



# **Employee Handbook**

**2018-19**

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In the York County School Division, students will be admitted, retained, dismissed, assigned and/or transferred and be allowed to participate in all programs and activities in the York County School Division without regard to sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status, genetic information or any other characteristic protected by law, except as permitted by state or federal law and provides equal access to the Boy Scouts of and other designated youth groups. For more information contact:

Title IX Coordinator, Chief Human Resources Officer or  
Section 504 Coordinator, Director of Student Services  
302 Dare Road  
Yorktown, VA 23692  
(757) 898-0349

# MESSAGE FROM SUPERINTENDENT



Dear Teachers and Staff Members,

Welcome to the York County School Division. We are pleased you have joined our team. The purpose of this handbook is to provide all YCSD employees with important information and references to School Board policies, regulations, and procedures that will pave the way for employees to have a successful year and work experience. However, the handbook is not a detailed description of all employment policies and the school board

retains the right to modify anything contained in this handbook at any time. Please be sure to take the time to review the policies, Superintendent's Regulations and Standard Operating Procedures which govern employee practices and conduct and are available on Sid.

Every employee contributes to the overall success of our students and we must work together to ensure our students acquire the skills and knowledge they need to make productive contributions in our world. I hope you find your employment with our division a rewarding and enjoyable experience.

Kind Regards,

Victor D. Shandor, Ed.D.  
*Division Superintendent*

# SCHOOL BOARD MEMBERS



Barbara S. Haywood, District 1

Michael Anderson., District 2

Mark A. Medford, District 3

James E. Richardson, District 4

Robert W. George, D.D.S., District 5

## OUR MISSION

The mission of the York County School Division is to engage all students in acquiring the skills and knowledge needed to make productive contributions in the world.

# **POLICIES AND REGULATIONS**

## **Disciplinary Action**

It is the policy of the School Board to discourage behavior that violates rules, policy, procedures, acceptable standards of ethical conduct, regulations and laws, or other intentional conduct that results in unacceptable performance. Disciplinary action is designed to be fair, just and in proportion to the seriousness of the violation. Supervisors are primarily responsible for beginning the disciplinary process as situations that warrant discipline occur.

Behaviors warranting disciplinary measures include, but are not limited to, lying, cheating, stealing, disregard for work rules, willful failure to meet job standards, misusing position with the School Board, conviction of a criminal offense, acts which place property or persons at risk of injury, and using or being under the influence of alcohol or drugs on the job or any of these acts in their various forms.

There are certain types of offenses which may result in severe discipline, including termination. Examples include, but are not limited to, falsification or improper use of School Board records, including personnel and payroll documents, sleeping on the job during working hours, refusal to comply with reasonable instructions from an authorized supervisor, theft, violation of established safety practices, tardiness, excessive absenteeism, and doing willful damage to School Board property or equipment. The preceding is intended as a guide for all employees with reference to disciplinary matters. The severity of the penalty will depend on the facts and circumstances of each particular instance.

Disciplinary action may result in:

1. Verbal Warning
2. Written Warning
3. Administrative Leave
4. Suspension
5. Dismissal

## Employee Grievance Policy

Procedures for Adjusting Employee Grievances are handled in accordance with Policy File GBM and/or the Permanent Non-Licensed Employee's Grievance Procedure, as appropriate (see Appendix A).

## Employee Leave

There are several categories of leave available to employees, including annual, sick, personal business, family and medical, long-term medical, administrative, military training/duty, summer study, professional development, sabbatical, jury duty and leave without pay.

**Annual Leave**, earned by 12-month employees, must be requested and approved in advance by the employee's immediate supervisor or the Superintendent. Annual leave may only be used in two-hour increments by FLSA exempt staff and in quarter hour increments by FLSA non-exempt staff.

Years of Service	Days per month	Days per year
0-5	1	12
6-10	1.25	15
11-15	1.5	18
Over 15	2	24

**Sick Leave**, available for full and part-time employees, may be used for any of the following reasons:

- Personal illness
- Illness in the immediate family
- Death in the immediate family
- Health care provider appointments for the employee or immediate family member
- Quarantine
- Any religious holiday not recognized on the school year calendar

Full-time licensed employees earn sick leave at the rate of one day a month. Sick leave for the entire contract period is posted at the beginning of the contract.

Full-time non-licensed employees earn sick leave at the rate of one day a month and leave is posted at the end of the month worked. Example: A

food service worker, who normally works 5 hours per day, would earn 5 hours sick leave per month.

Part-time employees earn sick leave on a pro-rata basis.

Sick leave can be taken in hourly increments. For exempt employees and those that require a substitute, leave is taken in half-day increments only. Upon return to work, the employee will file a written request for sick leave.

**Personal Leave** is available for employees eligible for Division sick leave. These employees are eligible for three (3) days of paid personal leave annually. At the end of the annual contract period, unused personal leave may accumulate in an individual personal leave account which may hold up to five personal leave days, such that no more than five personal leave days may be used in an annual contract period. Any unused personal leave above that limit shall automatically convert to sick leave. A written request for this leave must be filed in advance with the school principal or immediate supervisor. A full time employee who has completed a minimum of two consecutive full time years of service may request personal leave donations by contacting the human resources department. The employee must have exhausted all of his/her available leave and have applied for sick leave under the Family Medical Leave or Long Term Medical Leave policies for personal leave donations to be made (certain conditions apply). Personal Leave may be used in 15 minute increments by non-exempt employees. For exempt employees and those requiring a substitute, leave is taken in whole or half day increments.

**Family and Medical Leave** is available for all male and female employees if they have been employed by the York County School Board for at least one year, and have worked at least 1200 hours during the previous 12 months. An eligible employee may use up to 12 work-weeks of unpaid leave during any one contract period for a serious health condition that makes the employee unable to perform a required job function, personal illness, to provide care for illness or a serious health condition in the immediate family, the birth and first year care of a child, or placement of a child with the employee for adoption or foster care.



Military Family Leave is also available or Exigency Leave and for the Care of Service Member as more fully explained in Policy File GCBD.

Accrued sick leave, vacation leave and/or personal leave shall be used as part of the 12-week allotment. Any Family Medical leave taken that is not covered by paid leave shall be taken as unpaid leave. Leave may be taken in consecutive days or intermittently. For complete information concerning Family Medical Leave, consult Policy File GCBD and Superintendent's Regulation GCBD. For complete information regarding procedures for taking other categories of leave, consult Policy File GCBD.

## **Fair Labor Standards Act**

The Fair Labor Standards Act (FLSA) is the basic federal wage and hour law governing covered employers. The FLSA has provisions dealing with the following areas:

- Minimum wages;
- Overtime;
- Equal pay between the sexes; and
- Child Labor

According to the FLSA, employees are either exempt or nonexempt.

- Exempt employees are not entitled to overtime pay - They receive a salary which is intended to cover all work done within a certain period, regardless of how little or how much time may be required to complete the work.
- Nonexempt employees must be paid for all hours worked and paid an overtime rate of not less than one and one-half times the employee's "regular rate of pay" for all hours worked in excess of 40 hours per week.

Definition of Hours Worked:

- Those hours labored or permitted to be worked.
- If the employer knows or has reason to believe an employee is working, that time must be counted as work time.
- The employer must exercise its control and ensure that work is not performed if it does not want it performed and does not intend to pay for the time worked. (Example: working from home or working through a meal.)

### Flex time (flexible scheduling):

Changing the number of hours worked on a given day from the number in the regular schedule. This is usually initiated by the employees. By the end of the work week an employee who has used flex time has worked in a different number of hours on different days but has not worked more than 40 hours in the week. When an employee requires 2 hours or less absence from the office, and is due no compensatory time off, administrators can schedule that employee to make up the absence during the same workweek by working before or after regular work hours. Matters requiring absence in excess of two hours or repeated absences of two hours or less must be handled by taking the appropriate type leave. Exempt employees may schedule sick or personal leave in whole or half day increments; non-exempt employees may schedule sick or personal leave in 15 minute increments. Annual leave may be used in two hour increments by exempt staff and in 15 minute increments by non-exempt staff.

### Overtime:

Pre-approved by the supervisor, overtime is pay at time and a half at the “constructive hourly rate” for each hour worked over 40 hours in a work week.

## **Hiring**

It will be the policy of the York County School Board to employ, promote, retain, dismiss and/or transfer employees without regard to race, color, religion, national origin, ancestry, political affiliation, sex, gender, age, marital status, genetic information or disability.

## **Open Door Policy**

S.Reg GBD controls the communication with their immediate management and ascending chain of management. It provides that: Employees routinely have direct communications with their immediate supervisor. When an employee wishes to bring a matter to the attention of a person above their immediate supervisor, there are implications for managerial and organizational efficiency and effectiveness. Routine matters should be and will be processed through the immediate

supervisor to the supervisory level vested with the authority to decide the matter.

However, in extraordinary circumstances an employee may feel justified in communicating with a person above the immediate supervisor. This regulation establishes the procedures to be followed in the unusual instance when a School Board employee believes sufficient cause exists to address an issue, a question or a proposal to a person in the administrative organization higher than their immediate supervisor.

- All School Board employees are covered by this regulation.
- No School Board employee has the authority to prohibit a subordinate from using this channel of communication.
- Communications between the employee and the addressee of the question or proposal can be written or oral.
- The employee is encouraged, but not required, to inform the immediate supervisor of the question or the issue.
- The employee is encouraged, but not required to obtain comments on the matter from the immediate supervisor and the other persons in the organizational structure above the immediate supervisor who are cognizant of the matter.
- Because this channel of communication is for the unusual circumstance, the person to whom the issue, question or proposal is addressed will respond to the employee within three working days. The response may include disposing of an issue, answering a question, evaluating or stating intent to evaluate a proposal and/or providing a date certain when such action shall be commenced or completed.
- Employees are authorized to seek final resolution from the Superintendent.
- Communications with the School Board are governed by Policy File GBD.

## **Probationary Period**

### **Licensed**

Licensed employees hired on or after January 28, 2014, who are:

- new to the profession (first year of licensure experience),

- transferring from another accredited Virginia school without having reached continuing contract status,
- transferring from an out-of-state licensed employee position,
- transferring from an unaccredited Virginia school,
- a Virginia licensed employee re-entering the profession after being inactive for more than two consecutive years, or
- former part-time licensed employees with York County beginning their first year of full-time employment

enter into a three-year probationary validation/evaluation cycle beginning with their first year of full-time employment (100% contract for minimum 160 days). This probationary validation/evaluation period may be extended by up to two additional one year probationary periods. During the probationary validation/evaluation validation period, licensed employees are on an annual contract status.

Probationary status contracts are not offered beyond the fifth full year of full-time employment with the York County School Division.

Licensed employees hired on or after January 28, 2014 who:

- have continuing contract status with another accredited Virginia school division when they transfer to York County, or
- had continuing contract status with a Virginia school division and are returning to the teaching profession after having been inactive in the field for two consecutive years or less and are beginning their first year of full-time employment (minimum 160 days) with the York County School Division enter a one-year probationary validation/evaluation period which may be extended for up to an additional one year probationary period.

Licensed employees who fall into this latter group have one to two years to complete the validation process with the York County School Division. Probationary (non-continuing contract) status contracts are not offered to in-state experienced licensed employees beyond the second full year of full-time employment with the York County School Division.

## **Non-Licensed**

All non-licensed employees will be placed on a probationary period for the first eighteen months of employment. A job description will be issued to each employee along with a copy of the appropriate evaluation tool for their position. Evaluation will be completed annually during the employee's anniversary month unless otherwise scheduled for certain 10-month positions.

## **Resignation**

Resignation of licensed and non-licensed staff members is governed by the provisions of Policy File GCPB (see Appendix B).

## **TITLE IX: Discrimination and Sexual Harassment**

Pursuant to Title IX of the Education Amendments of 1972, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." Using the guideline of Title IX, the York County School Board is committed to providing employees with a working environment free from sexual harassment or gender discriminatory behavior.

It shall be a violation of policy for any employee, teacher, administrator, school personnel, agents, volunteers, or third parties subject to the supervision and control of the school board to harass or discriminate against another employee or a student based upon sex. Acts of sexual harassment or inappropriate employee-student relations or student-peer relations are prohibited at all times during the school day including while on school-sponsored transportation, during observation or participation in after-school activities, and during school-related functions such as sporting events, social activities or field trips.

Sexual Harassment Defined:

Sexual harassment is any unwelcome verbal or sexual behavior which may reasonably be regarded as intimidating, hostile or offensive. Sexual harassment occurs when there is any communication of a sexual nature or physical conduct that either explicitly or implicitly contains a condition of performance for educational decisions or creates an atmosphere that

interferes with effective employee-supervisor or employee-employee relations. Such behavior includes, but is not limited to:

verbal harassment or abuse; pressure for sexual activity; sexually motivated or inappropriate hugging, kissing, patting, massages or pinching; sexual behavior or words, including demands for sexual favors; implied or overt threats accompanied with demand for sexual favors; remarks of a sexual nature about a person's clothing or body; fondling or grabbing; spreading sexual gossip; subjecting someone to sexual materials; and sexual assault or rape.

Acts of sexual harassment or inappropriate employee-supervisor relations or employee-employee relations are prohibited at all times.

**Gender Discrimination Defined:**

Gender discrimination occurs when different treatment or consideration takes place due to the sex of the individual rather than individual merit. The behavior complained of must be directed toward a specific gender and free from any reasonable justification.

The School Board is committed to providing all employees with a positive work environment and will enforce that all individuals, regardless of gender, receive equitable treatment and benefits.

Any employee who believes he or she has been the victim of harassment or discriminatory behavior must immediately report such behavior to the Title IX Coordinator, Chief Human Resources Officer. The Title IX Coordinator, Chief Human Resources Officer will then notify the school principal or supervisor of the alleged acts. Complaints should be directed to: Title IX Coordinator, Chief Human Resources Officer, 302 Dare Road, Yorktown, Virginia, 23692; (757) 898-0349

## **Reporting and Investigating of Harassment or Discriminatory Behavior**

Any employee who believes he/she has been the victim of harassment or discriminatory behavior by another employee, supervisor, administrator, school personnel, agent, volunteer or third party is to immediately report

the alleged conduct. Such report should be made according to the process outlined in Policy File GBA (see Appendix C).

An employee shall report harassment or discriminatory acts without fear of any retaliatory action regarding job security, or participation in work activities. If the employee subsequently receives unfair treatment as a result of the complaint, he or she is to report such behavior directly to the Superintendent or the Title IX Compliance Officer.

All complaints of harassment or discriminatory behavior will be investigated and handled in accordance with the Provisions of Policy File GBA.

### **Prevention of Sexual Misconduct and Abuse**

York County Public Schools expects its entire staff, including the Division Superintendent, the School Board, teachers, other school board employees, employees of virtual school programs, school volunteers who work with or in its schools (“Division Personnel”) and other vendors providing services to the Division and/or students, to set examples for students in terms of appropriate conduct and behavior. Students are best served by a school climate that is both welcoming and professional with very clear standards of conduct. All adults in the Division share the responsibility in creating a safe learning and teaching environment that is free from adult misconduct including adult sexual misconduct.

The protection of students from such misconduct is a Division priority and it is the obligation of all Division Personnel to observe boundaries governing interaction and communication with students. The Division demonstrates its commitment to protecting students from sexual abuse and misconduct through:

- Strict compliance with all state laws and regulations related to the screening of prospective employees for the conviction of barrier crimes and founded cases of child abuse and neglect;
- The development, effective implementation, training and education relating to and enforcement of clear and reasonable policies governing the interaction of students and Division Personnel;

- The establishment of channels of reporting by students and parents of suspected misconduct and abuse, and the prompt notification of law enforcement when criminal activity is alleged or suspected;
- Disclosure of formal reprimands and dismissals for violating Division policies on sexual misconduct and abuse prevention to school divisions seeking references; and
- Strict compliance with all state laws and regulations related to reporting to the Virginia Department of Education of resignations and dismissals of licensed employees related to convictions of barrier crimes and founded cases of abuse.

Adherence to Division policy on Student-Division Personnel interactions not only creates a safe and healthy environment for students, it also serves to protect Division Personnel from false accusations and accusations based on misunderstandings.

This policy expands upon, and is established in addition to, the Division policy on the prevention of unlawful harassment.

The Division Superintendent shall take appropriate steps to implement and oversee this Policy by promulgating and implementing Regulations which address:

- Communications between Division Personnel and students;
- Physical contact between Division Personnel and students;
- Social interaction between Division Personnel and students;
- Training related to and dissemination of this Policy;
- Reporting of suspected misconduct or abuse; and
- Such other topics as may be necessary for the implementation of the provisions of this Policy

## **Workplace Confidentiality**

Superintendent's Regulation GA-1 applies to all administrative office employees.

Administrative office employees are expressly forbidden to reveal confidential information. Employees who violate this prohibition in handling office-related matters shall be subject to disciplinary action. Disciplinary sanctions for violating this policy may include termination of



employment. Any questions concerning this policy should be directed to the Chief Human Resource Officer.

## **Definitions:**

### **Administrative Office Employee**

All individuals who work either full or part-time in the administrative offices of school buildings, school guidance departments, the General Service and Maintenance office complex, the school division's central office or other school division office centers. Graduate student and Cooperative Office Education employees, temporary workers and administrative interns are included in the definition of "administrative office employee."

### **Confidential**

Matters that are intended to remain private are confidential. In other words, information one is trusted not to divulge or communicate to others is confidential. In the administrative workplace, this term specifically includes information relating to program changes or personnel issues that may be revealed through conversation, written documentation, presentation, phone calls, computer mail, faxed transmission, or other means.

# **STAFF CONDUCT AND RESPONSIBILITIES**

All employees have a responsibility to be aware of and abide by all laws, School Board policies and administrative regulations which affect their work in the School Division. The School Board expects employees to conduct themselves in a professional and ethical manner. The School Board shall define “professional and ethical manner” as required by facts and circumstances. The teacher will be responsible for leading children and youth to desirable patterns of conduct and behavior. The practice of exemplary conduct in all personal, social and professional affairs is expected of all employees. Manner and dress will at all times be appropriate to the activity of the moment and will be such as to maintain dignity and respect. Standards of appropriate dress will be enforced by the building Administrator. Any employee charged with a crime (Note: Traffic citations, other than reckless driving and driving under the influence, are not crimes.) must report the charge to his/her supervisor on the next workday following the charge or within 48 hours, whichever is the lesser amount of time.

## **Child Abuse and Neglect Reporting**

Every employee of the York County School Division who, in his professional or official capacity, has reason to suspect that a child is an abused or neglected child, in compliance with the code of Virginia 63.2-1509 et. seq. shall immediately report the matter to:

1. The local department of social services where the child resides or where the abuse or neglect is believed to have occurred;
2. To the Virginia Department of Social Services’ toll-free child abuse and neglect hotline; or
3. To the person in charge of the school or department, or his designee, who shall make the report forthwith.

## **Conflicts of Interest**

### **Gifts to Employees**

School Board policy (GAH) prohibits employees and their families from accepting personal gifts from any person, corporation or entity engaged in business or financial services with the School Division. No employee of the York County School Board will solicit funds (or other staff members

for non-school related activities) as a representative of a school or the Division without the prior consent of the School Board. No employee will take advantage of his or her position in the Division to promote or sell educational aids to Division students or parents (See Appendix D).

### **Selling Within the York County School Division**

Selling or promoting materials, services or goods by an employee to students or the public during work hours or on school property at any time is prohibited except for specific fund raising activities that the Division Superintendent or his designee may authorize.

## **Controlled Substance Prohibitions**

### **Smoking and Substance Abuse**

No persons (staff, contractors, visitors) are permitted to use or distribute any tobacco product at any time, including during non-school hours, on school property; and at school-sponsored activities away from school grounds.

The possession and consumption of alcoholic beverages and contraband on School Board property is prohibited by the laws of the Commonwealth of Virginia.

### **Use of Alcohol and Controlled Substance Prohibited**

The use by any covered employee while driving a bus or other commercial vehicle, or while performing any “safety sensitive function” with respect to such a vehicle, of alcohol or any controlled substance, or of any other substance to a degree to which renders the employee incapable of safely operating a motor vehicle, is prohibited.

Required testing and prohibited conduct by bus drivers and other employees of the Division who are required or permitted in connection with their employment to operate a commercial vehicle is covered in Policy File GDQ (see Appendix E).

### **Drug and Alcohol Testing**

York County School Division has a drug and alcohol testing program for school bus drivers and other employees who are required to hold a

commercial driver's license (CDL) by US Department of Transportation Regulators who perform safety sensitive functions as required by federal and state law and regulations.

Furthermore, all employees suspected of being under the influence of alcohol and/or a controlled substance shall be directed to submit to a drug test per Policy File GBEC.

## **Essential Personnel**

The Division has a number of positions designated as 'Essential Personnel', meaning employees whose presence on the job is necessary to prevent or limit disruption of services. Those in essential positions are notified upon hire and must be available to work as required up to and including severe weather events.

## **Network Services/Internet Acceptable Use Policy**

Use of the York County School Division computer system, including the internet, is governed by Policy File GAB/IIBEA (see Appendix F).

### **Use of network services and the Internet is a privilege, not a right.**

System users have no right of privacy nor an expectation of privacy for any activities conducted on any division computer system or the network, including but not limited to email or materials sent, received and/or stored on any division system. Division officials reserve the right to monitor and record all user activity. Should there be any evidence of violation of the Acceptable Computer System Use policy, or any other School Board policy or regulations, or any local, state or federal law, division network personnel will provide such evidence to division administrators or to law enforcement officials, as appropriate, for disciplinary action and/or criminal prosecution.

Division staff will:

- Monitor and evaluate all Internet safety instruction for staff and update as needed
- Evaluate annually the division's technology infrastructure and the network, Internet and data security procedures in place

- Remain cognizant of the latest developments in Internet vulnerabilities, legal issues and capabilities related to instruction
- Provide professional development for all staff on the social and ethical issues of Internet use including copyright, fair use and plagiarism and Internet safety and security
- Evaluate the effectiveness of the division AUP and update annually as needed
- Assess the need for community outreach related to Internet use and safety issues

### **User Privileges:**

- Staff may make use of all district technology, software and network services for **approved** instructional purposes such as research, communication and production only.
- Email accounts will be assigned to teachers and staff on a continuing basis.
- Staff may access information from outside resources via the Internet that facilitates or supports learning and educational activities. Student Internet use must occur in a supervised environment.
- Staff may download and transfer data files necessary and approved for daily instruction over the network provided that such activity does not violate copyright or other laws, no fees are incurred, and/or no freeware, shareware, games or other executable files are placed on network stores.

### **User Responsibilities:**

- Staff must maintain the privacy and security of passwords and accounts. Staff shall not attempt to learn another user's password, access another user's account or impersonate another user on the network.
- Staff may not operate any division technology for commercial use, personal gain or product advertisement.
- Staff shall not be connected by cable to the school division network using any portable communication or privately owned electronic device.
- Staff shall respect the property of others. Staff shall not access, modify or delete any network files, documents, applications or data files belonging to others. Vandalism, defined as a malicious

attempt to harm or destroy another user's data or network service, will result in cancellation of privileges and disciplinary action.

- Staff shall not attach equipment to the cable plant that serves the data and voice systems without express authorization in writing from the Director of Information Technology or his designee. (Televisions and VCRs may be attached to the cable TV distribution system without express authorization.) Data connection prohibitions include but are not limited to computer workstations, laptops/notebooks/tablet PCs, file servers, printers, networkable scanners, network switches or hubs, routers, PDAs, PDA/cell phone combination units and all other wired devices. Voice connection prohibitions include but are not limited to analog telephones, ISDN (digital) telephones, FAX machines and modems.
- Staff shall utilize proper network and email etiquette. Harassment, discriminatory remarks, hate mail and threats, obscene or vulgar language, and conduct prohibited by the Student Conduct Code, School Board policy, federal or state law are prohibited in email or other electronic communications.
- Staff shall properly use and care for all hardware and ancillary computer and network equipment available for use at any division site. Vandalism or destruction of any technology or related component will result in cancellation of privileges, disciplinary action and restitution to the school division
- Staff shall be responsible for all material in his/her network account and agree to maintain the account free from pornographic, undesirable or inappropriate materials, files or emails and to prevent such materials from entering the network via the Internet or other source. Personal software may not be installed on any division hardware. Users shall adhere to the Copyright Act of 1976 and the Fair Use provisions as related to education. Transmission of any material in violation of federal or state law or regulation is prohibited and will be dealt with according to criminal statutes.
- Any staff member who gains access to inappropriate or undesirable Internet materials, becomes aware of a network or hardware security problem, copyright or fair user infringement, or any Internet safety issue shall immediately notify the Director

of Information Technology or Department of Instruction for assistance.

The York County School Division will take precautions to restrict access to undesirable or inappropriate materials using firewalls, encryption schematics and filtering applications and other security measures as well as provide error-free, dependable access to electronic resources via the LAN. All division staff will monitor all user activity in classrooms, labs and libraries and will pursue appropriate disciplinary actions based on the Student Conduct Code or criminal statutes as appropriate for any violations of this AUP. Appropriate, safe and valuable use of the Internet is the responsibility of students, parents and York County School Division staff.

The York County School Division makes no warranties of any kind, expressed or implied, for the network services it provides. YCSD is not responsible for any damages users may incur, including loss of data due to delays, non-deliveries, mis-deliveries, equipment failures or service interruptions. Due to the vast, diverse, unmanaged character of the Internet, YCSD will not be responsible for the accuracy, nature or quality of information gathered from the Internet. YCSD is not responsible for personal property used to access division hardware or networks or the Internet or for any financial obligations resulting from the Internet access provided by the division.

## **Outside Employment**

The York County School Board considers employment by the School Board to be the School Board employee's primary job. The School Board expects peak performance on the job by its employees. Employees of the School Board may accept outside employment provided that such employment does not interfere with or affect the quality of performance for which the School Board hired the employee. Employees are required to report all outside employment in accordance with procedures established by the Division Superintendent.

# **RISK MANAGEMENT**

Risk Management in the York County School Division endeavors to protect the public interest and prevent financial and human losses. Safety programs, training and accident investigations assist division employees with the enforcement of safe work guidelines to reduce accidents and provide a safe environment for work and learning. Reduction in accidents prevents disruptions in operations and instruction. The safety and health of all staff and students are a number one priority for YCSD.

## **Lock-Out/Tag-Out Program**

The York County School Division's lock-out/tag-out program is designed to ensure that employees are protected from the hazards of unexpected start up or release of stored energy. There are specific procedures for affixing appropriate lock-out or tag-out devices to isolate or disable machines or equipment to prevent energization, start up or release of stored energy. This program has been developed to help ensure protection of employees and to maintain compliance with OSHA standard 1910.147, Control of Hazardous Energy. These instructions establish the minimum requirements for the lock-out or tag-out of energy isolating devices whenever maintenance or servicing is done on machines or equipment.

For complete information on Lock-Out/Tag-Out see the Superintendent's Regulation EU-9.

## **Safety Awareness Issues**

It is the objective of the York County School Division to give employees an awareness of the importance of safety and their responsibility for maintaining a safe and healthy work environment. It is also our goal to give an overview of Workplace Safety Basics. The result should be more safety conscious employees.

Safety is one of the most important parts of your job. We want our employees to have the understanding and knowledge needed to prevent accidents. Safety is more than specific procedures; it is a way of life. Some reasons why safety has become so important are:

- Safety is the law. Almost every piece of equipment we operate, or any substance we use, is subject to government safety regulations.



- Safety procedures can protect you from injuries and eliminate possible exposure to hazardous substances.
- Safety requires a commitment from everyone in the School Division. One person acting in an unsafe manner can put many others at risk.
- Safety involves two things: specific actions and responsible thinking. It means learning about risks, being alert to possible problems, and reacting intelligently and quickly when necessary.

For complete information on reporting safety and health concerns see Human Resources Standard Operating Procedure “Reporting Safety and Health Concerns”.

## **Worker’s Compensation/Reporting Requirements**

Workers’ compensation is a no-fault compromise between employers and employees. The York County School Division will assume the cost of medical treatment and lost wages for a work-related injury or notice of an occupational disease. It is the employee’s responsibility to report any accident immediately to his/her supervisor. Supervisors or their designee will complete the Employers’ First Report of Accident to be filed by the Risk Management/Payroll Technician.

# Frequently Asked Questions

The answers to the questions in this section of the handbook should serve as a brief summary and these benefits are subject to change. Also, benefits provided by a contract with a third party are governed by the terms of those contracts which may also change from time to time. For more specific information dealing with standard operating procedures and regulatory policies, the following division manuals can be referenced: Policy Manual and Superintendent Regulations Manual. These documents are available on Sid.

## AESOP

Q. What is Aesop?

A. Aesop is an automated system used to report absences and schedule substitutes via touch tone phones.

Q. Do all employees use Aesop?

A. No. All employees who have received training should be reporting their absences and scheduling substitutes using the Aesop system.

Q. What is the phone number for Aesop?

A. The phone number for Aesop is 1-800-94-Aesop (1-800-942-3767). The URL for Aesop is <http://www.frontlinek12.com/aesop>

Q. Do I still need to call my supervisor when I will be absent?

A. It is your responsibility to follow your supervisor's established guidelines for reporting leave and to follow established procedures for approval for any type of leave.

Q. What do I do if I have a problem?

A. If you have problems entering your absence or other difficulties with the system, please call your Aesop Site Contact. If unable to reach your Aesop Site Contact, you may call the Human Resources Specialist at 898-0472 between 7:30 a.m. and 4:30 p.m.

## BENEFITS

Q. What type of benefits am I entitled to?

A. All full-time employees are entitled to the following benefits:

- VRS retirement, Virginia Local Disability Program (VLDP), Short Term disability, basic life insurance, optional life insurance for self and dependents (guaranteed issue within 31 days of hire date)
- Health insurance choices with on-line open enrollment
- Dental insurance choices
- Premium conversion (tax favored)
- Flexible Spending Accounts – health and/or dependent coverage
- Voluntary Benefits – not contributed to by YCSD, but offered at reduced rates. These include: AFLAC, Legal Resources; small whole life insurance policies for employees and family members
- Tax Sheltered Annuities (403b Deferred Contribution Plan or 457-Deferred Compensation Plan) to supplement your VRS retirement
- Retirement counseling services

Part-time employees are eligible for the following benefits:

- Pro-rated health plan coverage
- Pro-rated dental plan coverage
- Premium conversion – tax favored
- Voluntary Benefits – not contributed to by YCSD, but offered at reduced rates. These include: AFLAC, Legal Resources; small whole life insurance policies for employees and family members
- Tax Sheltered Annuities
- Retirement counseling services

## **COMPUTERS**

Q. Who do I call for help with computer software problems?

A. Depending on the nature of the software, contact either your ETF or the YCSD Help Desk at 898-0311.

Q. How do I get computer hardware, associated peripherals (printers, CD-ROMs, scanners, etc.) and software installed?

A. From 7 a.m. - 5 p.m., call the YCSD Help Desk at 898-0311.

Q. Who do I call for advice on computer and software purchases?

A. Contact the Director of Information Technology and/or the Coordinator of Educational Technology to discuss your needs and requirements.

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

Q. Can non-exempt employees volunteer to work in schools in excess of their assigned time?

A. Non-exempt employees cannot volunteer in any capacity that could be seen as a continuation of their job assignment. If they have a child in the school in which they work, they could volunteer in their “parent” capacity for any task that other parents would do.

Q. Can non-exempt employees write and answer work e-mail from home?

A. If non-exempt employees write and answer work e-mail from home it must be counted as time worked and appropriately compensated. The employee must understand that time worked outside of the standard work day should have prior approval of the principal or supervisor.

Q. Are teachers exempt or non-exempt?

A. All teachers are exempt as professional employees from FLSA regulation, including overtime and minimum wage provisions.

## **INSURANCE**

Q. When can I enroll in the health plans?

A. Generally, enrollment in health insurance plans takes place once a year during open enrollment, which usually occurs in the month of June. Employees can add, drop or change their benefits selections using the on-line open enrollment feature. This feature is only available during the open enrollment time frame. New employees may enroll at the time of hire.

Q. When can employees make health and dental insurance changes?

A. Insurance changes cannot be made during the school year except in the case of very limited qualifying events (Example: marriage, divorce, birth or adoption of a child, job change for spouse or

employee). During open enrollment (which usually occurs in the month of June) employees may make changes to their health and dental insurance policies by contacting the Benefits office or using the on-line open enrollment feature. (See late entrant information on Sid).

Q. When can you change your smoking status election for health insurance?

A. An employee has to have not smoked nor used any tobacco products for at least 90 days before a change can be made. Compensation and Benefits will provide the smoking or non-smoking form upon your request. Call 898-0483.

Q. If I have a problem with a claim on health or dental insurance, whom should I call?

A. An employee with a claim problem should try to resolve it with Anthem Blue Cross/Blue Shield or Delta Dental before calling the Benefits Specialist in the Human Resources Department.

Anthem Customer Service:

KeyCare & HealthKeepers:	1-800-451-1527
Lumenos	1-800-582-6941

Delta Dental:

Delta PPO plus Premier:	1-800-237-6060
DeltaCare	1-800-862-0838

Please keep a record of the date, time and name of the person you contacted, as well as notes about your conversation.

Q. Where can I find more information about my benefits and retirement opportunities?

A. On the Benefits page on Sid.

Q. Where can I find more information on my compensation?

A. Contact the Human Resources office.

## **KRONOS IDENTIFICATION BADGES**

Q. Are Division employees required to wear badges?

A. In accordance with one of the School Board's goals for safe schools, all employees will wear photo ID badges while in school buildings or on school grounds.

Q. What should I do if I lose my badge or if it is damaged?

A. If you lose your Kronos identification badge you must immediately notify your supervisor. If, after one workday, you are unable to find your identification badge, you must purchase a new one from the Human Resources department. The cost to replace a lost or damaged ID badge is \$5.00.

## **PAYROLL**

Q. What is the cut-off date for payroll changes within a given month?

A. The 10th of the month is the cut-off date if the changes are to take effect that month.

Q. When do we get paid?

A. All exempt employees get paid on the last working day of the month. Non-exempt staff gets paid on every other Friday (or nearest working day).

Q. Why didn't I have any federal taxes withheld from my paycheck?

A. You may be claiming too many exemptions on your W-4 withholding form, or your gross pay is minimal and falls below the federal withholding allowance table amounts. (For 2017, an employee's bi-weekly gross pay must exceed \$88 for a single person and \$333 for a married person before any federal tax will be withheld.)

Q. How do I know the information on my paycheck is correct?

A. You should verify name, address and social security number as well as deductions for accuracy.

Q. What is E-Payroll?

A. A secure, web-based payroll information access system. Employees may log on to E-Payroll to access E-Stub, where they may view and print paycheck information for the current and immediate calendar years. Employees may also view or print copies of their W-2's for

the past two years through E-stub. After enrolling in E-Payroll, select W-2 from the drop down box to “Function”. Click on [Print Individual W-2](#) under Options, enter your last name and pin. Select year for W-2 you want to view or print.

## **RETIREMENT**

Q. How do I apply for retirement?

A. An appointment must be made Benefits to complete the appropriate VRS retirement forms, and a letter of intent should be submitted to the Chief Human Resources Officer. Retirement applications should be submitted to the VRS 90 days prior to your retirement date. VRS approves retirements on the first day of the month. Further, you are encouraged to attend one of the Pre-Retirement sessions offered by the VRS at various local community colleges. This process is also to be followed for employees who are members of the “frozen” non-professional retirement contract which was suspended in July 1992.

Q. What are my health insurance options after resignation or retirement?

A. Upon resignation, employees have the option to participate in COBRA health insurance coverage for 18 months. Retirees are qualified for YCSD’s Retiree Health Plan until age 65 and are qualified for the Dental Plan until age 66 ½. Should they choose to enroll; retirees with less than 20 years of service to the school division will be required to pay the full rate. YCSD will pay 50% of the premium charged for employees with 20 years of service to the school division minus any VRS Health Insurance Credit. (This benefit does not apply to employees who have 20 years of VRS service and not 20 years of service to the school division.) Insurance rates are adjusted each year on October 1 when the Plan Year begins.

## **WORKERS’ COMPENSATION**

Q. Who is eligible for Worker’s Compensation?

A. All employees are covered under Worker’s Compensation if their injury or occupational disease fulfills the requirements of a compensable injury or occupational disease under the Virginia Worker’s Compensation Law.

Q. What do I do if I am injured on the job?

A. Minor Injury:

Report injury to your supervisor/principal immediately.

Emergency:

Go to hospital first, or visit a doctor on the division panel list.

Report the accident immediately to your supervisor.

Q. Do I need to report a small injury such as a minor cut?

A. Yes. Report all accidents even if the injury seems minor. A small injury can develop into a serious problem.

Q. Where do I get the list of physicians on the panel for Worker's Compensation?

A. The list may be obtained from your immediate supervisor or the Risk Management/Payroll Technician in the Finance Department at the School Board Office.

## **MISCELLANEOUS**

Q. How do I obtain approval and funding to attend a conference or workshop?

A. Submit information on a Professional Development Request form to your immediate supervisor. You will receive the original of your form marked either "approved" or "not approved" so that you can register for the activity in a timely manner. This approved form is your assurance of receiving requested reimbursement for expenses incurred.

Q. What procedure should I follow if I suspect a student has been physically abused?

A. Every employee of the York County School Division who, in his professional or official capacity, has reason to suspect that a child is an abused or neglected child, in compliance with the code of Virginia shall immediately report the matter to:

1. the local department of social services where the child resides or where the abuse or neglect is believed to have occurred;
2. to the Virginia Department of Social Services' toll free child abuse and neglect hotline; or



3. to the person in charge of the school or department, or his designee, who shall make the report forthwith.

Q. When may employees make payroll changes such as address changes, tax annuity, taxes withheld, etc.?

A. Employees may make such changes anytime during the school year.

Q. How do I sign up for direct deposit?

A. Direct deposit is now mandatory for all payments made to employees. No action is necessary if you wish to receive reimbursements to the same bank account or pay card used by Payroll (for additional information on pay cards see the SOP under Finance). If you want reimbursements deposited into a different bank account, you will need to complete the "Accounts Payable Direct Deposit Authorization Form" on SID.

Q. What procedure should I follow in the event of severe weather?

A. Severe weather conditions pose hazards both to transporting students on school buses and to employees commuting between home and work, so procedures for dealing with severe weather in York County are based primarily on safety considerations. A decision will be made by 5:30 a.m., and announcements are sent through the division's telephone notification system and YCSD TV-47. An employee code will be issued at this time to let staff know when/if they should report to work.

# **Appendix A**

## **PROCEDURES FOR ADJUSTING EMPLOYEE GRIEVANCES**

The York County School Board adopts the most recent version of Procedure for Adjusting Grievances promulgated by the Virginia Board of Education based on current statutory provisions.

However, grievances concerning dismissal or demotion of permanent non-licensed employees shall be adjusted pursuant to procedures promulgated by the division superintendent.

ADOPTED: January 27, 2014

REVISED: January 22, 2018

LEGAL REFERENCES: Code of Virginia, 1950, as amended, §§ 22.1-253.13:7.C.8, and 22.1 306 et seq. 8 VAC 20-90-10 through 8 VAC 20-90-80 and accompanying forms.

# **Appendix B**

## **RESIGNATION OF STAFF MEMBERS**

The division superintendent is authorized to approve resignations of employees. Any resignation must be in writing.

A teacher may resign after June 15 of any school year with the approval of the division superintendent. The teacher shall request release from contract at least two weeks in advance of the intended date of resignation. Such request shall be in writing and state the cause of the resignation. The teacher may, within one week, withdraw a request to resign. Upon the expiration of the one week period, the division superintendent shall notify the York County School Board of the decision to accept or reject the resignation. The School Board, within two weeks, may reverse the decision of the division superintendent. In the event that the Board or the division superintendent declines to grant the request for release on the grounds of insufficient or unjustifiable cause, and the teacher breaches such contract, disciplinary action, which may include revocation of the teacher's license, may be taken pursuant to regulations prescribed by the Board of Education.

Other employees who wish to terminate their employment must give notice at least ten school days prior to their desired separation date. Notice should be given to the employee's immediate supervisor, who will inform the division superintendent. The division superintendent will inform the School Board of the resignation at its next regular meeting.

The supervisor of any employee can document and submit a verbal resignation when there appears to be little likelihood of a written resignation being submitted. The division superintendent has the authority to waive the two-week notice requirement when the division

superintendent determines the best interests of the school division will be served by such waiver.

ADOPTED: January 27, 2014

RESTATEMENT: January 22, 2018

LEGAL REFERENCES: Code of Virginia, 1950, as amended, § 22.1-304; 8 VAC 20-440-160

CROSS REFERENCES: GCPD Professional Staff Discipline  
GDB Support Staff Employment Status

# **Appendix C**

## **PROHIBITION AGAINST HARASSMENT AND RETALIATION**

### **I. Policy Statement**

The York County School Board is committed to maintaining an educational environment and workplace that is free from harassment. In accordance with law, the Board prohibits harassment against students, employees, or others on the basis of sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status, genetic information or any other characteristic protected by law or based on a belief that such characteristic exists at school or any school sponsored activity. The Board is an equal opportunity employer.

It is a violation of this policy for any student or school personnel to harass a student or school personnel based on sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status, genetic information or any other characteristic protected by law or based on a belief that such characteristic exists at school or any school sponsored activity. Further, it is a violation of this policy for any school personnel to tolerate harassment based on a student's or employee's sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status or genetic information or any other characteristic protected by law or based on a belief that such characteristic exists at school or any school sponsored activity, by students, school personnel or third parties participating in, observing or otherwise engaged in school sponsored activities.

For the purpose of this policy, school personnel includes school board members, school employees, agents, volunteers, contractors or other persons subject to the supervision and control of the School Division.

The School Division shall: (1) promptly investigate all complaints, written or verbal, of harassment based on sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status, genetic information or any other characteristic protected by law or based on a belief that such characteristic exists at school or any school sponsored activity; (2) promptly take appropriate action to stop any harassment and (3) take appropriate action against any student or school personnel who violates this policy and take any other action reasonably calculated to end and prevent further harassment of school personnel or students.

## **II. Definitions**

### **A. Harassment Based on Sex**

Harassment based on sex consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication, which may include use of cell phones or the internet, of a sexual nature when

- submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or education;
- submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
- that conduct or communication substantially or unreasonably interferes with an individual's employment or education, or creates an intimidating, hostile or offensive employment or educational environment (i.e. the conduct is sufficiently serious to limit a student's or employee's ability to participate in or benefit from the educational program or work environment).

Examples of conduct which may constitute harassment based on sex if it meets the immediately preceding definition include:

- unwelcome sexual physical contact
- unwelcome ongoing or repeated sexual flirtation or propositions, or remarks
- sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
- graphic comments about an individual's body
- sexual jokes, notes, stories, drawings, gestures or pictures
- spreading sexual rumors
- touching an individual's body or clothes in a sexual way
- displaying sexual objects, pictures, cartoons or posters
- impeding or blocking movement in a sexually intimidating manner
- sexual violence
- display of written materials, pictures, or electronic images
- unwelcome acts of verbal, nonverbal, written, graphic, or physical conduct based on sex or sex stereotyping

#### B. Harassment Based on Race, National Origin, Disability or Religion

Harassment based on race, national origin, disability or religion consists of physical or verbal conduct, which may include use of cell phones or the internet, relating to an individual's race, national origin, disability or religion when the conduct

- creates an intimidating, hostile or offensive working or educational environment;
- substantially or unreasonably interferes with an individual's work or education; or
- otherwise is sufficiently serious to limit an individual's employment opportunities or to limit a student's ability to participate in or benefit from the education program.

Examples of conduct which may constitute harassment based on race, national origin, disability or religion if it meets the immediately preceding definition include:

- graffiti containing racially offensive language
- name calling, jokes or rumors
- physical acts of aggression against a person or his property because of that person's race, national origin, disability or religion
- hostile acts which are based on another's race, national origin, religion or disability
- written or graphic material which is posted or circulated and which intimidates or threatens individuals based on their race, national origin, disability or religion

### C. Additional Prohibited Behavior

Behavior that is not unlawful or does not rise to the level of illegal harassment or retaliation may nevertheless be unacceptable for the educational environment or the workplace. Demeaning or otherwise harmful actions are prohibited, particularly if directed at personal characteristics including, but not limited to, socioeconomic level, sexual orientation, gender identity, or perceived sexual orientation.

The York County School Division expects its entire staff, including the division superintendent, the School Board, teachers, other school board employees, employees of virtual school programs, school volunteers who work with or in its schools ("Division Personnel") and other vendors providing services to the Division and/or students, to set examples for students in terms of appropriate conduct and behavior. Students are best served by a school climate that is both welcoming and professional with very clear standards of conduct. All adults in the Division share the responsibility in creating a safe learning and teaching environment that is free from adult misconduct including adult sexual misconduct.



The protection of students from such misconduct is a Division priority and it is the obligation of all Division Personnel to observe boundaries governing interaction and communication with students. The Division demonstrates its commitment to protecting students from sexual abuse and misconduct through:

- Strict compliance with all state laws and regulations related to the screening of prospective employees for the conviction of barrier crimes and founded cases of child abuse and neglect;
- The development, effective implementation, training and education relating to and enforcement of clear and reasonable policies governing the interaction of students and Division Personnel;
- The establishment of channels of reporting by students and parents of suspected misconduct and abuse, and the prompt notification of law enforcement when criminal activity is alleged or suspected;
- Disclosure of formal reprimands and dismissals for violating Division policies on sexual misconduct and abuse prevention to school divisions seeking references; and
- Strict compliance with all state laws and regulations related to reporting to the Virginia Department of Education of resignations and dismissals of licensed employees related to convictions of barrier crimes and founded cases of abuse.

Adherence to Division policy on student - Division Personnel interactions not only creates a safe and healthy environment for students, it also serves to protect Division Personnel from false accusations and accusations based on misunderstandings.

This policy expands upon, and is established in addition to, the Division policy on the prevention of unlawful harassment.

The division superintendent shall take appropriate steps to implement and oversee this Policy by promulgating and implementing Regulations which address:

- Communications between Division Personnel and students;
- Physical contact between Division Personnel and students;
- Social interaction between Division Personnel and students;
- Training relating to and dissemination of this Policy;
- Reporting of suspected misconduct or abuse; and
- Such other topics as may be necessary for the implementation of the provisions of this Policy

### **III. Complaint Procedure**

#### **A. Formal Procedure**

##### **1. File Report**

Any student or Division personnel who believes he or she has been the victim of harassment based on sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status, or genetic information or any other characteristic protected by law or based on a belief that such characteristic exists by a student, school personnel or a third party should report the alleged harassment to one of the Compliance Officers designated in this policy or to any school personnel. The alleged harassment should be reported as soon as possible, and the report generally should be made within fifteen (15) school days of the occurrence. Further, any student who has knowledge of conduct which may constitute prohibited harassment should report such conduct to one of the Compliance Officers designated in this policy or to any school personnel. Any school personnel who has notice that a student or other school personnel may have been a victim of prohibited harassment shall immediately report the alleged harassment to one of the Compliance Officers designated in this policy.

The reporting party should use the form, Report of Harassment, GBA-F/JFHA-F, to make complaints of harassment. However, oral reports and other written reports shall also be accepted. The complaint should be filed with either the building principal or one of the Compliance Officers designated in this policy. The principal shall immediately forward any report of alleged prohibited harassment to the Compliance Officer. Any complaint that involves the Compliance Officer or principal shall be reported to the division superintendent.

The complaint, and identity of the complainant and alleged harasser, will be disclosed only to the extent necessary to fully investigate the complaint and only when such disclosure is required or permitted by law. Additionally, a complainant who wishes to remain anonymous shall be advised that such confidentiality may limit the School Division's ability to fully respond to the complaint.

## 2. Investigation

Upon receipt of a report of alleged prohibited harassment, the Compliance Officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the school division. The investigation shall be completed as soon as practicable, which generally should be not later than 14 school days after receipt of the report by the Compliance Officer. Upon receiving the complaint, the Compliance Officer shall acknowledge receipt of the complaint by giving written notice that the complaint has been received to both the person complaining of harassment and the person accused of harassment. Also upon receiving the complaint, the Compliance Officer shall determine whether interim measures should be taken pending the outcome of the investigation. Such interim measures may include, but are not limited to, separating the alleged harasser and the complainant and, in cases involving potential criminal conduct, determining whether law enforcement officials should be notified. If the Compliance Officer determines that

more than 14 school days will be required to investigate the complaint, the complainant and the accused shall be notified of the reason for the extended investigation and of the date by which the investigation will be concluded. If the alleged harassment may also constitute child abuse, then it must be reported to the Department of Social Service in accordance with Policy JHG, Child Abuse and Neglect Reporting.

The investigation may consist of personal interviews with the complainant, the alleged harasser, and any others who may have knowledge of the alleged harassment or the circumstances giving rise to the complaint. The investigation will consider witnesses and evidence from both the alleged harasser and the person allegedly harassed. The investigation may also consist of the inspection of any other documents or information deemed relevant by the investigator. The school division shall take necessary steps to protect the complainant and others pending the completion of the investigation.

In determining whether alleged conduct constitutes a violation of this policy, the division shall consider, at a minimum: (1) the surrounding circumstances; (2) the nature of the behavior; (3) past incidents or past or continuing patterns of behavior; (4) the relationship between the parties; (5) how often the conduct occurred; (6) the identity of the alleged perpetrator in relation to the alleged victim (i.e. whether the alleged perpetrator was in a position of power over the alleged victim); (7) the location of the alleged harassment; (8) the ages of the parties and (9) the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a case by case determination based on all of the facts and circumstances revealed after a complete and thorough investigation.

The Compliance Officer shall issue a written report to the division superintendent upon completion of the investigation. If the complaint involves the division superintendent, then the report shall be sent to the School Board. The report shall include a determination of whether

the allegations are substantiated, whether this policy was violated and recommendations for corrective action, if any.

All employees shall cooperate with any investigation of alleged harassment conducted under this policy or by an appropriate state or federal agency.

### 3. Action by Division Superintendent

Within 5 school days of receiving the Compliance Officer's report, the division superintendent or designee shall issue a decision regarding whether this policy was violated. This decision must be provided in writing to the complainant and the alleged perpetrator. If the division superintendent or designee determines that it is more likely than not that prohibited harassment occurred, the York County School Division shall take prompt, appropriate action to address and remedy the violation as well as prevent any recurrence. Such action may include discipline up to and including expulsion or discharge. Whether or not the division superintendent or designee determines that prohibited harassment occurred, the division superintendent or designee may determine that school-wide or division-wide training be conducted or that the complainant receives counseling.

### 4. Appeal

If the division superintendent or designee determines that no prohibited harassment occurred, the employee or student who was allegedly subjected to harassment may appeal this finding to the School Board within 5 school days of receiving the decision. Notice of appeal must be filed with the division superintendent who shall forward the record to the School Board. The School Board shall make a decision within 30 calendar days of receiving the record. The School Board may ask for oral or written argument from the aggrieved party, the division superintendent and any other individual the School Board deems

relevant. Written notice of the School Board's decision will be given to both the alleged harasser and the person allegedly harassed.

If the division superintendent or designee determines that prohibited harassment occurred and discipline is imposed, the disciplined person may appeal the disciplinary sanction in the same manner as any other such sanction would be appealed.

Employees may choose to pursue their complaints under this policy through the relevant employee grievance procedure instead of the complaint procedure in this policy.

#### Compliance Officer and Alternate Compliance Officer

The School Board has designated the Chief Human Resources Officer as the Compliance Officer responsible for identifying, investigating, preventing and remedying prohibited harassment. Complaints of harassment may also be made to the Alternate Compliance Officer(s), the Division's Director of School Administration or Director of Student Services

The Compliance Officer shall

- receive reports or complaints of harassment;
- conduct or oversee the investigation of any alleged harassment;
- assess the training needs of the school division in connection with this policy;
- arrange necessary training to achieve compliance with this policy; and
- ensure that any harassment investigation is conducted by an impartial investigator who is trained in the requirements of equal employment/education opportunity, and has the authority to protect the alleged victim and others during the investigation.

## **B. Informal Procedure**

If the complainant and the person accused of harassment agree, the student's principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, or administrator.

If the complainant and the person accused of harassment agree to resolve the complaint informally, they shall each be informed that they have the right to abandon the informal procedure at any time in favor of the initiation of the Formal Procedures set forth herein. The principal or designee shall notify the complainant and the person accused of harassment in writing when the complaint has been resolved. The written notice shall state whether prohibited harassment occurred.

## **IV. Retaliation**

Retaliation against students or school personnel who report harassment or participate in any related proceedings is prohibited. The school division shall take appropriate action against students or school personnel who retaliate against any student or school personnel who reports alleged harassment or participates in related proceedings. The Compliance Officer will inform persons who make complaints, who are the subject of complaints, and who participate in investigations, of how to report any subsequent problems.

## **V. Right to Alternative Complaint Procedure**

Nothing in this policy shall deny the right of any individual to pursue other avenues of recourse to address concerns relating to prohibited harassment including initiating civil action, filing a complaint with outside agencies or seeking redress under state or federal law.

## **VI. Prevention and Notice of Policy**

Training to prevent harassment based on sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status, and genetic information should be included in employee and student orientations as well as employee in-service training.

This policy shall be (1) displayed in prominent areas of each division building in a location accessible to students, parents and school personnel, (2) included in the student and employee handbooks; and (3) sent to parents of all students within 30 calendar days of the start of school. Further, all students, and their parents/guardians, and employees shall be notified annually of the names and contact information of the Compliance Officers.

## **VII. False Charges**

Students or school personnel who knowingly make false charges of harassment shall be subject to disciplinary action as well as any civil or criminal legal proceedings.

ADOPTED: January 27, 2014

REVISED: January 22, 2018

LEGAL REFERENCES: 20 U.S.C. §§ 1681-1688; 29 U.S.C. § 794; 42 U.S.C. §§ 2000d-2000d-7; 42 U.S.C. §§ 2000e-2000e-17; 42 U.S.C. § 2000ff-1; 34 C.F.R. 106.9; Code of Virginia, 1950 as amended, §§ 2.2-3900, 2.2-3901, 2.2-3902

CROSS REFERENCES:

- AC Nondiscrimination
- GB Equal Employment Opportunity/Nondiscrimination
- GBA-F/JFHA-F Report of Harassment
- GBM Professional Staff Grievances
- JB Equal Educational Opportunities/Nondiscrimination
- JFC Student Conduct
- GCPD Professional Staff Discipline
- JHG Child Abuse and Neglect Reporting



# Appendix D

## SCHOOL EMPLOYEE CONFLICT OF INTERESTS

### A. Purpose

The State and Local Government Conflict of Interests Act (the Act), applies to public school employees and officials. The Act creates uniform standards of conduct for all public employees and officials. The Act also defines and prohibits inappropriate conflicts of interest and requires disclosure of economic interests in some circumstances. The purpose of this policy is to provide an introduction to the Act for employees. Additional information regarding the Act may be obtained from Policy BBFA Conflict of Interests and Disclosure of Economic Interests and from the Virginia Conflict of Interest and Ethics Advisory Council (the Ethics Council) which assists with compliance with the Act.

### B. Compliance

York County School Board employees are required to read and be familiar with the Act. The division superintendent provides employees with information regarding how to access the Act and how to contact the Ethics Council.

The Act's provisions are complex and their application is fact-specific. A violation of the Act could result in civil or criminal penalties. Therefore, if an employee has any question whether an interest the employee has in a contract or transaction involving the school division is prohibited under the Act, the employee should contact the division superintendent's office or the Ethics Council for assistance.

## C. Areas of Regulation

The Act prohibits school employees from having a “personal interest,” as that term is defined by the Act, in certain contracts and transactions that involve the division and from engaging in other specified conduct related to the schools. The prohibited personal interest also may be that of the school employee’s immediate family (a spouse or any other person who resides in the same household as the employee and who is a dependent of the employee).

Under the Act, an employee may be considered to have a prohibited conflict arising from:

- a personal interest in a contract;
- a personal interest in a transaction;
- business opportunities tied to official acts;
- misuse of confidential information; or
- Receipt or solicitation of certain gifts.

Examples of prohibited conduct include:

- soliciting or accepting money or other thing of value for services performed within the scope of the employee’s official duties, except for the employee’s compensation, expenses or other remuneration paid by the division;
- using for the employee’s own economic benefit or that of another party, confidential information that the employee has acquired by reason of the employee’s public position and which is not available to the public;
- accepting any money, loan, gift, favor, service or business or professional opportunity that reasonably tends to influence the employee in the performance of the employee’s official duties;

- accepting any business or professional opportunity when the employee knows that there is a reasonable likelihood that the opportunity is being afforded to influence the employee in the performance of the employee’s official duties;
- entering into contracts with the school division under certain circumstances;
- accepting a gift from a person who has interests that may be substantially affected by the performance of the employee’s official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the employee’s impartiality in the matter affecting the donor; and
- accepting gifts from sources on a basis so frequent as to raise an appearance of the use of the employee’s position for private gain.

#### **D. Awards to Employees for Exceptional Service**

The Act does not prohibit or apply to the acceptance by a teacher or other employee of the School of an award or payment in honor of meritorious or exceptional services performed by the teacher or employee and made by an organization exempt from federal income taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code.

#### **E. Advisory Opinions**

Employees may seek written opinions regarding application of the Act from the local Commonwealth’s Attorney, the local County Attorney or the Ethics Council. Good faith reliance on a written opinion of the Commonwealth’s Attorney or a formal opinion or written informal advice of the Ethics Council made in response to a written request for such opinion or advice regardless of whether such opinion or advice is

later withdrawn, provided that the alleged violation occurred prior to the withdrawal of the opinion or advice, bars prosecution for a knowing violation of the Act provided the opinion or advice was made after a full disclosure of the facts. If the employee relies on written informal advice given by the Ethics Council in a prosecution for a knowing violation of the Act, the record of the request and the written informal advice given shall be a public record and released upon request. An opinion of the local County Attorney may be introduced at trial as evidence that the employee did not knowingly violate the Act.

ADOPTED: January 22, 2018

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 2.2-3101, 2.2-3102, 2.2-3103, 2.2-3103.2, 2.2-3104.1, 2.2-3109, 2.2-3110, 2.2-3112, 2.2-3121, 2.2-3124 and 30-356.

CROSS REFERENCE: BBFA Conflict of Interests and Disclosure Requirements  
CBCA Disclosure Statement Required of Superintendent  
DJG Vendor Relations  
GCCB Employment of Family Members  
GCQA Nonschool Employment by Staff Members  
KGA Sales and Solicitations in Schools  
KJ Advertising in the Schools

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# Appendix E

## SCHOOL BUS DRIVERS

### Eligibility for Employment

Any applicant for employment operating a school bus transporting pupils must:

- a. have a physical examination of a scope prescribed by the Board of Education and furnish a form prescribed by the Board of Education showing the results of such examination
- b. permit the Division to obtain a statement or copy of records from the Department of Motor Vehicles showing that the applicant, within the preceding five years, has not been convicted of a charge of driving under the influence of alcohol or drugs, convicted of a charge of refusing to take a blood or breath test, convicted of a felony or assigned to any alcohol safety action program or driver alcohol rehabilitation program pursuant to Va. Code § 18.2-271.1 or, within the preceding 12 months, has not been convicted of two or more moving traffic violations or required to attend a driver improvement clinic by the Commissioner of the Department of Motor Vehicles pursuant to Va. Code § 46.2-498
- c. furnish a statement signed by two reputable persons who reside in the school division or in the applicant's community that the person is of good moral character
- d. exhibit a license showing the person has successfully undertaken the examination prescribed by Va. Code § 46.2-339
- e. have reached the age of 21 on the first day of the school year

f. submit to testing for alcohol and controlled substances as required by state and federal law and regulation

Persons for whom registration with the Sex Offender and Crimes Against Minors Registry is required are not eligible for employment as a school bus driver.

Persons hired as school bus drivers must annually furnish the documents listed in (a) and (b) above prior to the anniversary date of their employment as a condition of continued employment as a school bus operator.

### **Drug and Alcohol Testing**

The school division has a drug and alcohol testing program for school bus drivers and other employees who are required to hold a commercial driver's license (CDL) by U.S. Department of Transportation Regulations who perform safety-sensitive functions as required by federal and state law and regulations.

### **Prohibited Conduct**

Drivers are prohibited from alcohol possession and/or use on the job, use during the four hours before performing safety-sensitive functions, having prohibited concentrations of alcohol in their systems while on duty or performing safety-sensitive functions, and use during eight hours following an accident or until after undergoing a post-accident alcohol test, whichever occurs first.

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substances except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver that the substance does not adversely affect his ability to safely operate a commercial motor vehicle.

## **Required Testing**

Drivers are subject to pre-employment/pre-duty drug testing, reasonable suspicion alcohol and drug testing, random alcohol and drug testing, post-accident alcohol and drug testing, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations. Pursuant to state law, drivers are subject to pre-employment alcohol testing. Any employee who refuses to submit to a post-accident, random, reasonable suspicion or follow up test shall not perform or continue to perform safety-sensitive functions.

## **Notification**

Each driver receives educational materials that explain the requirements of federal law and regulations together with a copy of the division's policy and procedures for meeting these requirements. Each driver must sign a statement certifying that he/she has received a copy of the above materials and the division maintains this signed copy.

Before performing each alcohol or controlled substances test, the division will notify the driver that the test is required by federal law or regulation.

## **Consequences if Testing Indicates Drug or Alcohol Misuse**

If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee shall be removed immediately from safety-sensitive functions in accordance with the federal regulations. All drivers shall be advised of resources available and before a driver is re-instated, if at all, the driver shall undergo an evaluation by a substance abuse professional, comply with any required rehabilitation and undergo a return-to-duty test with negative urine sample.

## **Record Retention**

The division maintains records in compliance with the federal regulations in a secure location with controlled access. With the driver's consent, the division may obtain any of the information concerning drug and alcohol testing from the driver's previous employer. A driver is entitled upon written request to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances including information pertaining to alcohol or drug tests.

Records shall be made available to a subsequent employer upon receipt of a written request from a driver. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the driver's request.

## **Test procedure**

The division administers alcohol and controlled substance tests in accordance with federal laws.

ADOPTED: January 27, 2014

REVISED: January 22, 2018

LEGAL REFERENCES: 49 U.S.C. § 31136; 49 CFR § 382.101 et seq.; Code of Virginia, 1950, as amended, §§ 22.1-178, 46.2-339, 46.2-340; 8 VAC 20-70-280.

CROSS REFERENCES: GBEA Unlawful Manufacture, Distribution, Dispensing, Possession or Use of a Controlled Substance

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# Appendix F

## ACCEPTABLE COMPUTER SYSTEM USE

The York County School Board provides a computer system, including the internet, to promote educational excellence by facilitating resource sharing, innovation and communication. The term computer system includes, but is not limited to, hardware, software, data, communication lines and devices, terminals, printers, CD-ROM devices, tape or flash drives, servers, mainframe and personal computers, tablets, cellular phones, smart telephones, the internet and other internal or external networks.

Use of the computer system is a privilege, not a right. Any communication or material generated using the computer system, including electronic mail, instant or text messages, tweets, or other files deleted from a user's account, may be monitored, read, and/or archived by school officials.

The division superintendent shall establish administrative procedures, for the School Board's approval, containing the appropriate uses, ethics and protocol for the computer system.

The procedures shall include:

(1) a prohibition against use by Division employees and students of the division's computer equipment and communications services for sending, receiving, viewing or downloading illegal material via the internet;

(2) provisions, including the selection and operation of a technology protection measure for the division's computers having Internet access to filter or block Internet access through such computers, that seek to prevent access to:

(a) child pornography as set out in Va. Code § 18.2-374.1:1 or as defined in 18 U.S.C. § 2256;

(b) obscenity as defined by Va. Code § 18.2-372 or 18 U.S.C. § 1460; and

(c) material that the school division deems to be harmful to juveniles as defined in Va. Code § 18.2-390, material that is harmful to minors as defined in 47 U.S.C. § 254(h)(7)(g), and material that is otherwise inappropriate for minors;

(3) provisions establishing that the technology protection measure is enforced during any use of the Division’s computers;

(4) provisions establishing that all usage of the computer system may be monitored;

(5) provisions designed to educate students and employees about appropriate online behavior, including interacting with students and other individuals on social networking websites, blogs, in chat rooms, and cyberbullying awareness and response;

(6) provisions designed to prevent unauthorized online access by minors, including “hacking” and other unlawful online activities;

(7) provisions prohibiting the unauthorized disclosure, use, and dissemination of photographs and/or personal information of or regarding minors; and

(8) a component of internet safety for students that is integrated in the Division’s instructional program.

Use of the School Division’s computer system shall be consistent with the educational or instructional mission or administrative function of the Division as well as the varied instructional needs, learning styles, abilities and developmental levels of students.

The Division's computer system is not a public forum.

Each teacher, administrator, student and parent/guardian of each student shall sign the Acceptable Computer System Use Agreement before using the Division's computer system. The failure of any student, teacher or administrator to follow the terms of the Agreement, this policy or accompanying regulation may result in loss of computer system privileges, disciplinary action, and/or appropriate legal action.

The School Board is not responsible for any information that may be lost, damaged or unavailable when using the computer system or for any information retrieved via the Internet. Furthermore, the School Board will not be responsible for any unauthorized charges or fees resulting from access to the computer system.

The School Board will review, amend if necessary, and approve this policy every two years.

ADOPTED: January 27, 2014

RESTATEMENT: January 22, 2018

LEGAL REFERENCES: 18 U.S.C. §§ 1460, 2256; 47 U.S.C. § 254; Code of Virginia, 1950, as amended, §§ 18.2-372, 18.2-374.1:1, 18.2-390, 22.1-70.2, and 22.1-78

CROSS REFERENCES:           GCPD Professional Staff Discipline  
                                      JFC Student Conduct

# Notes:

# Notes:

