

CHAPTER 6.00-HUMAN RESOURCES

EMPLOYMENT AND RECRUITMENT

6.10

- I. The City of Chickasaw Board of Education recognizes that an effective educational program depends on the quality of the personnel employed in the system. Therefore, every effort shall be made to employ the most qualified personnel available. Applicants for position will be selected on the basis of their qualifications, merit, and ability. No person shall be denied employment, re-employment, advancement, or evaluations, nor shall be subjected to discrimination on the basis of sex, age, marital status, race, religion, national origin, ethnic group or disability.
- II. All personnel shall be appointed or re-appointed as prescribed by federal law, Alabama law and in conformance with applicable State Board of Education and City of Chickasaw Board of Education rules.
- III. The Superintendent is directed to develop appropriate employment procedures governing the recruitment, screening, selection, appointment and employment of all Chickasaw City School System personnel. Employment qualifications and other criteria will be listed in job descriptions for each position within the school system.
- IV. The Superintendent shall establish and maintain a plan for actively recruiting promising personnel for employment by the Chickasaw City School System. The recruitment program may include, but shall not be limited to, the following:
  - A. Interview prospective employees prior to graduation at area colleges;
  - B. Mail applications when requested by prospective personnel;
  - C. Advertise and/or disseminate information about job vacancies; and,
  - D. Review files obtained by college placement bureaus, the AEA office, and the Alabama State Department of Education.
- V. Recruitment and employment practices of the City of Chickasaw Board of Education shall follow Alabama State Department of Education and the Code of Alabama.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
16-12-16, 16-12-19, 16-11-17, 16-4-9;  
Civil Rights Act of 1964 and Amendments;  
Section 504 of the Rehabilitation Act of 1973,  
Americans with Disabilities Act of 1993

ALABAMA ADMINISTRATIVE PROCEDURE ACT:  
HISTORY:

§209-2-1-5  
ADOPTED: 2012

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EMPLOYMENT STATUS 6.11

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- I. Full Time - A regular full time certified employee is a person who is employed for the school term or for the school fiscal year to render the minimum number of hours each day as established by the City of Chickasaw Board of Education for that position or job. A full time support employee includes bus drivers and those employees working twenty (20) or more hours per week.
  
- II. Part-time- A part-time certified employee is a person who is employed to render less than the number of hours each day as established by the City of Chickasaw Board of Education for a regular full time employee. A part-time support employee is a person employed less than twenty (20) hours per week.
  
- III. Temporary- A temporary employee is a person whose employment is expected to be for a limited time to fill a vacancy for which a permanent employee is not available or to perform some work of a temporary nature. Such employment will cease at the close of the school term or school fiscal year or when the temporary work has been completed. A temporary employee may be a part-time or a full-time employee.

STATUTORY AUTHORITY: CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED: CODE OF ALABAMA  
16-21-1, 36-25-1, 36-26-100 to 108

ALABAMA ADMINISTRATIVE PROCEDURE ACT: \_\_\_\_\_

HISTORY: ADOPTED: 2012

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### POSTING VACANT POSITIONS

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6.12

- I. The City of Chickasaw Board of Education shall post a notice of vacancy for each vacant personnel position. The notice shall be posted in a conspicuous place at each school campus and worksite at least fourteen (14) calendar days before the position is to be filled. The notice shall include, but not necessarily be limited to, all of the following:
  - A. Job description and title
  - B. Required qualifications
  - C. A statement of reference to the approved salary schedule.
  - D. Information on where to submit an application
  - E. Information on any deadlines for applying
  - F. Other relevant information
- II. In accordance with Attorney General Opinion 2002-069, November 21, 2001 the following are exceptions to posting vacancies:
  - A. There is no vacancy when two (2) teachers trade positions; and
  - B. Where a lateral transfer occurs and the positions are neither newly created nor supervisory or managerial in nature, and there has been no increase or decrease in salary.
- III. If a personnel vacancy occurs during the time when schools are in session, the vacancy notice shall be posted not less than seven (7) calendar days before the position is to be filled. All vacancies involving jobs which are supervisory, managerial, or otherwise newly created positions shall nevertheless require posting notices of at least fourteen (14) calendar days. If the vacancy is to be filled on a temporary emergency basis through an involuntary transfer within fifteen (15) days before or after the first day of school (AL Code§ 16-24B-7), the notice must be posted at least five (5) working days.
- IV. Nothing in this policy shall prohibit the immediate employment or transfer of Chickasaw City School System personnel needed to ensure the welfare and safety of students, personnel or others and teachers on a temporary emergency basis as provided by law.

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- V. It shall be the duty of the Superintendent to ensure that all certified and non-certified employees satisfactorily meet all requirements of State Law and State Board of Education rules and regulations.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
16-22-15, 16-24-63

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

§290-2-1-5

HISTORY:

ADOPTED: 2012

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JOB DESCRIPTIONS

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6.13

- I. The City of Chickasaw Board of Education must approve a job description prior to the establishment of any new position.
- II. Each job description shall contain the minimal qualifications, required skills, essential performance responsibilities, physical requirements of the position and other information as deemed necessary.
- III. The Superintendent shall maintain comprehensive, up-to-date job descriptions for all Chickasaw City School System positions.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
16-11-9, 16-12-19, 32-6-49.1, et seq.

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

§290-2-1-5

HISTORY:

ADOPTED: 2012

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CONFLICTS OF INTEREST

6.14

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The City of Chickasaw Board of Education prohibits school system employees from engaging in additional employment or any other personal pursuits that would affect their efficiency or usefulness as employees in the system; that would make time and/or energy demands upon such individuals which would interfere with their effectiveness in performing their contractual obligations to the Board; that would compromise or embarrass the school system; that would adversely affect their Chickasaw City School System employment status or professional standing; or that would in any way conflict with or violate professional ethics or the state ethics.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
16-12-3(a), 16-12-15, 16-24-8, 36-25-1(8),  
36-25-2(a), (b), (d), 36-25-5(a), 36-25-8

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

§290-2-1-1

HISTORY:

ADOPTED: 2012

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GIFTS

6.14.1

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- I. Staff members may, at their discretion, present personal gifts to student(s) on special occasions. Chickasaw City School System staff members must exercise good taste and sound professional judgment when giving gifts to students. Gifts provided by staff members to students must not be elaborate or expensive.
- II. Chickasaw City School System staff members shall not solicit or accept a gift, including money, from any source, when such a gift could be construed to be:
  - A. associated with the performance of school-related duties or activities;
  - B. a result of or a precondition to business transactions between the parties;Gifts of a nominal value on special occasions such as Valentine's Day, birthday, etc., are excluded from this provision.
- IV. Staff members may present gifts to or accept gifts from other staff members provided the gifts are not unduly elaborate or expensive and are given on a voluntary basis.
- V. Staff members may accept gifts from students on special occasions, provided the gift is not unduly elaborate or expensive. Staff members should always use good judgment and adhere to the code of professional ethics when accepting gifts from students. In no case shall a staff member accept a gift from a student group, school organization, etc. in excess of a nominal (less than \$25.00) value. In no case shall school funds be used to purchase said gifts.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
16-11-9, 36-25-1, et al.

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

HISTORY:

ADOPTED: 2012

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USE OF SCHOOL SYSTEM OWNED EQUIPMENT AND MATERIALS

6.14.2

- I. All equipment and materials owned by or purchased in the name of the Chickasaw City School System shall be used exclusively for educational purposes as defined by the Board. Employees are authorized to use such equipment and materials while performing assigned job-related duties at their respective work sites/classrooms during regular work hours.
- II. Use of School System-owned equipment away from work sites/classrooms shall be limited to items that are directly related to completing school-associated work assignments. Under no circumstances are employees authorized to take equipment away from their work sites/classrooms without the prior written approval of their immediate supervisor/principal. When an employee is approved to use School System-owned equipment away from the work site/classroom, the equipment must be checked out by serial number or other appropriate identification and returned to the work site/classroom on a daily basis.
- III. Under no circumstances shall an employee lend, rent, or lease School System-owned equipment to a non-employee or use such equipment for personal gain.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
16-11-9

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

HISTORY:

ADOPTED: 2012



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NEPOTISM

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6.15

- I. A Chickasaw City School System employee may not be recommended for employment or be supervised by a close relative with the exception of those exemptions allowed by the Code of Alabama.
- II. Close relatives are defined as mother, father, son, daughter, brother, sister and spouse and in-laws of the same.
- III. All personnel employed, as of the adoption date of this policy who are in violation of this provision, are exempted from this policy.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
16-18-11, 16-12-15

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

§290-2-1-.01

HISTORY:

ADOPTED: 2012

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### EMPLOYMENT REQUIREMENTS

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6.16

Any person desiring employment by the City of Chickasaw Board of Education shall file a completed application on the form provided by the Superintendent.

- I. Qualifications
  - A. Must be of good moral character
  - B. Must have attained the age of eighteen (18) years with the exception of students employed by the City of Chickasaw Board of Education.
- II. Certificate requirements - Each applicant for an instructional or a certified administrative position shall hold an Alabama Teacher's Certificate and all career/technical personnel shall meet the State Department of Education requirements and have the proper license to perform services.
  - A. To be considered for a position, an applicant shall be properly qualified for that position in accordance with state law, regulations of the State Department of Education and the approved job description. If it appears that the applicant is eligible for proper certification, appointment may be made subject to the conditions set forth in the contract of employment.
  - B. Any person not holding a valid Teacher's Certificate at the time of employment shall be required, upon initial employment to make application to the State Department of Education for such a certificate, through the personnel office of the Chickasaw City School System. When such certificate is received, it must be filed with the office of the Superintendent. If the State Department of Education declines to issue a certificate, the person's employment shall be terminated immediately. Failure to file for such certificate, except for good cause as determined by the Superintendent, shall result in the termination of employment.
- III. Criminal background checks by means of fingerprinting for prospective and current employees who have unsupervised access to students shall be conducted consistent with requirements of law.
- IV. The Chickasaw City School System shall ensure that all aspects of the recruitment and selection process are job-related and are consistent with business necessity to ensure equal employment opportunity. Neither the system nor its agents shall engage in any discrimination with respect to employment in violation of any state or federal laws. Applicants shall be informed of the complaint procedure that may be used should they allege discrimination.

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STATUTORY AUTHORITY: CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED: CODE OF ALABAMA  
16-22A-1 et seq., 16-23-1 et seq.

ALABAMA ADMINISTRATIVE PROCEDURE ACT: §290-2-1-5

HISTORY: ADOPTED: 2012

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MEDICAL EXAMINATIONS

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6.16.1

The Superintendent may require a physical, psychological, and/or psychiatric examination by a physician or counselor licensed in the state of Alabama when in the Superintendent's judgment such an examination is relevant to the teaching performance or employment status of a City of Chickasaw Board of Education employee. The Superintendent shall select the physician(s), psychologist(s), or psychiatrist(s) and the Board shall pay all costs incurred in the examination(s). The employee shall allow the report of the physician(s), psychologist(s), or psychiatrist(s) to be submitted to the Superintendent with a copy being forwarded to the employee.

Refusal to submit to such examinations may constitute grounds for dismissal.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
16-1-18.1' 16-11-2, 16-11-9, 16-22-3

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

HISTORY:

ADOPTED: 2012

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LICENSE OF SCHOOL BUS DRIVER

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6.16.2

Each school bus driver shall possess the minimum qualifications prescribed in Alabama statutes and by the State Board of Education.

- I. Bus drivers shall be eligible for the City of Chickasaw Board of Education's automobile liability coverage.
- II. All school bus drivers shall
  - A. Hold a valid Commercial Driver's License (COL) and a State Department of Education Bus Driver's License;
  - B. Complete required training;
  - C. Pass written and driving performance tests.
  - D. Complete requirements for "S" endorsement.
  - E. Comply with all the regulations, rules, and law put forth by the Alabama Department of Public Safety.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
16-27-4, 32-6-49.1, et seq.

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

§290-2-4-.04

HISTORY:

ADOPTED: \_\_\_\_\_

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### PERSONNEL ORIENTATION

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6.18

It shall be the responsibility of the Superintendent or designee to conduct annual orientation programs for personnel regarding policies of the Board and such other topics as may be necessary for the effective operation and improvement of the Chickasaw City School System.

#### I. Newly Appointed Employees

The Board hereby directs the administrative staff of the School System to develop and implement annual orientation and in-service programs for all newly appointed personnel in the following categories:

- Teachers
- Administrators
- Substitute teachers
- Teacher aides
- Local school volunteers
- All categories of non-certified personnel

Such orientation and in-service programs could serve to orient said personnel with the policies of the Board, rules and regulations of the Board, and other matters that will assist them in becoming better acquainted with school system procedures and operational methods and in having a better understanding of their employment responsibilities.

Such orientation and in-service programs shall be conducted prior to the opening of or during the school year. Further, local school principals are required to conduct an orientation program for all newly appointed personnel in their schools to acquaint them with schedules, extra duties, community factors, student demographics, school rules and regulations, etc.

#### II. On-Going Orientation and In-service Opportunities

In addition, the Board encourages the administrative staff to develop orientation and in-service programs on an as needed basis for all categories of employees for the purpose of enhancing and updating skills and competencies, acquainting employees with any newly adopted programs, curricula,

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STATUTORY AUTHORITY: CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED: CODE OF ALABAMA  
16-11-9, 16-12-3, 16-12-15, 16-23-7

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

HISTORY: ADOPTED: 2012

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SUBSTITUTE TEACHERS

6.20

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- I. An approved list of Chickasaw City School System substitute teachers shall be maintained in the system's Central Office at all times. The principal or his/her designee shall secure all substitute teachers from this approved list.
- II. Applicants who seek employment as substitute teachers shall meet the following minimum qualifications and provide the appropriate materials as required:
  - A. Be at least twenty-one (21) years of age;
  - B. Hold a valid teacher's certificate or valid substitute teacher's license.
- III. The compensation for substitute teachers shall be for services rendered in accordance with the salary schedule adopted by the City of Chickasaw Board of Education.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
16-25-26

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

§290-3-2.01

HISTORY:

ADOPTED: 2012



CHAPTER 6.00-HUMAN RESOURCES

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CONTINUING SERVICE STATUS/TENURE

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6.21

- I. Administrative and Supervisory Personnel - With the exception of contract principals, those Chickasaw City School System employees covered by the Students First Act and those prevented from earning tenure based on state law are required to serve a probationary period of three (3) years following appointment to said administrative or supervisory position.

Administrators and supervisors covered by the Students First Act who successfully complete the three (3) year probationary period shall attain tenure in accordance with Alabama law. Re-employment for the fourth consecutive year is necessary for an administrator coming from outside the system.

- II. Teaching Personnel - The probationary period shall be three (3) consecutive years of service as a teacher in the Chickasaw City School System. Upon re-employment in the same school system for the succeeding year the teacher shall attain continuing service status.

- III. Non-certified Personnel -The City of Chickasaw Board of Education shall grant non- probationary status to bus drivers, cafeteria workers, custodians, secretaries, clerical assistants, supervisors and all other persons not certified by the State Board of Education who are employed full time by the Board and who have successfully served a probationary term of thirty-six (36) calendar months from the date of initial employment.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
16-12-16, 16-24C-1 to 16-24C-14

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

HISTORY:

ADOPTED: 2012

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VIOLATION OF LAW 6.30

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- I. Anyone known to be violating a local, state, and/or federal law on City of Chickasaw Board of Education property or at a school function will be subject to referral for prosecution to the appropriate law enforcement agency. The referral process will be subject to state statutes and City of Chickasaw Board of Education rules.
  
- II. Chickasaw City School System employees in violation of this policy may be subject to termination or other disciplinary action.

STATUTORY AUTHORITY: CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED: CODE OF ALABAMA  
16-1-24(e), 16-12-3(a), 16-12-16, 36-25-2(a), (b), (d),  
36-25-5(a), 36-25-7, 36-25-8

ALABAMA ADMINISTRATIVE PROCEDURE ACT: \_\_\_\_\_

HISTORY: ADOPTED: 2012

CHAPTER 6.00: HUMAN RESOURCES

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POSSESSION OF DEADLY WEAPONS

6.30.1

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Possession of a deadly weapon on Chickasaw City School System property or on a school bus with the intention to do bodily harm is a Class C felony.

The City of Chickasaw Board of Education authorizes the Superintendent or designee to immediately and automatically suspend, terminate, or separate from service in accordance with Board policy any employee found in possession of a deadly weapon. A deadly weapon shall be defined as anything manifestly designed, made or adapted for the purpose of inflicting death or serious physical injury. Deadly weapons are not to be carried by any employee on school grounds, on school buses and/or at any school-sponsored event, during or after regular school hours.

Any Chickasaw City School System employee determined to have brought to school or have in his/her possession a firearm defined in Section 921, Title 18 of the U.S. Code in a school building, on school grounds, or at other school-sponsored functions shall be subject to suspension, termination and/or separation from service in accordance with Board policy and the law as it is put forth in the Code of Alabama.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
16-1-24, 16-1-24.1' 16-12-3, 16-12-16

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

§290-3-1-.02(1)(b)(3)

HISTORY:

ADOPTED: 2012

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EMPLOYEE SOLICITATIONS

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6.31

I. Solicitation by Employees

- A. Staff members shall not solicit or sell any goods or services on school property except as may be approved by the local school principal and the Superintendent.
- B. All fund raising campaigns conducted by school employees in the community or away from school premises to obtain funds for the school, student body, class, or club must have prior approval by the local school principal and the Superintendent. Such fund raising campaigns shall not be conducted during regular school hours.
- C. Certified staff members shall not sell school related supplies and/or equipment or reference books for personal gain in the attendance area served by his/her instructional school.
- D. Staff members shall not furnish lists of students or parents to any commercial firm.

II. Solicitations of Employees

- A. The School System shall not solicit funds from or attempt to sell goods or services to employees.
- B. All charity or fund raising campaigns shall be participated in on a voluntary basis by employees of the School System.
- C. The School System shall not allow commercial advertising or selling on school property during school or office hours without prior approval by the local school principal and/or Superintendent. This does not apply to those commercial firms that supply goods and services for school use.
- D. The School System or schools within the School System shall not furnish lists of staff members or students to any commercial firm.
- E. Membership in professional organizations shall be on an individual basis; however, the Board encourages all personnel to affiliate with professional organizations.

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STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
16-11-9, 16-12-3(a), 36-25-1(9), 36-25-2(a),  
6-25-2(b), 35-25-2(d), 36-25-5(a), 36-25-6 to -7

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

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HISTORY:

ADOPTED: 2012

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CHARITY FUND DRIVES

6.31.1

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The City of Chickasaw Board of Education recognizes that fund drives sponsored by various organizations generate community pride and spirit, and concurrently, provide needed fiscal resources to assist many worthwhile charitable groups. The Board is committed to these charity drives and will lend all assistance possible; however, the Board's primary concern must focus upon the education of the youth of our community.

The State's Plan of Excellence specifically recognizes the importance of providing boys and girls with a school and home atmosphere that is free of constant fund raising and money collecting activities sponsored or endorsed by school systems. Therefore, the Board has established the following procedures to govern the School System's participation in community charity drives where students are asked to solicit funds or other goods within the community:

1. Under no circumstances may students be released during school time to participate in charity fund drives.
2. The School System may participate in only two charitable fund drives per year that requires student solicitation away from school premises.
3. The two charity fund drives shall be conducted on a district wide basis.
4. Recognized charitable organizations desiring the assistance of the School System in conducting fund raising programs must have the name of their organization placed on an eligibility list maintained at the central office. This may be accomplished by submitting a written request to the Superintendent for review and approval.

Charitable organizations on the approved eligibility list must submit a written request annually to the Superintendent requesting assistance from the School System in conducting their annual fund drive. When more than one organization requests such assistance during a school year, the selection will be made on a rotating basis. Request for such assistance should be made as far in advance of the date set for the fund raising activity as possible.

STATUTORY AUTHORITY:

CODE OF ALABAMA

16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA

16-11-9

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

HISTORY:

ADOPTED: 2012

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POLITICAL ACTIVITIES

6.32

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- I. City of Chickasaw Board of Education employees shall not solicit support for any political candidate during regular work hours.
  
- II. A City of Chickasaw Board of Education employee who offers himself/herself as a candidate for public office shall conduct his/her campaign so as not to interfere with his/her responsibilities.
  - A. Such candidate shall adhere strictly to Alabama laws governing political activity on the part of public officials and public employees.
  
  - B. A successful candidate for an office requiring a part-time responsibility shall report immediately to the Superintendent after the election and thereafter, when deemed necessary by the Superintendent or the City of Chickasaw Board of Education, to evaluate the compatibility of the dual responsibility and the amount of time the employee will be absent. Under no circumstances will a Chickasaw City School System employee who has been elected to public office be allowed to perform duties related to the public office while performing his/her duties for the school system.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
17-1-7(c), 36-25-1 et seq.

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

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HISTORY:

ADOPTED: 2012

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PROFESSIONAL ORGANIZATIONS

6.33

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Certified and non-certified personnel of the Chickasaw City School System shall respect each other's rights to choose for themselves the professional organizations with which they affiliate. Membership in professional organizations shall be on a voluntary basis. Administrators of the school system or local schools shall not take punitive action against employees because of their membership in professional organizations, or because of their failure to affiliate with said organizations.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
36-26-100 to -108

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

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ADOPTED: 2012



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GRIEVANCES

6.40.1

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The City of Chickasaw Board of Education is committed to the task of maintaining the highest possible level of professional relations among members of the staff of the school system and of maintaining good morale among employees. Grievances and problems which may arise from time to time should be resolved at the lowest possible level that provides equitable and satisfactory solutions. The goal is to encourage the best possible relations among employees and to enhance morale. Persons who may become concerned in grievance matters are urged to work together constructively in a sincere effort to resolve their disagreements.

It shall be understood that the Board is the final authority in all matters pertaining to grievances unless an employee should desire to exercise proper redress through the courts or utilize appeal procedures as established by law.

I. Definitions

A. Grievance - A grievance is a complaint by an employee based upon an alleged violation, misinterpretation or inequitable application of any published policy, rule or regulation of the school system. The term grievance should not apply to any matter in which the method of review is prescribed by law. Grievances are objections to a specific act or condition. Dismissals, terminations, transfers and any other procedures already established by law, as well as performance appraisals, including assessments, observations and evaluations, are not subject to the grievance procedures herein described.

B. Employee - The term employee is considered to apply to anyone employed on a full time or part-time basis by the City of Chickasaw Board of Education, with the exception of

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the Superintendent.

C. Supervisor- This term refers to that individual assigned to direct the work efforts of a person or group of persons within an organizational element and who has both the authority over and responsibility for management in respect to the functions of a defined organizational element. In a school, the principal would be the supervisor unless the job description states otherwise.

D. Organizational Element - The term organizational element is any identifiable segment of the system that is clearly under the supervision of a single individual. This would include a school, a center and any support function.

E. Representative - The term representative refers to any person chosen, if desired, by the aggrieved party to serve as the liaison to the supervisor.

### II. Procedures

#### A. Informal Procedure

Hopefully, most grievances can be resolved informally and at the most immediate administrative level. With this objective in mind, simple, honest and straightforward communication is encouraged between the employee, the principal and the Superintendent. An employee who feels he/she has a grievance should present the matter orally to the immediate supervisor or whoever is in a position to deal most effectively with the problem. The immediate supervisor or other appropriate person to whom the grievance is presented shall hear and attempt to resolve the grievance within five (5) days from the time presented and advise the grievant of the decision within forty-eight (48) hours thereafter. If the grievance is resolved, or if no further action is needed, the matter is closed. If an employee feels his/her grievance has not been resolved, he/she

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may resort to the formal procedure.

B. Formal Procedure

In order to resolve grievances in the most appropriate fashion and in the shortest period of time possible, each grievant should start at the most immediate level of administration and progress to the next level until the matter is resolved. A grievance may be heard before the following Administrative levels: Principal, Superintendent and the Board. If a level does not apply to a particular grievant, that level should be omitted from the process.

A completed Grievance Notification and Report Form must be filed at each administrative level and the grievant shall indicate with his/her filing at each level that will accompany or represent him/her in any meetings or hearings that might be conducted.

All meetings and hearings shall be conducted at a specified time that does not interfere with the employee's workday or the normal operation of the schools. Scheduled meetings or hearings can be changed with mutual consent of the parties in interest.

All records of meetings and hearings shall be maintained in confidence; however, this shall not be interpreted to prevent such records from becoming a part of the grievant personnel file.

Grievances, as defined, will be heard at all levels within ten (10) days of receipt of written requests. All decisions rendered at each level shall be set forth in writing and transmitted to all parties in interest within ten (10) days. Within ten

(10) Days after the receipt of a decision, the aggrieved party may appeal to the next level.

The decision at the Board level shall be the final step in this administrative procedure\_\_\_\_\_

HISTORY:

ADOPTED: 2012

CHAPTER 6.00 – HUMAN RESOURCES

Although this grievance procedure shall be updated from time to time as necessary, this policy shall defer to the present Code of Alabama at all times.

STATUTORY AUTHORITY:

CODE OF ALABAMA 16-30-1

LAW(S) IMPLEMENTED:  
12-16,

CODE OF ALABAMA 16-12-3(c), 16-

16-12-19, 16-23-1

Title VII of Civil Rights Act of 1964.

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

HISTORY:

ADOPTED: 2012

HISTORY:

ADOPTED: 2012

Whenever a Chickasaw City School System employee believes that he/she has a complaint, every effort is to be made to arrive at a satisfactory resolution of the problem on an informal basis. When this cannot be done, employees can resort to the more formal procedures as provided herein.

I. Definitions

A. *Complaint* shall mean any alleged violation, misinterpretation or any inequitable application of any published policy, rule or regulation of the school system. *Complaint shall* not apply to any matter in which the method of review is prescribed by law. *Complaints are* objections to a specific act or condition. Dismissals, termination, transfers and any other procedure already instituted by law, as well as performance appraisals, including assessments, observations and evaluations, are not subject to the grievance procedure herein described.

B. *Complainant* shall mean any employee or group of employees, directly affected by the alleged misinterpretation or violation, filing a complaint.

C. *Employer* shall mean the City of Chickasaw Board of Education or its representatives.

D. *Day* shall mean a working day.

II. Time Limits -The number of days indicated at each level is to be considered the maximum. Time limits may be extended by mutual agreement between the parties.

III. Released Time – The complaint procedure will normally be carried out during non-work time. If, however, the Board elects to carry out provisions during work time, the complainant shall lose no pay.

IV. Complaint Procedure

A. Informal Discussion – If an employee believes there is a basis for complaint, he/she shall discuss the complaint with his/her immediate supervisor (except in cases of discrimination or harassment involving the supervisor, in which case the complainant shall report to the Equity Coordinator or other person designated by the Superintendent) within five (5) days of the occurrence of the alleged violation except in cases involving harassment or discrimination in which thirty (30) days will be allowed.

CHAPTER 6.00 – HUMAN RESOURCES

- B. Level One – If the complainant is not satisfied with the informal resolution he/she may, within ten (10) days, file a formal complaint in writing and deliver it to his/her immediate supervisor or alternate. The supervisor or alternate shall communicate his/her answer in writing to the complainant. Class complaints involving more than one (1) supervisor and complaints involving an administrator above the building level may be filed by the complainant at level two.
  - C. Level Two- If the complainant is not satisfied with the resolution at level one he/she may, within ten (10) days of the answer, file a copy of the complaint with the Superintendent. The Superintendent shall indicate his/her disposition in writing to the complainant.
  - D. Board Appeal – If the complainant is not satisfied with the resolution by the Superintendent, he/she shall have the right to appeal the Superintendent's decision to the City of Chickasaw Board of Education, provided request for placement on Board agenda is filed within ten (10) days.
- V. Confidentiality will be provided to the extent possible to any employee, student or affected party who alleges discrimination or harassment.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
16-1-30, 16-12-3(c); 16-12-16, 16-12-19  
16-23-1, Title VII of Civil  
Rights Act of 1964, Title IX of Education  
Amendments of 1972

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

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I SUSPENSION/TERMINATION/SEPARATION

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6.50

I. The City of Chickasaw Board of Education may suspend or terminate employees who have earned tenure or non-probationary status or are principals serving under contract with or without pay in accordance with provisions outlined in the Code of Alabama 16-24C-1 to 16-24C-14. Suspensions and/or terminations shall not be for political or personal reasons.

II. Contract principals' renewal or cancellation of contracts shall be in accordance with the provisions of the Students First Act.

III. Notification to the Chickasaw City School System employee of the proposed termination and his/her hearing rights will be governed by applicable state law.

IV. The Superintendent has authority to temporarily suspend Chickasaw City School System personnel when in his/her opinion, the circumstances necessitate immediate action. Such suspension shall be without loss of pay pending a hearing by the Board upon the charges filed by the Superintendent.

V. The City of Chickasaw Board of Education may end its employment relationship with employees who have not earned tenure or non-probationary status by providing the appropriate notice required under state law or contract.

STATUTORY AUTHORITY: CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED: CODE OF ALABAMA  
16-4-8, 16-11-2, 16-11-17, 16-12-16  
16-24C-1 to -14  
ALABAMA ADMINISTRATIVE PROCEDURE ACT

CHAPTER 6.00 – HUMAN RESOURCES

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PERFORMANCE ASSESSMENT

6.60

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- I. the City of Board of Education shall evaluate and assess the performance of the Superintendent per his/her contract and State Department of Education guidelines.
  
- II. The Board will use the state evaluation program for the evaluation of all certified personnel as required by the state.
  - A. The Superintendent will develop a plan for implementation of the evaluation program, consistent with state guidelines, that ensures all Chickasaw City School System personnel serving as evaluators will undergo the required state training and be certified under the program.
  
  - B. Chickasaw City School System teachers will be informed that should their evaluation results fall below the performance standards established by the state, the evaluator shall consider these results in determining a teacher's need for professional development.
  
- III. Other Personnel – The Superintendent shall develop or select personnel performance assessment systems for all other staff.

Probationary, non-certified employees will be evaluated during their probationary period by their supervisor.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
16-11-9

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

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HISTORY:

ADOPTED: 2012



LEAVE OF ABSENCE

6.70

- I. A leave of absence is permitted by the City of Chickasaw Board of Education or allowed under its adopted policies for an employee to be absent from duty for a specified period of time with the right to return to employment upon the expiration of leave. Any absence of a member of the staff from duty shall be covered by leave duly authorized and granted. Leave shall be officially granted in advance and shall be used for the purposes set forth in the leave application. Leave for sickness or other emergencies may be deemed to be granted in advance if prompt report is made to the proper authority.
- II. Leave may be with or without pay as provided by law, regulations of the State Board of Education, and these rules. For any absence that is without pay, the deduction for each day of absence shall be determined by dividing the annual salary by the number of days/hours for the employment period.
- III. A leave shall not be granted to any Chickasaw City School System employee to accept other employment. Accepting employment while on a leave of absence may cancel the leave. The person on leave may be notified that he/she must return to work with the City of Chickasaw Board of Education immediately, resign, or be terminated.
- IV. All requests for a leave of absence must be submitted to the Superintendent, in writing, with the additional approval and signature of the employee's direct supervisor. Requests must be received by the Superintendent at least one (1) week prior to a monthly Board meeting. Upon the recommendation of the Superintendent, the Board may grant a leave of absence. Limitations of the leave shall be specified in the action taken by the Board.
- V. A Chickasaw City School System employee having leave for the year or for the remaining part thereof and who plans to return to duty the next school fiscal year shall send a copy of such notice to the administrative supervisor by May 1<sup>st</sup> of that fiscal year.
- VI. A leave of absence grants the employee the right to return to the system in a similar role, but does not guarantee the reappointment to the specific job held prior to the leave. Alabama teachers' tenure laws cover the specific aspects of leaves of absences and shall be followed in the Chickasaw City School System.

STATUTORY AUTHORITY: CODE OF ALABAMA 16-1-30

LAW(S) IMPLEMENTED: CODE OF ALABAMA 16-1-18.1

ALABAMA ADMINISTRATIVE PROCEDURE ACT: \_\_\_\_\_

HISTORY: ADOPTED: 2012

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NOTIFICATION OF ABSENCE

6.70.1

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- I. The principal or designee shall notify and submit the appropriate leave form to the Superintendent when he/she plans to be away from school for a half-day or longer. The principal shall designate a responsible member of the administrative or instructional staff to be in charge during his/her absence.
- II. A Chickasaw City School System employee who is absent from duty for any reason shall notify the principal or his/her immediate supervisor as early as possible. Such notification shall be given in advance unless conditions beyond the control of the employee make such advance notification impossible.
- III. Any Chickasaw City School System employee who is willfully absent from duty without leave may be subject to dismissal from employment and shall forfeit compensation for the time of the absence.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
16-1-18.1,16-1-30

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

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HISTORY:

ADOPTED: 2012

CHAPTER 6.00 – HUMAN RESOURCES

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VACATION LEAVE

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6.70.2

All personnel who are employed full-time on a twelve (12) month basis are entitled to ten (10) days' vacation leave per year. Vacation days can be carried over to the next year but no more than (40) days can be rolled over to the next year. Due to the intensity of summer work, the Superintendent may carry over days and must use all carry-over vacation according to the terms of his/her negotiated contract. Any vacation taken during the school year must be approved by the Superintendent.

Vacation days shall be earned by the month and accountable by the year, October 1 through September 30. One (1) vacation day will be earned for each month employment up to ten (10) days, unless the employee is under a contract with specific terms for vacation. Vacation- earn 10 days equally occurred over years. Year is defined as July 1<sup>st</sup> – June 30<sup>th</sup>.

New employees will begin earning vacation days on the effective date of employment, provided employment is on or before the fifteenth (15) of the month. Provided employment is after the fifteenth (15) of the month said employees will not earn vacation days for that month. Provided said employees resign on, or after, the fifteenth (15) of the month, they will not earn a vacation day for that month.

No vacation days will be granted before they are earned.

All vacation days must be used prior to effective resignation date. The School System shall not make cash payments for unused vacation days, unless specified in a negotiated contract and approved by the Board.

All vacation days must be approved by the school principal and Superintendent prior to effective leave date.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
16-1-18.1' 16-12-21

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

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HISTORY:

ADOPTED: 2012

CHAPTER 6.00 – HUMAN RESOURCES

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FAMILY AND MEDICAL LEAVE

6.70.3

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- I. In compliance with the Family and Medical Leave Act of 1993, eligible full time Chickasaw City School System employees are entitled to take up to twelve (12) weeks unpaid leave a year for the following reasons:
  - A. The birth of the employee's child;
  - B. The placement of a child with the employee for adoption or foster care;
  - C. To care for the employee's spouse, child, or parent who has a serious health condition;
  - D. A serious health condition rendering the employee unable to perform his/her job; or
  - E. Other request for good cause under the Students First Act as approved by the City of Chickasaw Board of Education.
  
- II. Employees are to provide at least thirty (30) calendar days notice, if possible, of their intention to take leave. Medical certification that the leave is needed is required for the employee's own serious health condition or that of a family member. The City of Chickasaw Board of Education will continue the employee's health insurance under the same conditions as if the employee were working. Upon returning from leave, the employee will be restored to the same or equivalent position with equivalent pay, benefits, and other terms and conditions of employment.
  
- III. Procedures for the implementation of this policy shall be developed at the direction of the Superintendent and shall be published in accordance with federal, state, and local laws and regulations.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

ALABAMA CODE  
16-1-18.1' 16-11-9, 16-22-9, 16-24C-13  
THE FAMILY AND MEDICAL LEAVE ACT OF 1993,

ALABAMA ADMINISTRATIVE PROCEDURE ACT: \_\_\_\_\_

HISTORY:

ADOPTED: 2012

**ON-THE-JOB INJURY**

**6.70.4**

- I. Any Chickasaw City School System employee shall be entitled to on-the-job injury leave for a period not to exceed ninety (90) working days per fiscal year when he/she has to be absent from work because of a personal injury received in the discharge of his/her duties.
- II. To be considered for on-the-job injury leave, the following conditions shall be met:
  - A. The employee must provide written testimony or evidence that his/her injury was received in the line of duty.
  - B. The employee may be required to supply written certification from a medical doctor who treated the patient, stating that in his/her opinion, there is a strong probability that the illness was contracted at the work site. The City of Chickasaw Board of Education may at its expense require a second medical opinion.
  - C. The employee must file a written claim as required by the employer.
- III. The employee or, if incapacitated, another person knowledgeable of the situation shall notify the supervisor within twenty-four (24) hours of the occurrence of the injury.
- IV. The supervisor or his/her designee shall notify the Superintendent of the injury on the date of occurrence and follow-up with a written report including all documentation concerning the injury.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
16-1-18.1

ALABAMA ADMINISTRATIVE PROCEDURE ACT: \_\_\_\_\_

HISTORY:

ADOPTED: 2012

CHAPTER 6.00 – HUMAN RESOURCES

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JURY -WITNESS DUTY

6.70.5

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- I. An employee of the City of Chickasaw Board of Education who is summoned as a member of a jury panel may be granted leave with pay. Any jury fees may be retained by the employee. The Board shall not reimburse the employee for meals, lodging, and travel expenses incurred while serving as a juror.
  
- II. An employee who is subpoenaed as a witness, not involving personal litigation, may be granted temporary leave. Any witness fees may be retained by the employee. The Board shall not reimburse the employee for meals, lodging, and travel expenses incurred while serving as a witness.

When a Chickasaw City School System employee is subpoenaed in line of duty to represent the Board as a witness or defendant, he/she may retain any fees received from the court. In the event no fees are received from the court, he/she may be paid for meals, lodging, and travel expenses.

- III. When a Chickasaw City School System employee is released from jury service and/or court appearances, he/she is to report promptly (same day if possible) to the employment positions.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

LEGISLATIVE ACT 1977 No. 759

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

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HISTORY:

ADOPTED: 2012

CHAPTER 6.00 – HUMAN RESOURCES

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MILITARY LEAVE

6.70.6

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- I. General Policy – All Chickasaw City School System employees are entitled to military leave of absence when ordered to active duty for training as members of the Alabama National Guard or any component of the U.S. Armed Forces. Employees who volunteer, are drafted or are ordered to extended active duty with any component of the U.S. Armed Forces shall be entitled to reinstatement to their former positions or comparable positions if the right is exercised in a timely manner as noted below.
  
- II. Military Leave for Training or Short-term Duty- Employees who are required to attend annual training or special active duty shall not suffer any loss of salary during the first twenty-one (21) days of such absence in any calendar year. Chickasaw City School System employees who are ordered for such duty shall provide one copy of their orders to the Superintendent. Leave will be without loss of benefits. These arrangements shall apply to any "military call-ups."
  
- III. Reinstatement to Positions after Extended Duty- Chickasaw City School System employees who volunteer, are drafted or called to active duty for extended periods will be placed on Military Leave of Absence upon written application and be entitled to reinstatement to their former or similar positions upon their return and under the following conditions:
  - A. They must not have remained on active duty beyond their first opportunity for honorable or general release;
  - B. They must report to claim reinstatement within ninety (90) days after completion of such service (31 days in case of individuals who undergo only six (6) months active training or less).

A maximum of three (3) years of experience credit for placement on the school system salary schedule may be granted for service in the U.S. military.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-30-1

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
31-2-13

ALABAMA ADMINISTRATIVE PROCEDURE ACT: \_\_\_\_\_

HISTORY:

ADOPTED: 2012

CHAPTER 6.00 – HUMAN RESOURCES

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PERSONAL LEAVE

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6.70.7

- I. Personal Leave – All Chickasaw City School System employees will receive two (2) personal leave days funded by the state as authorized by Section 16-8-26, *Code of Alabama 1975 and 1986 Cumulative Supplement*.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
6-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
16-1-18.1' 16-8-26

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

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HISTORY:

ADOPTED: 2012



CHAPTER 6.00 – HUMAN RESOURCES

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PROFESSIONAL LEAVE AND LEAVE FOR TRAINING

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6.70.8

- I. Professional Leave - Professional leave may be granted to personnel for participation in educational activities related to instructional improvement in the Chickasaw City School System.
- II. Leave for Training – Leave for training shall be granted to support personnel to participate in activities that will enrich the Chickasaw City School System's program and improve skills or understandings of the employee.
- III. Leave shall be granted for employees to attend professional association meetings to which they have been elected.
- IV. All professional leave and leave for training requests must be approved by the Superintendent of Education before utilization.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
16-1-18.1' 16-24C-13

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

§290-4-3-.01

HISTORY:

ADOPTED: 2012

CHAPTER 6.00 – HUMAN RESOURCES

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SICK or BEREAVEMENT LEAVE

6.70.9

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- I. Sick leave is defined as the absence from regular duty by an employee because of the following:
  - A. Personal illness or doctor's quarantine;
  - B. Incapacitating personal injury;
  - C. Death in the family of the employee (parent, spouse, child, sibling, parent-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, nephew, niece, grandchild, grandparent, uncle or aunt);
  - D. Where unusually strong personal ties exist because of an employee's having been supported or educated by a person of some relationship other than those listed, this relationship may be recognized for leave purposes. In such cases the employee concerned shall file with the Board a written statement of the circumstances which justify an exception to the general rule;
  - E. Attendance to an ill member of the immediate family (parent, spouse, child, sibling) of the employee, a person standing in loco parentis, or an individual with a close personal tie.
- II. Chickasaw City School System employees shall be allowed to accumulate an unlimited number of sick leave days.
- III. A new employee may transfer unused earned sick leave from another Alabama school board, as permitted by law, upon certification by the previous employer.
- IV. See Policy 6.71 for Chickasaw City School System Sick Leave Bank provisions.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
16-1-18.1 TO 2, 16-8-26,  
16-12-21' 16-25-1' 16-3-36

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

HISTORY:

ADOPTED: 2012

CHAPTER 6.00 – HUMAN RESOURCES

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MATERNITY LEAVE

6.70.10

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An employee of the Chickasaw City School System shall be eligible for maternity leave in accordance with the following provisions:

- I. Maternity leave shall be without pay, except that accumulated sick leave days and/or personal leave days may be utilized in accordance with law when pregnancy has been confirmed.
- II. Maternity leave normally shall not extend over a period of time exceeding twelve (12) calendar months. Requests for maternity leave, for periods exceeding twelve (12) months for extraordinary circumstances (extended illness, complications, etc.), will be considered by the Board.
- III. Maternity leave shall become effective under ordinary circumstances when (1) the employee requests and has such leave approved by the Board, and/or (2) the attending physician notifies the Board that it is in the best interest of the teacher to take such a leave.
- IV. Maternity leave ends, under ordinary circumstances, when (1) the employee requests to return to work, and/or (2) the attending physician determines the employee is able to return to work.
- V. Maternity leave shall not be counted as experience in the determination of placement on the salary schedule, except that an employee who has served at least ninety (90) days during that scholastic school year shall be placed on the salary schedule on the step she would have reached had she completed the full year.
- VI. An employee, on return from maternity leave, shall be restored to her former position. She shall maintain her tenure status and all accruable benefits, except that, days are not to be accrued for sick leave, personal leave, or annual leave while on maternity leave without pay.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
16-8-25, 16-1-18.1

ALABAMA ADMINISTRATIVE PROCEDURE ACT: \_\_\_\_\_

HISTORY:

ADOPTED: 2012

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**JOB RELATED INJURY LEAVE**

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6.70.11

**On-the-Job Injury**

State laws for *on-the-job injury* for employees of local boards of education are contained in Title 16, Chapter 1, Section 16-1-18.1 of the Code of Alabama (last amended by Act No. 2001-671). This law also covers two-year postsecondary institutions and some other agencies. In addition to *on-the-job injury*, this law includes provisions for sick leave, vacations, and leaves of absences. A summary of the *on-the-job injury* provisions of this law follows:

1. The law covers full-time employees and adult bus drivers.
2. An *on-the-job injury* is any accident or injury to the employee occurring during the performance of duties (or when directed or requested by the employer to be on the property of the employer), which prevents the employee from working or returning to his or her job.
3. Within 24 hours after occurrence of the injury, the employee must make proper notification of the injury to the local superintendent of education (or school principal, if applicable) in accordance with the notification procedures of the local board of education.
4. In the event the employee is clinically unable to report the injury, the notification procedures of the local board of education shall permit the reporting of the injury by another person who is reasonably knowledgeable to make the notification of the injury.
5. The local board of education will establish procedures and forms for notification of on-the-job injuries.
6. Within 30 calendar days of notification of the injury, the local superintendent of education (or designee) will inform the employee injured on the job about the local board of education's approved policies for on-the-job injuries and the employee's rights to request reimbursement from the State Board of Adjustment.
7. The local board of education may require medical certification from the employee's physician that the employee was injured and cannot return to work as a result of the injury.
8. The local superintendent of education may require a second opinion from another physician at the expense of the local board of education.
9. The local board of education may require a statement from the physician that there is a reasonable expectation that the employee will be able to return to work.
10. If the local superintendent of education determines that the employee has been injured on the job and cannot return to work as a result of the injury, the employee's salary and benefits will continue up to 90 working days consistent with the employee's injury and absence from work resulting from the injury.
11. Sick leave days will not be deducted for the days the employee is paid for an absence approved for on-the-job injury pay.

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- 12.A local board of education may adopt a policy to extend the 90-day period for on-the-job injuries.
- 13.A local board of education may request reimbursement for the cost of substitutes for the employee injured on the job. The reimbursement request is limited to 90 days for each approved on-the-job injury at the daily substitute rate (currently \$35) funded in the annual budget act. The State Department of Education will reimburse the local board of education if the Legislature provides funds for the reimbursement in the annual budget act.
- 14.The employee may file for reimbursement with the State Board of Adjustment for unreimbursed medical expenses and costs incurred as a result of an on-the-job injury. Reimbursement to the employee shall be determined by the Board of Adjustment's policies, rules, and regulations.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
16-1-18.1

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

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HISTORY:

ADOPTED: 2012

A. Purpose

The Chickasaw City Schools Sick Leave Bank for All Personnel (SLB) was established to provide a loan of leave days for its participating members after their accumulated sick, personal and vacation days have been exhausted. It is the purpose of the SLB to allow any school employee who earns sick leave and who wishes to participate to also have access to the catastrophic sick leave provisions as established by law.

B. The Sick Leave Bank (SLB) Committee

- I. Composition - The SLB Committee shall consist of five members. Four of these members shall be members of the SLB and are to be elected by the participating members of the SLB. The remaining member shall be appointed by the Chief Executive Officer.
- II. Terms of Office - Members of the SLB Committee will serve a term of one year. The terms of office shall begin on October 1 and expire on September 30.
- III. Administration and Policies - The SLB Committee is charged with the administration, operation, and the establishment of policies of the SLB. The Committee shall also take any other actions deemed necessary for the effective and efficient operation of the SLB consistent with these Guidelines.
- IV. Guidelines - The Sick Leave Bank Committee shall be responsible for writing the Guidelines which shall govern the operations of the SLB and Catastrophic Leave policies.
- V. Duties of the SLB Committee:
  - a. Officers- The SLB Committee will elect, by a majority secret vote, a chairperson from among its members at the beginning of each year. Other officers may be elected as the Committee shall determine.
  - b. Meetings - Meetings of the SLB Committee shall be scheduled on a regular basis as determined by the Committee. Additionally, meetings may be called by the Chairperson or by a majority of the Committee.
  - c. Decisions and Votes - Decisions affecting the SLB and Catastrophic Sick Leave are to be made exclusively by the SLB Committee by a majority recorded vote.
  - d. Forms- The SLB Committee is charged with the responsibility of developing and distributing the necessary forms so that all eligible employees will have reasonable access to the forms and membership. All forms developed by the SLB Committee shall be available on the Chickasaw City Schools *Webpage*, Chickasaw City Schools *Payroll office*.
  - e. Loans from the SLB - The SLB Committee shall review all applications for loans from the SLB and make appropriate decisions on approval of such loans except as provided for pertaining to catastrophic leave.
  - f. Abuses -Any alleged abuse of the SLB shall be investigated by the Committee and, on a finding of wrongdoing, the violator shall repay all of the sick leave credits drawn from the SLB and be subject to appropriate disciplinary action.

## CHAPTER 6.00

### C. Eligibility and Participation

- I. Participation - Participation in the SLB shall be voluntary; however, any member wishing to withdraw from the SLB may do so ONLY AT THE END OF THE SCHOOL YEAR (JUNE 1 -JUNE 30) OR UPON EMPLOYMENT DEPARTURE FROM THE INSTITUTION.
- II. Donor and Beneficiary- *Membership Required*- Both employee and the beneficiary employee must be members of the SLB.
- III. Eligibility and Membership - Any employee of the Chickasaw City Schools who earns sick leave is eligible to join the SLB. Any eligible employee who has completed a SLB authorization form contributing or committing the designated number of days to the SLB shall be a member.
- IV. Requisite Number of Days- To be a member of the SLB, the employee must contribute five sick leave days to the SLB.
- V. Enrollment Period – Joining the SLB may take place once a year during the month of August.  
New Hires: Within 30 days of hire date. These new employees who wish to join the SLB and do not have the necessary free days to contribute to the bank shall be advanced the days upon employment.
- VI. Maximum Borrowable Days - No employee shall be allowed to borrow or owe a number of days which is in excess of 15 days more than the employee has on deposit in the SLB.
- VII. Exhaustion of Leave- To be eligible for a loan from the SLB, a participating member must have exhausted all accumulated sick, personal and vacation leave in his or her personal account.
- VIII. Deposited Days Counted Toward Maximum Accumulation- Days which a contributing employee has placed in the SLB are to be counted toward the cumulative total maximum sick leave days allowed (see Section 16-1-18.1, Code of Alabama 1975)
- VIIIi. Recording and Reports - The Chickasaw City School's payroll department shall maintain records of all contributions to and withdrawals from the SLB, and the status of the SLB.
- X. Application for Loan- In cases where the member has become incapacitated, his or her designated agent may apply to the SLB Committee on the member's behalf, except as provided in the catastrophic leave provisions of the guidelines. All requests for SLB loans must be in *whole-day increments*.
- XI. Retroactivity -At the discretion of the SLB Committee, and upon the request of the applicant, loans may be granted retroactively to the first day of the absence.
- XII. Physician's Statement- THE SLB COMMITTEE SHALL REQUIRE A STATEMENT FROM THE BENEFICIARY EMPLOYEE'S PHYSICIAN CERTIFYING THAT THE MEMBER HAS AN ILLNESS OR DISABILITY AS PREREQUISITE FOR AWARDDING LOAN. A uniform form, adopted by the SLB Committee shall be made available to the physician for his /her statement.
- XIII. Repayment of Loaned Days - Members of the SLB who borrow from the SLB shall be required to *repay* the SLB as he or she accrues days monthly. An individual cannot leave employment without repaying any outstanding debt of leave days to the SLB, except as provided by the catastrophic provisions of these guidelines. If the member has no sick leave days remaining, then his/her final check shall be garnished at the prevailing rate of pay for the number of days owed to the SLB. Such monies collected

## CHAPTER 6.00

from former members of the SLB by the administration shall be used to replace the number of days borrowed from the SLB. If a member of the SLB has days borrowed and is on sick leave and cannot return to work due to a permanent disability, the employee of his/her designation may request a donation of days under the catastrophic sick leave provisions of law and these guidelines; in such case, the donated days shall be used to repay the SLB and the beneficiary employee's last paycheck shall not be garnished.

- XIII. Retirement- Any member who is retiring may withdraw his or her donated days from the SLB for retirement credit as provided in Section 16-25-11.1 of the Code of Alabama 1975.
- XV. Use of Days - Days may be borrowed from the SLB for the member's own sickness and/or to attend to covered family and friends and circumstances as provided in Section 16-1-18.1 of the Code of Alabama 1975.
- XVI. Resignation - Resignation from the SLB must be made by submitting the official form to the SLB Committee according to the stipulated timeline. If a member resigns from the SLB, any days which the member has on deposit shall be re-credited to the employee's personal sick leave account.
- XVII. Disagreements and Appeals- ANY INDIVIDUAL WHO DISAGREES WITH THE INITIAL DECISION OF THE SLB COMMITTEE MAY APPEAL THE DECISION IN WRITING FOR RECONSIDERATION TO THE SLB COMMITTEE. The Committee shall have the authority, but shall not be required, to put the issue to a vote of the full membership of the SLB. The decision of the SLB Committee shall be final and binding on all parties.

### CATASTROPHIC SICK LEAVE GUIDELINES

Donation or Receipt of Sick Leave Days: To donate or receive the employee must be a member of the Sick Leave Bank (SLB).

Prerequisite of Receipt of Days: In accordance with the Code of Alabama, Section 16-22-9, when an SLB member or other family member or friend (see Code of Alabama, Section 16-18.1) is suffering a catastrophic illness injury, the member, upon depleting all sick leave and other earned leave, shall be eligible to receive sick leave days from other members of any sick leave bank to cover the period of time during which the employee cannot be at work. However, before receiving any catastrophic sick leave days from any other member, the beneficiary employee must have borrowed the maximum number of days allowed from the SLB (not to exceed 15 days). The beneficiary employee must use any sick leave days, personal leave days, and vacation days which are earned each month before utilizing donated days. **ANY REQUEST FOR CATASTROPHIC LEAVE SHALL BE MADE TO THE SLB THROUGH THE CHICKASAW CITY SCHOOLS PAYROLL DEPARTMENT. ANY PERSONAL CORRESPONDENCE IS STRICTLY PROHIBITED.**

Terms and Definitions: The employee receiving donated catastrophic sick leave days shall be known as the "beneficiary employee" and the employee donating catastrophic sick leave days shall be known as the "donor employee". The term catastrophic illness or injury shall be defined as required in Section 16-22-9, Code of Alabama 1975. A pregnancy or condition relating to childbirth is specifically included in the definition of a catastrophic illness; therefore, upon a doctor's signature and completion of the required form, a



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pregnancy or condition related to childbirth may fall within the parameters of a catastrophic illness. Repayment not required: The beneficiary employee shall not be required to repay the donated days to the Catastrophic Sick Leave bank for days used.

Eligibility of Donor: Any member of the Chickasaw City Schools SLB or any other public education SLB in the state may donate sick leave days to the beneficiary employee.

Limit of Days by Donor: No employee may donate more than 30 sick leave days to the beneficiary employee (as required in Section 16-22-9, Code of Alabama 1975). The 30-day limitation is a permanent ongoing limitation, and not just per illness or per pregnancy.

Application for Days: A Letter of request by the employee to receive a catastrophic sick leave donation is desirable, but in cases where the employee is physically unable or incapacitated, a Letter of request by the member shall not be necessary; however, before donations to any beneficiary employee will be deposited into the sick leave account of the employee, certification of the illness by the employee's physician must be on file. Certification shall be by a licensed physician as required in Section 16-22-9 of the Code of Alabama of 1975. The SLB Committee shall authorize a standard form for certification by the physician. ANY REQUEST FOR CATASTROPHIC LEAVE SHALL BE MADE TO THE SLB THROUGH CHICKASAW CITY SCHOOLS PAYROLL OFFICE. ANY PERSONAL CORRESPONDENCE IS STRICTLY PROHIBITED.

Coordinator: The Coordinator is to make recommendations as to the number of days which a beneficiary employee may need to have donated, to monitor the situation with the beneficiary employee, and to assist the employee in receiving an adequate number of sick leave days for the illness. The Coordinator shall monitor and ensure that no abuses will occur in the transfer of sick leave days due to catastrophic circumstances.

Voluntary Donations: Donation of days to a beneficiary employee shall be solely at the discretion of the participating member of the SLB. An employee donating catastrophic sick leave days shall be clearly informed that the days so donated shall not be repaid if used by the beneficiary employee. However, any days donated for catastrophic purposes which are not used by the beneficiary employee shall revert to the employee making the donation. If donated days are partially, but not completely used, the days shall revert to the donating employees in a proportionate manner, odd days reverting by lot; however, the SLB Committee shall be the final authority in determining the reversion of days to the donors of unused days. Any such reversion of unused donated days shall not occur until the expiration of 30 days after the beneficiary employee has returned to work.

Employees are required to report to work with no alcohol or illegal drugs or mind altering substances in their bodies. Employees are prohibited from using, possessing, manufacturing, distributing or making arrangements to distribute or purchase alcohol or illegal drugs while on school property or attending school-related activities. Employees under the influence of alcohol or illegal drugs while on duty will be subject to termination.

The board will require drug or alcohol testing under the following conditions, in addition to randomly testing those employees who are required to have a commercial driver's license (COL):

- All prospective employees who have been offered employment contingent on negative test results for the presence of alcohol or illegal drugs;
- All employees who operate school system vehicles or motorized equipment who are not required to have COL are subject to random testing; and
- All employees as to whom there is a reasonable suspicion of the influence of alcohol or illegal drug use while on duty.

All employees are subject to testing for alcohol and any and all illegal drugs, including but not limited to amphetamines, cannabinoids, cocaine, opiates and phencyclidine. Such test will be arranged by the drug program coordinator.

**For Positions/Personnel Requiring a Commercial Driver's License:**

The Department of Human Resources in conjunction with the Transportation Department will develop and distribute to all personnel or persons in positions requiring a DCL who have been given an offer of employment for positions requiring a COL a copy of the board's Drug and Alcohol COL Testing Guidelines and Procedures. These guidelines will include this policy in addition to addressing the specific information required under Part 382 of Title 49 of the Code of Federal Regulations. Applicable personnel and persons receiving the guidelines shall sign a statement certifying that they have received the materials.

**For All Other Personnel:**

**Prospective Employees**

Pre-employment substance screening by a school system-approved drug testing agency will be required for prospective employees after being offered employment contingent on a negative result.

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Prospective employees are required to sign a consent/release form before submitting to screening. Prospective employees will be disqualified for hire if they test positive, refuse to submit to a test, or refuse to execute the required consent/release form.

The cost of the drug test is the responsibility of the prospective employees.

### Current Employees

#### I. Reasonable Suspicion

All employees may be required to submit to screening whenever a trained supervisor observes circumstances which provide reasonable suspicion of drug or alcohol use. The supervisor's determination that reasonable suspicion exists should be based on specific observations concerning the appearance, behavior, speech or odors of or emanating from the employee.

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before or just after the period of the work by employees acting within the line and scope of employment. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test.

Refusal to submit to a reasonable suspicion test request will be considered grounds for dismissal.

The Superintendent or his/her designee or coordinator of the drug program should be notified whenever possible or feasible prior to referring the employee for reasonable suspicion testing.

The coordinator of the drug program or his/her designee will make arrangements for reasonable suspicion drug and/or alcohol testing.

If an employee is required to take a reasonable suspicion drug and/or alcohol test, transportation to and from the testing site will be arranged.

#### II. Random Testing

Random, unannounced drug screening of all employees who drive school system vehicles or motorized equipment will be conducted.

Random selection for testing of the above employees will adhere to the same guidelines as those followed for employees with a COL.

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III. Post Accident Testing

Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable on any driver or equipment operator:

- 1) Property damage of a substantial nature.
- 2) Physical injury to any person.

Drivers or motorized equipment operators must make themselves readily available for testing, absent the need for immediate medical attention.

Prescription Drugs

The proper use of medication prescribed by a physician is not prohibited; however, the misuse or abuse of prescribed (or over the counter) medications is prohibited.

All employees who are using drugs at the direction of a physician must notify their supervisor prior to beginning work when those drugs may affect their job performance.

Employees who are subject to this must provide documentation from their physician stating that the substance does not adversely affect their ability to perform their duties in a safe manner.

Employee Education

The board will provide to employees subject to this policy, educational material and the names of treatment facilities for alcohol and substance abuse.

STATUTORY AUTHORITY: CODE OF ALABAMA  
16-30-1

LAW(S) IMPLEMENTED: CODE OF ALABAMA  
16-2-2, 16-3-11-12, 16-3-14, 16-26-1-3  
Drug Free Workplace Act of 1988, 34 CFR Part 85, Subpart F

ALABAMA ADMINISTRATIVE PROCEDURE ACT: §290-3-1-.02(1)(a)

HISTORY: ADOPTED: 2012

**DRUG AND ALCOHOL TESTING OF  
DESIGNATED EMPLOYEES**

6.80

**INTRODUCTION**

The City of Chickasaw Board of Education recognizes that our students are our greatest asset. Our employees are the indispensable key to our goal of providing the best possible education program for our students. To achieve our goal and to maximize the skills and talents of our employees it is important that every employee of our School System understand the dangers of drug and alcohol abuse and be aware of the new federal requirements concerning substance abuse. This policy statement should clarify our position on employee drug and alcohol use.

Designated employees are currently defined as employees who hold a COL and school bus driver's licenses and drive a School System bus/vehicle to transport students.

In compliance with the Omnibus Transportation Employee Testing Act of 1991, as a condition of employment, the Board reserves the right to require designated employees to sign an Application/Employee Consent Form and to submit, at any time they are on duty or following their involvement in a reportable vehicular accident, to drug tests to determine the presence of prohibited substances.

**OBJECTIVES**

The objectives of this policy are:

- A. To reduce the likelihood of incidents of accidental personal injury and/or damage to pupil transportation, students, or property.
- B. To comply with Federal regulations and requirements of the Omnibus Transportation Employee Testing Act of 1991.
- C. To create and maintain a safe, drug-free working environment for all employees serving the goals of public education.
- D. To encourage any employee with a dependence on, or an addiction to, alcohol or other drugs to seek help in overcoming the problem.
- E. To reduce problems of absenteeism, tardiness, carelessness, and/or unsatisfactory matters related to job performance.
- F. To reduce the likelihood that school property will be used for illicit drug activities.
- G. To provide a positive image of the School System and its employees.

Substance abuse is a serious threat to the School System, its employees, and students. Though the percentage of substance abusing employees may be relatively small, practical experience and research indicate that appropriate precautions are necessary. It is the belief of the Board that the benefits derived from the policy objectives outweigh the potential inconvenience to employees. The Board earnestly solicits the understanding and cooperation of all employees in implementing this policy.

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The Board must insist that all employees report to work without any alcohol or illegal or mind-altering substances in their systems. The Board also prohibits employees from using, possessing, manufacturing, distributing or making arrangements to distribute illegal drugs while at work or on School System property.

Further, outside conduct of a substance abuse-related nature that affects an employee's work or the Board's relationship with the government is prohibited. Employees must inform their supervisor when they are legitimately taking medication that may affect their ability to work, in order to avoid creating safety problems and violating the Drug and Alcohol Policy.

### ENFORCEMENT

As a condition of employment, the Board requires all designated employee's (currently defined as employees who hold a COL and school bus driver's licenses) to submit, at any time they are on duty or following their involvement in a reportable vehicular accident, to drug tests to determine the presence of prohibited substances.

Pursuant to Board policy and procedures, designated employees will undergo testing:

- (1) At the time of initial employment;
- (2) When the Board or its designee has reasonable cause to believe an employee has violated its drug and alcohol policies;
- (3) On a random basis without advance notice;
- (4) Following any reportable accident;
- (5) Following rehabilitation, employees who return to work will be required to undergo random testing in addition to the general Board testing requirements.

The Board also reserves the right to search desks, cabinets, toolboxes, vehicles, including personal vehicles of designated employees brought on the School System's property, bags, or any other property at the school or in the designated employee's personal vehicle.

Violation of these rules, including testing positive, will subject the employee to discipline, including discharge. Refusal to cooperate with the School System's procedures in any test investigation will result in discipline, including discharge.

- (1) Procedures for implementing the required drug testing will be developed and approved by the Board.
- (2) Results of drug testing shall not be released by the Board or the School System's management without the individual's written authorization. All employees are required to sign a release so that results, including positive, will be made available to the Unemployment Commission or other governmental agency investigating employment or termination.

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### SCREENING OF APPLICANTS

Substance screening is required for all designated final applicants. Applicants are required to sign a consent/release form before submitting to screening. Applicants will be disqualified for hire if they test positive, refuse to submit to a test, or refuse to execute the required consent/release form.

### SCREENING OF CURRENT DESIGNATED EMPLOYEES

#### I. Reasonable Cause

All designated employees will be required to submit to screening whenever a supervisor observes circumstances he/she believes indicate an employee has used a controlled substance or otherwise violated the substance abuse rules. Among other things, reasonable cause testing may result from supervisor observation, co-worker complaints, performance decline, attendance or behavior changes, involvement in a workplace or vehicular accident, or other actions that indicate a possible error in judgment or negligence, or other violations of the drug or other School Board policy.

The supervisor(s) requesting testing shall prepare and sign written documents explaining the circumstances and evidence upon which they relied within 24 hours of the testing, or before the results of the tests are released, whichever is earlier. While one supervisor may request a reasonable cause test, when feasible, supervisors are encouraged to obtain a second supervisor as a witness.

#### II. Random Testing

The Board will conduct random unannounced screening of all designated employees, regular and substitute. The Board will administer tests of employees in a number equal to or greater than 50 percent of the designated employees without advance notice - in the first 12 months of testing. There will be no maximum number of samples that any one individual will be required to provide. Subsequent testing will be conducted at levels equal to or greater than the initial testing level. A testing firm will provide computerized random sample lists to the Superintendent or designee. The list of employees in the random pool will be updated on a monthly basis. Employees will be required to report to the Board designated collection site for testing as soon as possible but in no case later than two (2) hours following notification. The tests will be spread reasonably over the 12 months.

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### III. Post Accident Testing

Employees are required to immediately notify the Superintendent or designee of any reportable accident. Any reportable accident requires employees involved in the accident to undergo substance screening within three (3) hours of the accident or as soon as possible thereafter. The Board will discipline, including discharge, any employee who fails to report an accident or submit to substance screening where required by law or this policy.

The Superintendent or designee shall complete an Accident Report in compliance with required Board policy.

### IV. Return to Duty Testing

All employees who are suspended for abuse of substances covered under this policy will be subject to additional unannounced testing.

### V. Testing Procedures

#### A. General Guidelines

The Board and its lab shall rely, when practical, on the guidance of the Federal Department of Transportation, Procedures for Transportation Workplace Drug Testing Programs.

#### B. Substances Tested for All Designated Employees

Designated employees will regularly be tested for: alcohol, amphetamines, cannabinoids, cocaine, opiates, and phencyclidine. Employees may be tested for other substances without advance notice as part of a separate test performed by the School Board for safety purposes. Such tests will be coordinated with the Superintendent or designee.

#### C. Testing Procedure

The Board reserves the right to utilize blood, hair, breath, saliva, or urinalysis testing procedures. Only urinalysis will be utilized in the pre-employment and random testing. All initial positive urine specimens will be confirmed by gas chromatography/mass spectrometry (GC/MS).

Alcohol testing will be conducted by a certified Breath Alcohol Technician (BAT) using a DOT approved evidential breath testing (EBT) instrument.



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### D. Collection Sites

The Board or designee will designate collection sites in areas where it maintains facilities or job sites where individuals may provide specimens.

### E. Collection Procedures

The Board, the program management firm, and the laboratory shall develop and maintain a documented procedure for collecting, shipping and accessing urine specimens. The program management firm and the laboratory will utilize a standard Urine Custody and Control Form for all employee testing. A tamper-proof sealing system, identifying numbers, labels, and sealed shipping containers will also be used.

Collection sites will maintain instructions and training emphasizing the responsibility of the collection site personnel to protect the integrity of the specimen and maintain as proper a collection procedure as reasonable. Alcohol testing will be done by having the subject exhale into a DOT approved evidential breath-testing device. If the initial test reading is .02 or greater, the subject must wait 15 minutes and repeat the test. Refusal of the subject to wait for the confirmation test will be considered a positive test.

All designated employees will also be required to complete the Board's Applicant/Employee Consent Form.

### F. Occasions when the Collection Personnel Should Directly Observe the Specimen Being Provided

The Board has adopted the direct observation procedures as set out in Section 40.25 of the Department of Transportation regulations. An employer or medical representative at the collection site may directly observe the employee actually provide the specimen when there is reason to believe that an individual may alter or substitute the specimen. Section

40.25 (e) (2) sets out the only four circumstances when direct observation is appropriate:

1. The employee has presented a urine specimen that falls outside the normal temperature range and the employee declines to provide a measurement of oral body temperature by sterile thermometer, or the oral temperature does not equal or exceed that of the specimen.

## CHAPTER 6.00 – HUMAN RESOURCES

2. The last urine specimen provided by the employee (i.e., on a previous occasion) was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below .2 g/L.
3. The collection site person observed conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample (e.g., substitute urine in plain view, blue dye in specimen presented, etc.).
4. The employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted as a part of a rehabilitation program or on return to service after any required rehabilitation.

A second specimen should be obtained under direct observation wherever there is reason to believe that the individual may have altered or substituted the specimen. When necessary, medical personnel may obtain a specimen outside of a designated collection site (such as, at a public rest room at an accident investigation).

### G. Evaluations and Return of Results to the Board

The laboratory will transmit (by fax, mail, or computer, but not orally over the telephone) the results of all tests to the School Board. The lab will be responsible for reviewing the quantified test results of employees and confirm that the individuals testing positive have used drugs in violation of Board policy. Prior to making a final decision, the lab shall give the individuals an opportunity to discuss the result either face to face or over the telephone. The lab shall then promptly provide the Superintendent or designee with the names of employees or applicants who test positive.

### H. Release of Test Results

Test results shall not be released by the Board or the Board's management without the individual's written authorization. However, all employees will be required to complete a consent/release form permitting the School Board to release test results and related information to the Unemployment Compensation Commission or other relevant government agency. The lab shall retain the individual test results for positive specimens for five (5) years and negative for 12 months.

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### VI. Discipline

The Board will discipline, including discharge, employees for any violation of the policy, including refusing to submit to screening, to execute a release, or otherwise cooperate with an investigation or search by management.

All current employees who test positive will be subject to discipline up to and including discharge. Rehabilitation will be limited to the degree of treatment provided within the Board's regular employee benefit plan. The Superintendent or designee should be contacted for guidance and information.

No employee may be returned to regular duty after rehabilitation or testing positive unless certified as safe and not using drugs by the Board's lab and presentation of required certification, i.e., COL, SDE Certificate, State Driver's licenses, etc. Any employee returned to duty after violating the policy or testing positive will be subject to aftercare and random testing as set out in a written Probation Agreement which he/she will be required to execute. Any employee dismissed as a result of violating policy or testing positive may reapply for any employment position for which he/she is qualified.

### VII. Employee Assistance Program (EAP)

The Board EAP shall make available information for employees and supervisors regarding drugs and alcohol and the effects and consequences of drug and alcohol abuse.

The Superintendent or designee should be contacted for further guidance.

### VIII. Investigation/Searches

When a supervisor suspects that an employee has violated the substance policy, he/she may inspect vehicles (including vehicles which an employee brings on the School Board's property), lockers, work areas, desks, purses, briefcases, toolboxes, and other locations or belongings without prior notice in order to ensure a work environment free of prohibited substances. An employee must be present to remove a personal lock. Refusal to open a personal lock will result in discipline, including discharge. The Board may release any illegal, or controlled drugs, or paraphernalia to appropriate law enforcement authorities.

All searches should be coordinated with the Superintendent or designee.

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IX. These procedures should not be construed as contractual in any nature. They represent the Board's current procedures for dealing with a developing problem under evolving laws and facts, and may be changed without advance notice.

STATUTORY AUTHORITY: CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED: CODE OF ALABAMA  
16-1-18.1, 349 CFR PART 40, DOT,  
49 CFR PARTS 382 & 391,  
FEDERAL HIGHWAY ADMINISTRATION

ALABAMA ADMINISTRATIVE PROCEDURE ACT: \_\_\_\_\_

HISTORY: ADOPTED: 2012

## CHAPTER 6.00 – HUMAN RESOURCES

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### PERSONNEL RECORDS

6.82

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The City of Chickasaw Board of Education shall require complete and current personnel records for each employee. All information contained in an employee's personnel file, except sensitive personnel records, are considered public records under Alabama's Sunshine Law.

- I. Each Chickasaw City School System employee shall have a right to review her/his local school or central office personnel file during normal business hours. No anonymous letters or materials shall be placed in personnel files. Each employee may have included in his/her personnel file a written response to any material contained within the file.
- II. Any Chickasaw City School System employee may request to review her/his personnel file at any time that is mutually agreeable with the Personnel Administrator and when the employee is not engaged in fulfilling employment-related duties. The Personnel Administrator or certified designee must be present during the review. A log shall be maintained documenting any such review.
- III. A copy of all materials to be placed in an employee's record which may tend to diminish the employee's professional or work status or reflect adversely on the employee's record of performance or character shall be provided to the employee.
- IV. Any anonymous complaint or material received by a school official shall be reviewed by the school administrator and if deemed necessary transmitted to the Superintendent. If the material is deemed worthy of an investigation by the Superintendent, it may be investigated. The results of the investigation may be reduced to writing, signed by the Superintendent, principal, or other designated official in charge of the complaint, dated, attached to the material in question, and may be placed in the personnel file of the employee. Any anonymous complaint which is not investigated within thirty (30) calendar days of its receipt by the Superintendent shall not be retained, and shall be destroyed.
- V. The transfer of the personnel file or any parts, summation, or copies of the personnel file of the employee shall be effectuated upon the written request of the employee.

The Chickasaw City School System may transfer an employee's personnel file or copies or parts thereof to another employer or prospective employer.

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STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
16-11-9, 16-12-3, 16-22-14, 16-22-17' 36-12-40, 41-13-1

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

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HISTORY:

ADOPTED: 2012

## CHAPTER 6.00 – HUMAN RESOURCES

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### EMPLOYEE SALARY SCHEDULES

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6.83

- I. All regular personnel shall be paid in accordance with salary or hourly wage schedules as adopted by the City of Chickasaw Board of Education, provided the salary schedule for certified staff is no less than 100 percent of the State Minimum Salary Schedule.
- II. The procedures for implementing the approved salary schedule shall be developed and published by the Superintendent upon approval of the Board of Education. Such procedures and published information shall include, but is not limited to, calculations of experience for placement on the salary schedule.
- III. Contract principals may be placed on the School System's salary schedule for principals or may be employed under a negotiated contract.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
16-6B-9, 16-13-123.1

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

§290-2-1-5 (C)

HISTORY:

ADOPTED: 2012

## CHAPTER 6.00 – HUMAN RESOURCES

### PROFESSIONAL PERSONNEL CONTRACTS

6.83.1

#### I. Salary Schedules

The Superintendent shall prepare or cause to be prepared salary schedules for all professional personnel employed by the Chickasaw City School System. The salary schedules shall be presented to the Board for review and approval annually.

#### II. Salary Schedules for Temporary Personnel

Salary schedules for substitute teachers and other temporary personnel shall be prepared by the Superintendent and presented to the Board annually for review and approval.

The Superintendent shall issue contracts each school year to all personnel. The contract serves as a legal agreement to protect the interests of both the employee and the Chickasaw City School System. The contract periods for professional personnel shall conform to the following schedules:

School Period	Annual Work Days
Student	180
Bus Aides	182
Drivers	186
Teachers/Aids/GNP/Nurse	187
CNP Managers	191
Custodian	197
10 Month	202
11 Month	222
12 Month	240
	Work periods shall begin on July 1 each year and conclude on June 30 of the following year and shall encompass 240 work days.

#### III. Ending Service

All employees who are not tenured teachers and do not plan to be in service the subsequent year should give written notice to the Superintendent as soon as possible, but no later than June 15, so that the best replacement can be found. Any employee who does not provide written notice within 30 days of the beginning of said term may not be released from his/her contract. No tenured teacher under the Students First Act of 2011 shall be permitted to terminate his or her employment within thirty (30) calendar days before the first day of the next school term unless such termination is mutually agreed upon. Tenured teachers may terminate his or her employment at any other time by giving five (5) days' written notice to the



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Board. Any teacher terminating his or her employment in violation of this policy is guilty of unprofessional conduct according to the Students First Act. Any other employee resignation request submitted during the school term or within thirty (30) days prior to the beginning of said term can only be accepted if mutually agreed upon.

The Chickasaw City School System shall notify, in writing, a non-tenured professional employee on, or before, the last day of the school term if his/her contract is to be non-renewed by the Board.

STATUTORY AUTHORITY: CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED: CODE OF ALABAMA  
16-11-17' 16-13-231.1' 16-22-6, 16-22-17, 16-24C-11

ALABAMA ADMINISTRATIVE PROCEDURE ACT: §290-2-1-5 (C)

HISTORY: ADOPTED 2012

**CHAPTER 6.00 – HUMAN RESOURCES**

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**OVERTIME – NON-SUPERVISORY PERSONNEL**

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6.87

It is the intent of the City of Chickasaw Board of Education for its employees to perform the necessary tasks of their jobs during the regular designated work week. However, there may be certain circumstances, in the best interest of students and the school system, when emergencies would necessitate that certain employees work beyond their designated work week. However, the option to receive compensatory time must be approved by the immediate supervisor and the Superintendent.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

Fair Labor Standards Act of 1938, Title 29, Part 541,  
Section 13(a)(1) and Section 13(a) (17) as revised

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

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HISTORY:

ADOPTED: 2012

- I. Transfers and Reassignments - A reassignment is from one position to another within the same location. A transfer is a change in position that involves a change in location, movement outside of a feeder pattern, or a change in position causing a reduction in pay. Transfers and reassignments are recommended by the Superintendent and approved by the City of Chickasaw Board of Education.
  - A. Except as otherwise specified, employees may be transferred or reassigned at any time as the needs of the Board require to any position for which they are qualified by skill, training, upon the recommendation of the superintendent and the approval of the Board.
  - B. The superintendent may reassign a teacher to any grade, position, or work location within the same school, campus, or instructional facility, as the needs of the Board require. For a tenured teacher, except as required by acts of God or disasters that are beyond the reasonable control of the employer, written notice of the reassignment must be issued to the teacher no later than the twentieth (20<sup>th</sup>) calendar day after the first day of classes for students, and the teacher may not be involuntarily reassigned under this subsection more than one time in a school year, excluding summer term. The reassignment may only be to another position for which the teacher holds appropriate certification, and the reassignment may not entail a loss of or reduction in compensation. Such reassignments are not subject to challenge or review under this chapter. For reassignments due to acts of God or disasters later than the 20th calendar day after the first day of class for students, a tenured teacher may request a hearing before the board prior to a vote of the board on the proposed transfer.
  - C. Tenured teachers may be transferred within an agency or system to any grade or position outside of the school, campus, or instructional facility to which the teacher is assigned subject to the following terms and conditions: The transfer must be to another position for which the employee holds appropriate certification and the transfer must be without loss of or reduction in compensation. Except as required by acts of God or disasters that are beyond the reasonable control of the Board, written notice of the proposed transfer must be issued to the teacher by the superintendent no later than the twentieth (20<sup>th</sup>) calendar day after the first day of classes for students, and the teacher may not be involuntarily transferred under this subsection more than one time in a school year, excluding summer term. In the notice of proposed transfer, and prior to a final decision the Board, the teacher must

## **CHAPTER 6.00 – HUMAN RESOURCES**

be afforded an opportunity to meet with the Board to demonstrate why the proposed transfer should not be approved. If the proposed transfer is to a work site outside of the high school feeder pattern in which the teacher is currently working, then the teacher may request a hearing before the board prior to a vote of the board on the proposed transfer. For transfers due to acts of God or disasters later than the 20th calendar day after the first day of class for students, a tenured teacher may request a hearing before the board prior to a vote of the board on the proposed transfer.

- D. Nonprobationary classified employees may be transferred to any position for which they are qualified within the Chickasaw City School System including any work location that is under the control and jurisdiction of the institution, if the transfer is without loss of or reduction in compensation, written notice of the proposed transfer is issued to the employee by the superintendent not less than fifteen (15) calendar days before a final decision is made by a vote of the governing Board, and the transfer is effective not less than fifteen (15) calendar days after the date of the final decision. A nonprobationary classified employee of an employer who is proposed to be transferred to a principal work site that is outside of the high school feeder pattern in which the current work site of the employee is located, shall be afforded an opportunity to appeal in the same manner as a termination. This subdivision shall not apply to employees whose daily work assignments and duties require regular or periodic travel throughout the school system or between work sites operated by or under the control of the employer. Except as required by acts of God or disasters that are beyond the reasonable control of the employer, a nonprobationary classified employee may not be involuntarily transferred more than one time in a school year, excluding summer term.
- E. Probationary teachers and probationary classified employees may be transferred to another position that provides for a lower rate or amount of compensation or a shorter term of employment if the employee holds appropriate certification or qualifications for the position, the notice of proposed transfer contains a written explanation of the effect of the transfer on the compensation of the employee, and the notice informs the employee that he or she may object in writing to the transfer before a final decision is made by the Board. If approved by the vote of the Board, the transfer shall be effective not less than fifteen (15) calendar days after the date of the final decision.

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F. A tenured teacher or nonprobationary classified employee may be involuntarily transferred to another position that provides for a lower rate or amount of pay or a shorter term of employment, subject to the following terms and conditions: The notice of proposed transfer and subsequent proceedings, except for use of the term transfer, shall conform and be subject to the substantive and procedural standards and requirements that apply to termination of nonprobationary employees under Section 16-24C-6 of the Code of Alabama 1975, and to appeals therefrom. No vote or decision on such transfers shall be made for political or personal reasons. Notwithstanding the foregoing, transfers or reassignments that are made as a part of, as a consequence of, or in conjunction with reductions-in-force authorized under Section 16-1-33 of the Code of Alabama 1975, or in order to comply with state or federal law are not subject to challenge or review, whether or not such transfers or reassignments are to positions that provide for a lower rate or amount of pay or a shorter term of employment.

STATUTORY AUTHORITY:

CODE OF ALABAMA

16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA

16-24C-7

ALABAMA ADMINISTRATIVE PROCEDURE ACT: \_\_\_\_\_

HISTORY:

ADOPTED: 2012

## CHAPTER 6.00 – HUMAN RESOURCES

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### I REDUCTION IN FORCE- PROFESSIONAL STAFF

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6.91

In the event it becomes necessary to reduce the number of professional staff employed by the City of Chickasaw Board of Education due to a decrease in student enrollment, financial exigency, changes in curriculum, consolidations or reorganization, the following procedure shall be followed to determine staff members to be affected.

I. Attrition by resignation, retirement or voluntary leaves of absence shall be the first method used to reduce the force.

II. Based on the philosophy of maintaining the best educational program possible, the City of Chickasaw Board of Education, upon recommendation of the Superintendent, shall identify the grade level(s) and discipline area(s) from which staff members are to be reduced in force at respective times. For the purpose of reduction in force the following terms are defined:

A. Grade Level- Kindergarten, elementary grades 1 - 5, secondary grades 6-12, administration and supervision, special education, counseling and guidance, career/technical programs, and federal programs.

B. Discipline Area - Certificate endorsement area(s) and current major teaching or administration/supervisory assignment(s) within the Chickasaw City School System.

III. Following the identification of the grade level(s) and discipline area(s), the number of staff to be reduced from each area(s) will be determined by the Board, based on a recommendation by the Superintendent. All staff members within the identified area(s) will be rank ordered from the greatest amount of service time to the least amount of service time within the Chickasaw City School System. The staff member(s) with the least amount of continuous service time (seniority), based on actual date of employment as reflected in the City of Chickasaw Board of Education

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minutes, shall be the first to be reduced in force. In the event two (2) or more staff members have the same amount of continuous service time with the Chickasaw City School System based on Board minutes, the following additional criteria will be used to determine the order of reduction of force.

A. Degree(s) held by the staff member (the staff member with the lower degree to be reduced).

B. Total years of experience in public education (the staff member with the least number of years' experience to be reduced first).

C. If tied at this point, the staff member with the lowest social security number (last four numbers) will be reduced first.

IV. In order for a staff member selected to be reduced in force by these procedures to displace a staff member in another discipline area with less service time, said staff member must be certified to handle the entire position of the employee they seek to displace. No tenured teacher will be reduced in force when a position is either vacant or occupied by a non-tenured teacher and for which the tenured teacher is certified. In no case shall a staff member from the central office work site be able to displace a staff member from the local school work site or vice versa.

V. The above procedure shall not violate any applicable court order or the Students First Act.

VI. The names of personnel reduced in force shall be placed in a Chickasaw City School System employment pool. Said personnel shall be given the opportunity in reverse order of their layoff to fill the first comparable employment vacancies for which they are qualified.

VII. It is understood that reduction in force constitutes termination of employment and all benefits provided by the Chickasaw City School System cease on the effective date.

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STATUTORY AUTHORITY: CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED: CODE OF ALABAMA  
16-1-33, 16-24C-1 through 16-24C-14

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

HISTORY: ADOPTED: 2012



## CHAPTER 6.00 – HUMAN RESOURCES

### REDUCTION IN FORCE- NON-CERTIFIED STAFF

6.91.1

In the event it becomes necessary to reduce the number of non-certified staff employed by the school district due to a decrease in student enrollment, financial exigency, changes in curriculum, consolidations or reorganization, the following procedure shall be followed to determine staff members to be affected.

- I. Attrition by resignation, retirement or voluntary leaves of absence shall be the first method used to reduce the force.
- II. Based on the philosophy of maintaining the best educational program possible, the City of Chickasaw Board of Education, upon recommendation of the Superintendent, shall identify the work area(s) and work site(s) from which staff members are to be reduced in force at respective times. For the purpose of reduction in force, the following terms are defined:
  - A. Work Areas – Custodians, child nutrition personnel, secretaries, bookkeepers, aides, non-certified resource personnel and nurses.
  - B. Work Sites – Central Office to include secretaries and bookkeepers. Local schools to include child nutrition personnel, custodians, secretaries/bookkeepers, non-certified resource personnel and aides.
- III. Following the identification of the work area(s) and work site(s), the number of staff to be reduced from each area(s) and site(s) will be determined by the City of Chickasaw Board of Education, based on a recommendation by the Superintendent. All staff members within the identified work area(s) and site(s) will be rank ordered from the greatest amount of service time to least amount of service time within the Chickasaw City School System. The staff member(s) with the least amount of continuous service time (seniority), based on actual date of employment as reflected in the Board minutes, shall be the first to be reduced in force. In the event two or more staff members have the same amount of continuous service time with the school district based on Board minutes, the following additional criteria will be used to determine the order of reduction in force:
  - A. Formal education attained by the staff member (the staff member with the least amount of formal education to be released).
  - B. Total years of work related experience (the staff member with the least number of years experience to be reduced first).
  - C. If tied at this point, the staff member with the lowest social security number (last four numbers) will be reduced first.

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- IV. In order for a Chickasaw City School System staff member selected to be reduced in force by these procedures to displace a staff member in the same work area at another work site with less service time, said staff member must be capable of handling the entire position of the employee they seek to displace and must submit a written request for such transfer within five (5) days of receipt of the notice of reduction in force. In no case shall a staff member from the central office work site be able to displace a staff member from the local school work site or vice versa.
- V. The names of non-certified personnel reduced in force shall be placed in a Chickasaw City School System employment pool. Said personnel shall be given the opportunity in reverse order of their layoff to fill the first comparable employment vacancies for which they are qualified.
- VI. It is understood that reduction in force constitutes termination of employment and all benefits provided by the school district cease on the effective date. If any section of this policy conflicts with the Students First Act, that specific section shall be considered void.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
16-1-33, 16-24C-1 through 16-24C-14

ALABAMA ADMINISTRATIVE PROCEDURE ACT: \_\_\_\_\_

HISTORY:

ADOPTED: 2012

**CHAPTER 6.00 – HUMAN RESOURCES**

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**RETIREMENT OF PERSONNEL 6.92**

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Any employee who plans to retire shall submit his/her resignation in writing to the City of Chickasaw Board of Education through the Superintendent.

STATUTORY AUTHORITY: CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED: CODE OF ALABAMA  
16-22-9

ALABAMA ADMINISTRATIVE PROCEDURE ACT: \_\_\_\_\_

HISTORY: ADOPTED: 2012

## CHAPTER 6.00 – HUMAN RESOURCES

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### RESIGNATION

6.93

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- I. Any administrative or instructional staff member who wishes to resign shall submit his or her resignation in writing addressed to the City of Chickasaw Board of Education. The letter of resignation shall state the reasons for the resignation and the desired effective date. No resignation shall become effective until accepted by the City of Chickasaw Board of Education. No tenured teacher under the Students First Act of 2011 shall be permitted to terminate his or her employment within thirty (30) calendar days before the first day of the next school term unless such termination is mutually agreed upon. Tenured teachers may terminate his or her employment at any other time by giving five (5) days' written notice to the Board. Tenured teachers terminating his or her employment in violation of this policy is guilty of unprofessional conduct according to the Students First Act. Any other teacher resignation request submitted during the school term or within thirty (30) days prior to the beginning of said term can only be accepted if mutually agreed upon.
- II. A non-instructional employee who wishes to resign shall submit his/her resignation in writing addressed to the City of Chickasaw Board of Education. Whenever possible, two (2) weeks' notice shall be given. The letter of resignation shall state the reason for the resignation and the desired effective date. A resignation of an employee shall be sent to and countersigned by his/her immediate administrative supervisor. The resignation shall be submitted to the City of Chickasaw Board of Education at its next regular or special meeting. No resignation shall become effective until accepted by the City of Chickasaw Board of Education.
- III. An employee who violates the terms of an employment agreement or written contract by leaving his/her position without first being released from the agreement or contract by the City of Chickasaw Board of Education and fails to complete and file the required records and reports, may have final compensation withheld.

STATUTORY AUTHORITY:

CODE OF ALABAMA  
16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA  
16-24C-11

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

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HISTORY:

ADOPTED: 2012