

EMPLOYEE HANDBOOK

ENGAGE, ENCOURAGE, EMPOWER



Montgomery County Public Schools

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REVISED July 2018

Montgomery County Public Schools Employee Handbook

This handbook is designed to serve as a reference for the employees of Montgomery County Public Schools. It provides answers to frequently asked questions and general information that is helpful to employees regarding employment guidelines within the Montgomery County Public School Division.

The information within this handbook is divided by topic. In addition, an attachment section includes forms referenced throughout the booklet. To find more comprehensive information, employees should utilize the School Division's policy manual. A hard copy of the School Board Policy is located at each school or department. The policy is also accessible on the division's website (<http://www.mcps.org>) by clicking "About Us," "School Board" and then "Policy."

Please note that the employee handbook does not contain full explanations of all policies and procedures. The handbook is intended to be a summary of the most common policies impacting employees. It does not supersede or re-interpret policy. School Board Policy is the primary document of reference. We hope that you find this information useful. Please contact your supervisor, school/department office, or the Human Resources Department if you need additional information. If you have suggestions for improving subsequent editions of this handbook contact the Human Resources Department at 540.382.5100.

This handbook is subject to revisions.

EMPLOYEES ARE INFORMED:

The Montgomery County Public School Division utilizes video surveillance equipment to ensure the safety and security in its facilities. Employees of the Montgomery County Public Schools, therefore, are notified that surveillance equipment may record their actions at work. These recordings from the surveillance equipment may then be utilized to review employee conduct and appropriate work behavior.

Employees receive a copy of the Montgomery County Public Schools Employee Handbook upon hire and attendance during their orientation. It is the employee’s responsibility to read and comply with all policies contained therein as well as any revisions made to it. A hard copy of the most updated version can be found in the office of each school location as well as on the MCPS website at the following link:

http://www.mcps.org/departments/human_resources/current_employees/handbooks/

The Montgomery County School Board is an equal opportunity employer, committed to nondiscrimination in recruitment, selection, hiring, pay, promotion, retention, or other personnel action affecting employees or candidates for employment. Therefore, discrimination in employment against any person on the basis of race, color, religion, national origin, sexual orientation, political affiliation, gender, pregnancy, child birth or related medical condition, age, marital status, disability or status as a special disabled veteran is prohibited. Personnel decisions shall be based on merit and the ability to perform the essential functions of the job, with or without reasonable accommodation, when necessary. The following persons have been designated to handle inquiries regarding non-discrimination policies:

Director of Human Resources and Director of Secondary Education
750 Imperial Street, SE, Christiansburg, VA 24073
(540) 382-5100

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MISSION, VISION, AND CORE VALUES

(reference: School Board Policy 1-1.5)

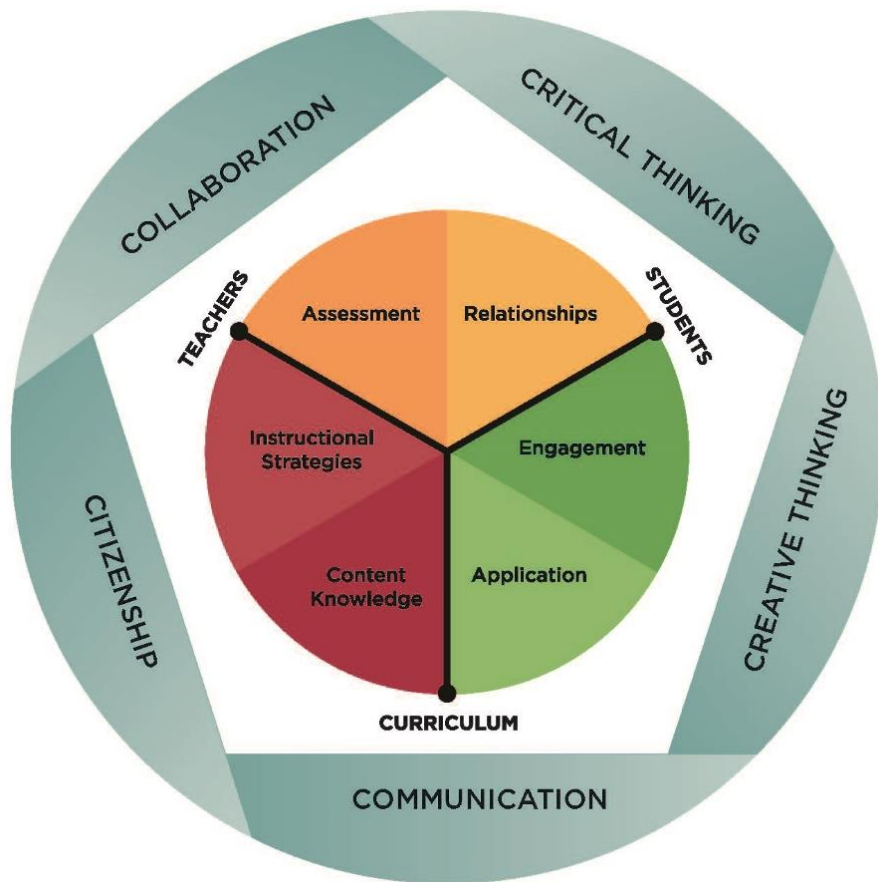
Mission

Every student will graduate career and college ready and become a productive, responsible citizen.

Vision

We inspire learning by providing a nurturing environment, positive relationships, high expectations and continuous growth.

Montgomery County Public Schools accomplishes our mission and vision through the implementation of the Model for Effective Instruction:



Core Values

- Physical safety and emotional well being
- DRAFT Mutual trust and respect
- Open communication
- Accountability
- Engagement and life-long learning
- Cultural Diversity

Adopted: April 2004

Revised: September 2005, January 2013, February 2015, August 2017

PERSONNEL- GENERAL ADMINISTRATION

EQUAL EMPLOYMENT OPPORTUNITY

(reference: School Board Policy 5-1.1)

The Montgomery County School Board is an equal opportunity employer, committed to nondiscrimination in recruitment, selection, hiring, pay, promotion, retention, or other personnel action affecting employees or candidates for employment. Therefore, discrimination in employment against any person on the basis of race, color, religion, national origin, sexual orientation, political affiliation, gender, pregnancy, child birth or related medical condition, age, marital status, disability or status as a special disabled veteran is prohibited. Personnel decisions shall be based on merit and the ability to perform the essential functions of the job, with or without reasonable accommodation, when necessary.

The Montgomery County School Board shall provide facilities, programs and activities that are accessible, usable and available to qualified disabled persons. Further, the Montgomery County School Board shall not discriminate against qualified disabled persons in the provision of health, welfare and other social services.

Director of Human Resources and Director of Secondary Education
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SEXUAL HARASSMENT/HARASSMENT BASED ON AGE, RACE, NATIONAL ORIGIN, DISABILITY, OR RELIGION

(reference: School Board Policy 5-1.2)

The Montgomery County School Board is committed to maintaining a learning/working environment free from sexual harassment and harassment based on age, race, national origin, disability or religion, therefore, the School Board prohibits such harassment of any student or school personnel at school or any school sponsored activity.

Complaint Procedure

Any school personnel who believe he or she has been a victim of prohibited harassment or has noticed that a student or school personnel has been a victim of prohibited harassment should report the alleged harassment to the compliance officer or building principal. The Report of Discrimination/Harassment form should be used to file the complaint.

Attachment: Report of Discrimination/Harassment Form

BOARD-STAFF COMMUNICATIONS

(reference: School Board Policy 5-1.3)

The Montgomery County School Board supports the concept of two-way communication between the School Board and employees of the School Board. The School Board shall offer time at its meetings for employee organizations to be heard.

It is the policy of the School Board not to discriminate against any employee by reason of his or her membership or non-membership in an employee organization, or institution of any grievance or complaint.

PERSONNEL RECORDS

(reference: School Board Policy 5-1.4)

The Montgomery County School Board and school administration shall protect the confidentiality of personnel files, personnel references, academic credits, and other similar documents regarding individual employees, as required by applicable law. Employees may request an appointment to review their personnel file.

PERSONNEL - STATEMENT OF ETHICS**reference: School Board Policy 5-1.5)**

Staff duties, responsibilities, and personal judgment shall be consistent with School Board policies and regulations. By accepting employment with the Montgomery County Public Schools, all employees shall strive to fulfill their individual responsibilities with honesty and integrity and shall strive to keep the well being of the students as their primary goal while maintaining the highest standards of professional ethics.

STANDARDS OF STAFF CONDUCT**(reference: School Board Policy 5-1.6)**

Since conduct in online environments and social networks can potentially impact an employee's effectiveness in the work environment and, therefore, can potentially impact the effectiveness of a school system, the Montgomery County School Board has established standards of conduct and behavior for online environments and social networks. These standards are intended to apply to both school-related and non-school related online activity by all staff, including volunteers.

PERSONNEL - HIRING AND APPOINTMENT

APPLICATION FOR POSITIONS

(reference: School Board Policy 5-2.2)

Applications for employment, both internal and external, for new positions or transfers shall be completed on our online application system at http://www.mcps.org/departments/human_resources/job_openings/

It shall be the responsibility of the applicant to furnish accurate information. Any falsification of either information or credentials shall be cause for dismissal or refusal to employ.

A personal interview is required of all applicants as a prerequisite to employment.

HIRING: HEALTH ISSUES

(reference: School Board Policy 5-2.3)

Tuberculosis Certification Requirement

As a condition of employment, every new employee of MCPS and student teachers shall submit, on the prescribed form, a signed certificate stating the person appears free of communicable tuberculosis.

The School Board may from time to time require tuberculosis re-screening of all employees.

Physical Exams for School Bus Drivers

No person shall be employed as a bus driver unless he or she has a physical exam of the scope required by the Virginia Board of Education.

Contagious, Infections, or Communicable Diseases

Employment of persons with a contagious or infectious disease poses an increased risk of infection to the school community. Therefore, the decision to employ any person with an infectious or contagious disease shall be made by the division superintendent or his/her designee on a case-by-case basis. See policy for health issues that may impact your continued employment as well as reporting and control procedures.

Blood borne Pathogens – Exposure Plan

Employees covered by this program include designated first aid providers and employees who face an increased risk of exposure due to the nature of their job assignments.

HIRING: CRIMINAL BACKGROUND CHECKS AND FINGERPRINTING

(reference: School Board Policy 5-2.4)

The Montgomery County School Board will not hire or continue the employment of any part-time, full-time, temporary, or permanent personnel who are determined to be unsuited for service by reason of criminal conviction.

The Montgomery County School Board and any individual employee, contractor, or agent of the School Board shall not assist an employee, contractor, or agent of the School Board in obtaining a new job if the School Board or individual knows or has probable cause to believe that the employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of law.

Applicants for Employment

Individuals applying for any position in the Montgomery County Public Schools shall be required to disclose prior convictions of law other than minor traffic violations or juvenile offenses. Information provided by applicants may be verified by work history, personal reference, or criminal record inquiries to determine the applicant's acceptability for employment. Where a prior conviction is ascertained, the school division will consider the nature of the offense, the date of the offense and the relationship between the offense and the position for which application is sought.

Applicants for any position in the Montgomery County Public Schools must certify that they have not been convicted of a felony or any offense involving the sexual molestation, physical or sexual abuse or rape of a child, and must certify whether they have been convicted of a crime of moral turpitude. Such a conviction shall bar employment in accordance with state law. Further, where a conviction relates to the suitability of the individual to perform duties in a particular position, such person may be denied employment.

Furthermore, as a condition of employment for full-time, part-time, temporary and permanent positions requiring direct contact with students, an applicant for employment shall certify that he/she has not been the subject of a founded case of child abuse and neglect. Any person making a materially false statement regarding a finding of child abuse and neglect shall be guilty of a Class 1 misdemeanor and upon conviction, the fact of said conviction shall be grounds for the Board of Education to revoke such person's license to teach.

As a condition of employment, any applicant who is offered or accepts employment, whether full-time, part-time, permanent or temporary with the Montgomery County School Board, shall submit to fingerprinting and provide personal descriptive information. The information and fingerprints shall be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigations for the purpose of obtaining criminal history record information on applicants who offer or accept employment.

If an applicant is denied employment because of information appearing on his/her criminal history record, the School Board shall provide to the applicant a copy of the information provided by the Central Criminal Records Exchange.

Department of Social Services Data

The School Board shall require, as a condition of employment, that any applicant who is offered or accepts employment requiring direct contact with students, whether full-time or part-time, permanent or temporary, provide written consent and the necessary personal information for the School Board to obtain a search of the registry of founded complaints of child abuse and neglect. The registry is maintained by the Department of Social Services. The School Board shall ensure that all such searches are requested in conformance with the regulations of the Board of Social Services.

In addition, where an applicant for employment has resided in another state within the last five years, he/she shall provide written consent and the necessary personal information for the school division to obtain information from each relevant state as to whether the applicant was the subject of a founded complaint of child abuse and neglect in such state. The School Board shall take reasonable steps to determine whether the applicant was the subject of a founded complaint of child abuse and neglect in the relevant state. Such reasonable steps shall include, but not be limited to, contacting any central child abuse and neglect registry maintained by the relevant state.

If the school division obtains a record of a founded complaint of child abuse and neglect maintained by the Virginia Department of Social Services or another state social service agency, the applicant shall be denied employment, or the employment shall be rescinded.

Any Montgomery County Public Schools teacher who is or becomes the subject of a founded complaint of child abuse and neglect shall be dismissed after all rights to an appeal of the Department of Social Services' finding provided by the Code of Virginia § 63.2-1526 have been exhausted. The fact of such finding, after all rights to an appeal provided by the Code of Virginia § 63.2-1526 have been exhausted, shall be grounds for the School Board to recommend that the Board of Education revoke such person's license to teach.

Employee Convictions

Employees may be suspended in accordance with policies 5-6.1 and 5-6.2, if charged by summons, warrant, indictment or information with the commission of a felony or a misdemeanor involving (i) sexual assault as established in Article 7 (§18.2-61, et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia; (ii) obscenity and related offenses as established in Article 5 (§18.2-372, et seq.) Chapter 8 of Title 18.2, (iii) drugs as established in Article I (§18.2-247, et seq.) of Chapter 7 of Title 18.2, (iv) moral turpitude, or (v) the physical or sexual abuse or neglect of a child, or an equivalent offense in another state. Where a conviction relates to the suitability of the employee to perform duties in a particular position, such employee may be dismissed.

If a current employee is suspended or dismissed because of information appearing on his/her criminal history record, the School Board shall provide to the employee a copy of the information provided by the Central Criminal Records Exchange.

If licensed personnel are dismissed or resign due to a conviction of any felony, any offense involving the sexual molestation, physical or sexual abuse or rape of a child, any offense involving drugs, or due to having become the subject of a founded case of child abuse or neglect, the School Board shall notify the Board of Education within 10 business days of such dismissal or the acceptance of such resignation.

Notification of Employee Arrests

The division superintendent shall inform the School Board of any notification of arrest of a School Board employee received pursuant to Virginia Code §19.2-83.1. The School Board shall require such employee, whether full-time or part-time, permanent, or temporary, to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the employee's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigations for the purpose of obtaining criminal history record information regarding such employee. The contents of the employee's criminal record shall be used only to implement dismissal, or suspension in accordance with §§22.1-307 and 22.1-315 of the Code of Virginia.

Costs of Fingerprinting, Criminal Record, Division of Motor Vehicles, and Abuse and Neglect Checks

The applicant shall pay for the fingerprinting, criminal record check, Department of Motor Vehicles check, and abuse and neglect check conducted pursuant to this policy.

Sex Offender Registry Notification

Please see School Board Policy 2-2.2 regarding receipt of Sex Offender Registry Notification as it relates to current or prospective School Board employees.

Background Checks for Private Contractors

As a condition of awarding a contract for the provision of services that require the contractor or his employees to have direct contact with students on school property, during regular school hours or during school-sponsored activities, the School Board shall require the contractor to provide certification that all persons who will provide such services have not been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child.

Any agency, business or individual making a materially false statement regarding any such offense shall be guilty of a Class 1 misdemeanor and, upon conviction, the fact of such conviction shall be grounds for the revocation of the contract to provide such services and, when relevant, the revocation of any license required to provide such services. The School Board shall not be liable for materially false statements regarding the certification required by this section.

This subsection shall not apply to a contractor or his employees providing services to Montgomery County Public Schools in an emergency or exceptional situation, such as when student health or safety is endangered or when repairs are needed on an urgent basis to ensure that school facilities are safe and habitable, when it is reasonably anticipated that the contractor or his employees will have no direct contact with students.

Adopted: April 2004

Revised: September 2006, August 2007, June 2008, March 2018, June 2018

APPOINTMENT AND REAPPOINTMENT

(reference: School Board Policy 5-2.7)

The Montgomery County School Board will appoint and reappoint employees only upon the recommendation of the division superintendent.

PERSONNEL – CONDITIONS OF EMPLOYMENT – GENERAL

DRUG-FREE WORKPLACE

(reference: School Board Policy 5-3.1)

Objective and Intent

The Montgomery County School Board seeks to establish and maintain a work environment free from the adverse effects of alcohol and other drugs.

Prohibited Acts

Each of the following acts by employees is prohibited under this policy:

- a. the unlawful or unauthorized manufacture, distribution, dispensation, possession or use of alcohol or other drugs in the workplace;
- b. the impairment in the workplace from the use of alcohol or other drugs (except the use of drugs for legitimate medical purposes);
- c. the criminal conviction for a:
 - (1) violation of any criminal drug law, based upon conduct occurring either on or off the workplace; or
 - (2) violation of any alcoholic beverage control law, or law which governs driving while intoxicated, based upon conduct occurring in the workplace;
- d. the failure to report to their supervisors that they have been convicted of any offense as defined in Section (c), above, within five (5) calendar days of the conviction;
- e. the use of alcohol, narcotics, hallucinogens, depressants, stimulants, or marijuana off School Board property which affects an employee's ability to perform his or her duties, or which generates publicity or circumstances which adversely affects the school division or its employees.
- f. knowingly and willfully with the intent to compromise the outcome of an athletic competition procures, sells, or administers anabolic steroids or causes such drugs to be procured, sold, or administered to a student who is a member of a school athletic team, or fails to report the use of such drugs by a student to the school principal and division superintendent as required by §22.1-279.3:1. Any person whose administrative or teaching license is suspended or revoked by the Board pursuant to this section shall be ineligible for three school years for employment in the public schools of the Commonwealth.

Reporting to Law Enforcement Agencies

Any employee who commits a criminal act related to drugs or alcohol while on school property or at a school-sponsored event shall be immediately reported to the responsible law enforcement agency and the MCPS Human Resources Department.

Employee Responsibilities

- a. All employees shall abide by the terms of the Montgomery County School Board's policy on alcohol and other drugs.
- b. Employees who are convicted of violating 1) a criminal drug law, based on or off the workplace site, or 2) an alcoholic beverage control law or law which governs driving while intoxicated, must notify the Department of Human Resources of such convictions.
- c. Notification under Section (b), immediately above, must be in writing and must be made no later than five (5) calendar days after such conviction. (Appealing the conviction does not affect the requirement to notify the Department of Human Resources of the conviction).

Management Responsibilities

Administrators shall inform, on an ongoing basis, all employees of:

- (1) the danger of alcohol and other drug use or abuse in the workplace;
- (2) available alcohol and other drug counseling;
- (3) available approved rehabilitation and employee assistance programs; and
- (4) the penalties that may be imposed upon employees for the commission of prohibited acts described in this policy.

Drug and Alcohol Testing

General

The Montgomery County School Board seeks to provide a drug-free, healthful, safe and secure work environment for all employees of the School Board and all students served by the school division.

Possession or Consumption of Alcohol

No employee shall possess or consume an alcoholic beverage while operating a school bus and transporting children.

Drug and Alcohol Testing

- a. Annual testing for employees required to maintain Commercial Driver's Licenses (CDLs)
- b. Testing for employees involved in or connected with accidents
- c. Testing when there is reasonable suspicion
- d. Any employee may be tested for drug and alcohol use if there is a reasonable suspicion that the employee is using or is under the influence of drugs or alcohol while at work.

TOBACCO-FREE SCHOOLS

(reference: School Board Policy 5-3.2)

Smoking, chewing, or any other use of any tobacco products by staff and students shall be prohibited on Montgomery County School Board property as defined in this policy.

“Montgomery County School Board property” shall mean all property owned, leased, rented, or otherwise used by a school including, but not limited to, the following:

- a. All interior portions of any building or structure used for instruction, administration, support services, maintenance or storage, as well as outdoor bleachers; and
- b. All vehicles used by the division for transporting students, staff, visitors, or other persons.

“Tobacco” shall include cigarettes, smokeless tobacco, electronic cigarettes, inhalant products such as vapor cigarettes, liquid tobacco, or hookah pipes, and all other kinds and forms of tobacco prepared in such manner as to be suitable for chewing, smoking, or both.

“Use” shall mean lighting, chewing, inhaling or smoking any tobacco product.

This policy shall be published in student handbooks, posted on bulletin boards, and announced in meetings. Staff and students found to be in violation of this policy shall be subject to appropriate disciplinary action.

Exemptions

The School Board may consider requests for exemptions from this policy that demonstrate the existence of extraordinary circumstances to warrant such an exemption and that do not violate federal or state law. The School Board may direct the division superintendent to issue regulations designating smoking areas on school grounds outside buildings.

Adopted: April 2004

Revised: August 2017

STAFF: WEAPONS IN SCHOOLS

(reference: School Board Policy 5-3.3)

Staff members are prohibited from carrying, bringing, using, or possessing any weapon in any school building, on school grounds, in any school vehicle, or at any school-sponsored activity without the authorization of the school or the school division. All incidents involving illegal carrying of a firearm shall be reported in accordance with state law.

NON-SCHOOL EMPLOYMENT

(reference: School Board Policy 5-3.5)

Non-school Employment by Professional Staff Members

Employees shall not engage in outside employment that conflicts with their Montgomery County Public Schools assignment.

Tutoring for Pay

Staff members may not be paid for privately tutoring students enrolled in a class under their direction.

PERSONNEL – CONDITIONS OF EMPLOYMENT – LICENSED/CERTIFIED PERSONNEL

LICENSED PERSONNEL: CONDITIONS OF EMPLOYMENT AND LICENSURE (reference: School Board Policy 5-4.1)

The Virginia Board of Education prescribes the requirements for certification of teachers and other school personnel. No teacher shall be regularly employed by the Montgomery County School Board or paid from public funds unless such teacher holds a license issued by the Virginia Board of Education.

NEW POSITION: TRANSFER/PROMOTION (reference: School Board Policy 5-2.8)

Transfers

- a. The School Board may authorize the division superintendent to reassign such teachers, principals and assistant principals. The division superintendent may reassign any such teacher, principal or assistant principal for that school year to any school within such division provided no change or reassignment during a school year shall affect the salary of such teacher, principal, or assistant principal for that school year. Teachers are entitled to initiate a transfer request for classroom assignment within the areas of their certification. The administration shall develop procedures for the handling of voluntary teacher transfer requests.
- b. Supervisors, Principals, Assistant Principals: A person employed as a principal or supervisor, including a person who has previously achieved continuing contract status as a teacher, shall serve three (3) years in such position in the same school division before acquiring continuing contract status as principal or supervisor.
- c. Transfer requests from non-licensed staff during a school year are not generally approved unless the request will result in a promotion; there is a significant increase or decrease in work hours; or the transfer request is for a different job classification.

The division reserves the right, per School Board policy, to transfer employees during the school year based on operational needs.

Continuing contract status acquired by a principal or supervisor shall not be construed as prohibiting the School Board from reassigning such principal or supervisor to a teaching position if notice of reassignment is given by the School Board by June 15 of any year or as entitling any such principal or supervisor to the salary paid him/her as principal or supervisor in the case of any such reassignment to a teaching position; provided, however, that no such salary reduction and reassignment shall be made without first providing such principal or supervisor with written notice of the reason for such reduction and reassignment and an opportunity to present his or her position at an informal meeting with the division superintendent, the division superintendent's designee, or the School Board. The School Board, division superintendent, or the division superintendent's designee shall determine what processes are to be followed at the meeting. The decision to reassign and reduce salary shall be at the discretion of the School Board.

LICENSED PERSONNEL: REPORTING RESPONSIBILITIES (reference: School Board Policy 5-4.3)

Investigating/Reporting Alcohol or Drug Use

Licensed and classified licensed employees who, in good faith with probable cause and without malice, are to report or investigate the activities of any student or any other person as they relate to alcohol or drug use or abuse in or related to the school or to any school activity, shall be immune from all civil liability as provided by applicable law.

Reporting Child Abuse or Neglect

Licensed personnel who have reason to suspect that a child is an abused or neglected child shall report the matter immediately to the building principal. Principals shall report such cases to the child abuse coordinator of the local Department of Social Services as required by law. Personnel making the required reports are immune from civil and criminal liability connected therewith if the reports are made without bad faith or malicious intent.

The School Board shall post, in each Montgomery County Public School, a notice, pursuant to Virginia Code § 63.2-1509, that:

- (i) any teacher or other person employed in a public or private school who has reason to suspect that a child is an abused or neglected child, including any child who may be abandoned, is required to report such suspected cases of child abuse or neglect to local or state social services agencies or the person in charge of the relevant school or his/her designee; and
- (ii) all persons required to report cases of suspected child abuse or neglect are immune from civil or criminal liability or administrative penalty or sanction on account of such reports unless such person has acted in bad faith or with malicious purpose. The notice shall also include the Virginia Department of Social Services' toll-free child abuse and neglect hotline number.

LICENSED PERSONNEL: EVALUATION

(reference: School Board Policy 5-4.5)

Supervision of the Evaluation Process

The division superintendent shall supervise the establishment of a procedure for adequate and periodic evaluation of the work of each employee and shall maintain suitable records. The Virginia Board of Education Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents should be consulted during the development of the evaluation procedures.

PROFESSIONAL STAFF RESEARCH AND PUBLISHING (reference: School Board Policy 5-4.6)

Ownership of Materials

The Montgomery County School Board adopts the "work for hire doctrine" and shall hold the copyright to all employees' work produced at the instance and expense of the School Board and/or any of its administrative staff. Work made for hire is defined as materials prepared by an employee in connection with his/her job duties, and it includes instructional texts, tests, answer sheets, and materials specifically commissioned.

LICENSED PERSONNEL: RESIGNATION

(reference: School Board Policy 5-4.7)

A teacher may resign after April 15 of any school year with the approval of the local School Board. The teacher shall request release of contract at least two (2) weeks in advance of the intended date of resignation.

If a teacher submits a request for resignation during the school year, the administration reserves the right to accept or deny the request in keeping with the employees' contractual obligation.

PERSONNEL – CONDITIONS OF EMPLOYMENT – SUPPORT/CLASSIFIED PERSONNEL

SUPPORT STAFF EMPLOYMENT STATUS

(reference: School Board Policy 5-5.1)

The Montgomery County School Board offers three (3) types of employment to support staff personnel.

1. Temporary employees shall be hired for short-term needs on a daily basis. These employees shall accrue no benefits and be paid only for hours worked.
2. Probationary employees shall be fully qualified new employees assigned to authorized positions on a month-to-month basis. These employees are eligible for salary increments. Employees working 30+ hours per week shall accrue sick leave benefits at the rate of one (1) day per working month. Employees scheduled to work between 20-29 hours per week shall accrue sick leave benefits at the rate of one-half (0.5) day per working month.
3. Regular employees shall have successfully completed an eighteen (18)-month probationary period and shall be paid on a monthly basis. Regular employees shall be eligible for all employment benefits available under School Board policy. Such employees shall maintain regular employment status while serving a probationary period in a new position following a transfer to a new department or a promotion to a higher position.

Conditions of Work

The division superintendent or his/her designee shall establish work schedules, provisions for absences, and other conditions of work for classified employees in keeping with the School Board's policies. Employees are responsible for making sure his/her school supervisor is aware of changes in work attendance and should always record work hours on timesheet and timesheet reflects actually hours worked.

SUPPORT STAFF: PROBATION

(reference: School Board Policy 5-5.2)

The probationary period for all classified (support staff) employees shall be eighteen (18) months. Classified staff consists of all part-time hourly, part-time salaried, full-time hourly, and full-time salaried employees.

NEW POSITION: TRANSFER/PROMOTION

(reference: School Board Policy 5-2.8)

Transfers

- a. The School Board may authorize the division superintendent to reassign such teachers, principals and assistant principals. The division superintendent may reassign any such teacher, principal or assistant principal for that school year to any school within such division provided no change or reassignment during a school year shall affect the salary of such teacher, principal, or assistant principal for that school year. Teachers are entitled to initiate a transfer request for classroom assignment within the areas of their certification. The administration shall develop procedures for the handling of voluntary teacher transfer requests.
- b. Supervisors, Principals, Assistant Principals: A person employed as a principal or supervisor, including a person who has previously achieved continuing contract status as a teacher, shall serve three (3) years in such position in the same school division before acquiring continuing contract status as principal or supervisor.

- c. Transfer requests from non-licensed staff during a school year are not generally approved unless the request will result in a promotion; there is a significant increase or decrease in work hours; or the transfer request is for a different job classification.

The division reserves the right, per School Board policy, to transfer employees during the school year based on operational needs.

Continuing contract status acquired by a principal or supervisor shall not be construed as prohibiting the School Board from reassigning such principal or supervisor to a teaching position if notice of reassignment is given by the School Board by June 15 of any year or as entitling any such principal or supervisor to the salary paid him/her as principal or supervisor in the case of any such reassignment to a teaching position; provided, however, that no such salary reduction and reassignment shall be made without first providing such principal or supervisor with written notice of the reason for such reduction and reassignment and an opportunity to present his or her position at an informal meeting with the division superintendent, the division superintendent's designee or the School Board. The School Board, division superintendent, or the division superintendent's designee shall determine what processes are to be followed at the meeting. The decision to reassign and reduce salary shall be at the discretion of the School Board.

TRANSPORTATION EMPLOYEES

(reference: School Board Policy 5-5.3)

Drug and Alcohol Testing for Covered Employees

Generally

Montgomery County School Board transportation employees shall be under the general direction of the division superintendent and/or his/her designee.

Qualifications

In addition to other requirements set forth in federal and state law and elsewhere in School Board policies, applicants for regular and substitute transportation employee positions must satisfy the requirements of this policy, the Code of Virginia, specifically § 22.1-178, and Title 8, Section 20-70-280 of the Virginia Administrative Code.

Training

Before receiving a contract to drive a school bus or before being assigned as a substitute bus employee, an applicant must fulfill the requirements for training set by the Virginia Department of Education and those set by the division superintendent.

Substitute Bus Employee Qualifications and Pay

Substitute bus employees shall meet all qualification requirements of regular bus employees. A substitute employee shall receive a daily rate of pay for each day of employment commensurate to his/her own qualifications and experience. Substitute employees shall be employed by and paid by the School Board and not by the regular employee needing the substitute.

Use of Wireless Communication Devices

No driver shall use any wireless telecommunications device, whether handheld or otherwise, while driving a school bus, except in case of an emergency, or when the vehicle is lawfully parked and for the purposes of dispatching. Nothing in this section shall be construed to prohibit the use of (i) two-way radio devices or (ii)

wireless telecommunications devices that are used hands-free to allow live communication between the driver and school or public safety officials.

Possession or Consumption of Alcohol

No employee shall possess or consume an alcoholic beverage while operating a school bus and transporting children.

Drug and Alcohol Testing for Covered Employees

The school division shall implement 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 and who perform safety-sensitive functions as required by federal and state law and regulations.

Prohibited Conduct

Drivers shall be prohibited from alcohol possession and/or use on the job, use during the four (4) 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 (8) hours following an accident or until after she/he undergoes 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 physician who has advised the driver that the substance does not adversely affect his/her ability to safely operate a motor vehicle.

Required Testing

Drivers shall be 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 shall be subject to pre-employment alcohol testing. Any employee who refuses to submit to a post-accident, random, reasonable suspicion or follow up testing shall not perform or continue to perform safety-sensitive functions.

Notification

Each driver shall receive 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 shall sign a statement certifying that he/she has received a copy of the above materials, and the division shall maintain this signed copy.

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 shall maintain 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. Upon written request, a driver shall be entitled 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 only as expressly authorized by the terms of the driver's request.

Test Procedure

The division shall administer controlled substance tests in accordance with federal laws governing test procedure and testing sites. The division shall take steps to ensure that proper training and testing procedures are provided.

Adopted: April 2004

Revised: September 2005, June 2008, June 2010, June 2017

SUPPORT STAFF: EVALUATION

(reference: School Board Policy 5-5.5)

Evaluation of classified/support staff employees shall be a cooperative and continuing process with formal appraisal periodically. Evaluation shall be at least in duplicate, in writing, dated and signed by the employee and the assessor, with one copy going to the central office personnel file and one copy to the assessed.

Probationary (or month-to-month) classified employees shall be evaluated twice yearly. Regular employees shall be evaluated at least once every year.

SUPPORT STAFF: RESIGNATION

(reference: School Board Policy 5-5.6)

A support staff employee who wishes to terminate their employment shall give at least two (2) calendar weeks (14 days) notice to their immediate supervisor.

PERSONNEL – EMPLOYEE DISCIPLINE AND GRIEVANCE PROCEDURES

SUSPENSIONS

(reference: School Board Policy 5-6.1)

A teacher or other public school employee, whether full-time or part-time, permanent, or temporary, may be suspended for good and just cause when the safety or welfare of the school division or the students therein are threatened or when the teacher or other employee has been charged by summons, warrant, indictment, or information with the commission of a felony, or a misdemeanor.

EMPLOYEE DISCIPLINE OTHER THAN SUSPENSION

(reference: School Board Policy 5-6.2)

Discipline of Support Staff Members

Management staff and the division superintendent shall apply disciplinary measures fairly to support staff members. Disciplinary measures which may be taken by management include, but are not limited to, (1) verbal reprimands, (2) written reprimands, (3) suspensions without pay (see Policy 5-6.1), (4) disciplinary demotions, (5) placing on probation and (6) discharge. Eligible support staff members may initiate a grievance with respect to discipline imposed (See Policy 5-6.3).

Montgomery County School Board licensed and classified licensed personnel may be dismissed or placed on probation consistent with all applicable law.

Teacher Discipline

(reference: School Board Policy 5-7.2)

Please see School Board policy for information for failure to perform non-emergency health related services.

GRIEVANCES AND GRIEVANCE PROCEDURES: SUPPORT STAFF & TEACHERS

(reference: School Board Policy 5-6.3 & 6.4)

The Montgomery County School Board adopts the attached “Procedure for Adjusting Grievances for Support Staff” in accordance with state law.

The Montgomery County School Board honors the procedures for adjusting grievances as prescribed by the Virginia Board of Education of the Commonwealth of Virginia attached hereto, as amended by that body from time to time.

<http://law.lis.virginia.gov/admincode/title8/agency20/chapter90/>

Adopted: April 2004

Revised: September 2005

Adopted: April 2004

Revised: September 2005, March 2018

[GrievanceProcedureSupportStaff.pdf \(345 KB\)](#)

PERSONNEL – EMPLOYEE PAY AND FRINGE BENEFITS

EMPLOYEE COMPENSATION

(reference: School Board Policy 5-7.1)

The Montgomery County School Board shall annually establish and approve salaries for all school employees.

An employee's first paycheck may be delayed a month due to the payroll schedule and the date of when employment begins. Please contact the Payroll Department to learn about pay advances if the delay causes financial hardship.

If an employee's work contract length changes (i.e. 10-month to 11-month or 12-month) this change may affect the way the employee will be paid in the future. If this is the case, you may want to contact the Payroll Department for a more extensive explanation of how your contract change will affect your pay schedule.

If a part time employee's hire date is after Labor Day, he/she will be paid an hourly wage until the next school year begins. At that point they will be considered a part time salaried employee. All part time employees must submit a timesheet as confirmation of hours worked. Part time employees are also given the option for an advance in pay. The request must be submitted with a timesheet confirming the employee worked at least one week.

The School Board shall execute a separate contract in the form prescribed by the Virginia Board of Education with an employee who is receiving a monetary supplement for an athletic coaching assignment or extracurricular activity sponsorship assignment, as further discussed in Policy 5-4.2. Duty Completion forms must be completed, signed, and returned to the Human Resources department for payment.

For ATHLETIC supplements: Payment will be forwarded after the season ends and a Duty Completion form is submitted. If the supplemental request is for an Athletic Trainer or Activity Director, the employee may request one of the following payment options: one payment (at the end of school year); split payment (one half at the end of each season); or monthly payments.

For ACADEMIC supplements: If the supplemental assignment **covers the entire school year**, the employee may request to receive either of the following payment options: one payment (at the end of the school year) or one half of the supplemental amount at the end of the first semester and the remainder at the end of the second semester.

Teachers with extended day supplements will be paid at the end of each month.

During Code 3 or Code 4 school closings, part-time salaried employees will receive pay for those days. Part-time hourly employees will not receive compensation, as timesheets should reflect actually hours worked.

CERTIFIED SALARY SCALE EDUCATION ATTAINMENT

Montgomery County Public Schools will utilize the following guidelines to establish placement on the salary scale with respect to education attainment. The division will determine whether a degree or college credits from a post-secondary institution will be recognized for salary placement purposes by referring to the six regional accreditation agencies recognized by the VDOE to confirm whether a college or university, and a specific program, are accredited. The employee is responsible for providing documentation from the institution for MCPS to verify and approve the program and the credits for salary placement purposes. MCPS reserves the management right to request whether the VDOE will recognize and accept a program of study or credits. If the VDOE will not accept the degree or credits, MCPS reserves the right to deny the request for any advancement on the salary scale. Only degrees applicable to the field and profession of education will be used when establishing a salary placement for a teacher or administrator. Documentation of an earned degree or completed college credit must be received in the Human Resources office by October 1st for salary schedule adjustments for the current year.

The six regional accreditation agencies recognized by the VDOE are as follows:

- Middle States Association of Colleges and Schools (MSA)
- New England Association of Schools and Colleges (NEASC-CIHE)
- North Central Association of Colleges and Schools (NCA-HLC)
- Northwest Commission on Colleges and Universities (NWCCU)
- Southern Association of Colleges and Schools (SACS)**
- Western Association of Schools and Colleges

**Virginia is a member of the Southern Association of Colleges and Schools

RETIREMENT

(reference: School Board Policy 5-7.2)

School division employees who are eligible will be members of the Virginia Retirement System. Employee retirement and group life benefits shall be governed by the rules and regulations established by the Virginia Retirement System.

Retirement shall be at the discretion of the employee.

HOLIDAYS

(reference: School Board Policy 5-7.3)

All full time twelve (12) month employees who are eligible for the Virginia Retirement System shall be granted fourteen (14) paid holidays over a twelve (12) month period.

STAFF FRINGE BENEFITS

(reference: School Board Policy 5-7.4)

Long-Term Disability Insurance

The Montgomery County School Board shall provide each employee who works at least twenty (20) hours per week with group long-term disability insurance. All eligible employees are automatically enrolled upon date of hire.

Health Insurance

Health insurance plans shall be available for employees scheduled to work 30+ hours per week by payroll deduction. The School Board shall determine annually an amount of the premium to be contributed for all eligible employees.

Retirement Benefits and Life Insurance

The School Board shall pay the full employer cost of the full-time employees' retirement contributions and group life insurance premiums required by the state for all employees eligible for membership in the VRS. The employee will be required to pay a minimum of 5% of their annual salary to the VRS.

Professional Fees

The Montgomery County School Board will pay the fee for license renewal for certified employees who are required by law to hold such license to perform their duties.

Optional Benefits (Cafeteria/125 Plan)

All employees who work 20+ hours per week are eligible to enroll in Optional Benefits (Cafeteria/125 Plan). Please, refer to the Benefits Guide for more information:

<http://goo.gl/dhKIyf>

EMPLOYEE ABSENCES/LEAVE

(reference: School Board Policy 5-7.5)

Generally

The Montgomery County School Board recognizes the importance of a sound and inclusive leave policy for the promotion of the physical and mental health of its employees and for maintaining good morale.

All leaves, whether paid or unpaid, shall preserve the right of continuing contract status, retirement, annual leave with pay, salary increments and other benefits provided by law for those employees who return from leave within the agreed time.

The following categories of leaves shall be recognized by the Montgomery County School Board as applicable to Montgomery County Public School division personnel who are employed on a regular basis.

All professional staff leaves and absences shall be subject to School Board policy and regulations. The division superintendent shall provide for the interpretation and application of the School Board's policies and regulations regarding leaves and absences.

Staff Leave and Absences for Virginia Retirement System – Hybrid Plan Employees

If you were hired as a Montgomery County Schools employee on or after January 1, 2014, and considered a member of the VRS HYBRID retirement plan, you are covered under the MCPS provided Hybrid Disability program upon employment. Or, if you were hired prior to January 1, 2014, and elected to transfer from VRS Plan 1 or VRS Plan 2 to the VRS-HYBRID plan, your coverage in the VRS-HYBRID plan and MCPS provided Hybrid Disability program is effective July 1, 2014.

Reporting Absences

The division superintendent or his/her designee shall issue regulations for the reporting of Montgomery County School Board employee absences. Unexcused absences may result in an employee's dismissal.

Personal Leave

All full-time salaried employees who qualify for the Virginia Retirement System along with hourly employees, regularly employed for twenty (20) hours per week or more, shall submit a written request for intended absence to their principal or to their immediate supervisor at least forty-eight (48) hours prior to the expected absence. No specific reason for such personal leave shall be required or solicited. In case of emergency, the appropriate school official shall be notified prior to the start of the duty day to be taken off. The rules regarding personal leave shall be as follows:

1. Notification of personal leave shall be made in writing on the appropriate form.
2. Leave on in-service days or immediately before or after a holiday or vacation may be requested, for reason, from the division superintendent of schools or designee.
3. A maximum of two (2) days per contract year for personal leave may be granted. Part-time employee groups that regularly work at least twenty (20) hours per week have a maximum of one (1) day, equal to their regular workday, per contract year for personal leave. Personal leave may be taken in minimum increments of one-half day (one-half of hours worked per day). (Effective for hourly personnel on July 1, 1996.)

4. No more than one (1) instructional staff member or ten (10) percent of a staff of an administrative unit, whichever is greater, may take personal leave at any one time. Approval will be granted considering priority of time of receipt of application. The division superintendent or designee, in his/her sole discretion, may make exceptions, upon recommendation of the principal.

5. Unused personal leave days may be accumulated up to a total of five (5) days, and accumulated dates may be used in any given year. Unused personal leave earned beyond the accumulated five (5) day total will be transferred to accumulated sick leave at the end of the fiscal year.

Annual Leave

Ten- (10) and eleven- (11) month professional staff employees of the Montgomery County School Board are not granted annual leave. Ten (10) and eleven (11) month support staff employees are not granted annual leave unless approved by the School Board as part of the compensation package.

Annual leave for vacation and other personal reasons is granted to a twelve (12) month full-time salaried employee who is eligible for the Virginia Retirement System. Leave for twelve (12) month employees shall be earned according to the following schedule:

1. One (1) day of annual leave is earned for each completed calendar month (or more than one-half (1/2) of the workdays of a month) for the first five (5) years of continuous service as an employee of the Montgomery County School Board.
2. One and one-fourth (1 1/4) days of annual leave are earned for each completed calendar month (or more than one-half (1/2) of the workdays of a month) by personnel having over five (5) and up to ten (10) years of continuous service as an employee of the Montgomery County School Board.
3. One and one-half (1 1/2) days of annual leave are earned for each completed calendar month (or more than one-half (1/2) of the workdays in a month) by personnel having over ten (10) years of continuous service as an employee of the Montgomery County School Board.

An employee transferring from another school system in Virginia may earn the appropriate increment of annual leave according to their years of experience. Annual leave must be earned before it can be taken. A designated member of the division superintendent's staff will record earnings and use of annual leave for each employee on the last workday of each calendar month.

An employee will make a written application to his/her immediate supervisor, and annual leave will be scheduled and approved prior to the beginning of leave for an individual. Annual leave cannot be taken in less than one-half (1/2) day increments.

Annual leave earned by an eligible employee may be accumulated to the following year if it is not used, but not beyond that year. (Not more than two (2) years' accumulation may be credited to any employee). All employees terminating employment will receive a lump sum payment for earned, accumulated, unused annual leave days up to a maximum of thirty-six (36) days.

Wellness Leave (Personal)

An employee regularly scheduled to work 30 hours per week or more and who achieves perfect attendance (no days used for sick leave for any reason) may earn two (2) days of wellness leave per year to be used the following contract year. Wellness days are earned by semester and must be used the following year.

Professional Staff Short-Term Educational Leave

Certified instructional employees under continuing contract may submit requests for short-term educational leave. The short-term educational leave will be without pay and may be granted for the purposes of attending classes, conferences, or meetings that enhance the qualifications and performance of the employees and benefit the educational system of Montgomery County. The length of a short-term leave shall be less than one (1) year and more than one (1) week in duration.

All leave requests must be in writing and will be granted at the discretion of the division superintendent. Short-term educational leave requests, that involve travel, must include a verified itinerary and reflect a relationship with the employee's current assignment.

Short-term educational leave is granted with the understanding that the employee will return in the subsequent year.

If the leave request covers more than a four-week period, the employee is responsible for payment of his/her health insurance premium. All employee benefits will be paid as usual if the leave covers less than a four-week period.

Extended Leave

Extended leave may be granted by the division superintendent or his/her designee to teachers with continuing contract status, administrators, and instructional supervisors, without pay (life and hospitalization insurance may be maintained during extended leave if the full premiums for these coverages are paid to the district by the employee), for professional full-time study, foreign teaching assignments or exchange teaching, serious illness of a member of employee's immediate family, leave to accompany a spouse on sabbatical or travel, and service in teacher corps, VISTA, the Peace Corps or other activities approved by the division superintendent. Applications for extended leave shall be made to the division superintendent on a form provided by the School Board prior to March 1 for the succeeding school year. The division superintendent will make response to an application as soon as possible or prior to May 15. An employee will be required to provide verification of activity during the leave period at the conclusion of the leave or the completion of the activity for which leave was granted. Extended leave shall be for a period of one (1) year. The division superintendent with approval of the School Board may grant a second consecutive year. An employee shall be responsible for verification of activity requiring extension of leave for a second year. In all cases, verification of activity should be presented to the Department of Human Resources prior to return to work.

Request for reinstatement following extended leave shall be filed in the division superintendent's office on or before March 1 for the ensuing school year.

At the expiration of the leave, upon proper notification as specified, the employee will be offered the first position the superintendent considers appropriate that becomes available to the school division within the next succeeding 12 month period following expiration of the leave of absence; such re-employment will be with full rights and privileges to which the employee was entitled and qualified at the time the leave became effective.

An employee who accepts regular employment, other than as included in the approved reason for which the leave was granted, during an extended leave shall resign or the leave of absence shall be terminated immediately and all rights and privileges associated with the leave forfeited.

Unpaid Leave

A full-time salaried employee who is eligible for the Virginia Retirement System and an hourly employee, regularly employed for twenty (20) hours per week or more, shall submit a written request for intended absence to his/her principal or to his/her immediate supervisor as soon as possible but at least fifteen (15) days prior to the expected absence. The procedure for requesting unpaid leave shall be as follows:

1. First and foremost, requests for unpaid leave should be discouraged and taken only as a last resort, as leave disrupts the efficiency and effectiveness of education programs and the division's ability to continue day-to-day operations.
2. Employees shall use all personal, wellness and annual leave before requesting unpaid leave. Notwithstanding this requirement, full-time twelve month employees are eligible to retain five annual days prior to applying for or being placed in an unpaid leave status.
3. Notification of request for unpaid leave shall be made in writing on the appropriate form along with a letter stating the reason for the request to his/her principal or immediate supervisor as early as possible but at least fifteen (15) or thirty (30) days prior to the expected absence.
4. The principal or supervisor must sign the form, indicating their acknowledgement and support for the request, and then forward the form and letter to the Director of Human Resources. Principals/supervisors are responsible for assuring those arrangements are made to maintain regular classroom instruction and/or day-to-day operations. Requests will be forwarded to the division superintendent or designee through the Department of Human Resources for approval.
5. Decisions will be communicated to the employee in writing.

Temporary Medical Disability and Leave for Employee's Debilitating or Life-Threatening Illness or Injury

Personnel employed on a regular salaried basis may request or be placed on leave of absence for temporary medical disability if the School Board determines, after consultation with a physician who has performed a thorough medical examination, that the employee's condition interferes with the performance of regular duties. The physician performing the examination shall be employed by the School Board to perform such services or the employee's physician, upon approval of the Department of Human Resources, may perform such examination. Such employee has the right to present testimony and/or information relevant to his/her fitness to continue the performance of regular duties. The length of a leave of absence for temporary disability shall in no event be more than one hundred eighty (180) days. Any leave granted pursuant to the Family and Medical Leave policy in the past twelve (12) months (or in the past fiscal year) will be deducted from the leave granted for temporary medical disability.

Sickness and Accident

The Montgomery County School Division operates under the regulations governing the State Sick Leave Plan for Teachers as supplemented by School Board policies.

The following provisions apply to all salaried teachers, administrators, central office staff, maintenance and custodial personnel, school bus garage employees, clerical workers, instructional assistants, and hourly employee groups, regularly scheduled to work thirty (30) hours or more per week. (Effective for hourly personnel on July 1, 1996):

When an employee is drawing payments from MCPS provided Hybrid Disability program he or she must use any available sick leave days they have earned to supplement the replacement income, provided that the combined daily payment will not exceed 100% of his or her normal gross payroll amount. If the employee has no available sick leave, the employee will be paid at the rate set forth in the MCPS Hybrid Disability program.

1. Ten (10), eleven (11), and twelve (12) month employees may earn a maximum of ten (10), eleven (11) or twelve (12) days, respectively, for each yearly contractual period. Such leave, if not used, may accumulate without limit for VRS Plan 1 and 2 employees. VRS Hybrid employees shall accumulate up to, but may not exceed, 90 days.
2. Earnings for less than a full year shall be at the rate of one (1) day per month (or more than one-half (1/2) of the workdays of a month). This provision applies to those employees who do not begin to work at the start of the regularly contracted period and to those who do not complete the full contracted period.
3. Employees shall be permitted to anticipate sick leave earnings for the current contract year. Should the recipient of advanced sick leave terminate employment with the school division prior to earning the amount of sick leave used, the recipient will have the advanced days deducted from his/her salary.
4. An employee cannot claim any portion of earned leave unless he/she has actually reported for duty in accordance with the terms of his/her contract. However, if an employee is unable, because of accident or illness, to begin work in accordance with the terms of his/her contract, such employee may use accumulated leave to his/her credit not to exceed such balances as of June 30 of the immediately preceding fiscal year.
5. A maximum of two (2) days per contract year of such leave may be used for necessary appointments with physicians or dentists.
6. Such leave must be taken in not less than one-half day increments.
7. The principal, supervisor, Director of Human Resources or division superintendent shall have the authority to require reasonable proof of illness when he/she deems it necessary.
8. Part time employees, who are regularly scheduled to work at least twenty (20) hours per week, shall earn one-half (1/2) day of sick leave, equal to one-half (1/2) of their assigned workday, for each month worked. Thus, ten (10) month employees will earn five (5) days (of their workdays per year), eleven (11) month employees will earn five and one-half (5 ½) such days per year, and twelve (12) month employees will earn six (6) such days per year, such allocation to be received at the beginning of each contract year.

Sick leave shall be allowed for personal illness, including quarantine, injury, pregnancy, temporary physical or mental incapacity, or illness in the immediate family requiring the attendance of the employee for not more than four (4) days in any one case or for any days as may be approved through the Sick Leave Bank. (The term "immediate family" of an employee shall be regarded to include mother, father, foster parents, adoptive parents, stepmother, stepfather, grandparents, grandchildren, wife, husband, children, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparents-in-law, or any person living in the household of the employee.)

Employees covered under this policy may transfer from one school system to another in Virginia and likewise transfer any such accumulated leave if the School Board of the system to which the transfer is made signifies its willingness to accept such transfer. The School Board of Montgomery County accepts the transfer of accumulated sick leave from other school systems in Virginia for professional instructional, administrative and supervisory, and full-time classified personnel only.

For Hybrid Plan employees the Montgomery County School Board accepts the transfer of up to, but not to exceed, 90 accumulated sick leave days from other school systems in Virginia for professional instructional, administrative and supervisory, and full-time classified personnel only.

An employee will be presumed to have left public school employment if he/she accepts employment other than in the public school system of Virginia or is unable to be employed in the public schools of Virginia for a period of three (3) consecutive years because of illness or physical disability or family responsibility. An employee who leaves employment in the public schools to enter the armed services does not forfeit accumulated earnings unless he/she fails to return to public school employment immediately upon discharge from an original tour of duty in the armed services; however, current earnings cannot be allowed for the period while in the service.

Upon written request, unused sick leave will be paid to each employee who is regularly scheduled to work at least twenty (20) hours per week upon termination of employment from the Montgomery County Public School system and if requested within 60 days of such termination. Payment will not exceed a total of \$5,000.00 and will be computed at a rate of 25% of the daily salary, excluding coaches/sponsors' supplements in effect at the time of termination. To be eligible, an employee must have completed a minimum of five (5) years of uninterrupted service including the year of termination. Such service shall have been in a sick leave earning position in the Montgomery County Public School system. If the written request is not made within 60 days of termination of employment, unused sick leave will only be available for transfer to another school division in Virginia or, subject to its acceptance, a school division in another state.

Sick Leave Bank

The intent of the Sick Leave Bank is to provide some protection for employees who experience, or whose family members experience, catastrophic or long-term illness, as is further outlined herein.

VRS Hybrid Plan employees are eligible to participate in the sick bank during their first year of employment; thereafter they will not be eligible to participate.

1. Membership

- a. Membership shall be voluntary on the part of all certified and classified personnel who are eligible for sick leave in the division.
- b. Members utilizing the Sick Leave Bank will not have to replace those days except as a regular contributing member of the Sick Leave Bank.
- c. Membership shall be continuous unless withdrawn in writing prior to September 15 each year.
- d. Upon termination of employment or retirement, members will not be allowed to withdraw their days previously contributed.
- e. At the end of the first year of employment for VRS Hybrid Plan employees, such employees will not be allowed to withdraw their days previously contributed.

2. Enrollment

- a. An eligible employee may enroll by donating a minimum of one (1) day but not more than five (5) days of his or her accumulated sick leave to the bank. Donation to the Sick Leave Bank does not eliminate eligibility for the "wellness day" incentive program.

- b. Days donated to the Sick Leave Bank are irrevocably donated and lost to the control or individual use of the donor except as a participant in the Sick Leave Bank.
- c. A Sick Leave Bank enrollment form must be submitted to the division superintendent or designee (Director of Human Resources).
- d. An eligible employee may enroll within the first thirty (30) calendar days of employment or during the annual open enrollment period. The open enrollment period is defined as the employee's first scheduled workday of each school year through September 15.
- e. An employee shall be enrolled in the Sick Leave Bank for six (6) months prior to becoming eligible to utilize the benefits of the Sick Leave Bank.
- f. VRS Hybrid Plan employees will be eligible to utilize the sick bank immediately after enrollment.

3. Use of the Sick Leave Bank

- a. The Sick Leave Bank benefit will be governed under the same rules as the sick leave benefit, subject to the provisions of this subsection.
- b. The Sick Leave Bank must have a minimum of two hundred (200) days donated to implement the program. Members of the bank shall be assessed one (1) day of sick leave if the bank falls below two hundred (200) days. Additional assessments of one (1) day each may be made until the bank has a balance of two hundred (200) days. A member may choose to donate up to five (5) days per assessment. A member shall withdraw from the bank if he/she does not accept the assessment and shall lose all contributed days to that point. Members who have no leave to contribute will be assessed an equal number of days the following September.
- c. To request use of the Sick Leave Bank, the employee must make application to the Director of Human Resources for the benefit. It is not automatic.
- d. No member of the bank will be granted sick leave from the bank until his/her own sick leave, personal leave, and wellness leave have been depleted. Additionally, if an employee has more than five (5) annual leave days, all but five (5) annual leave days must be used prior to using sick leave bank days. If the employee has five (5) or less annual leave days, no use of annual leave days will be required prior to accessing the sick leave bank.
- e. The first five (5) consecutive days of illness not covered by accumulated sick leave, personal leave, wellness leave, or annual leave will not be covered by the Sick Leave Bank. They must be taken as leave without pay.
- f. Each fiscal year (July 1 through June 30) a member who meets the requirements may draw days from the Sick Leave Bank according to the following criteria:

- 15 days in first year of Sick Leave Bank enrollment
- 20 days in second year of Sick Leave Bank enrollment
- 30 days in third year and subsequent years of Sick Leave Bank enrollment

Tier placement will be determined based on the employee's years of membership in the Sick Leave Bank at the time of the first day drawn from the Sick Leave Bank.

The total, maximum number of days that an employee may draw from the Sick Leave Bank for use during times of catastrophic or long-term illness of family members is thirty (30) days.

g. Participating members must meet the requirements in statements 3(c) and (d), immediately above, at the beginning of each school year before being approved for borrowing days from the Sick Leave Bank again. The maximum number of days that can be drawn from the Sick Leave Bank by any one member is 60 days total (including days taken by the employee for use during times of catastrophic or long-term illness of family members).

h. Extenuating circumstances will be considered by the division superintendent or Director of Human Resources, upon recommendation of the Sick Leave Bank advisory committee, for additional days drawn from the Sick Leave Bank.

The Sick Leave Bank Advisory Committee will be made up of seven (7) representatives from these employee groups: four (4) teachers (appointed by the Montgomery County Education Association President), one (1) administrator, one (1) service department employee, and one (1) clerical support employee, as well as the Director of Human Resources (a non-voting ex-officio member). Each representative (except the Director of Human Resources) must be a member of the Sick Leave Bank and shall be selected by the group they represent. There will be a poll for nominees annually. If there are an excess number of nominees from an employee group, representation of that employee group will be selected from among those nominees by that employee group. The committee will select its chair from among its membership, when convened. This committee shall meet at least once annually to make recommendations to the division superintendent regarding operation of the Sick Leave Bank.

Requests for additional days drawn from the Sick Leave Bank must be in writing to the Director of Human Resources and must include proper documentation by a physician as required.

Additional days may be requested from the Sick Leave Bank according to the same criteria as the original withdrawal:

15 days in first year of Sick Leave Bank enrollment
20 days in second year of Sick Leave Bank enrollment
30 days in third year and subsequent years of Sick Leave Bank enrollment

i. Days in the Sick Leave Bank not used will be carried over to the next year.

4. Transfer of Sick Leave Day

A participant in the Sick Leave Bank may transfer additional sick leave days, up to five (5), to another specific member in the Sick Leave Bank under the following conditions:

a. Personnel wishing to transfer sick leave days must have an accumulation exceeding twenty-five (25) days and must complete and submit the Request For Transfer Of Sick Leave Days form to the division superintendent or Director of Human Resources.

b. The person receiving the transferred sick leave days must have used the maximum days allowed in the regular Sick Leave Bank program.

c. The maximum number of days for any combination of transfers to any one employee would be ten (10) days per year.

d. The person receiving days must have exhausted all leave, personal wellness, sick and all but five (5) annual leave days, prior to receiving any additional days from other employees.

Parental Leave

If an employee has accumulated sick leave, they may use up to a maximum of six weeks for the following: the birth of a child, the adoption of a child, and/or becoming a new foster parent. If the employee does not have accumulated leave, they may apply for a medical leave without pay.

Funeral Leave

All regular employees may be absent without loss of pay and without sick leave deduction in the case of the death of a mother, father, adoptive parents, stepmother, stepfather, grandparents, grandchildren, sister, brother, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparents-in-law, foster parent, wife, husband, or child, to include foster or step children, or any person living in the household of the employee that is a dependant of the employee, for a period not to exceed three (3) days per occurrence. Additional days and all other funerals shall be charged to sick leave.

Extended Parental Leave

Upon request, a full-time salaried employee who is eligible for the Virginia Retirement System shall be granted a leave of absence without pay for the purpose of caring for a newborn or newly adopted child for a period encompassing the remainder of the school year during which the leave commences and which may be extended for one (1) contract year. Life and hospitalization insurance may be maintained during parental leave if the full premiums for these coverages are paid to the district by the employee. Parental leave is not to be used in conjunction with Family and Medical Leave.

Civil Leave

Leave of absence designated as civil leave with full pay shall be granted employees to serve on a jury, to attend court as a plaintiff or defendant (except as a criminal defendant), or as a witness under subpoena. Employees shall provide documentation of the required jury duty or court appearance to their supervisor prior to the date(s) of the jury duty or court appearance.

No employee who is summoned to serve on jury duty shall be terminated from his or her employment, have any adverse personnel action taken against him or her, or be required to use sick leave or vacation leave as a result of his or her absence. An employee who serves jury duty for four (4) or more hours, including travel time, in one day shall not be required to start any work shift that begins on or after 5:00 p.m. on the day jury duty is served or before 3:00 a.m. on the day following his jury duty.

No employee (except a criminal defendant) shall be terminated from his or her employment, have any adverse employment action taken against him or be required to use sick leave or vacation leave as a result of his or her absence due to having been (1) summoned or subpoenaed to appear in court when a case is to be heard; or (2) required in writing by the court to appear at a future hearing, upon giving reasonable notice to his or her supervisor of the court appearance or summons.

Required Military Reserve Duty

Military leave shall be granted for all school employees entitled to such leave consistent with applicable law.

Pay/Paid Leave

All employees on military leave will receive up to fifteen (15) days paid leave per federally funded tour of duty.

In addition, Montgomery County School Board employees whose active duty service with the regular armed forces of the United States or the National Guard or other reserve component has required their absence from their full-time employment shall receive supplemental pay as determined by and from the School Board if the military compensation of such employee is less than the regular salary paid to such employee by the School Board.

Except as outlined herein, military leave is unpaid.

Benefits

Health Benefits

If the employee so desires, the employee and the employee's dependents may continue to participate in the School Board's group health plan for up to twenty-four (24) months while the employee is on military leave. The employee must notify the School Board's human resources director if he or she wants to continue participating in the School Board's group health plan. Employees who elect to continue on the School Board's health plan will be responsible for payments, as authorized by applicable federal law.

Retirement Benefits

An employee reemployed after military leave will be treated as not having incurred a break in service. The period of military leave will be considered services to the school division for purposes of vesting and benefit accrual. The school division is responsible for its pension plan funding obligation. The school division is not required to make its contribution until the employee is reemployed.

The employee will be permitted, but not required, to make up his or her contributions to a contributory plan. The employee may repay his or her employee contributions for a period of up to three times the period of military service, but not to exceed five years. If the employee's retirement plan is contributory and the employee does not make up his or her contributions, he or she will not receive the employer match or the accrued benefit attributable to his or her contribution because the School Board is required to make contributions that are contingent on the employee's contributions.

The employer and employee contribution shall be calculated on the rate of pay the employee would have received but for the absence to serve military duty.

Reemployment

An employee who is entitled to military leave by reason of service in federal military reserves is entitled to be reemployed by the School Board so long as he or she:

1. Has given advanced notice of the need for military leave (unless advanced notice is precluded by military necessity or is otherwise impossible or unreasonable under the circumstances);
2. Has not been absent from his or her job for more than five years; and
3. Returns to work as outlined below.

If the employee was absent from work for:

1. fewer than thirty-one (31) days, he or she must report back to work by the beginning of the next regularly scheduled work period after a reasonable amount of time to arrive home, rest and report to work;
2. more than thirty (30) but fewer than one hundred eighty-one (181) days, the employee must submit an application for reemployment within fourteen (14) days after the completion of military service;
3. more than one-hundred eighty days (180), the employee must submit an application for reemployment within ninety (90) days after the completion of military service.

Employees who are entitled to military leave due to service in the Virginia military reserves must make written application for reemployment within five (5) business days of release from duty.

Upon returning from military duty, an employee will be restored to the same job he or she held before leaving, or to a comparable job. The School Board is not obligated to reemploy persons returning from military leave in certain unusual situations specified by applicable state and federal law.

Termination after Reemployment

A person who is reemployed after returning from more than thirty (30) days of military duty will not be discharged, except for cause:

- (1) within one year after the date of reemployment, if the person's period of military service before the reemployment was more than one-hundred eighty (180) days; or
- (2) within one-hundred eighty days after the date of reemployment, if the person's period of military service before the reemployment was more than thirty (30) days, but fewer than one-hundred eighty one (181) days.

Adopted: April 2004 Revised: August 2004, September 2005, August 2006, June 2008, July 2010, October 2011, September 2013, February 2014, August 2015, June 2016, November 2016, August 2017

[WellnessGuidelines.pdf \(148 KB\)](#)

FAMILY AND MEDICAL LEAVE

(reference: School Board Policy 5-7.6)

1. Eligible Employees
 - a. must have been employed by MCPS for the previous twelve (12) months, and
 - b. must have worked for at least 1,250 hours during that twelve (12) month period.
2. Entitlement
 - a. Leave - Eligible employees are entitled to up to a combined total of twelve (12) weeks of unpaid leave during any twelve (12) month period for one or more of the following:
 - i. the birth and first year care of a child
 - ii. the adoption or foster placement of a child
 - iii. the serious health condition of an employee's spouse, parent, or child
 - iv. the employee's own serious health condition
 - b. Benefits - In addition to actual leave, eligible employees are entitled to the continuation of all employment benefits provided or made available to employees by Montgomery County Public Schools, except employee will not be eligible for VRS service credit accrual while on leave without pay.

PERSONNEL – MISCELLANEOUS EMPLOYMENT MATTERS

ISSUES REGARDING EMPLOYEES AND THIRD PARTIES

(reference: School Board Policy 5-9.1)

Assaults or Abusive Behavior Directed at School Employees

Any Montgomery County School Board employee who suffers an assault in connection with his/her employment shall immediately make a written report of the circumstances to his/her principal or immediate supervisor. Reports should be made within five (5) days.

Complaints Against Montgomery County School Board Employees

Any employee who is arrested, indicted, or otherwise prosecuted on any charge arising out of any act committed in the discharge of his/her duties or who is made party to any civil proceeding arising out of any act committed in the discharge of his/her duties shall immediately make a written report of the circumstances thereof to the principal or his/her immediate supervisor within five (5) days.

Any parent or guardian of a student enrolled in Montgomery County Public Schools or any resident of Montgomery County may file a complaint regarding an employee of the school division.

Payment of Employee's Legal Fees and Expenses

If a Montgomery County School Board employee is arrested, indicted, or otherwise prosecuted on any charge arising out of any act committed in the discharge of his/her duties and such charge is subsequently dismissed or a verdict of not guilty is rendered or if an employee of the School Board is made a defendant in any civil action arising out of his/her actions in connection with his/her duties, the School Board may pay the legal fees and expenses of such employee. The School Board will make a determination regarding payment of such costs on a case-by-case basis upon recommendation of the division superintendent.

Student Assault on School Employees

In the event of attempted or actual physical injury committed by a student on school personnel, the procedures and reporting form found in the School Board Policy 5-9.1 should be followed.

DRESS CODE

(reference: School Board Policy 5-9.2)

The attire of Montgomery County School Board employees during the hours when school is in session should conform to the following principles:

1. Dress should reflect the professional position of the employee.
2. Clothing should be appropriate to the assignment of the employee.
3. Clothing should not be revealing and the midriff should be fully covered.

USE OF PRIVATE CARS FOR TRANSPORTATION OF STUDENTS
(reference: School Board Policy 5-9.3)

Montgomery County School Board employees shall not transport students in their private vehicles except under the very limited circumstances when no other form of transportation is available and the event could not occur if the employee did not provide transportation.

The employee must submit a request to the building principal or immediate supervisor. The employee is responsible for seeing that all parent permission forms are gathered from the students who are participating in the trip.

The principal or his/her designee may transport a student when emergency or special circumstances mandate that immediate transportation is in the best interests of the student and/or school.

APPROPRIATE PHONE USE

- Employees should primarily use the school phone for job-related issues or urgent matters during work hours.
- During breaks or before or after work hours, employees should keep their personal usage of school phones to a reasonable length.
- Long distance calls from school owned phones should only be made for business purposes or urgent personal matters.
- Employees should not use personal cell phones during the workday except during breaks and in emergency situations.

AUTHORIZED USE OF SCHOOL OWNED PROPERTY AND MATERIALS
(reference: School Board Policy 2-4.2)

Employees are prohibited from utilizing school property materials, facilities, supplies, and equipment for personal use or gain.

Upon request by an outside organization the division superintendent may authorize use of school division supplies, materials or equipment for other than school purposes. Such authorization shall only occur if the outside organization operates a program that furthers or supports the school division's goals, and the school division has chosen to participate in the program.

BY LAWS – MEETINGS

CITIZEN PARTICIPATION

(reference: School Board Policy 1-6.8)

Appearances in Front of the Board

Montgomery County residents and School Board employees may appear in person at any regular meeting of the School Board. The School Board is very interested in citizen viewpoints and problems. The School Board strongly encourages citizens to work through problems at the building and/or administrative level before coming to the School Board. The School Board may make exceptions about who may address the Board during citizen participation, including for non-residents in circumstances deemed appropriate by the Board to inform its decision-making regarding issues pertaining to the operations of the Montgomery County Public Schools.

This is a period in which citizens are to speak to the issues pertaining to public education in Montgomery County. Individual questions directed to the School Board shall not be answered at that time, but will be responded to by an appropriate person. It is recommended that persons seeking responses to a specific question provide the question in writing to the School Board.

COMMUNITY RELATIONS

PUBLIC INFORMATION

SEX OFFENDER REGISTRY NOTIFICATION (reference: School Board Policy 2-2.2)

The Montgomery County School Board recognizes the danger sex offenders pose to student safety, therefore, to protect students while they travel to and from school, and attend school or school-related activities, the School Board shall request automatic electronic notification of registered sex offenders in the same or contiguous zip codes as any school within the school division as permitted by applicable law. Such request and notification shall be made according to the procedure established by the Virginia Department of State Police (State Police). The division superintendent shall serve as the contact person with the State Police for receipt of the registered sex offender information.

Receipt and Dissemination of Sex Offender Registry Information

Sex offender registry information should be provided to employees who are most likely to observe unauthorized persons on or near school property including, but not limited to:

1. school bus drivers;
2. employees responsible for visitor registration;
3. employees responsible for bus duty;
4. security staff;
5. coaches;
6. playground supervisors; and
7. maintenance personnel.

Please see policy 2-2.2 for information on the use of sex offender registry information.

FACILITIES

PUBLIC CONDUCT ON SCHOOL PROPERTY (reference: School Board Policy 2-4.3)

All visitors shall register at the relevant Montgomery County Public School office upon arrival. Any person found to be engaged in or advocating illegal activity while on school property, including school buses, shall be reported by the principal to the local law enforcement authorities. It is unlawful for any person to enter a school at nighttime without the consent of an authorized person except to attend a meeting or service. Persons violating this provision may be prosecuted. It is prohibited for any person to enter or remain on any school property, including school buses, in violation of (i) any direction to vacate the property by an authorized individual or (ii) any posted notice which contains such information, posted at a place where it reasonably may be seen. School principals are authorized to direct persons to leave school property as outlined in Policy 2-3.6

BUSINESS OPERATIONS

FINANCIAL OPERATIONS AND MAINTENANCE

FREE ADMISSION

(reference: School Board Policy 3-3.14)

Employee Admission to School-Sponsored Events

The Montgomery County School Board encourages attendance of employees at school-sponsored events. In order to provide an incentive to attend these events, all schools will provide free admission to each school employee and a companion to the events that charge admission. A division employee photo identification badge may be required for admission. Free admission may not be extended to attend functions that are under the direct governance of the Virginia High School League or other events in the schools managed by outside organizations paying rent to the school division for use of the facilities.

SUPPORT SERVICES

BUILDING AND CUSTODIAL SERVICES

SAFETY OF SCHOOL FACILITIES

(reference: School Board Policy 4-2.1)

Generally

Providing safety measures against the hazards of fire, inclement weather, and accidents is the responsibility of each Montgomery County school principal, as well as of each Montgomery County School Board employee and student. The division superintendent and principals shall enforce safety measures mandated by all applicable law and School Board policies.

Attachment: Inclement Weather Closing Plan

Emergency Dispersal

Emergency evacuation plans of buildings shall be developed and disaster drills at each school shall be conducted in accordance with all applicable law, including specifically the school crisis, emergency management, and medical emergency response plans designed for each school pursuant to School Board Policy 4-2.2. Evacuation routes for students shall be posted in each room.

First Aid/CPR/AED

Each Montgomery County Public School shall establish and make known to the staff procedures for the handling of emergencies due to sudden illness or injury to students or employees. Each school and school vehicle shall be equipped with appropriate first aid equipment.

Reporting of Hazards

Safety Hazards

It is the duty and responsibility of each Montgomery County Public School employee to assure that all equipment and grounds are free from hazardous conditions. Any perceived hazard shall be reported immediately to the Facilities Department for inspection and corrective action.

Hazardous Chemicals

The division superintendent shall approve and issue regulations to ensure that employees are made aware of hazardous chemicals either used in their job or stored near their job site.

Accidents

Student, employee and visitor accidents, injuries, and serious illnesses occurring on School Board property, in transit, or at school-sponsored activities shall be reported promptly to the principal or building supervisor who will make a report to the division superintendent on the form prescribed for this purpose. Every effort shall be made to immediately contact the parent or guardian in case of student accidents and injuries. School personnel shall not attempt to diagnose or to give medication or treatment. If the parent or guardian cannot be contacted, the student will be transported to the nearest medical facility for emergency treatment. Students requiring medical treatment shall not be permitted to travel unattended and shall be accompanied by a parent, guardian or a school employee. Students and visitors should report incidents on the prescribed accident injury form. Montgomery

County Public School employees should contact the Company Nurse as soon as possible (within 24 hours of the incident). (Phone: 1-888-770-0925)

**SCHOOL CRISIS, EMERGENCY MANAGEMENT, AND MEDICAL EMERGENCY
RESPONSE PLANS** (reference: School Board Policy 4-2.2)

The Montgomery County School Board is committed to providing a safe and secure learning and working environment for all students and staff. To fulfill that commitment to safety, the principal of each school shall develop and implement a comprehensive school crisis, emergency management, and medical emergency response plan, which will comply with and enforce all applicable state and federal laws, rules and administrative procedures. Please see policy 4-2.2 for plan details.

SECURITY OF BUILDINGS AND GROUNDS (reference: School Board Policy 4-2.5)

General

The division superintendent and building principals shall be responsible for seeing that Montgomery County Public School facilities are secure when schools are not in operation.

Guidelines for Security of Buildings and Grounds

Keys/Swipe Badges

Master keys/swipe badges shall be issued only to personnel (paid employees) who have responsibilities that require admittance to buildings during hours other than the regular school or workday. No person shall possess keys or badges for any building without the knowledge of the building principal.

A place shall be designated in each building where any authorized personnel shall sign in when entering buildings during hours other than the regular school or workday.

Employee Identification Badges

All Montgomery County Public School personnel are required to wear employee identification badges during work hours while on Montgomery County Public School property. The purpose of these badges is to provide school security and to ensure that only authorized individuals are on the premises. Badges must be worn in a clearly visible location on the upper portion of the body.

Standards of Conduct

Rules of Work/Administrative Services Personnel

Note: Administrative Services employees are persons who are contracted to work for pay and who are assigned to the following functions in support of the instructional program: administrative assistant, clerk, aide, custodian, cafeteria worker, maintenance, bus driver, bus mechanic, warehouse, mail delivery, and such others who are not classified as certificated instructional, administrative, and supervisory personnel.

1. Each employee must be regular in attendance and must notify his supervisor as soon as he knows he must be absent or tardy because of illness or emergency.

2. Employees must be ready to begin work promptly at the time established by the supervisor and must not leave the assigned work area until the official break, lunch, or quitting time, and must return to work following the authorized breaks at the appointed time.
3. Break times ten to fifteen minutes in length and lunch times are provided for the employees to rest, have meals or snacks, use rest rooms, take refreshment, engage in light recreation, and other such personal needs which will allow them to function on the job to their maximum efficiency. As such, employees are to get permission from their supervisor to do any activity which is different from this purpose.
4. Employees are expected to keep a neat, clean, well-groomed appearance and to wear clothing appropriate for the tasks performed and for the weather conditions expected.
5. The behavior of the employees must include only conduct, language, and habits which present a favorable image to the public in general, and children in particular. Specifically, the following are given as examples:
 - a. Use of alcoholic beverages is not allowed.
 - b. Gambling is not allowed.
 - c. Smoking, chewing of tobacco, and/or the use of tobacco products is not allowed on school grounds, or in any building or vehicle owned, rented, or leased by the Montgomery County Public Schools.
 - d. Vulgarity in any form is not acceptable.
 - e. Scuffling and roughhousing are not acceptable.
6. All employees are to follow the safety rules prescribed for their job classifications, especially OSHA requirements.
7. Employees are responsible for all equipment and supplies in their charge and are to exercise reasonable care of any item used. In particular:
 - a. Vehicles are to be driven at posted speed limits, and in accordance with all other traffic laws.
 - b. Inspection, service, and preventive maintenance schedules are to be maintained for all equipment.
 - c. Supplies, tools, and equipment are not to be used for personal reasons and are to be used with security as a main concern.
 - d. Equipment is to be kept clean, in normal operating condition, and ready for others to use.
 - e. Supplies, materials, and utilities are to be used wisely, not wasted, with economy and efficiency being a primary goal.
8. Telephone calls and visitors on the job are restricted to those with emergency reasons. Personal cell phones can be used only in emergency situations. Employees are expected to only answer cell phones under these circumstances.
9. Employees are expected to be courteous to students, patrons, teachers, and other employees with whom they come into contact.
10. Employees are to report those activities and persons to their supervisor if they appear to be unauthorized or suspicious in nature.

11. Employees must keep confidential information to themselves and respect the privacy of documents, cabinets, and desks.
12. Employees are to refrain from spreading rumors and information of a gossip type or discussing such things with other employees, family, and friends.
13. Employees are expected to pay personal debts and maintain personal financial matters so that a good reputation is preserved. Personal problems of any nature should be discussed with their supervisor for understanding and consideration.
14. Accidents and injuries on the job must be reported promptly to the employee's supervisor.
15. Requests for annual leave must be on the form provided and must be submitted **at least five (5) days in advance.**
16. Employees must fill out an absentee sheet on the day they return from absences for any reason. Supervisors provide the forms and will collect them when filled out and signed.
17. Requests to attend a conference or convention must be submitted on the appropriate form for this purpose and must be completed two (2) weeks in advance.
18. Holidays will be allowed in accordance with School Board Policy which includes twelve days, or compensatory time, for employees working during official holidays.
19. Employees should not allow students to borrow money and should use caution in loaning money to fellow employees.
20. Employees should not buy anything from or sell anything to students other than articles approved by the school administration as part of the regular school activity program, nor shall employees buy anything from, or sell anything to, other employees on the job during working hours.
21. Employees holding other jobs outside the school division must inform their supervisor.
22. Employees are discouraged from accepting gifts and favors from sales people, students, and others.
23. Keys and/or swipe badges issued to employees are to be kept secure, and are to be used only for official business and are not to be given to anyone else or duplicated without the supervisor's approval.
24. Employees are not to have firearms or other dangerous weapons in their possession on the job at the work place during work hours.
25. Each worker is to be accorded the respect due him/her as an individual citizen and is to be treated in a fair, just manner. New employees are to be given special attention during their period of adjustment to help make the transition most effective.
26. Employees are responsible for the safe keeping of any personal belongings and valuables brought to the work place; however, large sums of money or valuable items should not be brought to work.
27. Employees are encouraged to conduct personal business matters, dental appointments, etc., during the employee's time off.
28. Employees must strive to keep noise and distractions to a minimum in and around schools during class time.

29. Employees are expected to be fully clothed while working inside buildings which are occupied by students or the public and while riding in vehicles. At no time are employees to work without wearing shoes.
30. Employees are not to use tools, equipment, or materials which require instruction in the proper use until they have had the instruction necessary or unless they are supervised directly by their supervisor.
31. Employees are to repair or "trouble shoot" equipment only with the approval of their supervisor.
32. Employees may purchase supplies or equipment only when given direct approval by their supervisor to do so.
33. Only approved overtime will be paid at a rate of time and a half for all hours worked over forty (40) in any week. The official work week begins on Monday and ends on Sunday. During any week, employees are expected to perform duties without exceeding forty hours.
34. Employees will be paid according to their place on the School Board's approved salary scale.
35. Employees are to discuss complaints, problems, and special concerns with their supervisor in an honest attempt to resolve the difficulty and improve the condition.
36. Employees should give at least two (2) weeks notice before leaving employment.
37. Employees are expected to participate in programs and meetings provided by the school system for the purpose of improvement, in-service, or for providing general information.
38. Employees should not knowingly help students break school rules, or give student friends or relations special services which cannot be provided other students.
39. Employees who are parents, grandparents, or guardians must make arrangements for their children's care during working hours at some place other than the work station.
40. Employees' observations of and conversations with students and fellow employees should be treated with confidence. However, if such observations and conversations appear to be illegal or seriously immoral, the information should be reported promptly, in confidence, to the immediate supervisor.
41. Teachers and school administrators should be addressed with their proper title, such as Dr., Mr., Mrs., Ms., etc., as the case may be, especially in the presence of students or in an official business setting.

While not intended to list all the forms of behavior that are considered unacceptable in the workplace, the following are examples of rule infractions or misconduct that may result in disciplinary action, including termination of employment.

- Theft or inappropriate removal or possession of property;
- Falsification of timekeeping records (See Section 5.2, Timekeeping);
- Working under the influence of alcohol or illegal drugs (See Section 4.6, Substance Abuse);
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace (See Section 4.6, Substance Abuse);
- Fighting or threatening violence in the workplace;
- Boisterous or disruptive activity in the workplace;
- Negligence or improper conduct leading to damage of company-owned or customer-owned property;
- Insubordination or other disrespectful conduct;
- Violation of safety or health rules;
- Smoking or chewing tobacco on school property;
- Sexual or other unlawful or unwelcome harassment (See Section 4.3, Harassment, Including Sexual Harassment);

- Excessive absenteeism or any absence without notice (See also, Section 4.1 Attendance/Punctuality and 4.2, Absence without Notice);
- Unauthorized use of telephones, or other company-owned equipment (See Section 4.4, Telephone Use);
- Using company equipment for purposes other than business (i.e. playing games on computers or personal internet usage);
- Unauthorized disclosure of business “secrets” or confidential information;
- Violation of personnel policies; and
- Unsatisfactory performance or conduct.

Employees are required to notify their immediate supervisor when they are arrested for any minor or felony charges by any law enforcement agency.

ENERGY MANAGEMENT CONSERVATION POLICY (reference: School Board Policy 4-2.7)

The Montgomery County School Board is committed to conserve energy and natural resources while exercising sound fiscal policy. Implementation of this policy is the joint responsibility of School Board members, administrators, teachers, support personnel, and students, and its success is based on cooperation at all levels. Please see policy 4-2.7 for energy management strategies.

SCHOOL CLOSINGS (reference: School Board Policy 4-2.8)

The division superintendent or his/her designee may order the closing, the delay in opening or the early dismissal of any or all Montgomery County public schools in order to protect the safety and welfare of students, staff and patrons. Unless School Board employees are notified that their work schedule is changed due to adverse weather or emergency conditions, all employees shall work according to the terms of their contract. During adverse weather or emergency conditions, however, employees will follow guidelines related to work schedules. The School Board may review the guidelines.

When an unplanned school closing occurs due to inclement weather or other unforeseeable reasons resulting in the use of Employee Codes 3 and 4, if an employee had previously requested any type of leave, the period of leave will not be deducted from their account.

If you are a 12 month employee and previously requested any type of leave, the period of leave will not be deducted from your leave account with the use of an Employee Code 4 only.

INSTRUCTION

SCHOOL YEAR/SCHOOL DAY

(reference: School Board Policy 6-1.4)

1. In accordance with the Code of Virginia, Montgomery County schools will be operated with students in attendance at least one hundred eighty (180) teaching days or nine hundred ninety (990) hours (540 hours for kindergarten) per school year. A minimum of 680 hours of instructional time will be provided to students in elementary school, except for students in half-day kindergarten, in the four academic disciplines of English, mathematics, science, and history and social science; and a minimum of 375 hours of instructional time will be provided to students in half-day kindergarten in the four academic disciplines of English, mathematics, science, and history and social science. Days on which schools are closed due to severe weather or other emergencies will be made up if necessary to meet these requirements in the manner prescribed by law.
2. Ten (10) days or the equivalent shall be included for such activities as teaching, planning for the opening of school, evaluation, completing records and reports incident to the closing of each semester or school year, committee assignments, and conferences as are defined by the Montgomery County School Board.
3. Ten days or the equivalent shall be included for a continuation of activities named above, and/or other activities as determined by the School Board.

Make Up Days

If severe weather conditions or other emergency situations result in the closing of a school or schools in the school division for

- (1) five or fewer days, all missed days will be made up by adding teaching days to the school calendar or extending the length of the school day;
- (2) six days or more, the first five days plus one day for each two days missed in excess of the first five will be made up by adding teaching days to the school calendar or extending the length of the school day.

If severe weather conditions or other emergency situations result in the closing of any school in the school division and such school has been unable to meet the 180 day teaching requirement, the school division may make up the missed teaching days by providing its students with instructional hours equivalent to such missed teaching days to meet the minimum 990 teaching hour requirement.

The Board of Education may waive the requirement that the school division provide additional teaching days or teaching hours to compensate for school closings resulting from a declared state of emergency or severe weather conditions or other emergency situations under certain circumstances. If the School Board desires a waiver, it will submit a request for a waiver to the Board of Education. The request will include evidence of the school division's efforts to reschedule as many days as possible and certification by the division superintendent and School Board chairman that every reasonable effort to make up lost teaching days was exhausted before the School Board requested the waiver. If the waiver is denied, the school division will make up the lost instructional time.

School Calendar

The first day of school shall be after Labor Day unless this requirement has been waived by the Virginia Board of Education pursuant to the Code of Virginia, §22:1-79.1. The School Board shall establish the school calendar and related teaching contracts in accordance with applicable regulations of the Board of Education to include contingencies for making up teaching days and teaching hours missed for emergency situations. Historical data shall be used to determine the needs of the school division including scheduling holidays, breaks and work days.

School Day - Generally

The standard school day for students in grades one through twelve will average at least 5 ½ hours, excluding breaks for meals. The standard school day for kindergarten will be a minimum of three hours, excluding breaks for meals. The secondary school class schedule shall contain a minimum of 140 clock hours for each unit of credit. When credit is awarded in less than whole units, the increment awarded must be no greater than the fractional part of the 140 hours of instruction provided.

The time for opening and closing schools will be established by the School Board upon recommendation of the division superintendent, provided that the daily program for students in grades one through twelve will average at least 5 ½ hours, excluding breaks for meals. If the required program length is maintained, the School Board may approve occasional shortened days for staff development, conferences, planning, and other activities designed to improve the instructional program, provided that no more than one day in each five-day week may be shortened to no less than four hours. When exceptions in the length of the daily program are necessary for special education, alternative education, double shifts, and scheduling or other unusual situations, the School Board will request approval for the exceptions by the Superintendent of Public Instruction no later than by August 1 preceding the school year for which they are requested.

The length of the work day for employees will be determined by the School Board. It will be of sufficient length to allow for the daily program for students and additional time as may be necessary for such activities as planning, preparation, meetings, workshops, conferences, meal intermissions, or other contractual obligations.

No classes shall be dismissed before the scheduled dismissal hour except with the approval of the division superintendent.

The length of the school day shall be modified if appropriate per the Individualized Education Plan (IEP) for a special education student.

Instructional Day

The Montgomery County School Board recognizes the need for establishing the length of the instructional day for all students in the division to provide consistency throughout the school system. The School Board also recognizes the need for daily school schedules to allow for differences in community and transportation needs within attendance zones. The School Board shall accept the standard provided by the Commonwealth of Virginia as minimal in nature and may extend student hours beyond state guidelines.

The division superintendent shall be authorized to establish daily time schedules for all schools within the system that shall be subject to School Board review at least on an annual basis. All students in similar grade classifications shall meet the established School Board directive on instructional day length at all schools in the division.

Montgomery County Public Schools recognizes the following exceptions to a full school day schedule that may be granted:

1. Students enrolled in cooperative work-study programs granting credit may be allowed a modified schedule.
2. Students with disabilities deemed appropriate by the IEP committee may be granted a modified schedule.
3. With principal approval, seniors who are meeting all graduation requirements may be granted a modified schedule.
4. With principal approval, a student attending a division alternative education program may be granted a modified schedule.
5. Any additional exceptions may be granted by the principal in cases of financial need, health, or other extenuating circumstances with division superintendent approval.

The instructional time shall be protected from interruptions and intrusions.

Adopted: April 2004

Revised: August 2006, June 2014, August 2015, June 2018

GENERAL CURRICULUM AND INSTRUCTION

ANIMALS IN SCHOOLS

(reference: School Board Policy 6-2.4)

General

The Montgomery County School Board recognizes the benefits of the safe and humane use of animals to support the goals and objectives of its instructional program. Animals are permitted on Montgomery County Public Schools grounds for instructional purposes only and in accordance with this policy.

Staff shall not be permitted to bring their household pets onto school grounds, except with prior approval and for educational purposes only.

Please see policy 6-2.4 for information regarding prior approval, healthy safeguards, and exceptions.

TECHNOLOGY PROGRAMS – INTERNET SAFETY/EMAIL

(reference: School Board Policy 6-3.13)

The Montgomery 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, chromebooks, cellular phones, smart telephones, the Internet and other internal or external networks.

All use of the school division's computer system must be (1) in support of education and/or research, or (2) for legitimate school business. 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 responsible use of computers and computer networks is a powerful tool in support of the instructional program. The computer network is a wide-area network linking the schools and the administrative offices to the Internet.

Liability

The Montgomery County School Board makes no warranties for the computer system it provides. The Montgomery County School Board shall not be responsible for any damages to the user from use of the computer system including loss of data, non-delivery or missed delivery of information, or service interruptions. The school division shall not be responsible for the accuracy or quality of information obtained through the computer system. The user agrees to indemnify the Montgomery County School Board for any losses, costs or damages incurred by the School Board relating to or arising out of any violation of this policy. MCPS technology staff will not repair, configure, or be responsible for personal equipment of staff members.

Internet Privacy Statement – Montgomery County Public Schools

The Montgomery County School Board maintains and operates a website for the dissemination of information about the school division. The Montgomery County School Board does not collect any information from persons who access its website, including personally identifiable information. The Montgomery County School Board website does not automatically place a computer file - commonly known as a "cookie" - on any person's computer who accesses the website.

Acceptable Technology Use and Internet Safety Policy

Generally

The Montgomery County School Board adopts this Acceptable Technology Use and Internet Safety Policy, which outlines appropriate uses, ethics and protocol for the school division's electronic communications network. Every two years, the School Board shall review, and amend if necessary, and approve the school division's Acceptable Use Policy. The division superintendent or designee shall post the Acceptable Technology Use and Internet Safety Policy on the school division website. The school division shall certify compliance with the requirements of Virginia Code Section 22.1-70.2 annually to the Virginia Department of Education.

1. The division superintendent or his/her designee shall select and operate technology protection measures that filter or block access through school division computers to visual depictions that are –
 - a. child pornography, as set out in Virginia Code § 18.2-374.1:1 or as defined in 18 U.S.C. § 2256;
 - b. obscenity, as defined in Virginia Code § 18.2-372 or 18 U.S.C. § 1460; and
 - c. material that Montgomery County Public Schools deems to be harmful to juveniles, as defined in Virginia 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.
2. To the extent practical, technology protection measures shall be utilized and enforced during any use of the division's electronic devices by minors. Subject to staff supervision, technology protection measures may be disabled for adults or, in the case of minors, minimized only for bona fide research or other lawful purposes.
3. The school administration shall monitor online activities of minors.
4. The division superintendent or his/her designee shall select and operate technology and take administrative measures to protect the safety and security of minors when using Montgomery County Public Schools' network.
5. The division superintendent or his/her designee shall ensure that the Montgomery County Public Schools include a component on Internet safety for students that is integrated in the division's instructional program and that is consistent with the guidelines for instructional programs related to Internet Safety issued by the Superintendent of Public Instruction.

The failure of any student, teacher or administrator to follow the terms of this Policy may result in the loss of Montgomery County Public Schools' computer system privileges, disciplinary action and/or appropriate legal action.

ACCEPTABLE USE AND INTERNET SAFETY POLICY

Students

With the permission of your parent or guardian, Montgomery County Public Schools offers you the opportunity to use the school division's computer system which allows access to the Internet, as well as a variety of electronic devices. We expect you to use the Internet and computer system while at school for educational purposes. This use is a privilege, not a right, and we may discipline you or take away your right to use the Internet and computer system at school if you misuse this privilege. You are responsible for your own actions while you are on the Internet and are also accountable for any online activities that occur by others if you allow them to use your account.

Any communication through the use of the school division's computer system, including electronic mail or other electronic file, is subject to the Student Code of Conduct and the Acceptable Technology Use and Internet Safety Policy, and may be monitored or read by school officials. Users shall be held personally liable for the content of any electronic message they create. Downloading any file attached to an electronic message is prohibited unless the user is certain of that message's authenticity and the nature of the file.

While using technology as a student in Montgomery County Public Schools:

1. I will only use the technology and equipment in the manner for educational purposes. I understand that I may be held responsible for any or all damage incurred as a result of my negligent or inappropriate behavior.
2. While online, I will not use language, which may be offensive to other users. I will treat others with respect. The written and verbal messages I send while on the Internet will not contain profanity, obscene comments, sexually explicit material, or expressions of bigotry, racism, or hatred.
3. I will not cyberbully. "Cyberbully" means using the computer to threaten, harass, or intimidate another person. I will tell an adult if I see any cyberbullying, cyberthreats, or inappropriate activity.
4. I will not place unlawful information on the Internet, nor will I use the Internet illegally in any way that violates federal, state, or local laws or statutes. I will never falsify my identity while using the Internet.
5. I will not use the Internet for non-school related activities.
6. I will not engage in Internet activities that cause congestion on the MCPS network.
7. I will not use the Internet to buy or sell, or to attempt to buy or sell, any service or product.
8. I will not change any computer file that does not belong to me.
9. I will not use copyrighted materials or software from the Internet without permission of the author. I will cite the source where appropriate.
10. I will never knowingly give my password to others, nor will I use another person's password.
11. I will never use the Internet to send or obtain pornographic or inappropriate material or files.
12. Except for the usual information contained in the headers of my electronic mail, I will never give out personal information such as name, address, phone number, or gender.
13. I will never knowingly circumvent, or try to circumvent, security measures on either Montgomery County Public Schools' computer system or on computers at any remote site.
14. I will never attempt to gain unlawful access to another person's or organization's resources, programs, or data.

15. I will not make, or attempt to make, any malicious attempt to harm or destroy data of another user on the Internet, including the uploading, downloading, or creation of computer viruses.

16. I understand that the school division is not responsible or liable for any harm, damages or charges that result from my use of the school division's technology, including loss of data, interruption of services, corruption of files or programs, purchases, hacking or other violations of this Acceptable Technology Use and Internet Safety Policy.

17. I will report any violations of this Acceptable Technology Use and Internet Safety Policy to my teacher or principal.

ACCEPTABLE TECHNOLOGY USE AND INTERNET SAFETY POLICY AGREEMENT

Students

Each student and his or her parent/guardian must sign this Agreement before being permitted to use the School Division's computer system. Read this Agreement carefully before signing.

Student's Agreement

Prior to signing this Agreement, I read Policy 6-3.13, Acceptable Technology Use and Internet Safety Policy for students. If I have any questions about this policy or regulation, I will contact my principal. I understand and agree to abide by the School Division's Acceptable Technology Use and Internet Safety Policy. I understand that the Montgomery County Public School Board may access, monitor, and archive my use of the computer system, including my use of the Internet, Email and downloaded material, without prior notice to me. I further understand that should I violate the Acceptable Technology Use and Internet Safety Policy, my computer system privileges may be revoked and disciplinary action and/or legal action may be taken against me.

Student Signature: _____ Date:

Student Name (Please Print):

Parent's Agreement

As the parent or guardian of this student, I have read the Acceptable Technology Use and Internet Safety Policy as written above. I understand that Internet and computer based technology access for students of Montgomery County Public Schools is provided for educational purposes only. I understand that employees of the school system will make every reasonable effort to restrict access to all controversial material on the Internet, but I will not hold them responsible for materials my son or daughter acquires or sees as a result of the use of the Internet from school facilities. By signing this document and/or the student handbook in which this policy is contained, I grant permission for my student to use the computer system in accordance with Montgomery County Public School policies and regulations and for the school division to issue accounts for my student. Additionally, I grant permission for the School Division to agree to terms and services of online, division approved, instructional applications on behalf of my student.

Parent Signature: _____ Date:

Parent Name (Please Print):

ACCEPTABLE TECHNOLOGY USE AND INTERNET SAFETY POLICY

Staff

1. MCPS staff shall use the division's computer equipment and communications services solely for educational purposes.
2. MCPS staff network account owners are responsible for all activities under this account, so staff shall not share network passwords.
3. MCPS staff shall not use the school division's computer equipment and communications services for sending, receiving, viewing or downloading inappropriate and/or illegal material via the Internet and World Wide Web.
4. MCPS staff shall not use the division's computer equipment and communications services as part of any illegal activity defined as a violation of any local, state, or federal laws.
5. MCPS staff shall monitor online activities of minors.
6. MCPS staff shall report any instances of Cyberbullying, Cyberthreats, inappropriate or illegal activity to school administrators.
7. MCPS staff shall not disclose, use, or disseminate confidential information regarding students.
8. MCPS staff shall require students to have a signed Acceptable Technology Use and Internet Safety Policy before using computers or accessing the network.
9. MCPS staff shall not use computers for commercial, political, or entertainment purposes during the school day.
10. MCPS staff shall be held responsible and accountable for damage to district equipment or network as a result of improper or unauthorized usage.
11. MCPS staff may access the MCPS public, wireless network, but shall not install any devices on the MCPS private, wired network.
12. MCPS staff shall comply with all applicable copyright regulations.
13. MCPS staff shall comply with the retention of electronic public or student records as governed by the Virginia Public Records Act, Virginia Code § 42.1-76, et seq. Record retention schedules, which identify various documents and how long they must (or need to) be saved, may be accessed at the Virginia Library's website: www.lva.lib.va.us.
14. MCPS staff shall integrate Internet safety into their curriculum.
15. MCPS staff shall educate, supervise and monitor appropriate usage of the online computer network and access to the Internet in accordance with this policy, the Children's Internet Protection Act, the Neighborhood Children's Internet Protection Act, and the Protecting Children in the 21st Century Act.
16. The use of any electronic device issued to teachers, as with all technology in Montgomery County Public Schools (MCPS), is governed by Montgomery County School Board Acceptable Technology Use and Internet Safety Policy 6-3.13. Applications installed may only be those appropriate for educational purposes. Any information transmitted or stored on the device is subject to the provisions and requirements of the Virginia Freedom of Information Act. All devices must be properly cared for and secured at all times. In the event of hardware malfunction, accidental damage, loss or theft the user is responsible for collaborating with his/her supervisor and ITRT to arrange for repair or replacement. The user may be financially responsible for such damage repair or replacement. At user's conclusion of service to the school or division, the device shall be returned to the user's school or MCPS office through which it was purchased.

Failure to follow the terms of this Policy may result in the loss of Montgomery County Public Schools' electronic communications network privileges, disciplinary action and/or appropriate legal action.

Guidelines for Employee Email

The School Board provides computer-based electronic information services for the sole purpose of carrying out the mission of the school division. The purpose of this section is to define the appropriate use of the Montgomery County Public Schools electronic mail system. However, this section does not enumerate all possible acceptable and unacceptable uses. This policy applies to all persons who have been provided an MCPS Email account, including, but not limited to, MCPS employees. By using the MCPS Email system, users agree to do so only in compliance with this Policy and all applicable state and federal laws, including laws related to copyright and obscenity.

Appropriate Email Use

Access to the MCPS Email system shall be: (1) for educational purposes that are consistent with School Board objectives and (2) for legitimate school business. Responsible use of electronic communication requires discretion and professionalism. Users are solely and individually responsible for all communication transmitted via their MCPS Email accounts and shall not:

- (1) forge, intercept or interfere with electronic mail messages;
- (2) use obscene, lewd, profane, threatening or disrespectful language;
- (3) distribute personal information about others without their consent; and/or
- (4) distribute chain mail, solicitations, political statements, or religious messages.

When communicating via MCPS Email, users are expected to abide by generally accepted rules of etiquette.

Personal Email Use

The MCPS electronic communication systems are to be used for school system business purposes. Incidental personal use is permissible, so long as it does not:

- (1) interfere with instruction;
- (2) interfere with staff productivity;
- (3) burden the school division with identifiable costs;
- (4) preempt any school division activity or interfere with the efficient operation of the County's computing facilities or electronic mail services.

Email Privacy

As a matter of general practice, the MCPS administration will not regularly monitor Email messages. However, MCPS Email system users shall not have any expectation of privacy in anything that they create, store, send or receive on the MCPS Email system. The MCPS administration reserves the right without prior notice to access any Email message.

Email Management Practices

The individual user account of any employee shall be removed upon the employee's resignation or termination of employment.

Email Confidentiality

In general, Email messages from the MCPS e-mail system are public documents under applicable law and, therefore, are not confidential. Under the Virginia Freedom of Information Act, e-mail messages must be produced if a citizen requests them with reasonable specificity. The general public shall have access to MCPS Email messages as provided in Virginia Code § 2.2-3704.

E-mail messages that contain personally identifiable, non-directory information about an MCPS student or employee are confidential and may be exempt from public disclosure under Virginia Code §§ 2.2-3704(G) and 2.2-3705.4(1). In addition, Email messages that contain personally identifiable information about a student are covered by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g, and only persons with a legitimate educational interest may have access to them without written prior informed parental consent. MCPS employees that use the Email system to convey information to individuals that do not have a legitimate educational interest may be in violation of FERPA.

Email Record Retention

E-mail messages qualify as public records and are governed by the Virginia Public Records Act, Virginia Code § 42.1-76, et seq. Electronic mail is generally considered as correspondence is not designed as a record-keeping system. The MCPS administration archives messages in compliance with regulations for correspondence GS-19 for a period of 3 years. Electronic mail may include other materials, either in the body or as attached documents, that are subject to other retention schedules such as Consultant Records, Contracts, Erate Documents, Grant Records, Release Forms, and/or Legal Documents. These documents will be maintained in their original form in the appropriate records source. Record retention schedules, which identify various documents and how long they must (or need to) be saved, may be access at the Virginia Library's website: www.lva.lib.va.us. The MCPS administration does not archive messages from the division's Email server. It is the responsibility of each individual MCPS employee to comply with the Library of Virginia's schedules for the retention of electronic messages, based on the categories of documents for which the Email messages qualify. For example, in cases where Email messages are relevant to a student's cumulative record, the message must be printed and retained for five years.

Adopted: April 2004

Revised: September 2005, August 2006, August 2007, June 2010, August 2012, August 2015, July 2016, August 2017

STUDENTS – GENERAL ADMINISTRATION

EQUAL EDUCATIONAL OPPORTUNITIES

(reference: School Board Policy 7-1.1)

The Montgomery County Public Schools' educational programs and services shall be designed to meet the varying needs of all students and shall not discriminate against any individual for reasons of race, religion, color, gender, national origin, disability, or on any other basis prohibited by law. Further, no student shall, on the basis of gender, be excluded from participating in, be denied the benefits of, be limited in the exercise of any right, privilege or advantage, or be subjected to discrimination under any educational program or activity conducted by the school division. The School Board encourages school division employees, patrons, and students to report promptly all incidents of alleged discriminatory conduct.

Please see policy 7-1.1 for harassment definitions, grievance procedures, and retaliation, prevention, and notice of policy, false charges.

STUDENTS – STUDENT HEALTH

COMMUNICABLE DISEASES

(reference: School Board Policy 7-5.1)

The Montgomery County School Board recognizes the importance of protecting its students and employees from the transmission of communicable diseases which present a threat to their health and safety, while also protecting the legitimate interests and rights of students and employees with communicable diseases. In carrying out this responsibility, the School Board directs the division superintendent to act in compliance with applicable law to exclude from school attendance or work in the school setting any person that has a communicable disease. Both the decision to remove the student or employee and the decision to readmit the student or to permit the employee to return to work shall be made by the division superintendent based upon consultation with the Division Public Health Director, the student's or employee's physician, nurse practitioner and/or other medical authorities.

The identity of a student or employee who has a communicable disease will be kept confidential and will be revealed only to appropriate authorities as determined by the division superintendent in accordance with applicable law.

School Board policy and administrative procedures concerning the exclusion of employees and students with communicable diseases must be consistent with the requirements of law, including the policies of the Virginia Department of Education, and should reflect current medical knowledge and research.

Please see policy 7-5.1 for procedures teachers and administrators should take who identify or suspect communicable disease in public school or workplace.

MONTGOMERY COUNTY SCHOOL BOARD

750 Imperial St., SE

Christiansburg, VA 24073

(540) 382-5100

Report of Discrimination and/or Harassment

Name of Complainant:

List Complainant Position, Work Location, and Telephone Number:

Home Address and Telephone Number:

Date(s) of Alleged Incident(s) of Discrimination/Harassment:

Name of person(s) you believe discriminated against/harassed you or others:

If the alleged discrimination/harassment was toward another, please identify that person:

Please describe in detail the incident(s) of alleged discrimination/harassment, including where and when the incident(s) occurred. Please note any witnesses that may have observed the incident(s). Attach additional pages if necessary.

Please describe any past incidents that may be related to this complaint.

I certify that the information provided in this report is true, correct, and complete to my best knowledge:

Printed Name of Complainant

Signature of Complainant

Date

Complaint Received By:

(Principal/Supervisor)

Date

(Compliance Officer)

Date

FORM B
Notice of Dismissal or Probation

Name of Employee:
Name of School/Building:
Date:
Check one only:
<input type="checkbox"/> The division superintendent has dismissed you from your position effective _____.
<input type="checkbox"/> The division superintendent has placed you on probation effective _____, until _____.
<p>Reasons for this action shall be provided to you within three days of your written request.</p> <p>You have fifteen (15) days from the receipt of this form to initiate a grievance.</p> <p>Enclosed is a copy of the Procedure for Adjusting Grievances for Support Staff and Grievance Form C.</p>
Signature of Division Superintendent:

FORM C
Part III of the Procedure for Adjusting Grievances for Support Staff-
Dismissal or Placing on Disciplinary Probation

I. General Information
Name of Employee:
Name of School/Building:
Date Action Grieving Occurred:
Description of Action Grieving:
Basis for Claim and Relief Sought:
<input type="checkbox"/> I request a meeting with the division superintendent.
<input type="checkbox"/> I waive my right to a meeting with the division superintendent and request a hearing before the School Board.
Employee Signature and Date:

II. Division Superintendent Review
Date Received:
Date of Meeting:
Decision:
Division Superintendent's Signature and Date:
<input type="checkbox"/> I accept the division superintendent's decision and conclude my grievance.
<input type="checkbox"/> I appeal the division superintendent's decision to the School Board.
Employee Signature and Date:

III. School Board Review

Date Received by the Division Superintendent:

Date of Hearing:

School Board Decision:

Signature of School Board Chair and Date:

ADJUSTING GRIEVANCES FORMS - TEACHERS

MONTGOMERY COUNTY PUBLIC SCHOOLS

STATEMENT OF GRIEVANCE

Part II

STEP 2 – TO BE PRESENTED TO PRINCIPAL

Name of grievant	Date filed
School/department of assignment	Subject area or grade
Immediate superior and/or principal	Representative of grievant

Policy, procedure, regulation, ordinance, statute being grieved, and date you knew or reasonably should have known of its occurrence:

Statement of grievance:

Specific relief requested:

Signature of grievant	Representative's Signature
Date	Date

PRINCIPAL'S DECISION

PART II

STEP 2 – DECISION TO BE PRESENTED TO GRIEVANT

Name of grievant	Date grievance received
------------------	-------------------------

Decision of principal or designee:

_____ I lack the authority to grant the relief requested.

Signature of principal or designee	Date
------------------------------------	------

Is the above decision acceptable to the grievant?	<u>Check one box</u>	
	Yes	No

_____ I hereby appeal this decision to Step 3, Division Superintendent's Level.

Signature of grievant	Date
-----------------------	------

DIVISION SUPERINTENDENT'S LEVEL

PART II

STEP 3- DECISION TO BE PRESENTED TO GRIEVANT

Name of grievant	Date appeal received
------------------	----------------------

Decision of division superintendent or designee:

Signature of division superintendent or designee	Date
--	------

Is the above decision acceptable to the grievant?	<u>Check one box</u>
Yes No	Yes No

_____ I hereby appeal this decision.

Signature of Grievant	Date
-----------------------	------

REQUEST FOR HEARING

PART II
STEP 4 - TO BE SUBMITTED TO DIVISION SUPERINTENDENT

Name of grievant	Date grievance filed
------------------	----------------------

(Check one)

_____ I hereby petition that the attached grievance be submitted to an advisory fact-finding hearing.

Panel Designee

_____ I hereby waive my right to an advisory fact-finding hearing and petition that the following grievance be submitted to the board.

Signature of grievant	Representative signature
Date	Date

PART III
FORMS FOR PROPOSED DISMISSAL/PROBATION
IN MONTGOMERY COUNTY PUBLIC SCHOOLS

NOTIFICATION: NOTICE OF PROPOSED DISMISSAL OR PROPOSED PLACING ON
PROBATION.

Date _____

Name of teacher, school/department of assignment

(Check one)

_____ The division superintendent will recommend to the School Board that you be placed on probation for the period:

_____ to _____
(date) (date)

Reasons for this recommendation will be provided to you in writing or at your request in a personal interview within three (3) days of your request.

_____ The division superintendent will recommend to the School Board that you be dismissed from your position as:

(position)

Reasons for this recommendation will be provided to you in writing or at your request in a personal interview within (3) days of your request.

You have fifteen (15) days from receipt of this form to request, in writing, a hearing before the School Board or an advisory fact-finding panel as provided in the procedure. Please advise me as soon as possible whether you wish to have such a hearing (see attached form). Enclosed for your information is a copy of the procedure.

Signature of Division Superintendent

REQUEST FOR A HEARING

PART III
TO BE SUBMITTED TO DIVISION SUPERINTENDENT

Name of teacher	Division superintendent's recommendation _____ Dismissal _____ Probation
-----------------	--

(Check one)

_____ I hereby request that I be afforded an advisory fact-finding hearing on the above referenced matter.

_____ Panel Designee

_____ I hereby waive my right to an advisory fact-finding hearing and request that I be afforded a hearing before the School Board on the above referenced matter.

Teacher's signature	Representative's signature
Date	Date

MONTGOMERY COUNTY PUBLIC SCHOOLS

**Reporting Form for Attempted or Actual Physical Injury
Committed by a Student on School Personnel**

Employee/School Personnel

Name of person filing report _____

Worksite/school where incident occurred _____

Date/time of incident _____

Date/time reported to immediate administrator/supervisor _____

Name of administrator/supervisor taking incident report _____

Brief description of incident: (Attach any supplemental written reports, statements, summonses, complaints, notices, or any other written documents pertaining to the incident.)

Date written report submitted to immediate administrator/supervisor _____

Signature of employee/person filing report _____ Date _____

Administrator/Supervisor

Receipt of notification from employee/complainant:

Verbal report (date/time) _____

Written report (date) _____

Report to division superintendent's office:

Report submitted (date/time) _____

Person contacted: _____

Report to law enforcement officer:

Report submitted (date/time) _____

Person contacted _____

Disciplinary action taken by worksite/school administrator:

Signature of administrator/supervisor _____ Date _____

Final adjudication by court (when known) _____

MONTGOMERY COUNTY PUBLIC SCHOOLS INCLEMENT WEATHER CLOSING PLAN

EMPLOYEE CODES

CODE 1 – One Hour Delay for students. All instructional staff to report one hour late.

CODE 2 – Two Hour Delay for students. Instructional staff to report two hours late.

* **CODE 3 – Schools Closed.** Eleven (11) and twelve (12) month non-instructional personnel will report on regular schedule unless otherwise notified (see further explanation below).

** **CODE 4 – System Shut Down.** Only essential personnel will need to report to work. (See explanation below)

*** **CODE 5 – School Closed.** Twelve (12) month employees report two hours late.

SCHOOL CLOSING OR DELAYED OPENINGS:

If a decision is made to close schools or open schools late, every effort will be made to make the announcement by 5:30 a.m. Should schools be delayed or close for severe weather, a status is posted on the division website at www.mcps.org and on the severe weather phone line at 382-5102.

You may subscribe to receive a phone call or email in the event of a severe weather delay or closing. The website to subscribe is forms.mcps.org/delayclosing.asp.

Note: On rare occasions, it may be necessary to make announcements after 5:30 a.m. Please continue to listen to media announcements in case changing weather conditions make it necessary to add or revise the announcement. If you have any questions, please call your principal or supervisor.

* **Code 3** – Schools will be closed. Eleven (11) and twelve (12) month non-instructional personnel will report on their regular schedule. Personnel will work until their regular ending time unless an announcement comes from the central office. If an employee reports late, he/she will work with his/her immediate supervisor to schedule leave to be taken or make arrangements to make the time up on another day.

** **Code 4** – System Shut Down. Only essential personnel will need to report to work. Each department will identify individuals who are needed to report to work to deal with severe emergency conditions. Principals are responsible for making sure their buildings are checked as soon as possible. Essential personnel at the school board office have been designated by the administration to be the Superintendent and Assistant Superintendents.

Facilities will send a recommendation for custodial staff hours and principals will notify if they have specific changes.

A **Code 4** will only be used if a state of emergency exists and orders are given to stay off roads (i.e., ice storms, heavy snow, etc.).

*** **Code 5** – Twelve (12) month employees report two hours late.
Second Shift Employees adjust their shift by two hours as well.

EARLY RELEASE:

If a decision is made to close schools early because of inclement weather, all teachers and instructional aides may leave 30 minutes after students depart unless the building administrator requests staff to stay longer due to the need for added support to help with students. Essential personnel should remain at their school or building locations at least two (2) hours after students have been dismissed from schools or until all students have arrived safely at home.

Announcement of early closings will be made by telephone to schools and offices by designated central office staff. Non-school based personnel should remain at their work site for the normal working day unless specific instructions are provided from the Superintendent's office concerning early dismissal time.

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS



Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

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

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

*Special "hours of service" requirements apply to airline flight crew employees.

BENEFITS & PROTECTIONS

ELIGIBILITY REQUIREMENTS

REQUESTING LEAVE

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

EMPLOYER RESPONSIBILITIES

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

ENFORCEMENT

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

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



For additional information or to file a complaint:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

U.S. Department of Labor | Wage and Hour Division





Montgomery County
Public Schools

**MONTGOMERY COUNTY
PUBLIC SCHOOLS
Human Resources Department**

750 Imperial Street, SE
Christiansburg, VA 24073
540.382.5100 (T)
540.394.4446 (F)

**Family and Medical Leave
Application**

INSTRUCTIONS: Employee complete Section I, then forward to Human Resources Department. Include a completed Certification of Physician or Practitioner form with your application. If intermittent leave is needed, please be aware that medical work excuses will be required for all days absent.

NAME _____ DATE _____

POSITION _____ WORK LOCATION _____

SECTION I

1. I wish to make application for Family & Medical Leave covering the period from

_____ through _____ (last anticipated day of absence)
Month Day Year Month Day Year

If requesting intermittent FMLA leave, please check here: _____ (Please note: intermittent FMLA leave is used only when the employee may be working full days or half days during the approved FMLA leave period. Medical work excuses will be required for all days absent under intermittent leave.)

2. Reason for Family & Medical Leave: (check one)

Eligible employees are entitled to up to a combined total of twelve weeks of unpaid leave during any twelve-month period. The twelve-month period commences on the first day of leave approved through this section.

_____ the birth and first year care of a child

Date of birth or due date: _____ (day/month/year)

_____ the adoption or foster placement of a child

Date of placement: _____ (day/month/year)

_____ the serious health condition of an employee's spouse, parent, or child (sick leave usage allowed for not more than 4 days per case; all other accrued leave must be used after utilizing four days of sick leave)

_____ the employee's own serious health condition (accrued leave must be used before unpaid leave commences)

Eligible employees are entitled to the continuation of all employment benefits provided or made available to employees by Montgomery County Public Schools. Dependent health insurance coverage may be continued at employee expense when paid in advance by the 15th of the preceding month.

3. I wish to continue dependent health insurance benefits. (Payment is required in advance, by the 15th of preceding month.)

Yes _____ No _____

NOTE: Employees are required to use this leave in conjunction with available sick leave. Employees utilizing extensive leave without pay will revert to ten (10) month pay status for the school year in which the leave is taken.

Employee Signature

Date

SECTION II

The above application for medical leave is APPROVED _____ DISAPPROVED _____

Signature of Superintendent or designee Date

See Policy Manual for complete text.

FAMILY AND MEDICAL LEAVE

1. Eligible Employees

To be eligible for these additional provisions, an individual

- a. must have been employed by MCPS for the previous twelve (12) months, and
- b. must have worked for at least 1,250 hours during the twelve (12) month period.

2. Entitlement

- a. Leave - Eligible employees are entitled to up to a combined total of twelve (12) weeks of unpaid leave during any twelve (12) month period for one or more of the following:
 - i. the birth and first year care of a child
 - ii. the adoption or foster placement of a child
 - iii. the serious health condition of an employee's spouse, parent, or child, and
 - iv. the employee's own serious health conditions.
- b. Benefits - In addition to actual leave, eligible employees are entitled to the continuation of all employment benefits provided or made available to employees by Montgomery County Public Schools.

3. Modifications and/or Limitations to Entitlement

- a. To the extent an eligible employee is entitled to receive paid or unpaid leave under any other applicable leave provisions of this policy, this section merely extends that leave period to twelve (12) weeks, with the period added by this section being unpaid.
- b. Where other applicable leave provisions under this policy already provide for twelve (12) or more weeks of leave in any category identified in 2. above, the provisions of this section do not add any more leave for that category.
- c. Where an employee is eligible for accrued paid leave under other applicable provisions of this policy, the eligible employee must substitute paid leave from the leave provided for in this section.
- d. Eligible employees are not entitled to accrue seniority or employment benefits, including those identified in 2 (b) above, during the time they are on leave.
- e. The entitlement for leave for child care ends after
 - i. the child reaches age one or
 - ii. twelve (12) months after the adoption or foster care placement.
- f. When both spouses are employed by the school division, the combined amount of leave for the birth, adoption, and illness of a parent may be limited to twelve (12) weeks in a twelve (12) month period.
- g. Intermittent and Reduced Leave
 - i. An eligible employee may not take leave for the birth and care of a child or for adoption or foster care placement on an intermittent or reduced leave schedule unless Montgomery County Public Schools agrees.
 - ii. Intermittent leave or a reduced leave schedule may be taken for other reasons in accordance with this policy when such leave is medically necessary. Montgomery County Public Schools may require the eligible employee to transfer temporarily to an alternative position for which the employee is qualified and which has equivalent pay and benefits and better accommodates recurring periods of leave than the regular employment position of the employee.
- h. Montgomery County Public Schools may deny restoration to previous positions to salaried eligible employees who are among the highest paid ten (10) percent of Montgomery County Schools' employees if
 - i. such denial is necessary to prevent substantial and grievous economic injury to the operation of the school system,
 - ii. Montgomery County Schools notifies the employee of the intent to deny restoration on such basis at the time Montgomery County Schools determines that such injury would occur, and
 - iii. in any case in which the leave has commenced, the employee elects not to return to work after receiving such notice.
- i. Reassignment – Notwithstanding any provision of this section, an employee who returns to work after taking leave under this section may be reassigned as permitted by School Board policies and resolutions, and consistent with applicable law.

4. Employee's Obligations

- a. Foreseeable Leave
 - i. Notice - When unpaid leave is foreseeable, the employee must provide at least thirty (30) days notice of the date when leave is to begin, except that if thirty (30) days notice is not possible, the employee shall provide notice as is practicable.
 - ii. Scheduling - With respect to family or employee medical treatments that are foreseeable, the employee shall make a reasonable effort to schedule treatment so as not to disrupt unduly the operations of the employer.
- b. Medical Excuses
 - i. Certification to take leave – Montgomery County Public Schools may require the employee to provide timely certification from the employee's health care provider or a family member's health care provider.
 - ii. Certification to continue leave – Montgomery County Public Schools may require certification from the health care provider that a serious medical condition of the employee or family member continues to prevent the employee from returning to work.
 - iii. Certification to return from leave - After receiving leave allowed under this section for personal illness, Montgomery County Public Schools will require the employee to provide certification by the employee's health care provider that the employee is able to resume work.

LEGAL REFERENCE: Family and Medical Leave Act of 1993, 29 U.S.C. § 2601, et. seq.; Code of Federal Regulations, Chapter 829; Fair Labor Standards Act, 29 U.S.C., Section 207(0).

Adopted: April 2004



Montgomery County
Public Schools

MONTGOMERY COUNTY PUBLIC SCHOOLS
HUMAN RESOURCES DEPARTMENT
REQUEST FOR PERSONAL LEAVE
WELLNESS LEAVE and/or
UNPAID LEAVE

750 Imperial Street, SE
Christiansburg, VA 24073
540.382.5100 (T)
540.394.4446 (F)

INSTRUCTIONS:

Unpaid leave requests must be forwarded directly to the Human Resources Department upon approval by the principal or immediate supervisor and at least fifteen (15) days prior to the expected absence. All unpaid leave requests require a letter from the employee stating the reason for the request.

Personal and Wellness leave requests must be submitted to the principal or immediate supervisor at least 48 hours prior to the expected absence. Approved personal and wellness leave requests should be maintained by the principal or immediate supervisor.

NOTE: Leave on in-service days or immediately before or after a holiday or vacation may be requested, for reason, but must be approved by the superintendent or his/her designee in advance. See Policy 5-7.5 for further information.

Section I (To be completed by employee requesting leave)

NAME _____ DATE _____

POSITION _____ LOCATION _____

Request is made for unpaid leave on _____

Request is made for my personal leave days(s) on _____

Request is made for my wellness leave day(s) on _____

REASON FOR LEAVE REQUEST: _____

(Reason for leave request is **required** for all unpaid leave requests or if requesting personal or wellness leave on in-service days or immediately before or after a holiday or vacation.)

Name of Substitute (required): _____

Please indicate number of: _____ one-half day(s) _____ full day(s)

Signature of Employee: _____ Date: _____

Section II

(To be completed by immediate supervisor and sent directly to the Human Resources Department)

Date application received into the HR Department: _____

The above application for leave is: _____ APPROVED _____ DISAPPROVED

Comments: _____

Principal or Immediate Supervisor _____ Date _____

Asst. Superintendent for Curriculum and Instruction or Director of Secondary Education _____ Date _____

Superintendent or Designee _____ Date _____

Policy: 5-7.5 (excerpts)

Unpaid Leave

A full-time salaried employee who is eligible for the Virginia Retirement System and an hourly employee, regularly employed for twenty (20) hours per week or more, shall submit a written request for intended absence to his/her principal or to his/her immediate supervisor as soon as possible but at least fifteen (15) days prior to the expected absence. The procedure for requesting unpaid leave shall be as follows:

1. First and foremost, requests for unpaid leave should be discouraged and taken only as a last resort, as leave disrupts the efficiency and effectiveness of education programs and the division's ability to continue day-to-day operations.
2. Employees shall use all personal, wellness and annual leave before requesting unpaid leave. Notwithstanding this requirement, full-time twelve month employees are eligible to retain five annual days prior to applying for or being placed in an unpaid leave status.
3. Notification of request for unpaid leave shall be made in writing on the appropriate form along with a letter stating the reason for the request to his/her principal or immediate supervisor as early as possible but at least fifteen (15) or thirty (30) days prior to the expected absence.
4. The principal or supervisor must sign the form, indicating their acknowledgement and support for the request, and then forward the form and letter to the Director of Human Resources. Principals/supervisors are responsible for assuring those arrangements are made to maintain regular classroom instruction and/or day-to-day operations. Requests will be forwarded to the division superintendent or designee through the Department of Human Resources for approval.
5. Decisions will be communicated to the employee in writing.

Personal Leave

All full-time salaried employees who qualify for the Virginia Retirement System along with hourly employees, regularly employed for twenty (20) hours per week or more, shall submit a written request for intended absence to their principal or to their immediate supervisor at least forty-eight (48) hours prior to the expected absence. No specific reason for such personal leave shall be required or solicited. In case of emergency, the appropriate school official shall be notified prior to the start of the duty day to be taken off. The rules regarding personal leave shall be as follows:

1. Notification of personal leave shall be made in writing on the appropriate form.
2. Leave on in-service days or immediately before or after a holiday or vacation may be requested, for reason, from the division superintendent of schools or designee.
3. A maximum of two (2) days per contract year for personal leave may be granted. Part-time employee groups that regularly work at least twenty (20) hours per week have a maximum of one (1) day, equal to their regular workday, per contract year for personal leave. Personal leave may be taken in minimum increments of one-half day (one-half of hours worked per day). (Effective for hourly personnel on July 1, 1996.)
4. No more than one (1) instructional staff member or ten (10) percent of a staff of an administrative unit, whichever is greater, may take personal leave at any one time. Approval will be granted considering priority of time of receipt of application. The division superintendent or designee, in his/her sole discretion, may make exceptions, upon recommendation of the principal.
5. Unused personal leave days may be accumulated up to a total of five (5) days, and accumulated dates may be used in any given year. Unused personal leave earned beyond the accumulated five (5) day total will be transferred to accumulated sick leave at the end of the fiscal year.

Wellness Leave

An employee regularly scheduled to work 30 hours per week or more and who achieves perfect attendance (no days used for sick leave for any reason) may earn two (2) days of wellness leave per year to be used the following contract year. Wellness days are earned by semester and must be used the following year.



Montgomery County
Public Schools

**MONTGOMERY COUNTY
PUBLIC SCHOOLS
HUMAN RESOURCES DEPARTMENT
REQUEST FOR ANNUAL LEAVE**

750 Imperial Street, SE
Christiansburg, VA 24073
540.382.5100 (T)
540.394.4446 (F)

INSTRUCTIONS: Sections I and II to be completed prior to requested leave date except in the event of an emergency.

Section I (To be completed by person requesting leave)

NAME _____ DATE _____

POSITION _____ LOCATION _____

Leave to begin: _____ date Return to duty: _____ date

List of dates of each workday leave will involve:

Total Annual Leave Days Requested: _____

Signature of Employee: _____ Date: _____

Section II (To be completed by immediate supervisor and maintained in files at each location)

Date application received: _____

The above application for annual leave is: APPROVED _____ DISAPPROVED _____

Comments: _____

Signature of approving official: _____ Date: _____

NOTE: Annual leave information is available on check stubs, direct deposit transmittal forms, and on leave reports located in schools or other sites. See Policy 5-7.5 (following) for further information.

Annual Leave

Ten- (10) and eleven- (11) month professional staff employees of the Montgomery County School Board are not granted annual leave. Ten (10) and eleven (11) month support staff employees are not granted annual leave unless approved by the School Board as part of the compensation package.

Annual leave for vacation and other personal reasons is granted to a twelve (12) month full-time salaried employee who is eligible for the Virginia Retirement System. Leave for twelve (12) month employees shall be earned according to the following schedule:

1. One (1) day of annual leave is earned for each completed calendar month (or more than one-half (1/2) of the workdays of a month) for the first five (5) years of continuous service as an employee of the Montgomery County School Board.
2. One and one-fourth (1 1/4) days of annual leave are earned for each completed calendar month (or more than one-half (1/2) of the workdays of a month) by personnel having over five (5) and up to ten (10) years of continuous service as an employee of the Montgomery County School Board.
3. One and one-half (1 1/2) days of annual leave are earned for each completed calendar month (or more than one-half (1/2) of the workdays in a month) by personnel having over ten (10) years of continuous service as an employee of the Montgomery County School Board.

An employee transferring from another school system in Virginia may earn the appropriate increment of annual leave according to their years of experience. Annual leave must be earned before it can be taken. A designated member of the division superintendent's staff will record earnings and use of annual leave for each employee on the last workday of each calendar month.

An employee will make a written application to his/her immediate supervisor, and annual leave will be scheduled and approved prior to the beginning of leave for an individual. Annual leave cannot be taken in less than one-half (1/2) day increments.

Annual leave earned by an eligible employee may be accumulated to the following year if it is not used, but not beyond that year. (Not more than two (2) years' accumulation may be credited to any employee). All employees terminating employment will receive a lump sum payment for earned, accumulated, unused annual leave days up to a maximum of thirty-six (36) days.

Adopted: April 2004

Revised: August 2004, September 2005, August 2006, June 2008, July 2010, October 2011, September 2013, February 2014, August 2015, June 2016, November 2016, August 2017



Montgomery County
Public Schools

**MONTGOMERY COUNTY
PUBLIC SCHOOLS**
Human Resources Department

750 Imperial Street, SE
Christiansburg, VA 24073
540.382.5100 (T)
540.394.4446 (F)

**Application for Use of Days
From Sick Leave Bank**

INSTRUCTIONS: Employee must complete Section 1, then forward to the Human Resources Department. A letter of explanation from the employee must be included.

NOTE: The use of sick leave bank days will only be considered after all other leave is exhausted. Medical Certification from the health care provider is required. There is a five-day unpaid leave period required before accessing sick leave bank days.

NAME _____ DATE _____

POSITION _____ LOCATION _____

SECTION I

I wish to make application for leave from the sick leave bank covering the period from:

_____ to _____
Month Day Year Month Day Year

Total number of days requested: _____

Employee Signature

Date

SECTION II

The above application for days from the sick leave bank is APPROVED _____ DISAPPROVED _____

Signature of Director of Human Resources

Date

Policy 5-7.5 (Excerpt)

The intent of the Sick Leave Bank is to provide some protection for employees who experience, or whose family members experience, catastrophic or long-term illness, as is further outlined herein.

VRS Hybrid Plan employees are eligible to participate in the sick bank during their first year of employment; thereafter they will not be eligible to participate.

1. Membership

- a. Membership shall be voluntary on the part of all certified and classified personnel who are eligible for sick leave in the division.
- b. Members utilizing the Sick Leave Bank will not have to replace those days except as a regular contributing member of the Sick Leave Bank.
- c. Membership shall be continuous unless withdrawn in writing prior to September 15 each year.
- d. Upon termination of employment or retirement, members will not be allowed to withdraw their days previously contributed.
- e. At the end of the first year of employment for VRS Hybrid Plan employees, such employees will not be allowed to withdraw their days previously contributed.

2. Enrollment

- a. An eligible employee may enroll by donating a minimum of one (1) day but not more than five (5) days of his or her accumulated sick leave to the bank. Donation to the Sick Leave Bank does not eliminate eligibility for the "wellness day" incentive program.
- b. Days donated to the Sick Leave Bank are irrevocably donated and lost to the control or individual use of the donor except as a participant in the Sick Leave Bank.
- c. A Sick Leave Bank enrollment form must be submitted to the division superintendent or designee (Director of Human Resources).
- d. An eligible employee may enroll within the first thirty (30) calendar days of employment or during the annual open enrollment period. The open enrollment period is defined as the employee's first scheduled workday of each school year through September 15.
- e. An employee shall be enrolled in the Sick Leave Bank for six (6) months prior to becoming eligible to utilize the benefits of the Sick Leave Bank.
- f. VRS Hybrid Plan employees will be eligible to utilize the sick bank immediately after enrollment.

3. Use of the Sick Leave Bank

- a. The Sick Leave Bank benefit will be governed under the same rules as the sick leave benefit, subject to the provisions of this subsection.
- b. The Sick Leave Bank must have a minimum of two hundred (200) days donated to implement the program. Members of the bank shall be assessed one (1) day of sick leave if the bank falls below two hundred (200) days. Additional assessments of one (1) day each may be made until the bank has a balance of two hundred (200) days. A member may choose to donate up to five (5) days per assessment. A member shall withdraw from the bank if he/she does not accept the assessment and shall lose all

contributed days to that point. Members who have no leave to contribute will be assessed an equal number of days the following September.

c. To request use of the Sick Leave Bank, the employee must make application to the Director of Human Resources for the benefit. It is not automatic.

d. No member of the bank will be granted sick leave from the bank until his/her own sick leave, personal leave, and wellness leave have been depleted. Additionally, if an employee has more than five (5) annual leave days, all but five (5) annual leave days must be used prior to using sick leave bank days. If the employee has five (5) or less annual leave days, no use of annual leave days will be required prior to accessing the sick leave bank.

e. The first five (5) consecutive days of illness not covered by accumulated sick leave, personal leave, wellness leave, or annual leave will not be covered by the Sick Leave Bank. They must be taken as leave without pay.

f. Each fiscal year (July 1 through June 30) a member who meets the requirements may draw days from the Sick Leave Bank according to the following criteria:

- 15 days in first year of Sick Leave Bank enrollment
- 20 days in second year of Sick Leave Bank enrollment
- 30 days in third year and subsequent years of Sick Leave Bank enrollment

Tier placement will be determined based on the employee's years of membership in the Sick Leave Bank at the time of the first day drawn from the Sick Leave Bank.

The total, maximum number of days that an employee may draw from the Sick Leave Bank for use during times of catastrophic or long-term illness of family members is thirty (30) days.

g. Participating members must meet the requirements in statements 3(c) and (d), immediately above, at the beginning of each school year before being approved for borrowing days from the Sick Leave Bank again. The maximum number of days that can be drawn from the Sick Leave Bank by any one member is 60 days total (including days taken by the employee for use during times of catastrophic or long-term illness of family members).

h. Extenuating circumstances will be considered by the division superintendent or Director of Human Resources, upon recommendation of the Sick Leave Bank advisory committee, for additional days drawn from the Sick Leave Bank.

The Sick Leave Bank Advisory Committee will be made up of seven (7) representatives from these employee groups: four (4) teachers (appointed by the Montgomery County Education Association President), one (1) administrator, one (1) service department employee, and one (1) clerical support employee, as well as the Director of Human Resources (a non-voting ex-officio member). Each representative (except the Director of Human Resources) must be a member of the Sick Leave Bank and shall be selected by the group they represent. There will be a poll for nominees annually. If there are an excess number of nominees from an employee group, representation of that employee group will be selected from among those nominees by that employee group. The committee will select its chair from among its membership, when convened. This committee shall meet at least once annually to make recommendations to the division superintendent regarding operation of the Sick Leave Bank.

Requests for additional days drawn from the Sick Leave Bank must be in writing to the Director of Human Resources and must include proper documentation by a physician as required.

Additional days may be requested from the Sick Leave Bank according to the same criteria as the original withdrawal:

- 15 days in first year of Sick Leave Bank enrollment
- 20 days in second year of Sick Leave Bank enrollment
- 30 days in third year and subsequent years of Sick Leave Bank enrollment

i. Days in the Sick Leave Bank not used will be carried over to the next year.

4. Transfer of Sick Leave Days

A participant in the Sick Leave Bank may transfer additional sick leave days, up to five (5), to another specific member in the Sick Leave Bank under the following conditions:

- a. Personnel wishing to transfer sick leave days must have an accumulation exceeding twenty-five (25) days and must complete and submit the Request For Transfer Of Sick Leave Days form to the division superintendent or Director of Human Resources.
- b. The person receiving the transferred sick leave days must have used the maximum days allowed in the regular Sick Leave Bank program.
- c. The maximum number of days for any combination of transfers to any one employee would be ten (10) days per year.
- d. The person receiving days must have exhausted all leave, personal wellness, sick and all but five (5) annual leave days, prior to receiving any additional days from other employees.



Montgomery County
Public Schools

Acknowledgment of Receipt

I, _____, have received a copy of the MCPS
(print full name)
handbook. I understand that it is my responsibility to read and understand the contents of this
handbook. I further understand and acknowledge that the information pertained in this
handbook is not comprehensive, but is an overview of the policies and procedures of MCPS. It
is my responsibility as an MCPS employee to read, understand and follow all of the School
Board Policies. The Employee Handbook is available on the website www.mcps.org. Go to
the Employment block.

Employee's signature

Date

Note: This affidavit is to be completed and will be placed in your personnel file in the
Department of Human Resources.