

# PERSONNEL

## POLICIES & PROCEDURES



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## 4000

## PERSONNEL

A quality educational program is very largely a function of the personnel employed to implement the educational goals of the Board of Education. The Board will search for and employ persons of the highest character who have the skills and other qualifications necessary to meet staffing requirements.

Board policies apply to all School District employees, including personnel who are covered by a collective bargaining agreement. In the event that a Board policy conflicts with a provision of a currently effective collective bargaining agreement, the bargaining agreement will control the particular matter for employees who are within the coverage of that agreement.

The Board believes in maintaining a work environment that will allow employees to be successful in providing an education to students of the School District. In return, employees are required to meet the highest standards of personal integrity, professionalism and performance.

### 4000.01

### Administrative Staff and Organization

***The Superintendent of Schools*** The Board will, at all times, employ a Superintendent of Schools in conformity with relevant provisions of the Revised School Code and other applicable laws.

***Other Administrators*** The Board may employ other administrators as it deems necessary for the proper operation of the School District.

**PROCEDURES****Expense Reimbursement for District Personnel  
Meetings/Conferences**

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Procedures for reimbursement of meetings/conference expenses are as follows:

1. Transportation, lodging and meals are reimbursable expenses. Pre-approval by the Board of Education and/or Superintendent must occur for any meeting/conference expenses over \$1500.
2. District personnel expenses (not to include alcohol, personal entertainment, spouse expenses, etc.) will be substantiated by receipts and an accounting will be submitted to the Business Manager for reimbursement.
3. District personnel will be paid in advance (or reimbursed) for his/her hotel room when away on school business. Payment will be based upon the rate for single occupancy.
4. District personnel will be provided transportation expenses equal to the cost of a round-trip tourist class commercial carrier or mileage reimbursement at the rate established by the IRS. Approval of travel reimbursement will be based on the most reasonable, economical means.

## 4000.02

## Employment Considerations

**Equal Employment Opportunity** The Board is committed to equal employment opportunities in all aspects of employment, including recruitment, selection, training, promotion and retention of staff.

**Discrimination and Harassment** The Board is committed to maintaining a learning/working environment in which all individuals are treated with dignity and respect, free from discrimination and harassment. There will be no tolerance for discrimination or harassment on the basis of race, color, national origin, religion, sex, marital status, genetic information, disability, age, or any other illegal grounds.

**WYANDOTTE PUBLIC SCHOOLS  
PROCEDURES**

**4000.02**

**Discrimination and Harassment**

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Federal or Michigan Law prohibits illegal discriminatory harassment based on sex, race, color, national origin, age, religion, height, weight, marital status, genetic information or disability. Furthermore, the District will not tolerate illegal harassment of employees within these protected classes by District Board of Education members, other District employees, students, parents, invitees, guests, volunteers, etc. These procedures address illegal harassment, subject to Federal and Michigan Law, and establish a process for investigating and resolving complaints of harassment made by District employees.

Generally, illegal harassment occurs when a District employee is subjected to unwelcome communications or conduct relating to an individual's sex, race, color, national origin, age, religion, height, weight, marital status, disability, or genetic information, when:

- Submission to the conduct or communication is made an explicit or implicit condition of employment;
- Submission to, or rejection of, the conduct or communication is used as a factor in decisions affecting the individual's employment; or,
- Such conduct or communication has the purpose or effect of substantially interfering with the individual's work performance or employment, creates an intimidating, hostile or offensive work environment or otherwise adversely affects the individual's employment opportunities.

**Investigative Procedures**

Any District employee or applicant, who believes s/he has suffered illegal discriminatory harassment, shall report the incident(s) to one of the following individuals:

- District Superintendent
- Human Resources Director
- Board President
- Immediate Supervisor

The District's Superintendent, or his/her designee, will investigate and resolve any such complaint. The District will appoint a non-District employee to investigate complaints of illegal discriminatory harassment against the Superintendent or Board of Education members. The District will not retaliate against any person because s/he made a good faith complaint of illegal discriminatory harassment.

The person conducting the investigation will ascertain the basis of the complaint, including permitting the complainant to identify witnesses and potentially relevant documents. In the same fashion, the investigator will ascertain the position of the person about whom the complaint has been made. This part of the investigation should be completed within 10 school days, absent unusual circumstances.

**Effective Date: September 6, 2015**

**WYANDOTTE PUBLIC SCHOOLS  
PROCEDURES**

**4000.02**

**Discrimination and Harassment**

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The investigator will, based on his/her investigation, determine whether illegal discriminatory harassment occurred. This determination will be based on the totality of the circumstances including, but not limited to, factors such as:

- The relationship between the parties.
- Surrounding circumstances.
- The nature of the behavior.
- How often the conduct occurred.
- The identity of the alleged perpetrator in relation to the alleged victim.
- The location of the alleged discrimination.
- The ages of the parties.
- The context in which the alleged incidents occurred.
- Past incidents or past or continuing patterns of behavior involving the parties.

The investigator will also dispose of the complaint. This disposition may include:

- Actions to prevent the recurrence of illegal discriminatory harassment, or the fact and circumstances that led to the complaint.
- Reasonable and appropriate sanctions or discipline against any person the investigator concludes committed illegal discriminatory harassment.
- A reasonable and appropriate remedy for any victim of illegal discriminatory harassment.

The investigator may also make an interim disposition pending the completion of the investigation and final disposition. The investigator should dispose of the complaint within 20 school days from the date it was presented, absent unusual circumstances.

The investigator will communicate the disposition of the complaint to the complainant and other involved parties on a need to know basis. The investigator's disposition will be final. However, any affected party dissatisfied with the investigator's disposition may pursue available legal remedies.

Complaints concerning illegal discriminatory harassment based on race, color, national origin, religion, sex, age, disability, or genetic information may be filed with:

The Office for Civil Rights  
United States Department of Education  
1350 Euclid Avenue, Suite 325  
Cleveland, Ohio, 44115-1812  
Phone: 216-522-4970  
Email: OCR.Cleveland@ed.gov

**Effective Date: September 6, 2015**

## 4000.02

## Employment Considerations

**Nepotism** It is the intent of the Board to avoid favoritism as well as the appearance of favoritism towards relatives in all matters concerning employment in the School District. The Board adopts the following standards:

- No Board member or employee shall participate in any personnel action, including a recommendation for appointment, employment, promotion or evaluation concerning an applicant or employee to whom she or he is related.
- No Board member or employee may directly supervise or be directly supervised by an employee to whom that person is related. If a person is hired into or transferred into a position for which s/he will directly supervise or be directly supervised by a relative, s/he shall immediately notify the Superintendent or his/her designee.
- Whenever one relative is promoted or transferred to a position that would result in a violation of this policy, the conflict shall be resolved by transferring one of the related employees to another comparable position. The employee who is to be transferred shall be designated by the Superintendent and must meet all established certifications and qualifications for the position to which transferred.

This policy shall not, except as otherwise expressly provided, be interpreted to prohibit the employment of relatives of Board members or relatives of any employee of the School District.

For purposes of this policy, the terms “related” or “relative” refer to the following relationships: father, mother, son, daughter, brother, sister, spouse, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or any other persons who reside at the same location as the Board member or employee.

## 4000.02

## Employment Considerations

**Criminal Background Checks** The Board seeks to ensure a safe and secure environment for students, staff and other members of the school community. Accordingly, the School District will comply with state law and require that any individual working in a school district building, whether as an employee or working regularly and continuously under contract, submits to a criminal history and background check by the department of state police. If an individual has been convicted of a listed offense, as defined by Michigan law, the School District will not employ the individual. If the individual has been convicted of a felony other than a listed offense, the School District will consider the severity of the felony, when the conduct occurred, its effect on the ability of the individual to work in a school building, and any other matters considered relevant to the safety of the school community. An individual with a felony conviction will not be permitted to work in a school building unless the assignment is specifically approved by the Superintendent and the Board of Education. Should the School District become aware, at any time, that an individual already working in a school building has been convicted of a listed offense or a felony, the same procedures, above, will apply.

## 4000.03

## Conditions of Employment

**Alcohol and Drug Free Workplace** It is the policy of the Board to maintain a workplace free of alcohol and illegal drugs, as well as prescription drugs for which the employee does not have a current, valid prescription. Any individual (employee, volunteer or under contract) working on district property, who is found to have unlawfully manufactured, distributed, dispensed, possessed or used alcohol or any drug in the workplace shall be disciplined, up to and including discharge from employment. Similarly, an employee or volunteer who is found to have been present in the workplace while under the influence of illegal drugs, prescription drugs for which the employee does not have a current, valid prescription, or alcohol will be subject to discipline, up to and including discharge from employment.

**WYANDOTTE PUBLIC SCHOOLS  
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**4000.03**

**Alcohol & Drug Free Workplace**

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**INTRODUCTION – NOTICE & PURPOSE**

Wyandotte Public Schools is committed to maintaining a work and educational environment free of unauthorized drugs and alcohol, and in accordance with the requirements of the Federal Drug-Free Workplace Act and Drug-Free Schools and Communities Act Amendments of 1989.

**PART I – STANDARDS OF CONDUCT**

The unlawful manufacture, distribution, dispensation, possession and/or use or being under the influence of anabolic steroids, unauthorized drugs or alcohol by District employees or volunteers on District grounds, in District buildings and/or in connection with any district activity, is prohibited.

**PART II – DEFINITIONS**

- A. District.** Refers to the Wyandotte Public School District.
- B. District Premises.** Includes:
  - 1. All buildings and facilities of the District, and the property adjacent to them, including fields and parking lots.
  - 2. District-owned, leased or rented vehicles or equipment.
  - 3. School-sponsored field trips and events.
- C. District Activity.** Any activity, program or event related to the District's program.
- D. Unauthorized Drugs.** Anabolic steroids or any substance, other than an authorized substance, which is or has the effect on the human body of being a narcotic, depressant, stimulant, hallucinogen, or cannabinoid, their precursors derivatives or analogues, and includes, but is not limited to those substances scheduled as controlled substances under the Federal Controlled Substances Act. Such substances include, but are not limited to marijuana, cocaine, crack cocaine, heroin, peyote, mescaline and LSD.
- E. Authorized Substances.** Substances having a physiological, psychological or biochemical effect which are lawfully prescribed or which are available without a prescription, which are lawfully obtained by an employee or volunteer and which the employee or volunteer possesses and uses in the appropriate manner, in the dosages and for the purposes for which the substances were prescribed or manufactured, are considered "authorized substances" for the purpose of these procedures.
- F. Alcohol.** Includes distilled spirits, liquor, beer, wine, malt liquor or any other intoxicants used for beverage purposes.
- G. Under the Influence.** An individual affected by alcohol or drugs. Evidence of being under the influence may be estimated by a professional or lay person's opinion, a physiological test/analysis, or a biochemical test/analysis. An employee or volunteer whose blood alcohol level content (BAC) is found to be

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## Alcohol &amp; Drug Free Workplace

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.08 percent or greater, is undeniably presumed to be under the influence of alcohol.

- H. **Laboratory Testing.** Includes, but is not limited to, a physiological test/analysis or a biochemical test/analysis, including urinalysis, breath analysis and blood analysis.
- I. **Reasonable Suspicion.** A suspicion of a possible violation of the provisions of Part I of this procedure, which is formed by a reasonable lay person, based upon a personal observation of an employee's or volunteer's appearance, speech, behavior, or circumstances. Such suspicion must be based upon specific and articulable facts, which taken together with rational inferences from such facts, lead to a conclusion that further investigation or inquiry into a possible violation is warranted. A reasonable suspicion may not be founded solely on a mere hunch or intuition. Factors which may support a reasonable suspicion include, but are not limited to: a vehicle accident, on duty injury to the employee or volunteer or another person requiring medical attention, or damage to property, when the employee's or volunteer's performance contributed to or cannot be completely discounted as a contributing factor to the accident, injury or damage; the detection of an odor commonly consistent with drug or alcohol use; or, abnormal behavior or other conduct or circumstances which suggest that an employee or volunteer may be impaired by, or in possession of, alcohol or drugs in violation of Part I of this procedure.

**PART III – DISCIPLINARY SANCTIONS**

Any District employee who violates the standards of conduct may be subject to disciplinary action, up to and including termination of employment. As a disciplinary action, the employee may be required to satisfactorily participate in a drug assistance or rehabilitation program approved by the Board. The severity of the action chosen will depend on the specific offense, the employee's record and any available evidence.

Conviction on any criminal drug statute is also grounds for disciplinary action, up to and including termination of employment.

**PART IV – PROCEDURES ADMINISTRATION**

- A. **Employee Notification.** All employees will be notified of this procedure at the time it is effective and once each school year, thereafter. New employees will be notified of this procedure during their orientation, if not sooner. Compliance by employees with the rules and requirements of this procedure are mandatory conditions of employment.
- B. **Employee Rehabilitation.** Employees with a problem related to drug or alcohol use if they do not volunteer, shall be requested to volunteer for rehabilitation assistance before their problem leads to a situation which could jeopardize their employment. Employees who feel the need for assistance, or who are required

## PROCEDURES

## Alcohol &amp; Drug Free Workplace

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- to participate in a rehabilitation program to deal with a drug or alcohol problem and wish for a referral to a rehabilitation program may confer with the Human Resources Office. Employees may also seek assistance through entities such as the Wayne County Health Department, Henry Ford Hospital (Maplegrove Center), St. John Hospital, Providence Hospital, Eastwood Clinic, St. Joseph Mercy, Ann Arbor, and Brighton Center for Recovery. Employees may also call the Substance Abuse and Mental Health Services Administration (SAMHSA) (1-800-662-HELP) for referrals to local treatment centers.
- C. Laboratory Testing.** All testing appropriately directed by the District pursuant to this procedure will be performed at laboratories or other facilities designated by the District and registered with the Michigan Department of Public Health, and the laboratory charges for the tests will be paid by the District. Procedures at the testing facility will be consistent with the guidelines in Appendix A of this procedure.
1. Appropriate laboratory testing of an employee may be directed when an employee's supervisor, with the concurrence of another supervisor or administrator, has a reasonable suspicion that the individual has violated Part I of this procedure. In this event, the District will inform the individual of the basis for the reasonable suspicion, and will, at the request of the employee notify a union representative.
  2. Laboratory testing shall be required as a condition for returning from a leave of absence for rehabilitation purposes.
- D. Review.** The District and the Union will review these procedures at least biannually to determine its effectiveness and implement any changes, if they are needed, and to ensure that the disciplinary sanctions listed are consistently enforced.

**PART V – CONFIDENTIALITY**

- A. Documentation.** The Human Resources Office will maintain, in a separate and confidential file, all documents regarding laboratory testing of employees. This documentation will include, for each test, the consent form and test results.
- B. Disclosure.** The confidential nature of all actions taken pursuant to this procedure is to be respected. Toward this end, efforts will be made to assure that only those individuals with a "need-to-know" are to be advised that laboratory testing has been ordered based on reasonable suspicion as well as the results of any laboratory tests ordered pursuant to this procedure. Those with a need-to-know normally include the employee's supervisor, District executive management, appropriate laboratory and medical staff, and the employee's union officials. The results of any drug or alcohol related test of a particular employee will be furnished to the employee and/or his or her union upon the employee's request. Test results will be recorded in the employee's personnel record pursuant to the procedures in Appendix A.

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**Alcohol & Drug Free Workplace**

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**PART VI – SCOPE**

- A. Limited Applicability.** Nothing in this procedure restricts the District in its handling of substance abuse and use with regard to non-employees, including job applicants, students, contractors, volunteers and others.

**PROCEDURES****Alcohol & Drug Free Workplace**

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**APPENDIX A****Laboratory Testing Procedures**

1. Employees ordered to be tested for unauthorized drug use will be sent to an approved collection facility, a medical laboratory or other facility designated by the District. The medical laboratory or facility performing the test must be registered with the Michigan Department of Public Health. The order and collection of necessary initial samples should normally be done, if possible, within 8 hours of the conduct, behavior, or incident supporting the order. Employees being tested for unauthorized drugs must first sign the Drug Screen Consent Form.
2. Employees ordered to be tested for alcohol use will be required to submit to the testing as soon as it can be arranged by the District. Those being tested must first sign the "Blood Alcohol Concentration – Consent Form." The order and testing should normally be done within 8 hours of the conduct, behavior or incident supporting the order.
3. Employees sent for tests due to a belief that they are under-the-influence of drugs or alcohol shall be driven to and from the collection site.
4. Before obtaining any specimens for urinalysis or blood testing, the collection facility will confirm the employee's identity.
5. Before obtaining any specimens for urinalysis or blood testing, the lab will inquire as to the individual's use of any medication or drugs which may be relevant to its analysis of blood or urine.
6. A urine specimen should be collected in a manner that the laboratory can verify with reasonable confidence that the urine specimen belongs to the individual being tested and has not been adulterated.
7. Any urinalysis conducted, shall be as follows: The initial urinalysis will be an EMIT screen. If the result is positive, then the specimen will be screened by use of a gas chromatography-mass spectrometry screen.
8. Positive lab reports will be sent to a Medical Review Officer (MRO) who shall be a licensed physician. The MRO will review the lab report and may confer with the employee and/or order a retest. The MRO will then give a report to the District indicating whether the test was positive or negative. The lab will also report to the District any results which are negative. All lab reports will be sent to the Human Resources Director.
9. Upon receiving the report, the Human Resources Director will inform the employee of the results. If the results are negative and the test was ordered pursuant to Part IV, Paragraph (C) (1) of the procedure, no record of the referral or the results will be made in the employee's personnel record unless requested by the employee at that time.

**PROCEDURES****Alcohol & Drug Free Workplace**

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- 10.** Blood or urine specimens testing positive shall be retained by the laboratory, in a manner in which source can be identified, for a period of at least one hundred eighty (180) calendar days.
- 11.** Drugs or their metabolites which may be screened for include, but are not limited to: Amphetamines, Barbiturates, Benzodiazepines, Cannabinoids (Marijuana), Cocaine, Methadone, Methaqualone, Opiates, Phencyclidine (PCP), and Propoxyphene. The following are the “cut-off” points for “positive” readings from confirmatory tests when testing for the following drugs or their metabolites: amphetamines – 500 ng./ml.; cocaine – 150 ng./ml.; marijuana – 10 ng./ml.; opiates – 300 ng./ml.; phencyclidine (PCP) – 25 ng./ml.; barbiturates, benzodiazepines, methadone, methaqualone and propoxyphene – 200 ng./ml.
- 12.** The Consent Forms referred to in this Appendix are part of the procedure referred to as Appendix B.

**PROCEDURES**

**Alcohol & Drug Free Workplace**

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**APPENDIX B**

**Wyandotte Public School District**

**Drug Screen-Consent Form**

I, (Print Name) \_\_\_\_\_ consent and agree to give a specimen of my urine to a medical facility, laboratory, or medical person designated by the District, and otherwise cooperate with the facility, lab or person administering the collection and/or test. I understand and agree that this specimen will be tested for the presence of drugs or medication in my body. I further consent and agree to the release of the laboratory results of any tests performed on the specimen to a designated representative of the District.

By my signature below, I acknowledge that I have read and understand all of the foregoing statements, and that the information provided is complete and true.

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

Witness Signature \_\_\_\_\_ Date \_\_\_\_\_

Witness Title \_\_\_\_\_

**Wyandotte Public School District**

**Blood Alcohol Concentration-Consent Form**

I, (Print Name) \_\_\_\_\_ consent and agree to give a specimen of any saliva, blood or urine to a medical facility, laboratory, or medical person designated by the District. The type of specimen(s) required will be determined by the testing agent.

I understand and agree that this specimen will be tested for the presence of alcohol in my body.

I further consent and agree to the release of the laboratory results of any tests performed on the specimen to a designated representative of the District.

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

Witness Signature \_\_\_\_\_ Date \_\_\_\_\_

Witness Title \_\_\_\_\_

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## PERSONNEL

### 4000.03

### Conditions of Employment

**Omnibus Transportation Employees** The School District is required to and will comply with the Omnibus Transportation Employee Testing Act of 1991. The Superintendent will develop and implement procedures to conduct alcohol and drug testing of all individuals who operate district vehicles, within the meaning of the Act.

**PROCEDURES****Omnibus Transportation Workers Testing Act**

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It is the procedure of Wyandotte Public Schools to comply with the provisions of the Omnibus Transportation Workers Testing Act of 1991 and the regulations promulgated under that Act.

In this regard, effective January 1, 1996, the School District will implement pre-employment, post-accident, reasonable suspicion, random, return-to-duty, and follow-up alcohol and controlled substance testing on those individuals who operate commercial motor vehicles on behalf of the School District.

All individuals who operate a commercial motor vehicle are covered by these procedures, whether they are full-time, regularly employed drivers; casual, intermittent or occasional drivers, leased drivers, or independent owner-operator contractors directly employed by or under lease to the School District.

Covered employees will be provided the requisite educational materials regarding the implementation and application of this procedure, and all required training will be provided. The Offices of Human Resources and Operations will be jointly responsible for the development of administrative procedures and administering them.

## 4000.03

## Conditions of Employment

**Staffing, Layoff and Recall of Teachers** This policy relates to all teachers working for the School District as defined by the Michigan Teachers' Tenure Act, MCL 380.71 *et seq.* As used in this policy, the term "personnel decision" refers to any situation where the School District is:

- conducting a staffing or program reduction or any other personnel determination resulting in the elimination of a position;
- conducting a recall from a staffing or program reduction; or
- any other personnel determination resulting in the elimination of a position, or in hiring after a staffing or program reduction or any other personnel determination resulting in the elimination of a position.

All personnel decisions will be made based on the following factors, in order of priority:

- individual performance;
- significant, relevant accomplishments and contributions;
- relevant special training.

The focus of personnel decisions will be the retention of effective teachers. Length of service or tenure status will not be a consideration unless the factors described above are found to be equal, and, then, only at the discretion of the Superintendent.

No teacher, who has received a rating of ineffective on his/her last year-end evaluation, will be given any preference that would result in that teacher being retained over a teacher who received a performance rating other than ineffective.

The Superintendent or designee will develop and implement procedures or practices necessary to ensure implementation of this policy in accordance with Michigan law.

**Highly Qualified** It is the intent of the Board to employ "highly qualified" teachers within the meaning of the No Child Left Behind Act of 2001 (NCLB). The Superintendent will assure that NCLB standards are adhered to in the employment of professional staff.

**HIPAA** The Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires the School District to provide employees with notice of the uses and disclosures of their protected health information that may be made by the School District. The School District will comply with the requirements of HIPAA with regard to any employee benefit or group health plan provided by the District that is subject to the requirements of the Act. The Superintendent or designee will develop and implement procedures necessary to ensure continuing School District compliance with the requirements of HIPAA.

## PROCEDURES

## HIPAA

## (Health Insurance Portability and Accountability Act of 1996)

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The School District of the City of Wyandotte ("School District" or "District") enacts the following procedures in compliance with the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"):

**I. Definitions**

Covered Component: A School District office, department or division subject to the HIPAA Privacy Rule.

HIPAA: The Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191.

Health Information: Information that relates to the past, present, or future physical or mental health or condition of an individual, or that relates to the provision of health care in the past, present or future.

Individually Identifiable Health Information: Health information and demographic information that identifies an individual or for which there is a reasonable basis to believe can be used to identify an individual.

Privacy Rule: HIPAA standards for privacy of individually identifiable health information at 45 CFR Parts 160, 162, and 164.

Protected Health Information ("PHI"): Individually identifiable health information that is used or maintained by a covered component regardless of form or how transferred. PHI excludes, among other things, individually identifiable health information in education records covered by FERPA, as amended, 20 USC 1232g, including records described at 20 USC 1232g(a)(4)(B)(iv). PHI further excludes School District employment records, kept by the District in its role as an employer.

**II. Declaration of Policy and Designation of Privacy Officer**

When applicable, the School District will comply with HIPAA to maintain the privacy of PHI that it receives, obtains, transmits, or sends. The District designates as its Privacy Officer the Business Manager, or such other official as may be designated in writing by the Superintendent or Board of Education.

**III. Obligations of School District Covered Components to Non-Covered Components**

To the extent necessary in the course of School District business, a covered component will:

1. Notify non-covered components of any limitation(s) in the covered component's notice of privacy practices, to the extent that such limitation may affect a non-covered component's use or disclosure of PHI.
2. Notify non-covered components of any changes in, or revocation of, permission by an individual to use or disclose PHI, to the extent that such changes may affect a non-covered component's use or disclosure of PHI.

**PROCEDURES****HIPAA**

(Health Insurance Portability and Accountability Act of 1996)

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3. Notify non-covered components of any restriction to the use or disclosure of PHI to which a covered component has agreed, to the extent that such restriction may affect a non-covered component's use or disclosure of PHI.
  4. Not request that a non-covered component use or disclose PHI in any manner prohibited by HIPAA.
  5. Provide an opportunity for non-covered components to correct violations of the Privacy Rule.

**IV. Development of Procedures and Training**

The School District shall develop administrative procedures necessary to comply with HIPAA. The District shall train those employees who work in areas covered by the HIPAA Privacy Rule and who have access to PHI to follow appropriate procedures to ensure PHI is not disclosed except as allowed by law.

**V. Violations**

Employee violation of these procedures, or of administrative procedures developed there under, may subject the violator to disciplinary action for misconduct, in accordance with applicable School District contracts, policies, and procedures.

**VI. No Retaliation**

The School District will not intimidate, threaten, coerce, discriminate or retaliate against an individual for exercising any rights under, or participating in any applicable process established by, HIPAA and its Privacy Rule, provided the person has a good faith belief that the practice is unlawful, and the manner of opposition is in accordance with applicable law.

**VII. Interpretation**

These procedures shall be interpreted, and amended as necessary, to permit compliance with the HIPAA Privacy Rule.

**PROCEDURES****HIPAA Hybrid Entity Status  
(Health Insurance Portability and Accountability Act of 1996)**

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The School District of the City of Wyandotte (“School District” or “District”), based upon its self-administration of certain self-funded health plans, is a covered entity under the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”). As its business activities include both covered and, primarily, non-covered functions, it has decided to designate itself a “hybrid entity” under HIPAA.

As a hybrid entity, the School District is divided into covered components and non-covered components. The District hereby designates the following as covered components within the hybrid entity:

- Employee Group Health Plan.
- Dental Expense Benefits Plan.
- Employee Flexible Benefits Plans.
- VSP-3 Plus Vision Plan (collectively, the “Plans”).
- The School District Business Office, insofar as office personnel provide administrative support to the Plans.

The terms used in these procedures have the same meaning as those in HIPAA, the regulations at 45 CFR Parts 160, 162, and 164, and as provided in the District’s HIPAA procedures. The requirements of HIPAA, and the School District’s procedures in that regard, apply only to the covered components included within the hybrid entity.

## 4000.03

## Conditions of Employment

**Leaves of Absence** An employee may be granted a leave of absence, with a right to return to employment upon expiration of the leave. A leave of absence is without pay unless otherwise provided by law, or a negotiated contract. The Superintendent will develop and implement legally compliant leave of absence procedures, specifying the various types of leave that are available to School District employees and the manner in which application for a leave may be made.

**FMLA** The School District will fully comply with the Family and Medical Leave Act (FMLA), 42 USC 12201 *et seq.*, and corresponding procedures. The School District will use the rolling calendar method under the FMLA. The FMLA leave of any employee of the School District will be without pay. If the employee has paid leave time available under an applicable contract or other agreement, the employee will be required to use that paid time concurrent with any FMLA leave.

**Medical Examinations** The Superintendent or designee may require an employee to submit to a medical examination when:

- Required or permitted by federal or state law.
- Required or permitted by the employee's contract of employment.
- Information suggests that a health condition may be negatively affecting the employee's work performance.
- Information suggests that the employee has a health condition which may endanger the health of students or other employees.
- An employee has provided medical documentation as the basis for a health leave or in return from a health leave and the School District believes that a second medical opinion is necessary.

When the Superintendent or designee has required an employee to submit to a medical examination, all costs will be borne by the School District. The employee will be required to sign a release authorizing the physician to submit a copy of the report of the examination directly to the Superintendent or designee. A copy of the physician's report will be maintained in a separate, confidential personnel file.

**4000.04 Evaluations, Discipline and Discharge, Resignations**

**Performance Evaluations** It is the belief of the Board that all teachers and administrators can continually improve their performance and should strive for excellence in order to provide the best possible education for the students of the School District. To that end, the School District will use a rigorous, transparent, and fair evaluation system for all teachers and administrators. This system will comply with Michigan law and include annual year-end evaluations for all teachers and administrators, except where otherwise provided by Michigan law.

The evaluation system is intended to be used to improve the performance of all teachers and administrators and encourage professional growth. The system is also intended to result in the separation from employment of those teachers and administrators who, after notice and an opportunity to improve, are found to continue to be ineffective. The Superintendent or his/her designee will develop and implement procedures necessary to ensure implementation of this policy in accordance with Michigan law.

**Performance Based Compensation** The Board places great emphasis on employee performance and supports a system of performance based compensation. The Superintendent will develop for Board review and approval a system of performance based compensation which ties compensation directly to an employee's performance evaluation.

**Ineffective Teachers** Teachers will receive a rating pursuant to the School District's evaluation policy and guidelines. Any teacher rated ineffective on a year-end evaluation will be placed on an individualized development plan (IDP). That teacher will be evaluated mid-year during the next school year, in addition to receiving a year-end evaluation. If the teacher continues to be found ineffective after a second year, the School District will act to discharge the teacher, either through termination (if probationary) or the filing of tenure charges (if tenured), unless special circumstances are found to exist.

**Discipline and Discharge** This discipline and discharge policy includes, but is not limited to, District employees whose employment is regulated by the Teachers' Tenure Act (TTA), MCL 38.71 *et seq.* T. This policy does not apply to a decision to discharge or not to renew the employment of a probationary teacher. A probationary teacher is considered an at-will employee and their employment may be terminated at any time and for any reason that is not in violation of state or federal law. Where this policy conflicts with an individual contract of employment or a collective bargaining agreement, the applicable contract will supersede this policy.

Employees whose conduct or performance is inconsistent with the School District's expectations are subject to corrective and/or disciplinary action.

Discipline, for purposes of this policy, includes verbal and written warnings, verbal and written reprimands, suspensions, and dismissals/discharges. Discipline does not include verbal or written directives, placement upon a voluntary or involuntary leave of absence, or periodic performance evaluations. Such actions are not subject to this policy.

Disciplinary actions are taken at the discretion of the School District, and may arise for any reason that is not arbitrary or capricious. Except as otherwise expressly provided by law, contract, or a collective bargaining agreement, all disciplinary decisions of the School District are final and not subject to any grievance or arbitration procedure.

**Resignations** The Superintendent is authorized to accept resignations on behalf of the Board. A resignation must be in writing and is effective upon acceptance by the Superintendent or designee or the Board of Education.

## 4000

## PERSONNEL

### 4000.05

### Other Matters of Employment

**Gifts to School Personnel** No employee of the School District shall:

- Accept any but nominal personal gift of money, services or goods from a student of the School District or the parent or guardian of any student.
- Accept any but nominal gifts or favors in any form whatsoever from any person, firm or corporation that is involved, directly or indirectly, or may be interested in becoming involved, in any commercial dealings with the School District.

**Whistleblower Protection Policy** Employees are expected to report suspected unlawful activity in the School District without fear of retaliation. The Superintendent will develop procedures to inform employees of the protections and obligations that exist under the Michigan Whistleblowers' Protection Act, MCL 15.361 *et seq.* The procedures will include a procedure for reporting alleged violations.

**Outside Activities** Employees may not engage in activities which interfere with their School District duties and responsibilities or denigrate the School District or the employee's profession.

Teachers are not permitted to receive pay for tutoring students currently assigned to them. Teachers may only tutor other students of the School District with the prior permission of the Superintendent. No private tutoring for pay may be provided during the regular school day, on School District property at any time, or using School District equipment or supplies.

No employee shall attempt to sell or influence a student and/or parents to buy any product, article, instrument, service, or other such item, which would directly or indirectly benefit that employee.

**Ownership of Works** Instructional staff members are encouraged to prepare scholarly articles and otherwise produce materials which might be considered for publication or distribution. Any works which reference the School District will require the prior written approval of the Superintendent.

Staff member works in which a copyright or patent interest may exist are subject to the following:

- Works developed within the specific scope of an employee's School District duties and responsibilities, or occurring during the employee's regular or customary work hours, are the absolute and exclusive property of the School District.

- Works developed by an employee outside of both the specific scope of his/her employment duties and outside the employee's regular and customary hours of work belong to the employee.

**Social Media** Digital communication (including social media) that occurs on District premises or involves the use of District equipment is governed by the Acceptable Use Policy and this Policy. This Policy also applies to digital communication that occurs off district premises and/or using non-District equipment.

Digital communication (including social media) provides educational and other opportunities for staff and students. The Board of Education expects that staff and students who engage in digital communication will do so in a reasonable and appropriate manner. Specifically, digital communication between staff and students, or to which students reasonably may be exposed, should be professional and of the same content, tone and demeanor as in-school communication between staff and students. Similarly, digital communication between staff and parents, community members and other adults, or to which staff members, parents and community members reasonably may be exposed, should be professional.