

**ROLE OF POLICY & REGULATIONS
FOR NON-CONTRACTED EMPLOYEES**

Policies and regulations that govern non-contracted employees are established in order to delineate district rules and expectations and outline employee benefits but shall not be construed to form a contract or create an expectancy of continued employment with the District.

End of New Salem/Almont School District Policy DAA.....Adopted; 7/27/15

DEFINITIONS FOR PERSONNEL POLICIES

When policy language is only applicable to certain classifications of employees, the following definitions shall apply:

- *Administrators:* Individuals who work in positions requiring an administrative credential from the North Dakota Department of Public Instruction (DPI).
- *Ancillary or classified staff:* Employees working for the District on an at-will basis. Examples include, but are not limited to: paraprofessionals, secretaries, custodians, coaches, bus drivers, cooks, and Business Manager.
- *Full-time employee* is defined as a staff member working an average of 30 hours per week. All employees not meeting or exceeding this threshold are considered part-time. This definition shall apply except when superseded by the negotiated agreement or law (e.g., the Patient Protection and Affordable Care Act).
- *Licensed teachers:* Individuals who work in positions requiring licensure from the Educational Standards and Practices Board (ESPB), including, but not limited to: classroom teachers, librarians, and counselors.

End of New Salem/Almont School District Policy DAB.....Adopted: 7/27/15

RECRUITMENT, HIRING, & BACKGROUND CHECKS FOR NEW CLASSIFIED PERSONNEL

The New Salem/Almont School Board is committed to hiring individuals who will best meet the needs of the District consistent with budget limitations, with its goal to ensure student and staff safety, and in compliance with state and federal law.

Definitions

For the purposes of this policy:

- *Applicant* is defined as any individual applying for a classified position.
- *Classified employees/personnel* are defined as district staff working in positions that do not require licensure from the Educational Standards and Practices Board or an administrative credential from the Department of Public Instruction.
- *Competitive personnel system* is defined in accordance with NDCC 37-19.1-01.
- *Crime* is defined as a felony offense, misdemeanor, a violation of an ordinance, and charges that result from non-sufficient funds or "no account."
- Immediate family is defined as the employee's spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, and any member of the employee's household.¹
- *Sexual offender* is an individual meeting the criteria in NDCC 12.1-32-15 and/or is required to register under NDCC 12.1-32-15.
- *Unsupervised contact* is defined in accordance with NDCC 12-60-24 as being in proximity to one or more students, on school grounds, or at school functions.

Recruitment and Hiring Authority

The Board authorizes the Superintendent to hire classified staff. No action of the Board shall be necessary so long as the Board previously established the position and hiring is within budget limitations.

All classified employees shall be hired on an hourly rate and not on a contract. The employment of classified employees shall be at-will.

All advertising for classified positions shall include a statement that applicants are eligible for Veterans Preference and the District is an Equal Opportunity Employer. The advertisement should include a closing date.

Qualifications Screening Process

The Superintendent shall investigate the qualifications of applicants for classified positions, including education and experience. In order to determine if an applicant is qualified, the Superintendent shall conduct criminal history record checks when necessary (as explained below) and may:

1. Conduct a driving record check for applicants seeking a position involving transportation of students and/or use of district vehicles.
2. Conduct a credit check for positions involving access to district funds.
3. Require a work history from at least the past 5 years;
4. Require applicants to submit to an oral interview. The interview shall have a standard set of job-related questions and pre-determined satisfactory answers.
5. Require at least 2 professional references;
6. Require the applicant to submit to a work simulation.

Job announcements for positions requiring satisfactory driving and/or credit records (as determined by the hiring authority prior to advertising) must list such requirement(s).

An applicant will be deemed unqualified for employment if his/her employment with the District would create a direct supervisor-subordinate relationship with an immediate family member who is also an employee.

Qualifications Screening: Criminal Background Checks

As part of the qualifications investigation, applicants for positions that allow unsupervised contact with students shall be required to:

1. Submit to a criminal history record check; and
2. Certify in writing that the applicant has never been charged with a crime or provide a written description of the disposition of the charge.

The Superintendent or designee shall adjudicate criminal history records based on the following factors:

1. The nature and gravity of any known misconduct and/or offense(s);
2. The time that has passed since any known misconduct, criminal conviction, and/or completion of a sentence occurred;
3. The nature of the job sought.

Applicants will be deemed to be at a risk unsuitable for district employment in at least the following instances:

1. The applicant is a sexual offender or has committed an offense involving a child victim.
2. The falsification or omission of any information concerning criminal convictions or pending criminal charges.

Applicant Rights

Applicants claiming Veterans Preference must provide appropriate certification in accordance with law.

Records obtained by the District for background and other record checks will be used solely for purposes that they were requested and will only be disseminated and retained in accordance with the personnel records policy. The Superintendent shall advise applicants that the procedure for obtaining, correcting, or updating federal records is contained in 28 CFR 16.34. Before making a hiring determination, the Superintendent shall give the applicant a reasonable time to correct and/or complete his/her criminal history record or decline to do so. The Superintendent shall follow the requirements under the Fair Credit Reporting Act if using credit reports to make employment decisions.

Final Selection

The District will make all final selections of employees for classified positions in accordance with Veteran Preference law (NDCC 37-19.1-02). When permitted by law, this may include further inquiry (i.e., after initial qualifications screening and, if applicable, the completion of the competitive personnel exam) into an applicant's qualification based on screening mechanisms such as interviews, background checks, and skills testing.

Orientation

The Superintendent or designee shall provide an orientation program for new classified employees to acquaint them with the district's policies and procedures, the school's rules and regulations, and the responsibilities of their position.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DBAA-AR, Background Screening Procedure
- DBAA-E, Adjudication System
- DI, Personnel Records

End of New Salem/Almont School Board Policy DBAA Adopted: 4/20/15

CRIMINAL HISTORY RECORD CHECK SCREENING PROCEDURE

Within ten (10) calendar days after an applicant has been notified that the applicant is a final candidate for employment, or as soon thereafter as practicable, the Superintendent or Business Manager shall supply the individual with:

1. A packet containing all materials necessary for the applicant to undergo a criminal history record check screening; and
2. A copy of this procedure.

Within ten (10) calendar days after the applicant has been provided with the criminal history record check packet, the applicant shall arrange to be fingerprinted and have any other necessary identifying information collected. Failure of the applicant to meet this deadline without good cause constitutes grounds for disqualification from employment. The applicant shall return the criminal history record check materials to the District after being fingerprinted.

The Superintendent or Business Manager shall submit the applicant's criminal history record check authorization form, two (2) sets of fingerprints, any other necessary information, and the screening fees to the North Dakota Bureau of Criminal Investigation (BCI) as soon thereafter as practicable after receipt.

If BCI rejects an applicant's fingerprints or rejects any identifying information, the applicant shall arrange for a resubmission of the rejected fingerprints or identifying information within five (5) calendar days of receiving the notification of rejection. Failure of the applicant to meet this deadline without good cause constitutes grounds for disqualification from employment.

If the BCI rejects an applicant's fingerprints or identifying information three times, the District reserves the right to request a name-based criminal record check search.

All physical and technical breeches relating to criminal history must be reported to BCI.

End of New Salem – Almont Administrative Regulation DBAA-AR

[03/22]

RECRUITING & HIRING TEACHERS

The New Salem/Almont School Board is committed to hiring teachers who will best meet the needs of the District consistent with budget limitations, with district policy, with its goal to ensure student and staff safety, and in compliance with state and federal law. Nothing contained in this policy requires the District to fill a teaching vacancy. The Superintendent is authorized to end the advertising and screening processes in this policy at any time based on the needs of the District; however, once the District offers a teaching contract, it cannot retract this offer without the consent of the teacher receiving the job offer.

Definitions

For the purposes of this policy:

- *Crime against a child* is defined in accordance with NDCC 15.1-13-26.
- *Teaching positions* are jobs held by individuals licensed to teach in North Dakota who are employed primarily as classroom teachers.
- *Sexual offense* is defined in accordance with NDCC 15.1-13-26.

Advertising Protocol

When the District seeks to fill a teaching position, the Superintendent or designee:

1. Shall develop an announcement with the following components:
 - a. Minimum qualifications including, but not limited to, required education, licensure, competencies, and successfully passing any required background or criminal history record checks;
 - b. Instructions on where to access the position's job description, this policy, and any other application material;
 - c. An Equal Employment Opportunity statement.
2. May post the announcement internally; internal teaching announcements shall contain all items listed under #1, a statement that internal applicants are ineligible for Veterans' Preference, and the deadline for internal applicants to exclusively submit applications.
3. May post the announcement externally using methods deemed reasonable, effective, and within budget parameters; external teaching announcements shall contain all items listed under #1, a statement that external applicants are eligible for Veterans' Preference if meeting requirements in state law, and a closing date.

Screening Protocol

The Superintendent or designee should develop regulations, including adjudication standards, for conducting background and criminal record history checks on teachers.

Teaching applicants must meet minimum qualification requirements contained in the job announcement and job description. Teaching applicants must not be disqualified from employment based on the disqualifying factors listed in this policy. If no applicant is qualified, the Superintendent or designee may revise the

announcement and shall repost the opening in accordance with this policy's advertising protocol.

The Superintendent or designee shall verify that any applicant claiming Veterans' Preference has satisfied eligibility requirements in law, including submission of required documentation.

Applicants eligible for Veterans' Preference who are not recommended for hire shall receive notice in accordance with NDCC 37-19.1-02.

Disqualifying Factors

Factors that may exclude an applicant from employment as a teacher include, but are not limited to, the following:

1. The applicant has been charged with a felony, sexual offense, crime against a child, any other offense involving a child victim, or any other crime that the Superintendent or designee has reason to believe poses a safety risk to district students, staff, or operations or could substantially disrupt district operations.
2. Knowing falsification or omission of any information given to the District by an applicant or made by an applicant during the applicant screening process including, but not limited to, information concerning criminal convictions or pending criminal charges.
3. The individual has not met ESPB's standards for teaching licensure and/or will not have obtained a teaching license by the start of the school year.
4. The individual discharged from a previous teaching position.

Hiring Authority

The Superintendent or designee(s) shall screen and make recommendations to the Board about offering an applicant a teaching position.¹

Final Applicant Rights

Records obtained by the District for background checks, criminal history record checks, and other record checks will be used solely for purposes that they were requested and will only be disseminated and retained in accordance with the district's personnel records policy. Applicant rights related to criminal history records are contained in DBAC-E2.

Issuing Contracts

If the Board approves hiring a new teaching staff member contingent upon satisfactory adjudication of criminal history records or obtaining a teaching license, the individual's teaching contract shall be issued with language notifying him/her of this contingency.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DI, Personnel Records

End of New Salem/Almont School District Policy DBAC Adopted: 7/27/15

REQUIRED

DBBA - DRUG AND ALCOHOL TESTING PROGRAM FOR EMPLOYEES

Definitions

For the purpose of this policy:

- *Alcohol* means any alcoholic beverage as defined in [23 U.S.C. § 158\(c\)](#) and [N.D.C.C. § 5-01-01](#).
- *Drugs or controlled substances* refers to substances covered by the Omnibus Transportation Act, including, but not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP) (See [21 CFR Part 1308](#)).
- *Covered employee/position* means an employee/position subject to the Drug-Free Workplace Act and/or the Omnibus Transportation Employee Testing Act.
- *Safety-sensitive position* means a job in which a momentary lapse in the discharge of duties poses a safety threat with potentially severe consequences. In addition to covered positions, the Board recognizes the following as safety-sensitive positions: school vehicle drivers as described in [N.D.C.C. § 15.1-07-20](#) and maintenance workers.

Statement of Philosophy

The New Salem-Almont School District is committed to the establishment of a drug and alcohol testing program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act and other applicable federal and state law. All covered and safety-sensitive employees are prohibited from using controlled substances and alcohol as identified in this policy and the District policy DEAA, Drug and Alcohol-Free Workplace.

Prohibitions and Hours of Compliance

Covered and safety sensitive employees are prohibited from using a controlled substance at all times unless use is at the instruction of a physician, and the physician has advised that use will not affect the employee's ability to perform safety-sensitive duties.

Covered and safety sensitive employees are prohibited from using alcohol while on duty, four hours prior to performing duties, and up to eight hours following an accident or until the employee performs a post-accident test (whichever occurs first).

No supervisor having actual knowledge that an employee covered by this policy has used a controlled substance or alcohol within prohibited hours shall permit the employee to perform or continue to perform safety-sensitive duties.

Notice of Medication Use

Employees shall notify the District any time they are using medication prescribed by a treating medical provider that could adversely affect their performance of any work duties, including safety-sensitive duties. Employees shall not drive or perform other safety-sensitive duties at any time they have been advised by a treating medical provider that medication may or will adversely affect their ability to safely perform these duties.

Participation in Drug and Alcohol Testing Program Required

Employees serving in positions covered and safety-sensitive positions under this policy are required to participate in all applicable drug and alcohol testing as a condition of employment.

Circumstances for Testing

All covered and safety-sensitive employees may be subject to pre-employment, reasonable suspicion, random, post-accident, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations or as allowed by applicable law. Other employees working in non-covered and non-safety-sensitive positions identified under this policy may be subject to reasonable suspicion testing and other types of testing when the District can demonstrate a special need to conduct the test or as allowed under state or federal law. Pre-employment controlled substance and alcohol testing may be administered to an applicant offered a covered or safety-sensitive position in the District prior to the first time the employee performs any safety-sensitive duties for the District.

An individual applying for, transferring to, or being promoted to any covered or safety-sensitive position may initially be subject to controlled substance and alcohol testing. A verified positive test results shall prevent an applicant/employee from moving into a covered or safety-sensitive position. School vehicle drivers shall also be subject to reasonable suspicion and random testing.

Drug and Alcohol Testing

Any applicant or employee has the right to refuse to undergo testing. However, failure to consent to testing or behavior that prevents meaningful completion of testing will be treated as a failure to comply with the District's policies and may result in discipline, termination of employment, or rescission of a job offer. No test will be sought for the purpose of discriminating against an applicant or employee.

The District has adopted testing practices to identify covered and safety-sensitive position applicants/employees who use illegal drugs or abuse alcohol on or off the school property and/ or during working hours. Before requesting or requiring drug and/or alcohol testing, the District will provide the individual with a copy of this policy and a form on which to acknowledge they have seen the policy. Testing will not be performed unless a signed acknowledgement form has been obtained. It may be a condition of employment for all covered and safety-sensitive position applicants/employees to submit to testing under the following circumstances:

1. Pre-employment: Once a conditional job offer has been made to an applicant for a covered or safety-sensitive position, the District may require the applicant to undergo testing, provided the same test is required of all applicants for the position. Any covered or safety-sensitive position applicant with a confirmed positive test result may be denied employment after assessment and review by administration.

2. Promotions/Transfers: All employees who are promoted or transferred into covered or safety-sensitive positions may be tested at the time of promotion or transfer. In the event of a positive test, an employee may re-apply for another vacant covered or safety-sensitive position at a later date as determined by the District or as outlined in administrative regulations or handbooks.
3. Random: Random testing may be conducted for employees only in covered or safety-sensitive positions.
4. Reasonable Suspicion All Employees: The District may require testing when there is reasonable suspicion to believe that an employee (a) is under the influence of alcohol or illegal drugs, (b) has violated this policy or other district policies or regulations prohibiting the use, possession, sale, or transfer of drugs or alcohol, (c) has caused themselves or another employee to sustain a personal injury, or (d) has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident. In order for reasonable suspicion to exist, there must be a basis for forming a belief that testing is justified based on specific facts and rational inferences drawn from those facts. Where permitted by law, the occurrence of a work-related accident may be considered reasonable suspicion; however, any testing that is conducted must evaluate the root cause of the incident that "harmed or could have harmed" employees or others and must include all employees who could have contributed to the incident, rather than just the employees who reported injuries.

Reasonable suspicion testing shall be based on objective facts and articulable observations that are consistent with the signs and symptoms of drug and alcohol misuse or abuse and/or a policy violation, including, but not limited to the following: appearance, behavior, motor skills, attendance, and/or work performance by the employee. The circumstances under which reasonable suspicion drug and alcohol testing shall be considered, as outlined above, are strictly limited to time and place of employee conduct while on duty, during work hours, and/or on school property or at a school-sponsored activity or event. The District shall take steps to ensure that district administrators and supervisors receive proper training to recognize the signs and symptoms of drug and alcohol misuse prior to making determinations for reasonable suspicion testing.

Reasonable suspicion testing shall be performed in accordance with federal law on Transportation Workplace Drug Testing and testing procedures outlined in administrative regulation.

Within three (3) working days after receipt of a test result report from the licensed testing laboratory, the District will inform the applicant or employee who has undergone drug or alcohol testing in writing of a positive test result on a confirmatory test or of a negative test result on an initial test. Applicants and employees have a right to request and receive a copy of the test result report on any drug or alcohol test.

Applicants and employees will be given the opportunity to explain or contest a confirmed positive result with the District within three (3) working days after being notified of their

test result. An applicant or employee may present verification of enrollment in the cannabis patient registry as part of the explanation. No individual will be discriminated against or penalized due to the individual's status on the patient registry or for the patient's positive drug test result unless the patient used, possessed, or was impaired by medical cannabis on the District's premises or during the hours of employment.

The applicant or employee also has the right to request a confirmatory retest of the original sample at their own expense. This request must be made within five (5) working days after notice of the confirmatory test results in writing.

Positive test results may result in administrative leave, pending the outcome of a confirmatory test and, if requested, confirmatory retest if the District believes it is reasonably necessary to protect the health or safety of the employee, co-employees, students, and/or the public.

An employee, who receives a positive result on a confirmatory test for drugs and/or alcohol and who has previously received a positive result on a confirmatory test for drugs and/or alcohol, may be disciplined up to and including discharge.

Testing Procedures

Testing shall be performed in accordance with federal drug and alcohol testing regulations and testing procedures are outlined in administrative regulations. The District shall designate collection sites where employees must report and provide specimens. The District shall pay all costs of the employee drug and alcohol testing, unless the test is a retest requested by the employee.

Refusal to Submit

An employee covered by this policy may not refuse to take a required test.

In addition to verbally refusing to undergo testing, an employee or job applicant is considered to have refused testing if they:

1. Fail to appear for, or declines a test within a reasonable time, as determined by the District;
2. Fail to provide an adequate sample or sufficient quantities of the substance being tested without a medical exemption;
3. Fail to immediately report to the collection site as instructed, or fail to remain at the testing site until the testing is completed (unless instructed otherwise by the testing laboratory or facilitators);
4. Tamper with, adulterate, substitute a specimen for testing, or obstruct testing, as determined by the testing laboratory;
5. Interfere with the collection procedure;
6. Do not make themselves readily available for testing following an accident, as defined below. However, nothing in this policy shall be construed to require the delay of necessary medical attention for injured persons following an accident or

to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain emergency medical care.

Employees who refuse required testing shall, at a minimum, be prohibited from performing covered and safety-sensitive duties and may be refused employment or disciplined up to and including discharge.

Violations

If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee shall be removed immediately from covered and safety-related duties and may be subject to the disciplinary consequences contained in the Drug and Alcohol-Free Workplace policy. Before an employee is reinstated, if at all, the employee shall comply with all applicable return-to-duty requirements, including evaluation, rehabilitation, and drug/alcohol testing requirements. The District will follow treatment referral procedures contained in federal regulations for covered employees.

Employees with verified alcohol concentrations below prohibited amounts shall be removed from covered and safety-sensitive positions and may be subject to the disciplinary consequences contained in the Drug and Alcohol-Free Workplace policy.

The District is not required to provide rehabilitation, pay for substance abuse treatment, or to reinstate the employee. The Board retains the authority consistent with law to discipline or discharge any employee who is an alcoholic or chemically dependent and whose current use of alcohol or drugs affect the qualifications for and performance of their job.

Confidentiality of Records

The District shall maintain records in compliance with law. Drug and alcohol testing records are confidential and shall be maintained in a secured location. An employee shall be entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances including information pertaining to alcohol or drug tests. Records shall be made available to a subsequent employer upon receipt of a written request from an employee only as expressly authorized by the terms of the employee's request.

Necessary records and reports shall be maintained and made available to federal and state transportation agencies upon request in accordance with federal regulations.

Records from Former Employers

With the employee's consent and in accordance with [49 CFR § 40.25](#), the District may obtain any information concerning drug and alcohol testing from the employee's previous employer.

Training

The District shall take steps to ensure that supervisors receive proper training to administer the drug and alcohol testing program.

Identity of Contact Person

The Board designates the Superintendent to serve as the contact person for questions concerning the drug and alcohol testing program and this policy. This designee may be reached at 701-843-7610 or at 310 Elm Avenue, New Salem, ND 58563.

Policy Dissemination

The Superintendent shall disseminate this policy and other educational material in accordance with federal law. Each employee subject to this policy shall certify in writing that they have received this material upon receipt. The Board designates the Superintendent as the individual responsible for answering questions related to this material.

Conflict between Regulations and Federal Law and Regulations

In the event of a conflict between the provisions of federal law or regulations concerning alcohol and drug testing and this policy or regulations, the federal law or regulations shall control.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DBBA-AR, Drug and Alcohol Testing Procedures
- DBBA-E1, Record of Observable Behavior
- DBBA-E2, Steps to Performing a Reasonable Suspicion Test
- DBBA-E3, Drug and/or Alcohol Testing Consent Form
- DEAA, Drug and Alcohol-Free Workplace
- DFC, Transfer and Reassignment
- DI, Personnel Records

Legal References

- [21 CFR Part 1308](#), Schedule of Controlled Substances
- [23 U.S.C. § 158](#), National Minimum Drinking Age
- [49 CFR § 40](#), Procedures for Transportation Workplace Drug and Alcohol Testing Programs
- [49 CFR § 382](#), Controlled Substance and Alcohol Use and Testing
- [H.R. 3361](#), Omnibus Transportation Employee Testing Act of 1991
- [N.D.C.C. § 5-01-01](#), Alcoholic Beverages; Definitions

- [N.D.C.C. § 15.1-07-20](#), School Vehicle Driver – Requirements
- [N.D.C.C. § 44-04-18.1](#), Public Employees Personal, Medical, and Employee Assistance Records - Confidentiality – Personal Information Maintained by State Entities – Exempt

End of New Salem-Almont School District Policy DBBA Adopted: 7/20/26

[04/26]

DRUG & ALCOHOL TESTING NOTIFICATION REQUIREMENTS FOR EMPLOYEES

Post-Accident Tests

Before any driver operates a vehicle designed to transport ten or more passengers, the District must provide the driver with post-accident procedures that will make it possible to comply with post-accident testing requirements.

Random Tests

Educational Material Requirements & Notification

Each employer shall provide educational materials that explain the requirements under federal law and the employer's policies and procedures with respect to meeting these requirements.

1. The employer shall ensure that a copy of these materials is distributed to each driver prior to the start of alcohol and controlled substances testing under this part and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle.
2. Each employer shall provide written notice to representatives of employee organizations of the availability of this information.
3. The materials to be made available to drivers shall include detailed discussion of at least the following:
 - a. The identity of the person designated by the employer to answer driver questions about the materials.
 - b. The categories of drivers who are subject to the provisions of this part.
 - c. Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the work day the driver is required to be in compliance with this part.
 - d. Specific information concerning driver conduct that is prohibited.
 - e. The circumstances under which a driver will be tested for alcohol and/or controlled substances, including post-accident testing.
 - f. The procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver, including post-accident information, procedures and instructions.
 - g. The requirement that a driver submit to alcohol and controlled substances tests administered in accordance with this part.
 - h. An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences.
 - i. Consequences for drivers found to have violated drug and alcohol prohibitions, including the requirement that the driver be removed immediately from safety-sensitive functions, and the procedures for referral, evaluation, and treatment.

- j. Consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04.
- k. Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a co-worker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program, and/or referral to management.

The employer shall ensure that each driver signs a statement certifying that he or she has received a copy of these materials described in this section. Each employer shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver. Each employee must sign a statement certifying the receipt of a copy of the above materials.

Testing Notification

The District will notify an applicant of the results of a pre-employment drug test if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application.

The District will notify an employee of the results of random, reasonable suspicion, and post-accident drug tests if the test results are verified positive. The District also will tell the employee which controlled substances were verified as positive.

Referral

An employee who in any other way violates district prohibitions related to drugs and alcohol will receive from the District the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee will be evaluated by a substance abuse professional who will determine what help, if any, the employee needs in resolving such a problem.

Any substance abuse professional who determines that an employee needs assistance will not refer the employee to a private practice, person or organization in which the substance abuse professional has a financial interest except under circumstances allowed by law.

End of New Salem-Almont School District Exhibit DBBA-E

[05/15]

DRUG AND ALCOHOL TESTING PROCEDURES**Description of Tests**

1. **Alcohol Test:** Alcohol testing of employees in covered or safety sensitive positions is required when reasonable suspicion exists, after an accident, at random, and when return-to-duty and/or follow-up testing is required. Alcohol testing is performed using an evidential breath testing device (EBT) approved by the National Traffic Safety Administration. All alcohol breath tests shall be conducted on an approved EBT by a trained breath alcohol technician (BAT). EBT's shall be able to distinguish alcohol from acetone at the 0.02% alcohol concentration level and shall be capable of testing an air blank prior to each collection of breath and performing an external calibration check. In order to be used in either screening or confirmation alcohol testing, an EBT shall have a quality assurance plan (QAP) developed by the manufacturer.
2. **Drug Test:** Drug testing of employees in covered or safety sensitive positions is required for, when reasonable suspicion exists, after an accident, at random, and when return-to-duty and/or follow-up testing is required. Drug testing is conducted by analyzing a urine specimen for the following drugs: marijuana, cocaine, opiates, amphetamines, and phencyclidine. All drug test results are reviewed and interpreted by a Medical Review Officer (MRO) before the results are reported to the District.

Drug and Alcohol Testing Procedures

The following procedures apply anytime a covered or safety-sensitive employee is subject to drug or alcohol tests:

1. Alcohol Testing:

- a. Breath alcohol testing will be conducted at a location that affords visual and aural privacy to the employee being tested sufficient to prevent unauthorized persons from seeing or hearing the test results. In some unusual circumstances, such as when it is essential to conduct a test at the scene of an accident, a test may be conducted at a location that provides visual and aural privacy only to the extent practicable.
- b. All necessary equipment, personnel, and materials for breath testing shall be provided at the location where testing is conducted.
- c. The employee shall complete all required paperwork and be required to properly identify themselves. The test administrator shall document any refusal to complete required paperwork.
- d. The employee shall be directed to blow into a breathalyzer and must be shown the results of the test once indicated on the breathalyzer.
- e. If the test is positive, as defined by federal or state standards, the employee may be required to submit to a confirmation test. The employee shall be instructed not to eat, drink, or put any object or substance in their mouth until after the confirmation test. The test administrator shall also explain the

test will be conducted even if the employee has disregarded these instructions. Confirmation test results are deemed to be the final results upon which any action under the drug and alcohol testing policy or regulations shall be based.

- f. The test administrator shall transmit all results to the District in a confidential manner.
- g. The test administrator shall also inform the District of any refusal to test.
- h. If the employee attempts and fails to provide an adequate amount of breath, the District designee shall direct the employee to obtain, as soon as practical after the attempted test, an evaluation from a licensed physician acceptable to the District concerning the employee's medical ability or inability to provide an adequate amount of breath. If the physician determines, in their reasonable medical judgment, that a medical condition has, or could have, precluded the employee from providing an adequate amount of breath, the employee's failure to provide an adequate amount of breath shall not be deemed a refusal to take the test. If a licensed physician is unable to make such a determination, the employee's failure to provide an adequate amount of breath shall be regarded as a refusal.

2. Drug Testing:

To ensure the appropriate chain of custody and specimen control are maintained, the collection of urine specimens shall proceed as follows:

- a. Upon the employee's arrival at the designated collection site, the collector shall request the employee to provide identification and complete required paperwork, including listing prescriptions. The collector shall document any refusal to complete paperwork.
- b. The employee shall be required to leave personal belongings including, but not limited to, coats and purses/bags outside the collection area. The employee shall be required to wash and dry their hands before the test is administered. The employee shall then remain in the collection area and not have access to any other material that could be used to adulterate the specimen. Any transfer of the specimen from the collection container to another specimen bottle shall be observed by the employee.
- c. If the test result is positive, the employee may request the Medical Review Officer (MRO) direct the split specimen be tested in a different Department of Health and Human Services-certified laboratory. The MRO shall honor such a request if it is made within 72 hours of the employee having been notified of a verified positive test result. The MRO shall take all steps necessary to ensure the specimen is clearly identified and document the chain of custody when the specimen is transferred to a different lab. The cost of the split specimen testing shall be paid by the employee.
- d. Upon notification by the collection site that an employee has failed to appear for his/her scheduled collection, the District shall inquire of the employee

the reason(s) for failing to appear. If the employee provides a legitimate reason for failing to report, no disciplinary action shall be taken against the employee. If the employee does not provide a legitimate reason for failing to report, disciplinary action, in accordance with policy, may be taken. The Superintendent shall determine whether or not legitimate reasons exist.

- e. In the event an employee refuses to provide a specimen, the collection site and/or the District designee shall advise the employee that refusal to provide a specimen shall result in disciplinary action. In the event the employee still refuses to provide a specimen, the employee shall be subject to disciplinary action in accordance with policy.
- f. In the event an employee fails to provide a sufficient quantity of urine, the collection site and/or the District designee shall meet with the employee to see if they have a legitimate reason, and they shall be required to take the drug test within four hours of the meeting. If the employee does not have a legitimate reason, the failure to provide a sufficient quantity of urine shall be treated as a refusal to provide a specimen.
- g. In the event an employee is unable, or alleges they are unable, to provide a sufficient quantity of urine because of a medical condition, the District designee shall direct the employee to obtain, as soon as practical after the attempted test, an evaluation from a licensed physician acceptable to the District concerning the employee's medical ability or inability to provide a sufficient quantity of urine. If the physician determines, in their reasonable medical judgment, that a medical condition has, or could have, precluded the employee from providing a sufficient quantity of urine, the employee's failure to provide a sufficient quantity of urine shall not be deemed a refusal to take the test. If a licensed physician is unable to make such a determination, the employee's failure to provide a sufficient quantity of urine shall be regarded as a refusal.

Pre-Employment/Post-Offer Testing Procedure

- 1. All job applicants considered a covered or safety sensitive employee under the Drug and Alcohol Testing Program for Employees policy shall receive a copy of this policy and regulation prior to testing.
- 2. If an applicant's pre-employment/post-offer employment drug test is positive, a confirmation test shall immediately be conducted by the laboratory with the existing sample.
- 3. An additional confirmation test shall be conducted, at the applicant's expense, if a request is made to the MRO within 72 hours of the applicant having been notified of a verified positive test result. If an additional confirmation test is requested, no action shall be taken on the applicant's employment until the result of the additional confirmation test is available.
- 4. In the event an applicant's pre-employment drug test is confirmed positive, or, if requested, an applicant's additional confirmation test is positive, the applicant shall not be employed.

5. Upon written request, a copy of the additional confirmation test shall be supplied to the applicant at the applicant's expense.

An applicant may be exempt from the pre-employment/post-offer employment drug test if the applicant has participated in a drug testing program within 30 days prior to the application for employment and while participating in that program was tested for drugs within the last 6 months (from the date of application) or participated in a random drug testing program in the previous 12 months, provided that the District has been able to make all verifications required by law.

Random Testing

1. Pursuant to Department of Transportation regulations, commercial bus drivers must be randomly tested for both drugs and alcohol. The number of random tests for commercial bus drivers must equal fifty percent (50%) of the number of employees in the random testing pool for drugs and ten (10%) of the number of employees in the random testing pool for alcohol.
2. Random testing periods shall be spread reasonably throughout the school year.
3. Any employee selected for random testing shall be assured their selection does not mean the District suspects usage of alcohol and/or drugs.
4. An employee must proceed to the test site immediately upon receiving notice that s/he has been selected for random testing unless in the process of performing a safety-sensitive function. The employee must complete their safety-sensitive duties or receive direction from a supervisor to cease such duties before proceeding to the test site. In the event an employee is unavailable for testing on the dates selected by the District, at the election of the District, they shall be tested within the testing period but may not be notified until available.
5. Employees may only be randomly tested for alcohol just before or just after performing safety sensitive functions.
6. If the employee's random test is positive for alcohol and/or drugs, the employee is subject to discipline in accordance with policy.
7. Refusal to submit to a random test shall be treated as a positive test result and subjects the employee to discipline in accordance with policy.

Reasonable Suspicion Testing

Employees may be subject to drug and/or alcohol testing when there is reasonable suspicion by the district administrator and supervisor that indicates the employee may have violated district policy and is using or appears to presently be under the influence of drugs and/or alcohol.

Reasonable suspicion testing shall be based on objective facts and articulable observations that are consistent with the signs and symptoms of drug and alcohol abuse; including, but not limited to, appearance, behavior, motor skills, attendance and/or work performance by the employee. The circumstances, under which drug and alcohol testing shall be considered, as outlined above, are strictly limited to time and place of employee conduct while on duty, during work hours, and/or on school property.

The District shall take steps to ensure that district administrators and supervisors receive proper training to recognize the signs and symptoms of drug and alcohol misuse prior to making determinations for reasonable suspicion testing.

When the District has a reasonable suspicion that a violation of the district's Drug and Alcohol-Free Workplace policy, the District shall proceed as described below:

1. The employee's supervisor or district administrator shall complete a Record of Observable Behavior form. The supervisor or district administrator shall not attempt to make allegations or diagnose behavior beyond observed and reported behavior.
2. The employee's supervisor and/or district administrator shall solicit an explanation from the employee regarding the employee's observed behavior. All conversations had with the employee shall, whenever possible, involve a witness.
3. The district administrator may require the employee to undergo a drug and/or alcohol test if the employee can't explain their behavior.
4. If an alcohol test is not administered within two hours, or if a drug test is not administered within 32 hours, the District shall prepare and maintain a written record explaining why the test wasn't conducted.
5. A written record of observable behavior of the employee shall be made within 24 hours of reasonably suspecting a violation of district policy.
6. Reasonable suspicion tests shall be conducted by a person other than the person who determines reasonable suspicion exists.
7. The employee must agree to be tested and complete the district consent form prior to obtaining a drug or alcohol test.
8. If the employee refuses to undergo the test or complete the consent form, they shall be advised that such refusal may subject the employee to disciplinary consequences contained in the Drug and Alcohol-Free Workplace policy. If the employee still refuses to undergo testing or to complete the consent form, they shall be directed to the Superintendent for disciplinary purposes.
9. The district administrator shall arrange an escort or transport the employee subject to drug and/or alcohol testing to a designated drug and alcohol testing facility to provide a breath and/or urine specimen.
10. The district administrator shall schedule a date and time to discuss the results of the test(s). This meeting may include the district administrator, human resource officer, union representative (if requested), and/or others deemed necessary.
11. The employee shall return to their position if a positive drug test is not confirmed.
12. An employee who tests positive for drugs and/or alcohol may be given an opportunity to discuss and explain the positive test result(s).
13. An employee who tests positive for drugs and/or alcohol may be subject to the disciplinary consequences contained in district policy.

14. A formal chemical dependency diagnostic interview (and treatment, if the report of the diagnostician indicates a need for treatment) may be made a condition of continued employment if the employee's job performance is adversely affected.
15. The District shall make every effort to provide supportive assistance to those employees who return after completing a therapeutic regime.

Employee Post-Accident Testing

The District shall require an employee, subject to the policy and regulations, to undergo drug and alcohol testing after an accident if:

1. There is a fatality.
2. One or more persons require medical treatment either at or away from the accident scene; There is extensive damage to property, disabling a motor vehicle or totaling \$10,000 or more.
3. The District employee receives a citation arising from the accident.

The procedure set forth in the reasonable suspicion testing shall be followed for post-accident tests, except the employee shall be advised the tests are required as part of the accident investigation.

A covered or safety-sensitive employee involved in an accident shall make themselves readily available for testing, absent the need for immediate medical attention.

If an alcohol test is not administered within two hours, or if a drug test is not administered within 32 hours, the District shall prepare and maintain written records explaining why the tests were not conducted. Tests may not be given if not administered within 8 hours after the accident for alcohol or within 32 hours for drugs.

Tests conducted by authorized federal, state, or local officials will fulfill district post-accident testing requirements provided the tests conform to applicable legal requirements, and the results are obtained by the District. Breath tests shall validate only the alcohol test and cannot be used to fulfill drug testing obligations.

If the employee's drug test is confirmed positive, and the employee makes a request to the MRO within 72 hours of the employee having been notified of a verified positive test result that an additional confirmation test be conducted (which is conducted at the employee's expense), the employee may be placed on paid leave of absence pending the results of the additional confirmation test. If a positive drug test is not confirmed, the employee may be returned to their job.

Return-To-Duty/Follow-Up Testing

In the event the District returns an employee who is subject to the policy and regulations to a covered or safety-sensitive position:

1. The employee must have been evaluated by a substance abuse professional.

REGULATION

Descriptor Code: DBBA-AR

2. The employee must have complied with any recommended treatment;
3. The substance abuse professional must have provided a written statement to the District stating the employee has successfully completed the rehabilitation program that was prescribed for him/her;
4. The employee has taken a return-to-duty alcohol and/or drug test and has a verified negative result for alcohol and controlled substance use; and
5. The employee is subject to unannounced follow-up testing. The number and frequency of such follow-up testing shall be as directed by the substance abuse professional but shall occur a minimum of 6 times in 12 months.

End of New Salem-Almont Administrative Regulation DBBA-AR

[06/19]

CLASSIFIED STAFF INTENT TO REHIRE

All classified personnel eligible for rehire will receive an annual intent to rehire notice from the District at the end of the school year. Classified personnel must indicate their intent to return to district employment on this form and must return this form on or before the due date and time listed therein. The notice must be received by the Superintendent by this deadline.

Failure by any classified employee to return the notice by this deadline or an indication on the form that the employee has chosen not to return will be deemed to be a resignation from district employment.

The intent to rehire notices are for planning purposes only and not a contract prescribing a duration of employment. All classified employees remain at will. The District may choose to terminate at-will employees at any time with or without cause, and the employee may resign from employment at any time, with or without cause.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DBD-E, Intent to Rehire Classified Staff Notice
- DKBA, Separation of At-Will Employees

End of New Salem/Almont School District Policy DBD.....Adopted: 7/27/15

DEFINITION OF WORKWEEK AND OVERTIME AND COMPENSATORY TIME

All classified employees shall be considered subject to the minimum wage and overtime provisions of state and federal law unless specifically shown to be exempt.

Workweek

For purposes of calculating overtime, the District defines the workweek as beginning on Sunday and ending on Saturday.

Overtime Restrictions

Non-exempt employees are restricted from working more than 40 hours a week without prior permission from the Superintendent. Non-exempt employee who work more than 40 hours a week without authorization are subject to disciplinary action up to and including discharge.

The Superintendent shall determine if it is necessary for non-exempt employees to work overtime hours. Non-exempt employees shall be required to perform all overtime hours assigned to them. Supervisors are charged with ensuring that employees do not work overtime hours except as assigned. Failure to enforce this requirement may result in discipline of the supervisor.

Recordkeeping

Accurate records shall be kept of hours worked by all classified employees. The Business Manager shall institute a system of recordkeeping

Compensation

Overtime hours will be compensated in accordance with the Fair Labor Standards Act and the North Dakota Department of Labor Regulations.

Employees will be reimbursed with overtime compensation in accordance with law for all overtime worked. Employees shall be notified of this arrangement before performance of overtime work.

If an employee is employed for two or more different positions which have different rates of pay, the District will pay the employee overtime compensation based upon the weighted hourly rate or may enter into an agreement with the employee before work is performed to pay overtime at the overtime rate of pay for the actual work performed after the first forty hours of work in that work week.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DCB-E, Compensatory Time Off Law

SICK LEAVE REGULATIONS

Requests for Leave

Foreseeable sick leave (e.g., leave for an operation) shall be requested 30 days in advance. If an employee is unsure when leave will commence or requests unforeseeable sick leave, notice shall be given as soon as practicable. Requests for leave shall be made to the Building Principal.

Requests for Medical Certification

When medical certification is requested as a pre-requisite for granting sick leave, the employee shall have 15 calendar days to fulfill this request unless this deadline is not practicable despite the employee's good faith effort. Failure to provide medical certification may result in delaying or denying the employee's leave request until certification is received. Medical certification shall contain information indicating the nature of the disabling condition, the exact period of disability, whether the employee will need intermittent leave or a reduced schedule, and a statement from a licensed health care provider verifying that the employee is unable to carry out his/her duties.

End of New Salem/Almont School Board Reg. DDA-BR.....Approved: 7/27/15

FAMILY AND MEDICAL LEAVE REGULATIONS

Procedure to Request Leave

Foreseeable FMLA leave shall be requested 30 days in advance.¹ If 30 days notice is not practicable, the employee shall provide notice as soon as possible. An employee shall at least provide verbal notice of leave to the Superintendent. Requests for foreseeable FMLA leave should be made in writing and include the reason for the leave, anticipated duration, and anticipated commencement date.

Request for Medical & Qualifying Exigency Certification

When requested, medical or qualifying exigency certification shall be provided in accordance with law (29 CFR 825.305-825.310). Failure to provide certification or adequate certification may result in delaying or denying an employee's leave request. Medical certification must contain all components in 29 CFR 825.306, 825.309, or 825.310.

Intermittent or Reduced-Leave Requests

1. The Board limits leave increments to one-hour periods of time.
2. An employee should follow the regular notice procedures when requesting an intermittent or reduced-hour leave. If the leave is taken because of the birth or placement of a child, leave may be taken intermittently or on a reduced schedule only if the Superintendent agrees.

Response to Leave Request

Response to leave requests will be made in accordance with 29 CFR 825.300. When applicable, the District will require fitness-for-duty documentation certifying that an employee is able to perform essential job functions as a condition of returning to work. The District shall provide notice of this requirement to employees in accordance with law.

Posting and Notice to Employees

Building principals shall post a notice explaining the FMLA's provisions in a location where it can be readily seen by employees and applicants for employment. The FMLA Fact Sheet, published by the Department of Labor, Wage and Hours Division, shall be incorporated into any employee handbook or provided to employees. (29 C.F.R. 825.300)

Recordkeeping

The Superintendent shall ensure that records are kept according to the requirements contained in law. (29 C.F.R. 825.500)

End of New Salem/Almont School Board Reg. DDAA-BR Approved: 7/27/15

¹ See 29 CFR 825.302

SICK LEAVE DONATION

The purpose of this policy is to establish a process for employees to be able to access additional sick leave when a medical emergency or maternity leave occurs. This policy does not prevent or take any leave away from staff under the Family Medical Leave Act. The policy is intended to help employees who may need additional sick leave. A full or part-time employee can donate up to two days per leave request.

Definitions:

Family Member: a participant's child and/or spouse.

Leave Recipient: a current employee with sick leave benefits, full or part-time, in the New Salem-Almont District who requests additional sick leave.

Maternity Leave: A maximum of 10 consecutive days may be used for maternity leave per year.

Medical Emergency: a medical illness or accident that has impacted a participant or a participant's family member and will result in a prolonged, unpaid absence from the participant's work. A prolonged absence may be defined as either a consecutive set of days or intermittent absences over an extended duration of time. Excluded from the term medical emergency are voluntary or cosmetic treatments that are not medically necessary and/or routine/preventive physical examinations.

Requirements to become a Leave Recipient:

1. The employee must be currently employed by the New Salem-Almont School District.
2. The employee must have exhausted all sick and personal leave.
3. The employee has adhered to and not abused the sick leave policy.
4. The employee must apply with either a written letter or email to the Superintendent stating the following:
 - a. The reason why additional leave is requested:
 - i. Medical emergency: including a description of the nature, severity, and anticipated duration of the medical emergency.
 - ii. Maternity Leave: No further description is needed.
 - b. The number of days requested.

Process to request additional sick leave:

Once the Superintendent is notified that an employee has requested additional sick leave, he/she will do the following:

1. Email employees indicating the potential leave recipient along with the number of days requested and the reason why, either medical or maternity, it is being requested. A deadline to donate days will be stated.
2. Employees will have a confidential method to respond to the Superintendent's request.
3. Each employee, if they desire, can donate up to two days to the leave recipient.
 - a. Employees cannot donate days if they have 12 days or less of sick leave.
4. The Superintendent will inform the Business Manager on who has donated and the amount. This information will remain confidential.
5. The Superintendent will notify the leave recipient on the amount of days that were donated only; no employee names will be given.

HOLIDAYS

Twelve-month employees shall be granted pay for holidays as established by state law (NDCC 15.1-06-02) that fall on a day(s) that they would otherwise be scheduled to work. All other personnel will be paid for the holidays set by state law that fall within the time of their work year and that fall on a day(s) that they would otherwise be scheduled to work.

End of New Salem/Almont School District Policy DDBB Adopted: 7/27/15

MILITARY LEAVE

Military leave shall be granted pursuant to current state (NDCC 37-01-25 and NDCC 37-01-25.1) and federal law (38 U.S.C. 43).

End of New Salem/Almont School District Policy DDBD Adopted: 7/27/15

FAMILIES FIRST CORONAVIRUS RESPONSE ACT LEAVE

Definitions

- Child means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is
 - Under 18 years of age; or
 - 18 years of age or older and incapable of self-care because of a mental or physical disability.
- Childcare provider means someone who cares for a child. This includes individuals paid to provide childcare, like nannies, au pairs, and babysitters. It also includes individuals who provide childcare at no cost and without a license on a regular basis, for example, grandparents, aunts, uncles, or neighbors.
- Place of care is physical location in which care is provided for children. The physical location does not have to be solely dedicated to such care. Examples include daycare facilities, preschools, before and after school care programs, schools, homes, summer camps, summer enrichment programs, and respite care programs.

Purpose

To comply with the Families First Coronavirus Response Act (FFCRA) and to assist employees affected by the COVID-19 outbreak with job-protected leave and emergency paid sick leave.

This policy will be in effect from April 1, 2020, until December 31, 2020. All existing District leave policies remain in place to the extent they are not superseded by FFCRA. This policy amendment shall be interpreted as consistent with the US Department of Labor's rules.

Emergency Paid Sick Leave

Emergency paid sick leave is in addition to any form of paid or unpaid leave provided by the District, law, or applicable collective bargaining agreement. District employees unable to work or telework due to one of the following reasons are eligible for emergency paid sick leave.

1. The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19;
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. The employee is experiencing COVID-19 symptoms and seeking a medical diagnosis;
4. The employee is caring for an individual who is subject to either number 1 or 2 above;
5. The employee is caring for their child(ren) if the school or place of care of the child has been closed, or the childcare provider of such child(ren) is unavailable, due to COVID-19 precautions; or
6. The employee is experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretary of the Treasury and Labor.

Full-time employees are eligible for up to 80 hours of paid leave. Part-time employees are only eligible for the number of hours of leave that the employee normally works on average over a two-week period.

An employee may, but is not required to, use emergency paid sick leave before using any other accrued paid leave for any qualifying reason under the FFCRA. Employees may also use existing paid leave concurrently with the emergency paid sick leave.

Rate of Pay for Emergency Paid Sick Leave

The District shall compensate employees taking emergency paid sick leave for reasons (1), (2), or (3) as outlined above at their regular rate of pay with a cap of \$511 per day and \$5,110 in the aggregate. Employees taking leave for reasons (4), (5), or (6) as outlined above shall be compensated at 2/3rds of their regular rate of pay with a cap of \$200 per day and \$2,000 in the aggregate.

Expanded Family and Medical

Leave District employees employed for at least 30 days who are unable to work or telework due to a bona fide need to take care of their child(ren) when the school or place of care has been closed, or the regular childcare provider is unavailable due to a public health emergency with respect to COVID-19, shall be entitled to up to 10 weeks of expanded family and medical leave in addition to emergency paid sick leave provided under FFCRA. Employees may substitute paid emergency sick leave provided under FFCRA or any accrued leave available under the District's existing policies for the first ten unpaid days of this leave.

After the first two workweeks (usually 10 workdays) of expanded family and medical leave, employees are required to take their remaining expanded family and medical leave at the same time as any accrued paid leave available under the District's existing leave policies. The District shall compensate employees at least 2/3rds of their regular rate of pay for the hours they would be scheduled to work. Pay shall not exceed \$200 per workday and \$10,000 in the aggregate for up to ten weeks of expanded family and medical leave. (Employees may supplement their 2/3rds pay with any existing leave available to receive the full amount of the employee's regular salary.)

Expanded family and medical leave supplements the eligibility entitling an employee to use FMLA. This expansion is not in addition to the 12-week cap on FMLA previously provided. Employees who used FMLA during the defined annual period will have the time used subtracted from their overall eligibility.

Leave Requests

The District shall collaborate with employees to achieve maximum flexibility and meet mutual needs when employees request leave under FFCRA. The Board prohibits employees from taking intermittent emergency paid sick and/or expanded family and medical leave.

Leave may be taken in half day or full day increments.

An employee shall provide notice (DDAE-E) to the superintendent of the need and specific reason for leave under this policy as soon as practicable. Verbal notice will otherwise be accepted until written notice can be provided. The District may require medical certification to verify the qualifying reason for the leave. Responses to leave requests shall be made in accordance with federal law.

Employee Benefits During Leave

The District shall continue the employee's health benefits and to deduct applicable premiums from payroll while the employee is on leave. The District shall also continue making payroll deductions if the employee contributes to a life insurance or disability plan or other benefits. The employee must continue to make premium payments per District instructions during any unpaid portions of leave to maintain benefits.

Return to Work

Employees will be expected to return to work at the end of the 80 hours of paid sick leave time, unless the employee has communicated to the superintendent that they will return earlier or the employee has initiated additional leave, either through Extended FMLA, FMLA or use of the employees sick or vacation leave.

The District shall reinstate an employee returning from paid sick leave or expanded family and medical leave to the same or equivalent position, subject to the district's reassignment policies, negotiated agreement, and practices. If the position the employee held prior to taking leave no longer exists due to economic conditions or operational changes that are made because of the public health emergency, and no equivalent position is available, the employee may not be returned to employment in accordance with policy, law, and, when applicable, the negotiated agreement. However, for the period of one year after qualifying leave under this policy ends, the District shall make reasonable efforts to contact the employee if an equivalent position becomes available.

If an individual has exhausted all leave under this policy and is still unable to return to work, the building principal shall review the situation on a case-by-case basis to determine what rights and protections might exist.

Carryover

The District shall not provide emergency paid sick leave or expanded family and medical leave to its employees beyond December 31, 2020. After that, employees may only take leave under the districts existing leave policies. Any unused paid sick leave will not carry over to the next year or be paid out to the employee.

Prohibitions

The District shall not discharge, discipline, or discriminate against any employee who takes leave under the FFCRA and files a complaint or institutes a proceeding under or related to the FFCRA.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DDA, Sick Leave
- DDA-AR, Sick Leave Requests
- DDAA, Family and Medical Leave
- DDAA-AR, Family and Medical Leave Act Regulations
- DDAA-E1, Family and Medical Leave Act Law
- DDAA-E2, FMLA Poster and Forms
- DDBA, Vacation Leave
- DDBE-E, Families First Coronavirus Response Act Leave Request Form

End of New Salem-Almont Policy DDBE.....Adopted: August 17, 2020

FAMILIES FIRST CORONAVIRUS RESPONSE ACT LEAVE REQUEST FORM

Employees requesting emergency paid sick leave or expanded family and medical leave pursuant to the Families First Coronavirus Response Act (FFCRA) must complete this form in its entirety and submit as soon as practicable to the Business Manager, Marci Larson, upon completion.

Employee Name:	Job Title:
Phone:	E-mail:
Date of Request:	
Type of Leave Requesting: ☐ Emergency Paid Sick Leave ☐ Expanded Family and Medical Leave	
Anticipated Date of Leave:	Expected Return to Work Date:
Reason for Leave¹ (<i>check all applicable</i>) I am unable to work (or telecommute) for the following reasons: ☐ I am subject to a Federal, State, or local quarantine or isolation order related to COVID-19; <i>Governmental entity ordering quarantine:</i> _____ ☐ I have been advised by a health care provider to self-quarantine related to COVID-19; <i>Health care provider advising quarantine:</i> _____ ☐ I am experiencing COVID-19 symptoms and am seeking a medical diagnosis; ☐ I am caring for an individual subject to an order described in (1) or self-quarantine as described in (2); <i>Name of individual:</i> _____ <i>Relationship:</i> _____ ☐ I am caring for a child whose school or place of care is closed or childcare provider is unavailable for reasons related to COVID-19; or <i>Name of child(ren):</i> _____ <i>Age(s):</i> _____ <i>Name of school, place of care or childcare provider:</i> _____ <i>Will another individual be providing care for your child(ren) during the period you are receiving expanded family and medical leave?</i> ☐ Yes ☐ No ☐ I am experiencing a substantially-similar condition specified by the Secretary of Health and	

¹ Employees shall provide documentation such as a copy of any quarantine or isolation order, or written note by a health care provider advising self-quarantine, or a notice of closure of school or childcare provider (i.e. email, notification on website, or news article).

Human Services, in consultation with the Secretaries of Labor and Treasury.

Explain: _____

I will need (choose one):

☐ Continuous leave

☐ Intermittent leave

If your need for leave is intermittent, please describe the nature of your intermittent leave:

[Substitution of Paid Leave: Employees may supplement {emergency paid sick leave} {and} {expanded family and medical leave} with any existing leave available to receive the full amount of the employee's regular salary.

I request to use the following existing paid leave during my FFCRA leave period (check all that apply):

☐ Personal (____ Hrs)

☐ Sick Leave (____ Hrs)

☐ Other (____ Hrs)]

I certify that the above information is accurate and complete. I understand that if I fail to report for work on or before the scheduled return date indicated above or fail to contact my supervisor, regarding my absence from work beyond such scheduled date of return, my employer may take corrective action.

Employee Signature

Date

Printed Employee Name

FOR OFFICE USE ONLY – DO NOT WRITE BELOW THIS SECTION

☐ Approved

☐ Denied

Approved By:

Date:

FEDERAL EMPLOYEE RIGHTS

PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The **Families First Coronavirus Response Act (FFCRA or Act)** requires the Federal government to provide all of its employees with paid sick leave and, for employees who are covered under Title I of the Family and Medical Leave Act (FMLA), with expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

► PAID LEAVE ENTITLEMENTS

Generally, the Federal government must provide Federal employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total; and
- $\frac{2}{3}$ for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total.

Federal employees including those not covered under Title I of the FMLA can receive either $\frac{2}{3}$ of the higher of their regular rate of pay, or the applicable state or Federal minimum wage for the two-week period for qualifying reason #5 below. However, for leave under qualifying reason #5, Federal employees covered under Title I of the FMLA can receive 10 additional weeks of expanded family and medical leave for reason #5 below, up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

► ELIGIBLE EMPLOYEES

All Federal employees are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Federal employees who are covered under Title I of the FMLA and have been employed for at least 30 days prior to their leave request are eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.*

Most federal employees are not covered under Title I of the FMLA and so would not be eligible for partially paid expanded family and medical leave. Please consult with your agency to determine whether you are covered under Title I of the FMLA. The Office of Personnel and Management will issue guidance on this question.

► QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

A Federal employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to **telework**, because the employee:

- | | |
|---|---|
| <ol style="list-style-type: none">1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;2. has been advised by a health care provider to self-quarantine related to COVID-19;3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2); | <ol style="list-style-type: none">5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services. |
|---|---|

► ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA for Federal employers covered under Title I of the FMLA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Federal employers covered under Title I of the FMLA in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

For additional information
or to file a complaint:
1-866-487-9243
TTY: 1-877-889-5627
dol.gov/agencies/whd



WH-1423 RFV 03/20

UNPAID LEAVE

No leaves shall be granted for professional staff other than those specified in board policy or the negotiated agreement without specific approval of the Board. Such approval shall be at the sole discretion of the Board.

Unpaid leave for support staff (non-certified staff), other than what is specified in Board policy or Board approved benefits, is not allowed unless approved by the Superintendent.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DKA, Reduction-In-Force Policy

**End of New Salem-Almont School District Policy DDC Adopted: 7/27/15
Amended: 8/20/18**

POLITICAL LEAVE

Political leave may be granted in accordance with board regulations. Any licensed employee who has been granted political leave shall be subject to district reduction-in-force policy the same as if the employee were not on leave.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DDCA-BR, Political Leave Regulations
- DKA, Reduction in Force

End of New Salem/Almont School District Policy DDCA Adopted: 7/27/15

REQUIRED

DEAA - DRUG AND ALCOHOL-FREE WORKPLACE

Definitions

For purposes of this policy:

- *Alcohol* means any alcoholic beverage as defined in [23 U.S.C. § 158\(c\)](#) and [N.D.C.C. § 5-01-01](#).
- *Drug* means any controlled substance as defined in [N.D.C.C. § 19-03.1-05](#) through [§ 19-03.1-13](#) and [§ 19-03.1-26](#) (paraphernalia); schedules I through V of the Controlled Substances Act ([21 U.S.C. § 812](#)), and as further defined by regulation [21 CFR Part 1308](#) through [§ 1308.11](#).
- *Possession* shall mean:
 - a. Actual physical possession of the drug or alcohol while on school property;
 - b. Use or consumption of the drug or alcohol while on school property;
 - c. Drugs or alcohol in the employee's car, handbag, backpack, or other belongings while on school property; or
 - d. Appearance by an employee on school property after having consumed or ingested the drug or alcohol that is noticeable by breath odor, speech alterations, unsteadiness of gait or posture, or like symptoms of chemical intoxication.
- *School property* is defined in [N.D.C.C. § 15.1-19-10\(6\)\(c\)](#) as all land within the perimeter of the school site, all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.
- *Use* means that an employee is reasonably suspected to have ingested, injected, inhaled or otherwise taken into their body drugs or alcohol, or is reasonably found to be under the influence of drugs or alcohol.

Purpose

The Drug-Free Workplace Act and the Drug-Free Schools and Communities Act are federal laws requiring schools in receipt of federal funding to maintain drug- and alcohol-free workplaces and learning environment by enforcing policies against unlawful possession, use, or distribution of illicit drugs and alcohol. The New Salem-Almont School District is committed to maintaining a safe, healthy, and productive working and learning environment for its employees and students. To promote this goal, the District is a drug- and alcohol-free workplace, and employees are required to report to work unimpaired in any way by the use of alcohol or drugs. Further, the District explicitly prohibits employees from the use, manufacturing, possession, distribution, dispensing, or being under the influence of drugs or alcohol while on school property, unless such use is (1) at the

instruction of a treating medical provider, the treating provider has advised that such use shall not affect the employee's ability to perform duties and maintain the safety of themselves and others, and (2) the employee has reported such use and engaged in an interactive process with the District in accordance with applicable state and federal law. Employees are also prohibited from knowingly or intentionally aiding or abetting in any of the above activities.

An employee must immediately inform their immediate supervisor when the employee's ability to perform job duties is affected or impaired due to on- or off-duty drug or alcohol use.

Students must abide by District policy FFA, Student Alcohol and Other Drug Use/ Abuse.

Scope of the Policy

This policy applies to all school employees during all working hours, on all school property, at all school-sponsored events, and at all other times when employees are representing or conducting business for the District (whether on or off school property and whether during or outside of normal working hours). The drug- and alcohol-free provisions of this policy also apply to students, parents, independent contractors, vendors, visitors, and any other members of the public who are on school property and/or at a school-sponsored activity or event.

Awareness Program

The Superintendent shall create an Employee Drug-Free Awareness Program in accordance with federal law. Information on the effects of drug and alcohol misuse, signs and symptoms of a drug and/or alcohol misuse or abuse problem, and available methods of intervention when a misuse or abuse problem is detected can be found in the staff rooms in each building.

Policy Dissemination

The Superintendent shall give a copy of this policy to each employee and maintain documentation of receipt of this information.

Drug and Alcohol Testing

All employees are subject to the District's Drug and Alcohol Testing Program. Employees working in covered and safety-sensitive positions may be subject to pre-employment, reasonable suspicion, random, post-accident, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations or as allowed by applicable law.

Students are subject to the provisions and testing procedures identified under district policy FFA, Student Alcohol and other Drug Use/Abuse.

Employee Reporting

As a condition of employment, each employee shall agree to abide by this policy. Employees shall immediately (or as soon as reasonably practicable, but no later than five days) inform their immediate supervisor or Superintendent when an employee have been charged or convicted of any drug- or alcohol-related crime or offense. The Superintendent, in accordance with applicable law, shall notify the appropriate federal and/or state agency after receiving any notice of a conviction for a violation occurring in the workplace. Failure of the employee to report accordance with this policy within the time prescribed may lead to disciplinary action up to and including discharge.

Violations

Violations of this policy may result in the following:

1. Paid or unpaid leave or suspension (as allowed under the law);
2. Termination of employment; due process procedures shall be followed prior to termination, if required;
3. Notification to proper law enforcement authorities (as required or allowed under the law); and/or
4. Notification to other reporting agencies (as required or allowed under the law).

Assistance

The Board recognizes that drug and/or alcohol addiction is a treatable disease and that early intervention and support improve the success of rehabilitation. Treatment for drug and/or alcohol addiction may be covered by the employee benefit plan; however, the ultimate financial responsibility for this treatment belongs to the employee.

Confidentiality

All information received by the District as a result of this policy is confidential. Access to this information is limited to those who have a legitimate need to know or upon written consent of the employee.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DBBA, Drug and Alcohol Testing Program for Employees
- DE, Staff Code of Conduct
- DGB, Employee Assistance Program
- DGB-BR, Employee Assistance Program Procedure
- FFA, Student Alcohol and Other Drug Use/Abuse

Legal References

- [20 U.S. Code Chapter 58](#), Drug-Free Schools and Communities

- [21 U.S.C. § 812](#), Schedules of Controlled Substances
- [21 CFR Part 1308](#), Schedule of Controlled Substances
- [23 U.S.C. § 158](#), National Minimum Drinking Age
- [41 U.S.C. 81](#) Drug-Free Workplace Act of 1988
- [N.D.C.C. § 5-01-01](#), Alcoholic Beverages; Definitions
- [N.D.C.C. § 15.1-14](#), Administrators
- [N.D.C.C. § 15.1-15](#), Contracts of Teachers & Administrators
- [N.D.C.C. § 15.1-19-10](#), Possession of a weapon - Policy - Expulsion from School
- [N.D.C.C. § 19-03.1](#), Uniform Controlled Substances Act
- [N.D.C.C. § 44-04-18.1](#), Public Employee Personal, Medical, and Employee Assistance Records - Confidentiality - Personal Information Maintained by State Entities - Exempt

End of New Salem-Almont Policy DEAA Adopted: 7/20/2026

[04/26]

PROCEDURE IF DRUG AND/OR ALCOHOL USE IS REASONABLY SUSPECTED

Description of Tests

1. Alcohol: Alcohol testing may be required when reasonable suspicion exists. Alcohol testing is performed using an evidential breath testing device (EBT) approved by the National Traffic Safety Administration. All alcohol breath tests shall be conducted on an approved EBT by a trained breath alcohol technician (BAT). EBT's shall be able to distinguish alcohol from acetone at the 0.02% alcohol concentration level and shall be capable of testing an air blank prior to each collection of breath and performing an external calibration check. In order to be used in either screening or confirmation alcohol testing, an EBT shall have a quality assurance plan (QAP) developed by the manufacturer.
2. Drug testing: Drug testing may be required when reasonable suspicion exists. Drug testing is conducted by analyzing a urine specimen for the following drugs: marijuana, cocaine, opiates, amphetamines, and phencyclidine. All drug test results are reviewed and interpreted by a medical review officer (MRO) before the results are reported to the District.

When the District reasonably suspects a violation of the district's Drug and Alcohol-Free Workplace policy, the District shall proceed as described below:

1. The employee's supervisor or district administrator shall complete a Record of Observable Behavior form. The supervisor or district administrator shall not attempt to make allegations or diagnose behavior beyond observed and reported behavior.
2. The employee's supervisor and/or district administrator shall solicit an explanation from the employee regarding the employee's observed behavior. All conversations had with the employee shall, whenever possible, involve a witness.
3. The district administrator may require the employee to undergo a drug and/or alcohol test if the employee can't satisfactorily explain their behavior.
4. If an alcohol test is not administered within two hours, or if a drug test is not administered within 32 hours, the District shall prepare and maintain a written record explaining why the test wasn't conducted.
5. A written record of observable behavior of the employee shall be made within 24 hours of reasonably suspecting a violation of district policy.
6. Reasonable suspicion tests shall be conducted by a person other than the person who determines reasonable suspicion exists.
7. The employee must agree to be tested and complete the district consent form prior to obtaining a drug or alcohol test.
8. If the employee refuses to undergo the test or complete the consent form, they shall be advised that such refusal may subject the employee to disciplinary consequences contained in the Drug and Alcohol-Free Workplace policy. If the

employee still refuses to undergo testing or to complete the consent form, they shall be directed to the Superintendent for disciplinary purposes.

9. The district administrator shall arrange an escort or transport the employee subject to drug and alcohol testing to a designated drug and alcohol testing facility to provide a breath and/or urine specimen.
10. The district administrator shall schedule a date and time to discuss the results of the test(s). This meeting may include the district administrator, human resource officer, union representative (if requested), or others deemed necessary.
11. The employee shall return to their position if a positive drug test is not confirmed.
12. An employee who tests positive for drugs and/or alcohol shall be given an opportunity to discuss and explain the positive test result(s).
13. The employee may be subject to the disciplinary consequences contained in district policy.
14. A formal chemical dependency diagnostic interview (and treatment, if the report of the diagnostician indicates a need for treatment) may be made a condition of continued employment if the employee's job performance is adversely affected.
15. The District shall make every effort to provide supportive assistance to those employees who return after completing a therapeutic regime.

Drug and Alcohol Testing Procedures

The following procedures apply when an employee is subject to reasonable suspicion drug and/or alcohol testing:

1. Alcohol Testing:
 - a. Breath alcohol testing shall be conducted at a location that affords visual and aural privacy to the employee being tested sufficient to prevent unauthorized persons from seeing or hearing the test results. In some unusual circumstances, such as when it is essential to conduct a test at the scene of an accident, a test may be conducted at a location that provides visual and aural privacy only to the extent practicable.
 - b. All necessary equipment, personnel, and materials for breath testing shall be provided at the location where testing is conducted.
 - c. The employee shall complete all required paperwork and be required to properly identify themselves. The test administrator must document refusal to complete required paperwork.
 - d. The employee shall be directed to blow into a breathalyzer and must be shown the results of the test.
 - e. If the test is positive, as defined by federal standards, the employee may be required to submit to a confirmation test. The employee shall be instructed not to eat, drink, or put any object or substance in their mouth until after the confirmation test. The test administrator shall also explain the test may be conducted even if the employee has disregarded these instructions.

Confirmation test results are deemed to be the final results upon which any action under the drug and alcohol testing policy or regulations shall be based.

- f. The test administrator shall transmit all results to the District in a confidential manner.
- g. The test administrator shall also inform the District of any refusal to test.
- h. If the employee attempts and fails to provide an adequate amount of breath, the District shall direct the employee to obtain, as soon as practical after the attempted test, an evaluation from a licensed physician acceptable to the District concerning the employee's medical ability or inability to provide an adequate amount of breath. If the physician determines, in their reasonable medical judgment, that a medical condition has, or could have, precluded the employee from providing an adequate amount of breath, the employee's failure to provide an adequate amount of breath shall not be deemed a refusal to take the test. If a licensed physician is unable to make such a determination, the employee's failure to provide an adequate amount of breath shall be regarded as a refusal.

2. Drug Testing:

To ensure the appropriate chain of custody and specimen control are maintained, the collection of urine specimens shall proceed as follows:

- a. Upon the employee's arrival at the designated collection site, the collector shall request the employee to provide identification and complete required paperwork, including listing prescriptions. The collector shall document refusal to complete paperwork.
- b. The employee shall be required to leave personal belongings including, but not limited to, coats and purses/bags outside the collection area. The employee shall be required to wash and dry their hands before the test is administered. The employee shall then remain in the collection area and not have access to any other material that could be used to adulterate the specimen. Any transfer of the specimen from the collection container to another specimen bottle must be observed by the employee.
- c. If the test result is positive, the employee may request the medical review officer (MRO) direct the split specimen be tested in a different Department of Health and Human Services-certified laboratory. The MRO shall honor such a request if it is made within 72 hours of the employee having been notified of a verified positive test result. The MRO must take all steps necessary to ensure the specimen is clearly identified and document the chain of custody when the specimen is transferred to a different lab. The cost of the split specimen testing shall be paid by the employee.
- d. Upon notification by the collection site that an employee has failed to appear for their scheduled collection, the District shall inquire of the employee the reason(s) for failing to appear. If the employee provides a legitimate reason

for failing to report, no disciplinary action shall be taken against the employee. If the employee does not provide a legitimate reason for failing to report, disciplinary action, in accordance with policy, may be taken. The Superintendent shall determine whether or not legitimate reasons exist.

- e. In the event an employee refuses to provide a specimen, the collection site and/or the District shall advise the employee that refusal to provide a specimen shall result in disciplinary action. In the event the employee still refuses to provide a specimen, the employee shall be subject to disciplinary action in accordance with policy.
- f. In the event an employee fails to provide a sufficient quantity of urine, the collection site and/or the District shall meet with the employee to see if they have a legitimate reason, and they must be required to take the drug test within four hours of the meeting. If the employee does not have a legitimate reason, the failure to provide a sufficient quantity of urine shall be treated as a refusal to provide a specimen.
- g. In the event an employee is unable, or alleges they are unable, to provide a sufficient quantity of urine because of a medical condition, the District shall direct the employee to obtain, as soon as practical after the attempted test, an evaluation from a licensed physician acceptable to the District concerning the employee's medical ability or inability to provide a sufficient quantity of urine. If the physician determines, in their reasonable medical judgment, that a medical condition has, or could have, precluded the employee from providing a sufficient quantity of urine, the employee's failure to provide a sufficient quantity of urine shall not be deemed a refusal to take the test. If a licensed physician is unable to make such a determination, the employee's failure to provide a sufficient quantity of urine shall be regarded as a refusal.

End of New Salem-Almont School District Administrative Regulation DEAA-AR

[06/19]

RECORD OF OBSERVABLE BEHAVIOR

Employee Name: _____			
Observation Time: _____		Observation Location: _____	
Reasonable suspicion of current use or impairment by: ☐ Alcohol ☐ Drugs ☐ Both			
Cause for Suspicion			
Appearance			
☐ Normal	☐ Flushed	☐ Puncture Marks	☐ Disheveled, Disordered
☐ Tremors	☐ Dilated/Constricted Pupils	☐ Profuse Sweating	☐ Dry mouth
☐ Runny Nose/Sniffing	☐ Wearing Sunglasses	☐ Bloodshot Eyes	☐ Deterioration in Dressing
☐ Odor of :		☐ Other:	
Behavior			
☐ Normal	☐ Confused/Disoriented	☐ Whispering Loud	☐ Crying
☐ Silent	☐ Poor Comprehension	☐ Slow	☐ Mood Swings
☐ Lethargic	☐ Paranoid	☐ Rambling	☐ Aggressive/Violent
	☐ Euphoria	☐ Slurred	☐ Other:
Motor Skills			
☐ Normal	☐ Jerky	☐ Stumbling	☐ Arms raised for balance
☐ Slow	☐ Fumbling	☐ Falling	☐ Wide based gait
☐ Drowsy	☐ Rigid	☐ Reaching for support	☐ Dropping things
☐ Hyperactive	☐ Swaying	☐ Head falling	☐ Other:
Attendance			
☐ Normal	☐ Frequently absent	☐ Frequently tardy	☐ Unexplained gaps of time (e.g., takes 15 minutes to get from one room to another)
☐ Other:			
Work Performance			
☐ Normal	☐ Declining quality of work	☐ Incomplete work	☐ Slowed reaction time
☐ Perfectionist or workaholic	☐ Other:		

Did the employee admit to use of drugs or alcohol? Yes: _____ No: _____

When: _____

Substance: _____

How much: _____

Where Taken: _____

WITNESSED BY:

Signature (Supervisor)

Title

Date

Time

Signature (Administration)

Title

Date

Time

SITUATIONAL CATEGORY	IMMEDIATE ACTION	INVESTIGATION	NOTIFICATION OF POLICE	DISCIPLINE REHABILITATION
1. Employee suspected of possible alcohol or other drug use. No violation or physical evidence.	Employee informed of available help and encouraged to seek assistance.	Limited to supervisor contacting counselor or nurse for assistance.	Not applicable	None. Referral to Substance Abuse Professional.
2. Employee contacts supervisor in regard to alcohol or other drug use of another employee.	Employee who contacts supervisor encouraged to get employee with problem to personally seek assistance.	Limited to supervisor, although, counselor or nurse may be contacted for assistance.	Not applicable	None. Referral to Substance Abuse Professional.
3. Employee voluntarily informs supervisor about personal alcohol or other drug use and asks for help.	Employee informed of services available and encouraged to seek assistance.	Supervisor may request advice from counselor or nurse.	Not applicable	None. Referral to Substance Abuse Professional.
4. Employee has alcohol or other drug related medical emergency.	Nurse summoned immediately. Employee transported to medical facility.	Supervisor shall investigate incident. May include search of employee and possessions.	Only where safety of emergency victim or school population is at risk	Referral to Substance Abuse Professional. If further violation, see appropriate situational category.
5. Employee possesses drug related paraphernalia. No evidence of use.	Supervisor summoned. Personnel involved write anecdotal report of incident.	Supervisor shall investigate incident.	At discretion of supervisor	Required meeting with counselor and/or supervisor. If further violation, see appropriate situational category.
6. Employee possesses, uses, or is under influence of alcohol or other drugs on or off school property in official capacity.. 1st offense. Cooperative behavior.	Supervisor summoned. Personnel involved write anecdotal report of incident. Employee relieved of duties for remainder of day if using or under influence and may be required to undergo drug and/or alcohol testing.	Supervisor shall investigate incident and may require employee to undergo drug and/or alcohol testing.	At discretion of supervisor	Notice given that repeated violation may result in recommendation for discharge. Required participation in chemical abuse program.
7. Employee possesses, uses, or is under influence of alcohol or other drugs on or off school property in official capacity.. 1st offense. Uncooperative behavior.	Supervisor summoned. Personnel involved write anecdotal report of incident. Employee relieved of duties for remainder of day if using or under influence and may be required to undergo drug and/or alcohol testing.	Supervisor shall investigate incident and may require employee to undergo drug and/or alcohol testing.	Yes	Notice given that repeated violation will result in recommendation for discharge. Required participation in chemical abuse program.
8. Employee possesses, uses, or is under influence of alcohol or other drugs on or off school property in official capacity. Multiple offenses.	Supervisor will be contacted. Employee relieved of duties for appropriate period of time and may be required to undergo drug and/or alcohol testing.	Supervisor shall investigate incident and may require employee to undergo drug and/or alcohol testing.	At discretion of supervisor	Discipline as provided by appropriate situational category following investigation.
9. Employee distributing alcohol, drugs, or controlled substance during duty time or on school property.	Police summoned. Personnel witnessing write anecdotal report of incident.	Supervisor will investigate and make recommendation.	Yes	Immediate recommendation for discharge.

End of New Salem-Almont School District. Exhibit DEAA-E1[06/19]

NOTE: Must adopt reasonable suspicion language in policy DEAA and regulation DEAA-AR prior to using this exhibit.

STEPS TO PERFORMING A REASONABLE SUSPICION TEST

- ☐ Identify problem and observe.
- ☐ Act on medical concerns immediately. **(Consider possible medical conditions such as diabetes, epilepsy, stroke, etc. If this is a possibility, call 911 immediately.)**
- ☐ Document your findings within 24 hours of reasonably suspecting a violation of district policy.
- ☐ Meet with the employee in privately to discuss observations and findings. Whenever possible, involve a witness.
- ☐ Tell employee what was observed and felt to be abnormal.
- ☐ Ask employee why they appear to be behaving abnormally.
- ☐ Inform employee that supervisors are required to act when there is reasonable suspicion to believe the District's drug and/or alcohol prohibitions have been violated.
- ☐ Inform employee that District policy permits drug and/or alcohol testing when there is reasonable suspicion that an employee is in violation of the drug and/or alcohol use policy.
- ☐ Inform employee of the consequences of refusal to test: An employee who refuses to submit to a drug and/or alcohol test or who violates any aspect of these guidelines may be subject to disciplinary action up to and including termination.
- ☐ Have employee agree to be tested and complete the district consent form prior to obtaining drug and/or alcohol test.
- ☐ Arrange escort/transport of employee to collection site **(Do not let the employee self-transport.)**
Under no circumstances shall an employee be required to transport an employee exhibiting violent or threatening behavior. In such cases, the responsible employee shall immediately contact the appropriate law enforcement agency.
- ☐ Arrange escort/transport of employee to home. **(Do not let the employee self-transport)**
- ☐ Discuss the positive test results with employee and any resulting disciplinary action.
- ☐ Maintain confidentiality as required throughout process.

Supervisor/Administrator Written Summary of Observation and Screening

Signature (Supervisor/Administrator)

Date

End of New Salem-Almont School District..... Exhibit DEAA-E2

DRUG AND/OR ALCOHOL TESTING CONSENT FORM

I hereby agree, upon a request made under the New Salem-Almont School District Drug and Alcohol-Free Workplace policy, to submit to a drug or alcohol test and to furnish a sample of my urine, breath, and/or blood for analysis. I understand and agree that if I at any time refuse to submit to a drug or alcohol test under district policy, or if I otherwise fail to cooperate with the testing procedures, I may be subject to disciplinary action up to and including termination of employment. I further authorize and give full permission to have the District send the specimen(s) collected to a collection site for a screening test for the presence of any prohibited substances under the policy, and for the collection site or other testing facility to release any and all documentation relating to such test to the District and/or to any governmental entity involved in a legal proceeding or investigation connected with the test. Finally, I authorize the District to disclose, to the extent permitted by law, any documentation relating to such test to any governmental entity involved in a legal proceeding or investigation connected with the test.

I understand that only duly-authorized district employees shall have access to information furnished or obtained in connection with the test; that they shall maintain and protect the confidentiality of such information to the greatest extent possible; and that they may share such information only to the extent necessary to make employment decisions and to respond to inquiries or notices from government entities.

I shall hold harmless the District, and any collection site the District might use, meaning that I will not sue or hold responsible such parties for any alleged harm to me that might result from such testing, including loss of employment or any other kind of adverse job action that might arise as a result of the drug or alcohol test, even if a district or collection site representative makes an error in the administration or analysis of the test or the reporting of the results. I shall further hold harmless the District, and any collection site the District might use for any alleged harm to me that might result from the release or use of information or documentation relating to the drug or alcohol test, as long as the release or use of the information is within the scope of this policy and the procedures as explained in the paragraph above.

This policy and authorization have been explained to me in a language I understand, and I have been told that if I have any questions about the test or the policy, they will be answered.

Signature (Employee)

Date

Signature (Supervisor/Administrator)

Date

STAFF ATTENDANCE

Regular attendance is required of all employees subject to applicable leave provisions and, for instructional staff, the negotiated agreement. Excessive absences or tardiness, unauthorized leave, or unexcused absences may result in disciplinary action including termination of employment in accordance with law.

End of New Salem/Almont School District Policy DEAB Adopted: January 18, 2016

STAFF USE OF ELECTRONIC DEVICES

Definition

For the purposes of this policy: an *electronic device* includes, but is not limited to, cell phones, pagers/beepers, laptops, and/or any other technology that transmits a signal.

Personal Electronic Devices

District employees are prohibited from using personal (i.e., employee owned) electronic devices while on duty. An exception to this prohibition exists when the employee is in attendance as an active member of a volunteer firefighting organization or a volunteer emergency medical service organization. The Superintendent may develop additional exceptions to this prohibition in administrative regulations.

District-Owned Electronic Devices

The above prohibition does not apply to authorized employee use of district-owned electronic devices. Employees have no expectation of privacy when using district-owned electronic devices, and the District reserves the right to review any communication sent or received on district-owned electronic devices.¹ Employees shall agree to abide by the rules established under this policy and the acceptable use policy as a condition of using district-owned electronic devices.

General Prohibitions

Possession and/or use of any electronic device in an area where there is a reasonable expectation of privacy is strictly prohibited.

Inappropriate use of any electronic devices by staff is subject to disciplinary action up to and including, but not limited to, revocation of the privileges granted in this policy, dismissal, and referral to law enforcement officials, as appropriate in accordance with law. Inappropriate use shall be determined by school administration and includes, but is not limited to, violations of the prohibitions established by this policy and by the acceptable use policy.

Use of Electronic Devices While Driving

All employees are prohibited from conducting district business through the use of electronic devices while driving. School bus/vehicle drivers are prohibited from operating a bus/vehicle while using an electronic device. These prohibitions do not apply to the use of cellular phones in the following instances:

1. During an emergency situation;
2. To call for assistance related to a mechanical problem or breakdown.

In such instances, the driver shall only use a cellular phone if the bus/vehicle is parked unless the nature of the emergency situation prohibits this.

The prohibitions under this section do not apply to use of a fleet management system or dispatching device.

¹ NOTE: Such searches must serve a legitimate work-related purpose and cannot be excessively intrusive.

Emergency Use

Staff members are encouraged to use any available communication device in the event of an emergency that threatens the safety of students, staff, or other individuals.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- ACDA, Acceptable Use Policy

End of New Salem/Almont School District Policy DEAD Adopted: January 18, 2016

OCCUPATIONAL SAFETY

The Superintendent shall develop an occupational safety program for all district employees with at least the following components:

1. An orientation program for new employees that provides an overview of duties, potential hazards and safeguards, district safety rules, location of fire extinguishers and other safety equipment, and emergency procedures.
2. Issuance of personal protective safety equipment to employees as the Superintendent deems necessary. Employees required to wear safety equipment shall be instructed that failure to comply may cause the District to impose disciplinary consequences in accordance with policy, law, and, when applicable, the negotiated agreement.
3. Inservice safety training on such topics that the Superintendent deems needed.
4. An occupational risk assessment program, which shall include a procedure for identifying and projecting occupational risks associated with proposed equipment purchases and building safety audits.
5. Installation of safety features on district equipment and in district facilities.

Accident Reporting

An employee injured or involved in an accident on the job shall report the injury/accident as soon as practical to his/her immediate supervisor and no later than the deadline in state law unless good cause for a delay in reporting exists. Failure to notify a supervisor about an injury/accident may result in disciplinary action in accordance with policy and law and may, according to law, result in denial of Workforce Safety and Insurance benefits.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DEAE-AR, Hazardous Substance Communication Program
- DEAE-E, Employee Orientation Checklist

End of New Salem/Almont School District Policy DEAE Adopted: January 18, 2016

WEAPONS PROHIBITION ON SCHOOL PROPERTY—EMPLOYEES

Definitions

For purposes of this policy, the following definitions apply:

- *Weapon* includes, but is not limited to:
 - Dangerous weapon as defined by NDCC 62.1-01-01
 - Any device designed to stun through use of voltage whether through direct contact or through a projectile
 - Any firearm look alike or dangerous weapon look alike brought on school property with the intent to threaten or intimidate
 - Any other object that an individual covered by this policy used, attempted to use, or intended to use to threaten or intimidate, cause destruction to property, or to cause injury to self or others
 - Spray or aerosol containing ortho-chlorobenzamalonitrile or other irritating agent intended for use in the defense of an individual
- *Firearm* as defined by 18 U.S.C. 921 and NDCC 62.1-01-01
- *School property* is defined in NDCC 15.1-19-10 (6)(b) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by the District, and the site of any school-sponsored event or activity.

Prohibitions

District employees, district contractors and/or their employees, and district volunteers shall not possess a weapon or firearm on school property, including those individuals who may otherwise be permitted by law to carry such weapons. This prohibition does not apply to law enforcement personnel. Weapons and firearms under the control of law enforcement personnel are permitted on school property.

Exceptions

The prohibitions in this policy do not apply when the Superintendent has authorized the following:

- Use of a blank firearm cartridge or look alike weapon in a sporting, memorial, or theatrical event
- Participation in educational, training, cultural, or competitive events that requires use of a firearm or dangerous weapon
- For purposes of a hunter's safety course
- Firearms or dangerous weapons stored in residences of employees living in district-owned housing

District employees are not in violation of this policy if using an item prohibited by this policy to defend oneself or others in an emergency situation that warrants self-defense.

Notice

The Superintendent will ensure notice of this policy is provided to district employees, district contractors, and district volunteers.

Violations

Employees in violation of this policy will be subject to discipline up to and including dismissal in accordance with any applicable law. Individuals contracting with the District and volunteers will be subject to appropriate sanctions. A referral to law enforcement may be made by appropriate school officials.

End of New Salem/Almont School District Policy DEAG Adopted: January 18, 2016

CONFIDENTIALITY

Any person working for or providing services to the District has a responsibility to protect the privacy of students and their parents. This responsibility applies to time spent at school as well as away from school. Questions from the general public concerning students or staff should be referred to an administrator.

Federal Requirements

District employees and service providers must follow confidentiality requirements under the Family Education Rights and Privacy Act (FERPA), Pupil Protection and Rights Amendment (PPRA), Children's Online Privacy Protection Act (COPPA), and the Individuals with Disabilities Education Act (IDEA).

Information Release

Information concerning students shall only be released in accordance with the district's policy on student education records and privacy (FGA). Information concerning district employees, activities, and operations shall be released in accordance with the district's policy on employee speech (DEBF).

Violations

Employees that violate this policy may be subject to disciplinary action up to and including dismissal in accordance with law, district policy, and the negotiated agreement.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DEBF, Employee Speech
- DI, Personnel Records
- FGA, Student Education Records and Privacy

End of New Salem/Almont School District Policy DEBA Adopted: January 18, 2016

CONFLICT OF INTEREST

No employee of the District shall engage in or have a financial interest in any activity that directly or indirectly conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the school system. Outside activities that may conflict with the duties and responsibilities of employees include but are not limited to outside employment and/or college coursework where an employee's efficiency is impaired.

End of New Salem/Almont School District Policy DEBB Adopted: January 18, 2016

GIFTS TO DISTRICT PERSONNEL

District employees shall not accept anything of value from individuals or companies attempting to sell/lease or selling/leasing equipment or materials to the District.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DEBE, Employee Relations with Vendors

End of New Salem/Almont School District Policy DEBC Adopted: January 18, 2016

STAFF-STUDENT RELATIONS (NON-FRATERNIZATION POLICY)

The Board requires employees, volunteers, and students to treat one another with respect and professionalism. All employees and volunteers are expected to exercise good judgment and maintain professional boundaries when interacting with students at all times, on and off school property.

Prohibited Behavior

Any behavior of a harassing or sexual nature towards students is strictly prohibited. Such behavior includes but is not limited to the following:

1. Insults, disparaging remarks/names, and/or sarcasm, used to force compliance with an employee's or volunteer's requirements or expectations.
2. Any conduct that would amount to sexual harassment, discrimination, or retaliation under Title IX of federal education amendments.
3. Any activity that may lead to a sexual relationship such as dating, sending intimate correspondence, and/or engaging in sexualized dialogue.
4. Any sexual relationship between an employee or volunteer and a current student, regardless of his/her age, or a former student under the age of 18.
5. Any conduct by an employee or volunteer that would constitute a sexual offense as defined in state law.

Individuals aware of any of these prohibited behaviors are expected to report such action to a building administrator or the Superintendent.

All reported prohibited behavior shall be investigated. If disciplinary action is deemed warranted at the completion of the investigation, the District shall take appropriate action up to and including termination of employment in accordance with law and/or reporting such activity to appropriate state licensing and law enforcement officials.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- AAC, Nondiscrimination & Anti-Harassment Policy
- AAC-BR, Discrimination & Harassment Grievance Procedure
- AAC-E, Filing a State or Federal Discrimination & Harassment Complaint

End of New Salem/Almont School District Policy DEBD Adopted: January 18, 2016

EMPLOYEE RELATIONS WITH VENDORS

Employees are prohibited from endorsing a product on behalf of the District. Employees are prohibited from making purchases on behalf of the District unless authorized by policy or board approval.

Employees are authorized to make purchasing recommendations in accordance with the district's requisition procedure. Employees making such recommendations shall not:

1. Indicate district preference to suppliers/contractors for any product or service.
2. Perform any work or service for remuneration for a supplier/contractor except as disclosures of conflict of interest are properly made.
3. Give preferential treatment to friends, relatives, or former district employees.
4. Disclose information about bids or confidential matters not approved for general release.
5. Take any other action in relation to suppliers and contractors that will impair an employee's ability to make purchasing decisions in the best interests of the District or that will give one supplier/contractor an unfair advantage over another.

The district's purchasing activity is designed solely to serve the school system. Purchases will not be made for individuals through the District or through the schools. All employees are required to adhere to state law and district policy prohibiting vendor gifts to school employees.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DEBC, Gifts to District Personnel
- HCAA, Purchasing Agent
- HCAA-AR, Requisitions & Purchase Orders

End of New Salem/Almont School District Policy DEBE Adopted: January 18, 2016

EMPLOYEE SPEECH

For the purposes of this policy, *speech* includes statements made orally, in writing/print, electronically (e.g., online, through video, text message, etc.) and/or visual mediums (e.g., photographs, videos, etc.).

Speech Made as an Employee

Speech made as a school district employee is not constitutionally protected. The District requires that when staff are acting in their official capacity as school district employees, they shall use sound judgment when making statements pursuant to their official responsibilities and only to the extent that they possess accurate information. Speech made by staff in their official capacity as school district employees shall furthermore be in keeping with the district's mission statement.

Speech made pursuant to official district responsibilities that is knowingly false or inaccurate; made with reckless disregard for the truth; that violates the district's mission statement; that causes or leads to substantial disruption of the educational environment; poses a safety threat to district students, staff, or operations; violates district policies; or impedes on the school district's interest, including, but not limited to, delivery of public services, may be grounds for disciplinary action in accordance with law, district policy, and, if applicable, the negotiated agreement.

Speech Made as a Private Citizen

When school district employees make statements as a private citizen about matters of public concern, the District may take disciplinary action if such statements substantially disrupt the educational environment. Prior to taking disciplinary action, the District should document the manner in which the speech at issue disrupted the educational environment and may consult with legal counsel to determine if the speech is indeed a matter of public concern and meets the substantial disruption standard.

When school district employees make statements as a private citizen about matters that are not of public concern, the District may take disciplinary action for reasons such as, but not limited to, the speech substantially disrupts the educational environment; poses a safety threat to district students, staff, or operations; violates district policies on off-duty conduct; contains content unbecoming to a teacher; or impedes on the school district's interest, including, but not limited to, delivery of public services. Prior to taking disciplinary action, the District may consult with legal counsel to determine if the speech is unprotected (i.e., does not address a matter of public concern).

Other Provisions

In addition to the requirements established by this policy, the District has a policy on confidentiality that governs on- and off-duty speech of district employees. The District also prohibits use of district owned or created material such as, but not limited to, the district's logo or copy trademark without first obtaining the permission of the Superintendent. Failure to obtain such permission may result in disciplinary action in accordance with the district's copyright policy.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- ABCA, Copyrighted Material & Intellectual Property
- DEBA, Confidentiality
- DEBD, Student-Staff Relations
- GBA, Academic Freedom
- KBA, Relations with the News Media

End of New Salem/Almont School District Policy DEBF.....Adopted: January 18, 2016

UNAUTHORIZED PURCHASES

All purchases must be made in a manner consistent with policy (HCAA) and accompanying regulations and only with properly delegated authority. Purchases that are unauthorized shall become the financial responsibility of the purchaser. Purchases made in violation of the purchasing policy or rules may become the financial responsibility of the purchaser subject to an investigation of the alleged violation conducted by the Superintendent or Board President when the alleged violation relates to the Business Manager or Superintendent. District employees may be subject to additional disciplinary consequences for making unauthorized purchases, including, but not limited to, revocation of purchasing authority.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- HCAA, Purchasing

End of New Salem/Almont School District Policy DEBJ.....Adopted: January 18, 2016

ADMINISTRATIVE LEAVE & SUSPENSION

Administrative Leave

The New Salem/Almont School Board authorizes the Superintendent to place a district employee (teacher, administrator, or ancillary staff) on administrative leave when an employee is under district and/or law enforcement investigation, and the Superintendent identifies a need to temporarily remove the employee from his/her duties and/or job placement to protect district property, school operations, students and/or other employees. The Superintendent may consult with district legal counsel when determining if assignment of administrative leave is appropriate.

Prior to placing an employee on administrative leave, the Superintendent should consider if a transfer or reassignment of the employee would be an appropriate alternative to administrative leave. A decision to transfer or reassign an employee shall not violate the terms of the employee's contract with the district or negotiated agreement, if applicable.

Administrative leave shall be with pay, and the employee shall not be required to take any applicable paid leave benefits as part of the administrative leave.

The duration of administrative leave shall be until the investigation is complete and the Superintendent determines that the employee's potential threat or disruption to district property, school operations, students and/or other employees has passed.

The New Salem/Almont School Board delegates authority to the Board President to place the business manager or Superintendent on administrative leave using the same criteria and requirements established above.

Suspension

The Board delegates authority to the Superintendent to suspend all contracted district employees. The Superintendent is authorized to suspend all at-will employees.¹

Suspension may be with or without pay. If an employee is suspended without pay and then reinstated, the employee shall be entitled to back wages and accrual of any benefits that would have been accumulated during the period of suspension.

End of New Salem/Almont School District Policy DED.....Adopted: January 18, 2016

¹ Review your policy on at-will employee dismissal. The individual/group authorized by that policy to dismiss at-will employees should also have authorization to suspend them.

TEACHER EVALUATION

Immediate supervisors shall evaluate the professional staff by use of instruments adopted by the Board. The evaluation process will be based on the supervisory process. These evaluations shall be conducted in conformance with North Dakota law, including the dates specified in the law. The evaluation shall become a part of the employee's personnel file. The employee shall have the right to review the evaluation and may attach a statement of disagreement if he/she so wishes.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DFA, Supervision & Evaluation
- DFAA-AR, Teacher Evaluation Procedure
- DFAB, Teacher Supervision
- DIB, Review of Contested Material in Personnel Files

End of New Salem/Almont School District Policy DFAA Adopted: January 18, 2016

PROMOTION

Whenever new jobs are created or vacancies occur in a higher ranked position, present employees shall be eligible for consideration. Existing personnel shall be subject to the same hiring requirements placed on external applicants.

The Superintendent shall make all promotion recommendations for instructional staff to the Board, which will approve or disapprove the recommendation. The Superintendent is authorized to promote classified staff. Promotion decisions shall be based on the same criteria used to hire external applicants.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- CAAA, Superintendent Recruitment & Appointment
- CABB, Hiring Administrative Staff
- DBAA, Recruitment, Hiring, & Background Checks for New Classified Personnel
- DBAA-AR, Background Screening Procedure
- DBAA-E, Adjudication System
- DBAC, Recruitment & Selection of Instructional Staff

End of New Salem/Almont School District Policy DFB Adopted: January 18, 2016

PROFESSIONAL DEVELOPMENT PLAN

The Board requires all licensed personnel to participate in professional development.

Professional Development Plan

The Superintendent shall develop a professional development plan that is based on a district needs assessment, which will be conducted through methods such as, but not limited to, surveys and/or input from instructional staff. The Superintendent shall establish professional development goals based on the findings of the needs assessment. Professional development may include inservice workshops, a professional library, short-term professional leave, and assistance from consultants. All professional development activities shall be within District budgetary parameters.

The professional development plan shall be evaluated based on specific plan evaluation criteria developed by the Superintendent.

End of New Salem/Almont School District Policy DGGA.....Adopted: January 18, 2016

BREAKS

Nonexempt employees are entitled to an unpaid, 30-minute uninterrupted break when there are two or more employees on duty. Full-time exempt employees will be provided with a paid 30 minute uninterrupted break each day unless a different duration is specified by a negotiated agreement or when the exempt employee works less than a five-hour day

End of New Salem/Almont School District Policy DGH Adopted: January 18, 2016

LICENSURE

Every licensed employee shall hold a valid license, issued by the Education Standards and Practices Board, or a valid temporary or provisional license.

All licensed personnel shall have their teaching license duly recorded with the Business Manager who will record the number and kind of license and date of expiration in the teacher's individual file.

Renewal

Employees are required to meet licensure renewal requirements, renew before the date of expiration, and file renewal with the Business Manager.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DHA-E, Licensure Record Letter

End of New Salem/Almont School District Policy DHA.....Adopted: January 18, 2016

TITLE I QUALIFICATIONS NOTIFICATION REQUIREMENT

In accordance with federal law, the Superintendent or designee shall annually notify parents of each student attending a school that receives these funds that they may request and the District shall provide the professional qualifications of their child's classroom teacher and/or teachers and the qualifications of paraprofessionals providing services to their child.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DI, Personnel Records

End of New Salem/Almont School District Policy DHAB Adopted: January 18, 2016

PERSONNEL RECORDS

The Superintendent shall keep a personnel folder for each employee, licensed and classified. The folder shall contain such information as is required by law and shall include performance evaluations, the Business Manager's record of the license held for all licensed personnel, an itemized list of all documents in the file, and a record of access including the date of review and identity of persons reviewing the file if they choose to identify themselves.

Location

Personnel records shall be maintained in the following areas:

1. The Business Manager shall maintain records:
 - a. Required for payroll purposes, for record keeping under the Fair Labor Standards Act, and other laws pertaining to payroll recordkeeping.
 - b. Containing all personal information as defined by law, including but not limited to records of medical treatment and use of employee assistance programs.
2. The Superintendent shall seal and mark confidential all state and federal criminal history records and, if applicable, credit history records and motor vehicle records. These records shall be stored in a secured area.
3. Records relating to alcohol and controlled substance use/testing shall be maintained in accordance with federal regulations. Statistical records and reports shall be maintained and made available to the Federal Highway Administration for inspection or audit in accordance with federal regulations.
4. The Superintendent's office shall maintain all other personnel records, excluding the Superintendent's file.
5. The Business Manager shall maintain the Superintendent's personnel record. The Superintendent shall maintain each building principal's personnel record.

Only employees who have a need to know in order to perform their duties will have access to information listed in section one, two, and three above.

Former Employees

A file shall be kept for all resigned, terminated, or retired employees, including such essential information as shall seem appropriate to the administration at least six years.

Transcripts used in the process of hiring will be returned to the employee. Licensed staff will be required to have them available for accreditation purposes as needed.

Record Review

The Board shall establish and approve a procedure for handling requests to review personnel records. The Superintendent, Business Manager, and Board President may seek legal advice on matters pertaining to review requests but access to open public records will not be unreasonably delayed.

Removal of Material

Removal of material from a teacher's personnel file will be handled in accordance with state law.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DI-BR, Personnel Records Review Procedure
- DIA, Distribution of Personnel Directory
- DIB, Review of Contested Material in Personnel Files
- DHAB, Title I Qualification Notification Requirements

End of New Salem/Almont School District Policy DI.....Adopted: 4/20/15

PERSONNEL RECORDS REVIEW PROCEDURE

Personnel records subject to open records laws shall be available during school hours for review by members of the public under the following procedures:

1. The request to view an employee's record may be made in writing, in person, or by phone. Written requests shall become a part of the file.
2. The file may be viewed in the administrative office or a copy may be mailed to the person requesting to view the file if that person so chooses. A school district employee other than the employee whose file is being reviewed shall be present during the review of the file to maintain the security of the file's contents.
3. Copies of any documents in the file will be made upon request and at reasonable charge in accordance with law to the person requesting them. The charge may include the cost of materials, use of equipment, labor for making the copies, and time spent in locating the file. The cost of mailing may also be included in the charge if the copy is to be mailed. This charge shall be applied uniformly and without discrimination.
4. The employee may be notified that the file will be reviewed or has been reviewed.

Review of the Superintendent's folder shall follow the same procedures. The Board President may serve as the school employee who is present during the viewing of the file.

End of New Salem/Almont School District Board Reg. DI-BR.....Approved: 4/20/15

DISTRIBUTION OF PERSONNEL DIRECTORY

The district personnel directory shall include each employee's name, address, telephone number, and school assignment. The District will honor any request of any employee that does not want personal information published. This includes home address and telephone number.

Dissemination

The directory shall be distributed to all district employees, the members of the Board, and to each school and district office. It shall not be sold and shall not be distributed in any manner that would be detrimental to the District. The Superintendent may make the directory available to colleges and universities desiring to send literature to faculty members concerning summer sessions, evening school courses, and such other information as may be of value to staff members. In making the decision to make the directory available, the Superintendent should be aware of an obligation to protect district employees from harassment.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DI, Personnel Files

End of New Salem/Almont School District Policy DIA Adopted: January 18, 2016

REVIEW OF CONTESTED MATERIAL IN PERSONNEL FILES

Teachers have the right to request an administrative review of any material in their files that they consider to be inaccurate or inappropriate, other than performance evaluations.

If the teacher is not satisfied with the administrator's decision, the teacher may request, and must receive, a formal review by the Board. This review shall be at an open public meeting of the Board.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DI, Personnel Files
- DI-BR, Personnel Records Review Procedure

End of New Salem/Almont School District Policy DIB Adopted: January 18, 2016

SUBSTITUTE TEACHERS

Definition and Qualifications

Substitute teachers are temporary fill-ins for teachers absent from school. Substitute teachers shall be qualified to teach in North Dakota schools and must possess a valid teacher's license unless an exception under state law or administrative rules applies. Retired teachers may be employed as substitutes.

The Superintendent shall maintain a list of qualified substitutes and develop a protocol for contacting and securing substitutes' services.

Pay

The Board shall determine the rate of pay for substitute teachers annually. Substitute teachers will not participate in the health and welfare plans or other fringe benefits of the District except as may be required by law. All legal deductions are made from substitute pay. Substitute teachers may earn up to the maximum amount allowed by FICA in a school year without contributing to the retirement fund. Should they earn more than the maximum allowed, all earnings become subject to retirement fund deductions.*¹

Supervision and Evaluation

Substitute teachers shall be evaluated and supervised in accordance with the district's policy on teacher evaluation and supervision.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DFAA, Teacher Evaluation
- DFAA-AR, Teacher Evaluation Procedure
- DJA-AR, Procedure for Selecting Substitute Teachers

End of New Salem/Almont School District Policy DJA Adopted: January 18, 2016

¹ Check with ND Teachers Insurance and Retirement Fund Office for details and current information.

TEACHERS' AIDES

Definitions

For the purposes of this policy:

- *Teacher's aide* means an adult school employee, working under the direction of licensed administrative and teaching staff.
- *Non-instructional duties* include, but are not limited to: performing clerical tasks, attending to physical needs of children, acting as a translator, coordinating parental involvement events, and supervising the playground and/or lunchroom.

Hiring

The Board shall approve all teachers' aide positions in the District. The Superintendent shall have the authority to hire teachers' aides for supplementary instructional and non-instructional duties in accordance with applicable district hiring policies.

Qualifications

Teachers' aides with instructional duties in Title I schools shall meet all educational and other requirements contained in federal laws. The Superintendent shall not hire instructional teachers' aides who do not meet these standards. These requirements shall not apply to those aides serving in a non-instructional capacity.

The Superintendent shall develop, and each aide shall receive, a job description with duties limited to the scope of the individual's competencies.

Supervision and Evaluation

Teachers' aides shall be under the direct supervision of licensed teachers. The Superintendent shall develop and implement procedures for periodic evaluations of teachers' aides.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DBAA, Recruitment, Hiring, & Background Checks for Classified Personnel

End of New Salem/Almont School District Policy DJC Adopted: January 18, 2016

REDUCTION-IN-FORCE POLICY

The Board shall have the sole right to determine the necessity for and scope of a reduction in force for reasons including, but not limited to, lack of funds, uncertainty of funds, declining enrollment, or other reasons of necessity.

Teaching staff on leave for any purpose remain subject to the district's reduction-in-force policy.

Criteria

The Superintendent shall recommend teacher(s) for reduction in force in accordance with the following criteria:

1. Attrition, including retirements and resignations.
2. When attrition is not sufficient to alleviate the necessity for reduction in force, the Board shall retain teachers with the greatest adaptability to meet present and future district staffing and educational needs, both curricular and extracurricular.
3. When teachers within the same area of licensure are deemed to be of equal adaptability, the Board shall retain the teacher with superior academic and professional preparation beyond minimum licensure requirements in his/her teaching field.
4. When teachers are deemed to be of equal adaptability and have equal academic and professional preparation within their teaching fields, the Board shall retain the teacher who has taught in the District for the greater period of time.

If a reduction in force is necessary, only teachers directly impacted (e.g., those employed under a Title program) will be considered for reduction in force based on the criteria for RIF above.

Notices & Hearing

If a decision is made to reduce the teaching staff, any teacher affected thereby shall be given such notice and hearing as may be required by law.

Recall Rights

Any teacher who is nonrenewed under the provisions of this policy may request and shall be given consideration for teaching vacancies for which said teacher is qualified and which occur within 12 months after receipt of written notice of the nonrenewal decision. It shall be the sole responsibility of said teacher to provide the District with a current address. Any teacher who is offered re-employment hereunder and fails to accept the same within fifteen 15 days after it is offered shall be deemed to have rejected said offer and shall forfeit all future recall rights if an offer of equal employment is rejected.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DKA-E, Reduction in Force Rubric

SEPARATION OF AT-WILL EMPLOYEES¹

Whenever possible, support personnel are requested to give notice of intention to terminate employment two weeks prior to resignation. Written notice of resignation should be addressed to the Superintendent and presented to the employee's immediate supervisor.

The Superintendent is authorized to discharge ancillary employees.² The employee may be suspended during any investigation of which the employee is the subject. The Board shall be notified of any suspension and/or discharge.

The Superintendent may terminate at-will employees at any time, with or without cause.

End of New Salem/Almont School District Policy DKBA Adopted: 2/22/16

¹ Do not adopt this policy if you issue contracts to classified staff.

² This is only one option. The Board can also designate itself as the body responsible for terminating the employment of classified staff.

CONTRACTED STAFF RESIGNATIONS & REQUEST FOR RELEASE FROM CONTRACT

All staff under contract with the District are expected to fulfill the entire term of the contract.

Request for Release from Contract

When a member of the staff requests a release from contract, the Board may exercise one of three options:

1. Grant an unconditional release from contract.
2. Deny temporarily or table the request with the understanding that the administration will be directed to facilitate the granting of the request by seeking an adequately qualified replacement.
3. Deny the request.

No release from contract shall be deemed granted until the Board has unconditionally approved it.

Any teacher or administrator who has not been granted a release by the Board and who fails to fulfill a teaching or administrative contract with the District will be reported to the Education Standards and Practices Board.

Resignation

Contracted staff members who decide to leave the employment of the District at the end of their current contract are requested to submit a written resignation to the Superintendent immediately upon making the decision. The resignation shall indicate clearly the date upon which it is intended to be effective. No resignation shall be deemed effective until the Board has approved it except as follows. District staff subject to continuing contract law who fail to return their contracts within the statutory timeframe shall be deemed to have resigned. Board approval of such resignations is unnecessary.

While this policy requests that contracted personnel submit notice of resignation, it in no way requires the Board to renew contracts for positions not covered by continuing contract law (e.g., coaching).

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DKBB-BR, Granting a Release from Contract

End of New Salem/Almont School District Policy DKBB Adopted: 2/22/16

TEACHER DISCHARGE FOR CAUSE

Definitions

For the purposes of this policy, *teacher* includes the following positions in the District: teacher, principal, and assistant or associate superintendent.

Substantiating the Need for Discharge

If a principal or individual responsible for teacher supervision has reasonable cause that a teacher has exhibited or engaged in actions that the supervisor believes are consistent with a criterion or criteria for discharge contained in NDCC 15.1-15-07, s/he shall contact and consult with the Superintendent. The Superintendent is authorized to consult with the district's legal counsel on how to proceed and shall advise the principal/supervisor on how to respond to the teacher's actions.

When the Superintendent, in consultation with the district's attorney, believes that the District has the documentation necessary to pursue contemplated discharge for cause, the Superintendent shall schedule and properly notice a board meeting.

Meeting to Contemplate Discharge

At the board meeting, the Board will vote on a motion to contemplate discharge. This motion must be made in an open meeting, and in order to guard against a final determination prior to the hearing with the teacher, the Board must limit discussion to the single issue of whether or not the causes for discharge given by the Superintendent conform to NDCC 15.1-15-07. Questions or discussion of the substance or substantiation of the stated causes for discharge must be reserved for the actual discharge hearing.

If properly noticed, the Board may also vote on whether or not to suspend the teacher during the period in which the discharge for cause is pursued. The Board shall not agree to hold discussion of teacher suspension in an open meeting. In order to guard against a final determination prior to the hearing with the teacher, the Board must limit discussion of teacher suspension to the single issue of whether or not to suspend the teacher with or without pay. The motion to suspend must be passed unanimously by the Board.

Prehearing and Hearing Procedure

If voting to contemplate discharge, the Board shall then comply with the Office of Administrative Hearings Guidelines for Prehearings and Hearing Procedures (DKDB-E). During the pre-hearing process, the district's legal counsel and, if deemed appropriate by district legal counsel, the Superintendent shall represent the District. In order to guard against a final determination prior to the hearing with the teacher, board members shall not be involved in the prehearing procedure. The Board should instruct its legal counsel that it shall not agree to hold the discharge hearing in an open meeting.

At the hearing, board members shall only ask questions based on the evidence presented at the hearing. Board members shall not ask questions about outside evidence that is not part of the official hearing record. While board members may ask questions during the hearing, they shall reserve all comments for the

deliberations portion of the hearing and shall base such comments on only evidence presented during the hearing—not outside information.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- BCAA, Board Meeting Agenda & Pre-Meeting Preparation
- BCAB, Board Meeting Procedures
- BCAD, Executive Sessions
- BDBB, Retaining an Attorney
- DKBD-E, OAH Guidelines for Prehearing and Hearing Procedure
Discharge for Cause Hearings NDCC 15.1-15-08

End of New Salem/Almont School District Policy DKBD Adopted: 2/22/16

**OFFICE OF ADMINISTRATIVE HEARINGS (OAH)
GUIDELINES FOR PREHEARING
AND HEARING PROCEDURE DISCHARGE FOR CAUSE HEARINGS
NDCC 15.1-15-08**

1. A school board or counsel for a school board will make a written request to OAH for the appointment (designation) of an administrative law judge (ALJ) from OAH to preside as hearing officer at a pending discharge for cause hearing.
2. The day the request is received, or within a day or two after receiving the request, an ALJ will be appointed by the director of OAH. (OAH will make every effort to get these matters assigned as soon as possible.)
3. On the day appointed, or within a day or two of being appointed, the ALJ will schedule a prehearing conference. (The appointed ALJ will make every effort to get a prehearing conference scheduled as soon as possible.)
 - a. Present at the conference will be the parties, and/or their counsel, and the ALJ. The school board may have a representative present at the conference, if it chooses, either the school board president or the president's designee. If the school board chooses not to have a representative present, counsel for the school board must assure the ALJ that the school board has been or will be consulted about scheduling the hearing. Participants in the prehearing conference will be notified in writing about the conference (likely notices will be faxed or emailed).
 - b. The purpose of the prehearing conference is for the ALJ to discuss with the conference participants discovery, the filing of the statement of charges, anticipated witnesses (including any anticipated minor witnesses and the swearing in of witnesses if there are a large number of witnesses), anticipated invitees, documentary evidence, anticipated motions, any due process concerns, anticipated requests for a continuance, scheduling the hearing, closing the hearing (i.e. oral closing argument or briefs) whether the hearing shall remain closed to the public except for those allowed under N.D.C.C. § 15.1-15-08 (3), and any other preliminary matters necessary for the conduct of the hearing.
 - c. The ALJ will set the time and place for the hearing. See N.D.C.C. § 15.1-15-08 (1). At the prehearing conference, the participants and the ALJ will discuss the scheduling of the hearing. If the parties or their counsel and the ALJ agree, the ALJ will schedule the hearing according to the agreement. If there is not an agreement, the ALJ will schedule the hearing giving consideration to the requirements of the statute and the convenience of the parties and their counsel, the school board, and the ALJ. Generally, the hearing will be scheduled to be held on weekdays during the hours of 4:00 pm and 12 midnight, and the hearing may be scheduled for more than one day, if necessary. The scheduled hearing may include a Saturday hearing day upon agreement of all the participants. Parties may be asked to prepare to complete the hearing on the scheduled day(s), i.e. both

parties presenting their cases on the scheduled day(s). A second day of hearing will not necessarily be scheduled to accommodate a contemplated request for a continuance.

4. Either at or shortly after the prehearing conference, the ALJ will direct the school board to publish notice of the hearing and provide to the individual being discharged a list of charges at least five days before the hearing. See N.D.C.C. § 15.1-15-08 (1).
5. A continuance may be requested by the individual subject to discharge, or that person's counsel, either prior to the scheduled hearing or during the scheduled hearing. The request must be made in writing or at the prehearing conference, if made prior to the scheduled hearing. The request must be specific about the number of days requested (not to exceed seven days). If a request for a continuance longer than seven days is made, a showing of good cause for a longer continuance must be made. See N.D.C.C. § 15.1-15-08 (4).
6. Near the beginning of the hearing, after appearances are made, the ALJ will detail hearing procedure and instructions for participation by school board members. School board members may ask questions about hearing procedure and the instructions given by the ALJ. The parties or their counsel may ask questions about hearing procedure. The ALJ will also inform school board members (if the ALJ has not already done so at the prehearing conference by advising a school board representative) that the ALJ may not advise the school board about any substantive matters, decision making, or writing or issuing a decision, only about hearing procedure. The ALJ will also inform school board members (if the ALJ has not already done so at the prehearing conference by advising a school board representative) that at the conclusion of the hearing, after providing all of the evidence presented at the hearing to the school board and closing the hearing, the ALJ's participation in the hearing is ended. See N.D.C.C. § 15.1-15-08 (6). The hearing will close following oral argument given by the parties or their counsel, or the setting of a schedule to file briefs.
7. Near the beginning of the hearing, after appearances are made, before the ALJ details hearing procedure and instructions for participation by school board members, the ALJ will confirm the intent of the school board and the individual subject to discharge about whether the hearing shall be closed or open, and advise those present at the hearing accordingly, in conformance with N.D.C.C. § 15.1-15-08 (3).
8. If a party is calling numerous witnesses, the ALJ may swear that party's witnesses en masse. This may be discussed at the prehearing conference.

