

**OVERTON INDEPENDENT
SCHOOL DISTRICT**

MAINTENANCE

&

CUSTODIAL

DEPARTMENTS

EMPLOYEE HANDBOOK 2025-2026

TABLE OF CONTENTS

GENERAL INFORMATION

EMPLOYEE PRACTICES

AT WILL EMPLOYEES

EXCEPTIONS

NEPOTISM

DISMISSAL PROCEDURES

ASSIGNMENT AND EVALUATION

REASONABLE ASSURANCE OF EMPLOYEMENT

DISMISSAL

APPEAL TO BOARD

COMPENSATION AND BENEFITS

WAGE AND HOUR LAWS

BREAKS

COMPENSATORY TIME

ACCRUAL

WAGE AND HOUR LAWS CONT,

PAYMENT FOR ACCRUED TIME

USE

EXEMPT EMPLOYEES

SALARY BASIS

PARTIAL-DAY DEDUCTIONS

SAFE HARBOR POLICY

WAGE AND HOUR RECORDS

PAYDAY LAW EXEMPTION

COMPENSATION AND BENEFITS

WAGE AND HOUR LAWS

PAY ADMINISTRATION

ANNUAL PAY INCREASES

MID-YEAR PAY INCREASES

MAINTENANCE AND CUSTODIAL PERFORMANCE GOALS

WORKING RELATIONSHIPS

WORK PRACTICES

CONTRACT EMPLOYEES

NONCONTRACT EMPLOYEES

CLASSIFICATION OF POSITIONS

EXEMPT

COMPENSATION AND BENEFITS

LEAVES AND ABSENCES

STATE LEAVE

STATE PERSONAL LEAVE

STATE SICK LEAVE (ACCUMULATED PRIOR TO 1995)

ORDER OF USE

USE DURING MILITARY LEAVE

TEMPORARY DISABILITY

AT EMPLOYEE'S REQUEST

BY BOARD AUTHORITY

RETURN TO ACTIVE DUTY

PLACEMENT

LENGTH OF ABSENCE

SICK LEAVE DIFFERENT FROM TEMPORARY DISABILITY LEAVE

ASSAULT LEAVE

NOTICE OF RIGHTS

ASSIGNMENT TO ASSAULT LEAVE

COORDINATION WITH WORKERS' COMPENSATION BENEFITS

RELIGIOUS OBSERVANCES

COMPLIANCE WITH A SUBPOENA

JURY DUTY

DEVELOPMENTAL LEAVES OF ABSENCE

ABSENCE CONTROL

DEFINITIONS

LIMITATIONS

DURATION OF LEAVE

LOCAL LEAVE

FAMILY AND MEDICAL LEAVE

WORKERS' COMPENSATION

COURT APPEARANCES

EMPLOYEE STANDARDS OF CONDUCT

VIOLATIONS OF STANDARDS OF CONDUCT

ELECTRONIC MEDIA

USE WITH STUDENTS

SAFETY REQUIREMENTS

HARASSMENT OR ABUSE

RELATIONSHIPS WITH STUDENTS

TOBACCO USE

ALCOHOL AND

DRUGS

EXCEPTIONS

NOTICE ARRESTS,

INDICTMENTS,

CONVICTIONS, AND

OTHER ADJUDICATIONS

DRESS AND GROOMING

******ALL POLICIES AND PROCEDURES CAN BE SEEN AND REVIEWED ON OUR WEBSITE AT
www.overtonisd.org UNDER POLICIES AND PROCEDURES**

OVERTON ISD

MAINTENANCE AND OPERATIONS Manual

General information:

1. All employees on a full-time basis (210) receive eight (8) days of paid vacation. During the regular school year, we observe the same holidays as teachers with the following exceptions:

Maintenance, Custodial employees Thanksgiving break, Christmas break, and spring break. Summer hours, maintenance and custodians will work 4-10 hr. days from 6:00 am to 4:00 pm
2. Normal working hours are two shifts: first shift 6 a.m. – 3:30 p.m. with a lunch break at 11:00 am to 12:00 pm, second shift is 7:00 am -4:30 pm with a lunch break at 12:00 pm to 1:00 pm and two (15) minute breaks per day – morning and after lunch.
3. Tardiness is a habit and a bad one at that. All employees will be expected to be on time for work each assigned work day.
4. In the event of a personal illness or a family emergency, call the Supervisor Chuck Willeford 903-808-0122 if you do not get an answer call Sarah Tharp 903-235-2087. One (1) hour prior to the start of the work day or the night before by 9 pm.
5. Employees working more than 40 hours per week will receive overtime pay at the rate of 1 ½ time their hourly rate of pay. **NO ONE WILL BE**

**ALLOWED OVERTIME WITHOUT APPROVAL FROM THE
ADMINISTRATION OFFICE.**

6. If you have to go off campus notify the maintenance office.
7. The school provides all maintenance and custodial staff with radios. They are to be carried and turned on at all times.
8. All employees are to clock in and out. You are not allowed to clock in or out anyone else.
9. Vacation days or personal days must be requested in advance by using Red Rover and also receiving approval by the supervisor. **REQUEST FOR TWO (2) OR LESS**

CONSECUTIVE DAYS MUST BE SUBMITTED 1 WEEK IN ADVANCE.
REQUESTS FOR (3) OR MORE CONSECUTIVE DAYS MUST BE GIVEN AT LEAST A TWO WEEK ADVANCE NOTICE.

10. After having used all of their sick leave, personal days, birthday and vacation days, employees will be docked for any absence from work.
11. Email should be checked daily and only used for official school business.
12. **Cell phone use**- only authorized lead custodial will be allowed to carry a cell phone during school hours. Cell phones have to be left in your custodial closet or vehicles and not used while on duty.
13. Using school vehicles for personal business is not permissible.

Code 392.82 **USING A HAND-HELD MOBILE TELEPHONE**

- (a) **(1) NO DRIVER** SHALL USE A HAND-HELD MOBILE TELEPHONE WHILE DRIVING A CMV (COMMERCIAL MOTOR VEHICLE).
- (b) **NO MOTOR CARRIER** SHALL ALLOW OR REQUIRE ITS DRIVERS TO USE A HAND-HELD MOBILE TELEPHONE WHILE DRIVING A CMV.
- (c) **Definitions.** For the purpose of this section only, *driving* means operating a commercial motor vehicle on a highway, including while temporarily stationary because of traffic, traffic control device, or other momentary delays. Driving does not include operating a commercial motor vehicle when the driver has moved the vehicle to

the side of, or off, a highway and has halted in a location where the vehicle can safely remain stationary.

(d) **EMERGENCY EXCEPTIONS.** Using a hand-held mobile telephone is permissible by drivers of a CMV when necessary to communicate with law officials or other emergency services.

14. State law prohibits the use of illegal drugs, alcohol or tobacco products while on school property.

15. It is district policy that an absence from duty report is to be filled out within 24 hrs of an employee's return to work regardless of the reason for absence. If absent 3 or more days you must have a dr.'s release to come back to work.

16. All employees are expected to follow all school district procedures at all times. Failure to do so will result in a letter of reprimand, counseling or termination. These letters will be used for corrective action and for documentation. Employees who fail to heed these letters to correct the problem or who consistently fail to follow rules and procedures will be terminated.

17. Work related injuries are to be reported immediately to the supervisor and an Injury report should be submitted to the Nurse. Failure to comply with the directive could result in loss of workman's comp benefits and or termination.

Maintenance and Custodial Performance Goals:

Maintenance, Transportation and Custodial Department employees should consistently strive for above average performance in each of the following areas:

Working relationship:

- Demonstrates a sincere interest in the Mission of Overton ISD • Arrives for work on time, mentally and physically prepared for the job.
- Continues working until designated quitting time each day.
- Always use acceptable language, particularly in the presence of students and staff.
- Always behaves properly, particularly in the presence of students and staff.
- Always dresses appropriately while on the job.
- Takes pride in personal appearance and grooming.
- Demonstrates a willingness to learn the proper use of new methods and materials.
- **Takes responsibility for own actions; is not critical of other.**

Work Practices:

- Demonstrates a working understanding of the principles, equipment, materials and methods that are generally accepted as requirements of the trade.
- **Performs tasks with little waste of time or materials.**
- Performs high quality work; takes pride in accomplishments.
- Practices safe work habits; uses proper safety equipment.
- Satisfactorily performs a variety of tasks.
- Does not tend to be easily distracted from duties.
- Does not distract others from their duties.

- Leaves the work area clean and orderly after performing required work.
- ***Takes good care of tools and equipment used on the job, including vehicles, tractors, mowers and other power equipment.***

The following terms and descriptive statements describe a Maintenance, Transportation, and Custodial Department employee who consistently performs above average:

- **Punctuality**- The employee will comply with an agreed upon work schedule. The supervisor must approve any deviation from the schedule. In unavoidable situations, the supervisor should be notified as soon as possible.
- **Productivity** – There is never a time when there is not some job that needs to be performed. Employees should avoid taking excessively long breaks. Do not spend excessive time just “visiting” with someone. Be cordial with people and get on with the job at hand.
- **Safety Practices** – Employees shall at all times observe established work safety procedures which may apply to themselves, coworkers, students and staff on each campus. Particular attention must be given when using power tools and equipment. Safe practices must be a top priority for all employees. You will not be able to work off the clock for any reasons.
- **Initiative** – Each employee should take care of routine tasks without having to be reminded continually by the supervisor.
- **Quantity of Work Accomplished** – Each employee is expected to accomplish a reasonable amount of work each day. Keep in mind several short duration jobs which can be accomplished in the few minutes prior to lunch breaks and just prior to the end of the work day.
- **Quality of Work Accomplished** – Every employee should take pride in the quality of work accomplished; the jobs to be done must be done well. There should never be cause for another person to “re-do” any job due to poor quality of workmanship.

- **Positive Response to Supervision** – The employee's supervisor will give direction and offer suggestions as well as establish work schedules. There should be a positive relationship with the supervisor. The supervisor will not ask employees to do anything unreasonable. There may be times when some task is a higher priority than the established job routine. When the supervisor directs something to be done differently, the employee should be agreeable and react positively to the directive.
- **Planning and Organizing Work Schedules** – The employee should follow through with a work schedule as established by the supervisor. The employee should be able to effectively carry out a schedule of maintenance activities without having to be told exactly when and how to do each little thing.
- **Knowledge and Job Skills** – The employee is expected to possess the basic job skills to effectively perform their assigned duties. This will include knowledge of safe work practices and the proper use and care of equipment.
- **Compliance with School District Policies** – All employees shall comply with established school district policies and regulations, including special regulations that may exist for each campus. If problems arise, discuss them with your supervisor immediately.
- **Relations with Coworkers** – Each employee will be able to work in cooperation with other employees without causing disruptions or distractions because of personal feelings. Be loyal to your coworkers, your supervisor and the school district.
- **Relations with Faculty and Staff** – Each employee should respect the position of teachers, administrators and other professional staff. Project an image of pride in your own workmanship and appreciation for the important work which teachers perform. Always perform your duties with as little disruption as possible to classroom instruction.

- **Physical capabilities** – Each employee should be able to perform their assigned duties without undue stress and strain. Each employee is expected to maintain the physical and mental conditioning necessary to perform his or her assigned duties.
- **Personal Appearance and Department** – All employees are expected to project acceptable conduct and appearance on the job. Employees are expected to practice regular personal hygiene, use acceptable language and dress appropriately. Uniform smocks are supplied for the ladies. Men are supplied with polo type shirts. All uniforms will be worn with blue or black jeans or black pants. You may not wear pants with holes in the legs.
- Use of tobacco or being under the influence of alcohol or illegal drugs while on school property is prohibited by law and by school district policy.

EMPLOYEE PRACTICES

AT WILL EMPLOYEES

The employment-at-will doctrine is the law of Texas, under which an employer has no duty to an employee regarding continuation of employment. *Jones v. Legal Copy, Inc.*, 846 S.W.2d 922 [Tex. App.—Houston [1st Dist.] 1993, no writ]

The employment-at-will doctrine places no duties on an employer regarding an employee's continued employment and thus bars contract and tort claims based on the decision to discharge an employee. *Sabine Pilot Serv., Inc. v. Hauck*, 687 S.W.2d 733 (Tex. 1985)

In Texas, at-will employment is presumed unless shown otherwise. *Gonzales v. Galveston Ind. Sch. Dist.*, 865 F.Supp. 1241 (S.D. Tex. 1994)

Employment for an indefinite term may be terminated at-will and without cause, except as otherwise provided by law. *Garcia v. Reeves County, Texas*, 32 F.3d 200

(5th Cir. 1994); *Irby v. Sullivan*, 737 F.2d 1418 (5th Cir. 1984); *Winters v. Houston Chronicle Pub. Co.*, 795 S.W.2d 723 (Tex. 1990)

EXCEPTION

An at-will employee cannot be discharged if the sole reason for the discharge was that the employee refused to perform an illegal act. *Sabine Pilot Serv., Inc. v. Hauck*, 687 S.W.2d 733 (Tex. 1985) [See DG, DGA, DGB for other exceptions]

NEPOTISM

A superintendent to whom the Board has delegated final hiring authority to select personnel is a “public official” with appointment authority for purposes of the nepotism laws. *Atty. Gen. Op. GA-123* (2003) [See DBE]

DISMISSAL PROCEDURE

An at-will employment relationship, standing alone without benefit of recognized exception, triggers nor due process requirement nor right. *Mott v. Montgomery County*, 882 S.W.2d 635, 638 (Tex. App.—Beaumont 1994, writ denied)

Termination of employment is a condition of work that is a proper subject for the grievance process. *Fiberboard Paper Products Corp. v. National Labor Relations Board*, 379 U.S. 203 (1984); *Sayre v. Mullins*, 681 S.W.2d 25 (Tex. 1984) [See DGBA]

NOTICE TO THE COMMISSIONER

See policy DF regarding circumstances under which a certified paraprofessional employee’s dismissal will be reported to the Commissioner.

AT WILL EMPLOYEES

Personnel employed on an at-will basis include but are not limited to employees in the following categories: instructional aides, clerical employees, transportation employees, maintenance and custodial employees, and food service employees.

ASSIGNMENT AND EVALUATION

The Superintendent or designee has sole authority to notify employees of assignments, compensation rates, and conditions of employment.

Evaluation of at-will employees shall be conducted by the principal or supervisor in accordance with administrative procedures. [See DN]

REASONABLE ASSURANCE OF EMPLOYMENT

At-will employees in positions normally requiring less than 12 months of service annually and who are expected to report to work at the beginning of the following school session shall be provided a letter of reasonable assurance of employment. [See CRF]

DISMISSAL

At-will employees may be dismissed at any time for any reason not prohibited by law or for no reason, as determined by the needs of the District. At-will employees who are dismissed shall receive pay through the end of the last day worked.

APPEAL TO BOARD

A dismissed employee may request to be heard by the Board in accordance with DGBA (LOCAL).

Overton ISD

201908

COMPENSATION AND BENEFITS**DEA****WAGE AND HOUR LAWS****(LEGAL)****FAIR LABOR STANDARDS ACT****MINIMUM WAGE AND OVERTIME**

Unless an exemption applies, the District shall pay each of its employees not less than minimum wage for all hours worked. 29 U.S.C. 206(a)(1)

Unless an exemption applies, the District shall pay an employee not less than one and one-half times the employee's regular rate of pay for all hours worked in excess of forty in any workweek. 29 U.S.C. 207(a) (1); 29 CFR pt. 778

BREAKS FOR NONEXEMPT EMPLOYEES

Rest periods of up to 20 minutes must be counted as hours worked. Coffee breaks or time for snacks are rest periods, not meal periods. 29 CFR 785.18

Bona fide meal periods of 30 minutes or more are not counted as hours worked if the employee is completely relieved from duty. The employee is not relieved from duty if the employee is required to perform any duties, whether active or inactive, while eating. For example, an office employee who is required to eat at his or her desk is working while eating. It is not necessary that an employee be permitted to leave the premises if the employee is otherwise completely freed from duties during the meal period. 29 CFR 785.19

BREAKS FOR NURSING MOTHERS

The district shall provide a nonexempt employee a reasonable break to express breast milk, each time the employee needs to express breast milk for her nursing child, for one year after the child's birth. The district shall provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

The district is not required to compensate the employee receiving reasonable break time for any work time spent for such purpose.

A district that employs fewer than 50 employees is not subject to these requirements if the requirements would impose an undue hardship by causing the district significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the district.

29 U.S.C. 207(r)

COMPENSATORY TIME

ACCRUAL

Nonexempt employees may receive, in lieu of overtime compensation, compensatory time off at a rate of not less than one and one-half hours for each hour of overtime work, pursuant to an agreement or understanding arrived at between the employer and employee before the performance of the work. Such agreement or understanding may be informal, such as when an employee works overtime knowing that the employer rewards overtime with compensatory time.

An employee may accrue not more than 240 hours of compensatory time. If the employee's overtime work included a public safety activity, an emergency response activity, or a seasonal activity, the employee may accrue not more than 480 hours of compensatory time. After the employee has reached these limits, the employee shall be paid overtime compensation for additional overtime work.

PAYMENT FOR ACCRUED TIME

Compensation paid to an employee for accrued compensatory time shall be paid at the regular rate earned by the employee at the time of payment. An employee who has accrued compensatory time off shall be paid for any unused compensatory time upon separation from employment at the rates set forth at 29 U.S.C. 207(o)(4).

USE

An employee who has requested the use of compensatory time shall be permitted to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the district.

The Fair Labor Standards Act does not prohibit the district from compelling the use of accrued compensatory time.

29 U.S.C. 207(o); Christensen v. Harris County, 529 U.S. 576 (2000); Houston Police Officers' Union v. City of Houston, 330 F.3d 298 (5th Cir. 2003)

EXEMPT EMPLOYEES

The minimum wage and overtime provisions do not apply to any employee employed in a bona fide executive, administrative, or professional capacity. 29 U.S.C. 213(a) (1)

ACADEMIC ADMINISTRATORS

The term "employee employed in a bona fide administrative capacity" includes an employee:

1. Compensated for services on a salary or fee basis at a rate of not less than \$455 per week exclusive of board, lodging, or other facilities, or on a salary basis that is at least equal to the entrance salary for teachers in the district by which employed; and
2. Whose primary duty is performing administrative functions directly related to academic instruction or training in the district or department or subdivision thereof.

"Performing administrative functions directly related to academic instruction or training" means work related to the academic operations and functions in a school rather than to administration along the lines of general business operations. Such academic administrative functions include operations directly in the field of education. Jobs relating to areas outside the educational field are not within the definition of academic administration.

Employees engaged in academic administrative functions include:

1. The Superintendent or other head of an elementary or secondary school system, and any assistants, responsible for administration of such matters as curriculum, quality and methods of instructing, measuring and testing the learning potential and achievement of students, establishing and maintaining academic and grading standards, and other aspects of the teaching program;
2. The principal and any vice principals responsible for the operation of an elementary or secondary school;
3. Academic counselors who perform work such as administering school testing programs, assisting students with academic problems and advising students concerning degree requirements; and
4. Other employees with similar responsibilities.

Jobs relating to building management and maintenance, jobs relating to the health of the students, and academic staff such as social workers, psychologists, lunch room managers, or dietitians do not perform academic administrative functions, although such employees may qualify for another exemption.

29 CFR 541.204

SALARY BASIS

To qualify as an exempt executive, administrative, or professional employee, the employee must be compensated on a salary basis, unless the employee is a teacher. Subject to the exceptions listed in the rule, an employee must receive the full salary for any week in which the employee performs any work, without regard to the number of days or hours worked. A district that makes improper deductions from salary shall lose the exemption if the facts demonstrate that the District did not intend to pay exempt employees on a salary basis. 29 CFR 541.600, .602(a), .603

PARTIAL-DAY DEDUCTIONS

A District employee who otherwise meets the salary basis requirements shall not be disqualified from exemption on the basis that the employee is paid according to a pay system established by statute, ordinance, or regulation, or by a policy or practice established pursuant to principles of public accountability, under which the employee accrues personal leave and sick leave and which requires the employee's pay to be reduced or the employee to be placed on leave without pay for absences for personal reasons or because of illness or injury of less than one workday when accrued leave is not used by an employee because:

1. Permission for its use has not been sought or has been sought and denied
2. Accrued leave has been exhausted

Deductions from the pay of a District employee for absences due to a budget required furlough shall not disqualify the employee from being paid on a salary basis except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

29 CFR 541.710

SAFE HARBOR POLICY

If the District has a clearly communicated policy that prohibits imp-proper pay deductions and includes a complaint mechanism, reimburses employees for any improper deductions, and makes a good faith commitment to comply in the future, the district will not lose the deduction unless the district willfully violates the policy by continuing to make improper deductions after receiving employee complaints.

The best evidence of a clearly communicated policy is a written policy that was distributed to employees before the improper pay deductions by, for example,

providing a copy of the policy to employees upon hire, publishing the policy in an employee handbook, or publishing the policy on the district's intranet.

29 CFR 541.603(d)

WAGE AND HOUR RECORDS

The district shall maintain and preserve payroll or other records for nonexempt employees containing the information required by the regulations under the Fair Labor Standards Act. 29 CFR 516.2(a)

PAYDAY LAW EXEMPTION

The Texas Payday Law does not apply to the state or a political subdivision. Labor Code 61.003

COMPENSATION AND BENEFITS

DEA

WAGE AND HOUR LAWS

(LOCAL)

The Superintendent shall recommend to the Board for approval compensation plans for all District employees. Compensation plans may include wage and salary structures, stipends, benefits, and incentives.

PAY ADMINISTRATION

The Superintendent shall administer the compensation plans consistent with the budget approved by the Board. The Superintendent or designee shall classify each job title within the compensation plans based on the qualifications and duties of the position. Within these classifications, the Superintendent or designee shall determine appropriate pay for new employees and employees reassigned to different positions.

ANNUAL PAY INCREASES

The Superintendent shall recommend to the Board an amount for employee pay increases as part of the annual budget. The Superintendent or designee shall determine annual increases for individual employees, within budgeted amounts.

MID-YEAR PAY INCREASES

CONTRACT EMPLOYEES

A contract employee's pay shall not be increased after performance on the contract has begun unless there is a change in the employee's job assignment or duties that warrants additional compensation. Any such changes in pay during the term of the contract shall require Board approval.

NONCONTRACT EMPLOYEES

The Superintendent may grant a pay increase to a noncontract employee after duties have begun only when there is a change in the employee's job assignment or duties, or when an adjustment in the market value of the job warrants additional compensation. The Superintendent shall report any such pay increases to the Board at the next regular meeting.

CLASSIFICATION OF POSITIONS

The Superintendent or designee shall determine the classification of positions or employees as "exempt" or "nonexempt" for purposes of payment of overtime in compliance with the Fair Labor Standards Act (FLSA).

EXEMPT

The district shall pay employees who are exempt from the overtime pay requirements of the FLSA on a salary basis. The salaries of these employees are intended to cover all hours worked, and the district shall not make deductions that are prohibited under the FLSA.

An employee who believes deductions have been made from his or her salary in violation of this policy should bring the matter to the district's attention, through the district's complaint policy. [See DGBA] If improper deductions are confirmed, the district will reimburse the employee and take steps to ensure future compliance with the FLSA.

COMPENSATION AND BENEFITS

LEAVES AND ABSENCES

STATE LEAVE

STATE PERSONAL LEAVE

The district shall provide employees with five days per year of state personal leave, with no limit on accumulation and no restrictions on transfer among districts. The district may provide additional personal leave beyond this minimum.

The Board may adopt a policy governing an employee's use of state personal leave, except that the policy may not restrict the purposes for which the leave may be used.

Education Code 22.003(a)

STATE SICK LEAVE (ACCUMULATED PRIOR TO 1995)

District employees retain any sick leave accumulated as state minimum sick leave under former Section 13.904(a) of the Education Code. Accumulated state sick leave shall be used only for the following:

1. Illness of the employee.
2. Illness of a member of the employee's immediate family.
3. Family emergency.
4. Death in the employee's immediate family.
5. During military leave [see USE DURING MILITARY LEAVE, below].

Acts of the 74th Legislative Session, Senate Bill 1, Sec. 66

FORMER EDUCATION SERVICE CENTER (ESC) EMPLOYEES

The district shall accept the sick leave accrued by an employee who was formerly employed by a regional education service center (ESC), not to exceed five days per year for each year of employment. Education Code 8.007

ORDER OF USE

The Board's policy governing an employee's use of state personal leave may not restrict the order in which an employee may use state personal leave and any additional personal leave provided by the district.

An employee who retains any state sick leave is entitled to use the state sick leave, state personal leave, or local personal leave in any order to the extent that the leave the employee uses is appropriate to the purpose of the leave.

Education Code 22.003(a), (f)

USE DURING MILITARY LEAVE

An employee with available personal leave is entitled to use the leave for compensation during a term of active military service. "Personal leave" includes personal or sick leave available under former law or provided by local policy.

Education Code 22.003(d), (e) [See DECB(LEGAL)]

TEMPORARY DISABILITY

Each full-time educator shall be given a leave of absence for temporary disability at any time the educator's condition interferes with the performance of regular duties. The contract or employment of the educator may not be terminated while the educator is on a leave of absence for temporary disability. For purposes of temporary disability leave, pregnancy is considered a temporary disability.

AT EMPLOYEE'S REQUEST

A request for a leave of absence for temporary disability must be made to the Superintendent. The request must:

1. Be accompanied by a physician's statement confirming inability to work;
2. State the date requested by the educator for the leave to begin; and
3. State the probable date of return as certified by the physician.

BY BOARD AUTHORITY

The Board may adopt a policy providing for placing an educator on leave of absence for temporary disability if, in the Board's judgment in consultation with a physician who has performed a thorough medical examination of the educator, the educator's condition interferes with the performance of regular duties. The educator shall have the right to present to the Board testimony or other information relevant to the educator's fitness to continue in the performance of regular duties. [See DBB]

RETURN TO ACTIVE DUTY

NOTICE

The educator shall notify the Superintendent of a desire to return to active duty no later than the 30th day before the expected date of return. The notice must be accompanied by a physician's statement indicating the educator's physical fitness for the resumption of regular duties.

PLACEMENT

An educator returning to active duty after a leave of absence for temporary disability is entitled to an assignment at the school where the educator formerly taught, subject to the availability of an appropriate teaching position. In any event, the educator shall be placed on active duty no later than the beginning of the next school year. A principal at another campus voluntarily may approve the appointment of an employee who wishes to return from leave of absence. However, if no other principal approves the assignment by the beginning of the next school year, the district must place the employee at the school at which the employee formerly taught or was assigned.

LENGTH OF ABSENCE

The Superintendent shall grant the length of leave of absence for temporary disability as required by the individual educator. The Board may establish a maximum length for a leave of absence for temporary disability, but the maximum length may not be less than 180 calendar days.

Education Code 21.409; Atty. Gen. Op. DM-177 (1992); Atty. Gen. Op. H-352 (1974)

SICK LEAVE DIFFERENT FROM TEMPORARY DISABILITY LEAVE

An employee's entitlement to sick leave is unaffected by any concurrent eligibility for a leave of absence for temporary disability. The two types of leave are different, and each must be granted by its own terms. Atty. Gen. Op. H-352

ASSAULT LEAVE

In addition to all other days of leave, a District employee who is physically assaulted during the performance of regular duties is entitled to the number of days of leave necessary to recuperate from physical injuries sustained as a result of the assault. The leave shall be paid as set forth below at COORDINATION WITH WORKERS' COMPENSATION BENEFITS.

A District employee is physically assaulted if the person engaging in the conduct causing injury to the employee:

1. Could be prosecuted for assault; or
2. Could not be prosecuted for assault only because the person's age or mental capacity makes the person non responsible person for purposes of criminal liability.

NOTICE OF RIGHTS

Any informational handbook the district provides to employees in an electronic or paper form or makes available by posting on the District's Web site must include notification of an employee's rights regarding assault leave, in the relevant

section of the handbook. Any form used by the district through which an employee may request personal leave must include assault leave as an option.

ASSIGNMENT TO ASSAULT LEAVE

At the request of an employee, the district must immediately assign the employee to assault leave. Days of assault leave may not be deducted from accrued personal leave. Assault leave may not extend more than two years beyond the date of the assault. Following an investigation of the claim, the district may change the assault leave status and charge the leave against the employee's accrued personal leave or against the employee's pay if insufficient accrued personal leave is available.

COORDINATION WITH WORKERS' COMPENSATION BENEFITS

Notwithstanding any other law, assault leave benefits due to an employee shall be coordinated with temporary income benefits due from workers' compensation so the employee's total compensation from temporary income benefits and assault leave benefits will equal 100 percent of the employee's weekly rate of pay.

Education Code 22.003(b)–(c-1)

RELIGIOUS OBSERVANCES

The district shall reasonably accommodate an employee's request to be absent from duty in order to participate in religious observances and practices, so long as it does not cause undue hardship on the conduct of District business. Such absence shall be without pay unless applicable paid local leave is available. 42 U.S.C. 2000e(j), 2000e-2(a); Ansonia Bd. of Educ. v. Philbrook, 479 U.S. 60, 107 S.Ct. 367 (1986); Pinsker v. Joint Dist. No. 28J of Adams and Arapahoe Counties, 735 F.2d 388 (10th Cir. 1984)

COMPLIANCE WITH A SUBPOENA

The district may not discharge, discipline, or penalize in any manner an employee because the employee complies with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding. Labor Code 52.051(a)

JURY DUTY

The district may not discharge, discipline, reduce the salary of, or otherwise penalize or discriminate against an employee because of the employee's compliance with a summons to appear as a juror. For each regularly scheduled workday on which a no salaried employee serves in any phase of jury service, the district shall pay the employee the employee's normal daily compensation. An employee's accumulated personal leave may not be reduced because of the employee's service in compliance with a summons to appear as a juror.

Education Code 22.006

DEVELOPMENTAL LEAVES OF ABSENCE

The Board may grant a developmental leave of absence for study, research, travel, or other suitable purpose to an employee working in a position requiring a permanent teaching certificate who has served in the district at least five consecutive school years.

A developmental leave of absence may be granted for one school year at one-half regular salary or for one-half of a school year at full regular salary. Payment to the employee shall be made periodically by the district in the same manner, on the same schedule, and with the same deductions as if the employee were on fulltime duty.

An employee on developmental leave shall continue to be a member of the Teacher Retirement System of Texas and shall be an employee of the district for purposes of participating in programs, holding memberships, and receiving benefits afforded by employment in the district.

Education Code 21.452

ABSENCE CONTROL

Uniform enforcement of a reasonable absence-control rule is not retaliatory discharge. For example, a district that terminates an employee for violating a reasonable absence-control provision cannot be liable for retaliatory discharge as long as the rule is uniformly enforced. *Continental Coffee Products Co. v. Cazarez*,

937 S.W.2d 444 (Tex. 1996) (workers' compensation discrimination case); Texas Division-Tranter, Inc. v. Carrozza, 876 S.W.2d 312 (Tex. 1994) (workers' compensation discrimination case); Swearingen v. Owens-Corning Fiberglas Corp., 968 F.2d 559 (5th Cir. 1992) (workers' compensation discrimination case); Howell v. Standard Motor Prods., Inc., 2001 U.S. Dist LEXIS 12332 (N. D. Tex. 2001) (Family and Medical Leave Act case); Specialty Retailers v. DeMoranville, 933 S.W.2d 490 (Tex. 1996) (age discrimination case); Gonzalez v. El Paso Natural Gas Co., 40 F.E.P. Cases (BNA) 353 (Tex. App.—El Paso 1986, no pet.) (sex discrimination case)

[Some employees may have protected status even after the expiration of all other leave. See CRE and DAA.]

DEFINITIONS

FAMILY

The term “immediate family” is defined as:

1. Spouse.
2. Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands in loco parentis.
3. Parent, stepparent, parent-in-law, or other individual who stands in loco parentis to the employee.
4. Sibling, stepsibling, and sibling-in-law.
5. Grandparent and grandchild.
6. Any person residing in the employee’s household at the time of illness or death.

For purposes of the Family and Medical Leave Act (FMLA), the definitions of spouse, parent, son or daughter, and next of kin are found in DECA (LEGAL).

FAMILY EMERGENCY

The term “family emergency” shall be limited to disasters and life-threatening situations involving the employee or a member of the employee’s immediate family.

LEAVE DAY

A “leave day” for purposes of earning, use, or recording of leave shall mean the number of hours per day equivalent to the employee’s usual assignment, whether full-time or part-time.

AVAILABILITY

The district shall make state personal leave and local leave for the current year available for use at the beginning of the school year.

EARNING LOCAL LEAVE

An employee shall not earn any local leave when he or she is in unpaid status. An employee using full or proportionate paid leave shall be considered to be in paid status.

DEDUCTIONS

LEAVE WITHOUT PAY

The district shall not approve paid leave for more leave days than have been accumulated in prior years plus leave currently available. Any unapproved absences or absences beyond accumulated and available paid leave shall result in deductions from the employee’s pay.

LEAVE PRORATION

EMPLOYED FOR LESS THAN FULL YEAR

If an employee separates from employment with the district before his or her last duty day of the year, or begins employment after the first duty day, state personal leave and local leave shall be prorated based on the actual time employed.

If an employee separates from employment before the last duty day of the school year, the employee's final paycheck shall be reduced for:

1. State personal leave the employee used beyond his or her pro rata entitlement for the school year; and
2. Local leave the employee used but had not earned as of the date of separation.

EMPLOYED FOR FULL YEAR

If an employee uses more local leave than he or she earned and remains employed with the district through his or her last duty day, the district shall deduct the cost of the excess leave days from the employee's pay in accordance with administrative regulations.

RECORDING

Leave shall be recorded as follows:

1. Leave shall be recorded in half-day increments for all employees, even if a substitute is not employed.
2. If the employee is taking intermittent FMLA leave, leave shall be recorded in one-hour increments.

ORDER OF USE

Earned compensatory time shall be used before any available paid state and local leave. [See DEA]

Unless an employee requests a different order, available paid state and local leave shall be used in the following order, as applicable:

1. Local leave.
2. State sick leave accumulated before the 1995–96 school year.
3. State personal leave.

CONCURRENT USE OF LEAVE

When an absent employee is eligible for FMLA leave, the district shall designate the absence as FMLA leave.

The district shall require the employee to use temporary disability leave and paid leave, including compensatory time, concurrently with FMLA leave.

An employee receiving workers' compensation income benefits may be eligible for paid or unpaid leave. An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.

MEDICAL CERTIFICATION

An employee shall submit medical certification of the need for leave if:

1. The employee is absent more than three consecutive workdays because of personal illness or illness in the immediate family;
2. The district requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor or Superintendent;
3. The employee requests FMLA leave for the employee's serious health condition or that of a spouse, parent, or child; or
4. The employee requests FMLA leave for military caregiver purposes.

In each case, medical certification shall be made by a health-care provider as defined by the FMLA. [See DECA (LEGAL)]

Note: For District contribution to employee insurance during leave, see CRD (LOCAL).

STATE PERSONAL LEAVE

The Board requires employees to differentiate the manner in which state personal leave is used:

NON-DISCRETIONARY USE

1. Non-discretionary use of leave shall be for the same reasons and in the same manner as state sick leave accumulated before May 30, 1995. [See DEC (LEGAL)]

Non-discretionary use includes leave related to the birth or placement of a child and taken within the first year after the child's birth, adoption, or foster placement.

DISCRETIONARY USE

2. Discretionary use of leave is at the individual employee's discretion, subject to limitations set out below.

LIMITATIONS

REQUEST FOR LEAVE

The employee shall submit a written request for discretionary use of state personal leave to the immediate supervisor or designee in advance in accordance with administrative regulations. In deciding whether to approve or deny state personal leave, the supervisor or designee shall not seek or consider the reasons for which an employee requests to use leave. The supervisor or designee shall, however, consider the effect of the employee's absence on the educational program or District operations, as well as the availability of substitutes.

DURATION OF LEAVE

Discretionary use of state personal leave shall not exceed two consecutive workdays.

LOCAL LEAVE

All employees shall earn four paid local leave days per school year in accordance with administrative regulations.

Local leave shall accumulate without limit.

Local leave shall be used according to the terms and conditions of state sick leave accumulated before the 1995–96 school year. [See DEC (LEGAL)]

An employee may also use local leave for absences related to the birth or placement of a child when leave is taken within the first year after the child's birth, adoption, or foster placement.

FAMILY AND MEDICAL LEAVE

TWELVE-MONTH PERIOD

For purposes of an employee's entitlement to FMLA leave, the 12-month period shall begin on the first duty day of the school year.

COMBINED LEAVE FOR SPOUSES

If both spouses are employed by the District, the District shall limit FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition, to a combined total of 12 weeks. The District shall limit military caregiver leave to a combined total of 26 weeks. [See DECA (LEGAL)]

INTERMITTENT OR REDUCED SCHEDULE LEAVE

The district shall permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee. [See DECA (LEGAL) for use of intermittent or reduced schedule leave due to a medical necessity.]

CERTIFICATION OF LEAVE

If an employee requests leave, the employee shall provide certification, as required by FMLA regulations, of the need for leave. [See DECA (LEGAL)]

FITNESS-FOR-DUTY CERTIFICATION

If an employee takes FMLA leave due to the employee's own serious health condition, the employee shall provide, before resuming work, a fitness-for-duty certification. If the District will require certification of the employee's ability to

perform essential job functions, the district shall provide a list of essential job functions to the employee with the FMLA designation notice.

END OF SEMESTER LEAVE

If a teacher takes leave near the end of the semester, the district may require the teacher to continue leave until the end of the semester. [See DECA(LEGAL),

LEAVE AT THE END OF A SEMESTER

FAILURE TO RETURN

If, at the expiration of FMLA leave, the employee is able to return to work but chooses not to do so, the district may require reimbursement of premiums paid by the district during the leave. [See DECA (LEGAL), RECOVERY OF BENEFIT COST]

TEMPORARY DISABILITY LEAVE

Any full-time employee whose position requires educator certification by the State Board for Educator Certification or by the district shall be eligible for temporary disability leave. The maximum length of temporary disability leave shall be 180 calendar days. [See DBB(LOCAL) for temporary disability leave placement and DEC(LEGAL) for return to active duty.]

An employee's notification of need for extended absence due to the employee's own medical condition shall be forwarded to the Superintendent or designee as a request for temporary disability leave.

WORKERS' COMPENSATION

Note: Workers' compensation is not a form of leave. The workers' compensation law does not require the continuation of the district's contribution to health insurance. [See CRD (LOCAL) regarding payment of insurance contribution during employee absences.]

An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.

An employee eligible for workers' compensation income benefits, and not on assault leave, may elect in writing to use paid leave.

COURT APPEARANCES

Absences due to compliance with a valid subpoena or for jury duty shall be fully compensated by the district and shall not be deducted from the employee's pay or leave balance.

EMPLOYEE STANDARDS OF CONDUCT

DH

(LOCAL)

Each District employee shall perform his or her duties in accordance with state and federal law, District policy, and ethical standards. [See DH (EXHIBIT)]

Each District employee shall recognize and respect the rights of students, parents, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the district.

An employee wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

VIOLATIONS OF STANDARDS OF CONDUCT

Each employee shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to his or her status as a District employee. Violation of any policies, regulations, or guidelines may result in disciplinary action, including termination of employment. [See DCD and DF series]

ELECTRONIC MEDIA

Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), Web logs (blogs), electronic forums (chat rooms), video-sharing Web sites, editorial comments posted on the Internet, and social network sites. Electronic media also includes all forms of telecommunication, such as landlines, cell phones, and Web-based applications.

USE WITH STUDENTS

In accordance with administrative regulations, a certified or licensed employee, or any other employee designated in writing by the Superintendent or a campus principal, may use electronic media to communicate with currently enrolled students about matters within the scope of the employee's professional responsibilities. All other employees are prohibited from using electronic media to communicate directly with students who are currently enrolled in the district. The regulations shall address:

1. Exceptions for family and social relationships;
2. The circumstances under which an employee may use text messaging to communicate with students; and
3. Other matters deemed appropriate by the Superintendent or designee.

Each employee shall comply with the district's requirements for records retention and destruction to the extent those requirements apply to electronic media. [See CPC]

PERSONAL USE

An employee shall be held to the same professional standards in his or her public use of electronic media as for any other public conduct. If an employee's use of electronic media violates state or federal law or District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

SAFETY REQUIREMENTS

Each employee shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

HARASSMENT OR ABUSE

An employee shall not engage in prohibited harassment, including sexual harassment, of:

1. Other employees. [See DIA]
2. Students. [See FFH; see FFG regarding child abuse and neglect]

While acting in the course of employment, an employee shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

RELATIONSHIPS WITH STUDENTS

An employee shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See FFH]

TOBACCO USE

An employee shall not use tobacco products on District premises, in District vehicles, or at school or school-related activities. [See also GKA]

ALCOHOL AND DRUGS

An employee shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while at school or at school-related activities during or outside of usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any abuse of glue, aerosol paint, or any other chemical substance for inhalation.

4. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

An employee need not be legally intoxicated to be considered “under the influence” of a controlled substance.

EXCEPTIONS

An employee who manufactures, possesses, or dispenses a substance listed above as part of the employee’s job responsibilities, or who uses a drug authorized by a licensed physician prescribed for the employee’s personal use shall not be considered to have violated this policy.

NOTICE

Each employee shall be given a copy of the district’s notice regarding drug-free schools. [See DI (EXHIBIT)]

A copy of this policy, a purpose of which is to eliminate drug abuse from the workplace, shall be provided to each employee at the beginning of each year or upon employment.

ARRESTS, INDICTMENTS, CONVICTIONS, AND OTHER ADJUDICATIONS

An employee shall notify his or her principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony, any offense involving moral turpitude, and any of the other offenses as indicated below:

1. Crimes involving school property or funds;
2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;
3. Crimes that occur wholly or in part on school property or at a school sponsored activity; or
4. Crimes involving moral turpitude, which include:

- Dishonesty; fraud; deceit; theft; misrepresentation;
- Deliberate violence;
- Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
- Felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
- Felony driving while intoxicated (DWI); or
- Acts constituting abuse or neglect under the Texas Family Code.

DRESS AND GROOMING

An employee's dress and grooming shall be clean, neat, in a manner appropriate for his or her assignment, and in accordance with any additional standards established by his or her supervisor and approved by the Superintendent.

*******ALL POLICIES AND PROCEDURES CAN BE SEEN AND REVIEWED ON OUR WEBSITE AT www.overtonisd.org UNDER POLICIES AND PROCEDURES***

PLEASE SIGN BELOW AND RETURN

I have read and understand the following Overton ISD Maintenance and Custodial Handbook.

Signature _____ Date _____