

GA* Personnel Policies Goals

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GDBC-R*	Classified Staff Fringe Benefits
GDBD*	Classified Staff Leaves and Absences
GDBD-R*	Classified Staff Leaves and Absences
GDBE*	Classified Staff Vacations and Holidays
GDBE-R*	Classified Staff Vacations and Holidays
GDC*	Classified Staff Postings
GDCA*	Posting of Classified Staff Vacancies
GDD*	Classified Staff Hiring
GDE*	Part-Time, and Substitute Classified Staff Employment
GDI*	Classified Staff Assignments and Transfers
GDJ*	Classified Staff Time Schedules
GDKA*	Classified Staff Extra Duty
GDL*	Classified Staff Development Opportunities (Expense Reimbursement)
GDN*	Evaluation of Classified Staff (Also AFD)
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GDPCA*	Classified Staff Severance Pay
GDPD*	Suspension and Termination of Classified Staff Members
GDQA*	Nonschool Employment by Classified Staff Members
GDQA-R*	Nonschool Employment by Classified Staff Members

* denotes areas covered by Board policy

PERSONNEL POLICIES GOALS

The personnel employed by the ESC are a very important resource for effectively conducting a quality program. The ESC's program will function best when it employs highly qualified personnel, conducts appropriate staff development activities, establishes policies and working conditions, which are conducive to high morale, and enables each staff member to make the fullest contribution to ESC programs and services.

The goals of the personnel program include:

1. developing and implementing those strategies and procedures for personnel recruitment, screening and selection, which result in employing the best available candidates: those with the highest capabilities, strongest commitment to quality education and greatest probability of effectively implementing the educational program;
2. developing a general assignment strategy, which makes the greatest contribution to the educational program, and using it as the primary basis for determining staff assignments;
3. providing positive programs of staff development designed to contribute both to improvement of the educational program and to each staff member's career development aspirations;
4. providing for a genuine team approach to education, including staff involvement in planning, decision-making and evaluation;
5. developing and using for personnel evaluation positive processes which contribute to the improvement of staff capabilities and assist in making employment decisions and
6. encouraging all employees to be cognizant of their roles in instilling ethical principles and democratic ideals in all students.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC 124.11
3313.602
3319.01; 3319.02; 3319.081; 3319.11; 3319.111
Chapter 4117

CROSS REF.: GBB, Staff Involvement in Decision Making (Also ABB)

Educational Service Center of Medina County, Medina, Ohio

EQUAL OPPORTUNITY EMPLOYMENT

The ESC provides equal opportunities for employment, retention and advancement of all personnel.

This Board encourages all personnel to assist in the accomplishment of this goal through their personal commitment to the concept of equal opportunity for all personnel regardless of race, color, national origin, ancestry, citizenship status, religion, gender, economic status, age, military status or disability.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: Civil Rights Act, Title VI; 42 USC 2000d
Executive Order 11246, as amended by Executive Order 11375
Equal Employment Opportunity Act, Title VII; 42 USC 2000e et seq.
Education Amendments of 1972, Title IX; 20 USC 1681
Genetic Information Nondiscrimination Act of 2008; 42 USC 2000ff et seq.
Rehabilitation Act; 29 USC 794
Age Discrimination in Employment Act; 29 USC 623
Immigration Reform and Control Act; 8 USC 1324a et seq.
Americans with Disabilities Act Amendments Act of 2008; 42 USC 12101 et seq.
ORC Chapter 4112.02

CROSS REFS.: AC, Nondiscrimination/Harassment
ACA, Nondiscrimination on the Basis of Sex
ACAA, Sexual Harassment
ACB, Nondiscrimination on the Basis of Disability

STAFF INVOLVEMENT IN DECISION MAKING

The Educational Service Center involves the efforts of many people and functions best when all personnel are informed of the ESC's major activities and concerns. The ESC maintains an environment that supports personal and organizational performance excellence by allowing all employees the opportunity to develop and use their full potential to achieve ESC goals and objectives.

There should be an exchange of ideas and pertinent information among all elements of the ESC. Morale is enhanced when employees are assured that their voices are willingly heard by those in positions of authority.

Employees are mandated to proceed through the recognized administrative channels; however, final authority for all decisions rests with the Board.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REF.: OAC 3301-35-05

CROSS REFS.: AD, Development of Mission Statement
BCE, Board Committees
BCF, Advisory Committees to the Board
CCB, Staff Relations and Lines of Authority
CE, Administrative Councils, Cabinets and Committees
DBD, Budget Planning
GCD, Certified Staff Hiring
GDD, Classified Staff Hiring
IF, Curriculum Development

STAFF CONFLICT OF INTEREST

Employees of the Board shall not engage in, nor have a financial interest in, any activity which conflicts with their duties and responsibilities.

Employees shall not engage in work of any type in which information concerning customer, client or employer originates from any information available to them through ESC sources.

Employees shall not sell textbooks, instructional supplies, equipment, reference books or any other school products to the schools served by the ESC. They will not furnish the names of students or parents to anyone selling these materials.

In order that there will be no conflict of interest in the supervision and evaluation of employees, at no time shall any administrator responsible for the supervision and/or evaluation of an employee be directly related to that employee.

Employees must not use their influence or authority to secure authorization of a public contract, including an employment contract, for an immediate family member.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC 2921.42
3313.811
3319.21
3329.10
4117.20

CROSS REFS.: BBFA, Board Member Conflict of Interest
GBL, Personnel Records
JO, Student Records
KBA, Public's Right to Know

STAFF CONFLICT OF INTEREST
(Outside Activities)

The Board directs the Superintendent to promulgate the following guidelines so that staff members may avoid situations in which their personal interests, activities and associations may conflict with the interests of the ESC. If such situations threaten a staff member's effectiveness within the ESC, the Superintendent shall evaluate the impact of such interest, activity or association upon the staff member's responsibilities.

1. Staff members should not give time to an outside interest, activity or association without valid reason to be excused from assigned duties.
2. Staff members shall not use ESC property or ESC time to solicit or accept customers for private enterprises without written administrative permission.
3. Staff members shall not engage in business transactions on behalf of private enterprises in which he/she may profit by virtue of his/her official position or authority or benefit financially from confidential information that the employee has obtained or may obtain by reason of his/her position or authority.
4. Staff members shall not campaign on ESC property on behalf of any political candidate for local, state or national office during the workday.
5. Staff members may not accept fees for tutoring when such tutoring is conducted during the normal workday.
6. Staff members may not accept fees for conducting services, workshops, conferences or college classes during normal work hours that are not part of regular responsibilities unless granted special permission by the Board.

(Approval date: September 26, 2011)

LEGAL REFS.: Civil Rights Act, Title VI; 42 USC 2000d
Executive Order 11246, as amended by Executive Order 11375
Equal Employment Opportunity Act, Title VII; 42 USC 2000e et seq.
Education Amendments of 1972, Title IX; 20 USC 1681
Genetic Information Nondiscrimination Act of 2008; 42 USC 2000ff et seq.
Rehabilitation Act; 29 USC 794
Age Discrimination in Employment Act; 29 USC 623
Immigration Reform and Control Act; 8 USC 1324a et seq.
Americans with Disabilities Act Amendments Act of 2008; 42 USC 12101 et seq.
ORC Chapter 4112.02

STAFF CONFLICT OF INTEREST
(Private Practice)

The maintenance of unusually high standards of honesty, integrity, impartiality and professional conduct by ESC employees is essential to ensure the proper performance of school business as well as to earn and keep public confidence in the ESC.

To accomplish this, the Board has adopted the following guidelines to assure that conflicts of interest do not occur. These are not intended to be all-inclusive, nor to substitute for good judgment on the part of all employees.

1. No employee shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the ESC.
2. Employees shall not engage in business, private practice of their profession, the rendering of services or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client or parents of such students or clients in the course of their employment with the ESC. Included, by way of illustration rather than limitation are the following:
 - A. The provision of any private lessons or services for a fee during working hours.
 - B. The use, sale or improper divulging of any privileged information about a student or client gained in the course of the employee's employment or through his/her access to ESC records.
 - C. The referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees or other remuneration for such referrals.
 - D. The requirement of students or clients to purchase any private goods or services provided by any employee or any business or professional practitioner with whom any employee has a financial relationship, as a condition of receiving any grades, credits, promotions, approvals or recommendations.
3. Employees shall not make use of materials, equipment, or facilities of the ESC in private practice. Examples would be the use of facilities before, during or after regular business hours for service to private practice clients or the checking out of items from an instructional materials ESC for private practice. The Superintendent can give special permission on a case-by-case basis.

Exceptions to this regulation shall be approved by the Board upon recommendation of Superintendent before entering into any private relationship.

(Approval date: September 26, 2011)

STAFF CONDUCT

All staff members have a responsibility to make themselves familiar with, and to abide by, the laws of the State of Ohio, the policies of the Board and the administrative regulations designed to implement them.

The Board expects staff members to conduct themselves in a manner, which not only reflects credit to the Educational Service Center, but also presents a model worthy of emulation by students. Staff members are not permitted to bring a deadly weapon or dangerous ordnance into a school/ESC safety zone unless permitted by law.

All staff members will be expected to carry out their assigned responsibilities with conscientious concern. Essential to the success of ongoing school operations and the instructional program are the following specific responsibilities, which will be required of all personnel.

1. faithfulness and promptness in attendance at work;
2. support and enforcement of policies of the Board and regulations of the administration;
3. diligence in submitting required reports promptly at the times specified;
4. care and protection of ESC property and
5. concern and attention toward their own and the ESC's legal responsibility for the safety and welfare of students, including the need to ensure that students are under supervision at all times.

[Adoption date: December 7, 1996]

[Re-adoption date: June 28, 2004]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

[Re-adoption date: April 24, 2017]

LEGAL REFS.: Gun-Free Schools Act; 20 USC 8921
Gun-Free School Zones Act; 18 USC 922
ORC 124.34
2923.1210; 2923.1212; 2923.122
3319.081; 3319.16; 3319.31; 3319.36

CROSS REF.: GBCA, Staff Conflict of Interest
GBCC, Staff Dress and Grooming
GBH, Staff-Student Relations (Also JM)
JFC, Student Conduct (Zero Tolerance)
JHF, Student Safety
KGB, Public Conduct on ESC Property

STAFF DRESS AND GROOMING

Educators set an example in dress and grooming for students to follow. An educator who understands this precept and adheres to it enlarges the importance of his/her task, presents an image of dignity and encourages respect for authority. These factors act in a positive manner towards the maintenance of classroom discipline and the improvement of the learning situation.

The Board retains the authority to specify the following dress and grooming guidelines for staff, which will prevent such matters from having an adverse impact on the educational process. All staff members shall, when assigned to ESC duty, be physically clean, neat and well groomed and dress in a manner reflecting their professional assignment and in a fashion that is commonly accepted in this community.

If an employee feels that an exception to this policy would enable him/her to carry out assigned duties more effectively, a request shall be made to the Superintendent.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REF.: ORC 3313.20

CROSS REF.: Staff Handbook

BOARD-STAFF COMMUNICATIONS

The Board wishes to maintain open channels of communication with the staff. The basic line of communication will be through the Superintendent. The basic line of communication between the Board and the staff is through the Superintendent. Staff members should utilize the Superintendent to communicate to the Board or its subcommittees. All official communications, policies and directives of staff interest and concern are communicated to staff members through the Superintendent. The Superintendent develops appropriate methods to keep staff members informed of the Board's issues, concerns and actions.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REF.: ORC 3313.20(A)

CROSS REFS.: AFA, Evaluation of Board Operational Procedures (Also BK)
BDDH, Public Participation at Board Meetings (Also KD)

STAFF HEALTH AND SAFETY

Through its overall safety program and various policies pertaining to school personnel, the Board attempts to ensure the safety of employees during their working hours and assist them in the maintenance of good health.

All employees are expected to observe commonly recognized practices that promote the health and safety of school personnel.

The Board may require an individual examination of an employee whenever, in its judgment, it is necessary to protect the health and safety of students or other employees. Whenever the Board requires an employee to submit to a physical examination other than those required by law, the Board assumes the cost of the examination. All health examinations required of employees are made by one of the physicians approved for this purpose by the Board.

Any genetic information acquired as a result of individual examinations will be handled in accordance with Federal law.

Workers' Compensation

In case of injury while pursuing duties in keeping with the employee's contract, the employee may be eligible for payment of medical expenses under the Workers' Compensation Act of Ohio.

Any employee who is injured while at work should immediately report such injury to the central office and request the necessary forms to make application for payment under this act.

The injured employee may be requested to undergo chemical testing, as established by law and administrative regulation. The employee must prove that the injury was not proximately caused by the employee being intoxicated, under the influence of a controlled substance not prescribed by the employee's physician or under the influence of marihuana (marijuana). The results of, or the employee's refusal to submit to, any of the requested chemical tests may affect the employee's eligibility to receive worker's compensation benefits.

[Adoption date: December 7, 1996]
[Re-adoption date: October 29, 2007]
[Re-adoption date: September 26, 2011]
[Adoption date: November 14, 2016]

LEGAL REFS.: Asbestos School Hazard Abatement Act; 20 USC 4011 et seq.
Asbestos Hazard Emergency Response Act; 15 USC 2641 et seq.
Comprehensive Environmental Response, Compensation and Liability Act;
42 USC 9601 et seq.
Genetic Information Nondiscrimination Act of 2008; 42 USC 2000ff et seq.
ORC 3313.643; 3313.71; 3313.711
3327.10
4113.23
4123.01 et seq.
4123.35
4123.54

CROSS REFS.: EB, Safety Program
EBBC, Bloodborne Pathogens
EEACD, Drug Testing for District Personnel Required to Hold a
Commercial Driver's License
GBCB, Staff Conduct
GBP, Drug-Free Workplace
GBQ, Criminal Records Check
GCBC, Professional Staff Fringe Benefits
GDBC, Support Staff Fringe Benefits
Staff Handbooks

STAFF HEALTH AND SAFETY

Workers' Compensation Benefits Eligibility – Chemical Testing

Under Ohio's Workers' Compensation Law, every employee who is injured in the course of employment is entitled to benefits, if necessary, to compensate him/her for lost work time, payment for medical, nursing and hospital services, medicines and funeral expenses, unless the injury was proximately caused by the employee being intoxicated, under the influence of a controlled substance not prescribed by the employee's physician or under the influence of marihuana (marijuana).

Testing Procedures

An injury is deemed to have been proximately caused by the employee being intoxicated or under the influence of a controlled substance not prescribed by the employee's physician or under the influence of marihuana (marijuana) if any of the following apply.

1. Within eight hours of the injury, the employee's blood alcohol level tests equal to or greater than .08%*.
2. Within eight hours of the injury, the employee's breath alcohol level tests equal to or greater than .08g/210L*.
3. Within eight hours of the injury, the employee's urine alcohol level tests equal to or greater than .11g/100 ml*.
4. Within 32 hours of the injury, the employee tests above both the following levels established for an enzyme multiplied immunoassay technique (EMIT) screening test and above the following levels established for a gas chromatography/mass spectrometry test, or in the alternative, above the levels established for a gas chromatography/mass spectrometry (GC/MS) test alone as follows, for substances not prescribed by a physician or marihuana (marijuana):
 - A. for amphetamines, 1000 ng/ml of urine for the EMIT test and 500 ng/ml of urine for the GC/MS test;
 - B. for cannabinoids, 50 ng/ml of urine for the EMIT test and 15 ng/ml of urine for the GC/MS test;
 - C. for cocaine, including crack cocaine, 300 ng/ml of urine for the EMIT test and 150 ng/ml of urine for the GC/MS test;
 - D. for opiates, 2000 ng/ml of urine for the EMIT test and 2000 ng/ml of urine for the GC/MS test and

- E. for phencyclidine, 25 ng/ml of urine for the EMIT test and 25 ng/ml of urine for the GC/MS test.
- 5. The employee, through a chemical test administered within 32 hours of the injury, is determined to have barbiturates, benzodiazepines, methadone or propoxyphene in the employee's system that tests above levels established by laboratories certified by the U.S. Department of Health and Human Services (HHS).
- 6. The employee refuses to submit to a requested chemical

test. Legal Protections

All testing will be conducted by a qualified, federally certified testing laboratory or a laboratory that meets or exceeds HHS standards for laboratory certification selected by the Board, and any positive test result will be confirmed by a medical review officer.

Confidentiality

All test results will remain confidential as between the employee, the Board and the Bureau of Workers' Compensation.

*This represents the minimum testing level used to establish intoxication under current State law prohibiting the operation of a motor vehicle while intoxicated, otherwise known as the State "OMVI" law.

(Approval date: October 29, 2007)
(Re-approval date: September 26, 2011)
(Re-Approval date: November 14, 2016)

STAFF PARTICIPATION IN POLITICAL ACTIVITIES

The Board recognizes and encourages the right of its employees, as citizens, to engage in political activity; however, the Board also recognizes that ESC property and time, paid for by all the people, should not be used for political purposes.

The Board adopts the following guidelines for those staff members who intend to engage in political activities.

1. No employee shall engage in political activities upon property under the jurisdiction of the Board.
2. Political circulars or petitions may not be posted or distributed in the ESC.
3. The collection of and/or the solicitation for campaign funds or campaign workers is prohibited, on ESC property.
4. In connection with campaigning, no employee will use ESC time, moneys, facilities, equipment or supplies nor will the employee discuss the campaign with personnel during the working day.

Board employees who hold an elective or appointive office are not entitled to time off from their school duties for reasons incident to such office, except as such time may qualify under the leave policies of the Board. Employees who absent themselves from assigned duties without permission may be deemed insubordinate and penalized accordingly.

Violations of any of the foregoing rules shall, at the discretion of the Board, constitute cause for reprimand, penalty or dismissal.

[Adoption date: December 7, 1996]
[Re-adoption date: October 29, 2007]
[Re-adoption date: September 26, 2011]

LEGAL REFS.: Intergovernmental Personnel Act; 42 USC 4701 et seq.
ORC 124.57
3315.07

STAFF-STUDENT RELATIONS

The relationship between the ESC's staff and students must be one of cooperation, understanding and mutual respect. Staff members have a responsibility to provide an atmosphere conducive to learning and to motivate each student to perform to his/her capacity.

Staff members should strive to secure individual and group discipline, and should be treated with respect by students at all times. By the same token, staff members should extend to students the same respect and courtesy that they, as staff members, have a right to demand.

Although it is desired that staff members have a sincere interest in students as individuals, partiality and the appearance of impropriety must be avoided. Excessive informal and/or social involvement with individual students is prohibited. Such conduct is not compatible with professional ethics and, as such, will not be tolerated.

Staff members are expected to use good judgment in their relationships with students both inside and outside of the school context including, but not limited to, the following guidelines.

1. Staff members shall not make derogatory comments to students regarding the ESC and/or its staff.
2. The exchange of purchased gifts between staff members and students are discouraged.
3. Staff-sponsored parties at which students are in attendance, unless they are a part of the school's extracurricular program and are properly supervised, are prohibited.
4. Staff members shall not fraternize, written, electronically or verbally, with students except on matters that pertain to school-related issues.
5. Staff members shall not associate with students at any time in any situation or activity which could be considered sexually suggestive or involve the presence or use of tobacco, alcohol or drugs.
6. Dating between staff members and students is prohibited.
7. Staff members shall not use insults or sarcasm against students as a method of forcing compliance with requirements or expectations.
8. Staff members shall maintain a reasonable standard of care for the supervision, control and protection of students commensurate with their assigned duties and responsibilities.

9. Staff members shall not send students on personal errands.
10. Staff members shall, pursuant to law and Board policy, immediately report any suspected signs of child abuse or neglect.
11. Staff members shall not attempt to counsel, assess, diagnose or treat a student's personal problem relating to sexual behavior, substance abuse, mental or physical health and/or family relationships but, instead, should refer the student to the appropriate individual or agency for assistance.
12. Staff members shall not disclose information concerning a student, other than directory information, to any person not authorized to receive such information. This includes, but is not limited to, information concerning assessments, ability scores, grades, behavior, mental or physical health and/or family background.

Social Networking Websites

1. ESC staff who personally participate in social networking websites are prohibited from posting data, documents, photographs or inappropriate information on any website that might result in a disruption of classroom activity. The Superintendent/designee has full discretion in determining when a disruption of classroom activity has occurred.
2. ESC staff is prohibited from providing personal social networking website passwords to students.
3. Fraternalization between ESC staff and students via the Internet, personal e-mail accounts, personal social networking websites and other modes of virtual technology is also prohibited.
4. Access of social networking websites for personal use is prohibited.

Violation of the prohibitions listed above will result in staff and/or student discipline in accordance with State law, Board policies and regulations and/or the Student Code of Conduct. Nothing in this policy prohibits ESC staff and students from the use of education websites.

[Adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

CROSS REFS.: GBCA, Staff Conflict of Interest
GBCB, Staff Conduct
GBI, Staff Gifts and Solicitations
IIBH, ESC Website Publishing
JHF, Student Safety
JHG, Reporting Child Abuse
JO, Student Records
KBA, Public's Right to Know
Staff Handbooks

STAFF GIFTS AND SOLICITATIONS

The Board considers the presentation of gifts to employees by vendors and others on occasions such as Christmas, birthday or end of the year, an undesirable practice because it tends to give the appearance of currying favor.

Based on the foregoing premise, it is the policy of the Board that employees not accept gifts from vendors or others and vendors are discouraged from the routine presentation of gifts to ESC employees.

The Superintendent may approve acts of generosity to individual staff members in unusual situations. Upon the recommendation of the Superintendent, the Board shall consider, as appropriate, the presentation of service awards and appropriate recognition awards to members of the staff and/or to retiring members of the staff who have rendered outstanding service for an extended period of time and who have earned the high regard of other staff members and community.

The Board authorizes the expenditure of public funds to purchase meals, refreshments and favors for employees and Board members in the completion of their responsibilities. The Board believes that such expenditures are necessary, on occasion, to further a public purpose in the general operation of the ESC. Such public purpose includes, but may not be limited to, employee development activities, employee recognition activities and certain routine meetings that may be enhanced by such amenities.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC 102.3
117.01
2921.43
3313.81; 3313.811
3315.15
3329.10

SMOKING ON DISTRICT PROPERTY BY STAFF MEMBERS

The Board is dedicated to providing a healthy, comfortable and productive environment for its staff, students and citizens. Health professionals have determined that smoking poses health hazards not only for the smoker, but for the nonsmoker as well.

Recognizing these health issues, the Board prohibits smoking in all ESC-owned, leased or contracted buildings and vehicles.

The Board prohibits the use of electronic cigarettes in all ESC-owned, leased or contracted buildings and vehicles.

The Board directs the Superintendent to educate all staff members concerning the mandate of this policy, as well as implementing, as appropriate, educational programming concerning smoking and, if needed, resources available to those who wish to discontinue their smoking habit.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

[Re-adoption date: June 25, 2018]

LEGAL REFS.: The Elementary and Secondary Education Act; 20 USC 1221 et seq.
Goals 2000: Educate America Act; 20 USC 6081 through 6084
ORC 3313.20
3794.01; 3794.02; 3794.04; 3794.06
OAC 3301-35-02; 3301-35-05

CROSS REFS.: JFCG, Tobacco Use by Students
KGC, Smoking on District Property

PERSONNEL RECORDS

The Superintendent develops and implements a comprehensive and efficient system of personnel records. The Director of Personnel is hereby designated as the employee directly responsible for the personnel records system. The following guidelines govern such records.

1. Personnel files contain records and information relative to compensation, payroll deductions, evaluations and such information as may be required by State or Federal law or considered pertinent by the Superintendent. Anonymous material or material from an unidentified source are not placed in a staff member's file.
2. A personnel file for each employee is accurately maintained in the ESC office in accordance with administrative regulations incorporating the requirements set forth under the Ohio Privacy Act for the protection of employees. Employees will be notified whenever personal information concerning them is placed in their file.
3. State law requires that all public records be promptly prepared and made available for inspection to any member of the general public at all reasonable times during regular business hours. Upon request, the person directly responsible for personnel records is required to make copies available at cost, within a reasonable period of time.
4. The public has access to all records in the personnel file with the following exceptions:
 - A. medical records;
 - B. records pertaining to adoption, probation or parole proceedings;
 - C. trial preparation records;
 - D. confidential law enforcement investigatory records;
 - E. Social Security number and
 - F. records of which the release is prohibited by State or Federal law.

Additional exceptions are listed in Ohio Revised Code Section 149.43.

5. The ESC is required to keep reports of investigations of employee misconduct in the employee's personnel file, unless the State Superintendent of Public Instruction or his/her designee determines that the report does not warrant taking action against the employee. If the State Superintendent of Public Instruction or his/her designee determines no action is warranted, the investigation report must be moved from the employee's personnel file to a separate public file.

6. Each employee has the right, upon written request, to review the contents of his/her own personnel file. If a document is not disclosed to the employee because it is determined by a physician, psychiatrist or psychologist to be likely to have an adverse effect upon the employee, the document will be released to the designated medical authority. Requests are made to the Superintendent and scheduled for a time convenient for the parties involved.
7. Employees may make written objections to any information contained in the file. Any written objection must be signed by the staff member and becomes part of the employee's personnel file after the appeal procedure outlined in State law. The appeal procedure permits any employee who disputes the accuracy, relevance, timeliness or completeness of information maintained in his/her file to compel the ESC to investigate the current status of the information.
8. Personnel records should be reviewed only within the confines of the Superintendent's office or the Board's office.

[Adoption date: December 7, 1996]
[Re-adoption date: October 29, 2007]
[Re-adoption date: September 26, 2011]
[Re-adoption date: December 13, 2013]
[Re-adoption date: November 14, 2016]

LEGAL REFS.: Genetic Information Nondiscrimination Act of 2008; 42 USC 2000ff et seq.
ORC 9.01; 9.35
111.41; 111.42; 111.43; 111.46; 111.47; 111.99
149.011; 149.41; 149.43
1347.01 et seq.
3317.061
3319.311; 3319.314
4113.23

CROSS REFS.: EHA, Data and Records Retention
KBA, Public's Right to Know

CONTRACT REFS.: Teachers' Negotiated Agreement
Support Staff Negotiated Agreement

PERSONNEL RECORDS

Authority

The Board requires that sufficient records exist to ensure an employee's qualifications for the job held, compliance with Federal, State and local benefit programs, conformance with Educational Service Center rules, and evidence of completed evaluations. Such records will be kept in compliance with Ohio Revised Code.

Responsibility

The Board delegates the maintenance of an employee personal information system to the Superintendent. A single central file shall be maintained, and subsidiary records shall be maintained for ease in data gathering only.

The personnel files shall be reviewed annually and material no longer required shall be destroyed and no record shall be maintained of said destruction.

Personnel wishing to review their own records shall:

1. request access in writing;
2. review the record in the presence of the administrator designated to maintain said records or designee;
3. make no alterations or additions to the record nor remove any material from; and
4. sign a log attached to the file indicating date and person reviewing.

Personnel wishing to appeal material in their record shall make a request in writing to the custodian of the record and specify therein:

1. name and date;
2. material to be appealed; and
3. reason for appeal.

The responsible administrator shall hear the appeal and make a determination. He/She may remove material or information found to be inaccurate. His/Her determination may be appealed to an investigating committee.

The Superintendent shall prepare rules defining which personnel records are to be maintained.

Upon initial employment, the file shall contain as applicable to the employee:

1. a completed employment application form;
2. an original copy of teaching certificate/license;
3. transcripts and all other information required by law and
4. current BCII check

During the period of employment the following data shall be maintained in files:

1. rate of compensation;
2. completed copy of employment contract;
3. attendance record;
4. completed evaluations;
5. disciplinary incidents;
6. special awards or distinctions; and
7. special health examinations.

(Approval date: December 7, 1996)

(Re-approval date: October 29, 2007)

(Re-approval date: September 26, 2011)

DRUG-FREE WORKPLACE

The Board endeavors to provide a safe workplace for all employees, realizing that the use/abuse of drugs and alcohol can endanger the health, safety and well-being of the nonuser, as well as the user.

Because of the Board's commitment to provide a safe workplace, no employee shall unlawfully manufacture, distribute, dispense, possess or use any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcohol or any other controlled substance, as defined in State and/or Federal law, in the workplace. The Board also prohibits the use and possession of legally acquired medical marijuana in the workplace.

"Workplace" is the site for the performance of any work done in connection with the ESC. The workplace includes any ESC building, property, vehicles or Board-approved vehicle used to transport students to and from school or school activities (at other sites off ESC property) or any school-sponsored or ESC activity, event or function, such as a field trip or athletic event in which students are under the jurisdiction of ESC authorities.

As a condition of employment, each employee shall notify his/her supervisor, in writing, of his/her conviction of any criminal drug statute for a violation occurring in the workplace as defined above, not later than five days after such conviction.

Employees are given a copy of the standards of conduct and the statement of disciplinary sanctions and are notified that compliance with the standards of conduct is mandatory. When the ESC has reasonable suspicion an employee is under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcohol or any other controlled substance, as defined in State and/or Federal law, the employee may be subject to testing in accordance with prescribed administrative regulations, local, State and Federal law and/or the negotiated agreement and may be considered in violation of this policy. Employees who violate the policy shall be subject to disciplinary proceedings in accordance with prescribed administrative regulations, local, State and Federal law and/or the negotiated agreement, up to and including termination. Any employee in violation of this policy may be required to participate in a drug-abuse assistance or rehabilitation program approved by the Board.

All employees are provided the opportunity to participate in a drug-free awareness program to inform them of requirements, services and penalties.

A list of local drug and alcohol counseling, rehabilitation and re-entry programs and services offered in the community is made available to employees.

[Adoption date: December 7, 1996]

[Re-adoption date: April 26, 2004]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

[Adoption date: November 14, 2016]

LEGAL REFS.: Drug-Free Workplace Act of 1988; 41 USC 701 et seq.;
20 USC 3474, 1221e-3(a)(1)
Drug-Free Campus and Schools Act; 20 USC 3224(a)
ORC 3796.28
4123.01 et seq.; 4123.35; 4123.54

CROSS REFS.: EB, Safety Program
EEACD, Drug Testing for District Personnel Required to Hold a
Commercial Driver's License
GBCB, Staff Conduct
GBE, Staff Health and Safety
GBQ, Criminal Records Check
Staff Handbooks

CONTRACT REFS.: Teachers' Negotiated Agreement
Support Staff Negotiated Agreement

CRIMINAL RECORDS CHECK

The Board shall request from the Superintendent of the Bureau of Criminal Identification (BCI) criminal record checks of candidates under final consideration for employment in the ESC. The BCI criminal records checks include information from the Federal Bureau of Investigation (FBI), unless the individual can demonstrate that he/she has been a resident of the state for the preceding five years and has previously been subject to a BCI check, in which case only a FBI check is required.

The Board may employ persons on the condition that the candidate submit to and pass a BCI criminal records check in accordance with state law. Any person conditionally hired who fails to pass a BCI criminal records check is released from employment. Applicants are given a separate written statement informing them that the Board may use a criminal record check as part of the initial hiring process and at various times during the employment career. This notice must be on a separate document, which only contains this notice. The applicant's written authorization to obtain the criminal record check will be obtained prior to obtaining the criminal record check.

Prior to taking an adverse action against an applicant or employee (such as declining to employ, reassigning an employee, denying a promotion, suspension, nonrenewal or termination) based in whole or in part on a criminal record check, the applicant or employee is given a written preadverse action disclosure statement which includes a copy of the criminal record check and the Federal Trade Commission's notice entitled "A Summary of Your Rights Under the Fair Credit Reporting Act."

After taking an adverse action, the applicant or employee is given a written adverse action notice which includes the name, address and telephone number of BCI, a statement that BCI did not make the decision to take the adverse action and cannot give specific reasons for it, the individual's right to dispute the accuracy or completeness of any information furnished by BCI&I and the individual's right to an additional free criminal record check from BCI upon request within 60 days.

An applicant for employment may provide a certified copy of a BCI criminal background check to the ESC in compliance with the State law. The ESC may accept this criminal records check in place of its own records check if the date of acceptance by the ESC is within one year after the date of issuance by the BCI.

State law requires subsequent criminal records checks every five years for all school employees except bus drivers. For currently employed bus drivers, a new report is required every six years.

Any and all information obtained by the Board or persons under this policy is confidential and shall not be released or disseminated. Criminal records checks are not public records for purposes of the Public Records Law. Any applicant not hired because of information received from the record check shall be assured that all records pertaining to such information are destroyed.

Volunteers

The ESC notifies current and prospective volunteers who have or will have unsupervised access to students on a regular basis that a criminal records check may be conducted at any time.

Contractors

Criminal records checks are required for contractors who meet the following four criteria: (1) the contractor is an employee of a private company under contract with the ESC to provide “essential school services”; (2) the contractor works in a position involving routine interaction with a child or regular responsibility for the care, custody or control of a child; (3) the contractor is not licensed by ODE and (4) the contractor is not a bus driver.

[Adoption date: December 7, 1996]

[Re-adoption date: February 11, 1999]

[Re-adoption date: October 28, 2002]

[Re-adoption date: October 24, 2005]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

[Re-adoption date: December 13, 2013]

[Re-adoption date: June 25, 2018]

LEGAL REFS.: Fair Credit Reporting Act; 15 USC 1681 et seq.

ORC 109.57; 109.572; 109.575; 109.576

2953.32

3301.074

3314.19; 3314.41

3319.088; 3319.089; 3319.22; 3319.222; 3319.29; 3319.291; 3319.302;

3319.303; 3319.304; 3319.311; 3319.313; 3319.315; 3319.39;

3319.391; 3319.392

3327.10

OAC 3301-27-01

3301-83-06

CROSS REFS.: EEAC, School Bus Safety Program
GBL, Personnel Records
GCBB, Professional Staff Supplemental Contracts
GCD, Professional Staff Hiring
GCPD, Suspension and Termination of Professional Staff Members
GDBB, Support Staff Pupil Activity Contracts
GDD, Support Staff Hiring
GDPD, Suspension, Demotion and Termination of Support Staff Members
IIC, Community Instructional Resources (Also KF)
IICC, School Volunteers
KBA, Public's Right to Know
LEA, Student Teaching and Internships

FAMILY MEDICAL LEAVE

The Board will provide leave to eligible employees consistent with the Family Medical Leave Act (FMLA). Eligible employees are entitled to up to 12 work weeks (or 26 work weeks to care for a covered service member) of unpaid family and medical in any 12-month period. The ESC will continue to pay the ESC's share of the employee's health benefits during the leave. In addition, the ESC will restore the employee to the same or a similar position after the termination of the leave in accordance with Board policy.

In complying with the FMLA, the ESC will adhere to the requirements of applicable Federal and State laws.

Additional information is contained in the regulations, which follow this policy.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: Family and Medical Leave Act of 1993; 29 USC 2601 et seq.; 29 CFR Part 825
ORC 3313.20
3319.08; 3319.13; 3319.131; 3319.14; 3319.141

CROSS REFS.: GCBD, Certified Staff Leaves and Absences
GDBD, Classified Staff Leaves and
Absences

FAMILY AND MEDICAL LEAVE

An employee who has worked for the ESC for at least 12 months is eligible for 12 work weeks of FMLA leave during a 12-month period, provided the employee worked at least 1,250 hours in the 12 months preceding the beginning of the leave. An employee may be eligible for 26 work weeks of FMLA leave during a 12-month period to care for a covered service member with a serious injury or illness.

Types of Leave

An eligible employee may take FMLA leave for the following purposes:

1. birth and care of a newborn child;
2. placement with an employee of a son or daughter for adoption or foster care;
3. care for a spouse, child, parent with a serious health condition. An employee may not take FMLA leave to care for a parent-in-law;
4. recovery from a serious health condition that keeps the employee from performing the essential functions of his/her job;
5. to respond to a “qualifying exigency” that arises because a spouse, child or parent is on covered active duty or has been called to covered active duty as a member of the Armed Forces or
6. to care for a spouse, child, parent or next of kin who is or was a member of the Armed Forces and who is currently undergoing medical treatment, recuperation or therapy for either a serious illness or injury that was incurred in the line of duty or for a serious illness or injury that existed before the beginning of active duty and was aggravated by service in the line of duty. In order to be eligible, veterans must have been members of the Armed Forces within five years of receiving such treatment.

The Board may require an employee, to use accrued paid leave for purposes of a family leave. An employer cannot compel an employee to use accrued medical/sick leave in any situation for which the leave could not normally be used.

Spouses Employed by the ESC

If a husband and wife eligible for leave are employed by the ESC, their combined amount of leave for birth, adoption, foster care placement and parental illness may be limited to 12 weeks.

If a husband and wife eligible for leave are employed by the ESC, their combined amount of leave to care for a covered service member is limited to 26 weeks.

Intermittent and Reduced Leave

Intermittent leave is leave taken in separate blocks of time due to a single illness or injury.

Reduced leave is a leave schedule that reduces the employee's usual number of hours per work week or hours per workday.

Intermittent or reduced leave is available for the employee's own serious health condition; to care for a seriously ill spouse, child or parent; to care for a covered service member's serious injury or illness or for leave taken due to a qualifying exigency. Such leave may be used for the birth or adoption/placement of a child only if the Board agrees.

If an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the employer's operations.

The Board may provide such leave for medical purposes, but the Superintendent may transfer the employee to a position, which is equivalent, but more suitable for intermittent periods of leave. The employee must furnish the Board with the expected dates of the planned medical treatment and the duration of the treatment. The Superintendent must authorize such leave in writing.

Benefits

The Board maintains the employee's health coverage under the group health insurance plan during the period of FMLA leave. Prior to the beginning of the FMLA leave, the employee should make arrangements with the Treasurer to pay the employee's share of health insurance (e.g., family coverage).

The employee will not lose any other employment benefit accrued prior to the date on which leave began but is not entitled to accrue seniority or employment benefits during the unpaid leave period. Employment benefits could include group life insurance, sick leave, annual leave, educational benefits and pensions.

Notice

When the FMLA leave is foreseeable, the employee must notify the Superintendent of his/her request for leave at least 30 days prior to the date when the leave is to begin. If the leave is not foreseeable, the employee must give notice as early as is practical. When the employee requests pre-scheduled medical leave, the employee must make reasonable attempts to schedule treatment so as not to disrupt the ESC's operations.

The Board may deny the leave if the employee does not meet the notice

requirements. Certification

The Board may require the employee to provide certification from a health care provider containing specific information required under the law if he/she requests a medical leave. If there is a question concerning the validity of such certification, a second and, if necessary, a third opinion can be required, both at the expense of the ESC.

Upon the employee's return to work, the Board requires that the employee present a fitness statement from the employee's health care provider certifying that the employee is able to return to work.

Restoration

When the employee returns from the leave, the Board restores the employee to the same or an equivalent position with equivalent benefits, pay, terms and conditions of employment in accordance with Board policy.

Under certain circumstances, the Board may deny restoration to a key employee. The Board complies with the notice requirements of the FMLA in denying restoration. A key employee is one who is among the highest paid 10% of the employees and whose absence would cause the ESC to experience a substantial and grievous economic injury.

Instructional Employees

Special leave rules apply to instructional employees. Instructional employees are those employees whose principal function is to teach and instruct students in a small group, or in an individual setting. This term includes teachers, athletic coaches, driving instructors and special education assistants such as signers for the hearing impaired. It does not include teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists or curriculum specialists. It also does not include cafeteria workers, maintenance workers or bus drivers.

Limitations apply to instructional employees who take intermittent or reduced leave. If the leave requested is:

1. to care for a family member, to care for a covered service member or for the employee's own serious health condition;
2. foreseeable based on planned medical treatment and
3. the employee would be on leave for more than 20% of the total number of working days over the period the leave would extend.

The Board then may require the employee to choose either to:

1. take the leave for a period or periods of a particular duration, not greater than the planned treatment or
2. transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits, and which better accommodates recurring periods of leave than does the employee's regular position.

The following limitations also apply to instructional employees who take leave near the end of a semester for purposes other than the employee's own serious health condition.

1. When an instructional employee begins leave more than five weeks before the end of a semester, the Board may require the employee to continue taking leave until the end of the semester if the leave will last at least three weeks and the employee would return to work during the three-week period before the end of the semester.
2. When an instructional employee begins leave less than five weeks before the end of a semester, the Board may require the employee to continue taking leave until the end of the semester if the leave will last more than two weeks and the employee would return to work during the two-week period before the end of the semester.
3. When an instructional employee begins leave less than three weeks before the end of a semester and the leave lasts more than five working days, the Board may require the employee to continue taking leave until the end of the semester.

In all cases, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement. Any additional leave required by the Board is not counted as FMLA leave. However, the Board is required to maintain the employee's group health insurance and restore the employee to the same or equivalent job upon the conclusion of the leave.

Failure to Return

The Board is entitled to recover health care premiums paid during the leave if the employee fails to return from leave. Recovery cannot occur if the employee fails to return because of the continuation, recurrence or onset of a serious health condition or due to circumstances beyond the control of the employee.

(Approval date: December 7, 1996)

(Re-approval date: October 29, 2007)

(Re-approval date: September 26, 2011)

CERTIFIED STAFF POSITIONS

All certified staff positions are created only with the approval of the Board. It is the Board's intent to maintain a sufficient number of positions to accomplish its goals and objectives.

Before any new position is established, the Superintendent presents for the Board's approval a job description for the position.

Although a position may remain temporarily vacant or the number of persons holding the same type of position may be reduced in the event of staff reductions, only the Board may abolish a position, which it has created.

The Superintendent keeps all job descriptions current and presents recommended changes to the Board for approval.

[Adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC 3319.02; 3319.03; 3319.09; 3319.10; 3319.22
4117.01
OAC 3301-35-01; 3301-35-03

CERTIFIED STAFF CONTRACTS AND COMPENSATION PLANS
(Teachers)

The Board believes that a fair teacher compensation plan, which includes an adequate base salary, increments and employee benefits, is necessary to attract and hold highly qualified men and women to provide a quality educational program.

As required by law, notice of annual salary is given to each certificated/licensed employee by July 1.

Teacher Contracts

Written contracts of employment are issued to all certified/licensed teaching personnel. Contracts are by and between the staff member and the Board.

The basic types of contracts are as follows:

1. Limited Contract

A limited contract is one to five years in length. It may be entered into by a teacher who has not been an employee of the Board for at least three years and must be entered into, regardless of length of previous employment, by a teacher who holds a provisional or alternative license or who holds a professional license and is not eligible to be considered for a continuing contract.

Any teacher employed under a limited contract and not eligible to be considered for a continuing contract is, at the expiration of the contract, considered re-employed at the same salary plus any increment provided by the salary schedule, unless acted upon by the Board.

The Board may, acting on the Superintendent's written recommendation that the teacher not be re-employed, not renew a limited contract so long as evaluation procedures have been completed in compliance with law. The Board must give the teacher written notice of its intent not to re-employ on or before June 1.

2. Extended Limited Contract

An extended limited contract of one or two years in length is given to a teacher who is eligible for consideration for, but not awarded, a continuing contract.

3. Continuing Contract

Teachers who have taught for the ESC for at least three years within the last five years and teachers who have attained continuing contract status elsewhere and have served two years for the ESC are eligible for continuing contracts.

A continuing contract may be issued to eligible teachers who:

- A. Hold a professional, permanent or life teaching certificate or
- B. Any teacher who was initially issued a teacher's certificate or educator's license prior to January 1, 2011 who meets the following conditions:
 - 1) Holds a professional educator license or a senior professional educator license or lead professional educator license;
 - 2) Has completed the applicable one of the following:
 - a. If the teacher did not hold a master's degree at the time of initially receiving the license, 30 semester hours of course work are required in the area of licensure or in an area related to teaching since the initial issuance of the license.
 - b. If the teacher held a master's degree at the time of initially receiving his/her license, six semester hours of graduate course work are required in the area of licensure or in an area related to teaching since the initial issuance of the license.
- C. Any teacher who never held a teacher's certificate and was initially issued an educator license on or after January 1, 2011 who meets the following conditions:
 - 1) Holds a professional educator license or a senior professional educator license or lead professional educator license;
 - 2) Has held an educator license for at least seven years;
 - 3) Has completed the applicable one of the following:
 - a. If the teacher did not hold a master's degree at the time of initially receiving an educator license, 30 semester hours of course work in the area of licensure or an area related to the teaching field since the issuance of the license.

- b. If the teacher held a master's degree at the time of initially receiving his/her license, six semester hours of graduate course work are required in the area of licensure or in an area related to teaching since the initial issuance of the license.

Upon the recommendation of the Superintendent that a teacher eligible for continuing contract service status be re-employed, a continuing contract is granted unless the Board rejects the recommendation by three-fourths vote. A continuing contract remains in effect until the teacher resigns, elects to retire, is retired for reasons consistent with law or until he/she is terminated or suspended.

If the Board rejects the recommendation for re-employment of the teacher, the Superintendent may recommend re-employment of the teacher under an extended limited contract for a term not to exceed two years, if continuing service status has not previously been attained elsewhere. Written notice of the Superintendent's intention to make such a recommendation must be given to the teacher with reasons directed at the professional improvement of the teacher on or before June 1. Upon subsequent re-employment of the teacher, only a continuing contract may be entered into.

The Board may reject the Superintendent's recommendation for re-employment of the teacher under an extended limited contract by three-fourths vote of its full membership.

The Board declares its intention not to re-employ the teacher by giving the teacher written notice on or before June 1. If evaluation procedures have not been completed in compliance with law or if the Board fails to give the teacher written notice of its intent not to re-employ by the aforementioned date, the teacher is reemployed under an extended limited contract for a term not to exceed one year at the same salary plus any increment provided by the salary schedule.

The Superintendent's recommendation is considered in all contracts pertaining to certificated/licensed individuals.

[Adoption date: December 13, 2013]

LEGAL REFS.: ORC 3313.53
3317.13; 3317.14
3319.07; 3319.08; 3319.09; 3319.10; 3319.11; 3319.111; 3319.12;
3319.22; 3319.227; 3319.24; 3319.26

CROSS REFS.: GCBA, CERTIFIED Staff Salary Schedules
GCBB, CERTIFIED Staff Supplemental
Contracts GCBC, CERTIFIED Staff Fringe
Benefits
GCBD, CERTIFIED Staff Leaves and Absences
GCBE, CERTIFIED Staff Vacations and Holidays

ONTRACT REF.: Teachers' Negotiated Agreement

NOTE: Policy GCB-1 applies to teachers. Policy GCB-2 applies to administrators. This numbering system is followed in other policies such as AFC-1 regarding teachers and AFC-2 regarding the same topic for administrators.

CERTIFIED STAFF CONTRACTS AND COMPENSATION PLANS
(Administrators)

Fair compensation plans are necessary in order to attract and retain properly certified or licensed administrators to provide and manage a quality educational program.

The Board may establish a salary schedule for its administrators, with the exception that the salary of the Superintendent is usually determined by the employee contract. Notice of annual salary is given to each administrator by July 1.

All administrators shall be issued written limited contracts. The contract specifies the administrative position and duties, the salary and other compensation to be paid for performance of such duties, the number of days to be worked, the number of days of vacation leave and any paid holidays in the contractual year.

The term of the administrator's contract will not exceed three years, except that an individual who has been employed as an administrator for three years or more shall be entitled to receive a contract of not fewer than two nor more than five years. The Superintendent may recommend employment of an individual who has served as an administrator in the Educational Service Center for three years or more under a one-year administrative contract once during such individual's administrative career in the Educational Service Center.

An administrator who has earned teacher tenure in the Educational Service Center retains such status while serving as administrator. Any administrator who previously obtained teacher tenure in another district achieves teacher tenure in the Educational Service Center after re-employment with two or more years' experience as an administrator in the Educational Service Center.

The Superintendent's recommendation is considered in all contract renewals. All administrators are evaluated annually. In the year an administrator's contract does not expire, the evaluation is completed and a written copy is given to the administrator no later than the end of the administrator's contract year as defined by his/her salary notice.

In the year an administrator's contract does expire, two evaluations are completed: one preliminary and one final. The preliminary evaluation is conducted at least 60 days prior to any Board action on the employee's contract, and a written copy of the preliminary evaluation is given to the administrator at this time.

The final evaluation includes the Superintendent's intended recommendation for the employee's contract. A written copy of the final evaluation must be provided to the employee at least five days prior to the Board's action to renew or nonrenew the employee's contract. If the Board fails to take action on the expiring contract, then the administrator is renewed. If the administrator has been in the Educational Service Center for two years or less, he/she will receive a one-year contract. If the administrator has been in the Educational Service Center three years or more, he/she will receive a two-year contract.

Before June 1, any administrator whose contract expires at the end of the school year is notified by the Board of the date on which the contract expires and of the individual's right to request a meeting with the Board in executive session to discuss the reasons for considering renewal or nonrenewal of his/her contract. Also prior to June 1 of the year in which the employment contract expires, any administrator whom the Board intends to nonrenew receives written notification of the Board's intent not to re-employ.

The Board may request an alternative administrative license valid for employing a superintendent or any other administrator, consistent with State law.

[Adoption date: May 23, 2016]

[Re-adoption date: May 20, 2019]

LEGAL REFS.: ORC 3319.01; 3319.02; 3319.111; 3319.12; 3319.225; 3319.27
4117.01
OAC 3301-24-11; 3301-24-12

CROSS REFS.: GCBA, Certified Staff Salary Schedules
GCBB, Certified Staff Supplemental Contracts
GCBC, Certified Staff Fringe Benefits
GCBD, Certified Staff Leaves and Absences
GCBE, Certified Staff Vacations and Holidays

PROFESSIONAL STAFF CONTRACTS AND COMPENSATION PLANS

(Administrators)

The Board may request that the Ohio Department of Education (ODE) issue an alternative administrative license valid for employing a principal, superintendent or other administrative specialist as specified by the Board.

ODE may issue a one-year alternative principal license, valid for serving as principal or assistant principal, or a two-year alternative superintendent or administrative specialist license at the request of the District. The individual must:

1. be of good moral character;
2. submit to a BCI background check;
3. have a bachelor's degree (for principals and administrative specialists) with a grade-point average of at least 3.0 or a master's degree (for superintendents) with a graduate grade-point average of at least 3.0 and
4. have two or more years of teaching experience or five years of documented successful work experience in education, management or administration (for principals) or five or more years of documented successful experience in teaching, education, management or administration (for administrative specialists and superintendents).

The District provides a mentoring program for alternatively licensed administrators compliant with State law.

ODE may issue a professional administrative license to an individual with an alternative principal license or alternative superintendent or alternative administrative specialist license in accordance with State law.

For non-educators issued an alternative principal license, the District develops and implements a planned program for obtaining classroom-teaching experience. For non-educators issued an alternative administrative specialist or superintendent license, the District develops and implements a plan that outlines observation or classroom instruction across grade levels and subject areas.

(Approval date: May 23, 2016)

CERTIFIED STAFF FRINGE BENEFITS

Benefits in addition to basic salary are recognized by the Board as an integral part of the total compensation plan for staff members. The benefits extended staff members will be designed to promote their present and future economic security.

Administrators

It is the policy of the Board that administrators be entitled to the same benefits provided to staff under the terms of any current agreements or policies, except where greater benefits have been awarded under the terms of a personal contract between the administrator and the district.

Administrators may not benefit from this policy if they are participants in negotiations with staff.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC 9.83; 9.90
3313.20 through 3313.203; 3313.38
3319.141
3917.04
Chapter 4117
4123.01
Chapter 4141

CROSS REFS.: EI, Insurance Management
GCB, Certified Staff Contracts and Compensation Plans

CERTIFIED STAFF FRINGE BENEFITS

1. The purpose of this memorandum is to establish definitions for employment with the ESC of Medina County and to apply these definitions to specific benefit programs.
2. Definitions:
 - A. Full-time employee. Any employee who has a contract for at least 184 days at eight hours per day, i.e., at least 1472 hours.
 - B. Part-time employee. Any employee who has a contract for less than 184 days or less than eight hours per day, i.e., less than 1472 hours.
 - C. Substitute employee. Any employee who has a contract to work on an as-needed basis, i.e., the number of days and hours per day are not explicitly stated in the contract.
3. Specific Benefit Programs:
 - A. Health Insurance Premiums:
 - 1) The Board will pay the amount of the health insurance premium as indicated on the attached schedule for all employees. The employees' cost is also listed on the attached schedule.
 - 2) Substitute, as-needed, or at-will employees are not entitled to health insurance.
 - 3) Part time employees who do not meet the new threshold but who currently (as of May 1, 2020) take health, vision, and/or dental insurance will be “grandfathered” and will maintain their current benefits levels so long as there is no change in their employment. Should the employee’s hours drop as a result of the needs of the position they will no longer be eligible for the benefits they are currently receiving. Should the employees hours increase but not to the threshold (>30/hrs week as annually measured) required for benefits their current benefit level will not change. Finally, should their hours increase to the required threshold for insurance they then will qualify as outlined in this policy. If an employee changes employment and subsequently return to their previous position or hours below the threshold this will not reinstate the “grandfather” clause: that is to say they will no longer be eligible for benefits as outlined as of May 1, 2020.

Full-time Employees

4) Health Insurance – ESC and employee cost ratios based on full-time employment equaling > 30 hours per week or > 130 hours per month (both as measured annually for the contract year). Employees are eligible for the Regular Plan:

	ESC %	Employee %
≥30 hours/week	85%	15%
or		
≥130 hours/monthly		

Part-time Employees

5) Health Insurance – ESC and employee cost ratios based on part-time employment equaling < 30 hours per week or < 130 per month (both measured annually for the contract year). Employees are eligible for the Bronze Plan:

	ESC %	Employee %
≤ 30 hours/week	0%	100%
or		
≤ 130 hours/monthly		

B. Life Insurance - The Board provides life insurance for all employees whose contract calls for a minimum of 960 hours or 120 workdays per year.

(Approval date: December 7, 1996)

(Re-approval date: May 19, 1997)

(Re-approval date: October 28, 2002)

(Re-approval date: October 29, 2007)

(Re-approval date: September 26, 2011)

(Re-approval date: July 21, 2020)

CERTIFIED STAFF LEAVES AND ABSENCES

Leaves and absences granted to the certified staff will be for the purposes of helping them maintain their physical health, taking care of family and other personal emergencies and discharging important and necessary obligations.

All request for long-term leaves of absence will be submitted by the Superintendent, together with his/her recommendations, to the Board for its action.

Compensation, if any, during leaves of absence depends upon the type of leave. Deductions are made in salaries for absence in accordance with regulations developed by the administration and approved by the Board.

[Adoption date: December 7, 1996]

[Re-adoption date: February 22, 1999]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

[Re-adoption date: June 24, 2013]

LEGAL REFS.: Family and Medical Leave Act; 29 USC 2601 et seq.
Americans with Disabilities Act Amendments Act of 2008; 42 USC 12101 et seq.
Genetic Information Nondiscrimination Act of 2008; 42 USC 2000ff et seq.
ORC 124.38
3313.211
3319.08; 3319.09; 3319.13; 3319.131; 3319.14; 3319.141; 3319.143
Family and Medical Leave Act; 29 USC 2601 et seq.
Americans with Disabilities Act Amendments Act of 2008; 42 USC 12101 et seq.
Genetic Information Nondiscrimination Act of 2008; 42 USC 2000ff et seq.
ORC 124.38
3313.211
3319.08; 3319.09; 3319.13; 3319.131; 3319.14; 3319.141; 3319.143

CROSS REFS.: GBR, Family and Medical Leave
GCB, Certified Staff Contracts and Compensation Plans
Staff Handbook

CERTIFIED STAFF LEAVES AND ABSENCES

Attendance

The regular and prompt attendance of staff members is an essential element in the efficient operation of the ESC and the effective conduct of the educational program. Because absenteeism exacts a high cost in the depletion of ESC resources and in the disruption of the educational program, the Board is vitally interested in the attendance of each employee and considers conscientious attendance an important criterion of satisfactory job performance.

A staff member who fails to give prompt notice of his/her absences, misuses sick leave, fails to verify his/her absence in accordance with Board policy, falsifies the reason for an absence, is absent without a authorization, is repeatedly tardy or accumulates an excessive number of absences without good cause may be subject to discipline.

Unrequested Leaves of Absence

The Board reserves the right to place an employee on unrequested leave of absence due to inability to perform assigned duties.

The Board may require an individual examination of an employee whenever, in its judgment, it is necessary to protect the health and safety of the employee or other employees. Whenever the Board requires an applicant or an employee to submit to a physical examination other than those required by law, the ESC will assume the cost of the examination. All health examinations required of employees will be made by one of the physicians approved for this purpose by the ESC.

If, as a result of such examination, the employee is found to be unfit to perform assigned duties, the employee shall be placed on leave of absence until proof of recovery, satisfactory to the Board, is furnished.

An employee, who being found unable to perform his/her duties because of such examination, will be offered the opportunity to meet with the Superintendent to verify the findings of the examination and the status of necessary leave of absence and steps necessary for the return to full employment.

Should an employee refuse to submit to the examination requested by the Board and the employee has been offered a hearing with the Board/designee such refusal shall subject the employee to disciplinary action, which may include termination of employment.

Sick Leave

The Board recognizes its statutory duty to pay employees of this ESC in full for days on which they are absent from work for reasons of personal disability or pregnancy and illness, injury or death in the employee's immediate family.

All employees of the ESC eligible for sick leave shall receive 15 such sick leave days annually at the rate of one and one-quarter a month. Unused sick leave shall be cumulative up to 260 days. Part-time employees shall be entitled to sick leave in proportion to the time actually worked. The Board shall accept, by transfer, the accumulated sick leave up to 260 days, which any new employee has acquired in another position of public service in Ohio, provided that the last termination of such service shall have been within the last 10 years. New employees shall be credited with five days of sick leave in advance, which shall be part of the 15 days that can be accumulated for the year.

1. Use of Sick Leave - Sick leave may be used for the following purposes and must have the approval of the Superintendent:
 - A. for absence of the employee due to personal illness, injury, pregnancy or exposure to a contagious disease that could be communicated to other employees or to students; or
 - B. for absence due to illness, injury or death in the immediate family of an employee. In this section, the immediate family of an employee is defined to mean the father, mother, brother, sister, son, daughter, spouse and any other relative of the employee as approved by the Superintendent. Absence due to death in the immediate family shall be three days. The exact number of days granted shall be determined by the family relationship and circumstances surrounding the illness or injury.
2. Verification of Sick Leave - An employee using sick leave shall furnish a written, signed statement to justify the use of sick leave. The filing, by an employee, of any willfully false statement concerning the cause or duration of an absence shall be considered by the Board as grounds for suspension or dismissal. If the absence exceeds three days, a doctor's statement may be requested.
3. Records of Sick Leave - The personnel records of this ESC shall show the attendance of each employee, and such days as that employee may be absent shall be recorded. A record shall be made of the unused sick leave days accumulated by each employee.
4. Cash Payments - Upon retirement, an employee may be compensated a portion of his/her unused sick leave in accordance with State law and Board policy.

5. Sick Days

- A. All full-time employees and part-time employees who work at least 184 days will accumulate 15 days of sick leave annually credited to their account at 1 1/4 days per month.
- B. All other part time employees will accumulate sick hours per HB153, which states: 4.6 hours will be accumulated for every 80 hours worked.
- C. When a sick day is taken, employee will be paid for the same number of hours per day as specified in his/her contract.

6. Extended Leave

The Board shall provide for an unpaid leave of absence in accordance with the laws and policies of the Board for any employee of this ESC whose absence from duties due to illness will be required beyond the limits of his/her allotted sick leave.

- A. Employee must advise the Superintendent prior to the expiration of his/her allotted sick time of his/her need and intent to use extended leave.
- B. During the first 12 weeks (three months) of extended leave under the Federal Family Medical Leave Act, the Board will pay its share of employee's insurance. Employee must make arrangements to pay his/her share of insurance. Employee may choose to use vacation for this period of time or be uncompensated. If an extension beyond the three months is requested through a doctor's statement, it will be reviewed by the Board. The Board reserves the right to have a second opinion as to the fitness of the employee for duty.
- C. Upon review, the Board reserves the right to specify the length of time for which leave shall continue and the conditions of pay during such leave. The Board shall require disclosure of anticipated disability and the continuing certification of an employee's fitness to perform duties thereafter.
- D. Upon review, the Board may inform the employee that his/her further employment will depend upon medical fitness for duty and his/her return to work prior to a 15-month period from the granting date of leave of absence.
- E. If the employee fails to return to work within the specified time of the leave or within 15 months, the Board will review the situation and may terminate or take any action necessary.

- F. If upon review, the Board has evidence of employee fitness to return to duty and employee refuses to report as directed by the Superintendent, the Board may terminate the employee.

7. Use of Extended Leave for Childbirth

- A. When a request for leave for childbirth is submitted in writing, employee will be granted a leave of absence without pay. The leave of absence will normally not extend beyond 15 months, and return from the leave must take place at the beginning of a contract year (August 1)
- B. If extended leave is used but not requested through a doctor's statement, it is the employee's responsibility to convert her hospitalization coverage to a direct payment plan, which shall be carried at her cost.
- C. If complications arise and an extension of sick leave is requested through a doctor's statement, it will be processed in the same manner as other sick leave requests.

8. Jury Duty

Should an employee be called for jury duty, he/she shall report same to the Superintendent.

Employees who serve jury duty will not be penalized in any way for doing so. They will receive full pay if they endorse the check received from the court or pay the amount shown on their record slip less travel allowance. While on jury duty, employees are required to report daily their schedule for the following day and must report to work when excused for a day or more or suffer loss of pay. The time spent on jury duty will not be charged against personal leave and will count as time on the job. Employees must submit, to their supervisor, a record from the county of the number of days served.

9. Military Service

The Board recognizes that military service rendered by an employee in the defense of our country or in maintaining preparedness is a service benefiting all citizens. Any newly employed staff member placed shall be credited with one year of ESC service for each year of military service to a maximum of five.

Requests for military leave shall be made to the Board at least nine weeks in advance of impending military service except in emergency situations.

For purposes of seniority and placement on the salary guide, years of service spent in the armed service of the United States or the auxiliaries thereof shall be counted as though teaching services had been performed during that time.

Each employee must notify the Board of his/her intention to resume employment within 90 days of his/her release of discharge and shall present to the Board evidence of an honorable discharge or a discharge under honorable conditions.

Employees shall make-efforts to schedule their period of training when school is not in session. If the period of training occurs during a school session, the employee shall provide the Superintendent with the name of his/her supervisor in the reserves or the Militia so that arrangements may be discussed to alter such service date.

10. Uncompensated Leave

The Board recognizes that in certain instances, an employee may wish uncompensated leave for personal reasons and the ESC could benefit from the return of said employee. For that purpose, the Board will promulgate policy for the award of uncompensated leaves of absence for reasons other than those specified by statute.

The Board reserves the right to specify the conditions under which uncompensated leave may be taken. An employee granted an uncompensated leave of absence shall not accrue experience while on leave; however, such leave shall not be considered to be a break in service.

A. Purpose

Uncompensated leave may be granted for the following purposes:

- study
- travel
- special work assignment
- public service commitment
- restoration of health

B. Eligibility

Uncompensated leave may be granted to staff members under contract. An employee shall have completed at least three years of service with the ESC to be considered for uncompensated leave.

C. Application

Request for uncompensated leave shall be made to the Superintendent at least 18 weeks in advance of the desired start and return date. Special consideration will be given to emergencies. All applications are subject to final approval by the Board.

D. Period of Leave

An uncompensated leave may be granted for a period not to exceed one contract year.

E. Commitment of Employee

The employee granted an uncompensated leave shall inform the Board within 90 days of the scheduled return date as to his/her intentions. If said notification is not received, action shall be taken to terminate employment. Upon return from leave for health reasons, the employee will furnish a physician's certificate stating that he/she is able to resume his/her normal duties.

F. Commitment of Employer

At the expiration of the uncompensated leave, the employee shall be offered a position for which he/she is certified.

While on uncompensated leave, an employee shall be entitled to insurance benefits provided to his/her peers if he/she pays the premiums therefore and the insurance carrier approves.

The employee will bear sole responsibility for the purchase of retirement credit during uncompensated leave.

11. Personal Leave

The Board reserves the right to specify, within the limits of law, the manner of proof of personal necessity, the type of situations in which such leave will be permitted, and the total number of days which may be used in any school year for personal leave.

Personal leave with pay not to exceed three days may be used, if approved by the Superintendent, each contract year by full-time certified employees. Personal leave is not cumulative.

Personal leave days may be used for personal obligations that are necessary and compelling which involve family events, business transactions or legal transactions, subject to the following conditions.

1. Request shall be in writing on a prescribed form that will include a space for stating reasons, as well as a section for making necessary comments.
2. Request shall be presented to the Superintendent at least five working days in advance, except in the event of an emergency.
3. Day(s) shall not be used preceding or following legal holidays, except by approval of the Superintendent.
4. Day(s) shall not be used in an unprofessional manner so as to project a poor image of the employee to the schools or communities.
5. Day(s) shall not be used for vacation or recreation.
6. Number of persons granted personal leave for any one day will be limited to the demands of the ESC as determined by the Superintendent.
7. Scheduled daily assignments shall be adjusted by the employee and confirmed by the Superintendent in advance of the day requested.

Personal Leave Calculation

1. All full-time (184 days) employees will receive three personal days.
2. All part-time employees will receive the following number of personal days:
3 days X $\frac{*}{1472}$ where * is the number of hours in the contract (The maximum number of days is 3.)
3. Substitute employees are not entitled to personal days.
4. When a personal day is taken, employee will be paid for the same number of hours per day or daily rate, as specified in his/her contract.

5. If a partial personal day is taken, the number of personal days authorized will be converted to hours and tracked accordingly. For example, an employee has three personal days and works 6.5 hours per day. The employee takes two hours.

$$3 \text{ days} \times 6.5 \text{ hours/day} = 19.5 \text{ hours} - 2 \text{ hours} = 17.5 \text{ hours balance}$$

6. Employee must work or accrue wages the day before and the day after the personal day.
7. Unused personal days will be converted to the employee's sick leave total at the end of each year.

(Approval date: December 7, 1996)
(Re-approval date: October 29, 2007)
(Re-approval date: September 26, 2011)
(Re-approval date: June 24, 2013)

CERTIFIED STAFF VACATIONS AND HOLIDAYS

Vacations

Administrative personnel employed on a 12-month basis will receive vacations during the contract year as specified in their individual contract.

A written request for vacation will be submitted to the Superintendent for approval. Vacations will be allowed, provided they do not hinder the operation of the schools.

Holidays

The school calendar, as adopted by the Board, will establish the ESC recess periods and holidays for all administrators employed on a school-year basis.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC 3313.20; 3313.63

CROSS REF.: GCB, Certified Staff Contracts and Compensation Plans

CERTIFIED STAFF VACATIONS AND HOLIDAYS

The Board reserves the right to specify the conditions under which vacation time may be taken.

1. Eligibility

Vacation time will be granted to certified, 12-month or 260-day employees as follows:

- A. employment or educational experience for one year or more, 10 working days;
- B. employment or educational experience for more than five years and up to 10 years, 15 working days; or
- C. employment for educational experience for more than 10 years, 20 working days.

2. Employees with Prior Educational Government Service in Ohio

A full-time certified employee who is currently earning vacation credits shall be entitled to receive credit for prior service with this State or any political subdivision thereof as if such service were with this organization.

3. Accrual

Eligible employees are granted fifty-percent (50%) of their allotted vacation days at the outset of their contracted year, the remaining fifty-percent (50%) will be available to qualified employees on February 1. This is to say that eligible employees may access their allotted vacation days within the confines of this policy with the following exceptions.

- A. Vacation time requests are not guaranteed. Vacation time requests may be denied at the discretion of the Superintendent if they substantially interfere with the normal operations of the ESC.
- B. Vacation time requests of more than five (5) consecutive business days must be pre-approved by the Superintendent.
- C. Employees may request to the Superintendent an advance of vacation days prior to February 1. The Superintendent will consider each request on a case-by-case basis. The Superintendent's determination shall be final and binding.

D. While employees may access vacation days as noted, they, employees should note the exception for termination. Employees who sever employment or whose employment is severed by the ESC before the end of their contract year will only be eligible for use or payment of (with BoE approval) unused vacation time which they would have accrued by that date (e.g. Employee A works half of the contracted year and was eligible for 20 total vacation days for the entire year. They would only be provided 10 vacation days for use or payout at their termination). Conversely, employees who have used more than their prorated vacation will be required to pay back at their daily rate any used vacation time above and beyond what they would have earned (e.g. Employee A works half of the contracted year and was eligible for 10 vacation days as of that point in time. If the employee requested and received an advance of an additional 5 days they would be required to reimburse the ESC for those 5 vacation days at their daily rate).

3. Application

Eligible employees must apply for vacation to the Superintendent at least five (5) working days in advance of the desired start date. Special consideration shall be given to emergencies.

4. Time of Vacation

Vacations are to be taken during the year in which they are earned with a maximum of only five (5) days being eligible to be carried over to the next year. Vacations will be granted only at the times of the year when they will not interfere with the normal operations of the ESC. Payment in lieu of vacation is prohibited except for termination of employment.

5. Termination of Employment

An employee who anticipates termination in this ESC may take accrued vacation prior to the termination date with proper approval as noted, ante. Unused vacation, upon separation from employment, will be paid at the employee's current rate of pay but not to exceed the prorated portion earned but unused for the current year plus up to five (5) days carried over from the previous year.

6. Holidays

A. All certified employees on a 12-month or a 260-day contract will receive all Board-approved holidays, but they must work or accrue wages the day before and the day after the holiday.

- B. Certified employees who are not on a 12-month contract or a 260-day contract will not receive paid holidays.
- C. Substitute employees do not receive paid holidays.

(Approval date: December 7, 1996)

(Re-approval date: March 22, 1999)

(Re-approval date: October 28, 2002)

(Re-approval date: October 29, 2007)

(Re-approval date: September 26, 2011)

(Re-approval date: July 21, 2020)

CERTIFIED STAFF HIRING

The Superintendent determines the ESC's personnel needs and recommends to the Board suitable qualified candidates for employment. Through recruiting and evaluation procedures, the Superintendent recruits and recommends to the Board the employment and retention of personnel.

It is the duty of the Superintendent to see that persons nominated for employment meet all certification/licensure requirements and the requirements of the Board for the type of position for which the nomination is made.

The following guidelines will be used in the selection of personnel.

1. There will be no discrimination in the hiring process.
2. The quality of instruction is enhanced by a staff with widely varied backgrounds, educational preparation and previous experience. Concerted efforts are made to maintain a variation in the staff.
3. Interviewing and selection procedures assure that the administrator who is directly responsible for the work of a staff member has an opportunity to aid in the selection process. The final recommendation to the Board will be made by the Superintendent or by another individual designated by the Board in the event that the Superintendent's nomination would create an unlawful interest in a public contract.
4. No candidate is hired without an interview and a criminal record check.
5. All candidates will be considered on the basis of their merits, qualifications, and the needs of the ESC. In each instance, the Superintendent and others having a role in the selection process will seek to recommend the best qualified applicant for the job.
6. All candidates for teaching positions must meet the Ohio Department of Education's standards of highly qualified teacher (HQT).

While the Board may accept or reject a nomination, an appointment is valid only if made with the recommendation of the Superintendent or by another individual designated by the Board in the event that the Superintendent's nomination would create an unlawful interest in a public contract. In the case of a rejection, it is the duty of the Superintendent to make another nomination.

Employment of Retired Administrators

The Board recognizes that recruiting and retaining highly qualified administrative personnel has become increasingly difficult in Ohio's competitive marketplace. Therefore the Board will, under appropriate circumstances, offer to enter into administrative employment agreements with qualified retired administrators whenever practical and when such action appears to be in the best interests of the ESC. Retired administrators may be employed as administrators on a part-time or full-time basis.

For purposes of this policy, a "retired administrator" is an individual who has retired pursuant to STRS or SERS rules and regulations.

The Board authorizes and directs the Superintendent to develop administrative regulations to implement this policy at the soonest practicable time.

Rehiring of Retirees

If an employee is retiring and seeks re-employment in the same position, then public notice must be given 60 days prior to the date re-employment is to begin. The notice must state that the person is or will be retired and is seeking re-employment in the ESC. The notice must include the time, date and location of a public meeting, which must take place 15 to 30 days prior to employment.

- [Adoption date: December 7, 1996]
- [Re-adoption date: October 28, 2002]
- [Re-adoption date: November 17, 2003]
- [Re-adoption date: October 29, 2007]
- [Re-adoption date: September 26, 2011]
- [Re-adoption date: December 13, 2013]

LEGAL REFS.: The Elementary and Secondary Education Act; 20 USC 1221 et seq.
Fair Credit Reporting Act; 15 USC 1681 et seq.
ORC 2921.42
3307.01; 3307.353
3313.53
3319.02; 3319.07; 3319.08; 3319.11; 3319.22 through 3319.31;
3319.39
3323.06
OAC 3301-35-05; 3301-35-06
3307.1-13-03

CROSS REFS.: AC, Nondiscrimination
ACA, Nondiscrimination on the Basis of Sex
ACB, Nondiscrimination on the Basis of Disability
GBA, Equal Opportunity Employment
GBQ, Criminal Records Check
GDD, Classified Staff Hiring

CERTIFIED STAFF HIRING
(Administrators, Directors and Supervisors)

The Board shall approve the employment, fix the compensation and establish the term of employment for each certified staff member employed by the Educational Service Center.

Such approval shall be given only to those candidates for employment recommended by the Superintendent.

When any recommended candidate has been rejected by the Board, the Superintendent shall make a substitute recommendation.

Any employee's misstatement of fact material to qualifications for employment or the determination of salary shall be considered by the Board to constitute grounds for dismissal.

No candidate for employment as an administrator shall receive recommendation for such employment without having offered visual evidence of his/her certification.

The Superintendent shall develop procedures for the recruitment, screening and recommendation of candidates for employment in accordance with the following guidelines.

1. Only those candidates shall be recommended for employment that are best qualified to perform the duties of the position they may fill without regard to religion, age, creed, ancestry, national origin, or handicap/disability.

Staff vacancies which represent opportunities for professional advancement or diversification shall be made known to ESC personnel so that they may apply for such positions.

(Approval date: December 7, 1996)

(Re-approval date: October 29, 2007)

(Re-approval date: September 26, 2011)

PART-TIME AND SUBSTITUTE CERTIFIED STAFF EMPLOYMENT

The Board shall approve the names of potential substitute personnel and the positions in which they may substitute.

Certified substitute personnel must possess a valid Ohio teaching certificate on file in the office of the County Superintendent.

A substitute employed on a day-to-day basis shall be entitled only to the wages approved by the Board on a per diem basis and to no other benefits.

The employment of substitute personnel prior to approval by the Board is authorized when their employment is required to maintain continuity in the educational program. Approval shall be recommended to the Board at the next regular meeting.

Substitute Compensation

In order to retain well-qualified substitute personnel for service in this ESC, the Board will offer competitive compensation.

Substitute personnel employed on a day-to-day basis shall be paid a per diem basis at a rate set annually (or periodically) by the Board.

[Adoption date: December 7, 1996]

[Re-adoption date: November 17, 2003]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: The Elementary and Secondary Education Act; 20 USC 1221 et seq.
Fair Credit Reporting Act; 15 USC 1681 et seq.
ORC 3317.13
3319.07; 3319.08; 3319.10; 3319.13; 3319.22 through 3319.31; 3319.39
3323.06
OAC 3301-35-05; 3301-35-06

CROSS REFS.: AC, Nondiscrimination/Harassment
ACA, Nondiscrimination on the Basis of Sex
ACB, Nondiscrimination on the Basis of Disability
GBA, Equal Opportunity Employment
GBQ, Criminal Records Check

CERTIFIED STAFF TIME SCHEDULES

The Board reserves the right to specify the working hours for certified staff members.

All employees are obligated to report regularly for the performance of their duties except as authorized by these policies and approved by the Superintendent. During a period of authorized absence, partial or full compensation may be paid within the limitations of these policies and the laws governing such absences.

Absences not approved by the Superintendent, acting under Board policies and State statutes, shall be considered as unauthorized and no payment of salary shall be made. Unauthorized absence from duty shall be considered by the Board as cause for suspension or dismissal of an employee.

Certified staff that normally reports directly to a location other than the Central Office shall report to work unless the location in which they normally work is closed due to bad weather or other calamity.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

[Re-adoption date: April 24, 2017]

LEGAL REFS.: ORC 3313.48; 3313.481; 3313.483
3319.111
OAC 3301-35-02(B)(11)-(13); 3301-35-03(A)(12)

CROSS REF.: ICA, ESC Calendar

CERTIFIED STAFF TIME SCHEDULES

Administrators

The nature of the duties and responsibilities of administrators and certified staff will require their hours of work to vary and extend as necessary to fulfill the requirements of their positions. The work year for certified staff members will be established through their contracts.

The Board annually adopts a calendar for the ensuing year identifying the official school year, including times when the office is closed and stated holidays.

The Board is regularly open from 8:00 a.m. until 5:00 p.m. weekdays. Employees assigned to school districts shall observe the hours adopted by the ESC during weekdays when school is in session.

All staff members must be able to be contacted at all times. In order to assure this, please adhere to the following guidelines.

1. All employees must keep electronic calendars up to date.
2. Inform the secretary when your itinerary changes.
3. Call in when ill prior to 8:00 a.m.

It is expected that all employees will attempt to maintain contact with the office.

The responsibilities of leadership and example behoove the certified staff to be on duty not only during the regular work day, but to include such additional time as is necessary to perform the duties and responsibilities of the position.

(Approval date: December 7, 1996)

(Re-approval date: October 29, 2007)

(Re-approval date: September 26, 2011)

CERTIFIED STAFF DEVELOPMENT OPPORTUNITIES

Professional Meetings

For purposes of this policy, a professional meeting shall be defined as any meeting that is related to the activities, duties or responsibilities of the Educational Service Center employees as determined by the Superintendent.

Personnel shall be excused from the performance of their duties and shall receive compensation during the days they are excused.

The following conditions must be met for an employee attending professional meetings.

1. All requests to attend professional meetings shall be made in advance of the meeting for which approval to attend is sought.
2. Determination of appropriateness (does the meeting relate directly to the employee's area of expertise) and authority to grant permission for attending a meeting will rest with the Superintendent. Professional meetings outside the State of Ohio shall be submitted by the Board for approval.
3. The Superintendent has the authority when he/she considers the meeting to be of sufficient importance, to request representation from the staff to attend a meeting.
4. Anyone requesting to attend a professional meeting at personal expense shall submit a request and secure the approval of the Superintendent.

Staff Development Programs

As part of its objective to furnish professional leadership and consulting services to local districts in areas they are unable to finance or staff independently, the Educational Service Center shall develop staff development programs for continuous staff development and respond to the professional development needs as they arise in the schools of this county.

The Superintendent or his/her designee shall be responsible for the development of staff development programs and services and shall continually assess the needs of local districts, devise programs and services based on local district needs and evaluate the effectiveness of the programs and services offered by the Educational Service Center.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC 3313.20
3315.07
3319.131
OAC 3301-35-03

CROSS REFS.: DLC, Expense Reimbursements
GCBC, Certified Staff Fringe Benefits
GCBD, Certified Staff Leaves and Absences

EVALUATION OF CERTIFIED STAFF

The continuing evaluation of administrative staff members is necessary to enable the Board to monitor the effectiveness and competence of such staff members and to assist them in the improvement of their professional performance.

For purposes of this policy, "administrative staff members" shall include personnel holding the following positions:

Associate Superintendent
Supervisor/Consultant
Director Coordinator
Bus Driver Trainer
Other Certified Personnel

1. The evaluation shall be conducted by the Superintendent or his/her designee.
2. The evaluation shall measure each administrator's effectiveness in performing the duties included in the applicable job description. The Board delegates authority to the Superintendent to develop evaluation instruments to implement this procedure. The Board shall from time to time adopt and revise administrator job descriptions to implement this procedure.
3. In any school year that the administrator's contract is not due to expire, at least one evaluation shall be completed in that year. A written copy of the evaluation shall be provided to the administrator no later than the end of the employee's contract year as defined by the administrator's annual salary notice.
4. In any school year that the administrator's contract of employment is due to expire, a preliminary evaluation and a final evaluation shall be completed in that year. A written copy of the preliminary evaluation shall be provided to the administrator at least 60 days prior to any action by the Board (but not later than January 15) on the administrator's contract of employment. The final evaluation shall indicate the Superintendent's intended recommendation to the Board regarding a contract of employment for the administrator. A written copy of the final evaluation shall be provided to the employee at least five days prior to the Board's acting to renew or not renew the contract.

5. Before taking action to renew or nonrenew the contract of an administrator, the administrator shall be given written notice of the date that the contract expires and that the administrator may request a meeting with the Board. Upon request by the administrator, the Board shall grant the employee a meeting in executive session. In that meeting, the Board shall discuss its reasons for considering the renewal or nonrenewal of the contract. The administrator shall be permitted to have a representative of the administrator's choice at the meeting.
6. The evaluation shall be considered by the Board in deciding whether to renew the administrator's contract.
7. If the Board takes action to nonrenew the contract of an administrator, the administrator shall be provided with written notice of the Board's action on or before the last day of March of the year in which the administrator's contract expires.
8. The establishment of this procedure shall not create an expectancy of continued employment. Nothing contained herein shall prevent the Board from making the final determination regarding the renewal or nonrenewal of the administrator's contract, provided the administrator has been given the evaluations required by this procedure and the opportunity, upon request, to meet with the Board as required by this procedure.

[Adoption date: December 7, 1996]

[Re-adoption date: October 23, 2000]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC 3319.02; 3319.03; 3319.04; 3319.16; 3319.17; 3319.171; 3319.22
Chapter 4117
OAC 3301-35-05

CROSS REFS.: AF, Commitment to Accomplishment
GBL, Personnel Records

EVALUATION OF CERTIFIED STAFF (Ohio Teacher Evaluation System)

A determination of the efficiency and effectiveness of the teaching staff is a critical factor in the overall operation of the Educational Service Center. The Board evaluates teachers in accordance with State law and the standards-based statewide teacher evaluation framework adopted by the State Board of Education (SBOE).

Notwithstanding Ohio Revised Code Section (RC) 3319.09, this policy applies to any person employed under a teacher license issued under RC 3319, or under a professional or permanent teacher's certificate issued under former RC 3319.222, and who spends at least 50% of the time employed providing content-related student instruction. This teacher evaluation policy does not apply to substitute teachers or instructors of adult education.

The Board directs the Superintendent/designee to implement this policy in accordance with State law. This policy has been developed in consultation with teachers employed by the Board. This policy becomes effective at the expiration of any collective bargaining agreement covering teachers employed by the Board that was in effect on November 2, 2018 and must be included in any renewal or extension.

The Educational Service Center will implement this policy beginning with the 2020-2021 school year.

Credentialed Evaluators

Evaluations carried out under this policy are conducted by persons holding evaluator credentials established by the Ohio Department of Education (ODE).

Final Holistic Rating and Evaluation Cycle

Teachers are assigned a final holistic rating of Accomplished, Skilled, Developing or Ineffective. This rating will be based on a combination of informal and formal observations and supporting evidence using the Teacher Evaluation Rubric.

Annually, the Board submits to the ODE the number of teachers assigned a final holistic rating, aggregated by the teacher preparation programs from which, and the years in which, the teachers graduated. The name of, or any personally identifiable information about, any teacher reported in compliance with this provision cannot be required.

The full evaluation cycle includes:

- Professional Growth/Improvement Plan;
- One formal holistic observation, followed by a conference;
- At least two classroom walkthroughs – with an emphasis on identified focus area(s) when applicable;
- One formal focused observation – with an emphasis on identified focus area(s) and
- One final summative conference.

The teacher performance measure of the evaluation cycle is aligned with the following Ohio Standards for the Teaching Profession:

- Understand student learning and development, respect student diversity and hold high expectations for all students to achieve and progress at high levels;
- Understand the content areas for which they have instructional responsibility;
- Understand and use varied assessments to inform instruction and evaluate and ensure student learning;
- Plan and deliver effective instruction that advances the learning of each student;
- Create learning environments that promote high levels of learning and achievement for all students;
- Collaborate and communicate with students, parents, other teachers, administrators and the community to support student learning and
- Assume responsibility for professional growth and performance as an individual and as a member of a learning community.

The Superintendent/designee selects/develops evaluation tools to calculate teacher performance. The Board directs the Superintendent/designee to develop procedures for these evaluation tools.

Teachers, who are on limited or extended limited contracts pursuant to State law and under consideration for nonrenewal, receive at least three formal observations during the evaluation cycle.

All teacher evaluations are completed by May 1. Teachers evaluated under this policy are provided with a written copy of their evaluation results by May 10.

High-Quality Student Data

High-quality student data (HQSD) is used to guide instructional decisions and meet student learning needs. HQSD used must be rigorously reviewed by locally determined experts in the field of education to meet all of the following criteria:

- Align to learning standards;
- Measure what is intended to be measured;

- File: GCN-1 (Also AFC-1)

- Be attributable to a specific teacher for course(s) and grade level(s) taught;
- Demonstrate evidence of student learning (achievement and/or growth);
- Follow protocols for administration and scoring;
- Provide trustworthy results and
- Not offend or be driven by bias.

AND the teachers must use the data generated from the HQSD data instrument by:

- Critically reflecting upon and analyzing available data, using the information as part of an ongoing cycle of support for student learning;
- Considering student learning needs and styles, identifying the strengths and weaknesses of an entire class, as well as individual students;
- Informing instruction and adapting instruction to meet student need based upon the information gained from the data analysis and
- Measuring student learning (achievement and/or growth) and progress towards achieving state and local standards.

Evaluations use at least two measures of HQSD to provide evidence of student learning attributable to the teacher being evaluated when required.

When applicable to the grade level or subject area taught by a teacher, HQSD includes the value-added progress dimension established under RC 3302.021, except when otherwise prohibited by law.

HQSD may be used as evidence in any component of the evaluation where applicable.

Data from ODE vendor approved assessments may be considered HQSD.

The use of shared attribution measures or student learning objectives is prohibited.

Professional Growth and Improvement Plans

Each teacher must develop a Professional Growth or Improvement Plan based on the results of their most recent evaluation. These plans are to be developed annually and must be based on the results of the evaluation and aligned to any existing Educational Service Center or building improvement plan.

Teachers with a final holistic rating of Accomplished must develop a self-directed Professional Growth Plan.

Teachers with a final holistic rating of Skilled must develop a Professional Growth Plan working jointly with the credentialed evaluator.

Teachers with a final holistic rating of Developing must develop a Professional Growth Plan that is guided by their assigned credentialed evaluators.

Teachers with a final summative rating of Ineffective will be placed on an Improvement Plan developed by the assigned credentialed evaluators.

Retention and Promotion

The Board uses evaluation results for retention and promotion decisions. The Board adopts procedures for use in making retention and promotion decisions based on evaluation results.

Seniority shall not be the basis for making retention decisions, except when choosing between teachers who have comparable evaluations.

Poorly Performing Teachers

The Board uses evaluation results for removing poorly performing teachers. The Board adopts procedures for removing poorly performing teachers based on evaluation results.

Professional Development

The Board allocates financial resources to support professional development in compliance with State law and the SBOE's evaluation framework.

[Adoption date: May 23, 2016]

[Re-adoption date: May 20, 2019]

[Re-adoption date: October 26, 2020]

LEGAL REFS.: The Elementary and Secondary Education Act; 20 USC 1221 et seq.
ORC 3319.11; 3319.111; 3319.112; 3319.16; 3319.61
Chapter 4117
OAC 3301-35-05

CROSS REFS.: AF, Commitment to Accomplishment
GBL, Personnel Records
GCB, Professional Staff Contracts and Compensation Plans
GCL, Professional Staff Development Opportunities

EVALUATION OF PROFESSIONAL STAFF
(Administrators Both Professional and Support)

The Superintendent institutes and maintains a comprehensive program for the evaluation of administrative personnel. Administrative personnel are all persons issued contracts in accordance with the Ohio Revised Code. Evaluations should assist administrators in developing their professional abilities in order to increase the effectiveness of District management.

The purpose of administrator evaluations is to assess the performance of administrators, to provide information upon which to base employment and personnel decisions and to comply with State law. All administrators are evaluated annually. In the year an administrator's contract does not expire, the evaluation is completed by the end of the contract year, and a copy is given to the administrator.

In the year an administrator's contract does expire, two evaluations are completed, one preliminary and one final. The preliminary evaluation is conducted at least 60 days prior to June 1 and prior to any Board action on the employee's contract. A written copy of the preliminary evaluation is given to the administrator at this time. Evaluations are considered by the Board in determining whether to re-employ administrators.

The final evaluation includes the Superintendent's intended recommendation for the contract of the employee. A written copy of the final evaluation must be provided to the employee at least five days prior to the Board's action to renew or nonrenew the employee's contract. The employee may request a meeting with the Board prior to any Board action on his/her contract. The employee may have a representative of his/her choice at the meeting.

The evaluation measures the administrator's effectiveness in performing the duties included in his/her written job description and the specific objectives and plans developed in consultation with the Superintendent.

Evaluation criteria for each position are in written form and are made available to the administrator. The results of the evaluations are kept in personnel records maintained in the central office. The evaluated administrator has the right to attach a memorandum to the written evaluation. Evaluation documents, as well as information relating thereto, are accessible to each evaluatee and/or his/her representative.

This evaluation procedure does not create an expectancy of continued employment. Nothing contained herein prevents the Board from making any final determination regarding the renewal or nonrenewal of an administrator's contract.

Ohio Principal Evaluation System (OPES)

Procedures for evaluating principals and assistant principals are based on principles comparable to the Ohio Teacher Evaluation System, but are tailored to the duties and responsibilities of principals and assistant principals and the environment in which they work. Principals and assistant principals are evaluated under the above system, with the inclusion of the following components.

Principals and assistant principals are assigned an effectiveness rating of Accomplished, Skilled, Developing or Ineffective. This rating will be determined based on 50% measures of principal or assistant principal performance and 50% student growth measures. Student academic growth is determined through multiple measures.

Principals and assistant principals are evaluated via two formal observations and periodic building walk-throughs. The 50% principal and assistant principal performance measure is based on the Ohio Standards for Principals. Proficiency on the standards includes consideration of professional goal setting, communication and professionalism, and skills and knowledge.

Student academic growth is evaluated by a combination of: (1) Value-added data; (2) Ohio Department of Education (ODE)-approved assessments and/or (3) Board-determined measures. When available, value-added data shall be included in the multiple measures used to evaluate student growth.

The Superintendent/designee evaluates all principals and assistant principals annually. Annual evaluations include two formal observations at least 30 minutes each and periodic building walk-throughs.

The Board allocates financial resources to support professional development in compliance with State law and the State Board of Education's evaluation framework.

[Adoption date: May 23, 2016]

[Re-adoption date: May 20, 2019]

LEGAL REFS.: ORC 3319.02; 3319.03; 3319.04; 3319.111; 3319.16; 3319.17; 3319.171;
3319.22
OAC 3301-35-05

EVALUATION OF SCHOOL COUNSELORS

Professional school counselors offer students access to high-quality services that support students' academic, career and social/emotional development. The Board evaluates school counselors in accordance with State law and the standards-based statewide counselor evaluation framework adopted by the State Board of Education (SBOE). The framework is aligned with the Ohio Standards for School Counselors.

The Board directs the Superintendent/designee to implement this policy in accordance with State law. The policy becomes operative at the expiration of any collective bargaining agreement covering school counselors that is in effect on September 29, 2015. The requirements of this policy prevail over any conflicting provisions of collective bargaining agreements entered into on or after September 29, 2015.

Annually, the Board submits to the Ohio Department of Education (ODE) a report regarding implementation of this policy. The name of, or any personally identifiable information about, any counselor reported in compliance with this provision cannot be required.

Effectiveness Rating

School counselors are assigned an effectiveness rating of Accomplished, Skilled, Developing or Ineffective. Each school counselor is evaluated based on multiple factors including performance on all areas identified by the standards for school counselors and the ability to produce positive student outcomes using metrics in order to determine the holistic final summative rating of effectiveness according to ODE requirements. The choice of metrics for student outcomes will be determined locally and will include information from the school or school district's report card when appropriate.

Evaluation Time Line

ESC administrators evaluate school counselors annually except as otherwise appropriate for high performing school counselors. Annual evaluations include two formal observations of at least 30 minutes each and informal observations. Counselors will be provided with a written report of the evaluation.

The Board evaluates school counselors receiving effectiveness ratings of Accomplished on the counselors' most recent evaluations carried out under this policy, and whose metric of student outcomes for the most recent school year for which data is available is skilled or higher on the evaluation rubric every three years. In years when an evaluation will not take place, one observation is carried out and at least one conference with the counselor is held.

The Board evaluates school counselors receiving effectiveness ratings of Skilled on the counselors' most recent evaluations carried out under this policy, and whose metric of student outcomes for the most recent school year for which data is available is skilled or higher on the evaluation rubric every two years. In years when an evaluation will not take place, one observation is carried out and at least one conference with the counselor is held.

Professional Growth and Improvement Plans

School counselors with a final summative rating of Accomplished must develop a professional growth plan.

School counselors with a final summative rating of Skilled must develop a professional growth plan collaboratively with their evaluator.

School counselors with a final summative rating of Developing must develop a professional growth plans with their evaluator. The Superintendent/designee approves the professional growth plan.

School counselors with a final summative rating of Ineffective must develop an improvement plan with their evaluator. The Superintendent/designee approves the improvement plan.

The ESC has discretion to place a school counselor on an improvement plan at any time based on deficiencies in any individual component of the evaluation system.

Retention and Promotion

The Board uses evaluation results for retention and promotion decisions for school counselors beginning with the 2017-2018 school year. The Board adopts procedures for use by ESC administrators in making retention and promotion decisions based on evaluation results.

Poorly Performing Counselors

The Board uses evaluation results for removing poorly performing counselors beginning with the 2017-2018 school year. The Board adopts procedures for removing poorly performing school counselors based on evaluation results.

Professional Development

The Board allocates financial resources to support professional development in compliance with State law and the SBOE's evaluation framework.

[Adoption date: November 14, 2016]

LEGAL REFS.: ORC 3319.113; 3319.61
3302.03
Chapter 4117
OAC 3301-35-05

CROSS REFS.: AF, Commitment to Accomplishment
GBL, Personnel Records
GCB, Professional Staff Contracts and Compensation Plans

CONTRACT REF.: Teachers' Negotiated Agreement

REDUCTION IN CERTIFIED STAFF WORKFORCE

The Board reserves the right, in accordance with statute, to abolish any existing position in whole or in part or to reduce the number of employees in such positions.

The Superintendent shall recommend to the Board for its deliberation the abolishment of existing positions, but nothing in this policy shall be considered to constrain the Board from exercising its authority unilaterally and without the recommendation of the Superintendent.

All certificated personnel shall be selected for layoff in accordance with assignment, performance on the job, length of service in the ESC, and diversified capabilities.

An employee shall be notified by certified letter if he/she is not to be re-employed in the following academic year.

[Adoption date: July 23, 2012]

LEGAL REFS.: ORC 3319.02; 3319.081; 3319.09(A); 3319.171; 3319.172; 3319.18

REDUCTION IN CERTIFIED STAFF WORK FORCE
(Administrators)

The Board recognizes its responsibility to maintain administrative staff positions consistent with the needs of the ESC. This policy shall apply whenever a reduction in staff occurs, resulting in the elimination of one position, a portion of a position, or all of a position in a class.

For the purpose of this policy, the terms herein shall have the following definitions:

1. Position - a set of duties and responsibilities to be performed by one, or the equivalent of one, full-time employee.
2. Status - the extent of an employee's rights in any class to which he/she is assigned.
3. Class - one or more positions sufficiently similar in respect to duties and responsibilities that for a specific status:
 - A. The same title can be applied to all positions.
 - B. The same minimum qualifications are required of the incumbent.
 - C. The same tests of fitness are used to choose qualified employees.

The Board may reduce the number of administrators upon the return to duty of administrators after leaves of absence, suspension of schools, territorial changes affecting the ESC, financial reasons or reduction in the total number of students the Board is required to provide with service or reduction in the total level of service the Board is required to provide under interdistrict contracts as a result of the termination or alteration of one or more of these contracts.

In case of a reduction in staff, administrators employed under the terms of a limited contract shall be released from a class prior to those in continuing status in the class and within continuing status in order of seniority to the employee shall be retained who, all other evaluated factors being equal, has the earlier date of continuous administrative, supervisory or supportive staff assignments in the ESC.

An employee who has maintained a satisfactory employment record and is released from a class will be re-assigned to a vacant position in the highest existing class in which he/she formally held status or, with the approval of the Board and agreement of the employee, may be assigned to any class for which he/she can currently meet the credential requirements. In the case of no

vacancies, employees who are released from a class shall be placed on a re-assignment list for the class in reverse order of release. Such list shall be used for assignments to the class before the use of any other list of applicants, and his/her name may remain on the list for no more than 12 months from the date the employee was released from a position in the class. The name of the employee will be deleted from the list immediately following the refusal of an offer of reassignment.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC 3319.02; 3319.081; 3319.09(A); 3319.17; 3319.171; 3319.172

RESIGNATION OF CERTIFIED STAFF MEMBERS

When a certified employee finds it necessary to tender a resignation, it is suggested that the situation be discussed with the appropriate administrative officer. A formal letter of resignation must be presented for submission to the Board of the ESC.

Resignations should be timed to coincide with the individual's completion of obligations for the current contract year. As much advance notice as possible would naturally be expected, but in those exceptional situations as soon as possible is encouraged. An employee under contract to the ESC must submit a resignation on or before July 10th and the resignation will become effective at the completion of their contract year. Termination by an employee at any other time without the Board's consent subjects the employee to penalties of ORC 3319.15 which calls for revocation of the individual's certificate/license for one year.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC 3319.02; 3319.15

CERTIFIED STAFF SEVERANCE PAY

In accordance with statute, all employees who present evidence of retirement from active service with the Educational Service Center shall be granted severance pay for their accrued but unused sick leave days. This policy specifies the manner for so doing.

The Board authorizes the payment to a retiring employee of one-fourth of his/her unused sick leave days to a maximum of 60 days under the following conditions.

For purposes of this policy, "retirement" means retirement under the State Teachers Retirement System.

1. In order to qualify for severance pay, an employee shall have made application two months before the effective date of retirement, except by waiver of this requirement by the Board.
2. Calculation of severance pay shall be on the basis of 15 days of yearly accrued sick leave per year of credited service up to a maximum of 240 days.
3. All employees employed by the Medina County Schools' ESC prior to January 1, 2006 and who present evidence of retirement from active service shall be granted severance pay for their accrued but unused sick leave days. All employees employed after January 1, 2006, who have been employed by the Medina County Schools' ESC for five consecutive years, and who present evidence of retirement from active service immediately at the conclusion of that service shall be granted, severance pay for their accrued but unused sick leave days.
4. If approved, severance pay will be made by the Board in the following manner.
 - A. Payment shall only be made after the application is filed.
 - B. Such payment shall be made only once to an employee. If employee is receiving retirement pay from one of the public service systems in Ohio, he/she is not eligible for severance pay.
 - C. Payment shall be based upon the employee's daily rate of base pay based on the days of service at the time of retirement exclusive of overtime or any supplementary pay.
 - D. Payment shall be made upon evidence that the employee has received his/her first check from the retirement system.

Payment of severance pay shall eliminate all obligations of the employer at the time of retirement from any further payment or restoration of sick leave unused.

[Adoption date: December 7, 1996]
[Re-adoption date: November 27, 2000]
[Re-adoption date: October 24, 2005]
[Re-adoption date: October 29, 2007]
[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC 9.90
 124.39

SUSPENSION, DEMOTION AND TERMINATION OF SUPPORT STAFF MEMBERS

The employment of classified staff members may be terminated for violation of written policies and regulations as set forth by the Board or for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, sexual battery, certain ethics violations, conflict of interest or any other acts of misfeasance, malfeasance or nonfeasance.

The Board may also suspend an employee for a definite period of time or demote, with or without pay, an employee for these same reasons.

The action of the Board to terminate the contract of any employee or to suspend or demote him/her is done in compliance with all statutory and constitutionally mandated procedures, including the opportunity for a hearing prior to the termination and if a hearing is required, prior to the suspension or demotion.

When the behavior is sexual harassment, the Title IX sexual harassment grievance process will be followed, if applicable, prior to imposing any discipline that cannot be imposed without resolution of the Title IX process.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

[Re-adoption date: May 20, 2019]

[Re-adoption date: October 26, 2020]

LEGAL REFS.: Education Amendments of 1972, Title IX; 20 USC 1681 et seq.
ORC 124.32; 124.33; 124.34; 124.36
3319.04; 3319.081; 3319.083

CROSS REFS.: ACAA, Sexual Harassment
GBQ, Criminal Records Check

NONSCHOOL EMPLOYMENT BY CERTIFIED STAFF MEMBERS

The Board recognizes that employees of the ESC must enjoy private lives and may associate with others outside of school for political, economic, religious, cultural or personal reasons. The Board and its supervisory staff, however, have a responsibility to evaluate employees in terms of their faithfulness to, and effectiveness in, discharging school duties and responsibilities; therefore, when non-ESC activities threaten an employee's effectiveness within the ESC, the Board reserves the right to evaluate the impact of such activities upon the employee's responsibilities to the Board.

With the issuance of a full-time contract, the Board becomes the individual's primary employer. No employee shall then obligate or involve himself/herself to interests or vestments outside his/her position with the Board that interferes with the normal contractual commitment to the Board.

[Adoption date: December 7, 1996]

[Re-adoption date: December 4, 1999]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REF.: ORC 3313.20

NONSCHOOL EMPLOYMENT BY CERTIFIED STAFF MEMBERS

The following regulations are provided for guidance. Certified employees shall not:

1. be employed in another capacity during normal work hours. Example: For most employees, this means that they cannot be employed for anyone other than the Medina County Schools' ESC between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday unless they are on an approved absence (vacation or holiday time). However, for some employees (Technology Department personnel, for example), normal working hours could be in the evening or on the weekend.
2. work for customers normally served by the Medina County Schools' ESC unless the work the employee is doing for these customers is not a duty normally performed under contract with the ESC. Example: An employee can meet the criteria in Item #1, but he/she cannot perform work for any of the ESC's normal customers (Highland and Medina City, for example) unless the work the employee is doing for these customers is not a duty normally performed under contract with the ESC, such as coaching a sport. In addition, employees cannot contract with a third party, and do work for the ESC or its customers.
3. violate the provisions of the Ohio Ethics Commission. Example: Employees cannot work for a vendor who provides or could provide services to the ESC or its customers.
4. be employed by another entity whereby this secondary employment affects the performance of the employee's normal job with the ESC. Example: Employee cannot perform his/her normal job because of being too tired from an outside job.

(Approval date: December 4, 1999)

(Re-approval date: October 29, 2007)

(Re-approval date: September 26, 2011)

CLASSIFIED STAFF POSITIONS

The Board reserves the right to fix and prescribe the duties to be performed by all personnel.

In the exercise of its authority to create new positions, the Board shall give primary consideration to the operational services of the Educational Service Center.

The Board may, upon the advice of the Superintendent, consider the advisability of creating a new classified position or of increasing the number of employees in an existing position.

The Board delegates the right to fix and prescribe the duties of classified personnel to the Superintendent.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC 124.11; 124.18; 124.34
3319.081
OAC 3301-35-03

CLASSIFIED STAFF CONTRACTS AND COMPENSATION PLANS

Contracts

All newly hired, regular classified staff employees, including regular hourly rate and per diem employees, enter into written contracts for their employment, which are for a period of not more than one year. If such employees are rehired at the end of their first contracts, their three subsequent contracts are for periods of two years each.

After the expiration of the third two-year contract, if the contract of an employee is renewed, the employee receives a continuing contract. The salary provided in the contract may be increased but not reduced unless such reduction is a part of a uniform plan affecting the classified staff employees of the entire Educational Service Center.

Compensation Plans

In determining and developing salary for certified staff other than administrators, the Board considers the responsibilities of the position, the qualifications needed, past experience of the individual and years of service credit.

Salaries for classified staff are reviewed and established annually by the Board upon the recommendation of the Superintendent.

In compliance with State law, employees are notified in writing by July 1 of their salary for the following school year.

[Adoption date: December 7, 1996]

[Re-adoption date: October 28, 2002]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

[Re-adoption date: May 20, 2019]

LEGAL REFS.: ORC Chapter 124
 3317.12
 3319.081 through 3319.083; 3319.088

CROSS REFS.: GDBA, Classified Staff Salary Schedules
 GDBC, Classified Staff Fringe Benefits
 GDBD, Classified Staff Leaves and Absences
 GDBE, Classified Staff Vacations and Holidays

CLASSIFIED STAFF FRINGE BENEFITS

In addition to basic salary, benefits are recognized by the Board as an integral part of the total compensation plan for staff members.

The benefits extended to eligible classified staff employees are designed to promote their present and future economic security and to provide the financial incentives for skill development that benefit the ESC.

[Adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC 9.83; 9.90
3313.20 through 3313.211
3319.084 through 3319.087; 3319.141; 3319.142
3917.04
4123.01
4141.29; 4141.291

CROSS REFS.: EI, Insurance Management
GDB, Classified Staff Contracts and Compensation Plans
Staff Handbooks

CLASSIFIED STAFF FRINGE BENEFITS

1. The purpose of this policy is to establish definitions for employment with the ESC of Medina County and to apply these definitions to specific benefit programs.
2. Definitions:

Full-time Employees

Health Insurance – ESC and employee cost ratios based on full-time employment equaling > 30 hours per week or > 130 hours per month (both as measured annually for the contract year). Employees are eligible for the Regular Plan:

	ESC %	Employee %
≥30 hours/week	85%	15%
or		
≥130 hours/monthly		

Part-time Employees

Health Insurance – ESC and employee cost ratios based on part-time employment equaling < 30 hours per week or < 130 per month (both measured annually for the contract year). Employees are eligible for the Bronze Plan:

	ESC %	Employee %
≤ 30 hours/week	0%	100%
or		
≤ 130 hours/monthly		

Substitute employees

Any employee who has a contract to work on an as-needed basis, i.e., the number of days and hours per day are not explicitly stated in the contract.

3. Grandfather Clause (expires without Board of Education Action on June 21, 2025):

Part time employees who do not meet the new threshold but who currently (as of May 1, 2020) take health, vision, and/or dental insurance will be “grandfathered” and will maintain their current benefits levels for a period not longer than five (5) years from June 31, 2020 so

long as there is no change in their employment. Should the employee's hours drop as a result of the needs of the position they will no longer be eligible for the benefits they are currently receiving. Should the employees hours increase but not to the threshold (>30/hrs week as annually measured) required for benefits their current benefit level will not change. Finally, should their hours increase to the required threshold for insurance they will then qualify as outlined in this policy. If an employee changes employment and subsequently return to their previous position or hours below the threshold this will not reinstate the "grandfather" clause: that is to say they will no longer be eligible for benefits as outlined as of May 1, 2020. No newly hired part-time employees after May 1, 2020 shall qualify under this section; rather, they shall be treated as a Part-Time Employee as outlined in the Definitions Section of the policy.

4. Life Insurance - The Board provides life insurance for all employees whose contract calls for a minimum of 960 hours or 120 workdays per year.

(Approval date: December 7, 1996)

(Re-approval date: May 19, 1997)

(Re-approval date: October 28, 2002)

(Re-approval date: October 29, 2007)

(Re-approval date: September 26, 2011)

(Re-approval date: July 21, 2020)

CLASSIFIED STAFF LEAVES AND ABSENCES

Leaves and absences granted to the classified staff will be for the purposes of helping them maintain their physical health, taking care of family and other personal emergencies and discharging important and necessary obligations.

All request for long-term leaves of absence will be submitted by the Superintendent, together with his/her recommendations, to the Board for its action.

Compensation, if any, during leaves of absence depends upon type of leave. Deductions are made in salaries for absence in accordance with regulations developed by the administration and approved by the Board.

[Adoption date: December 7, 1996]

[Re-adoption date: February 22, 1999]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

[Re-adoption date: June 24, 2013]

LEGAL REFS.: Family and Medical Leave Act; 29 USC 2601 et seq.
Genetic Information Nondiscrimination Act of 2008; 42 USC 2000ff et seq.
ORC 124.38 through 124.39
3313.211
3319.13; 3319.141; 3319.142; 3319.143

CROSS REFS.: GBR, Family and Medical Leave
GDB, Classified Staff Contracts and Compensation Plans
Staff Handbooks

CLASSIFIED STAFF LEAVES AND ABSENCES

Attendance

The regular and prompt attendance of staff members is an essential element in the efficient operation of the ESC and the effective conduct of the educational program. Because absenteeism exacts a high cost in the depletion of ESC resources and in the disruption of the educational program, the Board is vitally interested in the attendance of each employee and considers conscientious attendance an important criterion of satisfactory job performance.

A staff member who fails to give prompt notice of his/her absences, misuses sick leave, fails to verify his/her absence in accordance with Board policy, falsifies the reason for an absence, is absent without an authorization, is repeatedly tardy or accumulates an excessive number of absences without good cause, may be subject to discipline.

Unrequested Leaves of Absence

The Board reserves the right to place an employee on unrequested leave of absence due to inability to perform assigned duties.

The Board may require an individual examination of an employee whenever, in its judgment, it is necessary to protect the health and safety of the employee or other employees. Whenever the Board requires an applicant or an employee to submit to a physical examination other than those required by law, the ESC will assume the cost of the examination. All health examinations required of employees will be made by one of the physicians approved for this purpose by the ESC.

If, as a result of such examination, the employee is found to be unfit to perform assigned duties, the employee shall be placed on leave of absence until proof of recovery, satisfactory to the Board, is furnished.

An employee, who being found unable to perform his/her duties because of such examination, will be offered the opportunity to meet with the Superintendent to verify the findings of the examination and the status of necessary leave of absence and steps necessary for the return to full employment.

Should an employee refuse to submit to the examination requested by the Board and the employee has been offered a hearing, such refusal shall subject the employee to disciplinary action, which may include termination of employment.

Sick Leave

The Board recognizes its statutory duty to pay employees of this ESC in full for days on which they are absent from work for reasons of personal disability or pregnancy and illness, injury or death in the employee's immediate family.

All employees of the ESC eligible for sick leave shall receive 15 such sick leave days annually at the rate of one and one-quarter a month. Unused sick leave shall be cumulative up to 260 days. Part-time employees shall be entitled to sick leave in proportion to the time actually worked. The Board shall accept, by transfer, the accumulated sick leave up to 260 days which any new employee has acquired in another position of public service in Ohio, provided that the last termination of such service shall have been within the last 10 years. New employees shall be credited with five days of sick leave in advance, which shall be part of the 15 days that can be accumulated for the year.

1. Use of Sick Leave - Sick leave may be used for the following purposes and must have the approval of the Superintendent:
 - A. for absence of the employee due to personal illness, injury, pregnancy or exposure to a contagious disease that could be communicated to other employees or to students; or
 - B. for absence due to illness, injury or death in the immediate family of an employee. In this section, the immediate family of an employee is defined to mean the father, mother, brother, sister, son, daughter, spouse and any other relative of the employee as approved by the Superintendent. Absence due to death in the immediate family shall be three days. The exact number of days granted shall be determined by the family relationship and circumstances surrounding the illness or injury.
2. Verification of Sick Leave - An employee using sick leave shall furnish a written, signed statement to justify the use of sick leave. The filing, by an employee, of any willfully false statement concerning the cause or duration of an absence shall be considered by the Board as grounds for suspension or dismissal. If the absence exceeds three days, a doctor's statement may be requested.
3. Records of Sick Leave - The personnel records of this ESC shall show the attendance of each employee, and such days as that employee may be absent shall be recorded. A record shall be made of the unused sick leave days accumulated by each employee.
4. Cash Payments - Upon retirement, an employee may be compensated a portion of his/her unused sick leave in accordance with State law and Board policy.

5. Sick Days

- A. All full-time employees and part-time employees who work at least 1472 hours will accumulate 15 days of sick leave annually credited to their account at one and one-quarter days per month.
- B. All other part time employees will accumulate sick hours per HB153, which states: 4.6 hours will be accumulated for every 80 hours worked.
- C. When a sick day is taken, employee will be paid for the same number of hours per day as specified in his/her contract.
- D. Employee must work or accrue wages the day before and the day after the sick day and be scheduled to work on the actual dates the sick days are taken.

6. Extended Leave

The Board shall provide for an unpaid leave of absence in accordance with the laws and policies of the Board for any employee of this ESC whose absence from duties due to illness will be required beyond the limits of his/her allotted sick leave.

- A. Employee must advise the Superintendent prior to the expiration of his/her allotted sick time of his/her need and intent to use extended leave.
- B. During the first 12 weeks (three months) of extended leave under the Federal Family Medical Leave Act, the Board will pay its share of employee's insurance. Employee must make arrangements to pay his/her share of insurance. Employee may choose to use vacation for this period of time or be uncompensated. If an extension beyond the three months is requested through a doctor's statement, it will be reviewed by the Board. The Board reserves the right to have a second opinion as to the fitness of the employee for duty.
- C. Upon review, the Board reserves the right to specify the length of time for which leave shall continue and the conditions of pay during such leave. The Board shall require disclosure of anticipated disability and the continuing certification of an employee's fitness to perform duties thereafter.
- D. Upon review, the Board may inform the employee his/her further employment will depend upon medical fitness for duty and his/her return to work prior to a 15-month period from the granting date of leave of absence.
- E. If the employee fails to return to work within the specified time of the leave or within 15 months, the Board will review the situation and may terminate or take any action necessary.
- F. If upon review, the Board has evidence of employee fitness to return to duty and employee refuses to report as directed by the Superintendent, the Board may terminate the employee.

7. Use of Extended Leave for Childbirth

- A. When a request for leave for childbirth is submitted in writing, employee will be granted a leave of absence without pay. The leave of absence will normally not extend beyond 15 months, and return from the leave must take place at the beginning of a contract year (August 1)
- B. If extended leave is used but not requested through a doctor's statement, it is the employee's responsibility to convert her hospitalization coverage to a direct payment plan, which shall be carried at her cost.
- C. If complications arise and an extension of sick leave is requested through a doctor's statement, it will be processed in the same manner as other sick leave requests.

8. Jury Duty

Should an employee be called for jury duty, he/she shall report same to the Superintendent.

Employees who serve jury duty will not be penalized in any way for doing so. They will receive full pay if they endorse the check received from the court or pay the amount shown on their record slip less travel allowance. While on jury duty, employees are required to report daily their schedule for the following day and must report to work when excused for a day or more or suffer loss of pay. The time spent on jury duty will not be charged against personal leave and will count as time on the job. Employees must submit, to their supervisor, a record from the county of the number of days served.

9. Military Service

The Board recognizes that military service rendered by an employee in the defense of our country or in maintaining preparedness is a service benefiting all citizens. Any newly employed staff member placed shall be credited with one year of ESC service for each year of military service to a maximum of five.

Requests for military leave shall be made to the Board at least nine weeks in advance of impending military service except in emergency situations.

For purposes of seniority and placement on the salary guide, years of service spent in the armed service of the United States or the auxiliaries thereof shall be counted as though teaching services had been performed during that time.

Each employee must notify the Board of his/her intention to resume employment within 90 days of his/her release of discharge and shall present to the Board evidence of an honorable discharge or a discharge under honorable conditions.

Employees shall make efforts to schedule their period of training when school is not in session. If the period of training occurs during a school session, the employee shall provide the Superintendent with the name of his/her supervisor in the reserves or the militia so that arrangements may be discussed to alter such service date.

10. Uncompensated Leave

The Board recognizes that in certain instances, an employee may wish uncompensated leave for personal reasons and the ESC could benefit from the return of said employee. For that purpose, the Board will promulgate policy for the award of uncompensated leaves of absence for reasons other than those specified by statute.

The Board reserves the right to specify the conditions under which uncompensated leave may be taken. An employee granted an uncompensated leave of absence shall not accrue experience while on leave; however, such leave shall not be considered to be a break in service.

A. Purpose

Uncompensated leave may be granted for the following purposes:

- study
- travel
- special work assignment
- public service commitment
- restoration of health

B. Eligibility

Uncompensated leave may be granted to staff members under contract. An employee shall have completed at least three years of service with the ESC to be considered for uncompensated leave.

C. Application

Request for uncompensated leave shall be made to the Superintendent at least 18 weeks in advance of the desired start and return date. Special consideration will be given to emergencies. All applications are subject to final approval by the Board.

D. Period of Leave

An uncompensated leave may be granted for a period not to exceed one contract year.

E. Commitment of Employee

The employee granted an uncompensated leave shall inform the Board within 90 days of the scheduled return date as to his/her intentions. If said notification is not received, action shall be taken to terminate employment. Upon return from leave for health reasons, the employee will furnish a physician's certificate stating that he/she is able to resume his/her normal duties.

F. Commitment of Employer

At the expiration of the uncompensated leave, the employee shall be offered a position for which he/she is certified.

While on uncompensated leave, an employee shall be entitled to insurance benefits provided to his/her peers if he/she pays the premiums therefore and the insurance carrier approves. The employee will bear sole responsibility for the purchase of retirement credit during uncompensated leave.

11. Personal Leave

The Board reserves the right to specify, within the limits of law, the manner of proof of personal necessity, the type of situations in which such leave will be permitted, and the total number of days which may be used in any school year for personal leave.

Personal leave with pay not to exceed three days may be used, if approved by the Superintendent, each contract year by full-time classified employees. Personal leave is not cumulative.

Personal leave days may be used for personal obligations that are necessary and compelling which involve family events, business transactions or legal transactions, subject to the following conditions.

1. Request shall be in writing on a prescribed form that will include a space for stating reasons, as well as a section for making necessary comments.
2. Request shall be presented to the Superintendent at least five working days in advance, except in the event of an emergency.
3. Day(s) shall not be used preceding or following legal holidays, except by approval of the Superintendent.
4. Day(s) shall not be used in an unprofessional manner so as to project a poor image of the employee to the schools or communities.
5. Day(s) shall not be used for vacation or recreation.
6. Number of persons granted personal leave for any one day will be limited to the demands of the ESC as determined by the Superintendent.
7. Scheduled daily assignments shall be adjusted by the employee and confirmed by the Superintendent in advance of the day requested.

Personal Leave - Calculation

1. All full-time (184 days) employees will receive three personal days.
2. All part-time employees will receive the following number of personal days:

3 days X */1472 where * is the number of hours in the contract (The maximum number of days is 3.)

3. Substitute employees are not entitled to personal days.
4. When a personal day is taken, employee will be paid for the same number of hours per day, or daily rate, as specified in his/her contract.
5. If a partial personal day is taken, the number of personal days authorized will be converted to hours and tracked accordingly. For example, an employee has three personal days and works 6.5 hours per day. The employee takes two hours.

$3 \text{ days} \times 6.5 \text{ hours/day} = 19.5 \text{ hours} - 2 \text{ hours} = 17.5 \text{ hours balance}$

6. Employee must work or accrue wages the day before and the day after the personal day.
7. Unused personal days will be converted to the employee's sick leave total at the end of each year.

(Approval date: December 7, 1996)

(Re-approval date: October 29, 2007)

(Re-approval date: September 26, 2011)

(Re-approval date: June 24, 2013)

CLASSIFIED STAFF VACATIONS AND HOLIDAYS

Vacations

Classified staff will receive vacations during the contract year as specified in their individual contract.

A written request for vacation will be submitted to the Superintendent for approval. Vacations will be allowed, provided they do not hinder the operation of the schools.

Holidays

The school calendar, as adopted by the Board, will establish the ESC recess periods and holidays for all classified staff employed on a school-year basis.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC 1.14
3319.084; 3319.086; 3319.087

CROSS REF.: GDB, Classified Staff Contracts and Compensation Plans

CLASSIFIED STAFF VACATIONS AND HOLIDAYS

The Board reserves the right to specify the conditions under which vacation time may be taken.

1. Eligibility

Vacation time will be granted to classified, 12-month or 260-day employees as follows:

- A. employment for one year or more, 10 working days;
- B. employment for more than five years and up to 10 years, 15 working days; or
- C. employment for educational experience for more than 10 years, 20 working days.

2. Employees with Prior Government Service in Ohio

A full-time nonteaching employee who is currently earning vacation credits shall be entitled to receive credit for prior service with this State or any political subdivision thereof as if such service were with this organization.

3. Accrual

Eligible employees are granted fifty-percent (50%) of their allotted vacation days at the outset of their contracted year. The remaining fifty-percent (50%) will be available on February 1. This is to say that eligible employees may access their allotted vacation days within the confines of this policy with the following exceptions.

- A. Vacation time requests are not guaranteed. Vacation time requests may be denied at the discretion of the Superintendent if they substantially interfere with the normal operations of the ESC.
- B. Vacation time requests of more than five (5) consecutive business days must be pre-approved by the Superintendent.
- C. Employees may request to the Superintendent an advance of vacation days prior to February 1. The Superintendent will consider each request on a case-by-case basis. The Superintendent's determination shall be final and binding.

D. While employees may access vacation days as noted, they should note the exception for termination. Employees who sever employment or whose employment is severed by the ESC before the end of their contract year will only be eligible for use or payment of (with BoE approval) unused vacation time which they would have accrued by that date (e.g. Employee A works half of the contracted year and was eligible for 20 total vacation days for the entire year. They would only be provided 10 vacation days for use or payout at their termination). Conversely, employees who have used more than their prorated vacation will be required to pay back at their daily rate any used vacation time above and beyond what they would have earned (e.g. Employee A works half of the contracted year and was eligible for 10 vacation days as of that point in time. If the employee requested and received an advance of an additional 5 days they would be required to reimburse the ESC for those 5 vacation days at their daily rate).

3. Application

Eligible employees must apply for vacation to the Superintendent at least five working days in advance of the desired start date. Special consideration shall be given to emergencies.

4. Time of Vacation

Vacations are to be taken during the year in which they are earned with a maximum of only five (5) days being eligible to be carried over to the next year. Vacations will be granted only at the times of the year when they will not interfere with the normal operations of the ESC. Payment in lieu of vacation is prohibited except for termination of employment.

5. Termination of Employment

An employee who anticipates termination in this ESC may take accrued vacation prior to the termination date with proper approval as noted, ante. Unused vacation, upon separation from employment, will be paid at the employee's current rate of pay but not to exceed the prorated portion earned but unused for the current year plus up to five (5) days carried over from the previous year.

6. Holidays

All classified employees shall be paid in full for approved holidays if such employees have accrued earnings on their preceding and following scheduled work days or were properly excused from attendance at work on either or both of those days.

- A. All classified employees on a 12-month or a 260-day contract will receive all Board-approved holidays, but they must work or accrue wages the day before and the day after the holiday.
- B. Classified employees who are not on a 12-month contract or a 260-day contract will not receive paid holidays.
- C. Substitute employees do not receive paid holidays.

(Approval date: December 7, 1996)

(Re-approval date: March 22, 1999)

(Re-approval date: October 28, 2002)

(Re-approval date: October 29, 2007)

(Re-approval date: September 26, 2011)

(Re-approval date: July 21, 2020)

PART-TIME, TEMPORARY AND SUBSTITUTE CLASSIFIED STAFF EMPLOYMENT

Part-time, temporary and substitute classified staff are employed as necessary for the efficient operation of the ESC.

The ESC maintains lists of persons qualified to serve in various classified positions so that substitutes and temporary help may be obtained as needed. The Board approves such persons for substitute and temporary employment on the recommendation of the Superintendent.

Part-time, temporary and substitute classified staff employees are paid in accordance with hourly rates established by the Board. Temporary employees are entitled to sick leave at the rate established by law. Regularly employed, part-time employees are entitled to sick leave on a prorated basis, based on a full-time schedule. Other privileges and benefits may be provided to regularly employed part-time employees.

[Adoption date: December 7, 1996]

[Re-adoption date: November 17, 2003]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

[Re-adoption date: May 20, 2019]

LEGAL REFS.: The Elementary and Secondary Education Act; 20 USC 1221 et seq.
Fair Credit Reporting Act; 15 USC 1681 et seq.
ORC 124.27
3319.081; 3319.141; 3319.39
OAC 3301-35-05; 3301-35-06

CROSS REFS.: AC, Nondiscrimination/Harassment
ACA, Nondiscrimination on the Basis of Sex
ACB, Nondiscrimination on the Basis of Disability
GBA, Equal Opportunity Employment
GBQ, Criminal Records Check

CLASSIFIED ASSIGNMENTS AND TRANSFERS

The assignment and transfer of all support staff are the responsibility of the Superintendent. Promotional transfers are made only by the Board upon the recommendation of the Superintendent. A request for transfer may be made in writing to the Superintendent.

Assignments to Nonpublic Schools

Persons employed by the Educational Service Center and assigned to nonpublic schools are considered employees of the Educational Service Center in all respects.

Such persons fulfill and meet all regulations as are required for any other classified staff employees in the Educational Service Center. An employee may be reassigned to serve in any location, either in the public schools or nonpublic schools, as long as the person is qualified to perform such duties.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

[Re-adoption date: May 20, 2019]

LEGAL REFS.: ORC 124.32
3319.01
OAC 3301-35-03(A)

CROSS REF.: GBQ, Criminal Records Check

CLASSIFIED STAFF TIME SCHEDULES

The periods of work required of the classified staff shall be clearly specified to ensure the smooth and regular operation of the ESC.

The Board reserves the right to specify the working hours for classified employees.

The Superintendent shall apply uniformly throughout the ESC, except as otherwise specified in this policy, the following working periods for classified employees.

All Classified Personnel

From August 1 to July 31, standard full-time employment is eight hours per day, five days per week, excluding time off for lunch for all classified personnel.

Central office staff shall ordinarily report for work when schools are closed for bad weather or other calamity.

Classified staff that normally reports directly to a location other than the Central Office shall report to work unless the location in which they normally work is closed due to bad weather or other calamity.

Starting time shall be specified by the Superintendent.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

[Re-adoption date: April 24, 2017]

LEGAL REF.: ORC 3319.086

CLASSIFIED STAFF EXTRA DUTY

It is the intention of the Board to compensate eligible classified employees for extra time worked when such is previously approved and properly worked.

No extra time shall be worked without the prior approval of the Superintendent or his/her designee, and no extra time will be paid without the prior approval of the Superintendent or his/her designee.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: Fair Labor Standards Act; 29 USC 201 et seq.
ORC 124.18
3319.086

CROSS REF.: KG, Community Use of ESC Facilities

CLASSIFIED STAFF DEVELOPMENT OPPORTUNITIES
(Expense Reimbursements)

The Board will provide for the payment of the actual and necessary expenses, including traveling expenses, of any classified employee incurred in the course of performing services for the Educational Service Center, whether within or outside the ESC area, under the direction of the Board.

The validity of payments for job-related expenses shall be determined by the Superintendent. The use of a personal vehicle shall be considered a legitimate job expense if:

1. travel is among schools to which the employee is assigned;
2. travel is required to a local store to receive job-related materials;
3. travel is authorized in advance by the Superintendent; or
4. travel for special emergency purposes is a recognized part of the employee's job responsibilities.

Actual and necessary expenses incident to attendance at functions outside the Educational Service Center shall be reimbursable to the employee if:

1. such events have programs which will benefit the employee in the performance of assigned duties.

Attendance at Educational Service Center approved events shall be without loss of regular pay unless otherwise stipulated prior to attendance.

Final reimbursement must be approved by the Superintendent.

Those on travel shall exercise the same care in incurring expenses that they would in traveling on personal business.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC 3313.20(D)
OAC 3301-35-03

CROSS REF.: DLC, Expense Reimbursements

EVALUATION OF CLASSIFIED STAFF

The Board recognizes the importance of implementing a program of classified employee evaluations for the purpose of promoting individual job performance and improving services to students, local districts and the public.

The goals of the Board's evaluation plan for classified personnel are to identify and remediate weaknesses that prevent an employee from achieving the goals of assigned duties.

The structure of the evaluation plan shall provide a procedure for identifying and commending effective performance and counseling and assisting employees where improvement is desired.

The Superintendent shall prepare regulations for the conduct of employee evaluations, which shall include the following information.

1. The setting of specific job objectives by the evaluator and evaluatee in mutual agreement.
2. The identification of constraints hindering achievement of the employee's objectives as determined by the evaluator and evaluatee in mutual agreement.
3. The conducting of evaluations will be done annually.
4. A method of making records that ensures entries are based on observable and verifiable facts, note is taken of an employee's strengths as well as weaknesses, the same recording system will be used for all employees similarly situated, and all materials will be held confidential.
5. The provisions for remediating unsatisfactory performance by recommending how improvement can be effected and scheduling follow-up conferences to assess change.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC Chapter 124
Chapter 4117
3319.081
OAC 3301-35-05

CROSS REFS.: AF, Commitment to Accomplishment
GBL, Personnel Records

REDUCTION IN CLASSIFIED STAFF WORKFORCE

The Board reserves the right, in accordance with statute, to abolish any existing position in whole or in part or to reduce the number of employees in such positions.

The Superintendent shall recommend to the Board for its deliberation the abolishment of existing positions, but nothing in this policy shall be considered to constrain the Board from exercising its authority unilaterally and without the recommendation of the Superintendent.

All classified personnel shall be selected for layoff in accordance with length of service in the ESC, performance on the job, past experience and diversified capabilities.

An employee shall be notified by April 30 if he/she is not to be re-employed in the following academic year.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC 124.32; 124.321
3319.172
4141.29

CLASSIFIED STAFF SEVERANCE PAY

In accordance with statute, all employees who present evidence of retirement from active service with the Educational Service Center shall be granted severance pay for their accrued but unused sick leave days. This policy specifies the manner for so doing.

The Board authorizes the payment to a retiring employee of one-fourth of his/her unused sick leave days to a maximum of 60 days under the condition hereinafter specified.

For purposes of this policy, "retirement" means retirement under the School Employees Retirement System.

1. In order to qualify for severance pay, an employee shall have made application two months before the effective date of retirement, except by waiver of this requirement by the Board.
2. Calculation of severance pay shall be on the basis of 15 days of yearly-accrued sick leave per year of credited service up to a maximum of 240 days.
3. All employees employed by the Medina County Schools' ESC prior to January 1, 2006 and who present evidence of retirement from active service shall be granted severance pay for their accrued but unused sick leave days. All employees employed after January 1, 2006, who have been employed by the Medina County Schools' ESC for five consecutive years, and who present evidence of retirement from active service immediately at the conclusion of that service shall be granted, severance pay for their accrued but unused sick leave days.
4. If approved, severance pay will be made by the Board in the following manner.
 - A. Payment shall only be made after the application is filed.
 - B. Such payment shall be made only once to an employee. If employee is receiving retirement pay from one of the public service systems in Ohio, he/she is not eligible for severance pay.
 - C. Payment shall be based upon the employee's daily rate of base pay based on the days of service at the time of retirement exclusive of overtime or any supplementary pay.
 - D. Payment shall be made upon evidence that the employee has received his/her first check from the retirement system.

Payment of severance pay shall eliminate all obligations of the employer at the time of retirement from any further payment or restoration of sick leave unused.

[Adoption date: December 7, 1996]
[Re-adoption date: November 27, 2000]
[Re-adoption date: October 24, 2005]
[Re-adoption date: October 29, 2007]
[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC 9.90
 124.39
 3319.141

SUSPENSION AND TERMINATION OF CLASSIFIED STAFF MEMBERS

The employment of classified staff members may be terminated for violation of written policies and regulations as set forth by the Board or for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, sexual battery, certain ethics violations, conflict of interest or any other acts of misfeasance, malfeasance or nonfeasance.

The Board may also suspend an employee for a definite period of time or demote, with or without pay, an employee for these same reasons.

The action of the Board to terminate the contract of any employee or to suspend or demote him/her is done in compliance with all statutory and constitutionally mandated procedures, including the opportunity for a hearing prior to the termination and if a hearing is required, prior to the suspension or demotion.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

[Re-adoption date: May 20, 2019]

LEGAL REFS.: Fair Credit Reporting Act; 15 USC 1681 et seq.
ORC 124.32; 124.33; 124.34; 124.36
3319.04; 3319.081; 3319.083

CROSS REF.: GBQ, Criminal Records Check

NONSCHOOL EMPLOYMENT BY CLASSIFIED STAFF MEMBERS

The Board recognizes that employees of the ESC must enjoy private lives and may associate with others outside of school for political, economic, religious, cultural or personal reasons. The Board and its supervisory staff, however, have a responsibility to evaluate employees in terms of their faithfulness to, and effectiveness in, discharging school duties and responsibilities; therefore, when non-ESC activities threaten an employee's effectiveness within the ESC, the Board reserves the right to evaluate the impact of such activities upon the employee's responsibilities to the Board.

With the issuance of a full-time contract, the Board becomes the individual's primary employer. No employee shall then obligate or involve himself/herself to interests or vestments outside his/her position with the Board that interferes with the normal contractual commitment to the Board.

[Adoption date: December 7, 1996]

[Re-adoption date: December 4, 1999]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REF.: ORC 3313.20

NONSCHOOL EMPLOYMENT BY CLASSIFIED STAFF MEMBERS

The following regulations are provided for guidance. Certified employees shall not:

1. be employed in another capacity during normal work hours. Example: For most employees, this means that they cannot be employed for anyone other than the ESC of Medina County between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday unless they are on an approved absence (vacation, personal leave, holiday or compensatory time). However, for some employees (Technology Department personnel, for example), normal working hours could be in the evening or on the weekend.
2. work for customers normally served by the ESC of Medina County unless the work the employee is doing for these customers is not a duty normally performed under contract with the ESC. Example: An employee can meet the criteria in Item #1, but he/she cannot perform work for any of the ESC's normal customers (Highland and Medina City, for example) unless the work the employee is doing for these customers is not a duty normally performed under contract with the ESC, such as coaching a sport. In addition, employees cannot contract with a third party, e.g., and do work for the ESC or its customers.
3. violate the provisions of the Ohio Ethics Commission. Example: Employees cannot work for a vendor who provides or could provide services to the ESC or its customers.
4. be employed by another entity whereby this secondary employment affects the performance of the employee's normal job with the ESC. Example: Employee cannot perform his/her normal job because of being too tired from an outside job.

(Approval date: December 4, 1999)

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(Re-approval date: September 26, 2011)