



# **EMPLOYEE HANDBOOK**

Revised October 2021

**NORTH SHORE COMMUNITY SCHOOL  
EMPLOYEE HANDBOOK  
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Acknowledgment of Receipt of NSCS Handbook: Document will be presented to staff each year along with electronic access to the handbook.

## A. HANDBOOK LIMITATIONS

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This Employee Handbook (“Handbook”) serves as a source of information for employees regarding the policies and procedures of North Shore Community School (“NSCS”). This Handbook is not exhaustive. This Handbook provides general policy and procedural guidelines. These policies and procedures are not conditions of employment, and do not constitute an employment contract. These policies and procedures are subject to additions, deletions, or changes by NSCS from time to time, without notice or update. NSCS reserves the right to vary from these policies and procedures if, in its opinion, the circumstances so require.

All NSCS employees are responsible for reading and complying with this Handbook.

**This Handbook is a general statement of policy, to be applied and modified by NSCS at its discretion. This Handbook is not a contract, express or implied, of employment. This Handbook does not guarantee employment for any specific duration.**

This Handbook supersedes and revokes all prior guidelines, handbooks, and memoranda.

The provisions and requirements of state and federal law supersede all provisions of this Handbook. In the event that there is a conflict between this Handbook and any state or federal law, the law governs. NSCS intends to comply with all applicable state and federal laws. Furthermore, in the event that there is a conflict between this Handbook and any stand-alone policy, the policy governs. Finally, in the event that there is a conflict between this Handbook and any written employment agreement, the agreement governs.

## B. EMPLOYMENT PRACTICES

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### 1. EMPLOYMENT CLASSIFICATIONS

All positions are classified as full-time, part-time, or temporary. All positions are also classified as non-exempt or exempt under the Fair Labor Standards Act.

Full-time Employees: Employees who are scheduled to work 30 or more hours per week. These employees are generally eligible for all of the benefits provided by NSCS, subject to the terms, conditions, and limitations of each benefit.

Part-time Employees: Employees who are scheduled to work less than 30 hours per week. These employees are generally eligible for some of the benefits provided by NSCS, subject to the terms, conditions, and limitations of each benefit.

Temporary Employees: Employees who are hired to assist in the completion of a specific project or for vacation relief. Employment beyond any initially-stated period does not in any way imply a change in employment status. These employees are generally not eligible for the benefits provided by NSCS.

Non-exempt Positions: Positions that are not exempt from the minimum wage and overtime requirements of the Fair Labor Standards Act. Overtime will be paid for all hours worked in excess of 40 hours per work week in accordance with the Fair Labor Standards Act.

Exempt Positions: Positions that are exempt from the minimum wage and overtime requirements of the Fair Labor Standards Act. Executive, administrative, and professional positions, among others, are exempt.

### 2. EQUAL EMPLOYMENT OPPORTUNITY

NSCS is committed to providing equal opportunity in employment for all qualified applicants and employees without regard to race, color, creed, religion, national origin, sex, marital status, familial status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, age, genetic information, or any other classification protected under state or federal law. NSCS is also committed to prohibiting discrimination in employment on the basis of race, color, creed, religion, national origin, sex, marital status, familial status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, age, genetic information, or any other classification protected under state or federal law.

This policy extends to all qualified applicants and employees in all aspects of the employment relationship including, but not limited to, recruiting, hiring, promotion, transfer, compensation, and termination.

**Discrimination will not be tolerated. Similarly, retaliation against any employee who makes a report of discrimination or who participates in a discrimination investigation will not be tolerated. Any employee who engages in discrimination and/or retaliation will be subject to disciplinary action, up to and including termination of employment.**

### **3. WHISTLEBLOWER NOTIFICATION**

#### **Purpose**

It is the purpose of this section to outline protected conduct and to identify the procedures for reporting suspected violations of law. Further, it serves to encourage and enable board members, directors, officers, and employees to raise serious concerns about the occurrence of illegal or unethical actions within North Shore Community School before turning to outside parties for resolution. If any board member, director, officer, or employee reasonably believes that some policy, practice, or activity of North Shore Community School is in violation of the law, a written complaint must be filed with the Executive Director or a school board member. It is the intent of North Shore Community School to fully comply with state and federal laws regarding protection for individuals who report a violation or suspected violation of any federal or state whistleblower law or rule.

#### **Acting in Good Faith**

Anyone filing a complaint concerning a violation or suspected violation of any federal or state law, or rule adopted pursuant to law, must be acting in good faith, have reasonable grounds for believing the information disclosed indicates a legal violation, and provide the school with a reasonable opportunity to investigate and correct the alleged unlawful activity. North Shore Community School will not discharge, discipline, threaten, or otherwise discriminate against or penalize a board member, director, officer, or employee regarding their compensation, terms, conditions, location, or privileges because they file a complaint in good faith. Any allegations that prove not to be substantiated and which prove to have been made maliciously, knowingly false, or in reckless disregard of the truth will be viewed as a serious disciplinary offense.

#### **Retaliation Prohibited**

No board member, director, officer, or employee who takes action as described above shall suffer harassment, retaliation, or adverse employment consequences. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment.

This policy is to be interpreted in accordance with Minn. Stat. § 181.932.

### **4. ACCOMMODATIONS**

NSCS will provide reasonable accommodation of any employee's disability or religious beliefs, observances, or practices, so long as such accommodation would not impose an undue hardship. NSCS will also provide reasonable accommodations to an employee for health conditions related to pregnancy or childbirth. NSCS will engage in an interactive process with any employee who requests an accommodation.

NSCS will provide the following accommodations to any pregnant employee at her request: (1) more frequent restroom, food, and water breaks; (2) seating; and (3) limits on lifting over 20 pounds. With respect to other accommodations, NSCS may request certification from the pregnant employee's licensed health care provider or certified doula and may refuse to provide an accommodation that would impose an undue hardship on the operation of its business.

NSCS will not require any employee to take a leave of absence or to accept an accommodation. Any employee who requires any type of accommodation should contact the Business Office.

## C. PERSONAL CONDUCT

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### 1. RESPECTFUL WORKPLACE

NSCS is committed to maintaining a work environment free from violence, discrimination, and other offensive behavior. NSCS will not tolerate any such behavior by or towards any employee. This applies to all full-time, part-time, and temporary employees.

**Any employee who violates any component of the Respectful Workplace will be subject to discipline, up to and including termination of employment.**

#### Categories of Disrespectful Behavior

Violent Behavior: Includes the use of physical force, threats of physical force, harassment or intimidation, or abuse of power or authority, to control an employee by causing pain, fear, or hurt. Also includes the use of or threats of the use of weapons.

Discriminatory Behavior: Includes inappropriate remarks about or conduct related to an employee's race, color, creed, religion, national origin, sex, marital status, familial status, status with regard to public assistance, participation in any lawful activity off of NSCS's premises during non-working hours which is not in direct conflict with the essential business-related functions of NSCS, membership or activity in a local commission, disability, sexual orientation, age, genetic information, or any other classification protected under state or federal law. Also includes discrimination or harassment based on opposition to discrimination or participation in complaint proceedings.

Offensive Behavior: Includes work-related actions such as rudeness, exclusionary behavior, angry outbursts, inappropriate jokes, vulgar obscenities, name-calling, disrespectful language, bullying, or the intentional filing of an unfounded complaint under this policy.

Prohibited behavior also includes requests to engage in illegal, immoral, or unethical conduct, or retaliation for making a complaint under this policy.

#### Sexual Harassment

NSCS is committed to maintaining a work environment free from sexual harassment. Sexual harassment is one kind of discriminatory and offensive behavior. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or any other verbal or physical conduct or communication of a sexual nature, where:

- (1) Submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of employment;
- (2) Submission to or rejection of the conduct or communication is used as a factor in making employment decisions affecting an individual's employment (hiring, promotions, termination, etc.); or

- (3) Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment or creates an intimidating, hostile or offensive work environment.

Sexual harassment may include, but is not limited to, the following conduct:

- (1) Unwelcome or offensive sexual remarks or innuendo;
- (2) Unwelcome or offensive sexual jokes;
- (3) Unwelcome invitations to social engagements;
- (4) Unwelcome and objectionable physical contact;
- (5) Unwelcome and objectionable close physical proximity;
- (6) The dissemination of materials such as posters, photographs, cartoons, or other materials that have a sexual connotation and may be offensive;
- (7) Any indication (even if merely implied) that an individual's employment (hiring, promotions, termination, etc.) depends upon the granting of sexual favors; or
- (8) The creation (whether intentional or careless) of a work atmosphere that is offensive or intimidating.

## **Reporting**

Any employee who believes he or she has been subjected to a violation of this policy or any employee who believes he or she has witnessed another employee being subjected to a violation of this policy, must promptly report the violation to their immediate Supervisor or the Executive Director. If the supervisor or Director is the source of or a party to the violation, or does not respond to the report in a timely and appropriate manner, the employee must promptly report the violation to any member of the NSCS Board, including the Chair.

NSCS will not retaliate against any employee who reports a violation of this policy. NSCS will promptly investigate any report of a violation of this policy. NSCS will appropriately discipline any employee who commits a violation of this policy.

\*Please refer to the Harassment and Violence Policy 413 for additional information regarding other forms of harassment.

## **403 Employee Grievance**

### **I. Purpose**

The purpose of this policy is to provide a structure through which employees can get assistance with the resolution of interpersonal and employment-related issues. NSCS recognizes the value and importance of resolving misunderstandings and maintaining collegial relationships among all employees.

### **II. General Statement of Policy**

Grievances must be filed within 30 days of the incident needing resolution. At any step of this policy, either party may choose to have a third party present during meetings. All documentation and discussions are highly confidential and may not be shared with any other persons. Issues which are religious, racial, or

sexual in nature are reviewed under Policy 413 Harassment and Violence.  
\*Please use the GRIEVANCE FORM found on the T-drive in the NSCS Forms folder.

A. Grievance between employees

1. Try to resolve between parties with respect and civility. This must be completed in order to proceed to the next step- and is documented on the Grievance Form.
2. One or both parties bring issue to appropriate supervisor in writing using the Grievance Form. Supervisor will listen to all sides of the issue and will perform an adequate, reliable and impartial investigation. The supervisor will discuss, mediate, and decide on course of action to follow, which is documented on the Grievance Form. Affected employee(s) will receive communication and/or an updated Grievance Form with requested actions from the supervisor within 10 business days.
3. If this action does not resolve the issue, the parties may bring the issue to the Director (if the Director was not the supervisor in A.2). The Director will listen to all sides of the issue and will perform an adequate, reliable and impartial investigation. He/she will discuss, mediate, and decide on course of action to follow, which is documented on the Grievance Form. Affected employee(s) will receive communication and/or an updated Grievance Form from the Director within 10 business days. If the Director was not the supervisor in A.2, the Director's course of action is final and must be accepted by all parties.

B. Grievance between employee and supervisor (when the supervisor is not the Director)

1. Try to resolve between employee and supervisor with respect and civility. This must be completed in order to proceed to the next step- and is documented on the Grievance Form.
2. If satisfactory resolution is not achieved, employee may bring issue to the Director. Director will listen to all sides of the issue and will perform an adequate, reliable and impartial investigation. He/she will mediate, and decide on course of action to follow, which is documented on the Grievance Form. Affected employee(s) will receive communication and/or an updated form from Director within 10 business days. The Director's course of action is final and must be accepted by ~~the employees~~ all parties.

B. Grievance between employee and Director

1. Try to resolve between employee and Director with respect and civility. This must be completed in order to proceed to the next step- and is documented on the Grievance Form.

2. If satisfactory resolution is not achieved, either party may bring the issue to the NSCS Board Chair for discussion and mediation with the goal of achieving a satisfactory resolution. The party must provide the completed Grievance Form to the Board Chair. The Board Chair (or a designee from the NSCS Board that is named by the Chair) will perform an adequate, reliable and impartial investigation. He/she will mediate, and decide on course of action to follow, which is documented on the Grievance Form. Affected employees will receive communication and/or an updated Grievance Form from the Board Chair/Designee within 15 days. The designated School Board Member's determination is final, and must be accepted by the employees.

\*See Appendix A for the Grievance Form

## **2. SMOKING**

NSCS prohibits smoking on school grounds. Employees may smoke off school grounds during meal breaks, work breaks, and other non-work time.

## **3. DRUG FREE WORKPLACE**

### **I. PURPOSE**

The purpose of this policy is to maintain a safe and healthful environment for employees and students by prohibiting the use of alcohol, toxic substances, medical cannabis, and controlled substances without a physician's prescription.

### **II. GENERAL STATEMENT OF POLICY**

- A. Use or possession of controlled substances, toxic substances, medical cannabis, and alcohol before, during, or after school hours, at school or in any other school location, is prohibited as general policy. Paraphernalia associated with controlled substances is prohibited.
- B. A violation of this policy occurs when any student, teacher, administrator, other school district personnel, or member of the public uses or possesses alcohol, toxic substances, controlled substances, or medical cannabis in any school location.
- C. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or member of the public who violates this policy.

### **III. DEFINITIONS**

- A. "Alcohol" includes any alcoholic beverage, malt beverage, fortified wine, or other intoxicating liquor.

- B. “Controlled substances” include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 U.S.C. § 812, including analogues and look-alike drugs.
- C. “Medical cannabis” means any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins, and is delivered in the form of: (1) liquid, including, but not limited to, oil; (2) pill; (3) vaporized delivery method with use of liquid or oil but which does not require the use of dried leaves or plant form; or (4) any other method, excluding smoking, approved by the commissioner.
- D. “Toxic substances” includes glue, cement, aerosol paint, or other substances used or possessed with the intent of inducing intoxication or excitement of the central nervous system.
- E. “Use” includes to sell, buy, manufacture, distribute, dispense, possess, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration or consideration.
- F. “Possess” means to have on one’s person, in one’s effects, or in an area subject to one’s control.
- G. “School location” includes any school building or on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.

#### **IV. EXCEPTIONS**

- A. A violation of this policy does not occur when a person brings onto a school location, for such person’s own use, a controlled substance, except medical cannabis, which has a currently accepted medical use in treatment in the United States and the person has a physician’s prescription for the substance. The person shall comply with the relevant procedures of this policy.
- B. A violation of this policy does not occur when a person possesses an alcoholic beverage in a school location when the possession is within the exceptions of Minn. Stat. § 624.701, Subd. 1a (experiments in laboratories; pursuant to a temporary license to sell liquor issued under

Minnesota laws or possession after the purchase from such a temporary license holder).

## V. PROCEDURES

- A. Students who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, must comply with the school district's student medication policy.

*[Note: School districts are required by Minn. Stat. § 121A.22 to develop procedures for the administration of drugs and medicine. If the school district does not have a student medication policy such as MSBA/MASA Model Policy 516, this Paragraph A. can be modified to provide: "Students who have a prescription from a physician for medical treatment with a controlled substance must provide a copy of the prescription and the medication to the school nurse, principal, or other designated staff member. The school district's licensed school nurse, trained health clerk, principal, or teacher will administer the prescribed medication in accordance with school district procedures."]*

- B. Employees who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The employee must inform his or her supervisor. The employee may be required to provide a copy of the prescription.
- C. Each employee shall be provided with written notice of this Drug-Free Workplace/Drug-Free School policy and shall be required to acknowledge that he or she has received the policy.

*[Note: The Drug-Free Workplace Act requires that school district employees be notified by a published statement of the prohibition of the use of controlled substances and actions that will be taken against employees for violations of such prohibition. 41 U.S.C. § 8103; 34 C.F.R. Part 84. An acknowledgment will document satisfaction by the school district of this federal requirement.]*

- D. Employees are subject to the school district's drug and alcohol testing policies and procedures.
- E. Members of the public are not permitted to possess controlled substances in a school location except with the express permission of the superintendent.
- F. No person is permitted to possess or use medical cannabis on a school bus or van; or on the grounds of any preschool or primary or secondary school; or on the grounds of any child care facility.

- G. Possession of alcohol on school grounds pursuant to the exceptions of Minn. Stat. § 624.701, Subd. 1a, shall be by permission of the school board only. The applicant shall apply for permission in writing and shall follow the school board procedures for placing an item on the agenda.

## **VI. ENFORCEMENT**

### **A. Students**

1. A student who violates the terms of this policy shall be subject to discipline in accordance with the school district's discipline policy. Such discipline may include suspension or expulsion from school.
2. The student may be referred to a drug or alcohol assistance or rehabilitation program and/or to law enforcement officials when appropriate.

### **B. Employees**

1. As a condition of employment in any federal grant, each employee who is engaged either directly or indirectly in performance of a federal grant shall abide by the terms of this policy and shall notify his or her supervisor in writing of his or her conviction of any criminal drug statute for a violation occurring in any of the places listed above on which work on a school district federal grant is performed, no later than five (5) calendar days after such conviction. Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
2. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, termination, or discharge as deemed appropriate by the school board.
3. In addition, any employee who violates the terms of this policy may be required to satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation program approved by the school district. Any employee who fails to satisfactorily participate in and complete such a program is subject to nonrenewal, suspension, or termination as deemed appropriate by the school board.
4. Sanctions against employees, including nonrenewal, suspension, termination, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and school district policies.

C. The Public

A member of the public who violates this policy shall be informed of the policy and asked to leave. If necessary, law enforcement officials will be notified and asked to provide an escort.

## **D. COMPENSATION/WORK DAY**

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### **1. ASSIGNMENT**

The details of each employee's assignment, including job duties, work schedule, days of employment, and compensation are set forth in a written employment agreement.

### **2. MEAL, WORK, AND NURSING BREAKS**

Meal Breaks: All non-exempt employees may take one 30-minute unpaid break. Meal breaks should be taken at scheduled times. The meal break may not be used to perform any work duties.

Work Breaks: All non-exempt employees will be given sufficient time to use the restroom or attend to personal needs throughout their workday.

Nursing Breaks: Any employee who needs to express breast milk for her infant will receive reasonable unpaid break time each day to do so. The break time must, if possible, run concurrently with other break time. NSCS will make reasonable efforts to provide a room or other location, in close proximity to the work area, other than a bathroom or a toilet stall, that is shielded from view and free from intrusion from co-workers and the public and that includes access to an electrical outlet, where an employee can express breast milk in privacy. NSCS will not retaliate against any employee for asserting any rights or remedies with respect to the Minnesota Nursing Mothers statute.

### **3. EXPENSE REIMBURSEMENT**

Any expenses incurred by employees must be approved in advance by the Executive Director. Reimbursements will be processed like an invoice. All completed reimbursement request forms should be submitted to the Business Office for processing. All expenses must have accompanying receipts for reimbursement.

### **4. SALARY DEDUCTIONS**

Exempt employees receive a salary intended as compensation for all hours worked. An exempt employee's salary is established at the time of hire or when an employee becomes classified as an exempt employee. While an exempt employee's salary is subject to review and modification from time to time, such as during a performance evaluation, the salary is a predetermined amount of compensation that is not subject to deductions for variations in the quality or quantity of work performed or for absences occasioned by or by the operating requirements of NSCS. Subject to the exceptions listed below, an exempt employee must receive his or her full salary for any workweek in which he or she performs any work, regardless of the number of days or hours worked.

Absent contrary state law requirements, deductions from an exempt employee's salary are permissible when an exempt employee: is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full

days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions. Also, an employer is not required to pay the full salary in the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act (FMLA). In these circumstances, either partial day or full day deductions may be made.

It is our policy to comply with the salary basis requirements of the Fair Labor Standards Act. We want employees to be aware of this policy and that NSCS does not allow deductions that violate the Fair Labor Standards Act.

Any exempt employee who believes he or she has been subject to an improper deduction or whose pay does not accurately reflect the hours worked, should immediately report the matter to the Business Office. If the Business Office is unavailable or if the employee has not received a prompt and satisfactory response from the Business Office, he or she should report the matter to the Executive Director.

Exempt employees will be reimbursed for any improper deduction. Every report of an improper deduction will be promptly investigated. NSCS will not allow retaliation against any employee who reports an improper deduction or who cooperates in NSCS's investigation of such reports.

## **E. EMPLOYMENT BENEFITS**

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### **1. INTRODUCTION**

NSCS is committed to providing flexible and cost-effective benefits to employees according to their employment status. However, NSCS may change the types of benefits, or change insurance carriers, deductibles, premiums, or any other feature of any benefits, including but not limited to eligibility for benefits, at any time, in its sole and complete discretion. In addition, NSCS may discontinue one or more benefits at any time, in its sole and complete discretion. Covered employees will be notified of changes or discontinuations as soon as is practicable.

### **2. DETAILS**

Each employee's benefits are summarized in a written employment agreement. The applicable insurance policies, summary plan descriptions, and plan documents explain each benefit in detail. The various policies and plans are controlled by the provisions of those documents. Any questions regarding benefits should be directed to The Business Office.

## **F. LEAVES OF ABSENCE**

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### **1. BONE MARROW DONATION LEAVE**

NSCS will provide paid leave to any employee who works an average of 20 or more hours per week and seeks to undergo a medical procedure to donate bone marrow. The combined length of the leaves will not exceed 40 work hours, unless NSCS authorizes additional leave in writing. In order to qualify for leave, the employee must provide NSCS with written verification by a physician of the purpose and length of each leave. If there is a medical determination that the employee does not qualify as a bone marrow donor, any paid leave granted prior to that determination is not forfeited.

### **2. CIVIL AIR PATROL SERVICE LEAVE**

NSCS will provide unpaid leave to any employee who works an average of 20 or more hours per week to render service as a member of the civil air patrol on the request and under the authority of the state or any of its political subdivisions, so long as the leave will not unduly disrupt the operations of NSCS.

### **3. CRIME VICTIMS LEAVE**

NSCS will permit employees to take a reasonable amount of paid time off to attend criminal proceedings if the employee is a victim or witness who is subpoenaed or requested by the prosecutor to attend court or is a victim of a violent crime or the spouse or immediate family member of a victim of a violent crime. NSCS will also permit employees to take a reasonable amount of paid time off to obtain a restraining order or order for protection or to otherwise attempt to obtain relief from harassment or domestic abuse. NSCS requires 48 hours' advance notice of the need for leave, unless providing such notice is impracticable, and may require verification of the reason for the leave.

### **4. ELECTION JUDGE LEAVE**

NSCS will provide paid leave to any employee who is selected to serve as an election judge pursuant to Minnesota Statute § 204B.21. Although the leave is paid, NSCS will reduce the wages of any employee serving as an election judge by the amount paid to the employee by the appointing authority during the time the employee was absent from work. In order to qualify for leave, an employee must provide NSCS with at least 20 days' advance written notice of the need for leave and a certification from the appointing authority stating the hourly compensation to be paid to the employee for his or her service and the hours during which the employee will serve.

### **5. FAMILY AND MEDICAL LEAVE (FMLA)**

#### **I. DEFINITION**

A family or medical leave of absence is defined as an approved absence available to eligible employees for up to 12 weeks or, in some circumstances up to 26 weeks, of

unpaid leave during a 12-month period under particular circumstances that are critical to the life of a family. To determine the amount of FMLA leave to which an employee is entitled, the 12-month period is measured forward from the date the employee's FMLA leave first begins.

Leave may be taken:

- on the birth of an employee's child;
- on the placement of a child for adoption or foster care with an employee;
- when an employee is needed to care for a child, spouse, or parent who has a serious health condition;
- when an employee is unable to perform at least one of the essential functions of his or her position because of the employee's own serious health condition;
- when an employee has a spouse, son, daughter, or parent who is on covered active duty (or has been notified of an impending call or order to covered active duty) in a regular component of the Armed Forces for duty during deployment to a foreign country, or who is a member of a reserve component of the Armed Forces for duty during deployment to a foreign country under a call or order to active duty under federal law, and the employee needs to address certain qualifying exigencies related to that family member; or
- when an employee is needed to care for a spouse, son, daughter, parent, or next of kin who is a covered servicemember, including certain veterans, with a serious injury or illness.

## **II. SCOPE**

This policy applies to all family and medical leaves of absence including leaves that are covered under paid employment benefit plans or policies for any part of the 12 weeks' or 26 weeks' leave to which the employee may be entitled under this policy. In other words, if an employee is entitled to both FMLA leave and paid leave under another benefit plan or policy, the employee is required to use all applicable paid leave to which the employee is entitled before unpaid leave, and the FMLA leave and the paid and unpaid leave will run concurrently.

## **III. ELIGIBILITY**

To be eligible for leave under this policy, an employee must have been employed by NSCS for at least 12 months and must have worked at least 1,250 hours during the 12-month period immediately preceding the beginning of the leave.

*Exception:* If an employee on leave is salaried and among the highest paid 10% of company employees employed within 75 miles of the employee's worksite, and keeping the job open for the employee would result in substantial and grievous economic injury to the company, the employee can, in some circumstances, be denied job restoration after leave. In this situation, the employee will be given an opportunity to return to work during leave.

#### **IV. BASIC CONDITIONS OF LEAVE**

***Medical certification.*** NSCS will require medical certification to support a claim for leave for an employee's own serious health condition or to care for a child, spouse, or parent with a serious health condition. For the employee's own serious health condition, the certification must include a statement that the employee is unable to perform the essential functions of his or her position. For leave to care for a child, spouse, or parent with a serious health condition, the certification must include an estimate of the amount of time that the employee is needed to provide care.

NSCS may require a second medical opinion and periodic recertifications at its own expense. If the first and second opinions differ, NSCS may require the binding opinion of a third health care provider, approved jointly by NSCS and the employee and paid for by NSCS. The employee will be provisionally entitled to leave and benefits under FMLA pending the second and/or third opinion.

***Intermittent or reduced leave schedule.*** Leave may be taken on an intermittent or reduced-leave schedule if it is medically necessary for a serious health condition of the employee or his or her spouse, child, or parent, for a qualifying exigency, or to care for a covered servicemember with a serious injury or illness. If leave is requested on this basis, however, NSCS may, in certain circumstances, require the employee to transfer temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring absences. The alternative position will have equivalent pay and benefits.

***Spouses combined leave.*** Spouses who are both employed by NSCS are entitled to a joint total of 12 weeks' leave (rather than 12 weeks each) for the birth or placement for adoption or foster care of a child or for the care of a parent with a serious health condition. Spouses are entitled to a combined 26 weeks' leave for the care of a covered servicemember with a serious injury or illness. For any other qualifying FMLA reason, each spouse will be entitled to the full 12 weeks of FMLA leave, or that portion of leave remaining in the relevant 12-month period.

#### **V. NOTIFICATION AND REPORTING REQUIREMENTS**

When the need for leave is foreseeable, such as the birth of a child, the placement for adoption or foster care of a child, or planned medical treatment, the employee must generally provide reasonable prior notice, usually 30 days' notice, and make an effort to schedule leave so that it does not unduly disrupt company operations. When the need for leave is not foreseeable, the employee must provide notice as soon as practicable. Employees will be required to provide recertification of the need for leave and report periodically on their status and intent to return to work. Employees will also be required to furnish a fitness-for-duty certification upon returning to work when leave was occasioned by the employee's own serious health condition that made the employee unable to perform the employee's job.

## **VI. STATUS OF EMPLOYEE BENEFITS DURING LEAVE OF ABSENCE**

**Health insurance.** Group health care coverage will continue for employees on leave as if they were still working. Employees who are granted an approved leave of absence under this policy are advised to arrange to pay their share of premiums during the absence. If the leave is paid, premiums will continue to be paid through payroll deductions. If the leave is unpaid, employees are responsible for making sure the company receives premium payments by the normal payroll dates.

**Recovery of premiums.** If an employee chooses not to return to work, or does not stay at work for at least 30 days upon return from leave (for reasons other than retirement), after an approved leave of absence, NSCS may recover from the employee the cost of any payments made to maintain the employee's health insurance while the employee was on leave, unless the failure to return from leave is because of either a continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member, or a serious injury or illness of a covered servicemember, or other circumstances beyond the employee's control. Benefit entitlements based on length of service will be calculated as of the last paid work day before the start of the leave of absence.

## **VII. SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES**

An instructional employee is one whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This includes, but is not limited to, teachers, coaches, driver's education instructors, and special education assistants.

Instructional employees who request foreseeable medically necessary intermittent leave or leave on a reduced work schedule greater than 20 percent of the work days in the leave period may be required to:

1. take leave for the entire period or periods of the planned medical treatment; or
2. transfer temporarily to an available alternative position for which the employee is qualified, and which provides equivalent pay and benefits, and which better accommodates recurring periods of leave.

Instructional employees who request continuous leave near the end of a trimester may be required to extend the leave through the end of the trimester. The number of weeks remaining before the end of a trimester does not include scheduled school breaks, such as summer, winter, or spring break.

The regular rules apply except in circumstances when:

1. An instructional employee begins leave more than five weeks before the end of a term. NSCS may require the employee to continue taking leave until the end of the term if –

- (i) The leave will last at least three weeks, and
  - (ii) The employee would return to work during the three-week period before the end of the term.
2. The employee begins leave during the five-week period before the end of a term because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a serious health condition; or to care for a covered servicemember. NSCS may require the employee to continue taking leave until the end of the term if –
- (i) The leave will last more than two weeks, and
  - (ii) The employee would return to work during the two-week period before the end of the term.
3. The employee begins leave during the three-week period before the end of a term because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a serious health condition; or to care for a covered servicemember. NSCS may require the employee to continue taking leave until the end of the term if the leave will last more than five working days.

If an employee chooses to take leave, the entire period of leave taken will be counted as FMLA leave. If an employee is required to take leave until the end of an academic term, only the period of leave until the employee is ready and able to return to work will be charged against his or her FMLA entitlement. However, the school district will continue to fulfill its leave responsibilities and obligations, including the obligation to continue the employee's health insurance and other benefits and to restore the employee to the same or an equivalent position at the conclusion of the leave.

## **VIII. PROCEDURES**

All requests for family and medical leaves of absence due to a serious health condition must be supported by a sufficient medical certification stating, among other things:

1. the date on which the serious health condition began;
2. the probable duration of the condition; and
3. the appropriate medical facts that the health care provider knows about the condition.

In addition, for leave to care for a child, spouse, or parent with a serious health condition, the certification must include an estimate of the amount of time that the employee is needed to provide such care.

For leave for an employee's own serious health condition, the certification must state that the employee is unable to perform the essential functions of his or her position and the likely duration of such inability.

For certification for intermittent leave or leave on a reduced-leave schedule for planned medical treatment, the certification must state the dates on which such treatment is expected to be given and the duration of the treatment and any periods of recovery.

Certification will also be required when an employee requests leave for a qualifying exigency or to care for a covered servicemember with a serious injury or illness,

## **IX. EFFECT OF LABOR AGREEMENT**

All family and medical leaves will be governed by the provisions of this policy unless modified by an applicable labor agreement which provides greater family or medical leave rights.

## **X. MINNESOTA PREGNANCY AND PARENTING LEAVE ACT**

Even if an employee is not eligible for parental leave under the FMLA, he or she may be eligible for leave under the Minnesota Pregnancy and Parenting Leave Act. That Act will be effective for employees who do not meet the eligibility requirements of the FMLA, and, in any case where state law provides a better benefit, it will also be effective for employees who are covered by the FMLA. (See the Pregnancy and Parenting Leave policy.)

*NSCS will comply with the FMLA and implementing regulations, as required by law. NSCS will not interfere with, restrain, or deny any employee the exercise of any right provided under the FMLA, and will not discriminate against or discharge any person for opposing any practice made unlawful by the FMLA, or for involvement in any proceeding under or relating to the FMLA. See also Family and Medical Leave Policy 410.*

## **6. EXTENDED PERSONAL LEAVE**

### **I. PURPOSE**

The purpose of this policy is to provide for extended personal leaves of absence when the leave does not qualify for protection under the FMLA.

### **II. GENERAL STATEMENT OF POLICY**

An employee who has completed at least four school years of service and who is in good standing (has not been subject to disciplinary action within the previous calendar year) may request an extended personal leave of absence for up to one calendar year twice during their employment at NSCS.

### **III. PROCEDURES**

- A. Extended personal leaves will be unpaid.
- B. An employee must use all accrued flex time prior to being eligible for an extended personal leave.
- C. Seniority status will not be accrued during extended personal leaves.
- D. While an employee is on extended personal leave, all employer paid benefits will cease. The employee may elect for the continuation of benefits through Consolidated Omnibus Budget Reconciliation Act (COBRA) during the leave.
- E. The employee will be responsible to confirm in writing that s/he intends to return to work ninety (90) days prior to the last day of the extended leave. Any employee who fails to confirm his/her return to work after leave may be subject to dismissal from employment.
- F. Employees are expected to return to work by the end of their approved leave. If an employee plans to return to work sooner than the expected return date listed on the Leave Request, the employee must notify the director in writing thirty (30) days prior to the early return.

### **7. JURY DUTY LEAVE**

NSCS will provide unpaid leave to any non-exempt employee who reports to jury duty in response to a summons. Leave for exempt employees will be coordinated by The Business Office. NSCS will not take adverse action against any employee who receives a summons, responds to a summons, attends court for prospective jury service, or serves as a juror.

### **8. MILITARY LEAVE**

All employees who are called to service in the armed forces are eligible for unpaid military leave in accordance with state and federal law. Leave is available for active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, for examinations to determine fitness for any such duty, and for any other leave permitted by state and federal law. An employee should notify his or her supervisor of the need for military leave as far in advance of the leave as possible. An employee's rights with respect to the substitution of accrued paid vacation time, the continuation of health plan coverage, and the accrual of benefits during military leave, in addition to reinstatement after military leave, will be as defined by state and federal law.

### **9. MILITARY CEREMONIES LEAVE**

NSCS will provide up to a maximum of 1 day of unpaid leave each calendar year to any employee whose immediate family member, as a member of the United States armed

forces, has been ordered into active service in support of a war or other national emergency for the purpose of attending a send-off or homecoming ceremony for that family member, so long as the leave will not unduly disrupt the operations of NSCS. “Immediate family member” means an employee’s parent, legal guardian, child, grandparent, grandchild, sibling, spouse, or fiancée.

## **10. MILITARY FAMILIES LEAVE**

NSCS will provide up to a maximum of 10 working days of unpaid leave to any employee whose immediate family member, as a member of the United States armed forces, has been injured or killed while engaged in active service. “Immediate family member” means an employee’s parent, child, grandparent, sibling, or spouse. An employee must give his or her manager as much notice of the need for leave as practicable. Although the leave is unpaid, an employee may substitute any accrued paid leave for any part of the leave.

## **11. PREGNANCY AND PARENTING LEAVE**

NSCS will provide up to a maximum of 12 weeks of unpaid leave to any employee who has been employed by NSCS at least one-half time during the 12-month period immediately preceding the leave for: (1) a biological or adoptive parent in conjunction with the birth or adoption of a child; or (2) a female employee for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions. The length of the leave shall be determined by the employee, but must not exceed 12 weeks, unless agreed to by NSCS.

The leave shall begin at a time requested by the employee. However, for leave taken for a birth or adoption, the leave must begin within 12 months of the birth or adoption (unless the child must remain in the hospital longer than the mother, in which case the leave must begin within 12 months after the child leaves the hospital).

The employee must provide NSCS with reasonable notice of the date the leave will commence and the estimated duration of the leave. NSCS will continue to make insurance coverage available to the employee and the employee’s dependents (if any) during the leave, although the employee must pay the full premium.

The 12 weeks of leave may be reduced by: (1) any period of available disability, sick, or vacation time; or (2) any period of FMLA leave taken for the same reason. In most circumstances, the employee is entitled to a total of 12 weeks of pregnancy and parenting leave, unless NSCS agrees to provide additional leave.

## **12. SCHOOL CONFERENCES AND SCHOOL-RELATED ACTIVITIES LEAVE**

NSCS will provide up to a maximum of 16 hours of unpaid leave during any 12-month period to any employee who is employed by NSCS at least one-half time during the 12-month period immediately preceding the leave for the purpose of attending the school conferences or school-related activities of his or her child (including a foster child), if such conferences or activities cannot be scheduled during non-working hours. If an

employee's child receives child care services or attends a prekindergarten regular or special education program, the employee may also use this leave to attend a conference or activity related to the child, or to observe and monitor the services or program, if such conference, activity, or observation cannot be scheduled during non-working hours. Although the leave is unpaid, an employee may substitute any accrued vacation time for any part of the leave. When the need for leave is foreseeable, an employee must give his or her manager reasonable advance notice of the need for leave and must make a reasonable effort to schedule the leave so as not to unduly disrupt NSCS's operations.

### **13. SICK OR INJURED RELATIVE LEAVE**

NSCS will permit any employee who has been employed by NSCS at least one-half time during the 12-month period immediately preceding the leave to use his or her personal flex days for the purpose of caring for a minor child, adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent who is suffering from an illness or injury on the same terms that the employee could use the sick leave for his or her own illness or injury.

“Personal flex days” means time accrued and available to be used as a result of absence from work due to personal illness or injury, but does not include short-term or long-term disability. “Child” includes a stepchild and a biological, adopted, and foster child. “Minor child” includes a “child” under 18 years of age or an individual under age 20 who is still attending secondary school. “Grandchild” includes a step-grandchild and a biological, adopted, and foster grandchild.

An employee may use flex days for safety leave for reasonable periods of time. “Safety leave” is leave for the purpose of providing or receiving assistance because of sexual assault, domestic abuse, or stalking. Safety leave may be used for assistance to the employee or to the relatives listed above.

An employee may not take more than 160 hours of leave in any 12-month period for any reason listed above other than the illness or injury of a minor child.

### **14. VOTING LEAVE**

NSCS will provide paid leave to any employee who is eligible to vote for the time necessary to appear at the employee's polling place, cast a ballot, and return to work on the day of a regularly scheduled state primary or general election, an election to fill a vacancy in the office of United States senator or United States representative, or an election to fill a vacancy in the office of state senator or state representative.

**NSCS will not retaliate against any employee for requesting or taking any type of leave.**

## G. WORK GUIDELINES

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### **8710.2100 CODE OF ETHICS FOR MINNESOTA TEACHERS.**

#### **Scope.**

Each teacher, upon entering the teaching profession, assumes a number of obligations, one of which is to adhere to a set of principles which defines professional conduct. These principles are reflected in the following code of ethics, which sets forth to the education profession and the public it serves standards of professional conduct and procedures for implementation.

This code shall apply to all persons licensed according to rules established by the Board of Teaching.

#### **Standards of professional conduct.**

The standards of professional conduct are as follows:

- A. A teacher shall provide professional education services in a nondiscriminatory manner.
- B. A teacher shall make reasonable effort to protect the student from conditions harmful to health and safety.
- C. In accordance with state and federal laws, a teacher shall disclose confidential information about individuals only when a compelling professional purpose is served or when required by law.
- D. A teacher shall take reasonable disciplinary action in exercising the authority to provide an atmosphere conducive to learning.
- E. A teacher shall not use professional relationships with students, parents, and colleagues to private advantage.
- F. A teacher shall delegate authority for teaching responsibilities only to licensed personnel.
- G. A teacher shall not deliberately suppress or distort subject matter.
- H. A teacher shall not knowingly falsify or misrepresent records or facts relating to that teacher's own qualifications or to other teachers' qualifications.
- I. A teacher shall not knowingly make false or malicious statements about students or colleagues.
- J. A teacher shall accept a contract for a teaching position that requires licensing only if properly or provisionally licensed for that position.

Please see the MN Board of Teaching website for additional information on:

**Statutory enforcement of code: complaints, investigation, and hearing.  
Complaints handled by board.  
Enforcement procedures.**

**Statutory Authority:**

*MS s 125.185*

**1. APPEARANCE AND PROFESSIONALISM**

Employee appearance is important. All employees are expected to dress and groom appropriately for a school environment. All clothing must be clean and neat and personal hygiene appropriate. NSCS expects employees to behave in a professional manner and to maintain professional looking work spaces.

**2. CONFIDENTIAL INFORMATION**

Confidential information pertains to all knowledge and information which an employee may acquire in the course of his or her employment which relates to the business, developments, activities, and services, or to the financial affairs of NSCS or any individual or firm doing business with NSCS, including, but not limited to: current and potential student information; financial information, such as budget and audit reports, financial statements, budget and financial plans, tax data; and organizational strategies and plans. Any information marked “confidential” by NSCS will also be deemed to be covered under this policy. With respect to education records, see the protection and privacy of pupil records policy.

**This policy does not limit employees’ rights to communicate about the terms and conditions of employment. Any employee who violates this policy will be subject to discipline, up to and including termination of employment.**

**3. PERSONNEL FILES**

**I. RESPONSIBILITY FOR RECORDS**

The Executive Director is responsible for assuring compliance with data privacy requirements for personnel data, and shall maintain a personnel file on each employee covered by these policies. All requests for personnel data shall be referred to the Executive Director.

**II. TYPES OF DATA**

**PUBLIC DATA:** Data about a person which must be shown to the person, if he or she wishes and which are open to the public.

**PRIVATE DATA:** Data about a person which must be shown to that person upon request, but are not available to others without his or her permission or as otherwise specifically authorized by law.

**PERSONNEL DATA:** Data on individuals collected because the individual is or was an employee of, an applicant for employment by, performs services on a voluntary basis for, or acts as an independent contractor with NSCS or is a member of an advisory board or commission.

**SUMMARY DATA:** Data about a person used to develop statistical records and reports are considered public information, provided they do not identify the person in any way.

### **III. PUBLIC PERSONNEL DATA**

The following personnel data are classified as public with respect to employees, volunteers, and independent contractors:

1. name;
2. employee identification number, which must not be the employee's Social Security number;
3. gross salary;
4. salary range;
5. terms and conditions of employment;
6. gross pension;
7. contract fee;
8. the value and nature of employer-paid fringe benefits;
9. the basis for and the amount of any added remuneration, including expense reimbursements;
10. job title;
11. job description;
12. education and training background;
13. previous work experience;
14. dates of employment (first and last);
15. existence and status of complaints or charges against employee;
16. the final disposition of any disciplinary action, together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the school district;
17. work location;
18. work telephone number;
19. badge number;
20. work-related continuing education;
21. honors and awards received by the employee; and
22. payroll time sheets, and other comparable data that are only used to account for employees' work time for payroll purposes, except to the extent that release of time sheet data would reveal the employees' reasons for the use of sick or other medical leave or other not public data.

The following personnel data are classified as public with respect to applicants:

1. veteran status;
2. relevant test scores;
3. rank on eligible list;
4. job history;
5. education and training;
6. work availability; and
7. name – considered private data except when certified as eligible for appointment to a vacancy or considered a “finalist” (selected to be interviewed).

All employees should check with the Executive Director before releasing any personnel data, including the public data listed above.

#### **IV. OTHER PERSONNEL DATA**

Personnel data is generally private or confidential with the exception of certain public data such as the examples listed in the preceding section. All requests for access to personnel data should be directed to the Executive Director.

#### **V. GENERAL CONTENTS OF PERSONNEL FILES**

The following information shall routinely be included in an employee’s personnel file:

1. Data collected for administration purposes such as job applications, reference letters supplied by the employee, and resumes.
2. Documentation of personnel actions or activities such as salary/wage changes, job classifications, performance reviews, termination notices, disciplinary actions, and commendations.
3. Official written correspondence to an employee.
4. Written correspondence from an employee.
5. Documentation of employment status, authorization for deduction or withholding of pay, fringe benefit information, leave records, and attendance records.

**Note:** Medical records, medical reports, information pertaining to the use of sick leave or medical leave, and other information revealing an employee’s medical condition shall be separately maintained and accessed by the Executive Director or designee on a need-to-know basis only.

Employees may not be specifically notified each time data are routinely entered into their personnel files. Employees may request to view and receive copies of information in their file. Employees may be charged for the actual costs of making, certifying, and compiling the copies.

#### 4. TELEPHONES / E-MAIL / INTERNET USE

NSCS provides telephones and computer resources for use by its employees for business purposes. "Computer resources" includes, but is not limited to, host computers, file servers, application servers, communication servers, mail servers, web servers, workstations, stand-alone computers, "jump drives," software, data files, and all internal and external computer and communications networks, including electronic mail ("e-mail") and internet systems that may be accessed directly or indirectly from NSCS's computer network.

**All employees must comply with this policy in using NSCS's telephones and computer resources. If any employee violates this policy, he or she will be subject to discipline, up to and including termination of employment.**

Inappropriate or unacceptable use of NSCS's computer resources includes the following conduct:

- (1) Creating, sending, receiving, accessing, or storing computer files, messages, or pictures which are pornographic, obscene, sexually suggestive, sexist, racist, discriminatory, or harassing;
- (2) Using computer resources to conduct illegal activities;
- (3) Making illegal copies of licensed software;
- (4) Using software that is designed to destroy data, provide unauthorized access to computer resources, or disrupt, disable, impair, or otherwise harm computer resources in any way;
- (5) Downloading files without checking for computer viruses; or
- (6) Loading software that is not approved by NSCS.

NSCS's telephones and computer resources must be used primarily for work-related purposes. Limited personal use, such as making a personal telephone call or accessing the internet for personal purposes during meal breaks, work breaks, or other non-work time is acceptable. However, personal use must not interfere with the performance of work duties and must be consistent with NSCS's policies and procedures, including the respectful workplace policy.

**Any telephonic or e-mail communications created, sent, received, accessed, or stored with NSCS's telephonic or e-mail systems are the property of NSCS. Therefore, employees do not have an express or implied personal privacy right in any matter created, sent, received, accessed, or stored with NSCS's telephonic or e-mail systems.** Although NSCS does not intend to routinely monitor telephonic or e-mail communications, it may monitor these systems and access information or communications stored on the systems to maintain the integrity and efficiency of the system, prevent and discourage unauthorized access and system misuse, retrieve business-related information, investigate reports of misconduct or misuse, reroute or dispose of undeliverable mail, or respond to lawful requests for information, including requests from law enforcement agencies. The existence of passwords or "message delete" functions does not restrict or eliminate NSCS's ability or right to access information or communications stored on NSCS's e-mail system.

**Employees also do not have an express or implied personal privacy right in any information created, sent, received, or accessed with NSCS's internet system.**

Although NSCS does not intend to routinely monitor internet use, it may do so to maintain the integrity and efficiency of the system, prevent and discourage unauthorized access and system misuse, retrieve business-related information, or investigate reports of misconduct or misuse. The existence of passwords does not restrict or eliminate NSCS's ability or right to monitor internet use.

If any employee receives inappropriate or unacceptable material from another employee or observes another employee engaging in inappropriate or unacceptable use of NSCS's telephones or computer resources, he or she must contact their supervisor immediately.

Any violation of this policy will result in the revocation of privileges to use NSCS's telephones and computer resources. In addition, any violation of this policy will result in disciplinary action, up to and including termination of employment.

## **5. CELLULAR TELEPHONES**

Employees must limit the use of their personal cellular telephones during work time to essential calls only, which must be completed as soon as possible. Employees may use their cellular telephones during meal breaks, work breaks, or other non-work time.

For purposes of this policy "use" of a cellular telephone includes playing games, sharing non-school related photos, placing and sending outgoing calls and text messages, receiving incoming calls and text messages, and sending and receiving other kinds of data on smart phones.

Any employee whose use of a cellular telephone interferes with the performance of work duties or violates any NSCS policy, including the respectful workplace policy, will be subject to disciplinary action, up to and including termination of employment.

## **6. EMPLOYMENT REFERENCES**

If NSCS receives a request for information from another person or entity about an employee, either during the employee's employment or after the employee's employment has ended, NSCS will provide only the following information: dates of employment; last job title; and wage/salary.

NSCS will not furnish any additional information, unless the employee specifically directs it to do so and signs a release prepared by NSCS which authorizes it to do so. If an employee does not authorize NSCS to furnish any additional information, NSCS will advise the requesting person or entity that, absent a release, NSCS will provide only the information set out above.

## **7. TARDINESS AND ABSENTEEISM**

Employees must report to work on time. If employees are unable to report for work for any reason, they must notify their immediate Supervisor and the Office and, if

appropriate, the Executive Director before their regular starting time. Teachers are responsible for arranging for a substitute for any absence.

**Any employee who is habitually tardy and or absent, including using more than your allotted number of flex days without a doctor's note or extenuating circumstances, will be subject to disciplinary action, up to and including termination of employment.**

## **8. DISCIPLINE AND TERMINATION**

### **I. PURPOSE**

The purpose of this policy is to provide a disciplinary process for the NSCS Board and Executive Director(s).

### **II. GENERAL STATEMENT OF POLICY**

The NSCS Board and Executive Director(s) will review all pertinent facts and information when disciplining employees. An employee has the right to have a third party present during any step of the discipline, improvement, or termination process.

If an employee requests that a third party be present during any step of these processes, the meeting time must occur by the end of the employee's next scheduled work day or an alternate date on which the employee and administration mutually agree.

### **III. DISCIPLINE**

A. Employee misconduct will result in the imposition of discipline, up to and including termination. Misconduct includes, but is not limited to:

1. unprofessional conduct;
2. neglect of duties;
3. failure to observe the rules, regulations, policies and standards of the school; and/or directives from supervisors and any act of insubordination
4. use of alcohol or illegal drugs on the job or any use off the job which affects an employee's job performance;
5. activities of a criminal nature (other than minor traffic violations or similar minor offenses);
6. falsification of credentials and experience;
7. destruction of school property;
8. inappropriate conduct;
9. violation of the rights of others as provided by federal and state laws related to human rights as determined by the NSCS Board.

B. Forms of discipline

The forms of discipline that may be imposed by the Executive Director(s) or authorized designee, or NSCS Board, include, but are not limited to:

1. oral warning with written documentation;
2. written warning or reprimand;
3. probation/improvement plan;
4. suspension with or without pay;
5. termination.

Progressive discipline is usually, although not always, followed.

C. Employee Improvement Plan

If an employee's job performance is poor, the NSCS Executive Director(s) or authorized designee will give written notice of poor job performance to the employee after an evaluation and/or performance review. The Executive Director(s) or authorized designee and employee will develop a written improvement plan outlining the following:

1. corrections to be made;
2. process for improvement;
3. criteria for successful improvement; and
4. a schedule of future evaluations.

The employee will have 30 school days to make corrections and then a meeting will be held with the employee to assess progress. The Executive Director(s) or authorized designee may extend the improvement plan for an additional period of time, up to 60 school days, for continued progress if needed. Any modification to the improvement plan or the timing of corrections will be proposed by the Executive Director(s) or authorized designee and approved by the NSCS Board in advance.

If adequate progress as determined by the Executive Director(s) or authorized designee is not made following the correction period, written notice of termination will be given to the employee, and the Executive Director(s) or authorized designee will make a recommendation to the NSCS Board to terminate employment. The employee may make written appeal to the NSCS Board within 10 days of the receipt of such notice to dispute the termination. An employee may be assisted by a representative during the appeal process.

D. Notwithstanding the foregoing, the NSCS Board may terminate an employee, effective immediately, upon any of the following grounds:

1. unethical conduct, insubordination, or conviction of a felony;

2. conduct unbecoming an NSCS employee which requires the immediate removal of the employee from classroom or other duties;
3. willful neglect of duty; or
4. suspension or revocation of an employee's professional license.

Should any of the above violations occur, the Executive Director(s) or authorized designee would make a recommendation of termination to the NSCS Board. The NSCS Board must notify the employee in writing and state its grounds for the proposed termination in reasonable detail. Within 10 days after receiving this notification, the employee may make a written request for an informal hearing before the NSCS Board and such request shall be granted before final action is taken. The NSCS Board may, however, suspend an employee without pay pending the conclusion of such hearing. An employee may be accompanied by a representative during such hearing.

## **9. SAFETY**

All employees are expected to obey safety rules and to exercise caution and common sense in all work activities. Employees must immediately report any unsafe conditions to the Executive Director. In the event an employee is hurt or becomes ill at work, he or she must immediately notify the Executive Director.

## **10. SECURITY**

All employees who are issued keys to the school are responsible for their safekeeping. Either the last employee to leave the office or a previously designated employee must ensure that all doors are securely locked, windows are closed and locked, and all appliances and lights are turned off, with the exception of any lights left on for security purposes.

## **11. WAGE DISCLOSURE**

Employees have the right to communicate about wage/salary, benefits, and other terms and conditions of employment. NSCS will not: (1) require non-disclosure by an employee of his or her wages as a condition of employment; (2) require an employee to sign a waiver or other document which purports to deny an employee the right to disclose the employee's wages; or (3) take any adverse employment action against an employee for disclosing the employee's own wages or discussing another employee's wages which have been disclosed voluntarily.

NSCS will not retaliate against any employee for asserting any rights or remedies with respect to the Minnesota Wage Disclosure Protection statute. Any employee may bring a civil action against NSCS for a violation of the Minnesota Wage Disclosure Protection statute. Remedies may include reinstatement, back pay, restoration of lost service credit, and expungement of any adverse records.

## **12. WEATHER / EMERGENCY CLOSINGS**

In the event there is a school closure on a scheduled student contact day due to a natural or unforeseen act (i.e. snowstorm, mechanical system failure) NSCS recognizes its employees' preparation and scheduled attendance obligation by compensating each employee for his regular daily rate.

In the event that an employee is required to report to work on an additional calendar day by the school board or designee to make up lost instructional or non-instructional time due to a school closure, the employee will be expected to report to work as required and will receive no additional compensation. If an employee was not regularly scheduled to work on a school closure day, but is required to be at work on a day that is considered a make-up day, then the employee will be paid at his regular daily rate of pay.

## **13. WORK SPACES AND FILES**

NSCS reserves the right to inspect any and all classrooms, desks, files, documents, computers, and work product, which are and remain the property of NSCS. Therefore, employees do not have an express or implied personal privacy right in regard to any such matters.

## **14. WORKERS' COMPENSATION**

All employees are covered under workers' compensation insurance. An employee must file an application within 24 hours of sustaining an injury. The application must be filed with the Executive Director, who will submit the claim to NSCS's insurer for determination of workers' compensation eligibility.