>4415</td>
<td>Substitute Wages</td>
<td>29 April 2004</td>
</tr>
<tr>
<td>4420</td>
<td>Benefits</td>
<td>11 May 2009</td>
</tr>
</tbody>
</table>
4425  Work Related Disability Pay  29 April 2004
4431  Uncompensated Leave  29 April 2004
4431.1  Family Leave  26 July 2006
4431.3  NJ Family Leave Insurance Program  8 February 2010
4432  Sick Leave  29 April 2004
4433  Vacations  29 April 2004
4434  Holidays  10 August 2004
4435  Anticipated Disability  29 April 2004
4436  Personal Leave  29 April 2004
4437  Military Leave  29 April 2004
4438  Jury Duty  29 April 2004
POLICY

EAST HANOVER TOWNSHIP
BOARD OF EDUCATION

SUPPORT STAFF
4111/Page 1 of 1
CREATING POSITIONS

4111 CREATING POSITIONS

The Board of Education recognizes its authority to establish support staff positions that, when filled by qualified employees, will assist the district in the achievement of educational goals set by the Board.

The Board will create new positions as required, approve a job title appropriate to the position, and determine the number of persons required to staff adequately each such position.

The Superintendent shall recommend to the Board such new positions or additional staffing in existing positions as may be required by pupil enrollments and the operational needs of the district.


Adopted: 29 April 2004
The Board of Education requires every nontenured support staff member annually sign an employment contract for a term of not more than one year.

The employment contract shall include the date; name of the employee; the beginning and ending dates of service (fixed term appointment); the salary to be paid and the manner of payment; an authorization for salary deductions as applicable; and such other terms and conditions as may be necessary to a complete statement of the employment relationship.

The contract may include a provision for a probationary employment period with a provision providing the Board the right to terminate the employment of the nontenured support staff member at the completion of the probationary employment period. The contract will include a provision for the termination of the nontenured support staff member’s contract on 30 days notice duly given by either party.

In the event the salary entered on the written contract differs from that formally approved by the Board, the salary approved by the Board shall be the salary paid.

Adopted: 29 April 2004
Revised: 11 November 2013
EMPLOYMENT OF SUPPORT STAFF MEMBERS

The Board of Education believes it is vital to the successful operation of the district that support staff positions be filled with highly qualified and competent employees.

The Superintendent shall recruit, screen, and recommend to the Board suitable candidates for district employment. The Board shall approve the employment, fix the compensation, and establish the term of employment for every support staff member employed by this district. Approval shall be given only to those candidates for employment recommended by the Superintendent.

No person shall be employed in a position involving regular contact with pupils unless the Board has notice that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or the State Bureau of Identification which would disqualify the individual from being employed or utilized in such capacity or position.

Criminal history record checks will be required pursuant to New Jersey Department of Education regulations and procedures. Any person to be employed by the district must undergo a criminal history background check. All contracted employees having regular pupil contact must undergo a criminal record history check. Approval letters will be valid only for the district or contract service provider through which the person to be employed made application for employment.

A permanent employee hired prior to October 8, 1986, who applies for and is selected for a different position in the district is "grandfathered" and not required to undergo a criminal history background check. An employee hired after October 8, 1986 for a position without regular pupil contact and later receives a position with pupil contact, must undergo a criminal history background check at the time of transfer to the new position.

Individuals who provide volunteer services and crossing guards, not employed or contracted by the district, are not subject to this criminal history record information requirement. An individual shall be permanently disqualified from employment or service in the school district if the criminal history record check reveals a record of conviction for crimes as defined in N.J.S.A. 18A:6-7.1.

Substitute employees, who are rehired annually by the Board, are required to undergo a criminal history record check upon initial employment, provided the substitute continues in the employ of at least one of the districts at which the substitute was employed within one year of the approval of the criminal history record check. A substitute employee later selected for a permanent position within the district does not need to undergo a new criminal history background check provided there is no break in service in the substitute employment. A break in service is when the employee...
EMPLOYMENT OF SUPPORT STAFF MEMBERS

is no longer approved by the employing Board of Education. An employee who has been laid off (dismissed because of employee reduction) and is asked to be re-employed by the district and/or contractor must submit to a new criminal history background check.

School bus drivers to be employed by the district must submit to a criminal history background check upon initial employment within the district and upon renewal of their school bus driver endorsement.

The Board or contracted service provider may employ an applicant on an emergent basis for a period not to exceed three months, pending completion of a criminal history records check if the Board or contractor demonstrates to the Commissioner of Education that special circumstances exist which justify the emergent employment as prescribed in N.J.S.A. 18A:6-7.1c. In the event the criminal background check is not completed for an emergent hired employee within three months, the Board or contractor may petition the Commissioner for an extension of time, not to exceed two months, in order to retain the employee.

No criminal history record check shall be furnished unless the applicant provided written consent to the check. The applicant shall bear the cost for the check, including all costs for administering and processing the check. The district will deny employment to an applicant if the applicant is required and refuses to submit to a criminal history background check.

The responsible administrator(s) shall seek candidates for employment who possess the attributes of good character, appreciation of children, good health, and emotional maturity. They may administer such screening tests as may bear upon a candidate’s ability to perform the tasks for which he/she is being considered and review such recommendations from former employers and others as may be of assistance in assessing the candidate’s qualifications. Application records will be retained in confidence and for official use only.

Nepotism

The Board will not employ, but may reemploy, the child, sibling, spouse, or parent(s) or legal guardian(s), in fact or in law, or any dependent of a Board member of this district.

All new employees will be required, within three days of the first day of hire, to complete the federal Form I-9 and supply the documentation necessary to demonstrate the employee’s identity and employment eligibility under the Immigration Reform and Control Act of 1986. Completed Forms I-9 will be retained for three years or until one year after the end of the employee’s separation, whichever is longer.
An employee’s misstatement of fact material to his/her qualifications for employment or the determination of his/her salary will be considered by the Board to constitute grounds for dismissal.

Bus Drivers

In order to qualify for employment as a regular or substitute school bus driver a candidate must be a reliable person of good moral character, physically fit, have a minimum of three years’ previous driving experience, and possess a valid bus driver’s license approved by the New Jersey Department of Law and Public Safety, Division of Motor Vehicles that is neither suspended nor revoked.

The Board and any contractor providing transportation services to the Board will annually submit to the County Superintendent, prior to the assignment of any driver, the following information regarding each driver and substitute driver employed by this Board or by any contractor supplying transportation services to this Board:

1. The driver’s name and social security number;

2. Certification of the driver’s possession of a valid school bus driver’s license; and

3. Certification that the driver has qualified for employment after a criminal background check.

Prior to employment as a bus driver, and upon application for renewal of a school bus driver’s license, a bus driver shall submit to the Commissioner of Education his/her name, address and fingerprints taken by a State or municipal law enforcement agency. No criminal history record check shall be furnished unless the applicant provided written consent to the check. The Commissioner shall notify the applicant, in writing, of the applicant’s qualification or disqualification as a school bus driver. A school bus driver shall be disqualified from employment or service if the individual’s check reveals a record of conviction for crimes and offenses as prescribed in N.J.S.A. 18A:39-19.1. The Board shall also be notified of a disqualification.

Any bus driver who fails to comply with the requirements of this policy will be subject to discipline and may be dismissed.

Aides/Paraprofessionals

The Board will employ school aides and/or classroom aides to assist in the supervision of pupil activities under the direction of a Principal, teacher or other designated certified professional
personnel. Aides will serve the needs of pupils by performing nonprofessional duties and may work only under the direct supervision of teaching staff members.

In accordance with the requirements of No Child Left Behind Act of 2001, each school district receiving Title I funds shall ensure that all paraprofessionals hired after January 8, 2002 and working in a program supported with Title I funds shall have:

1. Completed at least two years of study at an institution of higher education;

2. Obtained an associate’s (or higher) degree; or

3. Met a rigorous standard of quality and can demonstrate, through formal State or local academic assessment:
   a. Knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or
   b. Knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness as appropriate.

Paraprofessionals hired before January 8, 2002 and working in a program supported with Title I funds are required to satisfy the above stated requirements not later than four years after the date of January 8, 2002. A district that is implementing a School-wide Program must comply with all the requirements outlined above and a district that has a Target Assistance Program must ensure that all paraprofessionals paid in whole or part with Title I funds meet the requirements outlined above. The Superintendent will ensure paraprofessionals working in a program supported with Title I funds meet the above stated requirements.

Preference may be given to persons who possess a teaching staff member’s certificate.

The Superintendent shall submit a job description for each type of aide to be employed in the district, setting forth the duties to be performed, the types of proficiency needed, the qualifications to be required, and the arrangement for the supervision of aides to the County Superintendent for approval. In addition, the Superintendent shall annually submit to the County Superintendent the names of persons employed as aides, a statement certifying that these persons meet the approved qualifications and the positions are being supervised in accordance with approved plan for the use of school and/or classroom aides.
EMPLOYMENT OF SUPPORT STAFF MEMBERS

Part-Time Employees

A "part-time support staff member" is a person employed for less than full-time. "Full-time" is employment for a full fiscal year, full workweek, and a full workday. A "full work day" is defined by the worksite, and a "full work week" is five days, Monday through Friday.

The Board may employ part-time support staff members as district needs require. Part-time employment shall be for periods and hours specified in the Board’s resolution of employment.

Substitutes

The Board will employ substitutes for absent support staff members as necessary to ensure continuity in the operation of the school district. The Board shall annually approve a list of support staff substitutes and the positions in which each is permitted to serve and may approve additional substitutes during the school year.

N.J.A.C. 6A:9-7.1; 6A:27-12.1
No Child Left Behind Act of 2001 – Section 1119(c)
Cross reference: Policy Guide Nos. 4415, 8630

Date Adopted: January 24, 1989
Date Revised: 23 March 1993
13 October 1998
29 April 2004
10 August 2004
20 August 2007
22 July 2008
23 August 2010
The Board of Education will enter a contract with each non-tenured support staff member providing, in part, for the termination of employment by either party. The Board may terminate the employment of an employee for incompetence, immorality, unfitness for service, insubordination, reduction in force, or other good cause. Any notification of termination for cause will include a full statement of the reasons for the dismissal on notice duly given a nonprobationary employee.

The Board may terminate an employment contract with a non-tenured support staff member only upon the recommendation of the Superintendent and by a recorded roll call majority vote of the full membership of the Board. The Board will not withhold its approval for arbitrary and capricious reasons. N.J.S.A. 18A:27-4.1.

A permanent nonprobationary support staff member may request in writing, within three days of receipt of the notification of dismissal, a hearing before the Board. The Board may, in its discretion, grant a hearing. Any such hearing will include notice to the employee of the date, time, and place at which it will be held and an opportunity for the employee to be heard and to present witnesses on his/her behalf. The decision of the Board will be rendered in writing within forty-five days and will be final.

An employee who offers insufficient notice of termination will be paid only through the last day of his/her service.

The Board may temporarily suspend an employee with or without pay and without notice when his/her continued services may be inimical to the interests of pupils.


Adopted: 29 April 2004
The Board of Education shall provide the support staff necessary for the operation of the district in a manner that is efficient and economical.

The Board reserves the right to abolish support staff positions and reduce district staff commensurately whenever reasons of economy, reorganization of the school district, reduction in the number of pupils, or other good cause so warrant. The School Business Administrator/Board Secretary shall continually review the efficiency and effectiveness of district organization and recommend to the Board the creation and abolishment of support staff positions and the reallocation of duties and positions.

When two or more employees are employed in the same classification of employment in which a position is abolished, the employee shall be reemployed who has demonstrated greater competence.

When, as the result of the abolishment of a position, an employee is demoted in position, the employee shall receive the salary of the position to which he/she has been assigned.


Adopted: 29 April 2004
The Board will renew the employment contract of a nontenured support staff member only upon the recommendation of the Superintendent and by a recorded roll call majority vote of the full membership of the Board. The Board will not withhold its approval for arbitrary and capricious reasons. A nontenured support staff member who is not recommended for renewal by the Superintendent is deemed nonrenewed.

Prior to notifying the support staff member of the nonrenewal, the Superintendent will notify the Board of the recommendation not to renew the support staff member’s contract and the reasons for the recommendation. The Superintendent may notify the Board in a written notice or in executive session at a full Board meeting. In the event the Board is notified in executive session, the Superintendent will comply with the requirements of the Open Public Meetings Act and provide reasonable notice to the staff member their employment will be discussed in executive session in order for the support staff member to exercise their statutory right to request a public discussion.

The Superintendent shall notify each support staff member to whom reemployment will not be offered in writing on or before May 15. The support staff member whose contract is not renewed has the right to a written statement for the reasons for nonrenewal, provided the request for the statement of reasons is made within fifteen days of the Superintendent’s written notification of nonrenewal to the support staff member. The statement of reasons shall be provided to the staff member within thirty days after the receipt of the request. The nontenured support staff member shall have the right to an informal appearance before the Board to permit the staff member an opportunity to convince the members of the Board to offer reemployment, provided that a request for such an appearance is received within ten days after the support staff member receives the statement of reasons provided by the Superintendent.

The Board is not required to offer reemployment or vote on reemployment after an informal hearing with a support staff member who was not recommended for reemployment by the Superintendent. The Board may, with a majority vote of its full membership in public session and without the recommendation of the Superintendent, offer the support staff member reemployment after the employee has had the opportunity to meet informally with the Board.

This policy does not apply to the contract renewal of the Treasurer of School Moneys, Board Auditor, Board Attorney or Board Secretary, except a Board Secretary who performs business administration functions.


Adopted: 29 April 2004
4151 ASSESSMENT OF PAY

The Board of Education believes that district operations suffer without the punctual commencement and proper completion of all assigned services.

The Superintendent shall assess the following penalties when a support staff member fails to render or only partially renders services for which the Board has contracted:

1. The accumulation of three unexcused instances of tardiness to an assigned period in any one school year will result in a wage deduction in the amount of $15.00 or one-eighth of prorated daily wages for each period missed, based on 200 days per contract year;

2. Each unexcused instance of tardiness after the third in the same school year will result in a wage deduction as above;

3. Any unexcused absence during the working day will result in a wage deduction equal to the ratio of the periods missed to the total periods scheduled, times

The Superintendent shall determine whether an employee’s tardiness or absence is excused or unexcused.

The Superintendent is authorized to direct employees who are repeatedly tardy not to report at all on those days when they cannot report on time and to suffer such wage penalties as may be appropriate.

Adopted: 29 April 2004
FREEZING OR REDUCING WAGES

The Board of Education recognizes that any advancement on a salary schedule, including annual increments and raises, is not automatic but rests within the discretion of the Board.

Advancement on any salary schedule shall require favorable reports covering the employee’s competence and thoroughness in the performance of assigned duties as well as the employee’s record of attendance and compliance with district regulations.

The Superintendent shall base a recommendation for wage freeze or reduction on evaluations of the employee’s performance and conduct. The Superintendent must also show to the satisfaction of the Board that the standards by which an employee has been evaluated are not exceptional or unusual and are expected of all employees in a similar classification.

N.J.A.C. 6:24-4.1

Adopted: 29 April 2004
All support staff members shall be required to report their arrest or indictment for any crime or offense to the Superintendent of Schools within fourteen calendar days of the arrest or indictment. For purposes of this policy, “support staff members” shall include all school district employees who hold a position in the school district for which no certificate issued by the New Jersey State Board of Examiners is required.

The report submitted to the Superintendent shall include the date of arrest or indictment and charge(s) lodged against the support staff member. Such support staff members shall also report to the Superintendent the disposition of any charges within seven calendar days of the disposition. Failure to comply with these reporting requirements may be deemed “just cause” for disciplinary action, which may include termination or non-renewal of employment in accordance with law.

Teaching staff members are required to report their arrest or indictment for any crime or offense in accordance with Policy 3159 and N.J.A.C. 6A:9-17.1.

The school district shall make these reporting requirements known to all new support staff members upon initial employment and to all employees on an annual basis.

Adopted: 15 November 2010
POLICY

EAST HANOVER TOWNSHIP
BOARD OF EDUCATION

SUPPORT STAFF
4160/Page 1 of 2
PHYSICAL EXAMINATION

4160 PHYSICAL EXAMINATION

The Board of Education requires each newly employed support staff member undergo a physical examination. The physical examination shall include, but is not limited to, a health history to include past serious illnesses and injuries; current health problems; allergies; and a record of immunizations. The physical examination shall also include a health screening to include height and weight; blood pressure; pulse and respiratory rate; vision screening; hearing screening; and Mantoux test for tuberculosis.

A support staff member may provide health status information, including medications, which may be of value to medical personnel in the event of an emergency requiring treatment. The staff member may also choose to share with the Principal and, if desired, with the certified school nurse, information regarding current health status to assure ready access in a medical emergency. School employee physicals, examinations and/or annual medical updates do not require screening or disclosure of HIV status.

The physical examinations required by this policy shall be limited to those assessments or information necessary to determine the individual’s physical and mental fitness to perform with reasonable accommodation in the position he/she seeks or currently holds and to detect any health risks to pupils or other employees.

Physical examinations required by this policy may be conducted by a physician or institution designated by the Board or, at the employee’s election, by a physician or institution designated by the employee and approved by the Board. The cost of any such examination conducted by the physician or institution designated by the Board shall be borne by the Board. The cost of any such examination conducted by the physician or institution chosen by the employee and approved by the Board shall be borne by the employee.

All staff members’ medical and health records, including computerized records, will be secured and will be stored and maintained separately from other personnel files. The information contained in medical records will be kept confidential. Only the staff member, the Superintendent, and the school medical inspector shall have access to medical information regarding an individual employee. The section of the medical record that contains the health history may be shared with the staff member’s Building Principal and the school nurse with the consent of the staff member.

Additional individual psychiatric or physical examinations of any staff member may be required by the Board whenever, in the judgment of the Board, a staff member shows evidence of deviation from normal physical or mental health. Any additional individual examinations will be pursuant to the requirements of N.J.A.C. 6:3-4A.4. Additional examinations and/or certifications may be
required to verify fitness in accordance with Policy No. 3161 or disability in accordance with Policy Nos. 3425 and 3435.

42 U.S.C.A. 12101
N.J.A.C. 6A:32-6.1; 6A:32-6.2; 6A:32-6.3

Adopted: 29 April 2004
The Board of Education may, in accordance with law, require the psychiatric or physical examination of any support staff member who shows evidence of deviation from normal physical or mental health.

The Superintendent shall recommend to the Board the examination of any support staff member whose physical or mental condition so departs from normal health as to adversely affect the performance of the member’s duties. Any such recommendation must be accompanied by competent evidence. If the Board determines that deviation from normal health has been demonstrated, it may require that the member submit to a physical or mental examination.

A requirement for physical or mental examination shall be made known to the employee by written notice setting forth the nature of the examination required, the reasons for the requirement, and a statement offering the member the opportunity to appear before the Board to explain or refute those reasons, provided any such hearing is requested in writing within three working days of the receipt of the notice.

A support staff member who fails to request an appearance before the Board within the time permitted or, having appeared before the Board, fails to persuade the Board that he/she should not be required to submit to the required examination shall be ordered to submit to an appropriate examination by a physician or institution designated by the Board and at the Board’s expense.

The support staff member may, at his/her option, submit names of physicians or institutions to the Board for consideration to complete the appropriate examination(s). The Board is not required to designate a physician or institution submitted for consideration by the support staff member, but the Board will not act unreasonably in withholding its approval of a physician or institution submitted by a support staff member. The cost of the examination will be borne by the Board if the Board designates a physician or institution from the names submitted from the support staff member.

If the support staff member’s request is denied, or if the support staff member does not request the Board to consider a physician or institution, the staff member may elect to submit to an appropriate examination conducted by a physician or institution of the support staff member’s own choosing and at his/her expense, provided the physician or institution so chosen is approved by the Board, pursuant to N.J.S.A. 18A:16-3, and is authorized and directed by the member to report the results of the examination to the Board.
POLICY

EAST HANOVER TOWNSHIP
BOARD OF EDUCATION

SUPPORT STAFF

4161/Page 2 of 2

EXAMINATION FOR CAUSE

If the results of the examination show mental abnormality or communicable disease, the support staff member shall be placed on sick leave and compensated in accordance with his/her sick leave entitlement, if any, until proof of recovery, satisfactory to the Board, is furnished. No leave of absence granted under this policy shall exceed the term of the contract of a nontenured support staff member or a period of two years in the case of a tenured support staff member.

A support staff member who refuses to submit to the examination required by the Board and has exhausted the hearing procedures established by law and this policy shall be subject to discipline, which may include the certification of tenure charges to the Commissioner of Education.

42 U.S.C.A. 12101
18A:30-1 et seq.
N.J.A.C. 6A:32-4.4

Adopted: 29 April 2004
4211 ATTENDANCE

Employee attendance is an important factor in the successful operation of any school district and in the maintenance of the continuity of the educational program. The Board of Education is vitally and continually interested in the attendance of each employee and considers satisfactory attendance an important criterion of satisfactory job performance.

The privilege of district employment imposes on each employee the responsibility to be on the job on time every scheduled working day. This responsibility requires that the employee maintain good health standards, take intelligent precautions against accidents both on and off the job, and manage personal affairs in order to satisfy district attendance requirements.

The Board is required by the high costs of absences and disrupted work schedules to give continuing attention to the maintenance of regular attendance by employees. Chronic absenteeism and tardiness are subject to discipline and may be cause for dismissal.

The Superintendent shall develop regulations to implement this policy.


Adopted: 29 April 2004
4211.3 CONSULTING OUTSIDE THE DISTRICT

The Board of Education recognizes that support staff members will have expertise and knowledge in areas that other school districts, agencies, and other entities may desire. Recognizing that the school district will request the expertise from support staff members from other school districts, agencies and other entities, the Board supports sharing of its support staff members with other school districts, agencies, and other entities to the extent it does not interfere with the efficient operation of the school district.

The Superintendent may recommend to the Board a support staff member’s attendance in another school district, agency or other entity without additional remuneration to the support staff member or school district, upon a written request from the agency or from the support staff member.

The Board of Education recognizes support staff members will have expertise and knowledge in areas that other school districts, public and private agencies, and private business organizations may desire to compensate as a paid consultant. When a support staff member serves as a paid consultant, the support staff member is not permitted to use normal work hours for any paid consulting activities. The support staff member must complete any paid consulting activities on their own time to include vacation days, evenings, weekends, and/or school holidays.


Adopted: 29 April 2004
CONFLICT OF INTEREST

No support staff member of the Board of Education shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity which is in conflict with the proper discharge of the support staff member’s duties.

No support staff member shall use or attempt to use his/her position to secure unwarranted privileges or advantages.

No support staff member of the Board shall act in his/her official capacity in any matter wherein he/she has a direct or indirect personal financial interest.

No support staff member of the Board shall accept any gift, favor, service or other thing of value under circumstances from which it might be reasonably inferred that such gift, service or other thing of value was given or offered for the purpose of influencing the support staff member in the discharge of his/her duties.

The Board of Education discourages the presentation of gifts to support staff members by pupils and their parent(s) or legal guardian(s), because it may embarrass pupils with limited means and give the appearance of currying favor.

The Board directs that support staff members instruct pupils to express their appreciation by means other than gifts.

Support staff members may receive gifts of only nominal value from pupils or their parent(s) or legal guardian(s).

The Superintendent may approve an act or gift of appreciation to an individual support staff member when special circumstances warrant.


Adopted: 29 April 2004
4215 CODE OF ETHICS

All support staff employees will:

Represent themselves honestly in the application and selection procedure;

Report to work as scheduled;

Discuss complaints with their immediate superior, or through approved channels;

Not advise or counsel pupils except in special cases with the knowledge and consent of the Principal;

Complete thoroughly their assigned tasks;

Endeavor to establish good working relationships with other employees, professional as well as non-professional;

Commit themselves to providing the best possible services for pupils;

Uphold all rules and regulations as set by the Board, the Superintendent, and the Principals;

Keep the trust under which confidential information may be given;

Adhere to all the conditions of a contract;

Give prompt notice of any change in availability for continued employment; and

Protect and care for district property.

Adopted: 29 April 2004
The Board of Education recognizes that chemical dependency is an illness which is preceded by
the misuse and/or abuse of alcohol, anabolic steroids, and other drugs. The Board recognizes that
the use/misuse of alcohol, anabolic steroids, and other drugs, and the problems associated with it,
are becoming increasingly commonplace in today’s society. It is generally accepted that
alcoholism and other chemical dependencies are illnesses that can be treated successfully if they
are identified as early as possible, and if appropriate treatment is promptly instituted. The Board
believes that the therapeutic approach to the problem is more effective than one which is solely
punitive in nature.

For purposes of this policy, “substance” shall mean:

1. All controlled dangerous substances as defined and prohibited in New Jersey Statutes
   and Codes;

2. All chemicals which release toxic vapors as defined and prohibited in New Jersey
   Statutes and Codes;

3. All alcoholic beverages; and

4. Anabolic steroids.

Standard of Conduct

The Board clearly prohibits the unlawful possession, use, or distribution of illicit substances,
drugs, alcohol, and/or anabolic steroids on school premises or as part of any of its activities by any
employee of the district as well as reporting to the workplace under the influence of any illicit
substances, drugs, alcohol, and/or anabolic steroids. Compliance with this standard of behavior is
mandatory.

The Board will make every effort to educate its employees regarding the misuse of illegal
substances, alcohol, drugs, and anabolic steroids. Further, the Board will assist and provide
guidance to an employee who is having a problem concerning the abuse of these substances on
how to receive additional help and counseling.

Program Review
The Board shall review its substance abuse program on a biennial basis to determine its effectiveness and implement changes as required and to ensure that disciplinary sanctions are consistently enforced.

Any information gathered through a school investigation, counseling session, request by an employee for help, etc., shall comply with the confidentiality requirements established in Federal regulations found in 42 CFR Part II. Employees shall be subject to procedures and sanctions defined in Regulation No. 3218. All employees shall be provided with a copy of this policy and the accompanying regulations.

42 C.F.R. II
34 CFR 85.600 et seq.
20 U.S.C. 1145g, 3224a
41 U.S.C.A. 701 et seq.

Adopted: 29 April 2004
The Board of Education is committed to a safe, efficient and alcohol and drug-free workplace, that protects the district’s pupils as well as the health and safety of its employees and the general public. The Board requires all drivers performing any safety-sensitive function are free of drugs and alcohol and will test those employees who operate a commercial motor vehicle in accordance with 49 C.F.R. 382 et seq. and 49 C.F.R. 40 et seq. Safety-sensitive function as defined by 49 C.F.R. 382.107 means all time from the time a driver begins work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. Safety-sensitive function shall include:

1. All time at the terminal facility or any public property waiting to be dispatched unless relieved from duty;
2. All time inspecting equipment;
3. All time spent at the driving controls of a commercial motor vehicle in operation;
4. All time other than driving time in or upon the commercial vehicle except in an area defined as a sleeping berth;
5. All time loading and unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle or in giving or receiving receipts for shipments loaded and unloaded;
6. All time spent performing driver requirements related to accidents; and
7. All time repairing, obtaining assistance, or remaining in attendance with the vehicle.

The Omnibus Transportation Employee Testing Act requires all operators of commercial motor vehicles subject to the Commercial Drivers License requirements to be tested for controlled substances and alcohol. Federal regulations of the U.S. Department of Transportation require that school bus drivers as well as drivers of private carriers of passengers contracted by the Board be required to submit to alcohol and controlled substance testing in accordance with 49 C.F.R. Part 40. The Board designates the Business Administrator/Board Secretary as the Designated Employer Representative (DER) of the Board of Education. The Board may contract with a service agent to provide the testing services as required by Federal Regulations.

No driver at any work site will possess, manufacture, use, sell, or distribute any quantity of any controlled substance, lawful or unlawful, which in sufficient quantity could result in impaired
performance, with the exception of substances administered by or under the instructions of a physician. No driver shall perform safety-sensitive functions within four hours after using alcohol and the district will not permit a driver that used alcohol within four hours of performing safety-sensitive functions to perform such functions if the district has actual knowledge of the use.

**Violations**

Any violation of this policy may result in discipline, up to and including termination.

**Prohibited Substances**

<table>
<thead>
<tr>
<th>Type of Drug or Metabolite</th>
<th>Initial Test</th>
<th>Confirmation Test</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana metabolites</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>Delta-9-tetrahydrocannabinol-9-carboxylic acid (THC)</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Cocaine metabolites (Benzoylcegonine)</td>
<td>300</td>
<td>150</td>
</tr>
<tr>
<td>Phencyclidine (PCP)</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Amphetamines</td>
<td>1000</td>
<td></td>
</tr>
<tr>
<td>Amphetamine</td>
<td>500</td>
<td>500*</td>
</tr>
<tr>
<td>Methamphetamine</td>
<td>500*</td>
<td></td>
</tr>
<tr>
<td>(**Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/mL.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Opiate metabolites</td>
<td>2000</td>
<td></td>
</tr>
<tr>
<td>Codeine</td>
<td>2000</td>
<td></td>
</tr>
<tr>
<td>Morphine</td>
<td>2000</td>
<td></td>
</tr>
<tr>
<td>6-ACETYLMORPHINE (6-AM)</td>
<td>10**</td>
<td></td>
</tr>
<tr>
<td>(**Test for 6-AM in the specimen. Conduct this test only when specimen contains morphine at a concentration greater than or equal to 2000 ng/mL.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcohol</td>
<td>.02 or higher</td>
<td>.02 or higher</td>
</tr>
</tbody>
</table>

The presence of any of the following controlled substances in the body, as evidenced by the results of the initial screening and subsequent confirmatory analysis provided in the policy, is prohibited for any employee assigned to a classification covered by this policy. All cutoff concentrations are as per 49 C.F.R. 40.87 and are expressed in nanograms per milliliter (ng/mL).
Testing Procedures

All testing for controlled dangerous substances will be conducted in accordance with 49 C.F.R. Part 40, Subparts A, B, C, D, E, F, G, H and I. The district will only test for the above stated five drugs or classes of drugs in accordance with 49 C.F.R. 40.85. Testing for alcohol will be conducted in accordance with 49 C.F.R. Part 40, Subparts J, K, L, M and N.

Definitions

“Alcohol” means the drinking or swallowing of any beverage, liquid mixture or preparation (including medication) containing alcohol.

“Confirmatory Drug Test” means a second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite.

“Confirmed Drug Test” means a confirmation drug test received by a Medical Review Officer (MRO) from a certified laboratory.

“Controlled substances” means those substances identified in 49 C.F.R. 40.85.

“CCF” means the Federal Drug Testing Custody and Control Form.

“Designated Employer Representative” is an employee of the district authorized to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The Designated Employer Representative (DER) shall receive test results and other communications for the employer, consistent with the requirements of this policy and 49 C.F.R. 40. Service agents cannot act as a DER.

“FMCSA” means Federal Motor Carrier Safety Administration.

“Initial Drug Test” means the test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

“Initial Validity Screening” means the first test used to determine if a specimen is adulterated, diluted or substituted.

“Medical Review Officer” is a licensed physician responsible for receiving and reviewing laboratory results generated by the district’s drug testing program and evaluating medical explanations for certain drug test results.

“Possess” means either in or on the driver’s person, personal effects, motor vehicle or areas substantially entrusted to the control of the driver.
“Service agent” is any person or entity, other than an employee of the Board, who provides services specified under 49 C.F.R. 40 to the Board.

“Substance Abuse Professional” is a person who evaluates employees who have violated a drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing and aftercare. Individuals permitted to act as Substance Abuse Professionals must possess the credentials as outlined in 49 C.F.R. 40.281.

“Work Site” means any motor vehicle, office, building, yard or other location at which the driver is to perform work.

Categories of Testing

For the purpose of this policy, the occurrence of the following circumstances/instances shall require an employee to submit to a controlled substance and alcohol screening:

1. Pre-Employment Testing

An individual who has applied for and has been selected to operate a Board vehicle shall, before beginning employment with the Board, submit to a controlled substance screening in conjunction with any required physical examination as per Policy No. 4160. Such screening shall be conducted in accordance with the procedures set forth in this policy and 49 C.F.R. 40. No individual receiving a positive confirmed test result will be employed by the Board.

An exception to the pre-employment screening may be made if the prospective employee:

a. Has participated in a controlled substance testing program that met the requirements of 49 C.F.R. 382 et seq. within the previous thirty days and while participating in that program either:

   (1) Was tested for controlled substances within the past six months (from the date of application to the commission), or

   (2) Participated in the random controlled substances testing program for the previous twelve months (from the date of application to the commission), and

   (3) The DER must ensure that no prior employer, to the DER’s knowledge, has records of a violation of a controlled substance testing program within the previous six months.
If an individual is so exempted, the Designated Employer Representative (DER) shall contact the alcohol and/or controlled substances testing program in which the driver participated and obtain the following information in accordance with 49 C.F.R. 382.301(c):

a. Name and address of the program;
b. Verification of the driver’s participation;
c. Verification that the program conforms to federal guidelines;
d. Verification the driver qualified and did not refuse to be tested for controlled substances;
e. The date the driver was last tested for controlled substances; and
f. The results of any tests taken within the last six months and any other violations.

An individual who has applied for and has been selected to operate a Board vehicle or any existing employee transferring into a new position now required to operate a Board vehicle, shall submit a written consent authorizing the commission to obtain the following information from other employers who have employed the employee during any period during the two years before the date of the individual’s application date or transfer into the new position. The written consent from the individual will permit the Designated Employer Representative (DER) to obtain the following information from previous DOT-regulated employers:

a. Alcohol tests with a result of 0.04 or higher alcohol concentration;
b. Verified positive drug tests;
c. Refusals to be tested (including verified adulterated or substituted drug test results);
d. Other violations of DOT agency drug and alcohol testing regulations; and

e. With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee’s successful completion of DOT return-to-duty requirements (including follow-up tests). If this information is not available from the previous employer, the DER must seek to obtain this information from the individual. The DER will obtain and review this information before the employee first performs any driving and/or safety-sensitive functions. If this is not feasible, the DER will not permit the individual to work after thirty days from the individual’s first date of employment in the position unless the DER has obtained or made and documented a good faith effort to obtain this information.
2. Random Testing

A covered employee shall be subject to submit to alcohol and controlled substance testing on an unannounced and random basis resulting from the selection by a random generation methodology in accordance with 49 C.F.R. 383.305(i). Random testing will be spread reasonably throughout any given calendar year.

The minimum annual percentage rate for random alcohol testing shall be 10% of the average number of drivers. The minimum rate of random controlled substances testing shall be 50% of the average number of drivers. These rates may be adjusted as determined by the FHWA (Federal Highway Administration) Administrator in accordance with 49 C.F.R. 382.305.

Drivers shall only be random tested when performing safety-sensitive functions or immediately prior to or immediately following the performance of safety-sensitive functions.

3. Post-Accident Testing

The involvement by an employee in a motor vehicle collision while operating a Board vehicle when such accident results in property damage or personal injury, may trigger a post-accident drug and alcohol test.

As soon as practical following an occurrence, the DER will require post-accident alcohol screening for each of the surviving drivers:

a. Who was performing safety-sensitive functions with respect to a vehicle, if the accident involves the loss of human life; or

b. Who receives a citation within eight hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

   (1) Bodily injury to any person, who, as a result of the injury immediately receives medical treatment away from the scene of the accident; or

   (2) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

c. If the alcohol test is not administered within two hours following the accident, the DER will prepare and maintain on file a record stating the reasons the test was not promptly administered. If the alcohol test is not administered within eight hours
following the accident, the DER shall cease attempts to administer the alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.

As soon as possible following an occurrence, the district will require post-accident controlled substance screening for each of the surviving drivers:

a. Who was performing safety-sensitive functions with respect to a vehicle, if the accident involves the loss of human life; or

b. Who receives a citation within thirty-two hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
   
   (1) Bodily injury to any person, who, as a result of the injury immediately receives medical treatment away from the scene of the accident; or

   (2) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

c. If the controlled substance test is not administered within thirty-two hours following the accident, the DER shall cease attempts to administer the controlled substance test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.

A driver who is subject to post-accident testing shall remain readily available for such testing or be deemed to have refused to submit for testing. A driver who is injured in an accident and requires medical care, shall submit to post-accident drug and controlled substance testing by the medical care facility providing the treatment or a designee of the Board if the facility is unable to provide the testing. Nothing herein shall be construed to prevent the driver from leaving the scene of the accident for the period required to obtain necessary assistance or to obtain emergency medical care.

4. Reasonable Suspicion Testing

The DER may require a driver to submit to an alcohol and/or controlled substance test when the driver is observed by a supervisor or school official who is trained in accordance with 49 C.F.R. 382.603 and causes the observer to have reasonable suspicion to believe the driver has violated 49 C.F.R. 382 et seq. Reasonable suspicion must exist to require the driver to undergo a test and must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior,
speech or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances.

Reasonable suspicion alcohol testing is authorized only if the required observations are made during, just preceding, or just after the period of the work day the driver is required to be in compliance with the testing requirements of 49 C.F.R. 382 et seq.

Reasonable suspicion testing may be required of a driver while the driver is performing, just before the driver will perform or just after the driver has ceased performing safety-sensitive functions.

If the alcohol test is not administered within two hours following the determination a reasonable suspicion test is required, the DER will prepare and maintain on file a record stating the reasons the test was not promptly administered. If the alcohol test is not administered within eight hours following the determination, the DER shall cease attempts to administer the alcohol test and shall state in the record the reasons for not administering the test.

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse. The driver will also not be able to perform or continue to perform safety-sensitive functions until an alcohol test is administered and the driver’s concentration measures less than 0.02 or twenty-four hours have elapsed following the determination that reasonable suspicion existed to require an alcohol test.

A written record of the observations leading to a reasonable suspicion test shall be made and signed by the supervisor and/or school official that made the observations. This record shall be made within twenty-four hours of the observed behavior or before the results of the test are released, whichever is earlier.

5. Return to Duty Testing

The commission is not required to return an employee to a safety-sensitive position upon receipt of a confirmed drug and/or alcohol test. The Designated Employer Representative (DER) may recommend to the Superintendent of Schools the individual’s employment be terminated depending on the circumstances.

In the event the DER does not recommend termination, the DER shall ensure that before a driver returns to duty requiring the performance of a safety-sensitive function, the driver shall undergo a return to duty alcohol test indicating a breath alcohol
concentration of less than 0.02 and a controlled-substances test with a result indicating a verified negative result for controlled-substances use as required in 49 C.F.R. 40.305.

Drivers permitted to return to duty are required to take return-to-duty tests and shall be evaluated by a Substance Abuse Professional (SAP). These individuals must participate in an assistance program prescribed by the SAP and as required in 49 C.F.R. 40 Subpart O.

The SAP will determine a written follow-up testing plan for any individual who has been permitted to return to work and has successfully complied with the SAP’s recommendations for education and/or treatment. Such employees are subject to a minimum of six unannounced, follow-up drug screenings and alcohol tests over the following twelve months. The testing shall not exceed sixty months. Alcohol follow-up testing shall be performed only when the driver is performing safety-sensitive functions or immediately prior to performing or immediately after performing safety-sensitive functions. All follow-up testing will be completed in accordance with 49 C.F.R. 40.307. The SAP will comply with all reporting requirements of 49 C.F.R. 40.311.

Medical Review Officer (MRO) Notifications

The Board shall employ or contract with a medical review officer who is a licensed physician (M.D. or D.O.) and shall designate the Medical Review Officer as the individual responsible for receiving laboratory results generated by the testing program. The medical review official shall have knowledge of substance abuse disorders and have appropriate medical training to interpret and evaluate the individuals confirmed positive test together with his/her medical history and other biomedical data. The Medical Review Officer will perform all functions and responsibilities as required in 49 C.F.R. 49 Subpart G.

Employer Notification

The Medical Review Officer may report controlled substances test results to the DER by any means of communication; however, a signed, written notification must be forwarded within three business days of the completion of the Medical Review Officer’s evaluation. The Medical Review Officer must report all drug test results to the employer. The MRO may use a signed or stamped and dated legible photocopy of Copy 2 of the CCF to report test results or a written report that must include, at a minimum, the information required in 49 C.F.R. 40.163.
Split Specimen Tests

Split specimen testing will be conducted in accordance with 49 C.F.R. 40 Subpart H. Under split-sample collection procedures, the driver has seventy-two hours from the time of notification of a positive result to request the MRO to order a test of the split specimen. If the driver does not request a split specimen test within seventy-two hours, the driver may present to the MRO information documenting that serious injury, illness, lack of actual notice of the verified test result, inability to contact the MRO, or other circumstances unavoidably prevented the individual from making a timely request.

If the split specimen is unavailable or appears insufficient, the laboratory will continue the testing process of the primary specimen as the laboratory would normally. The laboratory will report the results for the primary specimen without providing the MRO information regarding the unavailable split specimen. In the event the MRO requests the split specimen be forwarded to another laboratory, the laboratory will report to the MRO the split specimen is unavailable for testing and the laboratory will provide the MRO with as much information as possible about the cause of the unavailability.

Designated Collection Facility

The Board shall designate the facility to be used for the collection of the specimen; provided, however, that the designated facility shall possess all required licenses and permits. The collection site will take place in a facility meeting the requirements of 49 C.F.R. 40 Subpart D. The DER will ensure the collection site meets the security requirements of 49 C.F.R. 40.43.

Designated Screening Laboratory

The Board shall designate the laboratory to which collected fluid samples will be forwarded for drug/alcohol screening. Drug testing laboratories must be certified by the Department of Health and Human Services (HHS) under the National Laboratory Certification Program (NLCP) for all testing required under 49 C.F.R. 40. The laboratory will perform all responsibilities as required in accordance with 49 C.F.R. 40 Subpart F.

Specimens

The normal screening methodology for controlled substances shall be urinalysis, collected by a representative of the Board at a designated site. The presence of alcohol will be determined by an Alcohol Screening Device (ASD) or an Evidential Breath Testing Device administered by an individual certified in accordance with 49 C.F.R. 40.211 and 49 C.F.R. 40.213.
Refusal to Submit

A driver will be deemed as refusing to take a drug test as described in 49 C.F.R. 40.191. As per 49 C.F.R. 40.191, an individual refuses to take a drug test if he/she:

1. Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the DER, consistent with applicable DOT agency regulations, after being directed to do so by the DER;

2. Fails to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;

3. Fails to provide a urine specimen for any drug test required by this policy. An employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;

4. Fails to permit the observation or monitoring of providing a specimen in the case of a directly observed or monitored collection in a drug test;

5. Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;

6. Fails or declines to take a second test the DER or collector has directed the individual to take;

7. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under Sec. 40.193(d). In the case of a pre-employment drug test, the individual is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;

8. Fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process); or

9. If the MRO reports the driver had a verified adulterated or substituted test result.

If an individual refuses to participate in a part of the testing process, the collector or MRO, must terminate the portion of the testing process, document the refusal on the CCF (including in the case of the collector, printing the employee’s name on Copy 2 of the CCF), immediately notify the DER by any means (e.g., telephone or secure fax machine) that ensures that the refusal notification is immediately received. A referral physician (e.g., physician evaluating a “shy bladder” condition or a claim of a legitimate medical explanation in a validity testing situation) must notify the MRO, who in turn will notify the DER. In addition, the collector must note the refusal in the “Remarks”
line (Step 2), and sign and date the CCF. The MRO must note the refusal by checking the “refused to test because” box (Step 6) on Copy 2 of the CCF, and add the reason on the “Remarks” line. The MRO must then sign and date the CCF. When the driver refuses to take a non-DOT test or to sign a non-DOT form, the driver has not refused to take a DOT test. There are no consequences under DOT agency regulations for refusing to take a non-DOT test.

Record of Negative Screening
An employee required to submit to an alcohol and/or controlled substance screening as provided in this policy and whose screening results are negative may, at their option, have their personnel file documented to reflect the negative result.

Prescription Drugs
All bus drivers shall notify the DER of the use of any prescription drugs. The Board may require certification from the prescribing physician that the use of the prescription drug will not have an adverse affect on the driver’s ability to properly perform safety-sensitive functions.

Consequences to Drivers Engaging in Prohibited Conduct
An employee whose screening produces a positive result for a prohibited substance:
1. Shall not be permitted to perform safety-sensitive functions;
2. Shall be advised by the DER of resources available to them in evaluating and resolving problems associated with the misuse of alcohol or the use of controlled substances;
3. Shall be evaluated by a substance abuse professional who shall determine what assistance, if any, is needed to resolve problems with alcohol or controlled substance use;
4. Undergo, before returning to duty, a return to duty alcohol test indicating a breath level of less than 0.02 if the conduct involved alcohol or a controlled substance test with a verified negative result;
5. If assistance was required, the employee must be evaluated by a substance abuse professional to determine that the driver has followed the rehabilitation program prescribed;
6. Be subject to unannounced follow up alcohol and/or controlled substance abuse testing;
7. Be subject to the disciplinary policy and regulations of the Board.
Return-to-Work Agreement

An employee who has returned to work and who fails to comply with any of the terms of the Return to Work Agreement shall be subject to termination.

Maintenance and Retention of Records

The DER shall maintain and retain all records as required by federal regulation. Records shall include at least the following:

1. Records Related to the Collection Process
   a. Collection logbooks (if used);
   b. Documents related to the random selection process;
   c. Calibration documentation for Evidential Breath Testing Devices (EBT’s);
   d. Documentation of Breath Alcohol Technician (BAT) training;
   e. Documentation of reasoning for reasonable suspicion testing;
   f. Documentation of reasoning for post-accident testing;
   g. Documents verifying a medical explanation for the inability to provide adequate breath or urine for testing; and
   h. Consolidated annual calendar year summaries.

2. Records Related to the Driver’s Test Results
   a. Employer’s copy of the alcohol test form, including results;
   b. Employer’s copy of the drug test chain of custody and control form;
   c. Documents sent to the employer by the Medical Review Officer;
   d. Documentation of any driver’s refusal to submit to a required alcohol or controlled substance test; and
   e. Documents provided by a driver to dispute results of test.

3. Documentation of any Other Violations of Controlled Substance Use or Alcohol Misuse Rules

4. Records Related to Evaluations and Training
   a. Records pertaining to Substance Abuse Professional’s (SAP’s) determination of driver’s need for assistance;
b. Records concerning a driver’s compliance with SAP’s recommendations, and records related to education and training;

c. Materials on drug and alcohol awareness, including a copy of the employer’s policy on drug use and alcohol misuse;

d. Documentation of compliance with requirement to provide drivers with educational material, including driver’s signed receipt of materials;

e. Documentation of supervisor training; and

f. Certification that training conducted under this rule complies with all requirements of the rule.

5. Records Related to Drug Testing

a. Agreements with collection site facilities, laboratories, Medical Review Officers (MRO’s) and consortia;

b. Names and positions of officials and their role in the employer’s alcohol and controlled substance testing program;

c. Monthly statistical summaries of urinalysis; and

d. The employer’s drug testing policy and procedures.

6. Required Period of Retention

<table>
<thead>
<tr>
<th>Document to be maintained</th>
<th>Period required to be maintained</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol test results indicating a breath alcohol concentration of 0.02 or greater</td>
<td>5 Years</td>
</tr>
<tr>
<td>Verified positive controlled substance test results</td>
<td>5 Years</td>
</tr>
<tr>
<td>Refusals to submit to required alcohol or controlled substance tests (including substituted or adulterated test results)</td>
<td>5 Years</td>
</tr>
<tr>
<td>Required calibration of Evidential Breath Testing Devices (EBT's)</td>
<td>2 Years</td>
</tr>
<tr>
<td>All follow-up tests and schedules for follow-up tests</td>
<td>5 Years</td>
</tr>
</tbody>
</table>
### Commercial Driver Controlled Substances and Alcohol Use Testing

<table>
<thead>
<tr>
<th>Record Type</th>
<th>Retention Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substance Abuse Professional's (SAP's) evaluations and referrals</td>
<td>5 Years</td>
</tr>
<tr>
<td>Annual calendar year summary</td>
<td>5 Years</td>
</tr>
<tr>
<td>Records related to the collection process (except calibration) and required training</td>
<td>2 Years</td>
</tr>
<tr>
<td>Negative and canceled controlled substance test results</td>
<td>1 Year</td>
</tr>
<tr>
<td>Alcohol test results indicating a breath alcohol concentration less than 0.02</td>
<td>1 Year</td>
</tr>
<tr>
<td>Records obtained from previous employers concerning alcohol and drug testing</td>
<td>3 Years</td>
</tr>
</tbody>
</table>

#### 7. Location of Records

All required records shall be maintained in accordance with Policy No. 8320. Records shall be made available for inspection at the Board Offices within two business days after a request has been made by an authorized representative of the Federal Highway Administration.

#### 8. Annual Calendar Year Summary

The DER shall prepare and maintain an annual calendar year summary of the results of its alcohol and substance abuse testing programs. The summary shall be completed no later than March 15 of each year covering the previous calendar year. The DER upon request of the Federal Highway Administration (FHWA) will provide the annual summary to that agency in the required format.

#### 9. Employee Information Program

The Board will provide an employee information program. The DER will be responsible for implementing the program and shall ensure that each driver receives information in the manner specified below:

a. By receiving a copy of this policy and any subsequent revisions.

b. Through attendance at a meeting at which a detailed discussion of the following is conducted:
(1) The identity of the person designated by the employer to answer driver questions about the materials;
(2) Which drivers are subject to the alcohol misuse and controlled substance requirements;
(3) Explanation of what constitutes a safety-sensitive function, so as to make clear what period of the workday the driver is required to be in compliance;
(4) Specific information concerning driver conduct that is prohibited;
(5) The circumstances under which a driver will be tested for alcohol and/or controlled substances;
(6) The procedures that will be used to test for the presence of alcohol and controlled substances;
(7) The requirement that a driver submit to alcohol and controlled substance tests;
(8) An explanation of what constitutes a refusal to submit to an alcohol or controlled substance test;
(9) The consequences for drivers found to have violated the prohibitions of this rule, including the immediate removal of the driver from safety-sensitive functions;
(10) The consequences for drivers found to have an alcohol concentration level of 0.02 or greater but less than 0.04;
(11) Information concerning the effects of alcohol and controlled substances use on an individual’s health, work, and personal life. Signs and symptoms of an alcohol or controlled substances problem, and available methods of intervening when an alcohol or a control substances problem is suspected, including confrontation, referral to any employee assistance program and or referral to management.

Omnibus Transportation Act of 1991
49 C.F.R. 40 et seq.
49 C.F.R. 382 et seq.
49 C.F.R. 395.2

Adopted: 29 April 2004
The Board of Education desires to maintain the efficiency of its operations and therefore directs that a program of evaluation and job improvement be implemented which will assure the competency of employees at every level in the district.

The Superintendent, in conjunction with the School Business Administrator, shall prepare procedures for the evaluation of noncertificated staff members which provide that:

1. Probationary custodians and maintenance personnel are observed monthly and evaluated quarterly, and post-probationary personnel in those classifications are evaluated twice annually.

2. Probationary secretaries, and cafeteria/playground aides are observed monthly and evaluated twice annually, and post-probationary secretaries and cafeteria/playground aides are evaluated annually by their immediate supervisors.

3. Noncertificated personnel are informed of the results of their evaluations and given recommendations for improvement as appropriate. Opportunity should be offered for the appeal of an evaluation deemed to be unfair.

4. The Superintendent shall report annually to the Board the results of evaluations of noncertificated personnel and shall recommend to the Board such action as he or she deem appropriate.

Adopted: 29 April 2004
The Board of Education recognizes that support staff members enjoy a private life outside their job responsibilities in the school district. The Board believes that school employees exert a continuing influence away from the school district. Accordingly, the Board reserves the right to determine if activities outside the support staff member’s job responsibilities interfere with their performance and the discharge of the support staff member’s responsibilities to this district.

The Board directs that all support staff members be governed in their activities outside the school by the following guidelines:

1. Support staff members are advised to refrain from conduct, associations, and offensive speech that, if given publicity, would tend to have an adverse or harmful effect upon pupils or the school community;

2. Support staff members shall not devote time during their work day to an outside private enterprise, business, or business organization. They shall not solicit or accept customers for a private enterprise, business, and/or business organization on school grounds during their work day without the express permission of the Superintendent;

3. The Board does not endorse, support, or assume liability in any way for any staff member of this district who conducts a private activity in which pupils or employees of this district participate;

4. Support staff members shall not campaign on school grounds during their work day, send campaign literature home with pupils, or request, direct or have pupils distribute campaign literature on behalf of any candidate for local, State, or national office or for any bond issue, proposal, or any public question submitted at any general, municipal, or school election; and

5. Copyrights and patents to materials or equipment developed, written, prepared, processed, or tested by support staff members in the performance of their school district duties reside with and may be claimed by the Board.

Adopted: 29 April 2004
Revised: 15 April 2013
POLITICAL ACTIVITIES

The Board of Education recognizes and encourages the right of all citizens, including school employees, to engage in political activity. However, the Board prohibits the use of school premises and school time for partisan political purposes.

The Board establishes the following guidelines to govern all support staff members in their political activities:

1. An employee shall not engage in political activity on school premises unless permitted in accordance with Policy No. 7510 Use of School Facilities and/or applicable Federal and State laws;

2. An employee shall not post political circulars or petitions on school premises nor distribute such circulars or petitions to pupils nor solicit campaign funds or campaign workers on school premises;

3. An employee shall not display any material that would tend to promote any candidate for office on an election day in a school facility that is used as a polling place;

4. An employee shall not engage in any activity in the presence of pupils while on school property, which activity is intended and/or designed to promote, further or assert a position(s) on labor relations issues.

The provisions of this policy do not apply to the conduct of employee representative elections.

Nothing in this Policy shall be interpreted to impose a burden on the constitutionally protected speech or conduct of a staff member or pupil.

Green Township v. Rowe, Superior Court of New Jersey - Appellate Division A-2528-98T5

Adopted: 29 April 2004
The Board of Education believes that continuing training and study is essential to the improvement of employee performance and the acquisition of technological skills. The Board encourages all employees to participate in appropriate training programs.

The School Business Administrator/Board Secretary shall prepare rules for employee participation in programs of job skill improvement. The rules will include methods of reporting and verifying claims for participation in such activities.

The Board will reimburse employee requests for attendance at training programs provided participation has been approved in advance by the School Business Administrator/Board Secretary.

Adopted: 29 April 2004
The Board of Education recognizes its responsibility to protect the health, safety and welfare of all pupils within this school district. Furthermore, the Board recognizes there exists a professional responsibility for all school staff to protect a pupil’s health, safety and welfare. The Board strongly believes that school staff members have the public’s trust and confidence to protect the well-being of all pupils attending the school district.

In support of this Board’s strong commitment to the public’s trust and confidence of school staff, the Board of Education holds all school staff to the highest level of professional responsibility in their conduct with all pupils. Inappropriate conduct and conduct unbecoming a school staff member will not be tolerated in this school district.

The Board recognizes and appreciates the staff-pupil professional relationship that exists in a school district’s educational environment. This Policy has been developed and adopted by this Board to provide guidance and direction to avoid actual and/or the appearance of inappropriate staff conduct and conduct unbecoming a school staff member toward pupils.

School staff’s conduct in completing their professional responsibilities shall be appropriate at all times. School staff shall not make inappropriate comments to pupils or about pupils and shall not engage in inappropriate language or expression in the presence of pupils. School staff shall not engage in inappropriate conduct toward or with pupils. School staff shall not engage or seek to be in the presence of a pupil beyond the staff member’s professional responsibilities. School staff shall not provide transportation to a pupil in their private vehicle or permit a pupil into their private vehicle unless there is an emergency or a special circumstance that has been approved in advance by the Building Principal/immediate supervisor and the parent/legal guardian.

Inappropriate conduct by a school staff member outside their professional responsibilities may be considered conduct unbecoming a staff member. Therefore, school staff members are advised to be concerned with such conduct which may include, but is not limited to, communications and/or publications using e-mails, text-messaging, social networking sites, or any other medium that is directed and/or available to pupils or for public display.

A school staff member is always expected to maintain a professional relationship with pupils and school staff members shall protect the health, safety and welfare of school pupils. A staff member’s conduct will be held to the professional standards established by the New Jersey State Board of Education and the New Jersey Commissioner of Education. Inappropriate conduct or conduct unbecoming a staff member may also include conduct not specifically listed in this Policy, but conduct determined by the New Jersey State Board of Education, the New
Inappropriate Staff Conduct

School personnel, compensated and uncompensated (volunteers), are required to report to their immediate supervisor or Building Principal any possible violations of this Policy. In the event the report alleges conduct by the Building Principal or the immediate supervisor, the school staff member may report directly to the Superintendent of Schools. In addition, school personnel having reasonable cause to believe a pupil has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 are required to immediately report to the New Jersey Department of Children and Families in accordance with N.J.A.C. 6A:16-11.1 and inform the Building Principal or immediate supervisor after making such report. However, notice to the Building Principal or designee need not be given when the school staff member believes such notice would likely endanger the referrer or child(ren) involved or when the staff member believes that such disclosure would likely result in retaliation against the child or in discrimination against the referrer with respect to his/her employment.

Reports may be made in writing or with verbal notification. The immediate supervisor or Building Principal will notify the Superintendent of Schools of all reports, including anonymous reports. The Affirmative Action Officer or designee will investigate all reports with a final report to the Superintendent of Schools. The Affirmative Action Officer or designee or the Superintendent may, at any time after receiving a report take such appropriate action as necessary and as provided for in the law. This may include, but is not limited to, notifying law enforcement, notifying the New Jersey Department of Children and Families in accordance with N.J.A.C. 6A:16-11.1 and/or any other measure provided for in the law.

This Policy will be distributed to all school staff and provided to staff members at any time upon request.

N.J.A.C. 6A:16-11.1
Adopted: 29 April 2004
Revised: 1 June 2005
8 February 2010
15 April 2013
4282 USE OF SOCIAL NETWORKING SITES

The Board of Education has a strong commitment to quality education and the well-being of all pupils, as well as the preservation of the school district’s reputation. The Board believes staff members must establish and maintain public trust and confidence and be committed to protecting all pupils attending the school district. In support of the Board’s strong commitment to the public’s trust and confidence, the Board holds all staff members to the highest level of professional responsibility.

The Commissioner of Education has determined inappropriate conduct outside a staff member’s professional responsibilities may determine them as unfit to discharge the duties and functions of their position. Staff members should be advised communications, publications, photographs, and other information appearing on social networking sites deemed inappropriate by the Board could be cause for dismissal of a non-tenured staff member or to certify tenure charges against a tenured staff member to the Commissioner of Education.

Staff members are advised to be concerned and aware such conduct deemed inappropriate may include, but is not limited to, communications and/or publications using e-mails, text-messaging, social networking sites, or any other form of electronic communication that is directed and/or available to pupils or for public display or publication.

While the Board respects the right of staff members to use social networking sites, staff members should recognize they are held to a higher standard than the general public with regard to standards of conduct and ethics. It is important that a staff member’s use of these sites does not damage the reputation of the school district, employees, pupils, or their families. Staff members who utilize, post or publish images, photographs, or comments on social networking sites, blogs, or other forms of electronic communication outside their professional responsibilities shall ensure their use, postings, or publications are done with an appropriate level of professionalism and are appropriate conduct for a school staff member. Staff members should exercise care in setting appropriate boundaries between their personal and public online behavior, understanding that what is private in the digital world often has the possibility of becoming public even without their knowledge or consent.

The school district strongly encourages all staff members to carefully review the privacy settings on social networking sites they use and exercise care and good judgment when posting content and information on such sites. Staff members should adhere to the following guidelines, which are consistent with the district’s workplace standards on harassment, pupil relationships, conduct, professional communication, and confidentiality.
When using personal social networking sites, school staff members:

1. Should not make statements that would violate any of the district’s policies, including its policies concerning discrimination or harassment;

2. Must uphold the district’s value of respect for the individual and avoid making defamatory statements about the school district, employees, pupils, or their families;

3. May not disclose any confidential information about the school district or confidential information obtained during the course of his/her employment, about any individual(s) or organization, including pupils and/or their families;

4. Shall not use social networking sites to post any materials of a sexually graphic nature;

5. Shall not use social networking sites to post any materials which promote violence;

6. Shall not use social networking sites which would be detrimental to the mission and function of the district;

7. Are prohibited from using their school district title as well as adding references to the district in any correspondence including, but not limited to, e-mails, postings, blogs, and social networking sites unless the communication is of an official nature and is serving the mission of the district. This prohibition also includes signature lines and personal e-mail accounts;

8. Shall not post updates to their status on any social networking sites during normal working hours including posting of statements or comments on the social networking sites of others during school time unless it involves a school project. Employees must seek approval from the Superintendent of Schools for such use; and

9. Shall not post or publish any information the Commissioner of Education would deem to be inappropriate conduct by a school staff member.

The Policy of this district is to maintain a level of professionalism both during and after the school day. Any publication through any means of electronic communication which is potentially adverse to the operation, morale, or efficiency of the district, will be deemed a violation of this Policy. If the Board or Superintendent believes that a staff member’s activity on any social
networking site violates the district’s policies, the Board or Superintendent may request that the employee cease such activity. Depending on the severity of the incident, the staff member may be subject to disciplinary action.

This Policy has been developed and adopted by this Board to provide guidance and direction to staff members on how to avoid actual and/or the appearance of inappropriate conduct toward pupils and/or the community while using social networking sites.

Adopted: 25 September 2012
The Board recognizes that as telecommunications and other new technologies shift the manner in which information is accessed, communicated and transferred that those changes will alter the nature of teaching and learning. Access to telecommunications will allow support staff members to explore databases, libraries, Internet sites, bulletin boards and the like while exchanging information with individuals throughout the world. The Board supports access by support staff members to information sources but reserves the right to limit in-school use to materials appropriate to educational purposes. The Board directs the Superintendent to effect training of support staff members in skills appropriate to analyzing and evaluating such resources as to appropriateness for educational purposes.

The Board also recognizes that telecommunications will allow support staff members access to information sources that have not been pre-screened using Board approved standards. The Board therefore adopts the following standards of conduct for the use of computer network(s) and declares unethical, unacceptable, inappropriate or illegal behavior as just cause for taking disciplinary action, limiting or revoking network access privileges, instituting legal action or taking any other appropriate action as deemed necessary.

The Board provides access to computer network(s)/computers for administrative and educational purposes only. The Board retains the right to restrict or terminate support staff members access to the computer network(s)/computers at any time, for any reason. The Board retains the right to have the Superintendent or designee monitor network activity, in any form necessary, to maintain the integrity of the network(s) and ensure its proper use.

Standards for Use of Computer Network(s)

Any individual engaging in the following actions declared unethical, unacceptable or illegal when using computer network(s)/computers shall be subject to discipline or legal action:

A. Using the computer network(s)/computers for illegal, inappropriate or obscene purposes, or in support of such activities. Illegal activities are defined as activities which violate federal, state, local laws and regulations. Inappropriate activities are defined as those that violate the intended use of the network(s). Obscene activities shall be defined as a violation of generally accepted social standards for use of publicly owned and operated communication vehicles.

B. Using the computer network(s)/computers to violate copyrights, institutional or third party copyrights, license agreements or other contracts.

C. Using the computer network(s) in a manner that:

1. Intentionally disrupts network traffic or crashes the network;
2. Degrades or disrupts equipment or system performance;
3. Uses the computing resources of the school district for commercial purposes, financial gain or fraud;
4. Steals data or other intellectual property;
5. Gains or seeks unauthorized access to the files of others or vandalizes the data of another user;
6. Gains or seeks unauthorized access to resources or entities;
7. Forges electronic mail messages or uses an account owned by others;
8. Invades privacy of others;
9. Posts anonymous messages;
10. Possesses any data which is a violation of this policy; and/or
11. Engages in other activities that do not advance the educational purposes for which computer network(s)/computers are provided.

Violations

Individuals violating this policy shall be subject to appropriate disciplinary actions as defined by Policy No. 4150, Discipline which includes but are not limited to:
1. Use of the network(s)/computers only under direct supervision;
2. Suspension of network privileges;
3. Revocation of network privileges;
4. Suspension of computer privileges;
5. Revocation of computer privileges;
6. Suspension;
7. Dismissal;
8. Legal action and prosecution by the authorities; and/or
9. Any appropriate action that may be deemed necessary as determined by the Superintendent and approved by the Board of Education.

N.J.S.A. 2A:38A-3
Adopted: 29 April 2004
STAFF MEMBER’S USE OF CELLULAR TELEPHONES

The East Hanover Township Board of Education recognizes a school support staff member may have the need to make a personal telephone call during their workday when the telephone call cannot be made before the staff member reports to work and/or after the staff member's workday has concluded.

In the event the staff member has an occasion to make a personal telephone call during their workday, and the telephone call is of such a nature that it cannot be made before the staff member's workday begins or after the workday has concluded, the school staff member may make a personal telephone call using their personal cellular telephone during the workday provided:

- The telephone call is made during the staff member's free lunch/break periods and is made outside the presence of pupils in an area inside the school building designated the staff member's Building Principal or immediate supervisor.

- A personal telephone call by a support staff member on their personal cellular telephone shall not be made while the support staff member is performing assigned school district responsibilities.

Staff members shall refrain from receiving personal cellular telephone calls during instructional periods or in the presence of students.

In the event the staff member has an emergency requiring immediate attention that requires the personal use of their personal cellular telephone, the support staff member shall inform their Building Principal or immediate supervisor before making the call or immediately after using the cellular telephone, depending on the nature of the emergency.

 Adopted: 29 April 2004
Revised: 28 June 2004
4323 PERSONAL PROPERTY

The Board of Education understands that from time to time an employee may want to bring personal property to school; however, the school district cannot assume responsibility for such personal property brought into the school, classroom, office, or any other school district property for use during the workday.

As such, any personal property which is brought to school by an employee is at their own risk. The East Hanover Township School District will not be responsible for lost, stolen, or damaged personal property brought to or left on the school premises. This includes items left in the classrooms, offices, or grounds overnight, weekends, recess periods, and summer vacation.

Adopted: 28 June 2004
4324 RIGHT OF PRIVACY

The Board of Education will provide facilities and school district-owned property to assist staff members in their job responsibilities or for the staff members’ convenience. These facilities or district-owned property may include, but are not limited to, an office, a storage closet, a filing cabinet, a locker, and/or a desk. The Principal or designee may provide a staff member with exclusive use and access to such facilities or school district-owned property or may require the facility or school district-owned property be shared with other staff members. The staff member may be provided a lock or key by the school district or may secure the facility or school district-owned property using their own locking device with permission from the Principal or designee, or immediate supervisor.

School staff members should be aware their expectation of privacy in these facilities and/or the school district-owned property provided by the Board of Education is reduced by virtue of actual office practices and procedures, for searches conducted pursuant to an investigation of work-related employee misconduct, or by legitimate school district policies or regulations. In addition, staff members shall have a reduced expectation of privacy in these facilities and school district-owned property if there is reasonable suspicion the staff member is violating a law or school policy. School staff members shall be on notice this reduced expectation of privacy may result in such facilities and/or school district-owned property being searched without a search warrant. In order to avoid exposing personal belongings to such a search, school staff members are discouraged from storing personal papers and effects in these facilities or school district-owned property.

Adopted: 14 May 2012
This procedure is a means by which an employee whose grievance procedure is not defined in a contract or agreement of this Board may appeal the interpretation application, or violation of policies and agreements affecting him or her, except:

1. A complaint of an employee paid on an hourly basis.

2. A complaint of a non-tenure employee which arises by reason of his not being reemployed.

3. A complaint by an employee occasioned by appointment to or lack of appointment to, retention in or lack of retention in any position for which tenure is either not possible or not required.

4. Any policy of the Board of Education pertaining to its internal operation.

5. Any matter for which a method of review is prescribed by law.

6. Any rule or regulation of the State Board of Education or Commissioner of Education, by not to the violation, misinterpretation, or misapplication of such a rule or regulation.

A grievance to be considered under this procedure must be initiated by the employee within thirty calendar days of its occurrence. All time limits specified are considered maximum.

PROCEDURE

1. Failure by management at any step of this procedure to communicate the decision on a grievance within the specified time limits shall permit the aggrieved person to proceed to the next step. Failure by employee at any step of this procedure to appeal a grievance to the next step within the specified time limits shall be deemed to be acceptance of the decision rendered at that step.

2. It is understood that employees shall, during and notwithstanding the pendency of any grievance, continue to observe all assignments and applicable rules and regulations of the Board until such grievance and any effect thereof shall have been fully determined.

3. In the presentation of a grievance, the employee shall have the right to designate any representative or representatives of his own choosing to appear with him at any level.
4. All meetings and hearings under this procedure shall be conducted in private and shall include only such parties in interest and their designated or selected representatives.

Level One:

Any employee who has a grievance shall discuss it first with his immediate superior, in an attempt to resolve the matter informally.

Level Two:

If as a result of discussion the matter is not resolved to the satisfaction of the employee within five school days, he shall set forth his grievance in writing to the Superintendent specifying:

a. The nature of the grievance and date occurred.

b. The nature and extent of injury, loss, or inconvenience.

c. The results of previous discussions.

d. His dissatisfaction with decisions previously rendered.

The Superintendent shall communicate his decision to the employee in writing within five school days of receipt of the written grievance.

Level Three:

If the grievance is not resolved to the employee’s satisfaction, he may, no later than five school days after receipt of the Superintendent’s decision, request a review by the Board of Education. This request shall be submitted in writing through the Superintendent. The Board, or a committee thereof, may review the grievance and shall (at the option of the Board hold a hearing with the employee) render a decision in writing within thirty calendar days of receipt of the grievance by the Board or of the hearing with the employee, whichever comes later.

N.J.S.A. 34:13A-5.3

Adopted: 29 April 2004
4351  HEALTHY WORKPLACE ENVIRONMENT

The Board of Education recognizes a healthy workplace environment enables school support staff members to fully contribute their expertise and skills to their school district responsibilities. A healthy workplace environment can improve productivity, reduce absenteeism, and reduce staff turnover while having a positive impact on the school district’s programs provided to pupils in the school district.

A significant characteristic of a healthy workplace environment is that employees interact with each other with dignity and respect regardless of an employee’s work assignment or position in the school district. Repeated malicious conduct of an employee or group of employees directed toward another employee or group of employees in the workplace that a reasonable person would find hostile or offensive is unacceptable and is not conducive to establishing or maintaining a healthy workplace environment. This unacceptable conduct may include, but is not limited to, repeated infliction of verbal abuse such as the use of derogatory remarks; insults; verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; or the gratuitous sabotage or undermining of a person’s work performance. A single act of such conduct shall not constitute the unacceptable conduct prohibited by this policy unless it is especially severe and egregious.

Unacceptable conduct, for the purposes of this policy, is not conduct toward an employee of a protected class or because of the employee’s protected activity. These employees and activities are afforded the legal protections under various Federal and State anti-discrimination laws. In addition, unacceptable conduct for the purposes of this policy shall not be confused with conduct of management employees exercising management rights including, but not limited to, assigning tasks, reprimanding, assigning discipline, or directing.

Employees who believe the conduct prohibited by this policy has been directed toward them or to another employee of the school district shall submit a written report to the Superintendent of Schools. The written report shall provide specific details supporting the claim including, but not limited to, the specific conduct; the names of witnesses (if any) who may have observed such conduct; dates or times when such conduct occurred; and any other information the person(s) making the report believes will be informative and helpful to an investigation of the allegations. Upon receipt of a report, the Superintendent or designee will conduct an investigation and upon completion of the investigation will inform the person(s) who made the report such an investigation was completed. The amount of investigation information shared with the person(s)
making the report will be at the discretion of the Superintendent or designee and may vary depending on whether the conduct reported was directed to the person(s) making the report, confidential personnel matters, and/or other issues as determined by the Superintendent or designee.

If the investigation determines conduct prohibited by this policy has taken place, the Superintendent or designee will meet with the offender(s) and the victim(s) to review the investigation results and to implement remedial measures to ensure such conduct does not continue or reoccur. Appropriate disciplinary action may be taken depending on the severity of conduct.

There shall be no reprisals or retaliation against any person(s) who reports conduct prohibited by this policy.

Adopted: 12 April 2010
The Board of Education recognizes that an employee’s right to freedom from employment discrimination includes the opportunity to work in an environment untainted by sexual harassment. Sexually offensive speech and conduct are wholly inappropriate to the harmonious employment relationships necessary to the operation of the school district and intolerable in a workplace to which the children of this district are exposed.

Sexual harassment includes all unwelcome sexual advances, requests for sexual favors, and verbal or physical contacts of a sexual nature that would not have happened but for the employee’s gender. Whenever submission to such conduct is made a condition of employment or a basis for an employment decision, or when such conduct is severe and pervasive and has the purpose or effect of unreasonably altering or interfering with work performance or creating an intimidating, hostile, or offensive working environment, the employee shall have cause for complaint.

The sexual harassment of any employee of this district is strictly forbidden. Any employee or agent of this Board who is found to have sexually harassed an employee of this district will be subject to discipline, which may include termination of employment. Any employee who has been exposed to sexual harassment by any employee or agent of this Board is encouraged to report the harassment to an appropriate supervisor. An employee may complain of any failure of the Board to take corrective action by recourse to the procedure by which a discrimination complaint is processed. The employee may appeal the Board’s action or inaction to the New Jersey Division on Civil Rights or to the United States Equal Employment Opportunity Commission. Complaints regarding sexual harassment shall be submitted following the procedures outlined in Regulation 1530, Equal Employment Opportunity.

The Superintendent shall instruct all employees of this Board to recognize and correct speech and behavior patterns that may be sexually offensive with or without the intent to offend.

29 C.F.R. 1604.11

Adopted: 29 April 2004
SUPPORT STAFF MEMBER TENURE

The Board of Education directs that the tenure status of support staff members be determined only in accordance with law and this policy and such contractual terms as may have been negotiated with the employee’s majority representative.

The Board will not grant tenure to any employee for whom such tenure has not been provided in law.


Adopted: 29 April 2004
The Board of Education will take no retaliatory action, by discharge, demotion, suspension, or any other adverse action, against an employee because that employee has conscientiously:

1. Disclosed or threatened to disclose to a supervisor or public body an activity, policy, or practice of this Board or any district officer that the employee reasonably believes to be in violation of law or rule;

2. Provided information to a public body conducting an investigation, hearing, or inquiry into any alleged violation of law by the Board or an officer of this district; or

3. Objected to or refused to participate in an activity, policy, or practice of this district that the employee reasonably believes to be in violation of law or rule, fraudulent, criminal, or incompatible with a clear mandate of public policy concerning the public health, safety, or welfare or protection of the environment.

An employee who has reason to believe that the Board has engaged in an illegal activity or an activity contrary to public policy must report that belief in writing to the Superintendent before notice is given to a supervisor or a public body. The Superintendent shall promptly report the same to the Board and institute an investigation of the reported activity. The findings of the investigation will be reported in writing to the Board and to the employee.

The protection of law and this policy apply only to employees who have given notice in accordance with this policy and have afforded the Board a reasonable period of time to take any corrective action that may be required or have acted in circumstances that the employee believes in good faith constitute an emergency.

The Superintendent shall post notice of this policy and inform employees of their rights under the New Jersey Conscientious Employee Protection Act.

N.J.S.A. 34:19-1

Adopted: 29 April 2004
4410 COMPENSATION

The Board of Education will establish the compensation for support staff members not covered by the terms of a negotiated agreement or individual contract with the Board.


Adopted: 29 April 2004
4415 SUBSTITUTE WAGES

In order to ensure reliable assistance in the absence of regular support staff employees, the Board of Education will offer competitive compensation to qualified substitute secretaries, clerks, custodians, maintenance workers, bus drivers, teacher aides, and cafeteria workers. In no instance shall the wages paid a substitute exceed the wages paid the regular employee.

Substitutes support staff members will be paid at a per diem rate set annually by the Board.

Adopted: 29 April 2004
4420 HEALTH BENEFITS

Employees listed in Part A who are excluded from representation by collective negotiations as identified by contract language, New Jersey Statute, or New Jersey Administrative Code and whose work week consists of thirty five hours or more and who are under contract to the Board of Education, shall be covered by the same program of health, dental, and prescription benefits (herein after referred to as health benefits) as that offered in the contract negotiated with the teachers’ majority representative.

Employees hired prior to July 1, 2007, who received health benefits will be entitled to health benefit coverage providing their hours do not drop below the original twenty hours that previously entitled them to benefits.

With regard to dental and prescription benefits, the following persons not covered by the terms of a negotiated agreement whose work week consists of thirty five hours or more shall have benefits fully paid by the Board.

A. All Central Office Professional Administrators

1. Supervisor of Buildings and Grounds
2. Executive Secretary to the Superintendent
3. Personnel Secretary
4. Secretary to the Board Secretary/Business Administrator; Payroll
5. Confidential Accounting Assistant

Effective July 1, 2009, the employees listed in Part B below shall receive medical benefits from the Direct Access plan and shall be covered by the same dental and prescription plans provided to the bargaining groups.

1. Classroom Instructional Aides
2. Network Assistant
3. Bus Drivers
4. Bus Aides

5. Cafeteria/Playground Aides

For employees new to the district, coverage of all health benefits begins on the first day of the second month after the month of the effective date of hire (e.g., if the effective date of hire is in January, health benefits coverage begins March 1st). Ten-month employees who have an employment contract that begins September 1 are the exception--their health benefits coverage begins on September 1.

For employees leaving the district (for any reason), coverage of all health benefits ends on the first day of the second month after the month of the effective date of termination (e.g., if the effective date of termination is in January, health benefits coverage ends March 1st). Ten month employees who leave the district (for reasons other than retirement) effective June 30 are the exception--their health benefits coverage ends on September 1. Ten-month employees who leave the district (as a result of retirement) effective June 30 have their health benefits coverage end on August 1.

Special provisions or circumstances regarding health benefits as outlined in statute may apply and if so will supersede the above coverage begin/end timelines.

Date Adopted: 24 January 1989
Date Revised: 15 February 1994
   22 September 1998
   24 September 1999
   10 August 2004
   24 September 2007
   11 May 2009
4425 WORK RELATED DISABILITY PAY

The Board of Education will permit, in accordance with law, the absence without loss of pay or of annual or accumulated sick leave benefits of a support staff member disabled by accident or injury arising out of and in the course of employment. Any such employee shall seek the workers’ compensation benefits to which he/she is entitled by law.

An employee whose disability has qualified for the receipt of workers’ compensation benefits shall be presumed eligible for work related disability pay under this policy. When an employee’s disability is so brief as to preclude the employee’s application for worker’s compensation benefits, the employee may request and the Board may grant work related disability pay.

Any employee who qualified for work related disability pay under this policy shall receive full pay during the period he/she is on disability leave of absence, up to twelve consecutive months.

As a condition of receiving full salary, an employee who receives workers’ compensation benefits for his/her work-related disability must endorse and deliver to the Board all workers’ compensation temporary disability checks received for the period covered by this policy.

N.J.S.A. 34:15-38

Adopted: 29 April 2004
4431 UNCOMPENSATED LEAVE

The Board of Education may grant a leave of absence without pay on the application of a support staff employee for the purpose of recuperation, study, travel, child care, or other justified reason provided that the employee agrees to return to employment in this district not later than the beginning of the school year following the termination of the period for which the leave is granted.

The Board reserves the right to specify the conditions not otherwise covered by the terms of a negotiated agreement under which uncompensated leave may be taken. Uncompensated leave may be granted only to permanent employees who have completed four (4) years of service in this district.

A request for uncompensated leave shall be made to the Superintendent of Schools at least twelve (12) weeks in advance of the date on which the proposed leave will begin. A waiver to that rule may be granted in emergency situations. All applications for uncompensated leave are subject to final approval by the Board.

Uncompensated leaves may be granted for a period of twenty-five 25 weeks.

An extension of an uncompensated leave will be considered upon application to the Superintendent of Schools.

A change in the purpose of a leave must be reported to the Superintendent of Schools. The Board reserves the right to terminate any uncompensated leave of absence for which the purpose has been altered.

An employee absent on uncompensated leave must return to the school district at the termination of the leave; an employee’s failure to do so will be considered an abandonment of employment. An employee who returns from an uncompensated leave will be offered a position for which he/she is qualified. Time spent on an uncompensated leave of absence will not count as time on the job for any purpose.

Adopted: 29 April 2004
Revised: 23 August 2010
4431.1 FAMILY LEAVE

A. Introduction

The Board will provide family leave in accordance with the Federal Family and Medical Leave Act (FMLA) and the New Jersey Family Leave Act (NJFLA).

FMLA leave for eligible staff members shall be up to twelve weeks leave of absence in any twelve month period upon advance notice to the district for the birth of a son or daughter of the staff member and in order to care for such son or daughter; for the placement of a son or daughter with the staff member for adoption or foster care; in order to care for the spouse, son, daughter, or parent of the staff member if such spouse, son, daughter, or parent has a serious health condition; or for a serious health condition that makes the staff member unable to perform the functions of the position of such staff member.

NJFLA leave for support staff members shall be up to twelve weeks leave of absence in any twenty-four month period upon advance notice to the district so that a staff member may provide care made necessary by the birth of a child of the staff member, the placement of a child with the staff member in connection with adoption of such child by the staff member, and the serious health condition of a spouse, parent, or child.

B. Applicability

The Board will comply with requirements of the New Jersey and Federal Family Leave laws. The laws have similar and different provisions that may provide different rights and obligations for the staff member and/or the Board. The staff member shall be afforded the most favorable rights if there is a conflict in the rights afforded to the staff member under the two laws.

1. If the staff member is eligible for leave for reasons provided under the FMLA and NJFLA, then the time taken shall be concurrent and be applied to both laws.

2. The NJFLA provides twelve weeks leave in a twenty-four month period while the FMLA provides twelve weeks leave in a twelve-month period. A staff member is eligible for up to twelve weeks leave in the first twelve months of the twenty-four month period under the NJFLA. A staff member is eligible for up to twelve weeks leave in the second twelve-month period under the FMLA.

3. In the event the reason for the family leave is recognized under one law and not the other law, the staff member is eligible for each law’s leave entitlements within one twelve-month period.
period. (Example: A staff member may use their FMLA leave for a twelve week family leave for their own pregnancy, which is considered a "serious health condition" under FMLA, and upon conclusion of the twelve week FMLA leave, the staff member would be eligible for a twelve week NJFLA leave to care for their newborn or any other reasons pursuant to the NJFLA.)

C. Definitions

1. Federal Family and Medical Leave Act (FMLA)

"Son" or "daughter" means a biological, adopted or foster child, stepchild, legal ward, or a child of a person standing in loco parentis, who is under eighteen years of age or eighteen years of age or older but incapable of self-care because of a mental or physical impairment.

"Parent" means the biological parent of a staff member or an individual who stood in loco parentis to a staff member when the staff member was a son or daughter. This term does not include parents "in law."

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical facility or continuing treatment by a health care provider.

"Week" is the number of days an employee normally works each calendar week.

"Staff member" means an employee eligible for family and medical leave in accordance with the Federal Family and Medical Leave Act (FMLA).

2. New Jersey Family Leave Act (NJFLA)

"Child" means a biological, adopted or foster child, stepchild, legal ward, child of a parent who is under eighteen years of age or a child eighteen years of age or older but incapable of self-care because of a mental or physical impairment.

"Parent" is a biological, adoptive, or foster parent; step-parent; parent-in-law; a legal guardian having a "parent-child relationship" with a child as defined by law; or a person who has sole or joint legal or physical custody, care, guardianship, or visitation with a child.
"Serious health condition" is an illness, injury, impairment, or physical or mental condition that requires inpatient care in a hospital, hospice, or residential medical facility or continuing medical treatment or continuing supervision by a health care provider.

"Week" is the number of days an employee normally works each calendar week.

"Staff member" is an employee eligible for family leave in accordance with the New Jersey Family Leave Act.

D. Eligibility

1. Federal Family and Medical Leave Act (FMLA)

A staff member shall become eligible for FMLA leave after he/she has been employed at least twelve months in this district and employed for at least 1250 hours of service during the twelve-month period immediately preceding the commencement of the leave.

The twelve months the staff member must have been employed need not be consecutive months pursuant to 29 CFR Part 825 Section 110(b). The minimum 1250 hours of service shall be determined according to the principles established under the Fair Labor Standards Act (FSLA) for determining compensable hours of work pursuant to 29 CFR Part 785. Entitlement to FMLA leave taken for the birth of a son or daughter or placement of a son or daughter with the staff member for adoption or foster care shall expire at the end of the twelve-month period beginning on the date of such birth or placement.

Pursuant to 29 CFR Part 825 Section 202, a husband and wife both employed by the district are limited to a combined total of twelve weeks of leave during the twelve-month period if the leave is taken for the birth of a son or daughter of the staff member or to care for such son or daughter after birth; for placement of a son or daughter with the staff member for adoption or foster care or in order to care for the spouse, son, daughter, or parent of the staff member with a serious health condition.

The method to determine the twelve-month period in which the twelve weeks of FMLA leave entitlement occurs will be - a "rolling" twelve month period measured backward from the date a staff member uses any family leave.)

A staff member during any period of FMLA leave is prohibited from performing any services on a full-time basis for any person for whom the staff member did not provide services immediately prior to commencement of the leave. A staff member using FMLA leave may
commence part-time employment that shall not exceed half the regularly scheduled hours worked for the district. The staff member may continue the part-time employment which commenced prior to the FMLA leave at the same number of hours that the staff member was regularly scheduled prior to such leave.

2. New Jersey Family Leave Act (NJFLA)

A staff member shall become eligible for NJFLA leave after he/she has been employed at least twelve months in this district for not less than 1,000 base hours, excluding overtime, during the immediate preceding twelve month period. The calculation of the twelve-month period to determine eligibility shall commence with the commencement of the NJFLA leave. NJFLA leave taken for the birth or adoption of a healthy child may commence at any time within a year after the date of the birth or placement for adoption.

A staff member during any period of the NJFLA leave is prohibited from performing any services on a full-time basis for any person for whom the staff member did not provide services immediately prior to commencement of the leave. A staff member on NJFLA leave may commence part-time employment that shall not exceed half the regularly scheduled hours worked for the district. The staff member may continue the part-time employment that commenced prior to the NJFLA leave at the same number of hours that the staff member was regularly scheduled prior to such leave.

The method to determine the twenty-four month period in which the twelve weeks of NJFLA leave entitlement occurs will be - a "rolling" twenty-four month period measured backward from the date a staff member uses any leave.

E. Types of Leave

1. Federal Family and Medical Leave Act (FMLA)

A staff member may take FMLA leave in consecutive weeks, as intermittent leave, or as reduced leave. A staff member who requests intermittent or reduced leave shall make a reasonable effort to schedule such leave so as not to unduly disrupt the instructional/educational program.

a. Leave for the birth of a son or daughter or placement of a son or daughter with the staff member for adoption or foster care may not be taken by a staff member intermittently or on a reduced leave schedule.
b. Leave may be taken intermittently or on a reduced leave schedule when medically necessary for planned and/or unanticipated medical treatment of a related serious health condition by or under the supervision of a health care provider, or for recovery from treatment or recovery from a serious health condition.

c. Intermittent leave means leave scheduled for periods of time from one hour or more to several weeks; however, the total time within which the leave is taken can not exceed a twelve month period for each serious health condition episode. Intermittent leave may be taken for a serious health condition that requires periodic treatment by a health care provider, rather than one continuous period of time. Intermittent leave may also be taken for absences where the staff member is incapacitated or unable to perform the essential functions of the position because of a serious health condition even if the staff member does not receive treatment by a health care provider. The staff member shall make a reasonable effort to schedule intermittent leave so as not to unduly disrupt the operations of the instructional/educational program.

d. Reduced leave means leave scheduled for fewer than the staff member’s usual number of hours worked per workweek, but not fewer than a staff member’s usual number of hours worked per workday, unless otherwise agreed to by the staff member and the district. A staff member is entitled, at the option of the staff member, to take leave on a reduced leave schedule not exceeding twenty-four consecutive weeks. The staff member shall make a reasonable effort to schedule reduced leave so as not to unduly disrupt the operations of the instructional/educational program. The staff member shall provide the district prior notice of the care, medical treatment or continuing supervision by a health care provider necessary due to a serious health condition of a family member in a manner that is reasonable and practicable. Leave taken on a reduced leave schedule shall not result in a reduction of the total amount of leave to which a staff member is entitled.

e. The fact that a holiday may occur within the week taken by a staff member as Family Leave has no effect and the week is counted as a week of Family Leave. However, if the staff member is out on Family Leave and the school district is closed and the staff member would not be expected to report for work for one or more weeks, the weeks the school district is closed for this staff member do not count against the staff member’s family leave entitlement.

Any leave time remaining after a staff member has exhausted his/her entitlement to intermittent leave in any twelve month period may be taken as consecutive leave or reduced leave, and any leave time remaining after a staff member has exhausted his/her entitlement to reduced leave in any twelve month period may be taken as consecutive leave or intermittent leave.

f. "Instructional employees" as defined in 29 CFR 825 Section 600(c) are those staff members whose principle function is to teach and instruct pupils in class, a small group, or in an individual setting. This term includes teachers, athletic coaches, driving instructors, and special education assistants, such as signers for the hearing impaired. Teacher assistants or aides who do not have as their principal job actual teaching or instructing, guidance counselors, child
study team members, curriculum specialists, cafeteria workers, maintenance workers and/or bus drivers are not considered instructional employees for the purposes of this policy. Semester as defined in 29 CFR 825 section 602(a)(3)(b) means the school semester that typically ends near the end of the calendar year and the end of the spring each school year. A school district can have no more than two semesters in a school year.

i. Leave taken at the end of the school year and continues into the beginning of the next school year is considered consecutive leave.

ii. In accordance with 29 CFR 825 section 601(a)(1), eligible instructional staff members that need intermittent or reduced leave to care for a family member, or for the staff member’s own serious health condition which is foreseeable based on planned medical treatment and the staff member would be on leave more than twenty percent of the total number of working days over the period the leave would extend, the district:

(a) May require the staff member to take the leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

(b) Transfer the staff member temporarily to an available alternative position for which the staff member is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the staff member’s regular position.

iii. If the instructional staff member does not give the required notice for leave that is foreseeable and desires the leave to be taken intermittently or on a reduced leave schedule, the district may require the staff member to take leave of a particular duration, or to transfer temporarily to an alternative position. Alternatively, the district may require the staff member to delay taking the leave until the notice provision is met.

iv. In accordance with 29 CFR 825 Section 602, if an instructional staff member begins leave more than five weeks before the end of the school year, the district may require the staff member to continue taking leave until the end of the semester if:

(a) The leave will last three weeks, and

(b) The staff member would return to work during the three-week period before the end of the semester.

v. In accordance with 29 CFR 825 Section 602, if an instructional staff member begins leave for a purpose other than the staff member’s own serious health condition during the five-week period before the end of the semester, the district may require the staff member to continue taking leave until the end of the semester if:

(a) The leave will last more than two weeks; and

(b) The employee would return to work during the two-week period before the end of the semester.
(Example of leave falling within these provisions: If a staff member plans two weeks of leave to care for a family member which will begin three weeks before the end of the term, the district could require the staff member to stay out on leave until the end of the term.)

vi. In accordance with 29 CFR 825 Section 602, if an instructional staff member begins leave for a purpose other than the staff member’s own serious health condition during the three week period before the end of a semester, the district may require the staff member to continue taking leave until the end of the semester if the leave will last more than five working days.

vii. In the event the district requires the instructional staff member to take additional leave to the end of the semester in accordance with iv., v., or vi. above, the additional leave days shall not be counted as FMLA leave.

2. New Jersey Family Leave Act (NJFLA)

A staff member may take NJFLA leave in consecutive weeks, as intermittent leave, or as reduced leave. A staff member who requests intermittent or reduced leave shall make a reasonable effort to schedule such leave so as not to unduly disrupt the instructional/educational program.

a. In the case of a family member who has a serious health condition, leave may be taken intermittently when medically necessary. The total time within which the leave is taken, cannot exceed a twelve-month period for each serious health condition episode. The staff member will provide the district with prior notice of the leave in a manner which is reasonable and practicable; and the staff member shall make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the instructional/educational program. In the case of the birth or adoption of a healthy child, the leave may be taken intermittently only if agreed to by the staff member and the district.

b. Reduced leave means leave scheduled for fewer than the staff member’s usual number of hours worked per workweek, but not fewer than a staff member’s usual number of hours worked per workday, unless otherwise agreed to by the staff member and the district. A staff member is entitled, at the option of the staff member, to take leave on a reduced leave schedule except the staff member is not entitled to a reduced leave schedule for a period exceeding twenty-four consecutive weeks. The staff member is not entitled to take the leave on a reduced leave schedule without an agreement between the staff member and the district if the leave is taken upon the birth or adoption of a healthy child. The staff member shall make a reasonable effort to schedule reduced leave so as not to unduly disrupt the operations of the instructional/educational program. The staff member shall provide the district prior notice of the care, medical treatment or continuing supervision by a health care provider necessary due to a serious health condition of a family member in a manner that is reasonable.
and practicable. Leave taken on a reduced leave schedule shall not result in a reduction of the total amount of leave to which a staff member is entitled.

c. The fact that a holiday may occur within the week taken by a staff member as Family Leave has no effect and the week is counted as a week of Family Leave. However, if the staff member is out on Family Leave and the school district is closed and the staff member would not be expected to report for work for one or more weeks, the days the school district is closed for this staff member do not count against the staff member’s family leave entitlement.

Any leave time remaining after a staff member has exhausted his/her entitlement to intermittent leave in any twelve month period may be taken as consecutive leave or reduced leave, and any leave time remaining after a staff member has exhausted his/her entitlement to reduced leave in any twelve month period may be taken as consecutive leave or intermittent leave.

F. Notice

1. Federal Family and Medical Leave Act (FMLA)

a. Foreseeable Leave - A staff member eligible for FMLA leave must give at least a thirty day written advance notice to the Superintendent if the need for the leave is foreseeable based on an expected birth, placement for adoption of foster care, or planned medical treatment for a serious health condition of the staff member or a family member. If thirty days is not practical, the staff member must provide notice "as soon as practicable" which means as soon as both possible and practical, taking into account all the facts and circumstances in the individual case. For foreseeable leave where it is not possible to give as much as thirty days notice "as soon as practical" ordinarily would mean at least verbal notification to the Superintendent within one or two business days or when the need for leave becomes known to the staff member. The written notice shall include the reasons for the leave, the anticipated duration of the leave and the anticipated start of the leave.

When planning medical treatment, the staff member must consult with the Superintendent and make a reasonable effort to schedule the leave so as not to unduly disrupt the educational program, subject to the approval of the health care provider. Staff members are ordinarily expected to consult with the Superintendent prior to scheduling of treatment that would require leave for a schedule that best suits the needs of the district and the staff member.

The district may delay the staff member taking leave for at least thirty days if the staff member fails to give thirty days notice for foreseeable leave with no reasonable excuse for the delay.
b. Unforeseeable Leave - When the approximate timing of the need for leave is not foreseeable, a staff member should give notice to the Superintendent for leave as soon as practicable under the facts and circumstances of the particular case. It is expected the staff member will give notice to the Superintendent within no more than one or two working days of learning of the need for leave, except in extraordinary circumstances where such notice is not foreseeable. The staff member should provide notice to the employer either in person or by telephone, telegraph, facsimile machine or other electronic means.

2. New Jersey Family Leave Act (NJFLA)

a. Foreseeable Leave - A staff member eligible for NJFLA leave must give at least a thirty day advance written notice to the Superintendent of the need to take family leave except where the need to take family leave is not foreseeable.

i. Notice for leave to be taken for the birth or placement of the child for adoption shall be given at least thirty days prior to the commencement of the leave, except that if the date of the birth or adoption requires leave to begin in less than thirty days, the employee shall provide such notice that is reasonable and practicable.

ii. Notice for leave to be taken for the serious health condition of a family member shall be given at least fifteen days prior to the commencement of leave, except that if the date of the treatment or supervision requires leave to begin in less than fifteen days, the staff member shall provide such notice that is reasonable and practicable.

iii. When the Superintendent is not made aware that a staff member was absent for family leave reasons and the staff member wants to request the leave be counted as family leave, the staff member must provide timely notice within two business days of returning to work to have the time considered for family leave in accordance with the Family Leave Act.

b. Unforeseeable Leave - When the need for leave is not foreseeable, the staff member must provide notice "as soon as practicable" which shall be at least verbal notice to the Superintendent within one or two business days of the staff member learning of the need to take family leave. Whenever emergent circumstances make written notice impracticable, the staff member may give verbal notice to the Superintendent, but any verbal notice must be followed by written notice delivered within Superintendent working days.

G. Leave Designation

An eligible staff member shall designate FMLA or NJFLA leave upon providing notice of the need for the leave or when the need for leave commences. The Superintendent shall provide the staff member with this Policy to assist the staff member in determining the type of leave.
H. Benefits

The Federal Family and Medical Leave Act and/or the New Jersey Family Leave Act shall be unpaid leave.

The Board will maintain coverage under any group health insurance policy, group subscriber contract, or health care plan at the level and under the conditions coverage would have been provided if the staff member had continued to work instead of taking the leave. If the staff member was paying all or part of the premium payments prior to the leave, the staff member would continue to pay his/her share during the leave time. Any instructional employee who is on leave under NJFLA or FMLA at the end of the school year will be provided with any benefits over the summer that the employee would normally receive if they had been working at the end of the school year.

I. Returning from Leave

The Federal Family and Medical Leave Act and/or the New Jersey Family Leave Act

A staff member returning from leave shall be entitled to the position he/she held when leave commenced or to an equivalent position of like seniority, status, employment benefits, pay and other conditions of employment. If the district experiences a reduction in force or layoff and the staff member would have lost his/her position had the staff member not been on family leave as a result of the reduction in force or pursuant to the good faith operation of a bona fide layoff and recall system including a system under any collective bargaining agreement, the staff member shall be entitled to reinstatement to the former or an equivalent position in accordance with applicable statutes, codes and laws. The staff member’s tenure and seniority rights, if any, and other benefits shall be preserved, but the staff member shall accrue no additional time toward tenure or seniority for the period of the leave, except as may be provided by law.

If leave is taken under FMLA, and the staff member does not return to work after the leave expires, the Board is entitled to recover health insurance costs paid while the staff member was on FMLA. The Board’s right to recover premiums would not apply if the staff member fails to return to work due to:

1. The continuation, onset or recurrence of a serious health condition of the staff member; or
2. Circumstances beyond the staff member’s control.
J. Ineligible Staff Members

1. Federal Family and Medical Leave Act (FMLA)

The district may deny job restoration after FMLA leave if the staff member is a "key employee" as defined in 29 CFR 825 Section 217 if such denial is necessary to prevent substantial and grievous economic injury to the district or the district may delay restoration to a staff member who fails to provide a fitness for duty certificate to return to work for leave that was the staff member’s own serious health condition. A "key employee" is a salaried, staff member who is among the highest paid ten percent of the school district staff employed by the district within 75 miles of the worksite. No more than ten percent of the school district staff within 75 miles of the worksite may be "key employees." In the event the Superintendent believes that reinstatement may be denied to a key employee, the Superintendent must give written notice to the staff member at the time the staff member gives notice of the need for leave, or when the need for leave commences, if earlier, that he/she qualifies as a key employee. The key employee must be fully informed of the potential consequences with respect to reinstatement and maintenance of health benefits if the district should determine that substantial and grievous economic injury to the district’s operations will result if the staff member is reinstated from leave. The district’s notice must explain the basis for the district’s finding that substantial and grievous economic injury will result, and if leave has commenced, must provide the staff member a reasonable time in which to return to work. If the staff member on leave does not return to work in response to the district’s notice, the staff member continues to be entitled to maintenance of health insurance.

A key employee’s rights under the FMLA continue unless and until the staff member either gives notice that he/she no longer wishes to return to work or the district actually denies reinstatement at the conclusion of the leave period. A staff member is still entitled to request reinstatement at the end of the leave period even if the staff member did not return to work in response to the district’s notice. The district will then again determine whether there will be substantial and grievous economic injury from reinstatement based on the facts at that time. If it is determined that substantial and grievous economic injury will result, the district will notify the staff member in writing (in person or by certified mail) of the denial of the restoration.

2. New Jersey Family Leave Act

The district may deny family leave to the staff member if the staff member is a salaried employee who is among the highest paid five percent of the school district staff or one of the seven highest paid employees of the district, whichever is greater, if the denial is necessary to
prevent substantial and grievous economic injury to the school district’s operations. The Superintendent shall notify the staff member of the intent to deny the leave at the time the Superintendent determines the denial is necessary. If the leave has already commenced at the time of the district’s notification of denial, the staff member shall be permitted to return to work within ten working days of the date of notification.

K. Verification of Leave

1. Federal Family and Medical Leave Act (FMLA)

The Board requires a staff member’s FMLA leave to care for the staff member’s seriously ill spouse, son, daughter, or parent, or due to the staff member’s own serious health condition that makes the staff member unable to perform one or more of the essential functions of the staff member’s position, be supported by a certification issued by the health care provider of the staff member or the staff member’s ill family member. The certification must meet the requirements of 29 CFR Section 825.306 to include: which part of the definition of "serious health condition" applies; the approximate date the serious health condition commenced and its probable duration; whether it will be necessary for the staff member to take intermittent and/or reduced leave; whether the patient is presently incapacitated and the likely duration and frequency of episodes of incapacity; if additional treatments will be required for the condition; and/or if the patient’s incapacity will be intermittent or will require reduced leave. The certification of a serious health condition of a family member of the staff member shall be sufficient if it states the date on which the condition commenced, the probable duration of the condition, and the medical facts within the provider’s knowledge regarding the condition. Certification for the birth or placement of a child need only state the date of birth or date of placement.

In the event the Superintendent doubts the validity of the certification, in accordance with 29 CFR Section 825.307, the district may require, at the district’s expense, the staff member obtain an opinion regarding the serious health condition from a second health care provider designated by the district, but not employed on a regular basis by the district. If the second opinion differs from the staff member’s health care provider, the district may require, at the district’s expense, the staff member obtain the opinion of a third health care provider designated by the district or approved jointly, in good faith, by the district and the staff member. The opinion of the third health care provider shall be final and binding on the district and the staff member.

The district may require re-certification pursuant to the requirements of 29 CFR Section 825.308. In accordance with 29 CFR Section 825.309, the staff member on leave must provide a written report to the Superintendent every thirty workdays. The report shall include the staff member’s status and intended date to return to work. In the event the staff member’s
circumstances change, the staff member must provide reasonable notice to the Superintendent if the staff member intends to return to work on a date sooner than previously noticed to the district.

The staff member is not required to take more leave than necessary to resolve the circumstance that precipitated the need for leave. As a condition of returning to work after the leave for the staff member’s own serious health condition, and in accordance with 29 CFR Section 825.310, the district requires a staff member to provide a certification from their health care provider that the staff member is able to resume work.

In accordance with 29 CFR Section 825.311, the district may delay the taking of FMLA leave to a staff member who fails to provide certification within fifteen days after being requested to do so by the district. In accordance with 29 CFR Section 825.312, the district may delay the taking of leave until thirty days after the date the staff member provides notice to the district of foreseeable leave or the district may delay continuation of leave if a staff member fails to provide a requested medical certification in a timely manner.

2. New Jersey Family Leave Act

The Board shall require the certification of a duly licensed health care provider verifying the purpose of requested NJFLA leave. Certification of a serious health condition of a family member of the staff member shall be sufficient if it states the date on which the condition commenced, the probable duration of the condition, and the medical facts within the provider’s knowledge regarding the condition. Certification for the birth or placement of a child need only state the date of birth or date of placement, whichever is appropriate. In the event the Superintendent/Board of Education doubts the validity of the certification for the serious health condition of a family member of the staff member, the district may require, at the district’s expense, the staff member to obtain an opinion regarding the serious health condition from a second health care provider designated or approved, but not employed on a regular basis, by the district. If the second opinion differs from the certification the district may require, at the district’s expense, that the staff member obtain the opinion of a third health care provider designated or approved jointly by the district and the staff member concerning the serious health condition. The opinion of the third health care provider shall be final and binding on the district and the staff member.

L. Interference with Family Leave Rights

The Federal Family and Medical Leave Act and the New Jersey Family Leave Act prohibit interference with a staff member’s rights under the law, and with legal proceedings or inquiries
relating to a staff member’s rights. Unless permitted by the law, no staff member shall be
required to take family leave or to extend family leave beyond the time requested. A staff
member shall not be discriminated against for having exercised his/her rights under the Federal
Family and Medical Leave Act or the New Jersey Family Leave Act nor discouraged from the
use of family leave.

M. Non-Tenured Support Staff

Family leave granted to a non-tenured staff member cannot extend the employee's employment
beyond the expiration of his/her employment contract.

N. Record Keeping

In order that staff member’s entitlement to FMLA leave and NJFLA leave can be properly
determined, the Superintendent shall ensure the keeping of accurate attendance records that
distinguish family leave from other kinds of leave. The Superintendent will publish a notice
explaining the Act’s provisions and provide information concerning the procedures for filing
complaints of violations of the FMLA and NJFLA.

Implementation of FMLA and NJFLA will be consistent with provisions in collective
bargaining agreement(s) in the district.

29 U.S.C. 2601 et seq.
29 C.F.R. 825.200 et seq.
N.J.S.A. 34:11B-1 et seq.
N.J.A.C. 13:14-1 et seq.
Cross reference: Policy Guide Nos. 3431, 3431.1, 4431, 4431.1

Adopted: April 2004
Revised: 26 July 2006
4431.3 NEW JERSEY’S FAMILY LEAVE INSURANCE PROGRAM

Board of Education employees are eligible to apply for benefits under New Jersey’s Family Leave Insurance Program administered by the State of New Jersey – Department of Labor and Workforce Development. New Jersey’s Family Leave Insurance Program (NJFLI) may provide up to six weeks of family leave insurance benefits payable to covered employees from either the New Jersey State Plan or an approved employer-provided private plan.

A benefit provided through the NJFLI will be for the employee to bond with a child during the first twelve months after the child’s birth, if the covered individual or the domestic partner or civil union partner of the covered individual is a biological parent of the child, or the first twelve months after the placement of the child for adoption with the covered individual. An employee who intends to apply to the State of New Jersey for benefits under this provision of the NJFLI must provide the Superintendent of Schools written notice thirty calendar days prior to beginning the leave. Failure to provide this thirty-day notice may result in a reduction in the employee’s maximum family leave insurance benefits. Intermittent leave to bond with a newborn or newly adopted child must be agreed to by the Superintendent of Schools and the employee and, if agreed to, must be taken in periods of seven days or more.

A benefit provided through the NJFLI will also be to care for a family member with a serious health condition supported by a certification provided by a health care provider. An employee who intends to apply to the State of New Jersey for benefits under this provision of the NJFLI for consecutive leave must provide the school district reasonable and practical notice unless the time of the leave is unexpected or the time of the leave changes for unforeseen reasons. An employee who intends to apply for benefits under this provision of the NJFLI for intermittent leave must provide the school district with a written notice at least fifteen calendar days prior to beginning the leave.

For the purposes of this Policy, “family member” means a child, spouse, domestic partner, civil union partner, or parent of a covered individual. “Child” means a biological, adopted, or foster child, stepchild, or legal ward of a covered individual, child of a domestic partner of the covered individual, or child of a civil union partner of the covered individual, who is less than nineteen years of age or is nineteen years of age or older but incapable of self-care because of mental or physical impairment.

An employee will be required to use ten (10) workdays of earned vacation, personal or other earned leave in connection with a period of paid leave from the NJFLI. In accordance with N.J.S.A. 18A:30-1, sick leave is only to be used for personal disability due to illness or injury and therefore may not be used for NJFLI purposes.
All applications for benefits under the NJFLI must be filed directly with the State of New Jersey – Department of Labor and Workforce Development. The eligibility requirements, wage requirements, benefit duration and amounts, and benefit limitations shall be in accordance with the provisions of the NJFLI as administered by the State of New Jersey – Department of Labor and Workforce Development. A formal appeal may be submitted to the State of New Jersey – Department of Labor and Workforce Development if an employee or the Board disagrees with a determination on a claim.

The NJFLI provides eligible individuals a monetary benefit and not a leave benefit. In addition, the school district administrative and related staff will comply with the State of New Jersey - Department of Labor and Workforce Development requests for information in accordance with the provisions of N.J.A.C. 12:21-3.9.

The Board may elect to provide employees with Family Leave Insurance benefits coverage under a private plan which must be approved by the State of New Jersey – Department of Labor and Workforce Development.

A printed notification of covered individuals’ rights relative to the receipt of benefits under the NJFLI will be posted in each of the school district worksites and in a place or places accessible to all employees at the worksite. Each employee shall receive a copy of this notification in writing at the time of the employee’s hiring, whenever the employee provides written notice to the Superintendent of their intention to apply for benefits under the NJFLI, or at any time upon the first request of the employee. The written notification may be transmitted to the employee in electronic form.

N.J.A.C. 12:21-1.1 et seq.

Adopted: 8 February 2010
4432 SICK LEAVE

The Board of Education shall grant sick leave, in accordance with law, to support staff members absent from work because of personal disability or quarantine. Each steadily employed employee eligible for sick leave will be entitled annually to the number of paid sick leave days negotiated with the employee’s majority representative or provided in this policy or individual contract with the Board.

29 U.S.C. 2601 et seq.

Adopted: 29 April 2004
4433 VACATIONS

The Board of Education believes that it is beneficial to the school district that persons employed to work twelve months a year be given periodic relief from the responsibilities of their position without loss of compensation.

The Board reserves the right to determine the conditions under which vacation time may be taken when not otherwise covered by the terms of a negotiated agreement or individual contract with the Board.

N.J.S.A. 18A:30-7

Adopted: 29 April 2004
The Board of Education will compensate support staff members for holidays in accordance with the holiday provisions of current valid negotiated contracts.

Compensation for holidays for non-association/non-union represented support staff members will be determined by the Board on an annual basis.

Unless specified in a current valid negotiated contract, if the recognized holiday falls on a Saturday, the Friday immediately preceding is a holiday; if the recognized holiday falls on a Sunday, the Monday immediately following is a holiday.

N.J.S.A. 36:1-1

Adopted: 29 April 2004
Revised: 10 August 2004
The Board of Education shall provide for leaves of absence, in accordance with law and the policies of this Board, for any employee of this district not otherwise covered by the terms of the negotiated agreement whose absence from duties will be required for a foreseeable event of disability such as childbirth or surgery.

An employee who anticipates disability shall so notify the Superintendent as soon as the employee is under medical supervision for the condition and a date is projected for the anticipated disability. Because of the potentially disabling nature of pregnancy and the certainty of temporary disability at parturition, the Board will presume that a pregnant employee is disabled for work thirty days before the anticipated date of childbirth and continues to be disabled for thirty days after parturition, except that any such employee who presents medical certification of her fitness may continue to work until she is actually disabled and may return to work as soon as she is able.

The Board reserves the right to require an employee who requests an extended leave of absence that includes anticipated disability to commence and/or terminate the leave at times that ensure continuity in district operations. Whenever possible, partial year leaves of absence will begin and end at divisions in the academic calendar and will cause not more than one interruption in employment continuity during the school year in which the leave is taken. No person who is required to take leave at a time other than that requested will be denied the use of sick leave for the anticipated disability that occurs or is presumed to occur during the leave.

An employee who anticipates a disability may request a leave of absence to commence before disability and to extend beyond the period of disability. Any such request shall be subject to Board discretion and the Board’s policy on leave of absence. An employee on voluntary leave of absence is not eligible for sick leave pay for disability occurring during the period of that absence.

42 U.S.C.A. 2000e-2(a)  
29 C.F.R. 1604-1 et seq.  
N.J.S.A. 10:5-12(a)  

Adopted: 29 April 2004
The Board of Education will provide for an employee’s compensated absence for reason of personal necessity not covered by the terms of a negotiated agreement or individual contract with the Board.

The Board reserves the right to determine the reasons for which personal leave will be granted, the number of days that may be used in any one school year for personal leave, and the manner of proof of personal necessity.

In no case shall personal leave be taken to extend a school holiday, vacation, or religious holiday or social or avocational reasons.

N.J.S.A. 18A:30-7

Adopted: 29 April 2004
4437 MILITARY LEAVE

The Board of Education recognizes that military service rendered by any district employee in the defense of the country or in maintaining preparedness for conflict, foreign or domestic, is a service benefiting all citizens. Any permanent or full-time officer and/or employee of the district will be provided military leave and related benefits pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. Section 4301 et seq., P.L. 2001 Chapter 351 amending N.J.S.A. 38:23-1, N.J.S.A. 38A:1-1 and N.J.S.A. 38A:4-4., and any other applicable Federal and State laws.

A permanent or full-time temporary officer or employee of the school district who is a member of the organized militia of New Jersey (New Jersey National Guard, New Jersey Naval Militia Joint Command) shall be entitled, in addition to pay received, if any, to a leave of absence without loss of pay or time on all days in which he/she is engaged in any period of State or Federal active duty. The leave of absence for Federal active duty or active duty for training shall not exceed ninety workdays in the aggregate in any calendar year. A permanent or full-time temporary officer or employee who has served less than one year in the district shall receive this leave without pay, but without loss of time. This paid leave shall be in addition to the regular vacation or other accrued leave provided to the officer or employee. Any leave of absence for such duty in excess of ninety workdays shall be without pay, but without loss of time.

A permanent or full-time temporary officer or employee of the school district who is a member of the organized reserve of the Army of the United States, United States Naval Reserve, United States Air Force Reserve or United States Marine Corps Reserve, or other organization affiliated therewith, including the National Guard of other states, shall be entitled, in addition to pay received, if any, to a leave of absence without loss of pay or time on all work days he/she shall be engaged in any period of active duty, provided such leave of absence shall not exceed thirty work days in any calendar year. A permanent or full-time temporary officer or employee who has served less than one year in the district shall receive this leave without pay, but without loss of time. This paid leave shall be in addition to the regular vacation or other accrued leave provided to the officer or employee. Any leave of absence for such duty in excess of thirty workdays shall be without pay, but without loss of time.

Military leave with pay is not authorized for Inactive Duty Training (IDT) as defined in N.J.A.C. 5A:2-2.1.

The district will provide benefits and rights for staff on military leave as required by Federal and State laws.
Pursuant to N.J.S.A. 52:13H-2.1, in accordance with the provisions of Article VIII, Section II, paragraph 5 of the New Jersey Constitution, upon application by the district to the State Treasury and approval of the application by the Director of the Division of Budget and Accounting, reimbursement shall be made by the State of New Jersey for any costs incurred as a result of the provisions of P.L. 2001, Chapter 351.

N.J.S.A. 38:23-1 et seq.; 38A:1-1; 38A:4-4; 52:13H-2.1;
N.J.A.C. 5A:2-2.1
Uniformed Services Employment and reemployment Rights Act (USERRA), 38 U.S.C. Section 4301 et seq.

Adopted: 29 April 2004
4438 JURY DUTY

The Board of Education will indemnify all full-time employees against loss of pay incurred by a call to jury duty. No employee will be penalized in any way for an absence caused by service on a panel of grand or petit jurors. The time any such employee is absent will not be charged against personal leave and will count toward district service.

A full-time employee who is absent from their school district duties while on jury duty for any court of New Jersey, any court of any other State, any federal district court, or in the U.S. District Court for New Jersey will receive their usual compensation from the school district for each day the support staff member is present for jury duty. In the event there is any jury duty compensation, excluding mileage and lodging, paid to the employee for their time on jury duty, the employee will reimburse the school district the amount of any jury duty compensation paid to the staff member.

An employee summoned to jury duty shall promptly report the summons to his/her immediate supervisor.

On return from jury duty, the employee must submit to his/her immediate supervisor a court record of the number of days served on jury duty.

While on jury duty, an employee must report daily to his/her supervisor the schedule for the following day and must report to work when he/she is excused from jury duty for half a day or more or suffer loss of pay.

N.J.S.A. 2B:20-1 et seq.; 2B:20-16

Adopted: 29 April 2004