



As a community, we prepare lifelong learners to achieve their full potential in a complex and interconnected world.

**Reynolds School District
Board of Education Working**

April 12, 2023

7:00 PM

Wood Village City Hall

24200 NE Halsey

Wood Village, Oregon 97060

I.	6:00p - Executive Session	2
II.	7:00p - Call to Order	3
	A. Roll Call	
	B. Land Acknowledgement	4
III.	7:05p - Public to be Heard	5
IV.	7:20p - Multnomah Youth Commission: Start Times Presentation	6
V.	7:40p - Bond Polling Results and Timeline	33
VI.	8:20p - Policy Section G: First Reading	56
VII.	8:30p - Board Chair NSBA Recap	290
VIII.	8:40p - Adjourn	291



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To: Board of Directors
From: Frank Caropelo, Interim Superintendent of Schools
Prepared by: Kaylie Jeffries, Executive Assistant to the Superintendent
Subject: Executive Session

Policy: [Executive Session – BDC](#)

Date: April 12, 2023

Action	<input type="checkbox"/>
Report	<input checked="" type="checkbox"/>

Connection to School Board Core Beliefs and Commitments

Safety Equity Instructional Practice Organizational Culture

Strategic Plan Goal Topic 3: Student and Staff Wellness

We will promote a healthy learning and working environment which provides students and staff with the skills, social support, and environmental reinforcement they need to adopt long-term, healthy behaviors.

Summary:

The Reynolds School Board and the Superintendent will recess into Executive Session at 6:00p, under ORS 192.660(2)(d) Negotiations.

Executive Session is closed to the public.



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To: Board of Directors
From: Frank Caropelo, Interim Superintendent of Schools
Prepared by: Kaylie Jeffries, Executive Assistant to the Superintendent
Subject: Call to Order

Policy: [Board Meetings – BD/BDA, Conduct of Board Meetings – BDDF](#)

Date: April 12, 2023

Action	<input checked="" type="checkbox"/>
Report	<input type="checkbox"/>

Connection to School Board Core Beliefs and Commitments

- Safety
 Equity
 Instructional Practice
 Organizational Culture

Strategic Plan Goal Topic 3: Student and Staff Wellness

We will promote a healthy learning and working environment which provides students and staff with the skills, social support, and environmental reinforcement they need to adopt long-term, healthy behaviors.

Summary:

- a. Call to Order
- b. Roll Call
- c. Land Use Acknowledgement

Roll Call:

- Position 1: Vice Chair Aaron Muñoz
- Position 2: Director Joyce Rosenau
- Position 3: Director Michael Reyes
- Position 4: Director Cayle Tern
- Position 5: Director Yesenia Delgado
- Position 6: Chair Ana Gonzalez Muñoz
- Position 7: Director Francisco Ibarra

Land Acknowledgement:

We will open tonight’s meeting by acknowledging the traditional Indigenous inhabitants of this land. The purpose of these statements is to show respect for indigenous peoples and recognize their enduring relationship to the land. Practicing acknowledgment can also raise awareness about histories that are often suppressed or forgotten.

Land Use Acknowledgment & Guidelines



Approved and Adopted on May 27, 2020

Reynolds School District expresses our gratitude and appreciation to traditional village sites of the Multnomah, Kathlamet, Clackamas, bands of Chinook, Tualatin, Kalapuya, Molalla and many other Tribes who made their homes along the Columbia River, and which is now home to a vibrant native community representing over 400 different tribal nations.

We believe that it is our responsibility as a school district to educate our students, staff and families about the true history of colonialism and the continued need to address colonialism today. This land acknowledgement will encourage our community to reflect upon the land we are standing on and engage in conversations centered in honoring the land.

Land acknowledgments will take place in conjunction with the Pledge of Allegiance, which will be recited after the Land Use Acknowledgement, during the following times:

- School Board meetings
- District-wide community meetings
- School assemblies
- Athletic Competitions
- Parent and community school evening events

Land Use Acknowledgment

We respectfully acknowledge that the land on which we are gathering today is the traditional homeland of a diverse array of indigenous tribes and bands. Multnomah County rests on traditional village sites of the Multnomah, Wasco, Cowlitz, Kathlamet, Clackamas, Bands of Chinook, Tualatin, Kalapuya, Molalla, and many other tribes who made their homes along the Columbia River, creating communities and summer encampments to harvest and use the plentiful natural resources of the area. Multnomah County is now home to a vibrant indigenous community representing over 400 different tribal nations.

We recognize Indigenous peoples as the traditional stewards of this land and acknowledge the enduring relationship between the land and the people since time immemorial. We make this acknowledgement to open a space of recognition, inclusion, and respect for our sovereign tribal partners and all indigenous students, families, and staff in our community.



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To: Board of Directors

From: Frank Caropelo, Interim Superintendent of Schools

Prepared by: Kaylie Jeffries, Executive Assistant to the Superintendent

Subject: Public to be Heard

Policy: [Public to be Heard – BDDH, Public Comment at Board Meetings – BDDH-AR](#)

Date: April 12, 2023

Action	<input type="checkbox"/>
Report	<input checked="" type="checkbox"/>

Connection to School Board Core Beliefs and Commitments

Safety Equity Instructional Practice Organizational Culture

Strategic Plan Goal Topic 1: Marginalized Students

In order to give voice to our marginalized populations, we will remove barriers, hold high academic expectations, and elicit and honor all voices.

Summary:

Members of the public will address the Board with comments and the Board will listen only. The Board may choose not to address a request if it does not fall within the scope of Board Governance. Oregon law prohibits the Board from discussing specific employees or their job performance.

Those wishing to speak must complete a Public Comment Form before the beginning of the meeting. The first 7 submissions will be able to speak for 3 minutes.

Written Public Comment can be submitted on the RSD website at any time.



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To: Board of Directors

From: Dr. Sara Hahn-Huston, Executive Director of Schools

Prepared by: Elizabeth Pomykala, Admin. Assistant to the Executive Director of Schools

Subject: Multnomah Youth Commission – Presentation to the Board

Policy: [Public Comment at Board Meetings – BDDH](#)

Date: April 12, 2023

Action	<input type="checkbox"/>
Report	<input checked="" type="checkbox"/>

Connection to School Board Core Beliefs and Commitments

Safety Equity Instructional Practice Organizational Culture

Strategic Plan Goal Topic 3: Student and Staff Wellness

We will promote a healthy learning and working environment which provides students and staff with the skills, social support, and environmental reinforcement they need to adopt long-term, healthy behaviors.

Summary:

The Multnomah Youth Commission (MYC) is advocating for a later start time at Reynolds High School. Their recommendation is based on several factors that include but are not limited to chronic absenteeism and limited engagement in school as a result of students being tired from starting school so early, which impacts their education. Within the last year, student leaders of the MYC have collected information through RHS student and staff surveys as well as presented their recommendations to select members of the district office department leaders. The Multnomah Youth Commission believes that pushing back high school start time to 8:45 a.m. or later will significantly reduce chronic absenteeism and improve educational outcomes for our RHS students.

Previous Board Action:

The Multnomah Youth Commission made a presentation to the Board on December 12, 2019.

Background:

Not Applicable

Financial Implications:

Not Applicable

Alternatives:
Not Applicable

Staff Recommendation:
Not Applicable

Motion:
Not Applicable

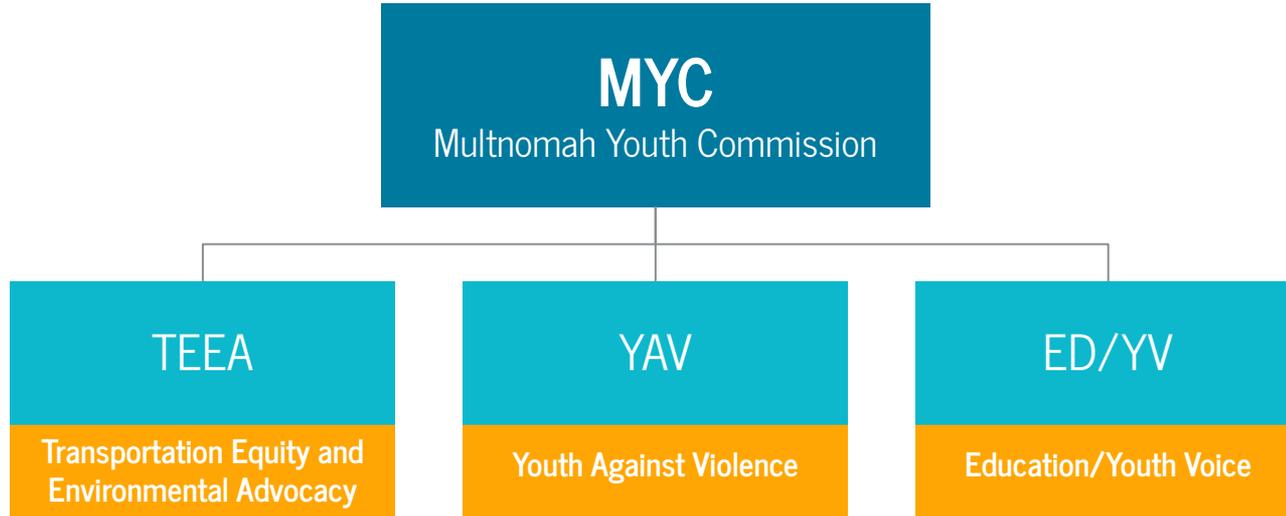
Later High School Start Times + You

Education/Youth Voice Committee

Multnomah Youth Commission



Welcome!



You are here

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Education/Youth Voice Committee

Primary Focus: Chronic Absenteeism

Hosts Candidate Forums every
election cycle

Engaged in making education system
more equitable



The Problem

Chronic Absenteeism

Missing 10% or more of days enrolled during a school year

Oregon Chronic Absenteeism Rate

1 in 3

Oregon's Public Education Ranking

34th

Source: Attendanceworks, ODE

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Policy Recommendation

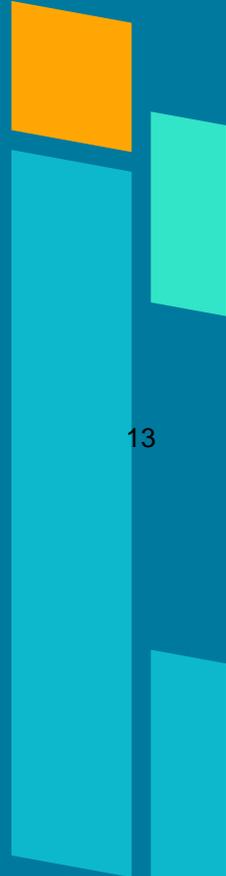


We recommend that Reynolds High School, and all high schools in the Portland metro area, push back start times to

8:45am or later

Public High School Start Times

Our Proposal



Roadmap

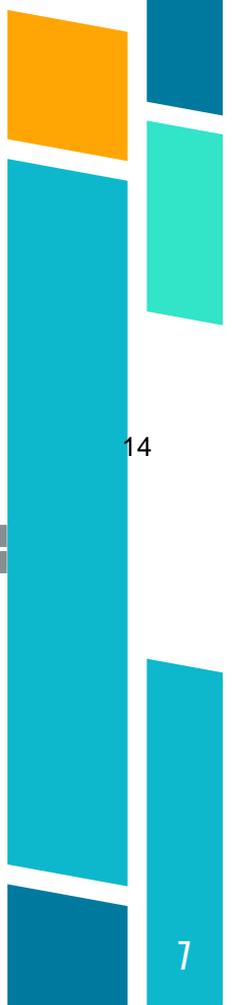
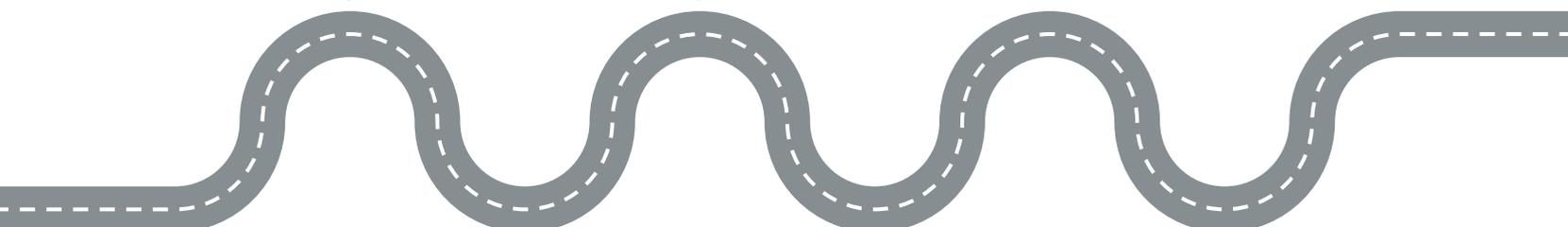
Research



Equity



Conclusion





1. Research

Data from researchers, students,
staff, and other communities

Research from Scientists

Most U.S. middle and high schools start the school day too early



5 out of 6 U.S. middle and high schools start the school day before **8:30 AM**

The American Academy of Pediatrics has recommended that middle and high schools should aim to start no earlier than 8:30 AM to enable students to get adequate sleep.



Teens need at least **8** hours of sleep per night.



Younger students need at least **9** hours.



2 out of 3 U.S. high school students sleep less than **8 hours** on school nights

Adolescents who do not get enough sleep are more likely to



be overweight



not get enough physical activity



suffer from depressive symptoms



engage in unhealthy risk behaviors such as drinking alcohol, smoking tobacco, and using illicit drugs

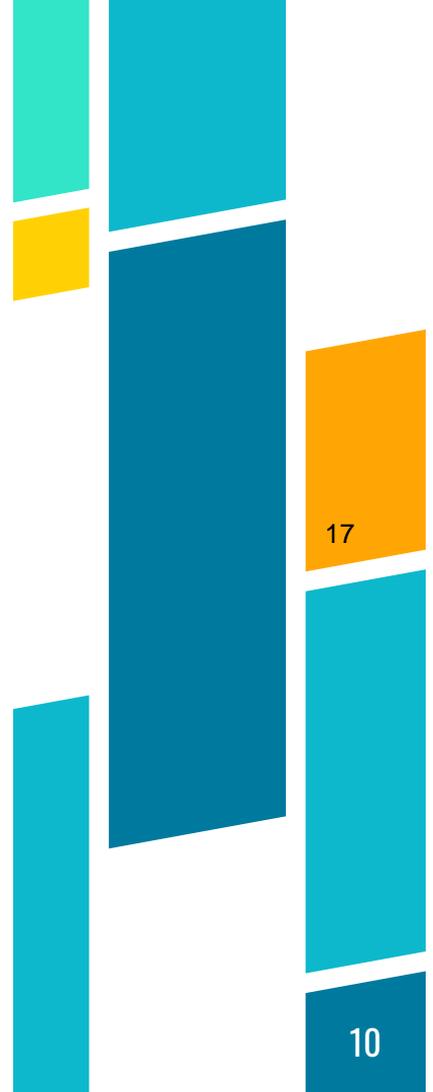


perform poorly in school

Other Communities

Pushing back high school start times has worked in other communities, both locally and nationally.

- ▶ California Statewide
- ▶ Centennial School District (OR)
- ▶ Beaverton Petition



Focus Groups



2022 Reynolds Survey Results

Students and Staff



Reynolds Survey (2022) Highlights

Total Number of Responses (Student/Staff)

800+

Percentage of students whose *ideal* start time is at or later than 8:45am

53.5%²⁰

Percentage of students whose *ideal* start time is at or later than 8:30am

74%

Percentage of staff whose *ideal* start time is at or later than 8:30am

58%

Student/Staff Comments



“Many of my friends and I also stay up late to finish school work, especially for advanced classes and when we have to work. The later start time would help us get more sleep and in turn feel more awake and ready to learn” –Student

“Later start time is better for my students, therefore better for me...early start time will certainly increase the percentage of sleep deprived students at RHS—something that’s ALREADY a problem with our current start times.” –Staff Member



2. Equity

Later Start Times work for all students

Athletics

- **Survey Data:** 25% of students surveyed participate in athletics. Of those, 73% prefer a later start time
- **Research:** Fewer sports-related injuries
- **Assessment:** The benefits of later start times outweigh the concerns



Transportation

- Studies show bus schedules can be changed to accommodate later high school start times (Eslamifard 2020)
- More busses; contracting
- Regional solutions; work with other districts



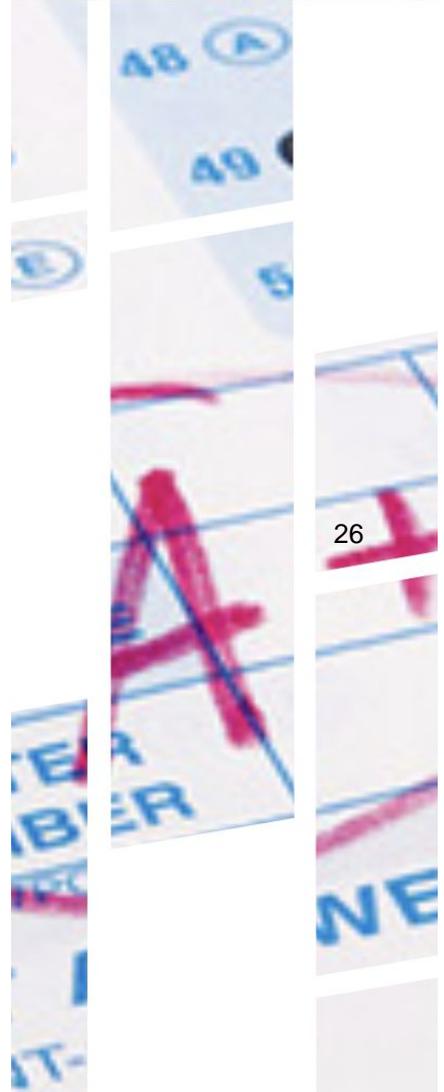
Activities and Obligations

- Student employment
 - ◆ Employers will accommodate HS Schedules
 - ◆ More sleep for students who work
- Siblings
 - ◆ More time in the mornings to do before-school work
 - ◆ Students report that sibling transportation will improve



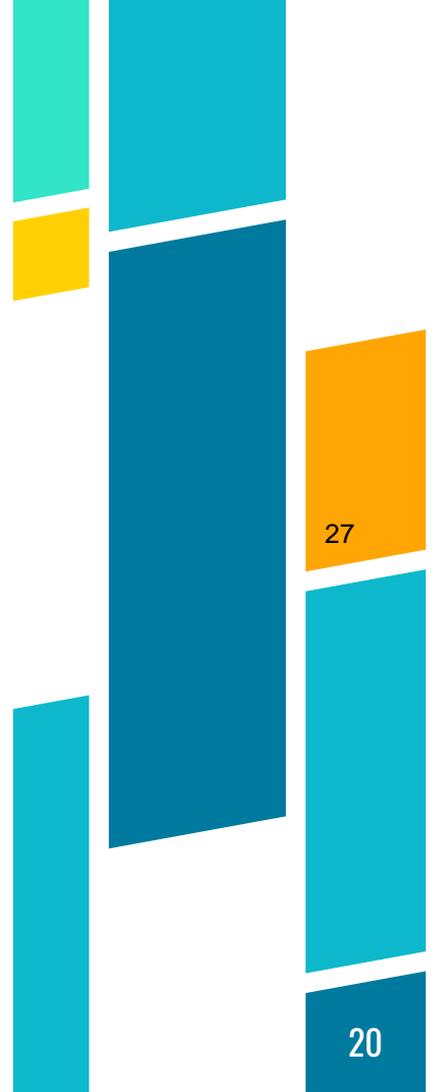
Other Considerations

- Fewer car accidents
- Boost in academic performance
- Higher attendance rates
- Improved mental health and wellness
- Students would *not* stay up later as a result of later start times being implemented



Alignment with Reynolds Strategic Plan

- Marginalized students
- Culturally responsive teaching
- Student and staff wellness

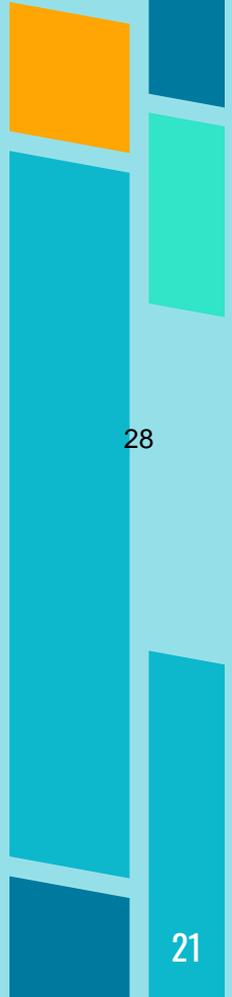


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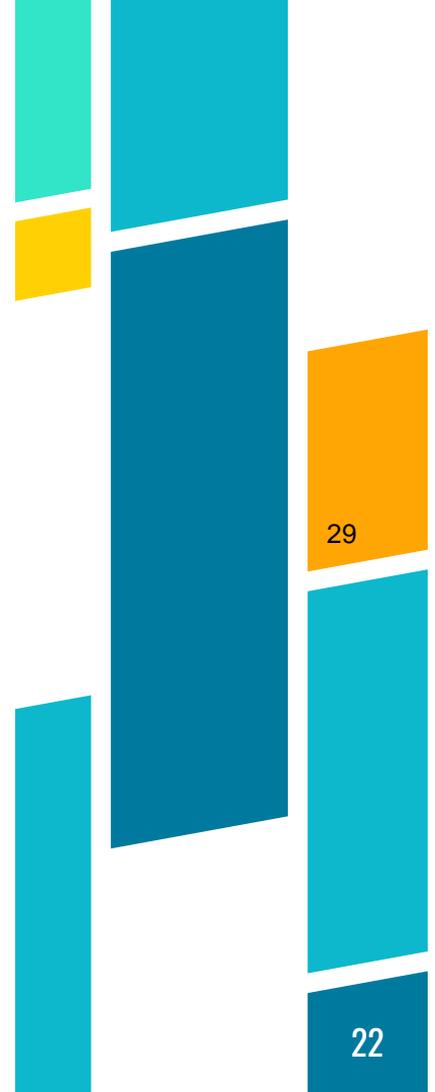
3. Closing Remarks

In Conclusion...



Starting school later will reduce chronic absenteeism

- ★ Higher attendance
- ★ More alert
- ★ Success in other districts



Students want school to start later

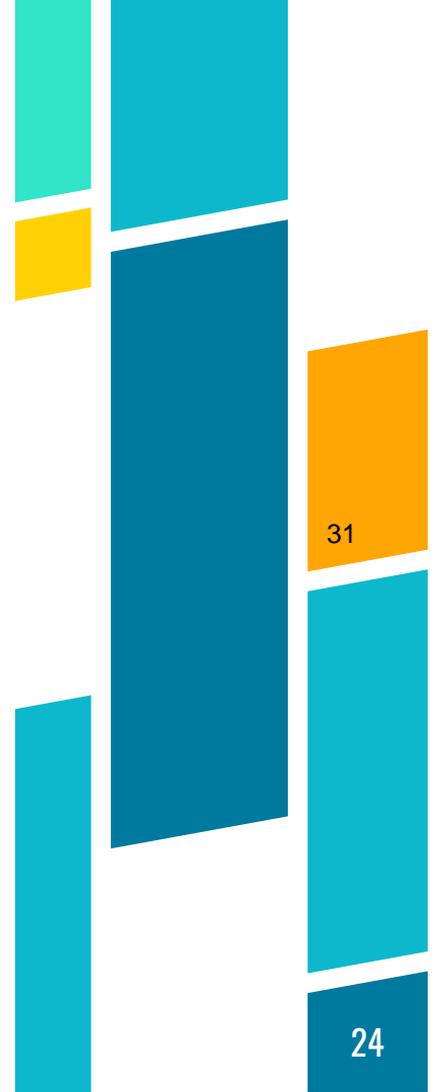
- ★ Improved mental health
- ★ Reduces students sleeping in class
- ★ Better academic performance and decrease in risk factors

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Implementing it will be a success

- ★ Other districts will likely follow suit
- ★ Minimal impacts on other school functions
- ★ Net positive for the district with higher attendance



Thank You!

Questions?





As a community, we prepare lifelong learners to achieve their full potential in a complex and interconnected world.

To: Board of Directors
From: Wade Bakley, Chief of Staff
Prepared by: Hank Bauer, Administrative Analyst

Subject: Wright Public Affairs Bond Polling Results and Timeline Presentation

Policy: [Board Powers and Duties - BBA](#)

Date: April 12, 2023

Action	<input type="checkbox"/>
Report	<input checked="" type="checkbox"/>

Connection to School Board Core Beliefs and Commitments

Safety Equity Instructional Practice Organizational Culture

Strategic Plan Goal Topic 3: Student and Staff Wellness

We will promote a healthy learning and working environment which provides students and staff with the skills, social support, and environmental reinforcement they need to adopt long-term, healthy behaviors.

Summary:

Jeremy Wright with Wright Public Affairs will present to the Board regarding bond polling results, basics about bonds, and timeline options.

Previous Board Action:

Not Applicable

Background:

Reynolds School District is currently working with Wright Public Affairs, ESD 112 (Construction Services Group), BRIC Architecture, and Piper Sandler regarding an upcoming Bond. The district formed a Bond Finance and Planning Meeting, which have met five times so far this school year, 2022-23. The committee is comprised of school site administrators, district office staff, licensed staff, classified staff, community members/partners, and parents. Jeremy Wright will present additional info regarding the recent polling that was completed, basic information about the Bond for Board members to have more knowledge of the requirements to pass a successful Bond, and timeline options that can be considered currently.

Please see the attached presentation slides that will be presented to the Board.

Financial Implications:

Jeremy Wright will highlight three different Bond packages in his presentation that were tested during polling: \$133 million, \$200 million, and \$274 million.

Alternatives:

Jeremy Wright will discuss alternative timeline options for the Bond in his presentation.

Staff Recommendation:

Not Applicable

Motion:

Not Applicable

Building and Passing A School Bond

Bond Basics

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WRIGHT
PUBLIC AFFAIRS

STARTING OFF RIGHT

A great communication plan with compelling story is critical to winning a bond but nothing replaces getting the package right from the start.



WHEN DOES A BOND PROGRAM BEGIN?



A bond program typically begins after the completion of the long range facilities plan and a thorough assessment of the District's current and future needs. This is generally about a year and a half and from target election date.

3 PHASES TO A BOND CAMPAIGN

1 Outreach and Options

Phase 1 is when you engage the community in the bond development process. This is about telling the story of the district, increasing awareness of the need and how the bond development process works. In this phase you want to make sure the community knows the options on the table and you want their help in creating a bond program that meets district AND community priorities.

3 PHASES TO A BOND CAMPAIGN

2 Listen, Refine & Finalize

Step 2 is about taking the feedback and then drafting a proposed final package that reflects district and community priorities as well as what you think is viable at the ballot box. We must make sure to reflect back to the community what you heard and how it informed the final Bond proposal. It is in this step you finalize bond scope and ballot language.

3 PHASES TO A BOND CAMPAIGN

3 Educate, Motivate and Inspire

It's "Go Time". Your bond is on the ballot. Time to educate, motivate and inspire. Step 1: make sure "the choir" is all on board and is engaged in educating the community about the bond. Step 2: Reach the 75% of voters in your school district who don't have children in your schools.

3 PHASES TO A BOND CAMPAIGN

One Year to 8 Months Out

1 Outreach and Options - Key Activities

- ✓ **Finalize Long Range Facilities Plan**
- ✓ **Assemble and Launch Bond Advisory Committee**
- ✓ **Professional Analysis of Tax Impact at Multiple Levels**
- ✓ **Publicly Announce Bond program, process**
- ✓ **Consultants Retained: Architect, Cost Estimator, Bond Comms/Engagement**
- ✓ **Bond Advisory Committee Holds Series of Meetings**
- ✓ **District Leadership has 1 v 1 Mtgs with “key communicators”**
- ✓ **Survey #1: Benchmark Poll**

3 PHASES TO A BOND CAMPAIGN

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6 to 4 Months Out

2 Listen, Refine & Finalize - Key Activities

- ✓ Bond Advisory Committee completes draft recommendation, presents to board.
- ✓ District launches feedback process
- ✓ Develop multi-channel listening process to solicit feedback from community
- ✓ Engage information campaign with core constituencies
- ✓ Survey #2: Benchmark Follow-Up
- ✓ District drafts Bond ballot language
- ✓ Board adopts formal Bond package and language
- ✓ Bond Placed on Ballot

3 PHASES TO A BOND CAMPAIGN

4 Months to Election Day

3 Educate, Motivate and Inspire - Key Activities

- District launches a robust public information campaign, starting with core constituencies. Elements include:
 - Parent and School Leader Engagement
 - School Specific Outreach
 - Community and Culturally Specific Outreach
 - Back to School Specific Education Plan
 - Direct Mail
 - Video
 - Digital Campaign – Paid and Regular
 - Clear, visible collateral at every school
 - Final 30 Day Action Plan
 - Board Member/District Leadership “Road Show”
- Community PAC Effort Launched and Engaging the Community

A NOTE ABOUT THE PAC & DISTRICT



KEYS TO VICTORY

- ✓ **Start Early**
- ✓ **Robust Public Engagement BEFORE filing anything**
- ✓ **Multiple Input Sources – Good Polling Key**
- ✓ **Flexibility – Timing, Size & Content**
- ✓ **Propose Bond package reflects district and community needs**
- ✓ **District Appropriately Budgets for Bond Effort**
- ✓ **Board Fully Supportive and Engaged**
- ✓ **Robust Parent & Staff Engagement**
- ✓ **Well run Community PAC that uses modern political tools & techniques**

Reynolds School District Bond

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**PATINKIN
RESEARCH
STRATEGIES**



- **A survey of 400 likely voters in the Reynolds School District was conducted by telephone using professional interviewers.**
- **A voter file sample was used and the poll universe was diminished to reflect a likely November, 2023 electorate.**
- **Interviews were conducted January 22-24, 2023.**
- **The margin of error for the sample as a whole is plus or minus 4.9 percentage points at the 95% level of confidence. The margin of error for subgroups varies and is higher.**
- **Throughout this report we refer to “younger” and “older” voters. Younger voters are under age 50 and older voters are age 50 and up.**

Demographics:

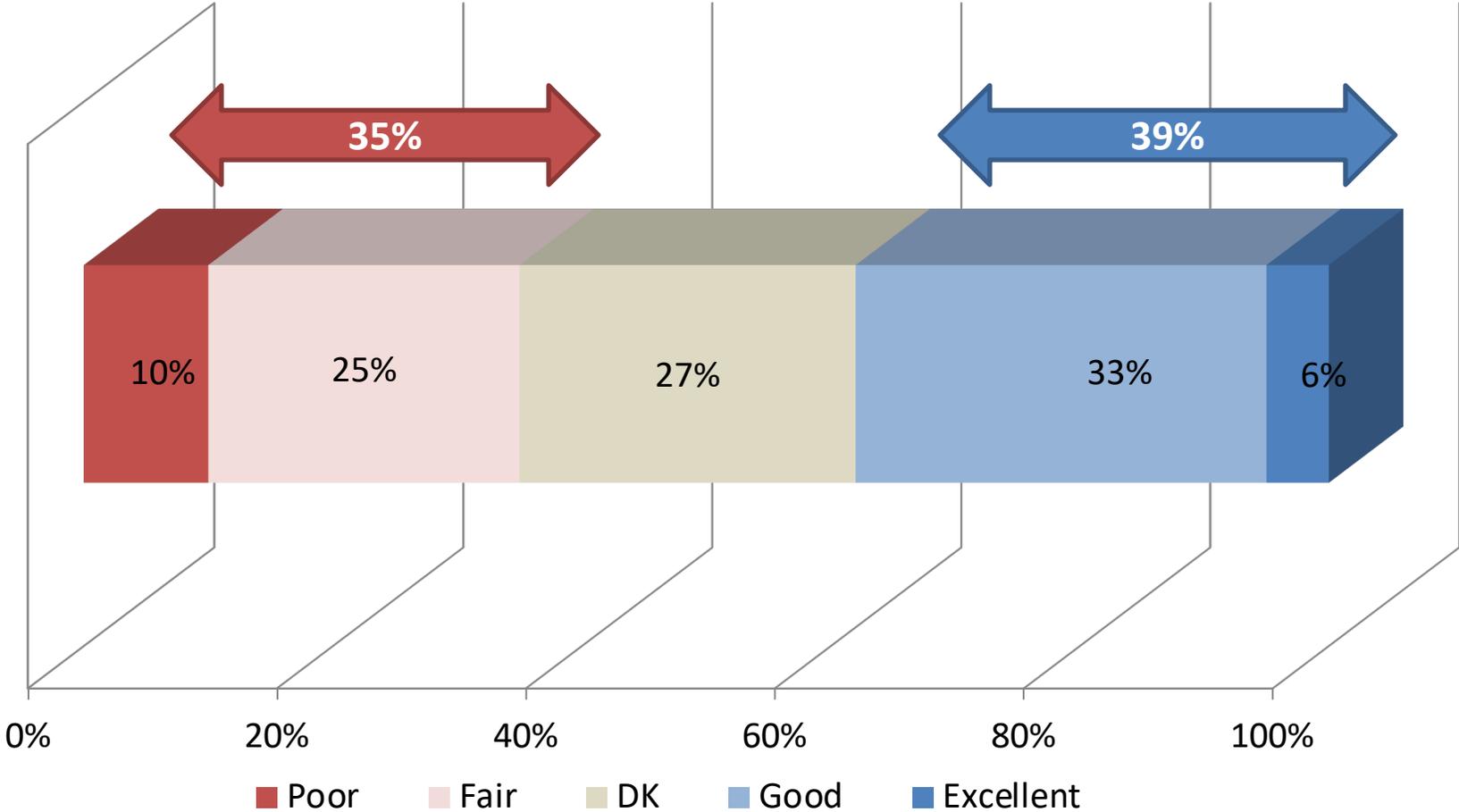


	Registered Voters	Likely November 2023 Voters
Men	41%	42%
Women	44%	48%
Unknown gender	15%	10%
Under age 50	52%	31%
Over age 50	48%	69%
Over age 70	16%	31%
Fairview/Wood Village	20%	19%
Gresham	32%	27%
Portland	24%	27%
Troutdale	24%	27%
Democrats (reg.)	37%	45%
NAV/independents (reg.)	44%	28%
Republicans (reg.)	19%	27%

A decorative graphic in the bottom-left corner consisting of three green bars of increasing height and a dark blue shape below them.

Perceptions of the School District

While perceptions of school facilities are divided, intensity of feeling is low



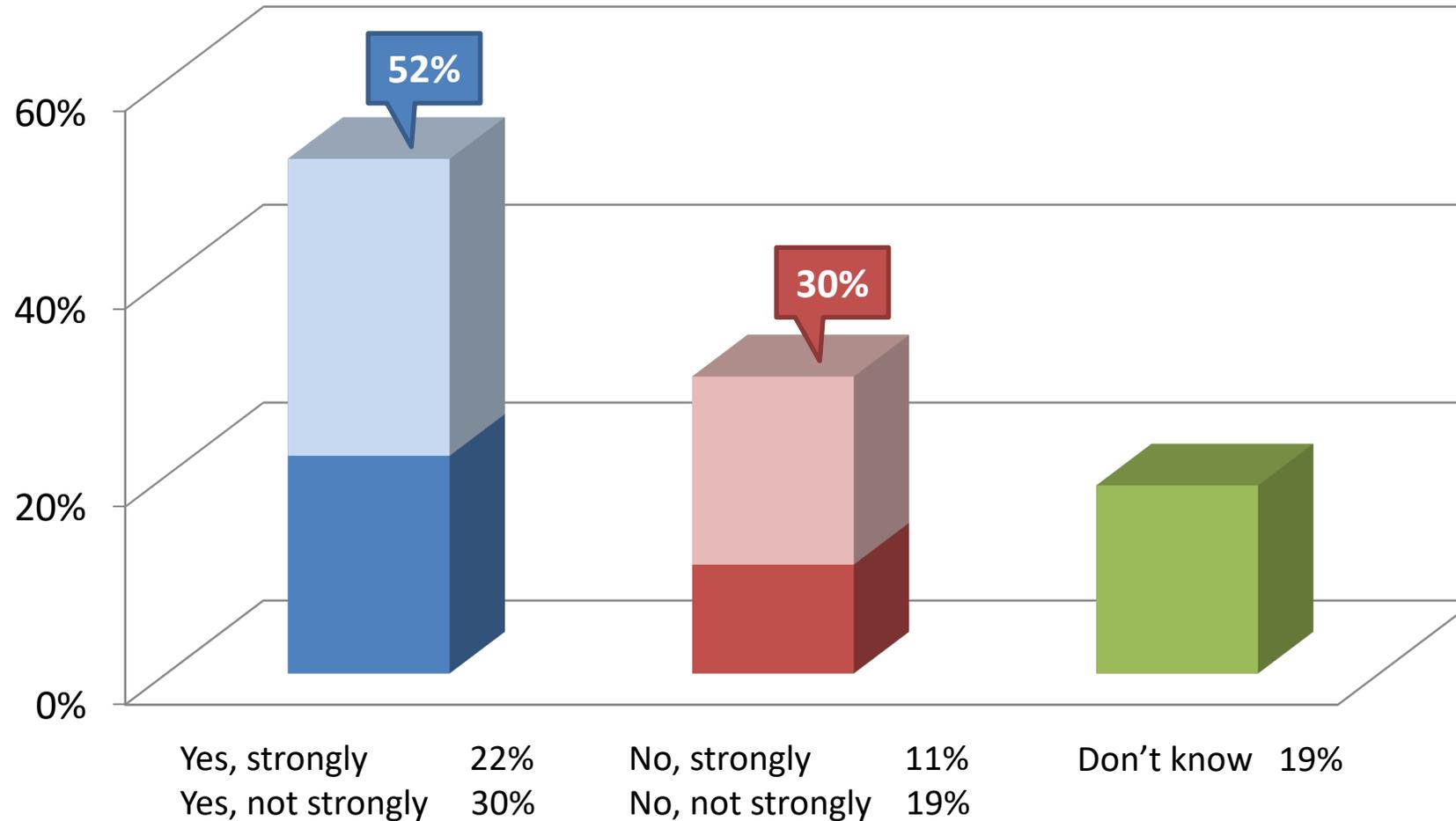
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Do you think Reynolds School District facilities are in excellent physical condition, good condition, fair condition, or are they in poor physical condition?

A slim majority start out voting “yes” based on mocked up ballot language



Intensity of feeling is fairly weak and one-in-five are undecided.



The Reynolds School District may place a bond measure on the November 7th, 2023, ballot which would read: “Bonds to increase safety, repair schools; replace four elementary schools. Shall district increase safety, replace elementary schools; repair, improve facilities; issue \$275 million dollars in general obligation bonds; audits required?”

Having heard this, if the election were held today, would you vote “yes” or “no” on this bond measure?

Bond packages tested:



\$274 million

- A bond that is estimated to cost an additional \$1.21 per one thousand dollars of assessed value per year for a property owner in the district. This bond would replace the district's four oldest elementary schools, address critical updates and repairs at schools across the district, increase student and staff safety, and construct grandstands and fields at the high school

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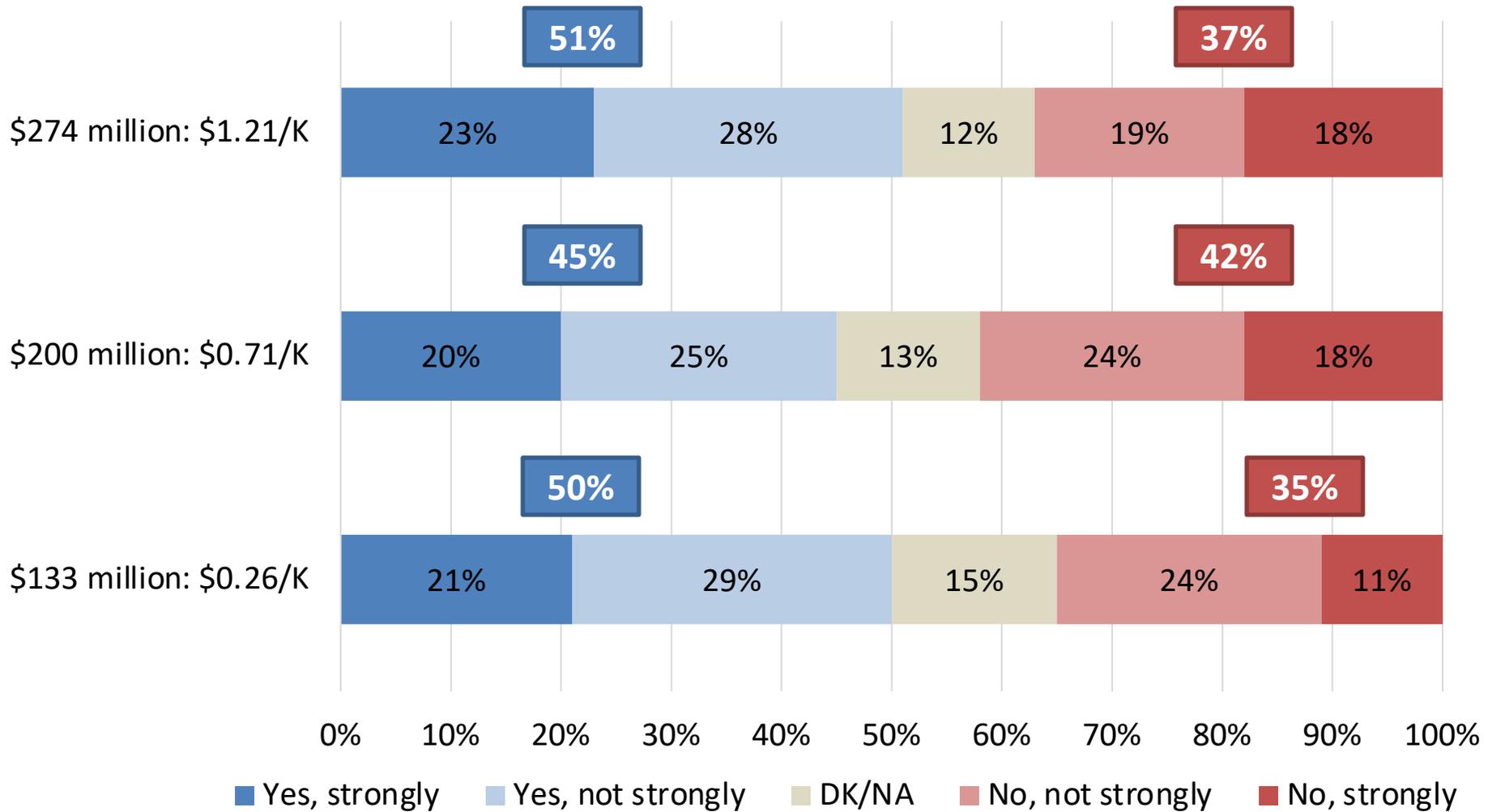
\$200 million

- A smaller bond that is estimated to cost an additional \$0.71 per one thousand dollars of assessed value per year for the average property owner in the district. This bond would address critical updates and repairs at schools across the district and would fund the replacement of the district's two of the four oldest elementary schools. It would not fund a grandstand and fields at the high school and would pay for a more limited amount of safety and security improvements

\$133 million

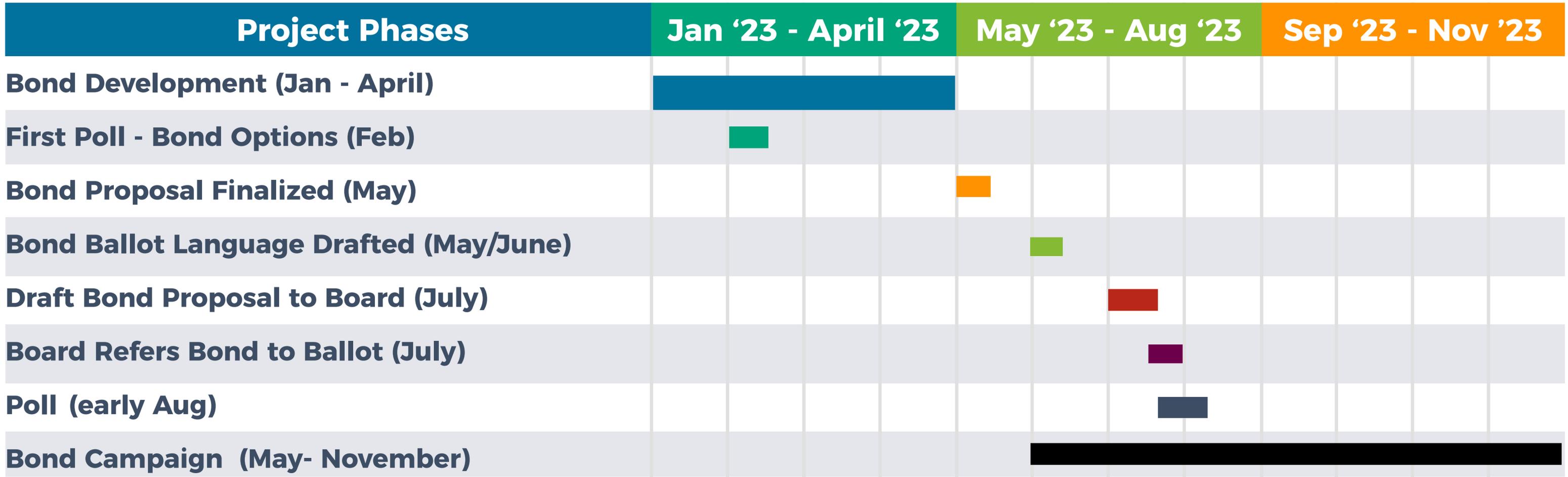
- A smaller bond that is estimated to cost an additional \$0.26 per one thousand dollars of assessed value per year for the average property owner in the district. This bond would only pay to address H-VAC upgrades and a smaller number of safety and security upgrades at schools across the district. It would not replace any of the district's four aging elementary schools

Both the largest and smallest bond packages receive similar levels of support—for now, we should keep every option on the table

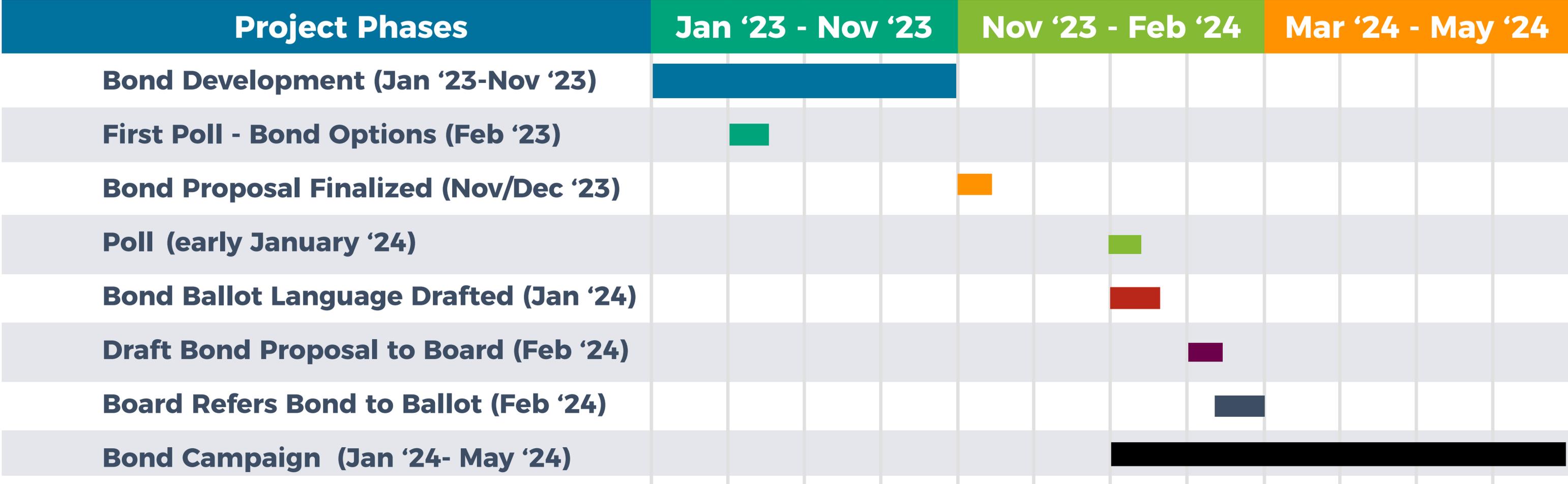


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Reynolds SD Nov 2023 Schedule



Reynolds SD May 2024 Schedule



To: Board of Directors

From: Frank Caropelo, Superintendent

Prepared by: Hank Bauer, Administrative Analyst

Subject: Section G (Personnel) – First Reading

Policy: [Adoption and Revision of Policies – BFC](#)

Date: April 12, 2023

Action	<input type="checkbox"/>
Report	<input checked="" type="checkbox"/>

Connection to School Board Core Beliefs and Commitments

Safety Equity Instructional Practice Organizational Culture

Strategic Plan Goal Topic 1: Marginalized Students

In order to give voice to our marginalized populations, we will remove barriers, hold high academic expectations, and elicit and honor all voices.

Summary:

In partnership with Oregon School Boards Association (OSBA), the Reynolds School District Board Policies Committee has continued with Board Policies section G (Personnel) for updating during the full-desk re-write process.

The new changes in Board Policy, section G are either required by the Board to implement in order to stay in compliance with state and federal laws or highly recommended by OSBA.

All section G policies have been reviewed first by the Board Policy Review Committee made up of Administrators, Licensed Staff, Parents, and Community Members.

Previous Board Action:

The Board is responsible for approving all policies.

Background:

Maintaining effective, clearly-written policy is a responsibility of the Board. This is a first reading of policies that need to be updated. The board may adopt policies at the second reading; or if further revisions are required, the board can adopt after a third reading.

Financial Implications:

Not Applicable.

Alternatives:

Not Applicable.

Staff Recommendation:

Not Applicable.

Motion:

Not Applicable.

Reynolds School District

Table of Contents

Section G: Personnel

R = Required

HR = Highly Recommended

CR = Conditionally Required

Job Descriptions - HR	GAB
Affirmative Action – district policy	GAC
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Veterans’ Preference HR	GBA-AR
Staff Ethics HR	GBC
Staff Ethics	GBC-AR
Staff Dress, Grooming and Religious Dress HR	GBCA
Nepotism SEE GBC	GBCAA
Alcohol/Controlled Substance Use SEE	GBCBA
Personal Conduct SEE	GBCBB
Personal Attire	GBCBC
Moving Violations.....	GBCBD
Board-Staff Communications R	GBD
Mother Friendly Workplace R	GBDA
Staff Health and Safety HR	GBE
Staff Health and Safety - Safety Rules	GBE-AR
Workplace Harassment * R	GBEA
Workplace Harassment Reporting and Procedure R	GBEA-AR
Communicable Disease – Staff HR	GBEB
Communicable Diseases – Staff HR	GBEB-AR
Staff - HIV, AIDS and HBV R	GBEBA
Drug-Free Workplace R	GBEC
Medical Examinations and Drug Testing * HR	GBED
Drug and Alcohol Testing and Record Query - Transportation Personnel * R	GBEDA
Drug and Alcohol Testing - Transportation Personnel.....	GBEDA-AR
Drug and Alcohol Testing and Record Query - Transportation Personnel * R	GBEDA-AR
Staff Participation in Political Activities SEE	GBG
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Prohibited Use, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems R	GBK/KGC
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Confidentiality Form for District Employees and Consultants SEE	GBLAA-AR
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Staff Complaints R	GBM
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Whistleblower R	GBMA
Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying – Staff HR	GBNA

Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying Reporting Procedures – Staff HR	GBNA-AR
Suspected Abuse of a Child Reporting Requirements** R	GBNAB/JHFE
Reporting of Suspected Abuse of a Child R	GBNAB/JHFE-AR(1)
Abuse of a Child Investigations Conducted on District Premises HR	GBNAB/JHFE-AR(2)
Suspected Sexual Conduct with Students and Reporting Requirements R	GBNAA/JHFF
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Family Leave * Replaces existing	GCBDA/GDBDA-AR(1)
Request for Family and Medical Leave.....	GCBDA/GDBDA-AR(2)
Certification of Health Care Provider.....	GCBDA/GDBDA-AR(3)(A)
Certification of Health Care Provider.....	GCBDA/GDBDA-AR(3)(B)
Military Family Leave.....	GCBDA/GDBDA-AR(3)(C)
Military Family Leave.....	GCBDA/GDBDA-AR(3)(D)
FMLA/OFLA Eligibility Notice to Employee.....	GCBDA/GDBDA-AR(4)
Sample Designation Letter to Employee - FMLA/OFLA Leave.....	GCBDA/GDBDA-AR(5)
Designation Notice – FMLA/OFLA.....	GCBDA/GDBDA-AR(6)
Fitness-for-Duty Certification.....	GCBDA/GDBDA-AR(7)
Early Return to Work.....	GCBDB/GDBDB
Early Return to Work –.....	GCBDB/GDBDB-AR
Domestic Violence, Harassment, Sexual Assault or Stalking Leave HR	GCBDC/GDBDC
Eligible Employee Request for Domestic Violence, Harassment, Sexual Assault or Stalking Leave SEE FORM	GCBDC/GDBDC-AR
Sick Time.....	GCBDD/GDBDD
Military Leave of Absence NEW	GCBDE/GDBDE
Leave and Holidays Delete in lieu of handbook or other communication	GCBE/GDBE
Recruitment of Licensed Staff.....	GCC

Posting of Staff Vacancies *	GCCA/GDCA
Posting of Staff Vacancies *	GCCA/GDCA-AR
District Equity Policy See revisions — district policy	GCCB /GDCB/IKAAA
Criminal Records Checks and Fingerprinting – on hold	GCDA/GDDA
Criminal Records Checks and Fingerprinting – on hold	GCDA/GDDA-AR
Staff Development – Licensed * See existing GCL/GDL	GCL
Staff Development	GCL-AR
Staff Development - Licensed *	GCL-AR
Staff Development R	GCL/GDL
Evaluation of Staff R	GCN/GDN
Evaluation of Staff – on hold	GCN/GDN-AR
Layoff - Licensed Staff * NEW	GCPA
Resignation of Staff * HR	GCPB/GDPB
Discipline and Dismissal of Licensed Staff * NEW	GCPD
Discipline and Dismissal of Licensed Staff * NEW	GCPD-AR
Notice of Renewal/Nonrenewal or Continued Employment	GCQ/GDQ
Nonschool Employment NEW	GCQA/GDQA
Private Tutoring for Pay	GCQAB
Research NEW	GCQB
Research NEW	GCQB-AR(1)
Submitting Research Requests – District Employees or Students NEW	GCQB-AR(2)
Submitting Research Requests – Non-District Employees NEW	GCQB-AR(3)
Copyrights and Patents NEW	GCQBA

The following symbol is used on some policies:

** As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005(4) and 125.300-125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-015-2000.



Code: GAB
Adopted: 1/04/07
Readopted: 10/14/10
Orig. Code: GAB

Job Descriptions

Job descriptions serve to the following purposes:

1. Describe all To identify the essential functions that the individual who holds the position must of a job which the employee be able to perform, either unaided or with the assistance of a reasonable accommodation;
2. Describe attendance To describe other requirements and standards;
3. Help To help applicants determine the qualifications needed to fill a position;
4. Help To help district administrators determine which candidates to recommend for appointment; and
5. Assist To assist administrators in the evaluation of the employee's performance of position responsibilities.

“Essential functions,” as used in this policy means, the fundamental job duties of the employment position. A job function may be considered essential for any of several reasons, including, but not limited to, the following:

1. The function may be essential because the reason the position exists is to perform the function;
2. The function may be essential because of the limited number of employees available among whom the performance of the job function can be distributed; and/or
3. The function may be highly specialized so that the individual is hired for his/her expertise or ability to perform the particular function.

“Attendance standards,” as used in this policy means, the regular work hours of the position, including leave and vacation provisions available through policy and/or collective bargaining agreements and any special attendance needs of the position as determined by the district.

Job descriptions will be developed by the human resources department for each position in the district and posted on the district's website. Job descriptions will be reviewed as needed. Initial or revised job descriptions will be approved by the superintendent or designee.

Job descriptions will be available for inspection by all employees and district patrons. It shall be the responsibility of every employee to read and understand the most recent version of ~~his or her~~ their job description and will affix their signature. Such acknowledgements will be retained by the human resources.

END OF POLICY

Legal Reference(s):

[ORS 342.850\(2\)\(b\)\(A\)](#)

[OAR 581-022-2405](#)

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (2012).

Title II of the Genetic Information Nondiscrimination Act of 2008.

Section 503 of the Rehabilitation Act of 1973.

Americans with Disabilities Act Amendments Act of 2008.

Corrected 8/03/22



Code: GAC
Adopted: 5/14/14
Orig. Code: GAC

Affirmative Action

In order to close the racial achievement gap and better serve all students, Reynolds School District’s staff must reflect the diversity of the students we serve. The Board’s district Equity Policy, GCCB/GDCB/IKAAA, requires the district to “recruit, employ, support and retain a workforce that includes racial, gender and linguistic diversity, as well as culturally competent administrative, instructional and support personnel.” Oregon state law, as articulated in the Minority Teachers Act, ORS 342.437, states that because of the state’s commitment to ethnic-racial equality, the goal is to increase the number of minority teachers and administrators employed by school districts.

Equal Employment Opportunity

The district shall provide equal employment opportunity for all applicants and staff in recruitment, hiring, assignment, training, retention, transfer and promotion. All employment actions shall be in accordance with the Board’s Nondiscrimination policy, AC, and the Board’s Equal Employment Opportunity policy, GBA. The district shall comply with all federal, state and local laws relevant to nondiscrimination and equal opportunity employment.

Affirmative Action - Employment

In order to comply with the district’s Equity Policy and the Oregon Minority Teachers Act, the district will make meaningful efforts to recruit, employ, support and retain a qualified work force that reflects the diversity of the student body. The Board expects to see measurable progress every year in reaching the goals established by the Minority Teachers Act. This goal will not only help to ensure a work and school environment free from discrimination but will also contribute to enhanced student performance and the elimination of the achievement gap.

The superintendent shall create and implement an Affirmative Action/Equal Opportunity Employment Plan (AA/EEO Plan), and establish the goal that the district will come into compliance with the goals established by the Oregon Minority Teachers Act.

The director of human resources shall serve as the Affirmative Action coordinator to oversee the implementation of, and compliance with the AA/EEO Plan.

The AA/EEO Plan will include affirmative measures designed to ensure equal employment opportunities. The AA/EEO Plan shall identify job groups that show the underutilization of staff based on race or gender within the district; set reasonable employment goals and timetables for increasing the diversity of the Reynolds School District staff; and establish a plan of action to enable the district to reach these employment goals.

The goals articulated in this policy and in the AA/EEO Plan are not rigid, inflexible quotas that must be met, but rather reasonable targets attainable by implementing best practices and applying good faith efforts. It is the district's expressed objective to hire and promote those who are best qualified based on job related standards of education, training, experience, or personal qualifications. Neither this policy, nor the AA/EEO Plan, permit discrimination against any individual or group of individuals with respect to any employment opportunity for which the individual is qualified. Nothing herein is intended to sanction the discriminatory treatment of any person based on their protected status.

All district employment policies, practices, and procedures will be examined periodically to ensure they are non-discriminatory. These policies, practices, and procedures are to be implemented by all administrative personnel, directors, confidential human resources specialists, and anyone else who has responsibility for personnel functions. Equal employment opportunity and affirmative action are the responsibility of the entire district.

The director of human resources will report annually on the implementation of this policy and the progress of the AA/EEO Plan.

END OF POLICY

Legal Reference(s):

[ORS 342.437](#)

Corrected 8/03/22



Code: GBA
 Adopted: 1/04/07
 Revised/Readopted: 10/14/10; 5/14/14
 Orig. Code: GBA

Equal Employment Opportunity

Equal employment opportunity and treatment shall be practiced by the district regardless of race¹, color, religion, sex, sexual orientation, gender identity², national origin, marital status, pregnancy, childbirth or a related medical condition³, age, veterans' status⁴, service in uniformed service, familial status, genetic information, an individual's juvenile record that has been expunged, and disability⁵ if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

The superintendent will appoint an employee to serve as the officer in charge of compliance with the Americans with Disabilities Act ~~and of 1990~~, the Americans with Disabilities Act Amendments Act of 2008 (ADA), and Section 504 of the Rehabilitation Act. ~~of 1973.~~

The superintendent will also designate a Title IX coordinator to comply with the requirements of Title IX of the Education Amendments ~~of 1972~~. The Title IX coordinator will investigate complaints communicated to the district alleging noncompliance with Title IX. The name, address and telephone number of the Title IX coordinator will be provided to all students and employees.

Grievance Procedure

~~Anyone who believes they have been discriminated against because of age, disability, national origin, race, color, religion, marital status, sexual orientation or sex shall present the complaint to the executive director of human resources who will investigate the matter and make a report to the complainant and the superintendent.~~

¹ Race also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001 (as amended by House Bill 2935 (2021)).

~~“Sexual orientation” means an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual’s gender identity, appearance, expression or behavior differs from that traditionally associated within the individual’s sex at birth.~~

³ This unlawful employment practice related to pregnancy, childbirth or a related medical condition as described in House Bill 2341 (2019) (added to ORS 659A) applies to employers who employ six or more persons.

⁴ The district grants a preference in hiring and promotion to veterans and disabled veterans. A veteran is eligible to use the preference any time when applying for a position at any time after discharge or release from service in the Armed Forces of the United States.

⁵ This unlawful employment practice related to disability as described in ORS 659A.112 applies to employers who employ six or more persons (ORS 659A.106).

~~If the complainant is not satisfied with the decision, the complaint may be appealed to the superintendent. After investigating the complaint, the superintendent will notify the complainant of their decision. If the complainant is not satisfied with the superintendent's recommendation, an appeal may be made to the board. The board's decision will be final.~~

Complaints regarding this policy may be submitted through the complaint process established by Board policy KL – Public Complaints and its accompanying administrative regulation KL-AR – Public Complaint Procedure. The complaint may begin at step two.

The superintendent will develop other specific recruiting, interviewing and evaluation procedures as are necessary to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)
[ORS 243.317 – 243.323](#)
[ORS 326.051](#)
[ORS 332.505](#)
[ORS 342.934](#)
[ORS 408.225](#)
[ORS 408.230](#)
[ORS 408.235](#)
[ORS 652.210 - 652.220](#)
[ORS 659.850](#)
[ORS 659A.003](#)
[ORS 659A.006](#)

[ORS 659A.009](#)
[ORS 659A.029](#)
[ORS 659A.030](#)
[ORS 659A.040](#)
[ORS 659A.082](#)
[ORS 659A.109](#)
[ORS 659A.112](#)
[ORS 659A.147](#)
[ORS 659A.233](#)
[ORS 659A.236](#)
[ORS 659A.309](#)
[ORS 659A.321](#)

[ORS 659A.409](#)
[ORS 659A.820](#)
[OAR 581-021-0045](#)
[OAR 581-022-2405](#)
[OAR 839-003-0000](#)
[OAR 839-006-0435](#)
[OAR 839-006-0440](#)
[OAR 839-006-0450](#)
[OAR 839-006-0455](#)
[OAR 839-006-0460](#)
[OAR 839-006-0465](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et. seq. (2018).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2018); 29 C.F.R Part 1626 (2019).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2018).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 794 (2018); 34 C.F.R. Part 104 (2019).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).
Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).
Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2018).
Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2018).
Chevron USA Inc. v. Echazabal, 536 U.S. 736 (2002).
Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301-4303 (2018).

Corrected 8/03/22



Code: GBA-AR
 Revised/Reviewed: 6/13/18
 Orig. Code: GBA-AR

Veterans' Preference

Oregon's Veterans' Preference Law requires the district to grant a preference to qualified and eligible veterans and disabled veterans at each stage in the hiring and promotion process. To be **qualified** for veterans' preference, a veteran or disabled veteran must meet the minimum and any other special qualifications required for the position sought. To be **eligible** for veterans' preference, a veteran or disabled veteran must provide certification they are a veteran or disabled veteran as defined by Oregon law².

The district is not obligated to hire or promote a qualified and eligible veteran or disabled veteran. The district is obligated to interview all minimally qualified veterans or disabled veterans and to hire or promote a qualified or eligible veteran or disabled veteran if the individual ~~he or she~~ is equal to or better than the top candidate after the veterans' preference has been applied.

A veteran may submit a written request to the district for an explanation of the reasons why they were not selected for the position.³ The district shall provide the reasons for not selecting the candidate when requested.

Recruitment Procedures

All job postings or announcements will include a concise list of minimum and any special qualifications required for the position. Job postings will include a statement that the district's policy is to provide veterans and disabled veterans with preference as required by law and the job posting will require applicants to provide certification⁴ of eligibility for preference, in addition to other requested materials.⁵

¹ See Oregon Revised Statute (ORS) 408.235.

² See Oregon Revised Statute (ORS) 408.225 and OAR 839-006-0440 for definitions: definition of veteran and disabled veteran.

³ Oregon Revised Statute (ORS) 408.230(5)

⁴ See Verification of Veteran's Preference (OAR 839-006-0465). An applicant claiming veteran's or disabled veteran's preference will submit a copy of their Certificate of Release or Discharge from Active Duty (DD Form 214 or 215) or a certification that the veteran is expected to be discharged or released from active duty under honorable conditions not later than 120 days after the submission of the certification. A disabled veteran may also submit a copy of their letter from the U.S. Department of Veterans Affairs, unless the information is included in the DD Form 214/215 or a certification that the veteran is expected to be medically separated from active duty under honorable conditions not later than 120 days after the submission of the certification.

⁵ Verification of Veteran's Preference

Selection Procedures ⁶

- Step 1: Before the review of any applications the executive director of human resources will establish an evaluation scoring guide based on the minimum and any special qualifications listed in the job posting.
- Step 2: The hiring administrator or supervisor will review the application materials using the ~~above~~ evaluation scoring guide to determine which applicants meet the minimum and any special qualifications listed in the job posting. In assessing the applicant materials of a veteran or disabled veteran the hiring administrator or supervisor shall evaluate whether the skill experience obtained in the military are transferable to the posted position. ~~In this step the district does not apply a veterans' preference.~~ Any applicants that do not meet the minimum and any special qualifications shall be removed from the applicant pool.
- Step 3: Based on Step 2, the hiring administrator or supervisor determines who will be interviewed. All qualified and eligible veterans or disabled veterans shall be given an opportunity to interview.
- Step 4: Interview questions and scoring sheets will be developed and each scoring sheet must be completed after each interview by the interviewers.
- Step 5: Following completion of the interviews, the hiring administrator or supervisor shall complete the selection matrix and score the applicants based on the scoring sheets completed during interviews. Veterans' preference shall ~~points must~~ be applied by adding 5 percentage points to an eligible veteran and 10 percentage points to an eligible disabled veteran.⁷
- Step 6: The executive director of human resources makes the offer to the applicant with the highest final score. The district is not obligated to hire or promote a qualified and eligible veteran or disabled veteran.

The district is obligated to hire or promote a qualified or eligible veteran or disabled veteran if they are equal or better than the top candidate after the veterans' preference has been applied.

A veteran may submit a written request to the district for an explanation of the reasons why they were not selected for the position. The district shall provide the reasons for not selecting the candidate when requested.

~~A veteran will submit: (a) a copy of their Certificate of Release or Discharge from Active Duty (DD Form 214 or 215); or (b) proof of receiving a nonservice connected pension from the U.S. Department of Veterans Affairs. A disabled veteran will submit a copy of their letter from the Department of Veterans Affairs verifying disabled veteran status.~~

⁶~~OSBA recommends use of a scored system.~~ If the district chooses not to use a scored system the law requires that the district give special consideration in the district's hiring decision to veterans and disabled veterans and the district will need to be able to demonstrate the method used for providing special consideration.²² ORS 408.230(2)(c).

⁷~~The points are based on a 100 point scoring matrix. If a 100 point scoring matrix is not used, the district must use a multiplier equivalent to 5 percent for a veteran and 10 percent for a disabled veteran, or the equivalent.~~

Filing a Complaint

A veteran or disabled veteran is encouraged to contact the human resource office if they have any concerns or questions concerning the application of or the process used for veterans' preference.

A veteran or disabled veteran claiming to be aggrieved by a violation of Board policy GBA - Equal Employment Opportunity or this administrative regulation, may file a written complaint with the Civil Rights Division of the Bureau of Labor and Industries (BOLI) in accordance with Oregon Revised Statute (ORS) 659A.820.

Corrected 8/03/22



Code: GBC
 Adopted: 2/11/10
 Revised/Readopted: 10/14/10; 4/09/14; 4/13/16
 Orig. Code: GBC

Staff Ethics

I. Prohibited Use of Official Position for Financial Gain

I. Conflict of Interest

No district employee will attempt to use their/his/her district position to obtain personal financial benefit or avoidance of financial detriment or financial gain or avoidance of financial detriment for themselves, relatives, members of household members or for any business with which the employee, a household member or relative is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the district employee’s employment with the district.

This prohibition does not apply to any part of an official compensation package as approved by the Board, honorarium allowed by ORS 244.042, reimbursement of expenses, or unsolicited awards of professional achievement. Further, this prohibition does not apply to gifts from one without a legislative or administrative interest. Nor does it apply if the gift is under the \$50 gift limit for one who has a legislative or administrative interest in any matter subject to the decision or vote of the district employee.

The employee may receive district or school logo apparel as part of the employee’s official compensation package.

District employees will not engage in, or have a financial interest in, any activity that raises a reasonable question of conflict of interest with their duties and responsibilities as staff members regarding the use of their official position in regard to their duties and responsibilities as district employees. This would also apply to any personal financial benefit for the district employee’s relative or member of household of the employee, or any business with which the district employee or a relative or member of the household of the district employee is associated.

This means that:

1. Employees, relatives or members of the district employee’s household will not use the employee’s position to obtain financial gain or avoidance of financial detriment from students, parents or staff;
2. Any device, publication or any other item developed during the employee’s paid time shall be district property;
3. Employees will not further personal gain through the use of confidential information gained in the course of or by reason of position or activities in any way;
4. No district employee may serve as a Board member or budget committee member in the district;

5. An employee will not perform any duties related to an outside job during his/her regular working hours or during the additional time that he/she needs to fulfill the position's responsibilities; nor will an employee use any district facilities, equipment or materials in performing outside work;
6. If an employee authorizes a public contract, the employee may not have a direct beneficial financial interest in that public contract for two years after the date the contract was authorized.

If a district employee has a potential or actual conflict of interest, the district employee must notify his/her supervisor in writing of the nature of the conflict and request that the supervisor dispose of the matter giving rise to the conflict. This must be done on each occasion the district employee is met with a conflict of interest.

“Potential conflict of interest” means any action or any decision or recommendation by a district employee that could result in a financial benefit or detriment for self or relatives or for any business with which the district employee or relatives are associated, unless otherwise provided by law.

“Actual conflict of interest” means any action or any decision or recommendation by a district employee that would result in a financial benefit or detriment for self or relatives or for any business with which the district employee or relatives are associated, unless otherwise provided by law.

In order to avoid violation of nepotism provisions both potential and district policy actual conflicts of interests, district employees must abide by the following rules when an employee's relative or member of the household of the district employee, is seeking and/or holds a position with the district:

1. A district employee may not appoint, employ, promote, discharge, fire, or demote or advocate for such an employment decision for a relative or a member of the household, unless he/she complies with the conflict of interest requirements of Oregon Revised Statute (ORS) ORS Chapter 244. This rule does not apply to employment decisions regarding unpaid volunteer position, unless it is a Board-related position;
2. A district employee may not participate as a public official in any interview, discussion, or debate regarding the appointment, employment, promotion, discharge, firing, or demotion of a relative or a member of the household. An employee may still serve as a reference, provide a recommendation, or perform other acts that are part of the normal job functions of the employee;
3. More than one member of an employee's family may be hired as a regular district employee. In accordance with Oregon law, however, the district may refuse to hire individuals, or may transfer current employees, in situations where an appointment would place one family member in a position of exercising supervisory, appointment or grievance adjustment authority over another member of the same family.
4. In employing and assigning classified or licensed personnel, an individual shall not be placed in a position where s/he they will supervise or be supervised by a member of the individual's family. Two members of the same family will not be employed in the central administration business office. Marriages between employees which create such relationships will not of themselves cause dismissal, but one employee will be transferred to another building.

Provisions of this policy shall apply to part-time and temporary personnel. Substitute employees shall be exempt from the provisions of this policy.

In the *conflict of interest context*:

“Member of household” means any person who resides with the employee.

“Relative” means: the spouse¹, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the employee; or the parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the spouse of the employee. Relative also includes any individual for whom the employee has a legal support obligation, whose employment provides benefits² to the employee, or who receives any benefit from the employee’s public employment.

~~Provision of this policy shall apply to part-time and temporary personnel. Substitute employees shall be exempt from the provisions of this policy.~~

~~Marriages between employees which create such relationships will not of themselves cause dismissal, but one employee will be transferred to another building.~~

II. Gifts

District employees must comply with the following rules involving gifts:

Employees are public officials and therefore will not solicit or accept a gift or gifts with an aggregate value in excess of \$50 from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision or vote of the district employee. All gift-related provisions apply to the employee, their relatives, and members of their household. The \$50 gift limit applies separately to the employee, and to the employee’s relatives or members of household, meaning that the employee and each member of their household and relative can accept up to \$50 each from the same source/gift giver. A gift may be received by the district employee from, but not limited to, another district employee, a student or parent of a student or a vendor within the \$50 gift limit. Except for exclusions in ORS 244.040(2), an item received by an employee from the district is prohibited.

“Gift” means something of economic value given to an employee without valuable consideration of equivalent value, which is not extended to others who are not public officials on the same terms and conditions.

“Relative” means: the spouse³, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the employee; or the parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the spouse of the employee. Relative also includes any individual for whom the employee has a legal support obligation, whose employment provides benefits⁴ to the employee, or who receives any benefit from the employee’s public employment.

¹ The term spouse includes domestic partner.

² Examples of benefits may include, but not be limited to, elements of an official compensation package including benefits such as insurance, tuition or retirement allotments.

³ Ibid. p. 23

⁴ Ibid. p. 32

“Member of the household” means any person who resides with the employee.

Determining the Source of Gifts

Employees, the employee’s relatives or members of the employee’s household Employees should not accept gifts in any amount without obtaining information from the gift giver as to who is the source of the gift. It is the employee’s personal responsibility to ensure that no single source provides gifts exceeding an aggregate value of \$50 in a calendar year, if the source has a legislative or administrative interest in any matter subject to the decision or vote of the district employee. If the giver does not have a legislative or administrative interest, the \$50 limit does not apply and the employee need not keep track of it, although they are advised to do so anyway in case of a later dispute.

Determining Legislative and Administrative Interest

A “legislative or administrative interest” means an economic interest, distinct from that of the general public, in any action subject to the official decision of an employee.

A “decision” means an act that commits the district to a particular course of action within the employee’s scope of authority and that is connected to the source of the gift’s economic interest. A decision is not a recommendation or work performed in an advisory capacity. If a supervisor delegates the decision to a subordinate but retains responsibility as the final decision maker, both the subordinate and supervisor’s actions would be considered a “decision.”

Determining the Value of Gifts

The fair market value of the merchandise, goods, or services received will be used to determine benefit or value.

“Fair market value” is the dollar amount goods or services would bring if offered for sale by a person who desired, but was not obligated, to sell and purchased by one who is willing, but not obligated, to buy. Any portion of the price that was donated to charity, however, does not count toward the fair market value of the gift if the employee does not claim the charitable contribution on personal tax returns. Below are acceptable ways to calculate the fair market value of a gift:

1. In calculating the per person cost at receptions or meals the payor of the employee’s admission or meal will include all costs other than any amount donated to a charity.

For example, a person with a legislative or administrative interest buys a table for a charitable dinner at \$100 per person. If the cost of the meal was \$25 and the amount donated to charity was \$75, the benefit conferred on the employee is \$25. This example requires that the employee does not claim the charitable contribution on personal tax returns.

2. For receptions and meals with multiple attendees, but with no price established to attend, the source of the employee’s meal or reception will use reasonable methods to determine the per person value or benefit conferred. The following examples are deemed reasonable methods of calculating value or benefit conferred:

- a. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons whom the payor reasonably expects to attend the reception or dinner;
 - b. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons who actually attend the reception or dinner; or
 - c. The source calculates the actual amount spent on the employee.
3. Upon request by the employee, the source will give notice of the value of the merchandise, goods, or services received.
 4. Attendance at receptions where the food or beverage is provided as an incidental part of the reception is permitted without regard to the fair market value of the food and beverage provided.

Value of Unsolicited Tokens or Awards: Resale Value

Employees may accept unsolicited tokens or awards that are engraved or are otherwise personalized items. Such items are deemed to have a resale value under \$25 (even if the personalized item cost the source more than \$50), unless the personalized item is made from gold or some other valuable material that would have value over \$25 as a raw material.

Entertainment

Employees may not solicit or accept any gifts of entertainment over \$50 in value from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision of the employee unless:

1. The entertainment is incidental to the main purpose of another event (i.e., a band playing at a reception). Entertainment that involves personal participation is not incidental to another event (such as a golf tournament at a conference); or
2. The employee is acting in their official capacity for a ceremonial purpose.

Entertainment is ceremonial when an employee appears at an entertainment event for a “ceremonial purpose” at the invitation of the source of the entertainment who requests the presence of the employee at a special occasion associated with the entertainment. Examples of an appearance by an employee at an entertainment event for a ceremonial purpose include: throwing the first pitch at a baseball game, appearing in a parade and ribbon cutting for an opening ceremony.

Exceptions

The following are exceptions to the ethics rules on gifts that apply to employees:

1. Gifts from “relatives” and “members of the household” to the employee are permitted in an unlimited amount; they are not considered gifts under the ethics rules;
2. Informational or program material, publications, or subscriptions related to the recipient’s performance of official duties;
3. Food, lodging, and travel generally count toward the \$50 aggregate amount per year from a single source with a legislative or administrative interest, with the following exceptions:

- a. *Organized Planned Events.* Employees are permitted to accept payment for travel conducted in the employee’s official capacity, for certain limited purposes:
 - (1) Reasonable expenses (i.e., food, lodging, travel, fees) for attendance at a convention, fact-finding mission or trip, or other meeting do not count toward the \$50 aggregate amount IF:
 - (a) The employee is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the district; AND
 - (i) The giver is a unit of a:
 - 1) Federal, state, or local government;
 - 2) An Oregon or federally recognized Native American Tribe; OR
 - 3) Nonprofit corporation.
 - (b) The employee is representing the district:
 - (i) On an officially sanctioned trade-promotion or fact-finding mission; OR
 - (ii) Officially designated negotiations or economic development activities *where receipt of the expenses is approved in advance by the superintendent.*

The purpose of ~~the~~**this** exception in a. above is to allow employees to attend organized, planned events and engage with the members of organizations by speaking or answering questions, participating in panel discussions or otherwise formally discussing matters in their official capacity. This exception to the gift definition does not authorize private meals where the participants engage in discussion.

4. Food or beverage, consumed at a reception, meal, or meeting IF held by an organization and IF the employee is representing the district.

“Reception” means a social gathering. Receptions are often held for the purpose of extending a ceremonial or formal welcome and may include private or public meetings during which guests are honored or welcomed. Food and beverages are often provided, but not as a plated, sit-down meal;
5. Food or beverage consumed by employee acting in an official capacity in the course of financial transactions between the public body and another entity described in ORS 244.020(7)(b)(I)(i);
6. Waiver or discount of registration expenses or materials provided to employee at a continuing education event that the employee may attend to satisfy a professional licensing requirement;
7. ~~An item~~**A gift** received by the employee as part of the usual or customary practice of the ~~employee’s board member’s~~ private business, employment or position as a volunteer that bears no relationship to the employee’s district employment;
8. Reasonable expenses paid to employee for accompanying students on an educational trip.

Honoraria

An employee may not solicit or receive, whether directly or indirectly, honoraria for the employee or any relative or member of the household or relative of the employee if the honoraria are solicited or received in connection with the official duties of the employee.

The honoraria rules do not prohibit the solicitation or receipt of an honorarium or a certificate, plaque, commemorative token, or other item with a value of \$50 or less; or the solicitation or receipt of an honorarium for services performed in relation to the private profession, occupation, avocation, or expertise of the employee.

END OF POLICY

Legal Reference(s):

[ORS 244.010 - 244.400](#)
[ORS 332.016](#)

[ORS 659A.309](#)

[OAR 199-005-0001 - 199-020-0020](#)
[OAR 584-020-0040](#)

OR. ETHICS COMM'N, OR. GOV'T ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS.

Corrected 8/03/22



Code: GBC-AR
Revised/Reviewed: 2/11/10; 9/10/14; 8/14/19
Orig. Code: GBC-AR

Staff Ethics

District employees are allowed financial benefits as identified in Oregon Revised Statute (ORS) 244.040(2), such as their official compensation package, reimbursed expenses, limited honoraria and unsolicited awards for professional achievement. District employees are prohibited from using or attempting to use his/her district position to obtain a financial gain or to avoid a financial detriment for the district employee, a relative or member of the household of the employee, or any business with which the employee or a relative or member of the household of the employee is associated, if the opportunity for financial gain or avoidance of a financial detriment would not otherwise be available but for the employee's position with the district. Specifically, this means that:

1. Employees will not use district equipment for personal use, unless it is available to a significant segment of the general public. This includes, but is not limited to, the personal use of the district's:
 - a. Fax machine¹;
 - b. Phones to make long distance personal calls;
 - c. District vehicles;
 - d. Professional technology equipment (e.g., wood shop, automotive shop, CAD); and
 - e. Athletic facilities (e.g., pool or weight room).

Further, the district's supplies, facilities, equipment, employees, records or any other public resources are not to be used to engage in private business interests. For example, the district's computer cannot be used to sell products on an auction website during school hours.

2. When employees are traveling on official district business, any gift given because of this travel must be either declined or passed on to the district for use for future district travel. For example, if the hotel where the employee is staying gives the employee a free night's stay on a future visit, this must be declined or given back to the district for future district travel. The frequent flyer miles earned when traveling on official district business can only be used for district travel. If the employee's spouse is traveling with the employee, the employee is responsible for all additional charges (i.e., additional room charge).
3. Employees may not use personal credit cards for district travel or other district business and receive incentives such as cash reimbursements, frequent flyer miles and other benefits based upon the dollar amount of purchases made.

¹ The district could establish a fee schedule that would allow only district employees to pay for the personal use of the district fax machines. If the district established a fee schedule for the use of fax machines the fee schedule must be equal to or exceed the prevailing rates offered at commercial businesses.

4. Employees may not use district facilities for nonschool employment while on duty, or when on own time except when use is in accordance with policy on public use of district facilities and ethics laws;
5. Employees may not use discounts offered by private companies for the employee's personal benefit if the discount is only offered because of the employee's official position. For example, an office supplies store provides all teachers a 10 percent discount. Because the teachers are receiving this discount only because of their official position, they cannot use the discount to purchase personal items. Teachers may use the discount to purchase items for district use. Employees can also accept the discount if it is also available to a substantial segment of the population who are not public officials.
6. Employees may accept free passes to district extracurricular events if they are attending these events in their official capacity (i.e., chaperoning, ticket sales or managing concession sales).
7. The employee's district position is not to be used to take official action that could have a financial impact on a private business with which, the employee, or a relative or member of the employee's household are associated. For example, if the employee's brother owns a pest-control business which is seeking a contract with the district, and the employee is part of the decision-making process, the employee must declare an actual conflict of interest in writing, describing the nature of the employee's conflict, and provide this to the employee's supervisor.
8. Confidential information gained as a district employee is not to be used to obtain a financial benefit for the employee, a relative or member of the employee's household or a business with which any are associated. For example, the employee should not use the information that a student in his/her class is falling behind in math to provide the parents a referral to the employees' sister's tutoring business.
9. District employees who mentor student teachers may not receive direct payments from sponsoring colleges or universities. The payment may be provided by the college or university to the district, which can then distribute the compensation to the teachers as an element of their official compensation package.
10. District employees must follow Oregon Government Ethics Commission guidelines for outside employment if the employee acts as a chaperone for student group trips on personal time and the district employee accepts compensation in the form of travel expenses from a private business or organization.

Specifically, district employees must conduct all activities related to the trip on personal time and cannot use the classroom or school environment to plan the off-campus trip. Employees may use district facilities for this purpose only if they comply with the district's public use of facilities policy. It is not an ethics violation for the employee to accept reasonable expenses for accompanying students on an education trip.

These restrictions do not apply if the teacher is chaperoning students on a fact-finding mission that is officially sanctioned by the Board. ~~The definition of a fact-finding mission is, in part, any activity related to a cultural or educational purpose. See OAR 199-005-0020(4)(a). The district employee must be directly and immediately associated with the event or location being visited. If a district employee only acts as a chaperone and does not provide instruction or guidance for the students in language usage or cultural events, the trip may not meet the requirements of ORS~~

~~244.020(7)(b)(H)(i). Further, the employee can only accept the reimbursement of reasonable travel expenses from the private company, not any further compensation.~~

~~These restrictions do not apply if the district compensates the district employee for chaperoning the trip.~~

Corrected 8/03/22; Corrected 2/07/23



Code: GBCAA
 Adopted: 1/04/07
 Readopted: 10/14/10
 Orig. Code: GBCAA

Nepotism

(This is covered in policy GBC and there is a different definition that applies.)

Family shall be defined as spouse¹ of an employee, the biological, adoptive or foster parent or child of the employee, the grandparent or grandchild of the employee, a parent-in-law of the employee or a person with whom the employee was or is in a relationship of in loco parentis.(definition comes from Family Leave ORS 659.150.)

END OF POLICY

Legal Reference(s):

[ORS 244.175 - 179](#)
[ORS 332.016](#)

[ORS 332.107](#)
[ORS 659A.309](#)

OR. ETHICS COMM'N, OR. GOV'T ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS (2008).

Corrected 8/03/22

¹ The term spouse includes domestic partner.



Code: GBCBA
Adopted:

Alcohol/Controlled Substance Use

The following conduct is strictly prohibited and will subject an employee to immediate discipline, up to and including termination:

1. The buying, selling, transporting, possessing, providing or using of intoxicants, including alcohol or any controlled substances as defined by law, while on district property, during work hours (including meal periods), while assigned to extra duty or special projects, including those held after or in addition to regular school hours and while driving between worksites during the workday in either a district-supplied vehicle or a vehicle supplied by the employee;
2. Reporting for work under the influence of alcohol, intoxicants or any controlled substance. An individual is considered to be “under the influence of alcohol, intoxicants and/or a controlled substance” when, in the district’s determination, the controlled substance, alcohol or intoxicant is at a level that it may impair the individual’s ability to safely and/or efficiently perform assigned work OR prevent the employee from presenting a positive role model to students.

The district reserves the right, with prior notice and reasonable suspicion, to conduct searches of district property, vehicles or equipment at any time. A refusal to submit to a search may result in disciplinary action, up to and including dismissal.

The superintendent or designee will develop procedures, consent forms and such notifications as are needed for an orderly implementation of this policy.

END OF POLICY

Legal Reference(s):

[ORS Chapter 475](#)
[ORS 657.176](#)
[ORS 659.840](#)
[ORS 659A.300](#)

[OAR 581-053-0220\(3\)\(h\)](#)
[OAR 581-053-0230\(9\)\(t\)](#)
[OAR 581-053-0330\(1\)\(n\),\(o\)](#)
[OAR 581-053-0420\(3\)\(c\)](#)
[OAR 581-053-0430\(13\),\(14\)](#)

[OAR 581-053-0531\(12\),\(13\)](#)
[OAR 581-053-0615\(2\)\(c\)\(D\)\(ii\)](#)
[OAR 581-053-0620\(1\)\(s\)](#)
[OAR 584-020-0040](#)
[OAR 839-006-0200 to -0265](#)

Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2016).
 Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).
 Americans with Disabilities Act Amendments Act of 2008.

Corrected 8/03/22



Code: GBCBB
Adopted: 1/04/07
Readopted: 10/14/10
Orig. Code: GBCBB

Personal Conduct

It is automatically expected that employees will conduct themselves in a responsible manner in all relationships with students, parents, co-workers and supervisors.

It is expected that district policies, programs, and personnel will be consistently supported in a way that will bring respect to the school system. District support of the schools can only be obtained when a united, cohesive front is presented to the public.

Personal dissatisfactions should be handled through appropriate channels.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corrected 8/03/22



Code: GBCBC
 Adopted: 1/04/07
 Readopted: 10/14/10
 Orig. Code: GBCBC

Personal Attire

(Suggest moving language to GBCA and change title)

Teacher, clerical and administrator personal appearance shall be neat, clean, and in good taste to maintain a high standard of professionalism. Extremes should be avoided in both grooming and attire.

All employees, regardless of work duties, are expected to set an example for students in good grooming. It is the building or district department administrator’s responsibility to see that this is done.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corrected 8/03/22



Code: GBCBD
 Adopted: 1/04/07
 Readopted: 10/14/10
 Orig. Code: GBCBD

Moving Violations

Any moving violation by an employee driving a district-owned vehicle will be paid by the employee.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corrected 8/03/22; Corrected (delete) 8/18/22



Code: GBD
 Adopted: 1/04/07
 Readopted: 10/14/10
 Orig. Code: GBD

Board-Staff Communications

The Board desires to maintain open communication channels between itself and the staff. The basic line of communication will be through the superintendent. However, this policy does not restrict protected labor relations communications of bargaining unit members. The superintendent will develop and recommend to the Board processes for communications between the Board and district employees.

Communications or reports to the Board or Board committee from any staff member or members should be submitted through the superintendent. This procedure will not be construed as denying the right of any employee to address the Board about issues which are neither part of an active administrative procedure, nor disruptive to the operation of the district.

All official communications, policies and directives of staff interest and concern will be communicated to staff members through the superintendent. The superintendent will communicate as appropriate to keep staff fully informed of the Board's concerns and actions.

END OF POLICY

Legal Reference(s):

[OAR 581-022-2405](#)

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).
 Connick v. Myers, 461 U.S. 138 (1983).
 Lebanon Education Association/OEA v. Lebanon Community School District, 22 PECBR 323 (2008).

Corrected 8/03/22



Code: GBDA
 Adopted: 10/14/10
 Revised/Readopted: 5/13/15; 8/28/19
 Orig. Code: GBDA

Mother Friendly Workplace

The district recognizes that a normal and important role for mothers is to have the option and ability to express milk or breast-feed in the workplace. Employees must give notice of intent to express milk or breast-feed to your the building administrator. ~~Unless otherwise agreed upon by the district and the employee, †~~The district shall provide the employee a 30-minute reasonable rest period to express milk or breast-feed during each 4-hour work period, or the major part of a 4-hour work period, to be taken by the employee approximately in the middle of the work period each time the employee has a need to express milk or breast-feed. If feasible, the employee will take the rest period at the same time as the rest periods or meal periods provided by the district.

The district will make a reasonable effort to provide a location, other than a public restroom or toilet stall, in close proximity to the employee’s work area, where an employee can express milk or breast-feed in private, concealed from view and without intrusion by other employees or the public. “Close proximity” means within walking distance from the employee’s work area that does not appreciably shorten the rest or meal period. If a private location is not within close proximity to the employee’s work area, the district may not include the time taken to travel to and from the location as part of the break period.

The following locations have been identified in each facility for milk expression or breast-feeding:

1. District office: Single use ADA restroom with lock, private seating area, outlet and sink, at Salish Ponds Elementary;
2. Elementary Schools:
 - Alder: Locking file room-adjacent to Principal’s office.
 - Davis: Principal’s office and PE office in gym.
 - Fairview: Room 222.
 - Glenfair: Storage room in vack of room 11. Private space and meets all requirements.
 - Hartley: Conference room.
 - Margaret Scott: Principal’s office; classroom (teacher’s own, with door locked and sign posted “do not disturb”; closet in modular bldg.; shower room; mini kitchen in music room.
 - Salish Ponds: Three locations: downstairs in principal’s office; single use ADA restroom with lock, private seating area, outlet and sink; upstairs in the book room there is office space.
 - Sweetbriar: Conference room in main office.
 - Troutdale: “The Sandy Lodge” room 107 on main floor, across from cafeteria.
 - Wilkes: AV Room, Room #125.
 - Woodland: Suite C.
3. Middle schools (MS):
 - HB Lee MS: PE Teacher office in girl’s locker room-has locking door and bathroom next door.

- Reynolds MS: Room 611-Nurses are located here.
 - Walt Morey MS: Room 130A-Next door to Library.
4. Reynolds High School: Main building, room #85.
 5. Reynolds Learning Academy: Nurse’s office with locking door and sink.
 6. Transportation (two locations): ~~Two locations~~-Coordinator’s office and Ssupervisor’s office.
 7. Facilities/Operations: Facilitator’s office that locks in facilities building; women’s only bathroom in building B West.
 8. Other facility locations and designated locations:
 - Arts & Communication Bldg.: 2nd floor, private restroom.
 - Edgefield, Bldg. A (Professional Development Center): Private, locking restroom
 - Edgefield, Bldg. G: Debra Miller’s office (no room #)
 - Edgefield, Bldg. H: Heather Finkas’ office (no room #)
 - IT/Media: Private women’s restroom
 - Nutrition Services: Private, locking restroom in nutrition services office in warehouse.

An employee who expresses milk during work hours may use the available refrigeration to store the expressed milk. The district must allow the employee to bring a cooler or other insulated food container to work for storing the expressed milk and ensure there is adequate space in the workplace to accommodate the employee’s cooler or insulated food container.

The district shall notify employees of this policy an annual basis. The list of locations that have been identified in each facility for milk expression or breastfeeding, which shall be updated by human resources at least annually, is incorporated into this policy and available at <https://www.4j.lane.edu/hr/designated-milk-expression-room/> . The list of designated locations is available upon request in the central office of each school facility and in the district’s central office.

This policy only applies to employees who are expressing milk or breast-feeding for children 18 months of age or younger.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 653.077](#)

[ORS 653.256](#)
[OAR 839-020-0051](#)

Corrected 8/03/22; Corrected 9/14/22; Corrected 2/10/23



Code: GBE
 Adopted: 10/14/10
 Orig. Code: GBE

Staff Health and Safety

The Board authorizes the superintendent to take appropriate means to provide for the health and safety of all employees while engaged in the performance of their duties.

The superintendent or designee, in consultation with district and building safety committees, will develop training and written procedures necessary to accomplish this goal and to meet the requirements of the law.

All employees shall conduct their work in compliance with the safety rules of the district. The superintendent or designee will provide staff members with the Safety Data Sheets (SDS), which must accompany any hazardous substance used in the school setting.

END OF POLICY

Legal Reference(s):

- | | | |
|---|---|---|
| ORS 243.650 | OAR 437-002-0140 | OAR 437-002-0360 - 0363 |
| ORS 329.095 | OAR 437-002-0141 | OAR 437-002-0368 |
| ORS 453.001 to -453.275 | OAR 437-002-0144 | OAR 437-002-0377 |
| OAR 437-001-0760 | OAR 437-002-0145 | OAR 437-002-0390 |
| OAR 437-002-0020 to -00750081 | OAR 437-002-0161 | OAR 437-002-0391 |
| OAR 437-002-0134 | OAR 437-002-0180 to -0182 | OAR 581-022-2225 |
| | OAR 437-002-0187 | |

Corrected 8/03/22



Code: GBE-AR
Revised/Reviewed: 10/14/10
Orig. Code: GBE-AR

Staff Health and Safety - Safety Rules

Employees shall conduct their work in compliance with the safety rules of the district such as:

1. All injuries shall be reported immediately to the person in charge or other responsible representative of the district;
2. It is the duty of all employees to make full use of safeguards provided for their protection. It shall be the employee's responsibility to abide by and perform the following requirements:
 - a. An employee shall not operate a machine unless guard or method of guarding is in good condition, working order, in place and operative;
 - b. An employee shall stop the machine or moving parts and properly tag-out or lock-out the starting control before oiling, adjusting or repairing, except when such machine is provided with means of oiling or adjusting that will prevent possibility of hazardous contact with moving parts;
 - c. An employee shall not remove guards or render methods of guarding inoperative except for the purpose of adjustment, oiling, repair or setting up a new job;
 - d. Employees shall report to their supervisor any guard or method of guarding that is not properly adjusted or not accomplishing its intended function;
 - e. Employees shall not use their hands or any portion of their bodies to reach between moving parts or to remove jams, hang-ups, etc. (Use hook, stick, tong, jig or other accessory.);
 - f. Employees shall not work under objects being supported that could accidentally fall (such as loads supported by jacks, the raised body of a dump truck, etc.) until such objects are properly blocked or shored;
 - g. Employees shall not use defective tools or equipment. No tool or piece of equipment should be used for any purpose for which it is not suited and none should be abused by straining beyond its safe working load.
3. Employees shall not remove, deface or destroy any warning, danger sign or barricade or interfere with any other form of accident prevention device or practice provided which they are using or which is being used by any other worker;
4. Employees must not work underneath or over others thereby exposing them to a hazard without first notifying the other employee(s) or seeing that proper safeguards or precautions have been taken;
5. Employees shall not work in unprotected, exposed or hazardous areas under floor openings;
6. Long or unwieldy articles shall not be carried or moved unless adequate means of guarding or guiding are provided to prevent injury;

7. Hazardous conditions or practices observed at any time shall be reported as soon as practicable to the person in charge or some other responsible representative of the employer;
8. Employees observed working in a manner which might cause immediate injury to either themselves or other workers shall be warned of the danger;
9. Before leaving a job, workers shall correct, or arrange to give warning of, any condition which might result in injury to others unfamiliar with existing conditions;
10. Good housekeeping methods shall be observed in all operations. Materials shall be so handled and stored as to minimize falling, tripping or collision hazards;
11. Working and storage areas and passageways shall be kept free of unnecessary obstructions. No loose object shall be placed in any area where its presence will necessitate employees crowding between such objects as moving machinery, steam pipes or other objects with which contact would be dangerous;
12. Any materials which might cause an employee to slip or fall shall be removed from floors and other treading surfaces immediately or suitable means or methods shall be used to control the hazardous condition;
13. All sharp, pointed or otherwise hazardous projections in work areas shall be removed or rendered harmless.

Corrected 8/03/22; Corrected (re-reviewed) 9/07/22



Code: GBEA

Adopted:

Workplace Harassment

Workplace harassment is prohibited and shall not be tolerated. This includes workplace harassment that occurs between district employees or between a district employee and the district in the workplace or at a work-related event that is off district premises and coordinated by or through the district, or between a district and a district employee off district premises. Elected school board members, volunteers and interns are subject to this policy.

Any district employee who believes they have been a victim of workplace harassment may file a report with the district employee designated in the administrative regulation GBEA-AR - Workplace Harassment Reporting and Procedure, may file a report through the Bureau of Labor and Industries' (BOLI) complaint resolution process or under any other available law. The reporting of such information is voluntary. The district employee making the report is advised to document any incidents of workplace harassment.

“Workplace harassment” means conduct that constitutes discrimination prohibited by Oregon Revised Statute (ORS) 659A.030 (discrimination in employment based on race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, age, or expunged juvenile record), including conduct that constitutes sexual assault¹ or that constitutes conduct prohibited by ORS 659A.082 (discrimination against person in uniformed service) or 659A.112 (discrimination in employment based on disability).

The district, upon receipt of a report from a district employee who believes they are a victim of workplace harassment, shall provide information about legal resources and counseling and support services, including any available employee assistance services. The district employee receiving the report, whether a supervisor of the employer or the district employee designated to receive reports, is advised to document any incidents of workplace harassment, and shall provide a copy of this policy and accompanying administrative regulation to the victim upon their disclosure about alleged workplace harassment.

All incidents of behavior that may violate this policy shall be promptly investigated.

Any person who reports workplace harassment has the right to be protected from retaliation.

The district may not require or coerce a district employee to enter into a nondisclosure² or nondisparagement³ agreement.

The district may not enter into an agreement with an employee or prospective employee, as a condition of employment, continued employment, promotion, compensation, or the receipt of benefits, that contains a nondisclosure provision, a nondisparagement provision or any other provision that has the purpose or effect of preventing the employee from disclosing or discussing workplace harassment that occurred

¹ “Sexual assault” means unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat or intimidation.

² A “nondisclosure” agreement or provision prevents either party from disclosing the contents of or circumstances surrounding the agreement.

³ A “nondisparagement” agreement or provision prevents either party from making disparaging statements about the other party.

between district employees or between a district employee and the district, in the workplace or at a work-related event that is off district premises and coordinated by or through the district, or between a district employee and employer off district premises.

The district may enter into a settlement agreement, separation or severance agreement that includes one or more of the following provisions only when a district employee claiming to be aggrieved by workplace harassment requests to enter into the agreement: 1) a nondisclosure or nondisparagement provision; 2) a provision that prevents disclosure of factual information relating to the claim of workplace harassment; or 3) a no-rehire provision that prohibits the employee from seeking reemployment with the district as a term or condition of the agreement. The agreement must provide the district employee at least seven days after signing the agreement to revoke it.

If the district determines in good faith that an employee has engaged in workplace harassment, the district may enter into a settlement, separation or severance agreement that includes one or more of the provisions described in the previous paragraph.

It is the intent of the Board that appropriate corrective action will be taken by the district to stop workplace harassment, prevent its recurrence and address negative consequences. Staff members in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional workplace harassment awareness training, as appropriate. Other individuals (e.g., board members, witnesses, and volunteers) whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or the Board.

The district shall make this policy available to all district employees and shall be made a part of district orientation materials provided and copied to new district employees at the time of hire.

The superintendent will establish a process of reporting incidents of workplace harassment and the prompt investigation.

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)
[ORS 243.317 - 243.323](#)
[ORS 659A.001](#)
[ORS 659A.003](#)
[ORS 659A.006](#)

[ORS 659A.029](#)
[ORS 659A.030](#)
[ORS 659A.082](#)
[ORS 659A.112](#)
[ORS 659A.370](#)

S

[ORS 659A.820](#)
[ORS 659A.875](#)
[ORS 659A.885](#)
[OAR 584-020-0040](#)
[OAR 584-020-0041](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2018); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).

House Bill 3041 (2021)

E

Corrected 8/03/22

D



Code: GBEA-AR(1)
Revised/Reviewed:

Workplace Harassment Reporting and Procedure

Any district employee who believes they have been a victim of workplace harassment may file an oral or written report consistent with this administrative regulation, may file a report through the Bureau of Labor and Industries' (BOLI) complaint resolution process, or under any other available law.

Additional information regarding the filing of a report may be obtained through the principal, compliance officer or superintendent.

A complaint alleging an unlawful employment practice as described in ORS 659A.030, 659A.082, 659A.112 or ORS 659A.370 must be filed no later than five years after the occurrence of the alleged unlawful employment practice.

All documentation related to workplace harassment complaints may become part of the personnel file of the employee who is the alleged harasser, as appropriate. Additionally, a copy of all workplace harassment reports, complaints, and documentation will be maintained by the district as a separate confidential file and stored in the district office.

Investigation Procedure

The executive director of human resources or designee are responsible for investigating reports concerning workplace harassment. The investigator(s) shall be a neutral party having had no involvement in the report presented. If the alleged workplace harassment involves the executive director, the employee may report to deputy superintendent or designee. All reports of alleged workplace harassment behavior shall be investigated.

The investigator shall:

1. Document the alleged, reported incident of workplace harassment;
2. Provide information about legal resources and counseling and support services, which may include district-provided assistance services available to the district employee;
3. Provide a copy of the district's Board policy GBEA - Workplace Harassment and this administrative regulation to the district employee; and
4. Complete the following steps:

Step 1 Promptly initiate an investigation. The investigator will arrange such meetings as may be necessary to discuss the issue with all concerned parties within five working days after receipt of the report. The parties will have an opportunity to submit evidence and a list of witnesses. All findings of the investigation, including the response of the alleged harasser, shall be

reduced to writing. The investigator shall notify the complainant in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

If the investigator in Step 1 was not the deputy superintendent, a copy of the report, complaint, or other documentation about the incident, and the date and details of notification to the complainant of the results of the investigation, together with any other documentation related to the workplace harassment incident, including disciplinary action taken or recommended, shall be forwarded to the deputy superintendent.

Step 2 If a complainant is not satisfied with the decision at step 1, the complainant may submit a written appeal to the deputy superintendent. Such appeal must be filed within 10 calendar days after receipt of the step 1 decision. The deputy superintendent shall review the investigator's report and findings. The deputy superintendent will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The deputy superintendent shall provide a written decision to the complainant within 10 working days after receipt of the appeal.

Step 3 If a complainant is not satisfied with the decision at step 2, the complainant may submit a written appeal to the superintendent. Such appeal must be filed within 10 calendar days after receipt of the step 2 decision. The superintendent shall review the investigator's report and findings. The superintendent may arrange such meetings with the complainant and other affected parties as deemed necessary by the superintendent to discuss the appeal. The superintendent shall provide a written decision to the complainant within 10 working days after receipt of the appeal.

Step 4 If a complainant is not satisfied with the decision at Step 3, the complainant may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the Step 3 decision. The Board will review the findings and conclusion of the superintendent in a public meeting to determine what action is appropriate. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the superintendent's decision as the district's final decision.

If the Board conducts a hearing, the complainant shall be given an opportunity to present the appeal at a Board meeting. The Board may hold the hearing in executive session if the subject matter qualifies under Oregon law. The parties involved may be asked to attend such hearing for the purposes of making further explanations and clarifying the issues. The Board shall decide, within 30 days, in open session what action, if any, is warranted. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

If the Board chooses not to hear the appeal, the superintendent's decision in Step 3 is final.

Reports involving the superintendent should be referred to the Board chair on behalf of the Board. The Board chair will cause the information¹ required to be issued to the complainant as described in this administrative regulation. The Board chair shall present the complaint to the Board at a Board meeting. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board may hold the hearing in executive session if the subject matter qualifies under Oregon law. The Board shall decide, within 30 days, in open session what action if any is warranted. The Board chair shall notify the complainant in writing within 10 days that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law.

Follow-up Procedures

The executive director of human resources or designee will follow up with the district employee of the alleged harassment once every three months for the calendar year following the date on which the executive director or designee received a report of harassment, to determine whether the alleged harassment has stopped or if the employee has experienced retaliation. The executive director or designee will document the record of this follow-up. The executive director or designee will continue follow-up in this manner until and unless the employee directs the executive director or designee in writing to stop.

Other Reporting Options and Filing Information

Nothing in this policy prevents an employee from filing a formal grievance in accordance with a collective bargaining agreement (CBA) or a formal complaint with BOLI or the Equal Employment Opportunity Commission (EEOC); or if applicable, the U.S. Department of Labor (USDOL) Civil Rights Center. Review the CBA for any provision that requires an employee to choose between the complaint procedure outlined in the CBA and filing a BOLI or EEOC complaint.

Nothing in Board policy GBEA - Workplace Harassment or this administrative regulation prevents any person from seeking remedy under any other available law, whether civil or criminal.

An employee or claimant must provide advance notice of claim against the employer as required by ORS 30.275.

Filing a report with the U.S. Department of Labor (USDOL) Civil Rights Center.

An employee whose agency receives federal financial assistance from the USDOL under the Workforce Innovation and Opportunity Act, Mine Safety and Health Administration, Occupational Safety and Health Administration, or Veterans' Employment and Training Service, may file a complaint with the state of Oregon Equal Opportunity Officer or directly through the USDOL Civil Rights Center. The complaint must be written, signed and filed within 180 days of when the alleged discrimination or harassment occurred.

Corrected 8/03/22; Corrected 8/04/22

¹ Provide information about legal resources and counseling and support services, which may include district-provided assistance services available to the district employee, and a copy the district's Board policy GBEA - Workplace Harassment and this administrative regulation to the district employee.



Code: GBEA-AR(2)

Revised/Reviewed:

Workplace Harassment Reporting or Complaint Form

Name of person making report/complainant: _____

Position of person making report/complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of alleged misconduct: _____

Name of witnesses (if any): _____

Evidence of workplace harassment, i.e., letters, photos, etc. (attach evidence if possible): _____

Any other information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

A witness disclosure form is attached.

WITNESS DISCLOSURE FORM

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

Any Other Information: _____

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: _____

Corrected 8/03/22



Code: GBEB
Adopted: 1/04/07
Revised/Readopted: 10/14/10; 6/13/18
Orig. Code: GBEB

Communicable Disease – Staff

The district shall provide reasonable protection against the risk of exposure to communicable disease for employees while engaged in the performance of their duties. Reasonable protection from communicable disease is generally attained through immunization, exclusion or other measures as provided by Oregon law, by the local health department or in the *Communicable Disease Guidance* published by the Oregon Department of Education (ODE) and the Oregon Health Authority (OHA).

~~The district shall comply with state law and rules and state and local health authorities' guidelines regarding communicable diseases.~~

~~(This is in policy EEBA) The district shall use standard precautions at all times for infection control. Each situation involving the potential for the spread of a communicable disease shall be treated initially as an actual exposure.~~

~~An employee who knows that he or she has or has been exposed to any restrictable disease, may not attend work while in a communicable stage of a restrictable disease or when unless authorized by Oregon law. When an administrator has reason to suspect that the any employee has or has been exposed to any restrictable disease for which and exclusion is required in accordance with law and per administrative regulation GBEB-AR - Communicable Diseases - Staff, the administrator shall send the employee home. If the disease is a reportable disease, the administrator will report the occurrence to the local health department.~~

Employees shall comply with all other measures adopted by the district and with all rules adopted by Oregon Health Authority, Public Health Division and the local health department.

Employees shall provide services to students as required by law. In cases when a restrictable or reportable disease is diagnosed and confirmed for a student, the administrator shall inform the appropriate employees with a legitimate educational interest to protect against the risk of exposure.

~~The superintendent or designee will develop administrative procedures as needed to implement this policy to reduce the risk of contagion in the school setting. At a minimum, such procedures shall include staff training, first aid kits in each school and on school vehicles, sanitation kits at each school for cleanup of body fluid spills, and precautionary guidelines for body fluid cleanup and personal hygiene.~~

~~Additionally, the district shall work cooperatively in coordination with the appropriate agencies, regarding communicable disease issues.~~

The district shall protect the confidentiality of an employee's health condition and record to the extent possible and consistent with federal and state law.

The district will include, as part of its emergency plan, a description of the actions to be taken by district staff in the case of a declared public health emergency or other catastrophe that disrupts district operations.

The superintendent will develop administrative regulations necessary to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 431.150 - 431.157](#)

[ORS 433.001 - 433.526](#)

[OAR 333-018](#)

[OAR 333-019-0010](#)

[OAR 333-019-0014](#)

[OAR 437-002-0360](#)

[OAR 437-002-0377](#)

[OAR 581-022-2220](#)

OREGON DEPARTMENT OF EDUCATION and OREGON HEALTH AUTHORITY, *Communicable Disease Guidance* (2020).
Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2018); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2019).
Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. §§ 1320d to -1320d-8 (2018); 45 C.F.R. Parts 160, 164 (2019).

Corrected 8/03/22



Code: GBEB-AR
 Revised/Reviewed: 6/13/18
 Orig. Code: GBEB-AR

Communicable Diseases – Staff

In accordance with state law, administrative rule, the local health authority and the *Communicable Disease Guidance*, the procedures established below will be followed.

1. “Restrictable diseases” are defined by rule and include but are not limited to COVID-19¹, chickenpox, diphtheria, hepatitis A, hepatitis E, measles, mumps, pertussis, rubella, Salmonella enterica serotype Typhi infection, scabies, Shiga-toxigenic Escherichia coli (STEC) infection, shigellosis and infectious tuberculosis-disease, and may include a communicable stage of hepatitis B infection if, in the opinion of the local health officer, the person poses an unusually high risk to others (e.g., a child that exhibits uncontrollable biting or spitting). Restrictable disease also includes any other communicable disease identified in an order issued by the Oregon Health Authority or the local public health officer as posing a danger to the public’s health. A disease is considered to be a restrictable disease if it is listed in Oregon Administrative Rule (OAR) 333-019-0010, or it has been designated to be a restrictable disease by Board policy² or by the local public health administrator after determining that it poses presents a danger to significant public health risk in the public’s healthschool setting.
2. “Susceptible” for an employee means lacking evidencebeing at risk of immunity to thecontracting a restrictable disease by virtue of being in one or more categories described in law.
3. “Reportable diseases” means a human reportable disease, infection, microorganism or condition, the reporting of which enables a public health authority to take action to protect or to benefit the public health as specified in OAR Chapter 333, Division 18.

Restrictable Diseases

1. An employee of the district will not attend or work at a district school or facility while in a communicable stage of a restrictable disease, including a communicable stage of COVID-19³, unless authorized to do so under Oregon law. When an administrator has reason to suspect that an employee has a restrictable disease, the administrator shall send the employee home.
2. AnWhen an administrator shall exclude an employee if the administrator has reason to suspect that an employee has or has been exposed to measles, mumps, rubella, diphtheria, pertussis, hepatitis A,

¹ Added per OAR 333-019-1000(2).

² “OAR 333-019-0010(7) Nothing in these rules prohibits a school or children’s facility from adopting more stringent exclusion standards under ORS 433.284.”

³ “Communicable stage of COVID-19” means having a positive presumptive or confirmed test of COVID-19.

or hepatitis B, unless the local health officer determines any restrictable disease that requires exclusion is not necessary to protect the public's health. The administrator may request the local health officer to make a determination as allowed by law. If the disease is reportable, the administrator will report the occurrence to the local health department.

3. An administrator shall exclude an employee if the administrator has been notified by a local public health administrator or local public health officer that the employee has had a substantial exposure to an individual with COVID-19 and exclusion is deemed necessary by same.
4. An employee will be excluded in such instances until such time as the employee presents a certificate from a physician, a physician assistant licensed under Oregon Revised Statute (ORS) 677.505 - 677.525, a nurse practitioner licensed under ORS 678.375 - 678.390, local health department nurse or school nurse stating that the employee does not have or is not a carrier of any restrictable disease.
- ~~5. An administrator will exclude a susceptible employee that has been exposed to a restrictable disease that is also a reportable disease unless the local health officer determines that exclusion is not necessary to protect the public's health, or the local health officer states the disease is no longer communicable to others or that adequate precautions have been taken to minimize the risk of transmission. The administrator may request the local health officer to make a determination as allowed by law.~~
- 6.5. An administrator may allow attendance of an employee restricted for chickenpox, scabies, staphylococcal skin infections, streptococcal infections, diarrhea or vomiting if the restriction has been removed by a school nurse or health care provider.
- 7.6. More stringent exclusion standards for employees from school or work may be adopted by the local health department or by the district through policy adopted by the Board.
- 8.7. The district's emergency plan shall address the district's plan with respect to a declared public health emergency at the local or state level.

Reportable Diseases Notification

1. All employees shall comply with all reporting measures adopted by the district and with all rules set forth by Oregon Health Authority, Public Health Division and the local health department.
2. An administrator may seek confirmation and assistance from the local health officer to determine the appropriate district response when the administrator is notified that an employee or a student has been exposed to a restrictable disease that is also a reportable disease.
3. District staff with impaired immune responses, that are of childbearing age or some other medically fragile condition, should consult with a medical provider for additional guidance.
4. An administrator shall determine other persons with a legitimate educational interest who may be informed of the communicable nature of an individual student's disease, or an employee's communicable disease, or that of a student's when a legitimate educational interest exists or for health and safety reasons, in accordance with within guidelines allowed by law.

Equipment and Training

1. The administrator or designee shall, on a case-by-case basis, determine what equipment and/or supplies are necessary in a particular classroom or other setting in order to prevent disease transmission.
2. The administrator or designee shall consult with the district's school nurse or other appropriate health officials to provide special training in the methods of protection from disease transmission.
3. All district personnel will be instructed annually to use the proper precautions pertaining to blood and body fluid exposure per the Occupational Safety and Health Administration (OSHA). (See policy EBBAA).

Corrected 8/03/22



Code: GBEBA
 Adopted: 10/14/10
 Revised/Readopted: 8/28/19
 Orig. Code(s): GBEBA

Staff - HIV, AIDS and HBV

The district will strictly adhere in its policies and procedures, to Oregon law and Oregon Administrative Rules as they relate to staff infected with HIV, AIDS, or HBV¹.

The district recognizes a staff member has no obligation under any circumstance to report a condition to the district, and the staff member has a right to continue working.

If the staff member reports a condition to the district, strict adherence to written guidelines outlined by the staff member shall be followed.

These guidelines shall identify who may have the information, who will give the information, how the information will be given, and where and when the information will be given. All such information will be held in confidence in accordance with Oregon law.

Accommodations for a staff member infected with HIV, AIDS, or HBV shall be the same as with any other illness.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 342.850\(8\)](#)
[ORS 433.008](#)
[ORS 433.045](#)

[ORS 433.260](#)
[OAR 333-017-0000](#)
[OAR 333-018-0000](#)

[OAR 333-018-0005](#)
[OAR 581-022-2220](#)

Corrected 8/03/22

¹ HIV - Human Immunodeficiency Virus; AIDS - Acquired Immune Deficiency Syndrome; HBV - Hepatitis B Virus



Code: GBEC
Adopted: 10/14/10
Orig. Code: GBEC

Drug-Free Workplace

The district shall provide a drug-free workplace.

The purpose of this policy is to promote safety, health and efficiency by prohibiting the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol in the workplace.

This policy applies to all employees, including but not limited to, those exempt, unclassified, management service, classified and temporary employees who are paid directly or indirectly from funds received under a federal grant or contract.

The district shall provide to each employee a copy of this policy.

An employee shall not unlawfully manufacture, distribute, dispense, possess or use a controlled substance or alcohol in the workplace.

No district employee shall knowingly sell, market or distribute steroid or performance enhancing substances to kindergarten through grade 12 students with whom the employee has contact as part of employee's district duties; or knowingly endorse or suggest the use of such substances.

An employee shall, as a condition of employment, abide by the provisions of this policy.¹

Definitions

1. "Controlled substance": ~~A controlled substance~~ shall include any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or other drug as classified under the federal Controlled Substances Act, as modified under Oregon Revised Statute (ORS) 475.035.
2. "Alcohol": ~~Alcohol~~ shall include any form of alcohol for consumption, including beer, wine, wine coolers or liquor.
3. "Conviction": means ~~A~~ a finding of guilt (including a plea of no contest) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the ~~f~~Federal or ~~s~~State criminal drug statutes.
4. "Criminal drug statute": means ~~A~~ a ~~f~~Federal or ~~s~~State criminal statute involving the manufacture, distribution, dispensation, possession or use of any controlled substance or alcohol.

¹ Districts directly receiving grants or contracts from the federal government are required to meet this obligation.

5. “Drug-free workplace”:² means A site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol.

6.—Purpose(*see this section moved above*)

~~The purpose of this policy is to promote safety, health and efficiency by prohibiting, in the workplace, the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol.~~

7.—Applicability

~~This policy applies to all employees, including, but not limited to, those exempt, unclassified, management service, classified and temporary employees who are paid directly or indirectly from funds received under a federal grant or contract.~~

8.—Prohibitions

~~No employee, including contractors, subcontractors and their employees, shall unlawfully manufacture, distribute, dispense, possess or use on or in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance or alcohol, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. § 812) and as further defined by regulation at 21 C.F.R. § 1308.11-1308.15. An employee who violates this policy is subject to disciplinary action, up to and including dismissal. Any contractor or subcontractor who violates the terms of this policy shall be subject to discipline up to and including termination of contract. The board directs the administration to ensure that companies seeking to provide contractual and/or sub-contractual services for the district are in full compliance with this policy prior to employment and/or entering into formal contracts.~~

9.—~~No district employee shall knowingly sell, market or distribute steroid or performance enhancing substances to kindergarten through grade 12 students with whom the employee has contact as part of employee’s district duties; or knowingly endorse or suggest the use of such substances.~~

10.—Compliance with Policy²

~~An employee shall, as a condition of employment, abide by the provisions of this policy.~~

Sanctions and Remedies¹

1. The district, upon determining that an employee has engaged in the unlawful manufacture, distribution, dispensation or possession of a controlled substance or alcohol or upon having reasonable suspicion; (~~under section 8 of this policy~~the section below,) of an employee’s unlawful use of a controlled substance or alcohol in the workplace, shall, pending any criminal drug statute conviction for a violation occurring in the workplace, take ~~appropriate~~ action, ~~with regard to the~~

²Districts directly receiving grants or contracts of \$100,000 or more from the federal government are required to meet this obligation.

~~employee determined to be appropriate~~ which may include transfer, granting of leave with or without pay or suspension with or without pay.

Within 30 calendar days of an employee's criminal drug statute conviction for a violation occurring in the workplace, the district shall:

1. Take appropriate action, ~~with regard to the employee determined to be appropriate~~ which may include discipline up to and including termination; and/or
2. Require satisfactory participation by the employee in a drug abuse assistance or rehabilitation program approved for such purpose by a federal, state or local health, law enforcement or other appropriate agency.

Basis for Reasonable Suspicion of Employee Use of Controlled Substance/Alcohol

Reasonable suspicion of employee use of an unlawful controlled substance or alcohol shall be based upon any of the following:

1. Observed abnormal behavior or impairment in mental or physical performance (for example, e.g., slurred speech, ~~or~~ difficulty walking);
2. Direct observation of use in the workplace;
3. The opinion of a medical professional;
4. Reliable information concerning use in the workplace, the reliability of any such information shall be determined by employer;
5. A work-related accident in conjunction with a basis for reasonable suspicion as listed above.

Employee Assistance Program

An employee having a drug or alcohol problem is encouraged to seek assistance, on a confidential basis, under the Employee Assistance Program if such program is provided by the employer.

~~6. Leave for Participation in Abuse Assistance or Rehabilitation Program~~

The district shall, upon employee request, grant leave with or without pay to permit an employee to participate in a drug abuse assistance or rehabilitation program.

Establishment of Drug-Free Awareness Program

The district shall establish a drug-free awareness program to inform employees of the:

1. Dangers of drug abuse in the workplace;
2. Existence of and content of this policy for maintaining a drug-free workplace;
3. Availability of drug-counseling, rehabilitation and employee assistance programs; and
4. Penalties that may be imposed for drug abuse violations occurring in the workplace.

Notification by Employee of Conviction¹

An employee shall, as a condition of employment, notify the district of any criminal drug statute conviction for a violation occurring in the workplace no later than five **calendar** days after such conviction.

Notification by Reynolds School District of Employee Conviction

The district shall notify the appropriate federal granting or contracting agency of an employee's criminal drug statute conviction for a violation occurring in the workplace no later than 10 **calendar** days after receiving notice of such conviction.

~~5. Provision of Copy of Policy to Employees (see on page 1 above)~~

~~The district shall provide to each employee a copy of this policy.~~

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 336.222](#)
[ORS 342.721](#)
[ORS 342.723](#)

[ORS 342.726](#)
[ORS Chapter 475](#)
[ORS 657.176](#)
[ORS 659A.127](#)

[OAR 581-022-2045](#)
[OAR 581-022-2210](#)
[OAR 584-020-0040\(5\)\(e\)](#)

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 8101-8106 (2012); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 84.100-84.670 (2016).

Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2016).

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2012).

Corrected 8/03/22



Code: GBED
Adopted: 10/14/10
Orig. Code: GBED

Medical Examinations/Drug and Alcohol Testing for Safety Sensitive Positions

~~The district may require medical examinations after an employment offer has been made to a job applicant and before the applicant begins his/her employment duties. Any such requirement will ensure that all entering employees in the same job category will complete a medical examination regardless of disability.~~

~~All offers of employment may be made contingent on medical examination results.~~

~~Medical examinations will be conducted by a health care professional selected by the district. District-required medical examination expenses will be paid by the district.~~

~~The successful applicant must be qualified and must be able to perform the essential functions of a position with or without reasonable accommodations. The district may withdraw an offer of employment should the medical examination reveal that the individual does not satisfy certain employment criteria under the following conditions:~~

- ~~1. The exclusionary criteria are job related and consistent with business necessity;~~
- ~~2. There is no reasonable accommodation that will enable the individual with a disability to perform the essential functions of the job;~~
- ~~3. The medical condition poses a direct threat to the health or safety of others in the workplace and cannot be eliminated or reduced to an acceptable level by a reasonable modification of policies, practices, procedures or by the provision of auxiliary aids or services;~~
- ~~4. The requested or necessary accommodation would impose an undue hardship on the district, unless funding is available through other sources. Individuals with a disability may be offered an opportunity of paying for a portion of the costs that constitutes an undue hardship or of personally providing the accommodation.~~

~~Offers of employment for certain positions shall be contingent upon successful passage of a district-required drug test. The district will require post-accident drug and alcohol tests for safety-sensitive positions (e.g., bus drivers, heavy machinery operators, etc.) and positions in which the person is responsible for students' safety and security.¹ The district will designate when and where such testing will be conducted. The cost of the drug test shall be paid by the candidate and reimbursed by the district upon~~

¹ Based on Lanier v. City of Woodburn – “Safety sensitive” may also include positions that have heavy student contact and in loco parentis responsibility (e.g., teachers, administrators, paraprofessionals).

receipt of negative drug test result transportation department. The district will not reimburse individuals who test positive for drugs. The offer of employment will be withdrawn from candidates who test positive for drugs.

Information the district receives regarding medical examinations and drug and alcohol testing will be collected and maintained on separate forms and in separate files apart from personnel files. All such records will be kept confidential, maintained for a minimum of one year and released only in accordance with provisions of the Americans with Disabilities Act or other applicable laws.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 657.176](#)

[ORS 659A.133](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).
Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§ 31301-31317; 49 C.F.R. Parts 40, 382, 391-395 (2016).
Lanier v. City of Woodburn, 518 F3d. 1147 (9th Cir. 2008).
Americans with Disabilities Act Amendments Act of 2008.

Corrected 8/18/22



Code: GBEDA
 Adopted: 10/14/10
 Revised/Readopted: 2/12/14
 Orig. Code: GBEDA

Drug and Alcohol Testing and Record Query - Transportation Personnel

The district is committed to the establishment of a drug use and alcohol misuse prevention program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991 (OTETA). The district or its transportation provider shall have an in-house drug and alcohol testing program or be a member of a consortium that provides testing that meets the federal regulations, and shall annually certify this information to the Oregon Department of Education (ODE). The district or its transportation provider shall comply with the reporting and pre-employment and annual query requirements of the Federal Motor Carrier Safety Administration (FMCSA).

Accordingly, all employees subject to commercial driver’s license (CDL) requirements shall be prohibited from:

1. The use of drugs, unless a written prescription from a licensed doctor or osteopath is provided, including a statement advising that the substance does not adversely affect the driver’s ability to safely operate a commercial motor vehicle;
2. The use of alcohol including:
 - a. While on duty;
 - b. Eight hours before driving, in accordance with Oregon Administrative Rules;
 - c. Eight hours following an accident;
 - d. Consumption resulting in prohibited levels of alcohol in the system.

“Drugs” as used in this policy refer to controlled substances covered by the OTETA, including marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

All covered individuals offered employment with the district and district employees transferring to positions subject to the OTETA shall be required to submit to ~~pre-employment~~ ~~pre-employment~~ drug testing and a pre-employment query with FMCSA. Additionally, covered employees will be subject to reasonable suspicion, random and post-accident alcohol and drug testing. Return-to-duty and follow-up testing may also be required.

~~Preemployment drug testing costs will be paid for by the candidate and reimbursed by the district upon receipt and negative drug test results. The district will not reimburse individuals who test positive for drugs.~~ All drug and alcohol testing of district employees, including reasonable suspicion, random, post-accident, return-to-duty and follow-up testing costs, as applicable, will be paid for by the district. A fee associated with a pre-employment query requested by the district from FMCSA will be paid by the district. The district will comply with collective bargaining agreement provisions.

All offers of employment or transfer to covered positions with the district will be made contingent upon testing results and information obtained from a query with FMCSA. An individual who tests positive for drugs will not be hired or transferred¹. The offer of employment or transfer will be immediately withdrawn.²

An offer of employment or transfer will also be immediately withdrawn from any individual who refuses drug testing and/or refuses to give consent for a query with FMCSA.

Covered employees who, under the district's reasonable suspicion, random, post-accident, return-to-duty or follow-up testing program, test positive for drugs or test with a breath alcohol content level of 0.02 or higher, will be subject to immediate disciplinary action up to and including dismissal in accordance with Board policy. Employees who refuse to comply with testing requirements will also be regarded as testing positive for drugs or testing with a breath alcohol content level of 0.02 or higher. Notification of available resources for evaluation and treatment will be made as required by law. Additionally, employees may be subject to CDL prohibitions and penalties under the OTETA and applicable FMCSA regulations. Covered employees who refuse consent for a query with FMCSA when required will be removed from safety-sensitive functions Federal Motor Carrier Safety Administration (FMCSA) regulations.

In accordance with the provisions of 49 C.F.R. § 40.21(c)(2), and in its ongoing effort to protect the interests of employees in fairness and confidentiality, the district will ensure:

1. The district's policy and administrative regulation are distributed to all covered employees;
2. No information about the confirmed positive, adulterated or substituted test results, or the reason for the employee's temporary removal from performing safety-sensitive functions, becomes available, directly or indirectly to others in the district or subsequently to another employer, other than the employee, the MRO and the designated district official;
3. No adverse action affecting the employee's pay and benefits will be taken pending the completion of the MRO's verification process. This includes continuing to pay the employee during the period of the stand-down in the same way the district would have paid them had they not been stood down;
4. The verification process will commence no later than the time an employee is temporarily removed from the performance of safety-sensitive functions and that the period of "stand down" for any employee will not exceed five days, unless the district is informed in writing by the MRO that a longer period is needed to complete the verification process.

Following successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert (i.e., employee assistance professional, substance abuse professional or qualified drug and alcohol counselor) the employee will be permitted to return to duty. The district will ensure that prior to the employee participating in a safety-sensitive function, the employee shall be

² The district may elect to allow an individual who tests positive for drugs or tests with a breath alcohol content level of 0.02 or higher to reapply for district employment or transfer to a covered position at a later date. At that time, the individual will again be tested for the presence of drugs [and alcohol], if required by the district. A district employee considered for transfer to an OTETA-covered position who tests positive for drugs or tests with a breath alcohol content level of 0.02 or higher will be subject to all district policies and regulations including the district's Drug-Free Workplace policy.

required to undergo a return-to-duty testing with a result indicating a breath alcohol content level of less than 0.02 and/or a verified negative test result for drug use, as appropriate. The district may incorporate employee monitoring and include non-OTETA follow-up testing as part of its return-to-duty procedures under the district's self-identification program.

END OF POLICY

Legal Reference(s):

[ORS 657.176](#)
[ORS 825.415](#)
[ORS 825.418](#)

[OAR 581-053-0220\(3\)\(h\)](#)
[OAR 581-053-0230\(9\)\(t\)](#)
[OAR 581-053-0420\(4\)\(b\)\(B\)\(ii\)](#)
[OAR 581-053-0430\(13\),\(14\)](#)

[OAR 581-053-0531\(12\),\(13\)](#)
[OAR 581-053-0615\(2\)\(c\)\(D\)\(ii\)](#)
[OAR 581-053-0620\(1\)\(d\)](#)

Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§ 31301-31317 (2012); 49 C.F.R. Parts 40, 382, 391-395 (2019).

Corrected 8/18/22



Code: GBEDA-AR
 Revised/Reviewed: 1/04/07; 10/14/10; 2/12/14
 Revised/Readopted: 6/13/18
 Orig. Code: GBEDA-AR

Drug and Alcohol Testing - Transportation Personnel (Version 1)

Prohibited Activities

Prohibited activities related to this policy are:

1. Reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration at or in excess of standards set by the Federal Highway Administration (FHWA).

The use of drugs¹, unless a written prescription from a licensed doctor or osteopath is provided, including a statement advising that the substance does not adversely affect the driver’s ability to safely operate a commercial motor vehicle;
2. Being on duty or operating a commercial vehicle while the driver possesses alcohol;
3. Using alcohol while on duty;
4. Possessing alcohol or illegal drugs while on duty;
5. Using alcohol within eight hours of an accident or before a post-accident test is given, whichever occurs first;
 - a. Eight hours following an accident;
 - b. Consumption resulting in prohibited levels of alcohol in the system.
6. Refusing to submit to a required alcohol or drug test;
7. Using or being under the influence of alcohol (as defined in #1.) within eight hours of going on duty, operating or having physical control of a commercial vehicle;
8. Reporting for or remaining on duty when using any controlled substance, unless instructed by a physician who has advised the driver and the district that the substance does not adversely affect the driver’s ability to safely operate a commercial vehicle; and

¹ “Drugs” as used in this policy refers to controlled substances covered by the OTETA, including marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP). The district may elect to allow an individual who tests positive for drugs to reapply for district employment or transfer to a covered position at a later date. At that time, the individual will again be tested for the presence of drugs. A district employee considered for transfer to an OTETA covered position who tests positive for drugs will be subject to all district policies and regulations including the district’s Drug-Free Workplace policy.

9. Reporting for duty, remaining on duty or driving if the driver tests positive for controlled substances.

Testing Requirements

In addition to prohibiting the above conduct, this policy provides for the following testing requirements:

1. Pre-employment Testing for prospective CDL drivers, whether a new hire or an in-district transfer;
2. Random Testing of CDL drivers for alcohol immediately prior to or immediately after their shifts and testing of CDL drivers for controlled substances shall be completed as required by Federal Rule or Federal Motor Carrier Safety Administration (FMCSA);
3. Reasonable Suspicion Testing based on specific, contemporaneous and articulable observations by a trained district supervisor;
4. Post-Accident Testing based on federal rules defining an accident as an incident involving a fatality or when a CDL driver is given a citation for a moving violation;
5. Post-Incident Testing based on involvement in a mishap or minor accident, that does not rise to the federal definition of accident, but which results in injury or property damage;
6. Return-to-Duty Testing requiring a negative test result for an employee who has engaged in prohibited drug or alcohol related conduct and has been returned to employment following a required evaluation by a substance abuse professional (SAP) and undergone any treatment recommended by the SAP; and
7. Follow-up Testing for a driver who has violated federal program provisions but has been returned to work (unannounced drug and/or alcohol tests at a minimum of six within a 12 month period).

Professional Assistance to District

The administration will maintain a professional firm or organization to take the following steps related to this policy:

1. Alcohol testing;
2. Drug testing;
3. Random selection of employees tested;
4. Collection site management and/or contract assistance for such sites;
5. Substance Abuse Professional (SAP) services assistance (or referral assistance);
6. Medical Review Officer (MRO) verification;
7. Blind proficiency testing;
8. Data management; and

9. Legally defensible records management.

This policy does not restrict the district's right to use other existing discipline procedures and policies to deal with a CDL employee or other employee regarding the misuse of alcohol or drugs.

District Response to Positive Test Results

Upon receiving positive test results, the district shall do the following:

1. Remove the employee from duty immediately;
2. Give the employee, at his/her request, the opportunity for retesting at his/her own cost (see testing procedures below). The district will verify that this offer has been made by the MRO;
3. An employee receiving a positive test result at or above allowable levels, which cannot be reasonably explained and excused by the MRO, shall be required to undergo, at his/her own expense, a medical evaluation for alcohol or drug abuse. Refusal to do so shall be cause for immediate dismissal;
4. Give the employee a list of local assistance/treatment programs;
5. Require the employee to pass back-to-work testing before reinstatement;
6. An employee who has not been terminated but has been identified by appropriate medical evaluation to have a need for drug or alcohol rehabilitation, shall have all appropriate rights under the Americans with Disabilities Act (ADA);
7. An employee returned to work after a positive test result who subsequently has a second positive result which cannot be medically cleared, shall be immediately terminated from employment with the district.

When the MRO determines a positive test result is valid, the MRO will report the finding to the Oregon Department of Transportation (ODOT) and the Oregon Department of Education. The person who is the subject of the test results will be notified by ODOT that the person has a right to a hearing to determine whether the test results reported will be placed in the employee's employment driving record.

Testing Procedures and Levels Results

Alcohol (breath test)

1. Below 0.02% equals a negative result.
2. 0.02% - 0.04% requires immediate retesting. If the same level is confirmed, the employee shall be removed from duty for 24 hours and be retested before returning to duty.
3. 0.04% or greater, the employee shall be immediately retested. If the same level is confirmed, the district shall take appropriate action for a positive test result.

Drugs (urinalysis)

1. A negative test result is equal to no inappropriate drug use.
2. A positive test result requires the following:
 - a. The employee may request retesting (of the original split specimen) by a separate lab at his/her own expense.
 - b. If the employee does not request a 2nd test, the district shall take appropriate action based on a positive test result.
 - c. If a retest is negative, the employee shall be deemed to have not had a positive test.
 - d. If the retest is also positive, the district shall take appropriate action based on a positive test result.

Corrected 8/03/22

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Code: GBEDA-AR
Adopted:

Drug and Alcohol Testing and Record Query - Transportation Personnel (Version 2)

The following procedures shall govern the district's drug use and alcohol misuse prevention program:

1. Program Coordinator

The director of transportation will be designated as the district's drug use and alcohol misuse prevention program coordinator. The director of transportation will coordinate the district's responsibilities and compliance efforts with the applicable provisions of the Omnibus Transportation Employee Testing Act of 1991 (OTETA). The director of transportation will:

- a. Ensure that all covered employees receive written materials explaining the district's drug use and alcohol misuse prevention program requirements including:
 - (1) The district policy and administrative regulations;
 - (2) A contact person knowledgeable about the materials, policy, administrative regulations and the OTETA;
 - (3) Categories of employees covered;
 - (4) Information about the safety-sensitive functions and what period of the workday the employee is required to be in compliance. Safety-sensitive functions shall include such responsibilities as all on-duty time waiting to be dispatched, driving time, assisting or supervising loading or unloading, repairing, obtaining assistance or remaining in attendance upon a disabled vehicle. All time spent providing drug and alcohol samples, including travel time to and from the collection or testing site as needed to comply with random, reasonable suspicion, post-accident, return-to-duty or follow-up testing, will also be considered as on-duty time;
 - (5) Specific information concerning prohibited conduct;
 - (6) Circumstances under which employees will be tested;
 - (7) Procedures used in the testing process;
 - (8) The requirement that covered employees submit to drug and alcohol testing, administered in accordance with 49 C.F.R. Part 382;
 - (9) Explanation of what constitutes a refusal to submit to a drug and/or alcohol test;
 - (10) Consequences of violations (e.g., discipline up to and including dismissal as may be required by the district and removal from safety-sensitive functions as required by the OTETA) and notification of resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and the use of drugs including the names, addresses and telephone numbers of substance abuse professionals (SAP) and counseling and treatment programs. Such information will include the consequences for covered employees found to have a breath alcohol concentration rate of 0.02 or greater, but less than 0.04, and for those employees found to have a breath alcohol content level greater than 0.04. Minimally, no driver tested and found to have a breath alcohol concentration rate of 0.02 or greater but less than 0.04 shall be permitted to perform or continue to perform safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test;

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- (11) Information on the effects of drug use and alcohol misuse on an individual’s health, work and personal life; signs and symptoms of an alcohol or drug problem (driver’s or coworker’s); and available methods of intervening when such problems are suspected, including confrontation, referral to an employee assistance program as available and/or referral to the administration; and
- (12) Requirement of the district to collect, maintain and report the following information to the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse¹:

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- (a) A verified positive, adulterated, or substituted drug test result;
- (b) An alcohol confirmation test with a concentration of 0.04 or higher;
- (c) A refusal to submit to any test required by subpart C of 49 C.F.R. Part 382;
- (d) An employer’s report of actual knowledge (as defined at 49 C.F.R. § 382.107) of a violation of regulations, including:
 - (i) On duty alcohol use;
 - (ii) Pre-duty alcohol use;
 - (iii) Alcohol use following an accident;
 - (iv) Controlled substance use.
- (e) A SAP’s report of the successful completion of the return-to-duty process;
- (f) A negative return-to-duty test; and
- (g) An employer’s report of completion of follow-up testing.

- b. Ensure that employees sign statements certifying that they have received the materials;
- c. Ensure that administrators or their designee, designated to determine reasonable suspicion, receive at least 60 minutes of drug abuse training and an additional 60 minutes of alcohol misuse training. Training will include the physical, behavioral, speech and performance indicators of probable drug use and alcohol misuse;
- d. Ensure district compliance with applicable provisions of the OTETA’s requirements regarding the district’s management information system, retention and confidentiality of records;
- e. Ensure selection of a site with appropriately trained personnel for the collection of specimens for drug testing;
- f. Ensure selection of a site with a certified breath alcohol technician and evidential breath testing devices for alcohol testing;
- g. Ensure selection of a laboratory certified by the Oregon Health Authority, Public Health Division (“OHA”) to conduct drug specimen analysis;
- h. Ensure selection of a qualified medical or osteopathic doctor to serve as a medical review officer (MRO) to verify laboratory drug test results;
- i. Ensure selection of qualified personnel to provide education and training to employees and supervisors in accordance with employee assistance program requirements as specified in the OTETA;
- j. Ensure the district’s drug use and alcohol misuse prevention program is maintained in at least outline form, on file and available for inspection at the district office. The district shall maintain the following:

- (1) Information on the effects and consequences of drug and alcohol use on personal health, safety and the work environment;
- (2) Information on the manifestations and behavioral changes that may indicate drug and alcohol use or abuse;
- (3) Documentation that drug training for all supervisory personnel has consisted of at least 60 minutes;

¹ <https://clearinghouse.fmcsa.dot.gov/>

- (4) Documentation that alcohol training for all supervisory personnel has consisted of at least 60 minutes;
- (5) Documentation of training given to employees.

k. Ensure the establishment of clearly defined communication procedures to include the method (e.g., mail, facsimile) and frequency (e.g., monthly, daily, weekly) as well as the authorized individuals to impart and receive information to meet the documentation and confidentiality requirements of the OTETA;

l. Ensure employee organizations receive written notice of the availability of all pertinent drug use and alcohol misuse prevention program information.

2. Pre-employment and Annual Queries from, and Required Reporting to FMCSA

The district is required to conduct a pre-employment query with FMCSA on drivers who are subject to controlled substance and alcohol testing regulation, and is required to report information obtained through its controlled substance and alcohol testing program to FMCSA. All offers of employment for positions identified by the district, as required by the OTETA, will be contingent upon the results of a pre-employment query.

- a. The district will obtain written or electronic consent from a driver subject to controlled substances and alcohol testing to conduct a pre-employment query with FMCSA. The consent will include consent to obtain the following information:
 - (1) If the driver has a verified positive, adulterated, or substituted controlled substances test result;
 - (2) If the driver has an alcohol confirmation test with a concentration of 0.04 or higher;
 - (3) If the driver has refused to submit to a test (in violation of 49 C.F.R. § 382.211); or
 - (4) If the driver has a report submitted by another employer on actual knowledge (as defined at 49 C.F.R. § 382.107) of a violation of regulations that included:
 - (a) On duty alcohol use;
 - (b) Pre-duty alcohol use;
 - (c) Alcohol use following an accident; or
 - (d) Controlled substance use.

The district will conduct annual queries² with the FMCSA on employees subject to such queries as required by law.

- b. The district will report³ to FMCSA the following personal information about a driver that is collected and maintained in connection with the district's testing program:
 - (1) An alcohol confirmation test with an alcohol concentration of 0.04 or greater;
 - (2) A refusal to submit to an alcohol test pursuant to conditions found in 49 C.F.R. § 40.261 or a refusal to drug test determination made in accordance with 49 C.F.R. § 40.191(a)(1)-(4), (a)(8)-(11) or (d)(1), but in the case of a refusal to test under (a)(11), the district may report only those admissions made to the specimen collector;
 - (3) A SAP's report of the successful completion of the return-to-duty process;
 - (4) A negative return-to-duty test; and

² Written consent from the driver is required. This may be a limited query when allowed. If the limited query indicates that the FMCSA contains information on the driver, the district will conduct a full query within 24 hours and must not allow driver to perform safety-sensitive functions.

³ The district will complete such reporting to FMCSA by close of the third business day following receipt of the information.

- (5) An employer's report of completion of follow-up testing.

The report will include, as applicable:

- (1) Reason for the test;
- (2) Driver's name, date of birth, and CDL number and State of issuance;
- (3) Employer name, address, and USDOT number;
- (4) Date of the test;
- (5) Date the result was reported; and
- (6) Test result. The test result must be one of the following:
- (a) Negative (only required for return-to-duty tests administered in accordance with law);
 - (b) Positive; or
 - (c) Refusal to take a test.
- (7) An employer's report of a driver's refusal to submit⁴ to alcohol or drug testing must include the following information:
- (a) Documentation, including, but not limited to, electronic mail or other contemporaneous record of the time and date the driver was notified to appear at a testing site; and the time, date and testing site location at which the employee was directed to appear, or an affidavit providing evidence of such notification;
 - (b) Documentation, including, but not limited to, electronic mail or other correspondence, or an affidavit, indicating the date the employee was terminated or resigned (if applicable); and
 - (c) Documentation, including a certificate of service or other evidence, showing that the employer provided the employee with all documentation reported herein.
- (8) An employer's report of a violation of one of the following will occur by the close of the third business day following the date on which the employer obtains actual knowledge (as defined at 49 C.F.R. § 382.107):
- (a) On duty alcohol use;
 - (b) Pre-duty alcohol use;
 - (c) Alcohol use following an accident;
 - (d) Controlled substance use.

This report will include the following information:

- (a) Driver's name, date of birth, CDL number and State of issuance;
- (b) Employer name, address, and USDOT number, if applicable;
- (c) Date the employer obtained actual knowledge of the violation;
- (d) Witnesses to the violation, if any, including contact information;
- (e) Description of the violation;
- (f) Evidence supporting each fact alleged in the description of the violation required under paragraph above in this section, which may include, but is not limited to, affidavits, photographs, video or audio recordings, employee statements (other than admissions pursuant to §382.121), correspondence, or other documentation; and

⁴ 49 C.F.R. § 40.261(a)(1) or 40.191(a)(1)

- (g) A certificate of service or other evidence showing that the employer provided the employee with all information reported under paragraph above in this section.

If the district's program coordinator is the subject of the testing, the district will ensure compliance with applicable consent, testing, and reporting requirements pursuant to law.

3. Pre-employment Testing

The district shall conduct pre-employment testing as follows:

- a. All offers of employment for positions as identified by Board policy and as required by the OTETA will be contingent upon drug test results;
- b. Individuals offered employment with the district and employees transferring to positions subject to the OTETA contingent on drug testing, must provide written consent for the release of any prior employer positive drug and failed alcohol testing results, refusals to be tested, other violations of testing regulations and, with respect to any employee who violated drug and alcohol regulations, documentation of the employee's successful completion of return-to-duty requirements (including SAP evaluations and follow-up tests) within the preceding two years;
- c. The district shall obtain and review such drug and alcohol information from previous employers of the past two years before the driver is used for the first time. The district will provide the written permission of the driver, for release of information, to the previous employers;
- d. The district will maintain a written, confidential record of information obtained from another employer or the good faith efforts to obtain such information, and will maintain the same for three years from the date the driver's service began.
- e. ⁵Requests received by the district for release of such information to another employer must include written consent from the subject driver. Records will be released immediately in any written form (e.g., fax, email, letter) that ensures confidentiality. The district will maintain a written record and summary of information released, the date, and to whom the information was released;
- f. The district must ask a driver, and will not use such driver, if they have a positive drug test or a failed alcohol test while employed with a previous employer or who refused to test while under employment with a previous employer in the past two years unless the driver is in compliance with the SAP's treatment program and the OTETA's return-to-duty test requirements;
- g. Prior to being directed by the district to a collection site for drug testing, the applicant will be notified that the urine sample collected shall be tested for the presence of drugs;
- h. Failure to report to the collection site for testing within the time frame specified by the district shall constitute a refusal to report for testing and result in immediate withdrawal of the employment or transfer offer;
- i. Pre-employment drug testing will be paid for by the district;
- j. Tests must indicate negative drug test results. Individuals who fail to meet such drug requirements will not be hired or transferred voluntarily or involuntarily to covered positions;
- k. Such testing will also be required of covered employees each time an employee returns to work after a layoff period if the employee was removed from the random testing pool. As long as the employee remains in the random testing pool, additional testing or subsequent pre-employment drug testing will not be necessary following a layoff;
- l. The district will notify individuals offered employment with the district contingent on drug testing of the results of such testing upon request within 60 days of being notified of the disposition of the employment application;

⁵ Pertains to requests received by the district from other employers.

- m. Refusal to submit to drug testing and/or to provide signed permission for the release of past testing information as required by the district shall result in immediate termination from employment;
- n. The individual may request a screening of the split specimen at their own expense. All such requests must be received in writing by the district no later than 72 hours following notification to the applicant of the positive test results.

4. Post-accident Testing

The district shall conduct post-accident testing as follows:

- a. It is the responsibility of the employee to report for post-accident drug and alcohol testing as soon as practicable following a motor vehicle accident which occurs while the employee is performing district safety-sensitive functions in which students are on board:
- (1) The employee will report to the designated collection site for post-accident drug and alcohol testing as soon as practicable following the occurrence of the accident;
 - (2) If alcohol testing has not been administered within two hours, the district shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered;
 - (3) If alcohol testing is not administered within eight hours, the district shall cease attempts to administer an alcohol test and shall state and maintain on file a record specifying why the test was not administered;
 - (4) If drug testing has not been administered within 32 hours following the accident, the district will cease attempts to administer such tests and will document why the test was not administered;
 - (5) The employee will contact the district official or designee as soon as practicable following the accident giving as much detailed information about the accident as possible (e.g., fatalities, injuries, tow-a-ways, traffic citation issued, etc.).
- b. The district will provide employees with necessary post-accident testing information, procedures and instructions as a part of its employee training program. Additionally, written instructions to follow in the event of an accident will be provided in district vehicles as appropriate. Instructions will include locations of drug specimen collection and alcohol testing sites and telephone number of the district drug use and alcohol misuse prevention program coordinator or other district officials to contact;
- c. The employee shall remain readily available for testing or may be deemed by the district to have refused to submit to testing. Such refusal is treated as if the district received an alcohol test result of 0.04 or greater or received a positive drug test. Nothing in this requirement shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care;
- d. Results of a breath or blood test for the use of alcohol or a urine test for the use of drugs conducted by on-site federal, state and/or local law enforcement officials having independent authority for the test shall be considered to meet necessary requirements provided results of the test are obtained by the district and the tests conform to all applicable federal, state and/or local requirements;
- e. An employee who is involved in an accident involving a fatality, injury and/or tow-away as described by the OTETA is prohibited from using alcohol for eight hours after the accident or until the employee undergoes a post-accident alcohol test, whichever occurs first.

5. Random Testing

The district shall conduct random drug and alcohol testing annually as follows:

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- a. Not less than 25 percent of the average number of driver positions shall be tested for drugs and not less than 10 percent shall be tested for alcohol in accordance with current minimum random testing requirements of the OTETA. Any unfilled, covered positions will be included as part of the total number of positions counted by the district for testing rate purposes.
 - (1) The district will exceed minimum testing rates.
 - (2) In exceeding minimum testing rates, the district requires that 25 percent of covered employees shall be randomly tested annually for drugs and 10 percent shall be randomly tested annually for alcohol.
 - b. The testing rate may be adjusted by FMCSA based on industrywide data;
 - c. The testing process shall, in fact, be random. Unless advised otherwise by their consortium, all employees will remain in the pool of drivers for each subsequent period, including vacations, holiday periods and summer recesses, whether or not they have been chosen for testing in the past;
 - d. The selection of employees for random testing shall be made by a scientifically valid method. The process selected by the district will ensure that all employees shall have an equal chance of being tested each time selections are made. The district will use the following system:

Computerized system provided through a consortium:

A random number generating program will be loaded into a computer along with the employees' social security number, payroll identification number or other comparable identification number for testing that meets Federal requirements.

- e. All such testing shall be unannounced and dates selected spread reasonably throughout the calendar year to avoid predictability and the perception that testing is "done for the year." Districts with six or less covered employees may annually select a single calendar date for random drug and alcohol testing⁶. The date selected will be kept confidential to ensure that testing is unannounced as required by law;
- f. Following notification of testing, selected employees shall proceed to the district-selected collection site immediately or as soon as practicable;
- g. Each employee selected for testing shall be tested during the selection period;
- h. Employees shall only be tested for alcohol just before the driver is scheduled to perform safety-sensitive functions, during or just after performing such functions;
- i. Employees off work due to leave of absence, vacation and layoff will be informed that they remain subject to random testing. Employees drawn for such testing will be notified and tested as soon as practicable upon return to duty but no later than the next selection cycle (e.g., monthly, quarterly, etc.).

6. Reasonable Suspicion Testing

The district shall conduct reasonable suspicion drug and alcohol testing as follows:

- a. The district will test covered employees when there is reasonable suspicion to believe that the employee has engaged in drug use or alcohol misuse;
- b. Reasonable suspicion will be based on specific contemporaneous, articulable observations made by a trained supervisor as designated by the district, concerning appearance, behavior, speech or body odors indicative of employee use of drugs or the misuse of alcohol. Observations of drug use may include indications of chronic and withdrawal effects of drugs and noticeable degradation of job performance that may be associated with the use of drugs;
- c. Hearsay or secondhand information is not sufficient to require an employee to submit to testing;

⁶ The next "calendar year date" for random testing starts from the day after the random testing date.

- d. Alcohol testing may be authorized only if observations resulting in reasonable suspicion are made during, just preceding or just after the period of the workday that the employee is required to be in compliance with this policy, administrative regulations and applicable OTETA provisions;
- e. A written record shall be made of the observations leading to a reasonable suspicion drug test and signed by the administrator or designee authorized to make such observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier;
- f. The district will ensure that the employee under reasonable suspicion is transported to the designated collection or testing site.

7. Referrals, Evaluation and Treatment

The district shall provide information related to referrals, evaluation and treatment as follows:

- a. The district shall advise covered employees, who violate the drug and alcohol prohibitions, of referral services available for evaluating and resolving problems associated with the use of drugs and the misuse of alcohol. Such information will include the names, addresses and telephone numbers of SAPs and counseling and treatment programs;
- b. An employee who engages in such prohibited conduct shall be evaluated by a SAP;
- c. The SAP will determine what assistance if any the employee needs in resolving problems associated with drug use and alcohol misuse;
- d. This requirement applies only to current employees and not to job applicants who refuse testing or who test positive for drugs;
- e. This requirement shall not be interpreted to require the district to provide or pay for any rehabilitation costs or to hold a job open for an employee with or without salary;
- f. SAPs, as referred to in these administrative regulations, means:
 - (1) Licensed physicians with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related disorders;
 - (2) Licensed or certified psychologists, social workers or employee assistance professionals with like knowledge; and
 - (3) Alcohol and drug abuse counselors certified by the Association for Addiction Professionals (NAADAC). This does not include state-certified counselors.

8. Return-to-Duty Testing

Employees, if they continue employment and before they return to duty, shall comply with the following:

- a. When an employee has previously tested greater than or equal to 0.04 for alcohol, the employee must retest (return-to-duty test) with an alcohol concentration of less than 0.02;
- b. When an employee has previously tested positive for drug use, the employee must retest (return-to-duty test) with a verified negative test result.

9. Follow-up Testing

Employees, if they continue employment, shall comply with the following:

- a. Follow-up testing will be conducted whenever a SAP determines that an employee is in need of resolving problems associated with drug use and/or alcohol misuse;
- b. Follow-up alcohol testing will be conducted only when the employee is performing safety-sensitive functions, just before or just after the driver has performed safety-sensitive functions;

- c. Follow-up drug and alcohol testing will be unannounced⁷;
- d. The number and frequency of such tests shall be determined by the SAP. Minimally, there shall be:

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- (1) At least 6 unannounced tests in the first 12 months following the driver's return to duty;
- (2) Testing shall not exceed 60 months from the date of the employee's return to duty. The SAP, however, may terminate the follow-up testing at any time after the first six tests if the SAP determines the testing is no longer needed.

10. Drug and Alcohol Testing Procedures

The district, in cooperation with contracted collection and testing facilities, shall maintain drug and alcohol testing procedures as follows:

a. Drugs

- (1) The applicant or employee reports to the district-designated collection site and provides positive identification (e.g., photo ID);
- (2) A urine sample for drug testing is provided. A "split specimen" (two urine specimen bottles) is prepared from the urine sample;
- (3) Following completion of a chain-of-custody form, both specimen bottles are forwarded to the OHA certified laboratory for analysis. The split specimen is stored at the laboratory for later testing as may be necessary. Initial testing is performed only on one specimen bottle;
- (4) Testing results are reported to the district-selected MRO by mail or electronic transmission. Results may not be given over the phone;
- (5) The MRO will verify negative and positive testing results;
- (6) The MRO will report the verified negative testing results to the district;
- (7) The MRO will report verified positive testing results to the applicant or employee, discuss the type of illegal substance found and determine whether there is any valid medical reason for the positive testing results;
- (8) A verified valid medical reason for a positive test result will be reported as a negative test result to the district;
- (9) If no legitimate medical reason exists for positive drug testing, the MRO will report a confirmed positive test result and identity of the substance(s) to the district;
- (10) The employee or applicant may request within 72 hours of a positive test notice that the split specimen (second bottle) be screened. Such screening costs will be paid for by the employee;
- (11) Unlike the original specimen analyzed for specific levels of controlled substances, the split specimen is analyzed only for the presence of drugs;
- (12) The MRO will report results of the second screening to the employee and the district;
- (13) The MRO will meet all the OTETA requirements including review of chain-of-custody control form, administrative processing of negative test results, verification of positive testing results, report to the FMCSA, and maintenance of confidentiality requirements as may be applicable;
- (14) Detailed drug testing procedures may be obtained by contacting the district's drug use and alcohol misuse prevention coordinator or designee.

b. Alcohol

- (1) The employee reports to the district-designated testing site and provides positive identification;

⁷ A follow-up test shall not also serve as a random test, and vice versa.

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- (2) Under the alcohol testing rule, an alcohol test result will be considered failing even if over-the-counter or legally prescribed medication is involved;
- (3) All alcohol screening tests will be conducted by a qualified breath alcohol technician using evidential breath testing devices; **OR** a qualified screening test technician using an alcohol screening device other than an evidential breath testing device;
- (4) Testing may be conducted at an OHA certified laboratory or other location including mobile facilities equipped for such testing as may meet the requirements of the OTETA;
- (5) District supervisors should generally not be used as a breath alcohol or screening test technician for covered employees. Under certain circumstances, a properly trained district supervisor may conduct such testing in the absence of another technician;
- (6) The employee submits to breath or saliva testing;
- (7) If the result of the testing indicates an alcohol concentration rate of 0.02 or greater, a confirmation breath test is administered after at least 15 minutes, but no longer than 30 minutes, after the initial testing. All confirmation tests will be conducted using evidential breath testing devices;
- (8) The technician will report any invalid tests, confirmed failing and passing results to the district;
- (9) Employee refusal to sign forms as required (i.e., Step 2 on the Alcohol Testing Form) shall be considered as refusal to be tested;
- (10) The breath alcohol or screening test technician will meet all OTETA requirements including such testing procedures, Alcohol Testing Form and confidentiality requirements as may be required;
- (11) Detailed alcohol testing procedures may be obtained by contacting the district's drug use and alcohol misuse prevention program coordinator or designee.

11. Positive Test Result

When the MRO determines a positive test result is valid, the MRO will report the finding to the Oregon Department of Transportation (ODOT) and the Oregon Department of Education. The person who is the subject of the test results will be notified by ODOT that the person has a right to a hearing to determine whether the test results reported will be placed in the employee's employment driving record.

12. Record Keeping/Record Reporting

The district shall maintain records of its drug use and alcohol misuse prevention program as follows:

a. Records related to the collection process:

- (1) Collection logbook, if used;
- (2) Documents relating to the random selection process;
- (3) Documents generated in connection with decisions to administer reasonable suspicion drug or alcohol testing;
- (4) Documents generated in connection with decisions on post-accident testing;
- (5) Documents verifying the existence of an explanation of the inability of an employee to provide adequate breath or to provide a urine specimen for testing;
- (6) An annual calendar year report summarizing results of the district's drug use and alcohol misuse prevention program will be prepared and maintained when requested by FMCSA as part of an inspection, investigation, special study or for statistical purposes;
- (7) Calibration documentation for evidential breath testing devices;
- (8) Documentation of breath alcohol or screening test technician training while the individual performs the functions which require the training.

b. Records related to each query:

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- (1) Documents related to consent of any query;
 - (2) Documents related to information received for a pre-employment or annual query;
 - (3) Documents related to meeting reporting requirements.
- c. Records related to pre-employment verification with a driver's previous employer;
- d. Records related to a driver's test results, including:
- (1) The district's copy of the alcohol testing form, including the test results;
 - (2) The district's copy of the controlled substance test custody and control form;
 - (3) Documents sent by the MRO to the district;
 - (4) Documents related to the refusal of any employee to submit to drug and/or alcohol testing;
 - (5) Documents presented by a driver to dispute the results of a drug and/or alcohol test administered in connection with the requirements of the OTETA.
- e. Records related to evaluations as follows:
- (1) Records pertaining to a determination by a SAP concerning an evaluation of covered employees' need for assistance;
 - (2) Records concerning a driver's compliance with recommendations of the SAP.
- f. Records related to education and training as follows:
- (1) Materials on drug use awareness and alcohol misuse including a copy of the district's policy and administrative regulations on drug use and alcohol misuse and related information;
 - (2) Driver's signed receipt of education materials;
 - (3) Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for drug and/or alcohol testing based on reasonable suspicion;
 - (4) Certification that any training conducted in compliance with the OTETA meets all pertinent requirements for such training.
- g. Records related to alcohol and drug testing as follows:
- (1) Agreements with collection site facilities, laboratories, MROs and consortia (includes breath alcohol technicians, screening test technicians and third party providers), as applicable;
 - (2) Names and positions of officials and their role in the district's drug and alcohol testing program(s);
 - (3) Semiannual laboratory statistical summaries of urinalysis as required by the OTETA and as reported by the laboratory. The district will document laboratory failures to provide statistical summaries and any district follow-up efforts to obtain such reports.
- h. Records will be retained by the district as follows:
- (1) Five Years:
 - (a) Records of employee alcohol-testing results with results indicating an alcohol concentration of 0.02 or greater;
 - (b) Records of verified positive drug testing results;
 - (c) Documentation of refusals to take required drug and/or alcohol tests;
 - (d) Employee evaluation and referrals;
 - (e) Testing program records including violations;
 - (f) A copy of each annual calendar year report summary;

(g) Equipment calibration documentation when required (See 12. a. (7)).

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(2) Three Years:

- (a) Records related to each query and all information received in response to each query. Documentation of a consent will be retained for three years from the date of the last query.
- (b) Pre-employment records obtained, or good faith efforts to obtain, from a previous employer about a driver.

(3) Two Years:

Records related to the drug and alcohol collection process (except calibration of evidential breath testing devices).

(4) One Year:

Records of negative and cancelled drug-testing results and alcohol test results with a concentration of less than 0.02.

(5) Indefinite Period:

Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors and drivers shall be maintained by the district while the individual performs the functions which require training and for two years after ceasing to perform those functions.

i. Records will be maintained in a secure location with controlled access to ensure confidentiality requirements are met as follows:

- (1) Drug use and alcohol misuse prevention program records will be maintained at the district office. Records relating to individual employee drug and/or alcohol testing, evaluation and treatment will be maintained separately from the employee's personnel file;
- (2) Employees are entitled upon written request to obtain copies;
- (3) The district may disclose information in connection with employee benefit proceedings, Department of Transportation agency action against an employee or National Transportation Safety Board safety investigations;
- (4) The district shall disclose such information⁸ to subsequent employers upon written request from the employee (in accordance with 49 C.F.R. § 382.413);
- (5) The district will provide access to any drug and alcohol collection and/or testing facility records maintained by the district as described by the OTETA (i.e., those federal agencies, state and local officials who have regulatory authority over the district's covered employees).

Corrected 8/18/22

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⁸ Information that must be disclosed to subsequent employers upon receipt of proper authorization form/release signed by the employer's ex-driver: (a) Failed alcohol tests (breath alcohol content of 0.04 or greater); (b) Verified positive drug test; (c) Refusals to test.



Code: GBG
Adopted:

Staff Participation in Political Activities

Employees may exercise their right to participate fully in affairs of public interest on a local, county, state and national level on the same basis as any community member in a comparable position in public or private employment and within the law.

All district employees are privileged within the limitations imposed by state and federal laws and regulations to choose any side of a particular issue and to support their viewpoints as they desire by vote, discussion or persuading others. Such discussion and persuasion, however, will not be carried on during the performance of district duties, except in open discussion during classroom lessons that consider various candidates for a particular office or various sides of a particular political or civil issue.

On all controversial issues, employees must designate that the viewpoints they represent on the issues are personal and are not to be interpreted as the district’s official viewpoint.

No employee will use district facilities, equipment or supplies in connection with their political activities, nor will they use any time during the work day for such political activities.

END OF POLICY

Legal Reference(s):

[ORS Chapter 244](#)

[ORS 260.432](#)

OR. CONST., art. XV, § 8.

Corrected 8/03/22



Code: JECAC/GBH
Adopted: 6/13/18
Revised/Readopted: 9/28/22
Orig. Code: JECAC/GBH

Staff/Student/Parent Relations**

The Board encourages parents to be involved in their student’s school educational activities and, unless otherwise ordered by the courts, an order of sole custody on the part of one parent shall not deprive the other parent of the following authority as it relates to:

1. Receiving and inspecting their student’s education records and consulting with school staff concerning the student’s welfare and education, to the same extent as provided the parent having sole custody;
2. Authorizing emergency medical, dental, psychological, psychiatric or other health care for the student if the custodial parent is, for practical reasons, unavailable.

It is the responsibility of the parent with sole custody to provide any court order or parental plan that curtails the rights of the noncustodial parent at the time of enrollment or any other time a court order is issued.

In the case of joint custody, the district will adhere to all conditions specified and ordered by the court.

The district will use reasonable methods to identify and authenticate the identity of both parents.

END OF POLICY

Legal Reference(s):

[ORS 107.101](#)
[ORS 107.102](#)

[ORS 107.106](#)
[ORS 107.154](#)

[ORS 109.056](#)
[ORS 163.245 - 163.257](#)

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2012); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2017).

Protection of Pupil Rights, 20 U.S.C. § 1232h (2012); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2017).



Code: GBI
Adopted: 8/28/19
Orig. Code: GBI

Staff Gifts, Fund Raising, Soliciting and Selling

Staff Gifts

All personnel shall refrain from accepting any gift, special favor or other consideration from a school supplier or any other company for personal use that may be deemed capable of influencing their judgment in the area of purchasing.

Gifts to teachers, coaches or other personnel, purchased by collection among students, are to be discouraged, as are gifts purchased through student body or related funds. Each teacher shall assume the responsibility for making this policy clear to groups of students who might be so inclined.

Exceptions authorized by the superintendent or designee are gifts to the school, floral pieces for funerals or gifts of flowers or similar tokens for illness or misfortune.

Fund Raising

Staff members must obtain their supervisor's prior approval to solicit funds in the name of the school or district. Prior to approval the staff member and supervisor will consider equity policy IKAAA/GCCB/GDCB along with other applicable policies.

Fund raising includes, but is not limited to, internet-sourced crowdfunding (e.g., GoFundMe, DonorsChoose, Adopt a Classroom). When using an internet-sourced crowdfunding method, the soliciting employee shall:

1. Monitor the site to ensure that no student information is disclosed improperly and no images are used without permission;
2. Ensure that the site has clearly defined terms of service and a privacy policy;
3. Request and receive approval from executive director of technology for all technology purchases; and/or
4. Request and receive approval from director of facility operations for projects that involve grounds or capital improvements and/or
5. Request and receive approval from principal or supervising administrator for any other projects.

Fund raising conducted by staff must be in compliance with all district policies and expressly adhere to all procedures outlined in GBI-AR. Tangible property or property purchased with financial donations to the

schools becomes the property of the district and is subject to the same controls and regulations that govern the use of school assets.

Soliciting and Selling

All employees of the district shall refrain from soliciting other district employees while on the confines of district property for the purposes of charity, subscriptions, etc. No person or agency shall be allowed to solicit district employees while on the confines of district property for purposes of charity, subscriptions, etc.

School personnel will not use their position to gain access to students or their families for the purpose of influencing prospective buyers. Employees will not sell books, supplies, or educational materials to parents of students in the district.

END OF POLICY

Legal Reference(s):

[ORS 244.010](#) to -244.400
[ORS 339.880](#)

[OAR 584-020-0000](#) to -0045
[OAR 199-005-0005](#) to -199-020-0020

Corrected 8/03/22



Code: GBI-AR
Revised/Reviewed: 8/14/19
Orig. Code: GBI-AR

Internet-Sourced Crowdfunding Solicitation

Definitions:

Crowdfunding — the practice of funding a project or venture by raising monetary contributions from a large number of people, typically via the Internet.

Campaign — a fundraising effort launched on an approved platform that is designed to raise funds to meet an advertised goal or need.

All district or school internet-sourced crowdfunding, or other similar types of monetary solicitation, shall be in compliance with all district fund-raising policies, requiring preapproval from the employee's supervisor.

The soliciting employee shall monitor the internet-sourced crowdfunding site to ensure that no student information is disclosed improperly and no images are used without permission.

The soliciting employee shall ensure that the internet-sourced crowdfunding site is legitimate, and that the terms of the site are being followed.

Before any information may be published or any fundraising efforts may begin, all technology purchase requests must be approved by the executive director of technology; all projects that involve grounds or capital improvements must be approved by the director of facilities; all other projects must be approved by the employee's supervising administrator (principal, coordinator, director, etc.).

Contributions of property or services that may involve major costs for installation or maintenance, or initial or continuing financial commitments from school funds, will be presented by the superintendent for Board consideration and approval.

Tangible property or property purchased with financial donations to the schools becomes the property of the district and is subject to the same controls and regulations that govern the use of school assets.

All monetary donations shall be recorded in the proper school or district fund. No school or district banking information shall be given out. Funds and goods will be distributed to the district and not to the individual.

Additional Requirements/Restrictions:

1. All crowdfunding campaigns must be established on a district approved fundraising website (e.g., Go Fund Me, Donors Choose, Adopt a Classroom).

2. All crowdfunding campaigns must support educational or instructional-based initiatives.
3. Completion of the Reynolds School District (RSD) crowdfunding application is required for all crowdfunding campaigns.
4. A crowdfunding summary report must be submitted to the RSD business office no later than 10 school days following the completion of the crowdfunding campaign.
5. All proceeds for the crowdfunding must be used for the purpose set forth in the crowdfunding application.
6. All funds raised by the approved campaign must adhere to RSD fundraising guidelines.
7. All items or services purchased with campaign funds are understood to be the sole property of the Reynolds School district.
8. All funds or withdrawal of funds from crowdfunding campaigns must be deposited into the Reynolds School district banking account designated for the campaign.
9. All donated items must be shipped/received at the benefitting district location and may not be shipped/received to an employee's home.
10. No campaigns may be created to benefit individuals.
11. No campaign funds may be transferred from one campus to another.
12. No fundraising may be done for non-district organizations and charities (i.e. Red Cross fundraising for a local emergency).



Request to Conduct Online Fundraising Activities Form

This form is to be used by clubs, other groups, or individual staff members planning to conduct online fundraising activities.

Name of club/organization/staff member conducting fundraising activities:	
Date (s) and time (s) of fundraising activity:	
Website chosen for fundraising activity (Requestor may choose from Go Fund Me, Donors Choose, or Adopt a Classroom only. All other sites are prohibited for Reynolds School District fundraising activities.):	
Describe the online fundraising activity:	
For what purpose is the Fundraising activity being conducted (How does it relate to current district goals and/or curriculum?):	
Who is responsible for the fundraising activity? Name/Phone number:	

Approved by Administrator: _____ Date: _____

Money raised, donations, etc. has been submitted to bookkeepers office.

Deposit amount \$ _____ Date: _____



Online Fund Raising Application Form

_____ wishing to conduct online fundraising activities must complete the Online Fund Raising Application Form for principals or administrators review and authorization.

Date of request: _____

Name of requestor: _____ Phone: _____

Name of organization: _____

Start date of online fundraiser: _____ End date of fundraiser: _____

Description/purpose of online fundraiser (include how it relates to current curriculum):

Proceeds go to: _____

Website chosen for proposed fundraiser (requestor may choose from Go Fund Me, Donors Choose, or Adopt a Classroom only. All other sites are prohibited for Reynolds School District online fundraising activities):

Estimate of amounts to be raised: _____

Proceeds will be deposited to account number: _____ (Rev acct)

Name of account: _____

_____ (Exp acct)

Name of account: _____

Administrators signature: _____ Date: _____



Fundraising/Activity Receipt Report

This form is to be used by clubs, other groups, or individual staff members to recording receipts for any online fundraising. Instructions: This form is to be filled out at either the completion of an activity or, if the fundraiser occurs over a longer period of time, on a regular basis and submitted with the receipts to the bookkeeper.

1. **Never deposit to a personal account.**
2. If given a cash box for change, count change before sales begins. If there is a discrepancy, notify the bookkeeper.
3. At the close of sales, arrange money in denominations indicated above.
4. Place all bills face up and in the same direction.
5. Count and enter amounts on the activity. Receipt report form.
6. Rolled coins. Do not open rolled coin unless needed.
7. Sign this report as seller or advisor below and return with deposit to bookkeeper.

Club: _____ Event: _____
 Advisor: _____ Event date: _____
 Check (#): _____ Checks: _____ Total checks: _____

Cash _____ x 100's = _____
 x 50's = _____
 x 20's = _____
 x 10's = _____
 x 5's = _____
 x 1's = _____ Total cash: \$ _____

Coin _____ x 1's = _____
 x .50 = _____
 x .25 = _____
 x .10 = _____
 x .05 = _____
 x .01 = _____ Total coin: \$ _____

Total checks/cash/coin: \$ _____

Verified by: _____ (signature)	Date: _____
Less till change: _____	
Advisor Name: _____ (signature)	Date: _____
Deposit total: \$ _____	
Bookkeeper/designee: _____	Recvd. Date: _____

Corrected 8/03/22



Code: GBK/KGC
 Adopted: 1/04/07
 Revised/Readopted: 1/12/11; 9/09/15; 6/13/18
 Orig. Code: GBK/JFCG/KGC

Prohibited Use, Distribution or Sale of Tobacco Products ~~and~~ or Inhalant Delivery Systems

Overview

To be consistent with Oregon law, the use, distribution or sale ~~Law OAR 581-021-0110 and district curriculum. The board therefore establishes an environment free of tobacco, smoke, aerosols and/or vapors containing inhalants.~~

No staff member or school visitor is permitted to smoke, inhale, dip, chew, sell or distribute tobacco products or inhalant delivery systems by staff and all others is prohibited on district premises ~~or products at any time, including non-school hours, in any building or facility, on district grounds, including parking lots, in any or vehicle owned, leased, rented, or chartered by the school-district, school or public charter school and at all district- or, or on school grounds, athletic grounds, or parking lots, or at school-sponsored activities on or off district premises.~~ Staff or others authorized to use any private vehicle to transport district students to school-sponsored activities are prohibited from using tobacco products and inhalant delivery system products or similar devices in those vehicles while students are under their care.

For the ~~purpose~~ purposes of this policy, ~~rule~~ “tobacco ~~products~~ product” is defined to include, but not limited to, any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, ~~and~~ spit tobacco, also known as smokeless, dip, chew ~~or, and~~ snuff, in any form. This does not include products that are USFDA-approved for sale as a tobacco cessation product or for any other therapeutic purpose, if marketed and sold solely for the approved purpose.

For the purpose of this policy, “inhalant delivery system” means a device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from the device; or a component of a device or a substance in any form sold for the purpose of being vaporized or aerosolized by a device, whether the component or substance is sold or not sold separately. This does not include products that are USFDA-approved for sale as a tobacco cessation product or for any other therapeutic purpose, if marketed and sold solely for the approved purpose.

Advertising

Clothing, bags, hats and other personal items used by staff to display, promote or advertise tobacco products or inhalant delivery systems are prohibited on district grounds or premises, including parking lots, at school-sponsored activities or in district vehicles. Tobacco product or inhalant delivery system product advertising is prohibited, on all district premises, including parking lots, in all school-sponsored publications and at all school-sponsored events. District acceptance of gifts or funds from the tobacco

product or inhalant delivery system product industries is similarly prohibited. The district will not contract with other public or private alternative schools that allow the use of tobacco products or inhalant delivery systems or products on campus.

Staff Violations

Staff violations of this policy by staff will result in discipline will lead to disciplinary action up to and including dismissal.

Violations by all others will result in appropriate sanctions as determined and imposed by the superintendent or the Board. The district reserves the right to restrict access to district property by individuals who are repeat offenders.

District Responsibility

~~Information about community resources and/or cessation programs to help staff and students overcome tobacco use will be provided (i.e., the Oregon Tobacco Quit Line (800-784-8669, 877-266-3863—Spanish and 877-777-6534—TTY), other cessation resources and positive alternatives to discipline). Cessation programs may be established at district schools.~~

The superintendent shall consult with local officials to promote enforcement of law that prohibits the possession of tobacco products or inhalant delivery systems or products by persons under 21 years of age on or off district grounds or at district-sponsored activities.

This policy shall be enforced at all times. The superintendent will develop guidelines as necessary to implement this policy, including provisions for notification of the district’s policy, through such means as staff handbooks, newsletters, inclusion on school event programs, signage at appropriate locations; disciplinary consequences; and procedures for filing and handling complaints about violations of the district’s policy.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 336.227](#)
[ORS 339.883](#)
[ORS 431A.175](#)

[ORS 433.835 to -433.990](#)
[OAR 581-021-0110](#)
[OAR 581-053-0230\(9\)\(s\)](#)

[OAR 581-053-0330\(1\)\(m\)](#)
[OAR 581-053-0430\(12\)](#)
[OAR 581-053-0531\(11\)](#)

Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2012).

Corrected 8/17/22



Code: GBL
Adopted: 1/04/07
Revised/Readopted: 10/14/10
Orig. Code: GBL; GBLAA

Personnel Records

An official personnel file will be established for each person employed by the district. Personnel files will be maintained in a central location.

All records containing employee medical condition information such as workers' compensation reports and release or permission to return to work forms will be kept confidential, in a separate file from personnel records. Such records will be released only in accordance with the requirements of the Americans with Disabilities Act or other applicable law.

The superintendent shall establish procedures for the control, use, safety and maintenance of personnel records of district employees which assure confidential use of such records. Employees will be given a copy of evaluations, complaints and written disciplinary actions placed in their personnel file. All charges resulting in disciplinary action shall be considered a permanent part of a teacher's personnel file and shall not be removed for any reason. Employees may submit a written response to any materials placed in their personnel file.

(Moved from GBLAA)(keep) Confidential employee personal information includes, but is not limited to, the following data:

1. Social security number (SSN);
2. Date of birth (DOB);
3. Home address;
4. Home phone number;
5. Physical description;
6. Medical history;
7. Gender;
8. Ethnicity; or
9. Any personal financial information.

The human resources office shall maintain a list of all district employees who have been determined to have a need for access to confidential personal information. This list shall be updated annually and approved by the executive director of business services and the director of human resources. In between annual updates, each manager is responsible for adding and deleting employees based on events such as new appointments, promotions and separations.

Employees on the list are required to have an appropriate Confidentiality Form on file in the human resources office. It is the responsibility of each department manager to ensure that forms are completed by their employees and returned to the human resources office.

Except as provided in paragraph three hereof and as may otherwise be below, or required by law, personnel records of district employees shall be available for use and inspection by the following only:

1. The employee. An employee may arrange with the human resources office to inspect the contents of their personnel file on any day the office is open for business;
2. Others designated by the employee in writing may arrange to inspect the contents of the employee's personnel file in the same manner described above. ~~The employee's designee;~~
3. The comptroller or auditor, when such inspection is pertinent to carrying out their respective duties, or as otherwise specifically authorized by the Board. Information so obtained will be kept confidential. No files will be removed from their central location for personal inspection;
4. A member of the ~~b~~Board when specifically authorized by the Board. ~~relevant to personnel actions then under consideration by the entire board or as specifically authorized by the board.~~ No files will be removed from their central location for personal inspection;
5. ~~Members of the superintendent's immediate staff~~ The superintendent and members of the administrative staff designated by the superintendent-;
6. Employees of the human resources department as designated by the executive director of human resources-;
7. District administrators who shall have access only to the files of their employees or prospective employees-;
8. Courts and public agencies with the power of subpoena and attorneys for the district when relevant to the performance of their respective duties-;
9. Upon receiving a request from a prospective employer issued under Oregon Revised Statute (ORS) 339.374(1)(b), the district, pursuant to ORS 339.378(1), shall disclose the requested information if it has or has had an employment relationship with a person who is the subject of the request, no later than 20 days after receiving such request. The records created by the district pursuant to ORS 339.388(8)(c) are confidential and are not public records as defined in ORS 192.311. The district may use the record as a basis for providing the information required to be disclosed about an employee under ORS 339.378(1);
10. Upon request from a law enforcement agency, the Oregon Department of Human Services, the Teacher Standards and Practices Commission, or the Oregon Department of Education, in

conducting an investigation related to suspected abuse or suspected sexual conduct, to the extent allowable by state and federal law, including laws protecting a person from self-incrimination;

11. Upon request from a prospective employer or a former employee, authorized district officials may disclose information about a former employee's job performance to a prospective employer and such disclosure is presumed to be in good faith. Presumption of good faith is rebutted by showing the information disclosed was knowingly false or deliberately misleading, was rendered with malicious purpose or violated any civil right of the former employee protected under ORS 659 or ORS 659A.
- ~~12. The disciplinary records[†] of a district employee convicted of a crime listed in ORS 342.143 are not exempt from disclosure under ORS 192.501 or 192.502 and shall be released to any person upon request. Prior to the release of disciplinary records the district shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or a district employee who is not the subject of the disciplinary record.~~
- ~~13. Upon request from a law enforcement agency, the Department of Human Services or the Teachers Standards and Practices Commission, a district shall provide the records of investigations of suspected child abuse by a district employee.~~

The school official permitting use or inspection shall restrict access and use to the extent necessary for the performance of such official purpose. The school official permitting access shall determine in each case the appropriateness and extent of such access. The superintendent ~~and members of his/her staff or designee~~ may permit persons other than those specified ~~in paragraph two above~~ to use and to inspect employee records when, in the opinion of such school official, the person requesting access has a legitimate official purpose ~~for using or inspecting such records.~~

All persons using personnel files for approved purposes shall sign and date a log located at the front of each employee's file. Human resources ~~department office~~ employees shall be exempted from this requirement. A copy of these provisions shall be placed conspicuously on all personnel file cabinets in such a manner as to be obvious to all persons who desire to use such files.

The human resources department shall be responsible for maintaining systematic, complete and current files for all personnel of the district, as appropriate.

Release of personnel records to parties other than those listed above, will be in line with Board policy KBA - Public Records Request.

END OF POLICY

Legal Reference(s):

[ORS 30.178](#)
[ORS 339.370 – 339.374](#)
[ORS 339.378](#)
[ORS 339.388](#)

[ORS 342.143](#)
[ORS 342.850](#)
[ORS 652.750](#)
[ORS Chapter 659](#)

[ORS Chapter 659A](#)
[OAR 581-022-2405](#)

[†]Disciplinary records is defined as records related to a personnel discipline action or materials or documents supporting that action.

OSEA v. Lake County Sch. District, 93 Or. App. 481 (1988).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12112 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).
Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. § 2000ff-1 (2018).

Corrected 8/17/22



Code: GBLAA
 Adopted: 3/09/11
 Orig. Code: GBLAA

Confidentiality of Personal Information

(Recommend moving language to policy GBL – see GBL)

The district has an obligation to protect personal employee data and to maintain the confidentiality of that data. Confidential employee personal information includes, but is not limited to, the following data:

1. Social security number (SSN);
2. Date of birth (DOB);
3. Home address;
4. Home phone number;
5. Physical description;
6. Medical history;
7. Gender;
8. Ethnicity; or
9. Any personal financial information.

The Human Resources office shall maintain a list of all district employees who have been determined to have a need for access to confidential personal information. This list shall be updated annually and approved by the executive director of business services and the director of Human Resources. In between annual updates, each manager is responsible for adding and deleting employees based on events such as new appointments, promotions and separations.

Employees on the list are required to have an appropriate Confidentiality Form on file in the human resources department. It is the responsibility of each department manager to ensure that forms are completed by their employees and returned to the Human Resources office.

END OF POLICY

Legal Reference(s):

[ORS 164.125](#)

[ORS 332.075](#)

[ORS 332.107](#)

Stored Communication Act, 18 U.S.C. § 2701-2712.

Corrected 8/03/22



Code: GBLAA-AR
 Adopted: 3/09/11
 Orig. Code: GBLAA-AR

Confidentiality Form for District Employees and Consultants

Section to Be Filled out by Supervisor/Administrator

My signature below certifies that _____ (**Print Employee’s or Consultant’s Name**), who is under my supervision, may require access to confidential personal information, and that such access is relevant and necessary in the ordinary course of performing her/his duties at the Human Resources office. Confidential personal information includes, but is not limited to the following data: social security number (SSN), date of birth (DOB), home address, home phone number, physical description, medical history, gender and ethnicity, and personal financial data.

 Supervisor/Administrator’s Name (please print)

 Signature Date

Section to Be Filled out by Employee (Or Consultant)

I certify that I have been given a copy of, and have read and understand, the attached summaries of provisions of the governing federal and state laws that govern access to and use of information contained in employee, applicant, and student records, including but not limited to, data that is accessible through the Human Resources office.

I understand that any access I am granted to this information and data is based on my agreement to comply with the following terms and conditions:

1. I will comply with the state and federal laws and district policies that govern access to and use of information contained in employee, applicant, and student records;
2. My right to access information and/or data is strictly limited to the specific information and data that is relevant and necessary for me to perform my job related duties;
3. I am prohibited from accessing information or data that is not relevant and necessary for me to perform my job-related-duties;
4. I will be a responsible user of information and data, whether it relates to my own unit or another unit;
5. I will store information and data that I obtain under secure conditions;

6. I will maintain the privacy and confidentiality of the information and data that I obtain;
7. I will make every reasonable effort to interpret the information and data I obtain in an accurate and professional manner;
8. Before sharing information or data with others, electronically or otherwise, I will understand his/her the responsibilities as a user;
9. I will sign off any system containing confidential information when I am not actively using it;
10. I will keep my password(s) to myself, and will not disclose them to others unless the Human Resources Director and my supervisor/administrator authorize such disclosure in writing;
11. I will store and secure confidential and sensitive information, data, reports, etc. in a manner that will maintain their confidentiality when I am not actively using them;
12. I will dispose of confidential reports in a manner that will preserve their confidentiality when I have finished using them.

I will not misuse personal or confidential information or data that I obtain through my employment. I certify that I have read this Confidentiality Form, I understand it, and I agree to comply with its terms and conditions.

Name (Please Print)

Signature Date

Corrected 8/17/22



Code: GBLB
Adopted: 1/04/07
Readopted: 10/14/10
Orig. Code: GBLA

Personnel Lists

It is the policy of the district not to release lists of ~~students~~, teachers, or other personnel to individuals, agencies, or companies who intend to use such lists for commercial purposes.

This policy does not prohibit the release of rosters required or desirable for the effective management of a district.

Examples of permitted releases are listed below:

1. Lists of licensed staff ~~when~~ required by the ~~State~~ Oregon Department of Education and the Multnomah Education Service District.
2. ~~Rosters required by~~ Release to the Oregon School Activities Association or other such voluntary organizations to establish staff coordination ~~participant eligibility~~.
3. ~~Lists to newspapers or program printers indicating special distinctions such as honor roll membership.~~ (*Policy JOA should be consulted and parent opt-out forms*)

The intent of this policy is to ensure that staff ~~and student~~ rights will not be violated. If there is any doubt about the intent of a requested list, ~~parent or~~ staff permission will be secured before release.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corrected 8/17/22



Code: GBM-AR
 Revised/Reviewed: 1/04/07; 10/14/10
 Orig. Code: GBM-AR

Staff Complaints

(Use KL)

The following procedures shall be available for all employees who are not covered by a bargained agreement or contract. Employees whose grievance procedures are covered by bargained agreement or contract shall abide by the provisions of such agreement or contract

Steps of Procedure

- First Step: Employee presents complaint orally or in writing 20 working days of the alleged complaint to his/her immediate supervisor. A conference is arranged. A written decision is given by the supervisor within 5 working days after the interview. If the matter is settled or explained to the employee’s satisfaction it ends here.

- Second Step: If the complaint has not been settled to the employee’s satisfaction at the first step, s/he has five working days to file an appeal in writing to the superintendent’s office. The written appeal shall be routed through the immediate supervisor in order that it may include the supervisor’s disposition of the case when it is received in the superintendent’s office. The superintendent’s office shall arrange for a conference with the employee and the supervisor within 2 working days of receipt of the appeal. The superintendent’s office shall function as a mediator to resolve the differences so that the incident is closed with a sense of satisfactory adjustment for the employee. A reply to the appeal shall be made within 3 working days of the conference.

- Third Step: If the decision recommended by the superintendent does not solve the problem, the employee has the right to appeal to the board. The appeal must be made in writing to the board, through the superintendent’s office, at least 5 working days before a regular session of the board with the employee and the superintendent. The decision rendered by the board shall be final.

Corrected 8/17/22

F



Code: GBMA
Adopted: 6/08/16
Orig. Code: GBMA

Whistleblower

When an employee has good faith and reasonable belief the employer has violated any federal, state or local, law, rule or regulation; has engaged in mismanagement, gross waste of funds or abuse of authority; or created a substantial and specific danger to public health and safety by its actions, and an employee then discloses or plans to disclose such information, it is an unlawful employment practice for an employer to:

1. Discharge, demote, transfer, reassign or take disciplinary action against an employee or threaten any of the previous actions.
2. Withhold work or suspend an employee.
3. Discriminate or retaliate against an employee with regard to promotion, compensation or other terms, conditions or privileges of employment.
4. Direct an employee or to discourage an employee to not disclose or to give notice to the employer prior to making any disclosure.
5. Prohibit an employee from discussing, either specifically or generally, the activities of the state or any agency of or political subdivision in the state, or any person authorized to act on behalf of the state or any agency of or political subdivision in the state, with:
 - a. Any member of the Legislative assembly;
 - b. Any Legislative committee staff acting under the direction of any member of the Legislative assembly; or
 - c. Any member of the elected governing body of a political subdivision in the state or any elected auditor of a city, county or metropolitan service district.

An employee's good faith and reasonable belief of a violation of federal, state or local law, rule or regulation by the employer shall serve as an affirmative defense to civil or criminal charges related to the employee's disclosure of lawfully accessed information related to the violation, including information that is exempt from disclosure by public records law, if provided in accordance with law.

The district will use the complaint process in administrative regulation GBM~~KL~~-AR - Staff Public Complaints to address any alleged violations of this policy.

The district shall deliver a written or electronic copy of this policy to each staff member.

END OF POLICY

Legal Reference(s):

[ORS 192.501 - 192.505](#)

[ORS 659A.199 - 659A.224](#)

[OAR 581-022-2405](#)

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).

Connick v. Myers, 461 U.S. 138 (1983).

Corrected 8/17/22; Corrected 2/07/23



Code: GBNA
 Adopted: 2/11/10
 Revised/Readopted: 9/10/14; 8/28/19
 Orig. Code: GBNA

Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying – Staff

The Board is committed to providing a positive and productive learning and working environment.

Hazing, harassment, intimidation, menacing or bullying and acts of cyberbullying of staff, or third parties by students, staff, or third parties is strictly prohibited and shall not be tolerated in the district.

Retaliation against the victim, or any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry is strictly prohibited. Such retaliation shall be considered a serious violation of Board policy and independent of whether a report or complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

Staff whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or the Board. Students whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including expulsion.

Individuals may also be referred to law enforcement officials. Licensed staff may will be reported to Teacher Standards and Practices Commission if required by Oregon Administrative Rule (OAR) 584-020-0041.

The superintendent is directed to develop administrative regulations to implement this policy. Regulations shall include descriptions of prohibited conduct, reporting and investigative procedures, and provisions to ensure annual notice of this policy is provided to students, staff, and third parties.

END OF POLICY

Legal Reference(s):

[ORS 163.190](#)
[ORS 163.197](#)
[ORS 166.065](#)
[ORS 166.155 - 166.165](#)
[ORS 174.100](#)
[ORS 332.072](#)

[ORS 332.107](#)
[ORS 339.250](#)
[ORS 659A.006](#)
[ORS 659A.029](#)
[ORS 659A.030](#)
[ORS 659A.103 - 659A.143](#)

[ORS 659A.199 - 659A.224](#)
[OAR 839-003-0000](#)
[OAR 839-005-0021](#)
[OAR 839-005-0030](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).
Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et. Seq. (2012).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2012); 29 C.F.R. Part 1626 (2018)
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2018); 28 C.F.R. Part 35 (2018).
Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2012).
Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).
OREGON BUREAU OF LABOR AND INDUSTRIES, *Workplace Bullying* (visited Feb. 26, 2019),
<<https://www.oregon.gov/boli/docs/WorkplaceBullyingPoster-2018.pdf>>.

Corrected 8/17/22



Code: GBNA-AR
Adopted: 2/11/10
Revised/Reviewed: 9/10/14
Orig. Code: GBNA-AR

Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying Reporting Procedures - Staff

The following definitions and procedures shall be used for reporting, investigating, and resolving reports of hazing, harassment, intimidation, bullying, menacing, and cyberbullying of staff or third parties.

Definitions

1. “Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school events.
2. “District” includes district facilities, district premises, and nondistrict property if the employee is at any district-sponsored, district-approved, or district-related activity or function, such as field trips, athletic events or where the employee is engaged in district business.
3. “Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a staff member for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any district-sponsored work activity, work group or work assignment, or other such activities intended to degrade or humiliate regardless of the person’s willingness to participate.
4. “Harassment” is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), sexual orientation, gender identity¹, national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
5. “Intimidation” includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another’s property, cause substantial inconvenience, subject another to offensive physical contact or inflict serious physical injury on the perception of the other’s race, color, religion, national origin, disability, ~~or~~ sexual orientation or gender identity.

¹“Sexual orientation” means an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual’s gender identity, appearance, expression or behavior differs from that traditionally associated with the individual’s sex at birth.

6. “Bullying” is a pattern of repeated mistreatment that harms, intimidates, undermines, offends, degrades, or humiliates an employee.
7. “Cyberbullying” means the use of any electronic device to convey a message in any form (e.g., text, image, audio, or video) that intimidates, harasses, or otherwise harms, insults, or humiliates another in a deliberate, repeated or hostile and unwanted manner under a person’s true or false identity. [In addition, any communication of this form which substantially disrupts or prevents a safe and positive working environment may also be considered cyberbullying. Staff will refrain from using personal electronic devices or district equipment to harass or stalk another person or people.]
8. “Menacing” includes, but is not limited to, any act intended to place a district employee, student, or third party in fear of imminent serious physical injury.

Reporting Procedures

The principals and the superintendent have responsibility for investigations concerning reports of hazing, harassment, intimidation, bullying, menacing, or cyberbullying of staff or third parties. The investigator(s) shall be a neutral party having had no involvement in the report presented.

Any employee or third party who has knowledge of conduct in violation of Board policy JFCF – Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence – Student shall immediately report his/her concerns to the designated district official.

Any employee or third party who has knowledge of conduct in violation of Board policy GBNA – Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying – Staff and this administrative regulation or feels they have been hazed, harassed, intimidated, bullied, cyberbullied, or menaced in violation of Board policy or this administrative regulation, shall immediately report his/her concerns to the designated district official.

All reports and information will be promptly investigated in accordance with the following procedures:

Step 1 Any reports or information on acts of hazing, harassment, intimidation, bullying, menacing, or cyberbullying, or menacing (e.g., complaints, rumors) shall be presented to the principal or superintendent. Reports against the principal shall be filed with the superintendent. Information may be presented anonymously. Reports against the superintendent shall be filed with the Board chair. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.

Step 2 The district official receiving the report shall promptly investigate. Parents will be notified of the nature of any report involving their student. The district official will arrange such meetings as may be necessary with all concerned parties within 5 working days after receipt of the information or report. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the report will be reduced to writing. The district official(s) conducting the investigation shall notify the person making the report within 10 working days of receipt of the information or report, and parents as appropriate, in writing, when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.

A copy of the notification letter or the date and details of notification to the person making the report, together with any other documentation related to the incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.

Step 3 If the person making the report is not satisfied with the decision at Step 2, they may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The superintendent or designee will arrange such meetings with the person making the report and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant's appeal within 10 working days.

Step 4 If the person making the report is not satisfied with the decision at Step 3, a written appeal may be filed with the Board. Such appeal must be filed within 10 working days after receipt of the Step 3 decision. The Board shall, within 20 working days, conduct a hearing at which time the person making the report shall be given an opportunity to present the information or report. The Board shall provide a written decision to the person making the report within 10 working days following completion of the hearing.

Reports against the superintendent should be referred to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Reports against the Board as a whole or against an individual Board member should be made to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Reports against the Board chair may be made directly to the district counsel on behalf of the Board. The district counsel shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Timelines may be extended upon written agreement between both parties. This also applies to reports filed against the superintendent or any Board member.

Direct complaints of discriminatory harassment related to employment may be filed with the Oregon Bureau of Labor and Industries, Civil Rights Division, or the U.S. Department of Labor, Equal Employment Opportunities Commission.

Documentation related to the incident may be maintained as a part of the employee's personnel file. Additionally, a copy of all reported acts of hazing, harassment, intimidation, bullying, cyberbullying, or menacing and documentation will be maintained as a confidential file in the district office.

Corrected 8/17/22



Code: GBNAA/JHFF
Adopted: 9/28/22
Orig. Code(s): JHFF

Suspected Sexual Conduct with Students and Reporting Requirements

Sexual conduct by district employees, contractors¹, agents², and volunteers³ is prohibited and will not be tolerated. All district employees, contractors, agents, and volunteers are subject to this policy. Students are also subject to this policy if they are acting as an employee, contractor, agent or volunteer.

⁴“Sexual conduct,” means verbal or physical conduct or verbal, written or electronic communications by a school employee, a contractor, an agent or a volunteer that involve a student and that are sexual advances or requests for sexual favors directed toward the student, or of a sexual nature that are directed toward the student or that have the effect of unreasonably interfering with a student’s educational performance, or of creating an intimidating or hostile educational environment. “Sexual conduct” does not include touching or other physical contact that is necessitated by the nature of the school employee’s job duties or by the services required to be provided by the contractor, agent or volunteer, and for which there is no sexual intent; verbal, written or electronic communications that are provided as part of an education program that meets state educational standards or a policy approved by the Board; or conduct or communications described in the definition of sexual conduct herein if the school employee, contractor, agent or volunteer is also a student and the conduct or communications arise out of a consensual relationship between students, do not create an intimidating or hostile educational environment and are not prohibited by law, any policies of the district or any applicable employment agreements.

“Student” means any person who is in any grade from prekindergarten through grade 12 or 21 years of age or younger and receiving educational or related services from the district that is not a post-secondary institution of education, or who was previously known as a student by the person engaging in sexual conduct and who left school or graduated from high school within 90 days prior to the sexual conduct.

The district will post in each school building the names and contact information of the employees designated for the respective school buildings to receive reports of suspected sexual conduct and the procedures the designee will follow upon receipt of the report.

¹ “Contractor” means a person providing services to the district under a contract in a manner that requires the person to have direct, unsupervised contact with students.

² “Agent” means a person acting as an agent for the district in a manner that requires the person to have direct, unsupervised contact with students.

³ “Volunteer” means a person acting as a volunteer for the district in a manner that requires the person to have direct, unsupervised contact with students.

⁴ This definition of “sexual conduct” affects all conduct that occurs before, on or after June 23, 2021, for purposes of reports that are made, investigations that are initiated, or a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement or any similar contract or agreement entered into, on or after June 23, 2021.

Any district employee , contractor, agent or volunteer who has reasonable cause to believe that a student has been subjected to sexual conduct by another district employee, contractor, agent or volunteer, or that another district employee, contractor, agent or volunteer has engaged in sexual conduct with a student shall immediately report such suspected sexual conduct to the designated licensed administrator or the alternate designated licensed administrator, in the event the designated administrator is the suspected perpetrator, for their school building. If the conduct also constitutes child abuse, the employee must make mandatory reports in accordance with Board policy JHFE/GBNAB – Suspected Abuse of a Child Reporting Requirements.

If the superintendent is the alleged perpetrator the report shall be submitted to the executive director of human resources who shall report the suspected sexual conduct to the Board chair.

If an employee fails to report suspected sexual conduct or fails to maintain confidentiality of records, the employee will be disciplined up to and including dismissal.

When a designated licensed administrator receives a report of suspected sexual conduct by a district employee, contractor, agent or volunteer, the administrator will follow procedures established by the district and set forth in the district’s administrative regulation JHFF/GBNAA-AR - Suspected Sexual Conduct Report Procedures and Form. All such reports will be reported to the Oregon Department of Education (ODE) or Teacher Standards and Practices Commission (TSPC) in accordance with such administrative regulation. The agency receiving a report will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged perpetrator.

When there is reasonable cause to support the report, a district employee suspected of sexual conduct shall be placed on paid administrative leave pending an investigation and the district will take necessary actions to ensure the student’s safety.

When there is reasonable cause to support the report, a district contractor, agent or volunteer suspected of sexual conduct shall be removed from providing services to the district and the district will take necessary actions to ensure the student’s safety.

The district will notify, as allowed by state and federal law, the person who was subjected to the suspected sexual conduct about any actions taken by the district as a result of the report.

A district employee, contractor or agent will not assist another district employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable cause to believe the district employee, contractor or agent engaged in sexual conduct. Nothing in this policy prevents the district from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

The initiation of a report in good faith about suspected sexual conduct may not adversely affect any terms or conditions of employment or the work environment of the person who initiated the report or who may have been subject to sexual conduct. If a student initiates a report of suspected sexual conduct by a district employee, contractor, agent or volunteer in good faith, the student will not be disciplined by the district or any district employee, contractor, agent or volunteer.

The district will provide to employees at the time of hire, or to a contractor, agent or volunteer at the time of beginning service for the district, the following:

1. A description of conduct that may constitute sexual conduct;
2. A description of the investigatory process and possible consequences if a report of suspected sexual conduct is substantiated; and
3. A description of the prohibitions imposed on district employees, contractors and agents when they attempt to obtain a new job, pursuant to ORS 339.378(2).

All district employees are subject to Board policy GCAB - Personal Electronic Devices and Social Media - Staff regarding appropriate electronic communications with students.

Any electronic communications with students by a contractor, agent or volunteer for the district will be appropriate and only when directed by district administration. When communicating with students electronically regarding school-related matters, contractors, agents or volunteers shall use district e-mail using mailing lists and/or other internet messaging approved by the district to a group of students rather than individual students or as directed by district administration. Texting or electronically communicating with a student through contact information gained as a contractor, agent or volunteer for the district is prohibited.

The superintendent shall develop administrative regulations to implement this policy and to comply with state law.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 339.370 - 339.400](#)

[ORS 419B.005 - 419B.045](#)

Every Student Succeeds Act, 20 U.S.C. § 7926 (2018).
House Bill 2136 (2021).
Senate Bill 51 (2021).



Code: GBNAA/JHFF-AR(1)
Revised/Reviewed: 9/28/22

Suspected Sexual Conduct Report Procedures and Forms

The district posts in each school building the names and contact information of the district employees designated for the respective school building to receive reports of suspected sexual conduct and the procedures the designee(s) will follow upon receipt of the report.

When a designated licensed administrator¹ receives a report of suspected sexual conduct that may have been committed by a commission licensee², the designee shall notify Teacher Standards and Practices Commission (TSPC). The designee shall notify the Oregon Department of Education (ODE) if the administrator receives a report of suspected sexual conduct that may have been committed by a school employee, contractor, agent or volunteer that is not a commission licensee.

If the superintendent is the alleged perpetrator the report shall be submitted to the executive director of human resources who shall refer the report to the Board chair.

The district will investigate all reports of suspected sexual conduct, unless otherwise requested by TSPC or ODE as appropriate.

When the designee receives a report of suspected sexual conduct by a district employee, and there is reasonable cause to support the report, the district shall place the district employee on paid administrative leave³ and take necessary actions to ensure the student's safety. The employee shall remain on leave until TSPC⁴ or ODE⁵ determines that the report is substantiated and the district takes appropriate employment action against the employee, or cannot be substantiated or is not a report of sexual conduct and the district determines either: 1) an employment policy was violated and the district will take appropriate employment action against the employee; or 2) an employment policy has not been violated and an employment action against the employee is not required.

When the designee receives a report of suspected sexual conduct by a contractor, an agent or a volunteer, the district shall prohibit the contractor, agent or volunteer from providing services to the district. The

¹ A "licensed administrator" is a person employed as an administrator by the district and holds an administrative license issued by TSPC or may be a person employed by the district that does not hold an administrative license issued by TSPC if the district does not require the administrator to be licensed by TSPC.

² "Commission licensee," as is defined in ORS 342.120 (as amended by HB 2136 (2021)), means a person whom the TSPC has authority to investigate or discipline because the person is enrolled in an approved educator preparation program, is an applicant for a TSPC license or registration, holds a license or registration issued by TSPC, or has held a license or registration issued by the TSPC at any time during the previous five years.

³ The district employee cannot be required to use any accrued leave during the imposed paid administrative leave.

⁴ TSPC investigates reports on commission licensees.

⁵ ODE investigates reports on persons who are not commission licensees.

district may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected sexual conduct has been investigated and a determination has been made by TSPC or ODE, as appropriate, that the report is unsubstantiated.

Upon request from ODE or TSPC the district will provide requested documents or materials to the extent allowed by state and federal law.

The name, address and other identifying information about the employee who made the report are confidential and are not accessible for public inspection.

An “investigation” means a detailed inquiry into the factual allegations of a report of suspected sexual conduct that is based on interviews with the person who initiated the report, the person who may have been subjected to sexual conduct, witnesses and the person who is the subject of the report, and results in a finding that the report is a substantiated report, cannot be substantiated, or is not a report of sexual conduct. If the subject of the report is a district employee represented by a contract or a collective bargaining agreement, the investigation must meet any negotiated standards of such employment contract or agreement.

Nothing prevents the district from conducting its own investigation, unless another agency requests to lead the investigation or requests the district to suspend their investigation, or taking an employment action based on information available to the district before an investigation conducted by another agency is completed. The district will cooperate with agencies assigned to conduct such investigations.

A “substantiated report” means a report of sexual conduct that TSPC or ODE determines is founded.

If, following the investigation, the district decides to take an employment action, the district will inform the district employee of the employment action to be taken and provide information about the appropriate appeal process. The employee may appeal the employment action taken through the appeal process provided by the applicable collective bargaining agreement, if applicable, or appeal through an appeal process administered by a neutral third party.

If the district is notified that the employee decided not to appeal the employment action or if the determination of an appeal sustained the employment action, the district shall create a record of the findings of the substantiated report and the employment action taken by the district will be placed in the records on the school employee maintained by the district. Such records created are confidential and not public records as defined in Oregon Revised Statute (ORS) 192.311, however the district may use the record as a basis for providing information required to be disclosed about a district employee under ORS 339.378(1). The district will notify the employee that information about substantiated reports may be disclosed to a potential employer.

Training

The district shall provide information and training each school year to district employees on the following:

1. Prevention and identification of sexual conduct;
2. Obligations of district employees under ORS 339.388 and 419B.005 - 419B.050 and under adopted board policies to report suspected sexual conduct; and
3. Appropriate electronic communications with students.

The district shall make available each school year the training described above to contractors, agents, volunteers and to parents and legal guardians of students attending district-operated schools, and will be made available separately from the training provided to district employees.

The district shall provide to contractors, agents and volunteers each school year information on the following:

1. Prevention and identification of sexual conduct;
2. Obligations of district employees under adopted board policies to report suspected sexual conduct;
and
3. Appropriate electronic communications with students.

The district shall make available each school year training that is designed to prevent sexual conduct to students attending district-operated schools.



Code: GBNAA/JHFF-AR(2)
Revised/Reviewed: 9/28/22

Suspected Sexual Conduct Report Form

Name of person making report: _____

Position of person making report: _____

Name of person suspected of sexual conduct: _____

Date and place of incident or incidents: _____

Description of suspected sexual conduct: _____

Name of witnesses (if any): _____

Evidence of suspected sexual conduct, e.g., letters, photos, etc. (attach evidence if possible): _____

Any other information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

A witness disclosure form is attached.

Witness Disclosure Form

Name of witness: _____

Position of witness: _____

Date of testimony/interview: _____

Description of instance witnessed: _____

Any other information: _____

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____



Code: GBNAB/JHFE
Adopted: 9/28/22
Orig. Code(s): JHFE

Suspected Abuse of a Child Reporting Requirements**

Any district employee who has reasonable cause to believe that **any child** with whom the employee has come in contact has suffered abuse¹ shall orally report or cause an oral report immediately by telephone or otherwise to the local office of the Oregon Department of Human Services (DHS) or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to Oregon Revised Statute (ORS) 419B.010. Any district employee who has reasonable cause to believe that **any person**² with whom the employee is in contact has abused a child shall immediately report or cause a report to be made in the same manner to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419B.010. If known, the report shall contain the names and addresses of the child and the parents of the child or other persons responsible for the child’s care, the child’s age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the abuse and the identity of a possible perpetrator.

Abuse of a child by district employees, contractors³, agents⁴, volunteers⁵, or students is prohibited and will not be tolerated. All district employees, contractors, agents, volunteers and students are subject to this policy and the accompanying administrative regulation.

Any district employee who has reasonable cause to believe that another district employee, contractor, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another district employee, contractor, agent, volunteer or student shall immediately report such to the Oregon Department of Human Services (DHS) or its designee or the local law enforcement agency pursuant to ORS 419B.015, and to the designated licensed administrator.

¹ Includes the neglect of a child; abuse is defined in ORS 419B.005.

² “Person” could include adult, student or other child.

³ “Contractor” means a person providing services to the district under a contract in a manner that requires the person to have direct, unsupervised contact with students.

⁴ “Agent” means a person acting as an agent for the district in a manner that requires the person to have direct, unsupervised contact with students.

⁵ “Volunteer” means a person acting as a volunteer for the district in a manner that requires the person to have direct, unsupervised contact with students.

The district will designate a ⁶licensed administrator and an alternate licensed administrator, in the event that the designated licensed administrator is the suspected abuser, for each school building to receive reports of suspected abuse of a child by district employees, contractors, agents, volunteers or students.

If the superintendent is the alleged perpetrator the report shall be submitted to the executive director of human resources who shall also report to the Board chair.

The district will post the names and contact information of the designees for each school building, in the respective school, designated to receive reports of suspected abuse and the procedures in JHFE/GBNAB-AR(1) - Reporting of Suspected Abuse of a Child the designee will follow upon receipt of a report, the contact information for local law enforcement and the local DHS office or its designee, and a statement that this duty to report suspected abuse is in addition to the requirements of reporting to a designated licensed administrator.

When a designee receives a report of suspected abuse, the designee will follow procedure established by the district and set forth in administrative regulation JHFE/GBNAB-AR(1) - Reporting of Suspected Abuse of a Child. All such reports of suspected abuse will be reported to a law enforcement agency or DHS, or its designee, for investigation, and the agency will complete an investigation regardless of any changes in the relationship or duties of the person who is the alleged abuser.

When there is reasonable cause to support a report, a district employee suspected of abuse shall be placed on paid administrative leave pending an investigation and the district will take necessary actions to ensure the student's safety. When there is reasonable cause to support a report, a district contractor, agent or volunteer suspected of abuse shall be removed from providing services to the district and the district will take necessary actions to ensure the student's safety.

The district will notify the person, as allowed by state and federal law, who was subjected to the suspected abuse about any actions taken by the district as a result of the report.

A substantiated report of abuse by an employee shall be documented in the employee's personnel file. A substantiated report of abuse by a student shall be documented in the student's education record.

The initiation of a report in good faith, pursuant to this policy, may not adversely affect any terms or conditions of employment or the work environment of the person initiating the report or who may have been subjected to abuse. If a student initiates a report of suspected abuse of a child by a district employee, contractor, agent, volunteer or student, in good faith, the student will not be disciplined by the district or any district employee, contractor, agent or volunteer. Intentionally making a false report of abuse of a child is a Class A violation.

The district shall provide information and training each school year to district employees on the prevention and identification of abuse, the obligations of district employees under ORS 339.388 and ORS 419B.005 - 419B.050 and as directed by Board policy to report suspected abuse of a child, and appropriate electronic communications with students. The district shall make available each school year the training described above to contractors, agents, volunteers, and parents and legal guardians of students attending district-

⁶ {ORS 339.372 requires the district to post the names and contact information of the persons, i.e., a licensed administrator and an alternate licensed administrator, who are designated to receive reports of sexual abuse for a school building in the respective school building. A "licensed administrator" is a person employed as an administrator by the district and holds an administrative license issued by TSPC or may be a person employed by the district that does not hold an administrative license issued by TSPC if the district does not require the administrator to be licensed by TSPC.}

operated schools, and will be made available separately from the training provided to district employees. The district shall provide each school year information on the prevention and identification of abuse, the obligations of district employees under Board policy to report abuse, and appropriate electronic communications with students to contractors, agents and volunteers. The district shall make available each school year training that is designed to prevent abuse to students attending district-operated schools.

The district shall provide to a district employee at the time of hire, or to a contractor, agent, or volunteer at the time of beginning service for the district, the following:

1. A description of conduct that may constitute abuse;
2. A description of the investigatory process and possible consequences if a report of suspected abuse is substantiated; and
3. A description of the prohibitions imposed on district employees, contractors, and agents when they attempt to obtain a new job, as provided under ORS 339.378. A district employee, contractor or agent will not assist another district employee, contractor or agent in obtaining a new job if the individual knows, or has reasonable or probable cause to believe the district employee, contractor or agent engaged in abuse, unless criteria found in ORS 339.378(2)(c) are applicable.

Nothing in this policy prevents the district from disclosing information required by law or providing the routine transmission of administrative and personnel files pursuant to law.

The district shall make available to students, district employees, contractors, agents, and volunteers a policy of appropriate electronic communications with students.

Any electronic communications with students by a contractor, agent or volunteer for the district will be appropriate and only when directed by district administration. When communicating with students electronically regarding school-related matters, contractors, agents or volunteers shall use district e-mail, using mailing lists and/or other internet messaging approved by the district to a group of students rather than individual students or as directed by district administration. Texting or electronically communicating with a student through contact information gained as a contractor, agent or volunteer for the district is prohibited.

The superintendent shall develop administrative regulations as are necessary to implement this policy and to comply with state law.

END OF POLICY

Legal Reference(s):

[ORS 339.370 - 339.400](#)
[ORS 418.257 - 418.259](#)

[ORS 419B.005 - 419B.050](#)

[OAR 581-022-2205](#)

Greene v. Camreta, 588 F.3d 1011 (9th Cir. 2009), vacated in part by, remanded by Camreta v. Greene, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by Greene v. Camreta 661 F.3d 1201 (9th Cir. 2011).
Senate Bill 51 (2021).



Code: GBNAB/JHFE-AR(1)
Adopted: 9/28/22
Orig. Code(s): JHFE-AR

Reporting of Suspected Abuse of a Child

Reporting

Any district employee having reasonable cause to believe that **any child** with whom the employee comes in contact has suffered abuse¹ shall orally report or cause an oral report immediately by telephone or otherwise to the local office of the Oregon Department of Human Services (DHS) or its designee or to a law enforcement agency within the county where the person making the report is at the time of their contact. Any district employee who has reasonable cause to believe that **any person**² with whom the employee is in contact has abused a child shall immediately report or cause a report to be made in the same manner to DHS or its designee or to the law enforcement agency within the county where the person making the report is located at the time of the contact pursuant to ORS 419B.010.

Any district employee who has reasonable cause to believe that another district employee, contractor, agent, volunteer or student has engaged in abuse, or that a student has been subjected to abuse by another district employee, contractor, agent, volunteer or student shall immediately report such to the DHS or its designee or the local law enforcement agency pursuant to ORS 419B.015, and to the designated licensed administrator or alternate licensed administrator for their school building.

If known, the report shall contain the names and addresses of the child and the parents of the child or other persons responsible for the child's care, the child's age, the nature and extent of the suspected abuse, including any evidence of previous abuse, the explanation given for the suspected abuse, any other information that the person making the report believes might be helpful in establishing the possible cause of the suspected abuse and the identity of a possible perpetrator.

If the superintendent is the alleged abuser the report shall be submitted to the executive director of human resources who shall refer the report to the Board chair.

A written record of the abuse report shall be made by the employee reporting the suspected abuse of a student and will include: name and position of the person making the report; name of the student; name and position of any witness; description of the nature and extent of the abuse, including any information which could be helpful in establishing cause of abuse and identity of the abuser; description of how the report was made (i.e., phone or other method); name of the agency and individual who took the report; date and time that the report was made; and name of district administrator who received a copy of the written report.

¹ Includes the neglect of a child; abuse is defined in ORS 419B.005.

² "Person" could include adult, student or other child.

The written record of the abuse report shall not be placed in the student's educational record. A copy of the written report shall be retained by the employee making the report and a copy shall be provided to the designee that received the report.

When the designee receives a report of suspected abuse of a child by a district employee, and there is reasonable cause to support the report, the district shall place the district employee on paid administrative leave³ and take necessary actions to ensure the student's safety. The employee shall remain on leave until DHS or law enforcement determines that the report is substantiated and the district takes the appropriate employment action, or cannot be substantiated or is not a report of abuse and the district determines that either 1) an employment policy was violated and the district will take appropriate employment action against the employee, or 2) an employment policy has not be violated and no action is required by the district against the employee.

When the designee receives a report of suspected abuse by a contractor, agent or volunteer, the district shall prohibit the contractor, agent or volunteer from providing services to the district. The district may reinstate the contractor, agent or volunteer, and such reinstatement may not occur until such time as a report of suspected abuse has been investigated⁴ and a determination has been made by law enforcement or DHS that the report is unsubstantiated.

The written record of each reported incident of abuse of a child, action taken by the district and any findings as a result of the report shall be maintained by the district.

If, following the investigation, the district decides to take an employment action, the district will inform the district employee of the employment action to be taken and provide information about the appropriate appeal process. The employee may appeal the employment action taken through the appeal process provided by the applicable collective bargaining agreement, if applicable, or through an appeal process administered by a neutral third party.

If the district is notified that the employee decided not to appeal the employment action or if the determination of an appeal sustained the employment action, a record of the findings of the substantiated report and the employment action taken by the district will be placed in the records on the school employee maintained by the district. Such records created are confidential and not public records as defined in Oregon Revised Statute (ORS) 192.311, however the district may use the record as a basis for providing information required to be disclosed about a district employee under ORS 339.378(1). The district will notify the employee that information about substantiated reports may be disclosed to a potential employer.

Definitions

1. Oregon law recognizes these and other types of abuse:
 - a. Physical;
 - b. Neglect;
 - c. Mental injury;

³ The district employee cannot be required to use any accrued leave during the imposed paid administrative leave.

⁴ The district will investigate all reports of suspected abuse, unless otherwise requested by DHS or its designee or law enforcement pursuant to law.

- d. Threat of harm;
 - e. Sexual abuse and sexual exploitation.
2. “Child” means an unmarried person who is under 18 years of age or is under 21 years of age and residing in or receiving care or services at a child-caring agency.
 3. A “substantiated report” means a report of abuse that a law enforcement agency or DHS determines is founded.

Confidentiality of Records

The name, address and other identifying information about the employee who made the report are confidential and are not accessible for public inspection.

Upon request from law enforcement or DHS the district shall immediately provide requested documents or materials to the extent allowed by state and federal law.

Failure to Comply

Any district employee who fails to report a suspected abuse of a child as provided by this policy and the prescribed Oregon law commits a violation punishable by law. A district employee who fails to comply with the confidentiality of records requirements commits a violation punishable by the prescribed law. If an employee fails to report suspected abuse of a child or fails to maintain confidentiality of records as required by this policy, the employee will be disciplined up to and including dismissal.

Cooperation with Investigator

The district staff shall make every effort in suspected abuse of a child cases to cooperate with investigating officials as follows:

1. Any investigation of abuse of a child will be directed by the DHS or law enforcement officials as required by law. DHS or law enforcement officials wishing to interview a student shall present themselves at the school office and contact the school administrator unless the school administrator is the subject of the investigation. When an administrator is notified that the DHS or law enforcement would like to interview a student at school, the administrator must request that the investigating official fill out the appropriate form (See JHFE/GBNAB-AR(2) – Abuse of a Child Investigations Conducted on District Premises). The administrator or designee should not deny the interview based on the investigator’s refusal to sign the form. If the student is to be interviewed at the school, the administrator or designee shall make a private space available. The administrator or designee of the school may, at the discretion of the investigator, be present to facilitate the interview. If the investigating official does not have adequate identification the administrator shall refuse access to the student.

Law enforcement officials wishing to remove a student from the premises shall present themselves at the office and contact the administrator or designee. The law enforcement official shall sign the student out in accordance with district procedures;

2. When the subject matter of the interview or investigation is identified to be related to suspected abuse of a child, district employees shall not notify parents or anyone else other than DHS or law enforcement agency and any school employee necessary to enable the investigation;

3. The administrator or designee shall advise the investigator of any conditions of disability prior to any interview with the affected child;
4. District employees are not authorized to reveal anything that transpires during an investigation in which the employee participates, nor shall the information become part of the student's education records, except that the employee may testify at any subsequent trial resulting from the investigation and may be interviewed by the respective litigants prior to any such trial.

Nothing prevents the district from conducting its own investigation, unless another agency requests to lead the investigation or requests the district to suspend the investigation, or taking an employment action based on information available to the district before an investigation conducted by another agency is completed. The district will cooperate with agencies assigned to conduct such investigations.



Code: GBNAB/JHFE-AR(2)
Revised/Reviewed: 9/28/22

Abuse of a Child Investigations Conducted on District Premises

The Department of Human Services (DHS) or a law enforcement agency has the authority to conduct an investigation of a report of child abuse on school premises according to Oregon Revised Statute (ORS) 419B.045. The school administrator must be notified that the investigation is to take place, unless the administrator is a subject of the investigation. The investigator is not required to reveal information about the investigation to the school as a condition of conducting the investigation.

After the investigator provides adequate identification, school staff shall allow access to the child and provide a private space for conducting the interview. The investigator shall be advised by a school administrator or a school staff member of a child’s relevant disabling conditions, if any, prior to any interview with the child. The school administrator or designee may, at the investigator’s discretion, be present to facilitate the investigation.

School staff may only notify DHS, the law enforcement agency or school employees that are necessary to enable the investigation. School staff may not notify any other persons, including the child’s parent(s) or guardian(s).

Investigator Name (Printed)

Name of Agency

Name of Worker’s/Investigator’s Supervisor

Supervisor Contact Information

Investigator Position and Badge or ID Number

Student Name

School

Investigator Signature

Date

Investigator refused to sign. District staff should not deny entry based on refusal to sign.

FOR COMPLETION BY DISTRICT STAFF

- Student not available for interview
- Student refused to be interviewed
- Administrator participated in interview

Name of Administrator Notified

Name of Office Staff Involved

Name of Participating Administrator

This form should be placed in a separate secure file and not in the student’s file.



Code: GC
Adopted: 10/14/10
Orig. Code: GC

Licensed Staff Positions

The superintendent shall establish licensed staff positions necessary to carry out the district's instructional goals and fiscal parameters.

Positions so established may include those which carry other than classroom teaching responsibility.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)

[OAR 581-021-0045](#)

Job York v. Portland Sch. Dist., No. FDA 83-7 (August 1983).

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (2012).

Title II of the Genetic Information Nondiscrimination Act of 2008.

Section 503 of the Rehabilitation Act of 1973.

Corrected 8/17/22



Code: GCA
Adopted: 1/04/07
Revised/Readopted: 10/14/10; 5/14/14; 6/13/18
Orig. Code: GCA

License Requirements

Licensure

The Board, in adhering to Oregon Revised Statutes, shall require all ~~teachers, administrators and applicants selected for employment for positions that require licensing, to hold a valid Oregon license issued by the Teacher Standards and Practices Commission (TSPC) as a condition of employment. The license must be registered in human resources prior to the commencement of employment.~~ Applicants whose license cannot be verified prior to the beginning of school or the first day employment is to begin, will not be employed until such license is verified.

If an applicant's teaching license application with the TSPC is pending, the applicant may teach for 90 calendar days after the date of submission of the application, if the applicant has:

1. Submitted an application in the manner and form required by the TSPC, including payment of all required fees;
2. Completed a background clearance conducted by the TSPC that includes having:
 - a. Furnished fingerprints, if required;
 - b. Provided satisfactory responses to character questions in the form and manner required by the TSPC; and
 - c. Completed a criminal records check pursuant to state law and a background check through the interstate clearinghouse for revoked or suspended licenses, and is eligible for a teaching license.
3. ~~Not been employed by the district under this 90 calendar day provision during the previous 12 months with a pending application for the same license.~~

The district will complete a review of the applicant's employment history and verify through TSPC if there is an ongoing investigation or a substantiated report that may constitute sexual conduct as required by law prior to beginning employment.

The district will verify through TSPC the employee is properly licensed on the 91st calendar day after the application was submitted to the TSPC, if the employee's license application is pending and the employee is teaching in the district.

~~Following expiration of a license, if a properly renewed license is not received within 90 days, the teacher's contract may be voided and a properly licensed replacement will be secured.~~

~~The district may require the employee to maintain a license and/or an endorsement currently held for future district assignment.~~

It shall be each licensed staff member's responsibility to keep all endorsements current. The employee is responsible for all licensure fees associated with their employment.

Contracts

~~Annual contracts shall be given to probationary teachers and administrators during the first three years of service in the district.~~

~~After three years of consecutive successful service within the district, a teacher or administrator will become a contract employee.~~

Exceptions to Probationary Periods

~~An administrative or teacher probationary period may be reduced by the board, from three years to one or two years, if such a reduction meets district needs. In such cases, recent, previous successful teaching or administration shall have occurred in the state of Oregon. Further, such successful in-state experience shall be verified by the human resources department.~~

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)
[ORS 339.374](#)

[ORS 342.120 - 342.203](#)
[OAR 584-050-0035](#)

[OAR 584-200-0020](#)

Corrected 9/07/22



Code: GCAB
Adopted: 1/11/12
Revised/Readopted: 3/13/13; 9/10/14
Orig. Code: GCAB

Personal Electronic Devices and Social Media - Staff

Staff possession or use of personal electronic devices on district property, in district facilities during the work day and while the staff is on duty in attendance at district-sponsored activities may be permitted subject to the limitations set forth in this policy and consistent with any additional school rules as may be established by the superintendent or designee. At no time, whether on duty or off duty, will a personal electronic device be used in a manner that interferes with staff duty and responsibility for the supervision of students.

A “personal electronic device” is a device, not issued by the district and, is capable of electronically communicating, sending, receiving, storing, recording, reproducing, and/or displaying information and data.

Personal electronic devices shall be silenced during instructional or class time, while on duty or at any other time where such use of the device would cause a disruption of school activities or interfere with a work assignment. Devices, which have the capability to take photographs or record video or audio, shall not be used for such purposes while on district property or while a staff member is on duty at district-sponsored activities, unless as expressly authorized by the principal or designee for a use directly related to and consistent with the employee’s assigned duties. Computers, tablets, iPads or similar devices brought to school will be restricted to academic activities during on duty time.

The district will not be liable for loss or damage to personal electronic devices brought to district property and district-sponsored activities.

Staff members, while on duty and off duty, will utilize social media websites, public websites and blogs, judiciously by not posting confidential information about students, staff or district business.¹ Staff may not post images of district facilities, staff, students, volunteers or parents without written authorization from persons with authority to grant such a release. Staff members, while on duty and/or off duty, will treat fellow employees, students and the public with respect while posting on social media websites, etc., in order to prevent substantial disruption in school. ~~Communication with students using personal electronic devices will be appropriate, and professional. If communicating with students electronically, regarding school-related matters, staff should use district e-mail using mailing lists to a group of students rather than individual students. Texting students during work hours is discouraged. Texting students while off duty is strongly discouraged.~~

¹ Nothing in this policy is intended in any form to limit the right of the employees to engage in protected labor activities via the use of social media.

Communication with students using personal electronic devices will be appropriate and professional. Communication with students using personal electronic devices regarding nonschool-related matters is prohibited during work hours and strongly discouraged at all other times. If communicating with students electronically regarding school-related matters, staff shall use district e-mail using mailing lists and/or other internet messaging to a group of students rather than individual students. Texting a student during work hours is prohibited. Texting a student while off duty is strongly discouraged.

Exceptions to the prohibitions set forth in this policy may be made for health, safety or emergency reasons with superintendent or designee approval.

Staff are subject to disciplinary action up to and including dismissal for using a personal electronic device in any manner that is illegal or violates the terms of this policy. Staff actions on social media websites, public websites and blogs, while on or off duty, which disrupt the school environment, are subject to disciplinary action up to and including dismissal. A “disruption”² for purposes of this policy includes, but is not limited to, one or more parent threatens to remove their children from a particular class or a particular school, actual withdrawal of a student or students from a particular class or particular school and/or a threatened or actual negative impact on the learning environment.

–The taking, disseminating, transferring, or sharing of obscene, pornographic, or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (commonly called texting, sexting, emailing, etc.) may constitute a crime under state and/or federal law. Any person taking, disseminating, transferring, or sharing obscene, pornographic, or otherwise illegal images or photographs, will be reported to law enforcement and/or other appropriate state or federal agencies.

Licensed staff are subject at all times to the Standards ~~for~~ of Competent and Ethical Performance of Oregon Educators. ~~for Teachers.~~

The superintendent shall ensure that this policy is available to all employees.

END OF POLICY

Legal Reference(s):

[ORS 163.432](#)
[ORS 163.433](#)
[ORS 163.684](#)
[ORS 163.686](#)
[ORS 163.687](#)
[ORS 163.688](#)
[ORS 163.689](#)

[ORS 163.693](#)
[ORS 163.700](#)
[ORS 167.057](#)
[ORS 326.011](#)
[ORS 326.051](#)
[ORS 332.072](#)
[ORS 332.107](#)

[ORS 336.840](#)
[ORS 339.372](#)

[OAR 584-020-0000 – 020-0035](#)

Senate Bill 155 (2019)

18 U.S.C. § 1466A (2018).
18 U.S.C. § 1470 (2018).
20 U.S.C. § 7131 (2018).
20 U.S.C. § 7906 (2018).
Copyrights, Title 17, as amended, United States Code (2018); 19 C.F.R. Part 133 (2019).
Melzer v. Bd. Of Educ., City of New York, 336 F.3d 185 (2d Cir. 2003).

² Ibid. p. 1

Ross v. Springfield Sch. Dist., No. FDA 80-1, aff'd, 56 Or. App. 197, rev'd and remanded, 294 Or. 357 (1982), order on remand (1983), aff'd, 71 Or. App. 111 (1984), rev'd and remanded, 300 Or. 507 (1986), order on second remand (1987), revised order on second remand (1988).

Corrected 8/17/22



Code: GCBC/GDBC
Adopted: 1/04/07
Readopted: 10/14/10
Orig. Code: GCBC/GDBC

Insurance and Associated Payroll Costs

Group Health Insurance

The Board may contribute toward insurance premiums for district employees. Such insurance will be provided and notice given in compliance with any rules of the carrier regarding benefits, current relevant collective bargaining agreement, contract, Board policy and state and federal law.

Non 12-month employees eligible for insurance benefits at the close of the school year and who have been rehired by the district for eligible employment the following school year will be considered eligible during the interim period prior to the new school year.

~~Employees must have a minimum of 10 paid days in a calendar month in order to qualify for district paid insurance benefits in a subsequent calendar month.~~

An employee may not opt out of insurance coverage provided by the district.

Worker Compensation Insurance Fund

The district will enroll all employees in a workers compensation fund.

Tax Sheltered Annuities

1. Operational Requirements

New contracts must be submitted to the district by the fifth of each month for deductions to be made at the end of the same month.

Companies must have a minimum of five years' experience marketing TSA agreements and must have a local office in the Portland metropolitan area to serve the needs of district employees.

2. Minimum Participation Requirements

Companies must have a minimum of 25 applications before deductions will be made. Current carriers who qualify under all other regulations will continue to have deductions made on existing contracts, but no new contracts will be accepted until the total of 25 has been attained. If participation in a qualifying company drops to fewer than five members, no further withholding will be allowed.

3. Product Requirement

Companies must verify that their TSA contracts qualify as described in Section 403(b) of the Internal Revenue Service Code.

Companies must offer fixed contracts and are strongly encouraged to also offer variable or flexible contracts to the District employees.

Life insurance is not to be included as part of the annuity contract.

Deferred compensation is not to be included as part of the annuity contract.

Deferred Compensation

Only those deferred compensation plans selected and approved by the district shall be available to eligible employees. No other deferred compensation plans shall be available.

Uninsured Private Property

The district may assume the cost of items destroyed by fire, theft or vandalism when in the custody of the school, provided the loss was not otherwise insured, the property owner had written approval by an administrator to have the personal property in the building and is within the limits of the district's property insurance policy and the items were in the district's custody for legitimate operational purposes.

Group Dental Insurance

The district offers a program for a group dental insurance plan for all full-time employees.

Income Replacement

The district offers a program of income replacement plans on a payroll deduction basis for all full-time employees.

Unemployment Insurance

The district is, as are all Oregon school districts, included in the state unemployment insurance program. No deduction is made from the employee's salary.

END OF POLICY

Legal Reference(s):

[ORS 332.507](#)

Consolidated Omnibus Budget Reconciliation Act of 1985, 29 U.S.C. §§ 1161-1169 (2012).

Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001-1461 (2012).

Tanner v. OHSU, 157 Or. App. 502 (1998).

Corrected 2/06/23



Code: GCBD/GDBD
Adopted: 1/04/07
Readopted: 10/14/10
Orig. Code: GDBD/GDBD

Sick Leaves and Absences

Sick Leave

Sick leave entitlement for personal illness or injury will accrue at the rate of one day for each month worked with a minimum of 10 days each per year as provided by Oregon Revised Statutes. Twelve-month employees will accrue 1 day per month or 12 days each year.

In accordance with state law, this leave will accumulate without limit.

The accumulation of sick leave to all 12-month administrators is 12 days per year. For administrators working 236 days per year, the accumulation shall be 11 days per year.

The district reserves the right after an absence of more than five three or more consecutive working days of absence, to require proof of personal illness or injury from all employees, including. In addition, the district may require a medical examination by a physician chosen and paid for by the district. Any employee refusing to submit to such an examination or to provide other evidence as required by the district, shall be subject to appropriate disciplinary action, up to and including dismissal.

All medical information will be kept confidential, in a separate file from personnel records, and released only in accordance with the requirements of the Americans with Disabilities Act or other applicable law.

Other paid and unpaid leaves will be governed by the district's negotiated agreements and/or Board policy and administrative regulations as applicable.

Sickness or other unavoidable circumstances that which prevent a teacher from teaching 20 school days immediately following exhaustion of sick leave accumulated under Oregon law will result in the teacher being placed on unpaid leave for the remainder of the school year or until the teacher's disability is removed and he/she is able to return to work. If the teacher is still unable to return to work the following August 1, the Board may terminate the teacher's employment, subject to state and federal laws regarding family illness leave.

All district-paid employee benefits, such as health and dental insurance, will cease on the last day of the month in which employment is terminated, or the staff member is placed on unpaid leave, unless the unpaid leave is in conjunction with state or federal family medical leave. The staff member will be informed of their rights to remain a part of the district benefit plan at personal expense.

Any worker who has sustained a compensable personal injury or illness and is disabled and unable to perform essential job functions, will be reemployed at such time as a physician issues a Fitness-for-Duty

Certification. Such rights of reemployment are subject to seniority rights and other restrictions of the collective bargaining agreement between the employer and employee bargaining unit.

Upon retirement, the unused portion of accumulated sick leave may be applied to the individual's retirement formula computation in accordance with ORS 238.350.

Military Leave (See policy GCBDE/GDBDE)

~~The district shall follow all procedures required in State and federal law regarding the granting of military leave and any resulting need to consider reemployment.~~

~~Increment credit may be allowed on the salary schedule, up to two years maximum, for those employees who are granted military leave from the district. No credit will be granted for service less than 181 days.~~

Jury Duty

An employee's call to jury duty shall be considered paid leave. Any remuneration to the employee from the court which goes beyond costs incurred (i.e., travel, parking, meals, etc.) shall be forwarded to the district.

The district may request that the court reset an employee's jury time to a time that fits the special needs of the district or its students.

Family Medical Leave

~~The district will comply with all provisions of the Family and Medical Leave Act of 1993 the Oregon Family Leave Act of 1995, the Military Family Leave Act as part of the National Defense Authorization Acts of 2008 and for Fiscal Year 2010 (which expanded certain leave to military families and veterans for specific circumstances), Oregon Military Family Leave Act of 2009 and other applicable provisions of state leave laws, board policies and labor agreements regarding family medical leave.~~

~~In order for an employee to be eligible for the benefits under federal law, he/she must have been employed by the district for the previous 12 months and have worked at least 1250 hours during the past 12 month period.~~

~~In order to be eligible under state law, an employee must work an average of 25 hours per week and have been employed at least 180 days prior to the first day of the family medical leave of absence. For parental leave purposes, however, an employee becomes eligible upon completing at least 180 days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave.~~

~~Federal and state leave entitlements generally run concurrently.~~

~~The superintendent will develop administrative regulations as necessary for the implementation of the provision of both federal and state law.~~

Other Leave

~~Any other categories of leave not mentioned in this policy shall be governed by appropriate law, administrative regulation or negotiated agreement.~~

END OF POLICY

Legal Reference(s):

[ORS 332.507](#)

[ORS 342.545](#)

[ORS 342.610](#)

[ORS 659A.046](#)

Knapp v. North Bend, 304 Or. 34 (1987).

Consolidated Omnibus Budget Reconciliation Act of 1985, 29 U.S.C. §§ 1161-1169 (2012).

Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001-1461 (2012).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).

Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654 (2012); Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 (2016).

Americans with Disabilities Act Amendments Act of 2008.

Corrected 8/17/22



Code: GCBDA/GDBDA
Adopted: 2/11/10
Orig. Code: GCBDA/GDBDA

Family Medical Leave

When applicable, the district will comply with the all provisions of the Family and Medical Leave Act (FMLA) of 1993, the Oregon Family Leave Act (OFLA) of 1995, the Military Family Leave Act as part of the National Defense Authorization Acts of 2008 and for Fiscal Year 2010 (which expanded certain leave to military families and veterans for specific circumstances), the Oregon Military Family Leave Act (OMFLA) of 2009, and other applicable provisions of Board policies and collective bargaining agreements regarding family medical leave.

FMLA applies to districts with 50 or more employees within 75 miles of the employee's worksite, based on employment during each working day during any of the 20 or more work weeks in the calendar year in which the leave is to be taken, or in the calendar year preceding the year in which the leave is to be taken. The 50 employee test does not apply to educational institutions for determining employee eligibility.

OFLA and OMFLA applies to districts that employ 25 or more part-time or full-time employees in Oregon, based on employment during each working day during any of the 20 or more work weeks in the calendar year in which the leave is to be taken, or in the calendar year immediately preceding the year in which the leave is to be taken.

In order for an employee to be eligible for the benefits under FMLA federal law, he/she must have been employed by the district for at least 12 months and have worked at least 1,250 hours during the past 12-month period.

In order for an employee to be eligible for the benefits under OFLA, he/she state law, an employee must work an average of 25 hours per week and have been employed at least 180 calendar days prior to the first day of the family medical leave of absence. For parental leave purposes, however, an employee becomes eligible upon completing at least 180 calendar days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave.

OMFLA applies to employees who work an average of at least 20 hours per week; there is no minimum number of days worked when determining an employee's eligibility for OMFLA.

Federal and state leave entitlements generally run concurrently.

The superintendent or designee will develop administrative regulations as necessary for the implementation of the provisions of both federal and state law.

END OF POLICY

Legal Reference(s):

[ORS 332.507](#)

[ORS 342.545](#)

[ORS 659A.090](#)

[ORS 659A.093](#)

[ORS 659A.096](#)

[ORS 659A.099](#)

[ORS 659A.150 to -659A.186](#)

[OAR 839-009-0200 to -0320](#)

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213 (2012); 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).
Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654 (2012); 5 U.S.C. §§ 6381-6387 (2012); Family and Medical Leave Act, 29 C.F.R. Part 825 (2017).

Americans with Disabilities Act Amendments Act of 2008.

Escriba v. Foster Poultry Farms, Inc. 743 F.3d 1236 (9th Cir. 2014).

Corrected 8/17/22



Code: GCBDA/GDBDA-AR(1)
 Revised/Reviewed: 2/11/10; 2/12/14; 9/09/15;
 1/13/16
 Orig. Code: GCBDA/GDBDA-AR(1)

Federal Family and Medical Leave/State Family Medical Leave

(Version 1)

(This AR was rewritten in 2017. Recommend using new version.)

Coverage

Federal law covers public agencies, including districts. In order for school employees to be eligible, however, they must be employed at a work site with 50 or more employees within 75 miles of the employee’s work site for each working day during each of the 20 or more calendar workweeks in the year in which the leave is taken or in the preceding calendar year. State law covers districts that employ 25 or more part-time or full-time employees for each working day during 20 or more calendar workweeks in the calendar year in which the leave is to be taken, or in the calendar year immediately preceding the year in which the leave is to be taken.

Eligibility

Federal law applies to employees who have worked for the district for at least 12 months and for at least 1250 hours during the year preceding the start of the leave. State law generally applies to employees who work an average of 25 hours or more per week for the district during the 180 days or more immediately prior to the first day of the start of the requested leave. Oregon Military Family Leave Act (OMFLA) applies to employees who work an average of at least 20 hours per week. For parental leave purposes, an employee becomes eligible upon completing at least 180 days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave.

In determining that an employee has been employed for the preceding 180 calendar days, the employer must count the number of days an employee is maintained on the payroll, including all time paid or unpaid. If an employee continues to be employed by a successor in interest to the original employer, the number of days worked are counted as continuous employment by a single employer.

In determining 25 hours average workweek, the employer must count the actual hours worked using guidelines set out pursuant to the Fair Labor Standards Act.

Definitions

“Child¹,” for the purpose of taking parental leave under state law, means a biological, adopted, foster child or stepchild of the employee or a child with whom the employee is or was in a relationship of “in loco parentis.” A legal or biological relationship is not required. The child must be under 18 years of age or may be 18 years of age or older if incapable of self-care due to mental or physical impairment as defined by ORS 659A.159.

“Contingency Operation” is a military operation that:

1. Is designated by the Secretary of Defense as an operation in which members of the Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or
2. Results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of Title 10 of the United States Code, chapter 15 of Title 10 of the United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress.

“Covered active duty” means:

1. In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
2. In the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of Title 10, United States Code.

“Covered service member” means:

1. A member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
2. A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.
 - a. “Family member,” for purposes of FMLA and OFLA leave, means a(n):
 - (1) Spouse²;
 - (2) Child of the employee (biological, adopted, foster or step child, a legal ward, or child of the employee standing in loco parentis);

¹ For FMLA, the age of the son or daughter at the onset of the disability is not relevant in determining a parent’s entitlement to FMLA leave.

² “Spouse” means individuals in a marriage, including “common law” marriage and same-sex marriage. For OFLA, spouse also includes same-sex individuals with a Certificate of Registered Domestic Partnership.

- b. Custodial parent;
- 3. Noncustodial parent;
- 4. Biological parent;
- 5. Adoptive parent;
- 6. Stepparent or foster parent; or
- 7. Individual who was in loco parentis to the employee when the employee was a child.

Additionally, when defining “family member” under OFLA, this definition includes a:

- 1. Grandparent;
- 2. Grandchild; or
- 3. Parents-in-law parents of registered domestic partner.

For OFLA purposes, an employee’s child in any of these categories may be either a minor or an adult child at the time serious health condition leave, sick child leave or the death of a family member leave is taken.

“Next of kin” means the nearest blood relative of the eligible employee.

“Serious Health Condition,” under federal law means an illness, injury, impairment or physical or mental condition that involves:

- 1. Any period of incapacity or treatment in connection with or consequent to inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility;
- 2. Any period of incapacity requiring absence from work, school or other regular daily activities, of more than three calendar days, that also involves continuing treatment by (or under the supervision of) a health care provider;
- 3. Continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days;
- 4. Illness, disease or condition is terminal, requires constant care, and poses an imminent danger of death; or
- 5. Disability due to pregnancy, childbirth or prenatal care.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

An employee is unable to perform the functions of the position when the health care provider finds that the employee is unable to work at all or is unable to perform any of the essential functions of the employee's position within the meaning of the Americans with Disabilities Act of 1990 and Americans with Disabilities Act Amendments Act of 2008 (ADA) federal regulations. The district has the option, in requiring medical verification from a health care provider, to provide a statement of the essential functions of the employee's position for the provider to review.

A "serious health condition" under state law means an illness, injury, impairment or physical or mental condition of an employee or family member that:

1. Requires inpatient care in a hospital, hospice or residential medical care facility such as a nursing home. When a family member resides in a long-term residential care facility, leave shall apply only to:
 - a. Transition periods spent moving the family member from one home or facility to another, including time to make arrangements for such transitions;
 - b. Transportation or other assistance required for a family member to obtain care from a physician;
 - c. Serious health conditions as described in items 2-8 below.
2. The treating health care provider judges to pose an imminent danger of death, or that is terminal in prognosis with a reasonable possibility of death in the near future;
3. Requires constant or continuing care such as home care administered by a health care professional;
4. Involves a period of incapacity. Incapacity is the inability to perform at least one essential job function, or to attend school or perform regular daily activities for more than three consecutive calendar days and any subsequent required treatment or recovery period relating to the same condition. This incapacity must involve:
 - a. Two or more treatments by a health care provider;
 - b. One treatment plus a regimen of continuing care.
5. Results in a period of incapacity or treatment for a chronic serious health condition that requires periodic visits for treatment by a health care provider, continues over an extended period of time and may cause episodic rather than a continuing period of incapacity such as asthma, diabetes or epilepsy.
6. Involves permanent or long-term incapacity due to a condition for which treatment may not be effective, such as Alzheimer's disease, a severe stroke or terminal stages of a disease;
7. Involves multiple treatments for restorative surgery or for a condition such as chemotherapy for cancer, physical therapy for arthritis or dialysis for kidney disease that if not treated would likely result in incapacity of more than three days; or
8. Involves any period of disability of a female due to pregnancy or childbirth or period of absence for prenatal care.

"Serious injury or illness," for the purpose of caring for a covered service member, means:

1. In the case of a member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces, or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and
2. In the case of a covered veteran, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty, on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:
 - a. A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank or rating; or
 - b. A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
 - c. A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
 - d. An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Purpose of Leave

Federal and state laws allow eligible employees to take FMLA or OFLA leave for the following purposes, commonly referred to as parental leave, serious health condition leave, pregnancy disability leave, injured service member leave, military family leave, leave for the death of a family member or sick child leave (sick child leave and death of a family member leave are OFLA only):

1. Birth of the employee's child and for bonding with a newborn (eligibility expires 12 months after the birth);
2. Placement of a child with the employee for adoption or foster care or for bonding with a newly placed child, when the child is under 18 years of age (eligibility expires 12 months after placement), or when a child is older than 18 years of age if incapable of self-care because of mental or physical disability;
3. Care of a family member with a serious health condition;
4. Employee's own serious health condition;
5. Eligible employees may take FMLA leave for a qualifying exigency while the employee's spouse, son, daughter or parent is on covered active duty or called to covered active duty status during the deployment of the member with the Armed Forces to a foreign country." (CFR section 825.126(a)(1 and 2); Federal Register Vol. 78, No. 25, Page 8917);

6. Injured Service Member Leave allows an employee leave to care for a covered servicemember who is the employee's spouse, son, daughter, parent, or next of kin, who has been injured in the line of duty as a member of the Armed Forces;
7. State law allows employees to take leave for the care of a sick or injured child who requires home care but is not suffering from a serious health condition. The district is not required to grant leave for routine medical or dental appointments;
8. State law allows employees to take leave for the death of a family member³ to attend the funeral or alternative to a funeral of the family member, make arrangements necessitated by the death of the family member or grieve the death of the family member;
9. Military Family Leave allows leave for a spouse of a military personnel per each deployment of the spouse when the spouse has either been notified of an impending call to active duty, has been ordered to active duty, or has been deployed or on leave from deployment (OFLA).

Length of Leave

An employee eligible for FMLA leave under federal law is entitled to a total of 12 work weeks of leave during any 12-month period for the purposes specified above. A husband and wife who are eligible and who both work for the district may only take a combined total of 12 workweeks of leave if the leave is taken to care for a parent with a serious health condition or if the leave is for the birth of a child or the placement of a child for adoption or foster care.

There will be occasions where a husband and wife employed by the same district will not have to share the 12-week allotment of leave. This situation arises where an employee is eligible for both FMLA and OFLA or just OFLA leave and the employee is taking leave to care for a newborn with a serious health condition.

An employee eligible for Military Caregiver Leave is entitled to a total of 26 work weeks of leave to care for a covered service member during a single 12-month period. The 12-month period begins when the Military Caregiver Leave begins.

An employee eligible for OFLA leave under state law is entitled to a total of 12 workweeks of leave during any 12-month period for the purposes specified above. The 14 days of leave provided by the OMFLA and the two weeks of leave provided for the death of a family member are part of the 12 weeks. Two or more family members who are eligible and who both work for the district may not take OFLA leave at the same time unless:

1. One employee needs to care for another employee who is a family member and who is suffering from a serious health condition;
2. One employee needs to care for a child suffering from a serious health condition while another employee, who is a family member, is also suffering from a serious health condition; or

³ Must be completed within 60 days of the date on which the eligible employee receives notice of the death of the family member.

3. Both family members are suffering from a serious health condition; or
4. The employees are taking leave for the death of a family member; or
5. The concurrent leave in such instances is permitted by the district.

In addition to the 12 workweeks of family leave authorized above, under state law a female eligible employee may take an additional 12 workweeks of leave within any one-year period for an illness, injury or condition related to pregnancy or childbirth that disables the employee from performing her work duties. An employee who takes 12 workweeks of OFLA leave for parental leave may also take up to an additional 12 workweeks of sick child leave within the same leave year. If the employee uses less than 12 weeks of parental leave, however, no additional sick child leave is available, except for the balance of the initial 12 weeks. The employee may also use this balance for any OFLA leave purpose.

A female employee may take up to 36 weeks of OFLA leave in one leave year, but only under the following circumstances:

1. The female employee takes 12 weeks of pregnancy disability leave; followed by
2. Twelve weeks of parental leave; followed by
3. Twelve weeks of sick child leave.

A male employee may take up to 24 weeks of OFLA leave in one year, but only under the following circumstances:

1. The male employee takes 12 weeks of parental leave; followed by
2. Twelve weeks of sick child leave.

Parental leave must be taken in one uninterrupted period – unless the employer approves otherwise – and must be completed within 12 months of the birth, adoption or placement of the child. An exception must be made to allow parental leave to effectuate adoption or foster placement of the child. Such leave need not be taken in one, uninterrupted period with any additional parental leave.

The birth, adoption or foster placement of multiple children at one time entitles the employee to take only one 12-week period of parental leave.

Sick child leave need not be provided if another family member, including a noncustodial biological parent, is willing and able to care for the child.

For the purpose of intermittent leave, leave entitlement is calculated for an employee by multiplying the number of hours the employee normally works per week by 12. (For example, an employee normally employed to work 30 hours per week is entitled to 12 times 30 hours, or a total of 360 hours of leave.) If an employee's schedule varies from week to week, a weekly average of the hours worked over the 12 weeks worked prior to the beginning of the leave period shall be used for calculating the employee's normal workweek. (For example, an employee working an average of 25 hours per week is entitled to 12 times 25 hours, or a total of 300 hours of leave.) If an employee takes intermittent or reduced work

schedule leave, only the actual number of hours of leave taken may be counted toward the 12 weeks of leave to which the employee is entitled.

An employee, who has previously qualified for and taken some portion of OFLA leave, may request additional OFLA leave within the same leave year. The employee must requalify as an eligible employee for each additional leave requested unless one of the following exceptions apply:

1. A female employee who has taken 12 weeks of pregnancy-disability leave need not requalify for 12 weeks in the same leave year for any other purpose,
2. An employee who has taken 12 weeks of parental leave does not need to requalify to take an additional 12-weeks in the same leave year for sick child leave; and
3. An employee granted leave for a serious health condition for the employee or a family member need not requalify if additional leave is taken in this leave year for the same reason.

For situations where time off is covered by OFLA, but not covered by FMLA leave (e.g., the employer has 25 to 49 employees; or the leave taken is for a sick child or for serious health condition of a parent-in-law or parent of the employee's registered domestic partner, grandparent or grandchild) the employer:

1. May allow an exempt employee with accrued paid leave to take OFLA leave in blocks of less than a full day. For these purposes, an exempt employee is a salaried executive, administrative or professional employee under the federal Fair Labor Standards Act or the state minimum wage and overtime laws;
2. May not reduce the salary of an employee who does not have or has run out of accrued paid leave and takes intermittent leave in blocks of less than a full day. To do so would result in the loss of exemption under state law.

The requirements of OFLA do not apply to any employer offering eligible employees a nondiscriminatory cafeteria plan, as defined by section 125 of the Internal Revenue Code of 1986, which provides as one of its options employee leave at least as generous as the leave required by OFLA.

An employee, who has previously qualified for and taken some portion of FMLA leave, may request additional FMLA leave within the same leave year. The employee need not requalify as an eligible employee if the additional leave applied for is in the same leave year and for the same condition.

Intermittent Leave and Alternate Duty

An employer may transfer an employee on a foreseeable intermittent FMLA/OFLA leave or reduced work schedule into an alternate position with the same or different duties to accommodate the leave, provided the following exist:

1. The employee accepts the transfer position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary to accommodate the leave and has equivalent pay and benefits;

3. The transfer is compliant with applicable collective bargaining agreements, as well as with state and federal law, providing all the employee protections found in FMLA regulations 29 C.F.R. Part 825;
4. Transfer to an alternate position is used only when there is no other reasonable option available that would allow the employee to use intermittent leave or reduced work schedule; and
5. The transfer is not used to discourage the employee from taking intermittent or reduced work schedule leave, or to create a hardship for the employee.

An employee transferred, as provided in 1.-5. above, to an alternate position for the purpose of a reduced work schedule, must be returned to the employee's former position.

FMLA/OFLA leave time for an employee on intermittent leave or a reduced work schedule is the difference between the number of hours the employee normally works and the number of hours the employee actually works during the intermittent leave or reduced work schedule. Holidays or days in which the district is not in operation are not counted toward intermittent or reduced work schedule FMLA/OFLA leave unless the employee was scheduled and expected to work on the holiday.

The district may transfer an employee recovering from a serious health condition to an alternate position that accommodates the serious health condition provided:

1. The employee accepts the position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;
3. The transfer is compliant with applicable collective bargaining agreements, as well as with state and federal law, providing all the employee protections found in FMLA regulations 29 C.F.R. Part 825; and
4. The transfer is not used to discourage the employee from taking FMLA/OFLA leave for a serious health condition, or to create a hardship for the employee.

An employee is not on FMLA/OFLA leave if the employee has been transferred, as provided in section 1.-3. above, to an alternate position for the purpose of alternate work duties that the employee is able to perform within the limitations of the employee's own serious health condition, but not requiring a reduced workweek. An employee working in an alternate position retains the right to return to the employee's original position unless all FMLA/OFLA leave taken in that leave year plus the period of time worked in the alternate position exceed 12 weeks.

An alternate position accommodating an employee's serious health condition may result in the employee working fewer hours than the employee worked in the original position. The employee's FMLA/OFLA leave is the difference between the number of hours the employee worked in the original position and the number of hours the employee actually works in the alternate position.

Intermittent leave for school teachers is subject to special rules.

The district recognizes that state law will not always reduce the employee's FMLA, 12 workweek entitlement (i.e., leave to care for a parent-in-law or sick child leave).

Special Rules for Teachers

Special rules apply if leave is requested to be taken near the end of a semester.

1. Under OFLA leave, if a teacher requests, in advance, leave for a serious health condition and the teacher will be absent more than 20 percent of the total number of working days during the period over which the leave would be taken then the employer may require the teacher to elect one of the following options:
 - a. To take family leave for one uninterrupted period of time as necessary to complete medical treatment. (School holidays and school vacation days are not counted as family leave.);
 - b. To transfer temporarily into an available alternative position which better accommodates periodic absences or recurring periods of leave.
2. Under FMLA leave, if a teacher begins leave more than five weeks before the end of the academic term because of the teacher's own serious health condition, the employer may require the teacher to remain on leave until the end of the term if:
 - a. The family leave is at least three weeks long; and
 - b. The teacher's return to work would occur within three weeks of the end of the term.
3. If a teacher begins FMLA or OFLA leave within five weeks of the end of the academic term because of parental leave, the serious health condition of a family member, or to care for a covered service member, the employer may require the teacher to remain on family leave through the end of the term if:
 - a. The leave is more than two weeks long; and
 - b. The teacher's return would occur within the last two weeks of the term.
4. If a teacher begins FMLA or OFLA leave within three weeks of the end of the academic term because of parental leave, to care for a family member with a serious health condition, or to care for a covered service member and the leave is greater than five working days, the employer may require the teacher to remain on family leave until the end of the term.
5. If a teacher takes FMLA/OFLA leave to the end of the school year and continues the leave at the beginning of the next school term, the leave is consecutive rather than intermittent leave.
 - a. The period between the end of the school term and the beginning of the next school term, when a teacher would not have been required to report for duty, is not counted against the teacher's FMLA or OFLA leave entitlements.
 - b. A teacher on FMLA/OFLA leave at the end of the school term must be provided with the same benefits during the period between school terms that the teacher would normally receive if no FMLA/OFLA leave were taken.
6. If a teacher is required by the employer to remain on leave to the end of the academic term, only the period of leave the teacher requested shall be charged against the teacher's FMLA/OFLA leave entitlement.

7. Nothing in FMLA/OFLA rules prohibits the employer from allowing the teacher to work as a substitute or in some other paid capacity during the weeks prior to the end of term under 3. or 4. above.
8. Full-time employees covered by OFLA rules, and who have been maintained on the payroll by a district during 180 consecutive calendar days, are thereafter deemed to have been employed by that district for an average of at least 25 hours per week during the 180 days immediately preceding the date any OFLA leave begins.

Calculating the 12-Month Period for Leave

The district will use the same method for calculating the 12-month period in which the 12 workweek FMLA and OFLA leave entitlement occurs for all employees. The district will use any fixed 12-month “leave year.”

Leaves to care for covered service members has its own 12-month year beginning on the first day of leave regardless of the district’s method of calculating the 12-month period for leave.

Paid/Unpaid Leave

Family leave under federal and state law is generally unpaid. An employee may elect to use accrued paid leave including personal and sick leave, or accrued vacation leave for the leave period.

The district will notify the employee that the requested leave has been designated as FMLA and/or OFLA leave and, if required by the district, that accrued paid leave shall be used during the leave period. In the event the district is aware of an OFLA or FMLA qualifying exigency, the district shall notify the employee of the intent to designate the leave as such regardless of whether a request has been made by the employee. Such notification will be given to the employee prior to the commencement of the leave or within two working days of the employee’s notice of an unanticipated or emergency leave.

When the district does not have sufficient information to make a determination of whether the leave qualifies as FMLA or OFLA leave, the district will provide the required notice promptly when the information is available but no later than two working days after the district has received the information. Oral notices will be confirmed in writing no later than the following payday. If the payday is less than one week after the oral notice is given, written notice will be provided no later than the subsequent payday.

Continuation of Health Insurance Benefits

Under federal and state law, group health insurance benefits and premium payments must be continued on the same basis as coverage would have been provided and premiums paid if the employee had been continuously employed during the leave period. The district will continue to pay the district’s contribution toward the employee’s premiums. The employee will continue to pay the employee’s share of premiums, if any.

A 30-day grace period will be allowed for receipt of employee contributions. The district’s obligation to maintain the employee’s benefits will cease if the employee’s contribution is more than 30 days late. The district will provide written notice that the premium payment is more than 30 calendar days late. Such notice will be provided within 15 calendar days before coverage is to cease.

In the event the district is required to pay or elects to pay any part of the costs of providing health, disability, life or other insurance coverage for an employee during the period of FMLA or OFLA leave that should have been paid by the employee, the district may deduct, on the employee's return to work, such amounts from the employee's pay as have been advanced.

In no event may the total deducted exceed 10 percent of the employee's gross pay each pay period.

Return to Work

After leave granted under federal and state law, an employee is generally entitled to be returned to the same position the employee held when leave commenced or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment unless otherwise excepted by law.

Fitness-for-Duty Certification

If the leave was required for the employee's own serious health condition, including intermittent leave, the district may require the employee to obtain and present a fitness-for-duty certification from the health care provider that the employee is able to resume work. The certification will specifically address the employee's ability to perform the essential functions of the employee's job as they relate to the health condition that was the reason for the leave. If the district is going to require a fitness-for-duty certification upon return to work, the district must notify the employee of such requirement when the leave is designated as FMLA leave. The district is responsible for any co-pay or other out-of-pocket costs incurred by the employee in providing certification. Failure to provide the fitness-for-duty certification may result in a delay or denial of reinstatement.

Application

Under federal and state law, an employee requesting FMLA and/or OFLA leave shall provide at least 30 days notice prior to the leave date if the leave is foreseeable. The notice shall be written and include the anticipated start, duration and reasons for the requested leave. The employee must make a reasonable effort to schedule treatment, including intermittent leave and reduced leave, so as not to unduly disrupt the operation of the district.

When an employee is able to give advance notice and requests leave, an employer may request additional information to determine that the leave qualifies for designation as FMLA/OFLA leave. The employer may designate the employee as provisionally on FMLA/OFLA leave until sufficient information is received to make a determination. An employee able to give advance notice of the need to take FMLA/OFLA leave must follow the employer's known, reasonable and customary procedures for requesting any kind of leave.

If advance notice is not possible, for example due to a change in circumstances or a medical emergency, an employee eligible for FMLA leave must provide notice as soon as practicable. "As soon as practicable," under federal law means the employee generally must comply with the employer's normal call-in procedures.

An employee eligible for OFLA leave is required, under state law, to provide oral or written notice within 24 hours of commencement of the leave in unanticipated or emergency leave situations. The employee may designate a family member or friend to notify the district during that period of time.

In either case, proper documentation must be submitted no later than three working days following the employee's return to work.

Failure of an employee to provide the required notice for FMLA leave may result in the district delaying the employee's leave for up to 30 days after the notice is ultimately given.

Failure of an employee to provide the required notice for leave covered by OFLA may result in the district deducting up to three weeks from the employee's unused OFLA leave in that one-year leave period. The employee may be subject to disciplinary action for not following the district's notice procedures.

Medical Certification

When an employee provides 30 or more days notice when applying for FMLA and/or OFLA leave, other than for parental leave, the employer shall require the employee to provide medical documentation when appropriate to support the request for leave. The district will provide written notification to employees of this requirement within five working days of employee's request for leave. If the employee provides less than 30 days notice, the employee is required to submit such medical certification no later than 15 calendar days after receipt of the district's notification that medical certification is required.

The district may request re-certification of a condition when the minimum duration of a certification expires if the employee still needs leave. If the certification does not indicate a duration or indicates that it is ongoing, the district may request re-certification at least every six months in connection with an absence.

Under federal law, a second medical opinion may be required whenever the district has reason to doubt the validity of the initial medical opinion. The health care provider may be selected by the district. The provider shall not be employed by the district on a regular basis. Should the first and second medical certifications differ, a third opinion may be required. The district and the employee will mutually agree on the selection of the health care provider for a third medical certification. The third opinion will be final. Second and third opinions and the actual travel expenses for an employee to obtain such opinions will be paid for by the district.

Under state law, if an employee requests OFLA leave because of a serious health condition, the district may require a second opinion and designate the health care provider. The provider may not be employed by the district. Should the two opinions conflict, the district may require a third opinion and that the two providers designate the third health care provider. The third opinion will be final. Second and third opinions and the actual travel expenses for the employee to obtain such opinions will be paid for by the district.

An employer may not delay the taking of an OFLA leave in the event that medical certification is not received prior to the commencement of a leave taken subject to the timelines set forth in this regulation. The employer may designate the leave as provisionally approved subject to medical certification. The employer shall provide the employee with written notice of any requirement to provide medical

certification of the need for leave and the consequences for failure to do so. The employee must be allowed a minimum of 15 days to provide medical certification.

If the employee elects or the district requires substitution of accrued sick leave, vacation or other paid leave for unpaid leave pursuant to a collective bargaining agreement or other Board policy, the district will follow the medical documentation requirements of the applicable leave policy or contract provision whenever such requirements are more beneficial to the employee.

If an employee has taken sick child leave on all or any part of three separate days during a leave year, the employer may require medical certification on the fourth day or subsequent occurrence of sick child leave within that leave year. The employer must pay the cost of the medical certification not covered by insurance or other benefit plan. The opinion of the health care provider shall be binding. The employer

may not require the employee to obtain a second opinion. The employer is not required to request medical certification for sick child leave exceeding three days and may make such requests at the employer's discretion.

Notification

Any notice required by federal and state laws explaining employee rights and responsibilities will be posted in all staff rooms and the district office. Additional information may be obtained by contacting the human resource director.

Record Keeping/Posted Notice

The district will maintain all records as required by federal and state laws including dates leave is taken by employees, identified separately from other leave; hours/days of leave; copies of general and specific notices to employees, including Board policy(ies) and regulations; premium payments of employee health benefits while on leave and records of any disputes with employees regarding granting of leave.

Medical documentation will be maintained separately from personnel files as confidential medical records.

The district will post notice of Federal Family and Medical Leave Act and Oregon Family Leave Act requirements.

Federal vs. State Law

Both federal and state law contain provisions regarding leave for family illness. Federal regulations state an employer must comply with both laws; that the federal law does not supersede any provision of state law that provides greater family leave rights than those established pursuant to federal law and that state and federal leave entitlements run concurrently. State law requires that federal and state leave run concurrently when possible. For example, due to differences in regulations, an employee who takes leave after 180 days of employment but before one year, is still eligible to take a full 12 workweeks of federal leave after meeting the one-year work requirement. After the first work year, leave will run concurrently.

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness*.

***The FMLA definition of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".**

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

For additional information:

1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV

Corrected 9/07/22



Code: GCBDA/GDBDA-AR(1)

Revised/Reviewed:

Coverage

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Family Leave
(Version 2)

The federal Family and Medical Leave Act (FMLA) applies to districts with 50 or more employees within 75 miles of the employee’s work site, based on employment during each working day during any of the 20 or more workweeks in the calendar year in which the leave is to be taken, or in the calendar year preceding the year in which the leave is to be taken. The 50 employee test does not apply to educational institutions for determining employee eligibility.

The Oregon Family Leave Act (OFLA) and the Oregon Military Family Leave Act (OMFLA) applies to districts that employ 25 or more part-time or full-time employees in Oregon, based on employment during each working day during any of the 20 or more workweeks in the calendar year in which the leave is to be taken, or in the calendar year immediately preceding the year in which the leave is to be taken.

Employee Eligibility

FMLA applies to employees who have worked for the district for at least 12 months (not necessarily consecutive) and worked for at least 1,250 hours during the 12-month period immediately preceding the start of the leave.

An employee who has previously qualified for and has taken some portion of FMLA leave may request additional FMLA leave within the same leave year. In such instances, the employee need not requalify as an eligible employee, if the additional leave applied for is in the same leave year and for the same condition.

OFLA applies to employees who work an average of 25 hours or more per week during the 180 calendar days or more immediately prior to the first day of the start of the requested leave.¹ For parental leave purposes, an employee becomes eligible upon completing at least 180 days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave.

An employee of a covered employer is eligible to take leave for purposes of OFLA during a period of time covered by a public health emergency except:

¹ The requirements of OFLA do not apply to any employer offering eligible employees a nondiscriminatory cafeteria plan, as defined by section 125 of the Internal Revenue Code of 1986, which provides as one of its options employee leave at least as generous as the leave required by OFLA.

1. An employee who worked for the covered employer for fewer than 30 days immediately before the date on which the family leave would commence; or
2. An employee who worked for the covered employer for an average of fewer than 25 hours per week in the 30 days immediately before the date on which the family leave would commence.

An employee of a covered employer is eligible to take leave for purposes of OFLA if the employee:

1. Separates from employment with the covered employer, irrespective of any reason:
 - a. Is eligible to take leave OFLA at the time the employee separates; and
 - b. Is reemployed by the covered employer within 180 days of separation from employment; or
2. Is eligible to take OFLA leave:
 - a. At the beginning of a temporary cessation of scheduled hours of 180 days or less; and
 - b. Returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.

Any OFLA leave taken by the employee within any one-year period continues to count against the length of time of OFLA leave the employee is entitled. The amount of time that an employee is deemed to have worked for a covered employer prior to a break in service due to a separation from employment or a temporary cessation of scheduled hours shall be restored to the employee when the employee is reemployed by the employer within 180 days of separation from employment or when the employee returns to work at the end of the temporary cessation of scheduled hours of 180 days or less.

An employee who has previously qualified for and has taken some portion of OFLA leave, may request additional OFLA leave within the same leave year. In such instances, the employee must requalify as an eligible employee for each additional leave requested unless one of the following exceptions apply:

1. A female employee who has taken 12 weeks of pregnancy disability leave need not requalify leave in the same leave year for any other purpose;
2. An employee who has taken 12 weeks of parental leave need not requalify to take an additional 12 weeks in the same leave year for sick child leave; and
3. An employee granted leave for a serious health condition for the employee or a family member need not requalify if additional leave is taken in this leave year for the same reason.

OMFLA applies to employees who work an average of at least 20 hours per week. There is no minimum number of days worked when determining employee eligibility for OMFLA.

In determining if an employee has been employed for the preceding 180 calendar days, when applicable, the employer must consider days, e.g., paid or unpaid, an employee is maintained on payroll for any part of a work week. Full-time public school teachers who have been maintained on payroll by a district for 180 consecutive calendar days are thereafter deemed to have been employed for an average of at least 25 hours per week during the 180 days immediately preceding the start date of the OFLA leave. This provision is eligible for rebuttal if for example, the employee was on a nonpaid sabbatical.

In determining average workweek, the employer must count the actual hours worked using the Fair Labor Standards Act (FLSA) guidelines.

Qualifying Reason

Eligible employees may access FMLA leave for the following reasons:

1. Serious health condition of the employee or the employee's covered family member:
 - a. Inpatient care;
 - b. Continuing treatment;
 - c. Chronic conditions;
 - d. Permanent, long-term or terminal conditions;
 - e. Multiple treatments;
 - f. Pregnancy and prenatal care.
2. Parental leave² (separate from eligible leave as a result of a child's serious health condition):
 - a. Bonding with and the care for the employee's newborn (within 12 months following birth);
 - b. Bonding with and the care for a newly adopted or newly placed foster child under the age of 18 (within 12 months of placement);
 - c. Care for a newly adopted or newly placed foster child over 18 years of age who is incapable of self-care because of a physical or mental impairment (within 12 months of placement);
 - d. Time to effectuate the legal process required for placement of a foster child or the adoption of a child.
3. Military Caregiver Leave: leave for the care for spouse, son, daughter or next-of-kin who is a covered servicemember/veteran with a serious injury or illness;
4. Qualifying Exigency Leave: leave arising out of the foreign deployment of the employee's spouse, son, daughter or parent.

Eligible employees may access OFLA for the following reasons:

1. Serious health condition of the employee or the employee's covered family member:
 - a. Inpatient care;
 - b. Continuing treatment;
 - c. Chronic conditions;
 - d. Permanent, long-term or terminal conditions;
 - e. Multiple treatments;
 - f. Pregnancy and prenatal care.
2. Parental leave (separate from eligible leave as a result of the child's serious health condition):
 - a. Bonding with and the care for the employee's newborn (within 12 months following birth);
 - b. Bonding with and the care for a newly adopted or newly placed foster child under the age of 18 (within 12 months of placement);
 - c. Care for a newly adopted or newly placed foster child over 18 years of age who is incapable of self-care because of a physical or mental impairment (within 12 months of placement);

² Parental leave must be taken in one continuous block of time within 12 months of the triggering event.

- d. Time to effectuate the legal process required for placement of a foster child or the adoption of a child.
- 3. Sick Child Leave: leave for non-serious health conditions of the employee’s child. For OFLA, sick child leave includes absence to care for an employee’s child whose school or child care provider has been closed³ in conjunction with a statewide public health emergency declared by a public health official.⁴
- 4. Bereavement Leave: leave related to the death of a covered family member.⁵
- 5. Eligible employees may access OMFLA for the purpose of spending time with a spouse or same-gender domestic partner who is in the military and has been notified of an impending call or order to active duty, or who has been deployed during a period of military conflict.
- 6. The eligibility of an employee who takes multiple leaves for different qualified reasons during the same district designated leave period may be reconfirmed at the start of each qualified leave requested.

Definitions

- 1. Family member:
 - a. For the purposes of FMLA, “family member” means:
 - (1) Spouse⁶;
 - (2) Parent;
 - (3) Child; or
 - (4) Persons who are “in loco parentis”.
 - b. For the purposes of OFLA, “family member” means:
 - (1) Spouse;
 - (2) Registered, same-gender domestic partner;
 - (3) Parent;
 - (4) Parent-in-law;

³ “Closure” for the purpose of sick child leave during a statewide public health emergency declared by a public health official means a closure that is ongoing, intermittent, or recurring and restricts physical access to the child’s school or child care provider. OAR 839-009-0210(4).

⁴ The district may request verification of the need for sick child leave due to a closure during a statewide emergency. Verification may include:

- 1. The name of the child being cared for;
- 2. The name of the school or child care provider that has closed or become unavailable; and
- 3. A statement from the employee that no other family member of the child is willing and able to care for the child. With the care of a child older than 14, a statement that special circumstances exist requiring the employee to provide care to the child during daylight hours.

⁵ Bereavement leave under OFLA must be completed within 60 days of when the employee received notice of the death.

⁶ “Spouse” means individuals in a marriage, including “common law” marriage and same-sex marriage. For OFLA, spouse also includes same-sex individuals with a Certificate of Registered Domestic Partnership.

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- (5) Parent of employee’s registered, same-gender domestic partner;
- (6) Child;
- (7) Child of employee’s registered, same-gender domestic partner;
- (8) Grandchild;
- (9) Grandparent; or
- (10) Persons who are “in loco parentis”.

2. Child:

- a. For the purposes of FMLA, “child” means a biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing “in loco parentis”, who is either under the age of 18, or who is 18 years of age or older and who is incapable of self-care because of a physical or mental impairment.
- b. For the purposes of Military Caregiver Leave and Qualifying Exigency Leave under FMLA, “child” means the employee’s son or daughter on covered active duty regardless of that child’s age.
- c. For the purposes of OFLA, “child” means a biological, adopted, foster child or stepchild of the employee, the child of the employee’s same-gender domestic partner, or a child with whom the employee is or was in a relationship of “in loco parentis”.
- d. For the purposes of parental and sick child leave under OFLA, the child must be under the age of 18 or an adult dependent child substantially limited by a physical or mental impairment.

3. In loco parentis:

- a. For the purposes of FMLA, “in loco parentis” means persons with day-to-day responsibility to care for and financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.
- b. For the purposes of OFLA, “in loco parentis” means person in the place of the parent having financial or day-to-day responsibility for the care of a child. A legal or biological relationship is not required.

4. Next of kin:

For the purposes of FMLA and Military Caregiver Leave under FMLA, “next of kin” means the nearest blood relative other than the servicemember’s spouse, parent, son or daughter in the following order of priority (unless otherwise designated in writing by the servicemember):

- a. Blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions;
- b. Brothers or sisters;
- c. Grandparents;
- d. Aunts and uncles; and
- e. First cousins.

5. Covered servicemembers:

For the purposes of Military Caregiver Leave under FMLA, “covered servicemember” means a current member of the Armed Forces, including a member of the National Guard or Reserves, who is

receiving medical treatment, recuperation or therapy, or is in outpatient status, or is on the temporary disability retired list for a serious injury or illness.

6. Covered veteran:

For the purposes of Military Caregiver Leave under FMLA, “covered veteran” means a veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness provided they were:

- a. A member of the Armed Forces (including a member of the National Guard or Reserves);
- b. Discharged or released under conditions other than dishonorable; and
- c. Discharged within the five-year period before the eligible employee first takes FMLA, Military Caregiver Leave.

7. Public health emergency:

For OFLA a public health emergency means;

- a. A public health emergency declared under ORS 433.441.
- b. An emergency declared under ORS 401.165 if related to a public health emergency as defined in ORS 433.442.

Leave Period

For the purposes of calculating an employee’s leave period, the district will use a “rolling” 12-month period measured backward from the date the employee uses any family and medical leave. The same method for calculating the 12-month period for FMLA and OFLA leave entitlement shall be used for all employees. However, in all instances, the leave period for the purposes of OMFLA and Military Caregiver Leave under FMLA shall be dependent on the start of any such leave regardless of the district’s designated 12-month leave period described above.

Leave Duration

For the purposes of FMLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the district’s designated leave period⁷. Spouses who work for the district may be limited to a combined 12 weeks of FMLA leave during the district’s designated leave period when the purpose of the leave is for the birth of a child or to care for a child after birth, placement of an adopted or foster child or the care for an adopted or foster child after placement, or to care for the employee’s parent’s serious medical condition. Except in specific and unique instances, all qualified leave under FMLA counts toward an employee’s leave entitlement within the district’s designated leave period.

For the purposes of OFLA, an eligible employee is generally entitled to a total of 12 weeks of qualified leave during the district’s designated leave period. However, an eligible employee is entitled to an

⁷ An eligible employee taking Military Caregiver Leave under FMLA is entitled to up to 26 weeks of leave in the 12-month period beginning with the first day of such leave and regardless of any FMLA leave taken previously during the district’s leave period. However, once the 12-month period begins for the purposes of Military Caregiver Leave under FMLA, any subsequent FMLA qualified leave, regardless of reason for such leave, will count toward the employee’s 26-week entitlement under Military Caregiver Leave under FMLA.

additional, full 12 weeks of parental leave during the district's designated leave period following the birth of a child regardless of how much OFLA qualified leave the employee has taken prior to the birth of such child during the district's designated leave period. Likewise, an employee who uses the full 12 weeks of parental leave during the district designated leave period, will be entitled to an additional 12 weeks of sick child leave under OFLA during the district's designated leave period for the purpose of caring for a child(ren) with a non-serious health condition requiring home care.⁸ Unlike FMLA, OFLA does not combine the leave entitlement for spouses working for the district. However, under OFLA, family members who work for the district may be restricted from taking concurrent OFLA qualified leave.⁹

For the purposes of OMFLA, an eligible employee is entitled to 14 days of leave per call or order to active duty or notification of a leave from deployment. When an employee also meets the eligibility requirements of OFLA, the duration of the OMFLA leave counts toward that employee's leave entitlement during the district's designated leave period.

Except as otherwise noted above, qualified leave under FMLA and OFLA for an eligible employee will run concurrently during the district's designated leave period.

For the purpose of tracking the number of leave hours an eligible employee is entitled and/or has used during each week of the employee's leave, leave entitlement is calculated by multiplying the number of hours the eligible employee normally works per week by 12¹⁰. If an employee's schedule varies from week-to-week, a weekly average of the hours worked over the 12 weeks worked prior to the beginning of the leave period shall be used for calculating the employee's normal workweek¹¹. If an employee takes intermittent or reduced work schedule leave, only the actual number of hours of leave taken may be counted toward the 12 weeks of leave to which the employee is entitled.

Intermittent Leave

With the exception of parental leave which must be taken in one continuous block of time, an eligible employee is permitted under FMLA and OFLA to take intermittent leave for any qualifying reason.

Intermittent leave is taken in multiple blocks of time (i.e., hours, days, weeks, etc.) rather than in one continuous block of time and/or requires a modified or reduced work schedule. For OFLA this includes but not limited to sick child leave taken requiring an altered or reduced work schedule because the intermittent or recurring closure of a child's school or child care provider due to a statewide public health emergency declared by a public health official.

⁸ Sick child leave under OFLA need not be provided if another family member, including a noncustodial biological parent, is willing and able to care for the child.

⁹ Exceptions to the ability to require family members from taking OFLA qualified leave at different times are when 1) employee is caring for the other employee who has a serious medical condition; 2) one employee is caring for a child with a serious medical condition when the other employee is suffering a serious medical condition; 3) each family member is suffering a serious medical condition; 4) each family member wants to take Bereavement Leave under OFLA; and 5) the employer allows the family members to take concurrent leave.

¹⁰ For example, an employee normally employed to work 30 hours per week is entitled to 12 times 30 hours, or a total of 360 hours of leave.

¹¹ For example, an employee working an average of 25 hours per week is entitled to 12 times 25 hours, or a total of 300 hours of leave.

When an employee is eligible for OFLA leave, but not FMLA leave, the employer:

1. May allow an exempt employee, as defined by state and federal law, with accrued paid time off to take OFLA leave in blocks of less than a full day; but
2. May not reduce the salary of an employee who is taking intermittent leave when they do not have accrued paid leave available. To do so would result in the loss of exemption under state law.

An employee's FMLA and/or OFLA intermittent leave time is determined by calculating the difference between the employee's normal work schedule and the number of hours the employee actually works during the leave period. The result of such calculation is credited against the eligible employee's leave entitlement.

Holidays or days in which the district is not in operation, are not counted against the eligible employee's intermittent OFLA leave period unless the employee was scheduled and expected to work on any such day.

Alternate Work Assignment

The district may transfer an employee recovering from a serious health condition to an alternate position which accommodates the serious health condition provided:

1. The employee accepts the position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreement;
4. The transfer is compliant with state and federal law, including but not limited to the protections provided for in FMLA and/or OFLA; and
5. The transfer is not used to discourage the employee from taking FMLA and/or OFLA leave for a serious health condition or to create a hardship for the employee.

The district may transfer an eligible employee who is on a foreseeable intermittent FMLA and/or OFLA leave to another position with the same or different duties to accommodate the leave, provided:

1. The employee accepts the transfer position voluntarily and without coercion;
2. The transfer is temporary, lasts no longer than necessary and has equivalent pay and benefits;
3. The transfer is compliant with any applicable collective bargaining agreements;
4. The transfer is compliant with state and federal law, including but not limited to the protections provided for in FMLA and/or OFLA;
5. The transfer to an alternate position is used only when there is no other reasonable option available that would allow the employee to use intermittent leave or reduced work schedule; and

6. The transfer is not used to discourage the employee from taking intermittent or reduced work schedule leave, or to create a hardship for the employee.

If an eligible employee is transferred to an alternative position, and as a result the employee works fewer hours than the employee was working in the original position, the employee's FMLA and/or OFLA leave time is determined by calculating the difference between the employee's normal work schedule and the number of hours the employee actually works during the leave period. The result of such calculation is credited against the eligible employee's leave entitlement.

When an employee is transferred to alternate position as described above but such transfer does not result in a reduced schedule, time worked in any such alternate position shall not be considered for the purpose of FMLA and/or OFLA leave. An employee working in an alternate position retains the right to return to the employee's original position unless all FMLA and/or OFLA leave taken in that leave year plus the period of time worked in the alternate position exceeds 12 weeks.

Special Rules for School Employees

For the purposes of FMLA, "instructional employee" means those whose principal function is to teach and instruct students in a class, a small group or an individual setting. Athletic coaches, driving instructors and special education assistants, such as interpreters for the hearing impaired, are included in this definition. This definition does not apply to teacher assistants or aides who do not have as their principal job actual teaching or instructing, counselors, psychologist, curriculum specialists, cafeteria workers, maintenance workers or bus drivers.

For the purposes of OFLA, "school employee" means employees employed principally as instructors in public kindergartens, elementary schools, secondary schools or education service districts.

FMLA and/or OFLA leave that is taken for a period that ends with the school year and begins with the next semester is considered consecutive rather than intermittent. In any such situation, the eligible school employee will receive any benefits during the break period that employees would normally receive if they had been working at the end of the school year.

1. Foreseeable Intermittent Leave Exceeding 20 Percent of Working Days

When the qualified leave is foreseeable, will encompass more than 20 percent of the eligible school employee's regular work schedule during the leave period, and the purpose of such leave is to care for a family member with a serious medical condition, for a servicemember with a serious medical condition or because of the employee's own serious medical condition, the district may require the eligible school employee to:

- a. Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- b. Temporarily transfer the eligible school employee to an alternate position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than the employee's original position.

2. Limitation on Leave Near the End of the School Year

When an eligible school employee requests leave near the end of the school year, the district may require the following:

- a. When the qualified leave begins more than five weeks before the end of the school year:
- (1) For the purposes of FMLA leave, the eligible school employee may be required to continue taking leave until the end of the school year provided:
 - (a) The leave will last at least three weeks; and
 - (b) The employee would return to work during the three-week period before the end of the term.
 - (2) For the purposes of OFLA leave, if the reason for the leave is because of the eligible school employee's own serious health condition, the eligible school employee may be required to remain in leave until the end of the school year, provided:
 - (a) The leave will last at least three weeks; and
 - (b) The employee's return to work would occur within three weeks of the end of the school year.
- b. For the purposes of FMLA and/or OFLA leave, when the qualified leave begins within five weeks of the end of the school year and the purpose of such leave is parental leave, for the serious health condition of a family member or for the serious health condition of a servicemember, the eligible school employee may be required to remain on leave until the end of the school year provided:
- (1) The leave will last more than two weeks; and
 - (2) The employee would return to work during the two-week period before the end of the school year.
- c. For the purposes of FMLA and/or OFLA leave, when the qualified leave begins within three weeks of the end of the school year and the purpose of such leave is parental leave, for the serious health condition of a family member or for the serious health condition of a servicemember, the eligible school employee may be required to remain on leave until the end of the school year provided the length of the leave will last more than five working days.

If the district requires an eligible school employee to remain on leave until the end of the school year as described above, additional leave required by the employer until the end of the school year shall not count against the eligible school employee's leave entitlement.

Paid/Unpaid Leave

FMLA and OFLA do not require the district to pay an eligible employee who is on a qualified leave. Subject to any related provisions in any applicable collective bargaining agreement, an employee may elect to use any available accrued paid leave including personal and sick leave, or available accrued vacation leave during the leave period.

The district will notify the eligible employee that the requested leave has been designated as FMLA and/or OFLA leave and, if required by the district, that available accrued paid leave shall be used during the leave

period. In the event the district is aware of an OFLA or FMLA qualifying exigency, the district shall notify the eligible employee of its intent to designate the leave as such regardless of whether a request has been made by the eligible employee. Such notification will be given to the eligible employee prior to the commencement of the leave or within two working days of the employee's notice of an unanticipated or emergency leave, whichever is sooner.

When the district does not have sufficient information to make a determination of whether the leave qualifies as FMLA or OFLA leave, the district will provide the required notice promptly when the information is available but no later than two working days after the district has received the information. Oral notices will be confirmed in writing no later than the following payday. If the payday is less than one week after the oral notice is given, written notice will be provided no later than the subsequent payday.

Eligible employees who request OMFLA leave shall not be required to use any available accrued paid time off during the OMFLA leave period.

Benefits and Insurance

When an eligible employee returns to work following a FMLA or OFLA qualified leave, the employee must be reinstated to the same position the employee held when the leave commenced, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment.

During an OFLA qualified leave an eligible employee does not accrue seniority or other benefits that would have accrued while the employee was working, unless the terms of a collective bargaining agreement, other agreement or other employer's policy provide otherwise.¹² The eligible employee is also subject to layoff to the same extent similarly situated employees not taking OFLA leave are subject unless the terms of an applicable collective bargaining agreement, other agreement or the district's policies provide otherwise.

For the purposes of FMLA and OFLA, the district will continue to pay the employer portion of the eligible employee's group health insurance contribution (if applicable) during the qualified leave period. The eligible employee is required to pay the employee portion of any such group health insurance contribution as a condition of continued coverage.

For the purposes of FMLA qualified leave, the district's obligation to maintain the employee's group health insurance coverage will cease if the employee's contribution is remitted more than 30 calendar days late. The district will provide written notice that the premium payment is more than 30 calendar days late. Such notice will be provided within 15 calendar days before coverage is to cease.

For the purposes of OMFLA, the eligible employee is entitled to a continuation of benefits.

Fitness-for-Duty Certification

Prior to the reinstatement of an employee following a leave which was the result of the employee's own serious health condition, the district may require the employee to obtain and present a Fitness-for-Duty Certification. The certification will specifically address the employee's ability to perform the essential functions of the employee's job as they relate to the health condition that was the reason for the leave. If

¹² See also ORS 342.934(4)(d) in reduction force situations.

the district is going to require a fitness-for-duty certification upon return to work, the district must notify the employee of such requirement when the leave is designated as FMLA and/or OFLA leave. Failure to provide the certification may result in a delay or denial of reinstatement.

For the purposes of FMLA qualified leave, any costs associated with obtaining the fitness-for-duty certification shall be borne by the employee.

For the purposes of OFLA qualified leave, any out-of-pocket costs associated with obtaining the fitness-for-duty certification shall be borne by the district.

If the leave is qualified under both FMLA and OFLA, any out-of-pocket costs associated with obtaining the fitness-for-duty certification shall be borne by the district.

Application

Under federal and state law, an eligible employee requesting FMLA and/or OFLA leave shall provide at least 30 days' notice prior to the leave date if the leave is foreseeable. The notice shall be written and include the anticipated start date, duration and reasons for the requested leave. When appropriate, the eligible employee must make a reasonable effort to schedule treatment, including intermittent leave and reduced leave, so as not to unduly disrupt the operation of the district.

The district may request additional information to determine that the requested leave qualifies as FMLA and/or OFLA leave. The district may designate the employee as provisionally on FMLA and/or OFLA leave until sufficient information is received to properly make a determination. An eligible employee able to give advance notice of the need to take FMLA and/or OFLA leave must follow the employer's known, reasonable and customary procedures for requesting any kind of leave.

For the purposes of FMLA, if advance notice is not possible, an employee eligible for FMLA leave must provide notice as soon as practicable. "As soon as practicable," for the purpose of FMLA leave, means the employee must comply with the employer's normal call-in procedures except in limited and under unique circumstances. Failure of an employee to provide the required notice for FMLA leave may result in the district delaying the employee's leave up to 30 days after the notice is ultimately given.

For the purposes of OFLA, an eligible employee is required to provide oral or written notice within 24 hours of commencement of the leave in unanticipated or emergency leave situations. The employee may designate a family member or friend to notify the district during that period of time. Failure of an employee to provide the required notice for leave covered by OFLA may result in the district deducting up to three weeks from the employee's unused OFLA leave in that one-year leave period. The employee may be subject to disciplinary action for not following the district's notice procedures.

When an employee fails to give advance notice for both the FMLA and OFLA above, the district must choose the remedy that is most advantageous to the employee.

In all cases, proper documentation must be submitted no later than three working days following the employee's return to work.

Medical Certification

The district shall require an eligible employee to provide medical documentation, when appropriate, to support the stated reason for such leave, other than to care for a child who requires home care due to the closure of the child's school or child care provider as a result of a public health emergency. The district will provide written notification to an employee of this requirement within five working days of the employee's request for leave. If the employee provides less than 30 days' notice, the employee is required to submit such medical certification no later than 15 calendar days after receipt of the district's notification that medical certification is required.

The district may request re-certification of a condition when the minimum duration of a certification expires if continued leave is requested. If the certification does not indicate a duration or indicates that it is ongoing, the district may request re-certification at least every six months in connection with an absence.

Under federal law, a second medical opinion may be required whenever the district has reason to doubt the validity of the initial medical opinion. The health care provider may be selected by the district. The provider shall not be employed by the district on a regular basis. Should the first and second medical certifications differ, a third opinion may be required. The district and the employee will mutually agree on the selection of the health care provider for a third medical certification. The third opinion will be final. Second and third opinions and the actual travel expenses for an employee to obtain such opinions will be paid for by the district.

Second and Third Opinions

1. For the purposes of FMLA, the district may designate a second health care provider, but that person cannot be utilized by the district on a regular basis except in rural areas where health care is extremely limited. If the opinions of the employee's and the district's designated health care provider(s) differ, the district may require a third opinion at the district's expense. The third health care provider must be designated or approved jointly by the employee and the district. This third opinion shall be final and binding.
2. For the purposes of OFLA, and except for leave related to sick child leave under OFLA, the district may require the employee to obtain a second opinion from a health care provider designated by the district. If the first and second verifications conflict, the employer may require the two health care providers to jointly designate a third health care provider for the purpose of providing a verification. This third verification shall be final and binding.

Notification

Any notice required by federal and state laws explaining employee rights and responsibilities will be posted in all staff rooms and the district office. Additional information may be obtained by contacting the human resources office.

Record Keeping/Posted Notice

The district will maintain all records as required by federal and state laws including dates leave is taken by employees, identified separately from other leave; hours/days of leave; copies of general and specific notices to employees, including Board policy(ies) and regulations; premium payments of employee health benefits while on leave and records of any disputes with employees regarding granting of leave.

Medical documentation will be maintained separately from personnel files as confidential medical records.

The district will post notice of FMLA¹³ and OFLA¹⁴ leave requirements.

Federal vs. State Law

Both federal and state law contain provisions regarding leave for family illness. Federal regulations state an employer must comply with both laws; that the federal law does not supersede any provision of state law that provides greater family leave rights than those established pursuant to federal law; and that OFLA and FMLA leave entitlements run concurrently. State law requires that FMLA and OFLA leave entitlements run concurrently when possible.

For example, due to differences in regulations, an eligible employee who takes OFLA leave after 180 days of employment, but before they are eligible for FMLA leave, is still eligible to take a full 12 workweeks of FMLA leave after meeting FMLA's eligibility requirements. Thereafter, any eligible leave period will run concurrently, when appropriate.

Corrected 9/07/22

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¹³ Poster available at <https://www.dol.gov/agencies/whd/fmla/posters>.

¹⁴ Poster available at <https://www.oregon.gov/boli/employers/pages/required-worksite-postings.aspx>.



Code: GCBDA/GDBDA-AR(2)
 Revised/Reviewed: 2/11/10; 2/12/14; 9/09/15;
 1/13/16
 Orig. Code: GCBDA/GDBDA-AR(2)

Request for Family and Medical Leave

Employee Request for Family and Medical Leave (FMLA) and/or Oregon Family Leave (OFLA)

PLEASE PRINT

Where the need for the leave may be anticipated, written request for family and medical leave must be made, if practical, at least 30 days prior to the date the requested leave is to begin. Failure to request leave in a timely manner could result in either the leave being postponed or the amount of leave available reduced up to three weeks.

Name _____ Effective Date of the Leave _____

Department _____ Title _____

Status: Full-time Part-time Temporary

Hire Date _____ Length of Service _____

Have you taken a family leave in the past 12 months? Yes No

If yes, how many work days? _____ Reason for leave _____

I request family or medical leave for one or more of the following reasons:

- 1. Because of the birth of my child and to care for **my child**. (District: Use GCBDA/GDBDA-AR(3)(A) Certification Form)

Expected date of birth _____ Actual date of birth _____
 Leave to start _____ Expected return date _____

- 2. Because of the placement of a child with me for adoption or foster care. (District: Use GCBDA/GDBDA-AR(3)(A) Certification Form)

Age of child _____ Date of placement _____
 Leave to start _____ Expected return date _____

- 3. To care for a family member¹ with a serious health condition. (District: Use GCBDA/GDBDA-AR(3)(B) Certification Form)

¹ “Family member,” for purposes of FMLA and OFLA leave, means the spouse, custodial parent, noncustodial parent, adoptive parent, stepparent or foster parent, biological parent, child of the employee (biological, adopted, foster or step child, a legal ward or child of the employee standing in loco parentis) or a person with whom the employee is or was in a relationship of “in loco parentis.” Additionally, when defining “family member” under OFLA (but not FMLA leave), the definition includes a grandparent, grandchild, parents-in-law or the parents of the employee’s registered domestic partner.

Leave to start _____ Expected return date _____

Please check one: Spouse² Child Parent Individual who was in *loco parentis* when the employee was a child Parent-in-law or the parent of the employee's registered domestic partner (OFLA leave only) Custodial parent Noncustodial parent Adoptive parent Stepparent Foster parent Grandparent (OFLA leave only) Grandchild (OFLA leave only).

Please state name and address of relation:

Name _____ Address _____

Does the condition render the family member unable to perform daily activities? _____

4. Sick child leave due to the closure of a child's school or child care provider.
5. For a serious health condition which prevents me from performing my job functions. (District: Use GCBDA/ GDBDA-AR(3)(A) Certification Form)

Describe _____

Leave to start _____ Expected return date _____

Regarding 3 or 4 above, request intermittent (reduced workday hours) or reduced leave (fewer workdays each workweek) schedule or alternate duty (if applicable, subject to employer's approval). Please describe schedule of when you anticipate you will be unavailable to work: _____

6. To care for a child with a condition requiring home care which does not meet the definition of serious health condition and is not life threatening or terminal (OFLA leave only).
7. A qualifying exigency arising from an employee's spouse, son, daughter, or parent who is a covered servicemember as defined in GCBDA/GDBDA-AR(1), or leave for the spouse per each deployment of the spouse when the spouse has either been notified of an impending call to active duty, has been ordered to active duty, or has been deployed or on leave from deployment. (District: Use GCBDA/GDBDA-AR(3)(C) Certification Form)
8. To care for a spouse, **child**, parent, or next of kin³ who is a covered servicemember with a serious illness or injury incurred in the line of duty or active duty in the armed forces. Has leave been taken for the same servicemember and the same injury? Yes No (District: Use GCBDA/GDBDA-AR(3)(D) Certification Form) If yes, when was the leave taken and for how many work days? _____
9. For the death of a family member (OFLA only).

I understand that I may use accrued paid leave, including personal and sick leave or accrued vacation leave for the family and medical leave period.

If my request for a leave is approved, it is my understanding that without an authorized extension when the need for an extension could be anticipated, I must report to duty on the first workday following the date my leave is

² "Spouse" means individuals in a marriage including "common law" marriage and same-sex marriage. For OFLA, spouse also includes same-sex individuals with a Certificate of Registered Domestic Partnership.

³ "Next of kin" means the nearest blood relative of the eligible employee.

scheduled to end. I understand that failure to do so will constitute unequivocal notice of my intent not to return to work and the district may terminate my employment. (A fitness-for-duty statement may be required.)

I authorize the district to deduct from my paychecks any employee contributions for health insurance premiums, life insurance or long-term disability insurance which remain unpaid after my leave, consistent with state and/or federal law.

I have been provided a copy of the district's family and medical leave policy and a copy of my rights and responsibilities under the Family Medical Leave Act leave request form.

Signature of Employee: _____

Date: _____

Corrected 9/07/22



Code: GCBDA/GDBDA-AR(3)(A)
Adopted: 2/11/10
Orig. Code: GCBDA/GDBDA-AR(3)(A)

Certification of Health Care Provider
Employee's Serious Health Condition

To be Completed by the District:

The Family Medical Leave Act (FMLA) provides that a district may require an employee seeking FMLA leave protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. Employees may not be asked to provide more information than allowed under the FMLA regulations. The district will maintain records and documents relating to medical certification, recertifications, or medical histories of employee's family members, created for FMLA purposes, as confidential medical records in separate files from personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Discrimination Act applies.

District contact person: _____

Employee's job title: _____ Regular work schedule: _____

Employee's essential job functions: _____

Check if job description is attached: []

Return this completed form on _____ (date) (must be at least 15 days after employee is notified of this requirement).

To be Completed by the Employee:

Complete the information below before giving this form to your family member or his/her medical provider. The return of this form is required to obtain or retain the benefit for FMLA protections. Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request.

Return this completed form on _____ (must be at least 15 days after employee is notified of this requirement).

Employee's name: _____
First Middle Last

To be Completed by Health Care Provider

Your patient has requested leave under the FMLA. Answer, fully and completely, all applicable parts below. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be the best estimate based upon your medical knowledge, experience and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown" or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), genetic services, as defined in 29. C.F.R. §1635.3(e) or the manifestation of disease or disorder in the employee's family members, as defined in 29 C.F.R. 1635.3(b). Extra space is provided, should you need it. Please be sure to sign the form on the last page.

Provider's name and business address: _____

Type of practice/medical specialty: _____

Telephone: () _____ Fax:() _____

Email: _____

Medical Facts

1. The Approximate date the condition commenced: _____

The Probable duration of the condition: _____

Was the patient admitted for an overnight stay in a hospital, hospice or residential medical care facility?

Yes No If yes, dates of admission: _____

List the dates(s) you treated the patient for the condition: _____

Was medication, other than over-the-counter medication, prescribed? Yes No

Will the patient need to have treatment visits at least twice per year due to the condition? Yes No

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?

Yes No

If yes, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? Yes No

If yes, expected delivery date: _____

3. Use the information provided by the district in the "To be Completed by the District" section to answer this question. If the district fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his/her/their job functions.

Is the employee unable to perform any of his/her/their job functions due to the condition?

Yes No If yes, identify the job functions the employee is unable to perform:

4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis or any regimen of continuing treatment such as the use of specialized equipment):

Amount of Leave Needed

1. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery? Yes No

If yes, estimate the beginning and ending dates for the period of incapacity: _____

2. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee's medical condition? Yes No

If yes, are the treatments or the reduced number of hours of work medically necessary? Yes No

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

Estimate the part-time or reduced work schedule the employee needs, if any:

_____ hour(s) per day; _____ days per week from _____ through _____

3. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her/their job functions? Yes No

Is it medically necessary for the employee to be absent from work during the flare-ups? Yes No

If yes, explain: _____

Based upon the employee's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the employee may have over the next six months (e.g., one episode every three months lasting one to two days):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or _____ day(s) per episode

Additional Information (—Identify the question number with your additional answer):

Signature of ~~health care provider~~ **Health Care Provider**

Date

Corrected 9/07/22

Describe the care you will provide to your family member and estimate the leave needed to provide such care:

Employee signature

Date

To be Completed by Health Care Provider

The employee listed above has requested leave under the FMLA to care for your patient. Answer, fully and completely, all applicable parts below. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be the best estimate based upon your medical knowledge, experience and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the patient needs leave. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), C.F.R. § 1635.3(b). Extra space is provided, should you need it. Please be sure to sign the form on the last page.

Provider's name and business address: _____

Type of practice/medical specialty: _____

Telephone: () _____ Fax:() _____

Email: _____

Medical Facts

1. The Approximate date the condition commenced: _____

The Probable duration of the condition: _____

Was the patient admitted for an overnight stay in a hospital, hospice or residential medical care facility?

Yes No If yes, dates of admission: _____

Dates(s) you treated the patient for the condition: _____

Was medication, other than over-the-counter medication, prescribed? Yes No

Will the patient need to have treatment visits at least twice per year due to the condition? Yes No

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g. physical therapist)?

Yes No

If yes, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? Yes No

If yes, expected delivery date: _____

3. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis or any regimen of continuing treatment such as the use of specialized equipment):

Amount of Leave Needed~~leave needed~~

When answering these questions, keep in mind that your patient's need for care ~~from~~ by the employee seeking leave may include assistance with basic medical, hygienic, nutritional, safety or transportation needs, or the provision of physical or psychological care:

1. Will the patient be incapacitated for a single continuous period of time, including any time for treatment and recovery? Yes No

If yes, estimate the beginning and ending dates for the period of incapacity: _____

During this time, will the patient need care? Yes No

Explain the care needed by the patient and why such care is medically necessary:

2. Will the patient require follow-up treatments, including any time for recovery? Yes No

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period: _____

Explain the care needed by the patient, and why such care is medically necessary: _____

3. Will the patient require care on an intermittent or reduced schedule basis, including any time for recovery?
 Yes No

Estimate the hours the patient needs care on an intermittent basis, if any:

_____ hour(s) per day; _____ days per week from _____ through _____

Explain the care needed by the patient, and why such care is medically necessary: _____

4. Will the condition cause episodic flare-ups periodically preventing the patient from participating in normal daily activities? Yes No

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next six months (e.g. one episode every three months lasting one to two days):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or _____ day(s) per episode

Does the patient need care during these flare-ups? Yes No

Explain the care needed by the patient, and why such care is medically necessary _____

Additional Information (—Identify the question number with your additional answer):

Signature of health care provider ~~Health Care Provider~~ _____

_____ Date

Corrected 9/07/22

- Other documentation from the military certifying that the covered military member is on active duty (or has been notified of an impending call to active duty) ~~in support of a contingency operation is attached.~~
- I have previously provided the district with sufficient written documentation confirming the covered military member's active duty or call to active duty status ~~in support of a contingency operation.~~

Part A: Qualifying Reason for Leave

1. Describe the reason you are requesting qualifying leave due to a qualifying exigency (include including the specific reason you are requesting leave):

2. Describe the reason you are requesting OMFLA leave (include the specific reason below, either a) an impending call or order to active duty, or b) impending leave from deployment):

3. A complete and sufficient certification to support a request for qualifying leave due to a qualifying exigency includes any available written documentation which supports the need for leave; such documentation may include a copy of a meeting announcement for information briefings sponsored by the military a document confirming the military member's Rest and Recuperation Leave; a document confirming an appointment with a third party, such as a counselor, or school official or staff at a care facility; or a copy of a bill for services for the handling of legal or financial affairs. Is available Available written documentation supporting this request for leave is attached? Yes No None available

Part B: Amount of Leave Needed

1. The Approximate date qualifying exigency/ or deployment commenced or will commence is: _____

The Probable duration of such exigency or deployment is: _____

2. Will you need to be absent from work for a single continuous period of time due to the qualifying exigency/ or deployment? Yes No

If yes, estimate the beginning and ending dates for the period of absence: _____

3. Will you need to be absent from work periodically to address this qualifying exigency/ or deployment? Yes No

If yes, estimate the schedule of leave, including the dates of any scheduled meetings or appointments:

4. Estimate the frequency and duration of each appointment, meeting or leave event, including any travel time (i.e., One deployment-related meeting every month lasting four hours) (FMLA only):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or _____ day(s) per event

Part C: Third Party Certification

If leave is requested to meet with a third party (such as to arrange for childcare, to attend counseling, to attend meetings with school or childcare providers, to make financial or legal arrangements, to act as the covered military member's representative before a federal, state or local agency for purposes of obtaining, arranging or appealing military service benefits, or to attend any event sponsored by the military or military service organizations), a complete and sufficient certification includes the name, address and appropriate contact information of the individual or entity with whom you are meeting (i.e. either the telephone or fax number or email address of the individual or entity). This information may be used by the district to verify that the information contained on this form is accurate (FMLA only).

Name of individual _____ Title _____

Organization _____

Address _____

Telephone (_____) _____ Fax (_____) _____

Email _____

Describe the nature of the meeting _____

Part D: Employee Signature

I certify that the information I provided above is true and correct. (For OMFLA leave purposes, notice must be given by the employee within five business days of receiving an official notice).

Signature of Employee

Date

Section 2: To be completed by the district:

The Family Medical Leave Act (FMLA) and the Oregon Military Family Leave Act (OMFLA) provide that a district may require an employee seeking FMLA or OMFLA leave due to a qualifying exigency or due to

~~notification of impending call to active duty or deployment to submit a certification. Employees may not be asked to provide more information than allowed under the FMLA or OMFLA regulations.~~

District: _____

Superintendent or designee information: _____

Corrected 9/07/22



Code: GCBDA/GDBDA-AR(3)(D)
 Revised/Reviewed: 2/11/10; 5/14/14
 Orig. Code: GCBDA/GDBDA-AR(3)(D)

Military Family Leave

Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave

Notice and instructions to the district:

The Family Medical Leave Act (FMLA) provides that a district may require an employee seeking FMLA leave due to a serious injury or illness of a covered servicemember to submit a certification providing sufficient facts to support the request for leave. Employees may not be asked to provide more information than allowed under the FMLA regulations 29 C.F.R. § 825.310. The district will maintain records and documents relating to medical certification, recertifications or medical histories of employees or employees’ family member, created for FMLA purposes, as confidential medical records in separate files from personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies.

Section 1

Part A: Employee Information

Complete the employee and covered servicemember information below before giving this form to your family member or his/her/their medical provider.

District Name ~~name~~ and Address ~~address~~

Name of employee requesting leave to care for covered servicemember:

 First Middle Last

Name of covered servicemember for whom employee is requesting leave to care for:

 First Middle Last

Relationship of employee to covered servicemember requesting leave to care for:

Spouse Parent Child Son Daughter Next of kin

Part B: Covered Servicemember Information

1. Is the covered servicemember a current member of the regular ~~Armed Forces~~ ~~armed forces~~, the National Guard or Reserves, or a veteran? Yes No

If a current servicemember, please provide the covered servicemember's military branch, rank and unit currently assigned to:

If a **qualifying** veteran, when was the date of discharge? _____

Is the covered servicemember assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients (such as medical hold or warrior transition unit)? Yes No

If yes, provide the name of the medical facility or unit:

2. Is the covered servicemember on the Temporary Disability Retired List (TDRL)? Yes No

Part C: Care to be ~~Provided~~ provided to the ~~Covered Servicemember~~ covered servicemember

Describe the care to be provided to the covered servicemember and an estimate of the leave needed to provide the care:

Section 2:

(For completion by a United States Department of Defense (DOD) Health Care Provider or a Health Care Provider who is either: (1) a United States Department of Veterans Affairs (VA) health care provider; (2) a DOD TRICARE network authorized private health care provider; (3) a DOD non-network TRICARE authorized private health care provider; or (4) a health care provider as defined in 29 C.F.R. § 825.125.)

~~To be completed a health care provider as defined by FMLA regulations.~~

If you are unable to make certain of the military-related determinations contained below in Part B, you are permitted to rely upon determinations from an authorized DOD representative (such as a DOD recovery care coordinator). Please ensure that Section 1 above has been completed before completing this section. Please be sure to sign the form on the last page.

Part A: Health Care Provider Information ~~care provider information~~

Health care provider's name and business address:

Type of practice/~~medical~~ ~~Medical~~ specialty: _____

Please state whether you are either: (1) a DOD health care provider; (2) a VA health care provider; (3) a DOD TRICARE network authorized private health care provider; (4) a DOD non-network TRICARE authorized private care provider; or (5) a health care provider as defined in 29 C.F.R. § 825.125.

Telephone () _____ Fax () _____ Email _____

Part B: Medical Status

1. Covered servicemember's medical condition is classified as (check one of the appropriate boxes):
 - (VSI) Very Seriously Ill/Injured – Illness/Injury is of such a severity that life is imminently endangered. Family members are requested at the bedside immediately. (Please note this is an internal DOD casualty assistance designation used by DOD health care providers.)
 - (SI) Seriously Ill/Injured – Illness/Injury is of such severity that there is cause for immediate concern, but there is no imminent danger to life. Family members are requested at bedside. (Please note this is an internal DOD casualty assistance designation used by DOD health care providers.)
 - Other Ill/Injured – A serious injury or illness that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank or rating.
 - None of the above. (Note to employee: If this box is checked, you may still be eligible to take leave to care for a covered family member with a "serious health condition". If such leave is requested, you may be required to complete the form *Certification of Health Care Provider for Family Member's Serious Health Condition*.)

2. Was the condition for which the covered servicemember is being treated incurred in the line of duty on active duty in the **Armed Forces?** ~~armed force?~~ Yes No

If no, did the condition exist before the beginning of active duty and aggravated by service in the line of duty while on active duty? Yes No

3. Appropriate date condition commenced: _____

4. Probable duration of condition and/or need for care: _____

5. Is the covered servicemember undergoing medical treatment, recuperation or therapy? Yes No

6. If yes, please describe medical treatment, recuperation or therapy:

Part C: Covered Servicemember's Need for Care by Family Member

1. Will the covered servicemember need care for a single continuous period of time, including any time for treatment and recovery? Yes No

If yes, estimate the beginning and ending dates for this period of time: _____

2. Will the covered servicemember require periodic follow-up treatment appointments? Yes No

If yes, estimate the treatment schedule: _____

3. Is there a medical necessity for the servicemember to have periodic care for these follow-up treatment appointment? Yes No

4. Is there a medical necessity for the covered servicemember to have periodic care for other than scheduled follow-up treatment appointments (e.g. episodic flare-ups of medical conditions)? Yes No

If yes, estimate the frequency and duration of the periodic care.

Signature of health care provider

Date

Corrected 9/07/22



Code: GCBDA/GDBDA-AR(4)
Revised/Reviewed: 2/11/10; 2/12/14; 1/13/16
Orig. Code: GCBDA/GDBDA-AR(4)

FMLA/OFLA Eligibility Notice to Employee

DATE: _____

TO: _____
(Employee's name)

FROM: _____
(Name of appropriate employer representative)

SUBJECT: Request for FMLA and/or OFLA Leave

On ___(date)___ you notified us of your need to take family/medical leave due to:

- 1. ___ The birth of your child or the placement of a child with you for adoption or foster care;
2. ___ A serious health condition that makes you unable to perform the essential functions of your job;
3. ___ A serious health condition of your [] spouse^1, [] child (including the biological, grandchild, adopted or foster child or stepchild of an employee or a child with whom the employee is or was in a relationship of "in loco parentis"), [] parent (biological parent of an employee or an individual who stood "in loco parentis" to an employee when the employee was a child), [] grandparent (OFLA leave only), [] parent-in-law or the parent of an employee's registered domestic partner (OFLA leave only), [] custodial parent, [] noncustodial parent, [] adoptive parent, [] foster parent for which you are needed to provide care;
4. ___ Sick child leave due to the closure of a child's school or child care provider;
5. ___ An illness or injury to your child which requires home care but is not a serious health condition (OFLA leave only);
6. ___ A qualifying exigency arising from a spouse, child or parent in the Armed Forces on covered active duty, or in the National Guard or Reserves on covered active duty;
7. ___ Your spouse has been notified of an impending call to active duty, has been ordered to active duty or has been deployed or on leave from deployment;
8. ___ A serious illness or injury, incurred in the line of duty, of a covered service member who is your spouse, child, parent or next of kin;

^1 "Spouse" means individuals in a marriage, including "common law" marriage and same-sex marriage. For OFLA, spouse also includes same-sex individuals with a Certificate of Registered Domestic Partnership.

9. _____ For the death of a family member (OFLA only).

You notified us that you need this leave beginning on _____ (date) and that you expect leave to continue until on or about _____ (date). The FMLA requires that you notify the district as soon as possible if dates of scheduled leave changes or are extended, or were initially unknown.

Except as explained below, you have a right under the FMLA and/or OFLA for up to 12 workweeks of unpaid leave in a 12-month period for the reasons listed above.²³ The district will use ~~the calendar year~~ a “rolling” 12-month period measured backward from the date the employee uses any family and medical leave. FMLA leave and OFLA leave generally run concurrently. In order to care for an injured service member, you are entitled to up to 26 weeks of leave in a single 12-month period ~~to care for a qualifying service member.~~

Also, your health benefits under FMLA and OFLA must be maintained during any period of unpaid leave under the same conditions as if you continued to work, including you continuing to pay the same portion of the premiums you currently pay. You ~~will~~ must be reinstated to the same position, or in some cases, under state or federal law, to an equivalent position, job with the same pay, benefits and terms and conditions of employment on your return from leave. ~~The district is not required to maintain benefits during OFLA unless provided otherwise by board policy or collective bargaining agreement; however, all such benefits will be restored in full upon your return to the district.~~

If you do not return to work following FMLA and/or OFLA leave for a reason other than: (1) the continuation, recurrence or onset of a serious health condition which would entitle you to FMLA and/or OFLA; or (2) other circumstances beyond your control, you may be required to reimburse the district for health insurance premiums paid on your behalf during your FMLA and/or OFLA leave.

This is to inform you that (*check appropriate boxes, explain where indicated*):

- 1. You are eligible not eligible for leave under ~~the~~ FMLA OFLA ~~or~~ both FMLA and OFLA.
- 2. The requested leave may be counted against your annual FMLA leave entitlement OFLA leave entitlement FMLA and OFLA leave entitlements, OFLA, both.
- 3. You will will not be required to furnish a medical certification of a serious health condition. If required, you must furnish the certification by _____ (date) (must be at least 15 days after you are notified of this requirement).
- 4. You may elect to substitute accrued paid leave for unpaid FMLA leave. We will will not require that you substitute accrued paid leave for unpaid FMLA and/or OFLA leave. If paid leave will be used, the following conditions will apply: (*Explain*)
- 5a. If you normally pay a portion of the premiums for your health insurance, these payments will continue during the period of FMLA and/or OFLA leave. Arrangements for payment have been discussed with you and it is agreed that you will make premium payments as follows: (*Set forth dates, e.g., the 10th of each month, or pay periods, etc.; that specifically cover the agreement with the employee.*)

² Oregon Military Family Leave Act allows for 14 days of leave per deployment.

³ Oregon Military Family Leave Act allows for 14 days of leave per deployment.

- 5b. ~~If the district pays any part of your share of disability, life or other insurance benefits while on OFLA or FMLA leave the district may deduct up to 10 percent of your gross pay each pay period after your return to work until the amount is repaid (OFLA leave only).~~
- 5eb. You have a minimum 30-day Other: _____ (or, indicate longer period, if applicable) grace period in which to make premium payments. If payment is not timely made, your group health insurance may be ~~canceled.~~ ~~cancelled.~~ We will notify you in writing at least 15 days before the date that your health coverage will lapse. At our option, we may also pay your share of the premiums during your FMLA and/or OFLA leave as provided by ~~Board~~ ~~board~~ policy and/or collective bargaining agreement, and recover these payments from you upon your return to work. We will will not pay your share of health insurance premiums while you are on FMLA and/or OFLA leave.
- 5ec. We will will not do the same with other benefits (e.g., life insurance, disability insurance, etc.) while you are on FMLA and/or OFLA leave. If we do pay your premiums for other benefits, when you return from leave you will will not be expected to reimburse us for the payments made on your behalf.
- 5ed. ~~Except as noted above, in the event you do not return to work for the district after your FMLA and/or OFLA leave and the district has paid your share of benefit premiums, you will will not be responsible for reimbursing the district the amount paid on your behalf, with the exceptions noted in Section 104 (c)(2)(B) of the FMLA.~~ OFLA leave, and the district has paid your share of benefit premiums, you will will not be responsible for reimbursing the district the amount paid on your behalf with the exceptions noted in C.F.R. § 104 (c)(2)(B) of the FMLA.
6. You will be required to present a fitness-for-duty ~~certification~~ ~~certificate~~ prior to being restored to employment following leave for your own serious health condition. If such certification is required but not received, your return to work may be delayed until the certification is provided. A list of essential functions for your position is attached. The fitness-for-duty certification must address your ability to ~~perform~~ ~~perform~~ these functions.
- You will not be required to present a fitness-for-duty ~~certification~~ ~~certificate~~ prior to being restored to employment following leave for your own serious health condition. ~~If such certification is required but not received, your return to work may be delayed until the certification is provided.~~
- 7a. You are are not a “key employee” as described in ~~C.F.R. §Section~~ 825.218 of the FMLA regulations. If you are a “key employee,” ~~reinstatement~~ ~~restoration~~ to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to ~~the district.~~ ~~us.~~ (FMLA leave only.)
- 7b. We have have not determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us. (FMLA leave only.) (Explain (a) and/or (b) below.)
8. While on FMLA and/or OFLA leave, you will will not be required to furnish us with periodic reports every (indicate interval of periodic reports, as appropriate for the particular leave situation) of your status and intent to return to work. If the circumstances of your leave change and you are able to return to work earlier than the date indicated on this form, you will will not be required to notify us at least two workdays prior to the date you intend to report for work.

9. You will will not be required to furnish recertification relating to a serious health condition. (FMLA leave only.) (Explain below, if necessary, including the interval between certifications as prescribed in C.F.R. ~~§Section~~ 825.308 of the FMLA regulations.)

10. You are notified that all leave taken for the purposes of the death of a family member-leave, counts toward the total period of authorized family leave.

Corrected 9/07/22



Code: GCBDA/GDBDA-AR(5)
 Adopted: 2/11/10
 Orig. Code: GCBDA/GDBDA-AR(5)

Sample Designation Letter to Employee - FMLA/OFLA Leave

The following is a sample cover letter to an employee notifying the employee that the employer is treating a request for leave as a request for FMLA and/or OFLA leave (either paid or unpaid) that will reduce the employee's FMLA and/or OFLA leave entitlement. This letter, along with the Designation Notice –FMLA/OFLA form ~~GCBDA/GDBDA-AR(6)~~, FMLA/OFLA or the FMLA/OFLA Eligibility Notice form GCBDA/GDBDA-AR(4), ~~OFLA only eligible~~, should be mailed to the employee within five working days after receiving enough information to determine whether the leave qualifies under FMLA or OFLA.

Dear Employee:

On (date) you advised the district that you were requesting a leave that may qualify for protected time under the Family and Medical Leave Act (FMLA) and/or the Oregon Family Leave Act (OFLA). Under our policy, a leave/leaves of absence that ~~qualifies/qualify~~ for family and medical leave under federal law (FMLA), may run concurrently with other types of leave such as sick leave, vacation leave, short-term disability leave, OFLA and leave for a workers' compensation injury or illness. A leave/leaves of absence that ~~qualifies/qualify~~ for family and medical leave under state law (OFLA) may~~can~~ run concurrently with other types of leave such as sick leave, vacation leave, short-term disability leave, but cannot run concurrently with a leave for a workers' compensation~~compensatory~~ injury or illness (unless you refuse a light-duty assignment).

[IF APPROVED: [We have determined~~understand~~ the purpose of your requested leave qualifies as family or medical leave under [state] [and/or federal] law. Accordingly, this letter is to notify you that the leave will be counted against your annual family and medical leave entitlement. Also attached is a form ~~titled~~entitled Designation Notice which contains other information for you regarding federal and state family medical leave rights, including an estimate of time that will count toward your protected time.]]

[IF NOT APPROVED: [We have determined the purpose of your requested leave does NOT qualify as family or medical leave under state and/or federal law. You may be entitled to other leave time, under Board policy or the collective bargaining agreement, however the protections of FMLA/OFLA will not be observed for this leave.]]

If you have any questions regarding your leave, now or at any time during your leave, please contact, [the personnel office] as soon as possible.

Sincerely,

[Superintendent]
 Enclosure (FMLA and/or OFLA Designation Notice form)

Corrected 9/07/22



Code: GCBDA/GDBDA-AR(6)
Adopted: 2/11/10
Orig. Code: GCBDA/GDBDA-AR(6)

Designation Notice – FMLA/OFLA

Leave covered under the Family and Medical Leave Act (FMLA) and/or Oregon Family Leave Act (OFLA) must be designated as FMLA and/or OFLA-protected, and the district must inform the employee of the amount of leave that will be counted against the employee’s FMLA and/or OFLA leave entitlement.

In order to determine whether leave is covered under the FMLA and/or OFLA, the district may request that the leave be supported by a physician’s certification. If the certification is incomplete or insufficient, the district will ~~employer~~ ~~must~~ state in writing what additional information is necessary to make the certification complete and sufficient.

Employee name: _____ Date: _____

We have reviewed your request for leave under the FMLA and/or OFLA and any supporting documentation that you have provided. We received your most recent information on _____.

Please be advised: ~~and decided:~~ _____

- Your request is approved for FMLA. All leave taken for this reason will be designated as FMLA leave.
- Your request is approved for FMLA and OFLA. This designation of leave will run concurrently.
- Your request is approved for OFLA. All leave taken for this reason will be designated as OFLA leave.

The FMLA and/or OFLA requires that you notify us as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown. Based on the information you have provided to date, we are providing the following information about the amount of time that will be counted against your entitlement:

- Provided there is no deviation from your anticipated leave schedule, the following number of hours, days or weeks will be counted against your leave entitlement:

- Because the leave you ~~requested~~ ~~will need~~ will be rescheduled, it is not possible to provide the hours, days or weeks that will be counted against your FMLA and/or OFLA entitlement at this time. You have the right to request this information once in a 30-day period (if leave was taken in the 30-day period).

Please be advised (check if applicable):

- You have requested to use paid leave during your FMLA and/or OFLA leave. Any paid leave taken for this reason will count against your FMLA and/or OFLA leave entitlement.
- We are requiring you to substitute or use paid leave during your FMLA and/or OFLA leave.

You will be required to present a fitness-for-duty certification certificate to be reinstated/restored to your position/employment. If such certification is not timely received, your return to work may be delayed until certification is provided. The Fitness-for-Duty Certification form is attached, please have your medical provider complete this form prior to the termination of your leave. A list of the essential functions of your position is is not attached. If attached, the fitness-for-duty certification/certifications must address your ability to perform these functions:-

Additional information is needed to determine if your FMLA and/or OFLA leave request can be approved.

The certification you have provided is incomplete/not complete and insufficient/sufficient to determine whether the FMLA and/or OFLA applies to your leave procedures. You must provide the following information no later than _____ (date) (at least 15 calendar days), unless it is not practicable under the particular circumstances despite your diligent good faith efforts, or your leave may be denied. The information needed to make the certification complete and sufficient is¹:

We are exercising our right to have you obtain a second or third opinion medical certification at our expense, and we will provide further details at a later time.

- Your FMLA leave request is NOT APPROVED.
- The FMLA does not apply to your leave request.
- You have exhausted your FMLA leave entitlement in the applicable 12-month period. (Note: Federal Military Family Leave is on a separate 12-month period.)
- Your OFLA leave request is NOT APPROVED.
- The OFLA does not apply to your leave request.
- You have exhausted your OFLA leave entitlement in the applicable 12-month period.

Corrected 9/07/22

¹ If you fail to provide a complete and sufficient certification by the due date, we may (a) delay the commencement of your leave; or (b) withdraw any designation of FMLA leave, in which case your leave of absence may be unauthorized and subject to discipline, up to and including termination.



Code: GCBDA/GDBDA-AR(7)
Revised/Reviewed: 2/11/10
Orig. Code: GCBDA/GDBDA-AR(7)

Fitness-for-Duty Certification

To: _____ Date: _____

From: _____

Subject: Fitness-for-Duty Certification

Family and medical leave for your own serious health condition ends on (date) _____. Prior to returning to work you must provide a Fitness-for-Duty Certification verifying whether you are able to return to work, if you have any job-related restrictions and the duration of any restrictions. Please take this Fitness-for-Duty Certification to your healthcare provider for completion. The district will use this Fitness-for-Duty Certification to determine if you are able to return to work after your leave.

Return the completed Fitness-for-Duty Certification to the district prior to the end of your Family and Medical Leave or by (date) _____.

Fitness-for-Duty Certification

Health Care Provider Completes this Section

Instructions: Please complete all sections in order for the district to determine if the employee is able to return to duty. The employee's position description or a list of essential duties (district specifies which) is attached to this form.

- 1. The employee is able to return to work full-time without restrictions: [] Yes [] No
a. If yes, list the effective date _____
b. If no, complete the following:
(1) The employee will be able to return to work with no limitation on (date) _____.
(2) I certify that from (date) _____ to (date) _____ the above named employee will be:
(a) Unable to perform the physical requirements of their work; or
(b) Is medically incapacitated: [] Totally [] Partially**

****If partially medically incapacitated, complete the following:**

- (c) Number of hours per day employee is able to work _____.
- (d) Number of days per week employee is able to work _____.

(3) List any restrictions on the employee's work: _____

Printed name of health care provider

Type of practice

| _____
Signature of health care provider

Date

Health care provider: Please return the completed form to the employee/patient.

Attached: Position description/description of essential duties (district specifies which).

Corrected 9/07/22



Code: GCBDB/GDBDB-AR
Revised/Reviewed: 1/04/07; 10/14/10
Orig. Code: GCBDB/GDBDB-AR

Early Return to Work

The following procedures have been established to implement the district's Employee Managed Return-To-Work Program:

1. The district shall strive to accommodate a return to work program for all permanent regular employees that are injured on-the-job. However, the district is not obligated to "create" positions for injured workers, nor will the district jeopardize other employees' employment or safety to maintain a return-to-work program.
2. Upon notification of a work-related injury involving medical services and/or time loss from work, the supervisor will assist the employee in completing an online incident reporting or a Report of Occupational Injury or Disease (Form 801) and submit it to the Business or Human Resources office. It will then be forwarded to the district's Workers' Compensation Insurance carrier as soon as possible but no later than five days from the date of the district's knowledge of the filing of a workers' compensation claim;
3. In the case of a work-related or nonwork-related injury the injured employee should take access Physician's Return to Work Recommendations Record Form from the district's Intranet to the first physician visit in case the physician directs work limitations. When completed and returned, the original is to be sent immediately to the personnel-human resources office. This form is to be taken and returned by the employee on each subsequent physician visit until released to regular work or restrictions are declared permanent. The district may require the employee to go to a physician designated by the district. In this case any cost will be paid by the district.
4. An employee with physician directed work restrictions is not to return to work until approved for return by the executive director of human resources. Based on written information from the physician and in conjunction with the supervisor, the executive director of human resources will determine whether the employee will be allowed to return under the restrictions, be reassigned to another position, or be allowed to use applicable paid or non-paid leave.
5. If a disability exists, any and all accommodations will be determined solely at the discretion of the district and may be discontinued at any time.
6. At any time, the district may request that a physician submit a Physician's Return-To-Work Recommendation form or review and approve a Job Analysis. Should an employee refuse to accept or fail to report to an offered position, the employee's worker's compensation benefits may be affected and the employee may be subject to disciplinary action for failure to perform assigned duties, up to and including dismissal.

7. In situations where physical limitations exist, the unit supervisor or the executive director of human resources will meet with the employee prior to return to work to review the limitations, any reasonable accommodations provided, and/or the Job Analysis and position description of the reassigned position. The employee will be directed to perform only within the most recent work limitations designated by the physician.
8. As determined by the executive director of human resources, the human resources office may contact the physician on a periodic basis to determine whether restrictions may be decreased, changed or discontinued.
9. Reassignment to a different position on a temporary or regular basis will not necessarily be at the same rate of pay, hours or days as prior to the restrictions, as determined by the district.
10. Once an employee is unable to perform the essential functions of his or her position, there is no guarantee of reinstatement or continuance in the position, reassignment to another position, or continued employment.

Corrected 2/06/23



Code: GCBDC/GDBDC
 Adopted: 6/11/09
 Revised/Readopted: 3/13/13; 2/12/14; 8/28/19
 Orig. Code: GCBDC/GDBDC

Domestic Violence, Harassment, Sexual Assault or Stalking Leave

Definitions

1. “Covered employer” means an employer who employs six or more individuals in the state of Oregon for each working day through each of 20 or more calendar workweeks in the year in which the eligible employee takes leave to address domestic violence, harassment, sexual assault or stalking, or in the year immediately preceding the year in which an eligible employee takes leave for domestic violence, harassment, sexual assault or stalking.
2. “Eligible employee” means an employee who is a victim of domestic violence, harassment, sexual assault or stalking or is the parent or guardian of a minor child or dependent who is a victim of domestic violence, harassment, sexual assault or stalking.
3. “Protective order” means an order authorized by Oregon Revised Statute (ORS) 30.866, 107.095(1)(c), 107.700 ~~to~~ 107.735, 124.005 - 124.040 or 163.730 - 163.750 or any other order that restrains an individual from contact with an eligible employee or of the employee’s minor child or dependent.
4. “Victim of domestic violence” means an individual who has been a victim of abuse as defined by ORS 107.705; or any other individual designated as a victim of domestic violence by rule adopted under ORS 659A.805.
5. “Victim of harassment” means an individual against whom harassment has been committed as described ~~describe~~ in ORS 166.065 ~~805~~ and any other individual designated as a victim of harassment by rule adopted under ORS 659A.805.
6. “Victim of sexual assault” means an individual against whom a sexual offense has been committed as described in ORS 163.467 or 163.525; or any other individual designated as a victim of sexual assault by rule adopted under ORS 659A.805.
7. “Victim of stalking” means an individual against whom stalking has been committed as described in ORS 163.732; or an individual designated as a victim of stalking by rule adopted under ORS 659A.805; or an individual who has obtained a court’s stalking protective order or a temporary court’s stalking protective order under ORS 30.866.
8. “Victim services provider” means a prosecutor-based victim assistance program or a nonprofit program offering safety planning, counseling, support or advocacy related to domestic violence, harassment, sexual assault or stalking.

A district (covered employer) shall allow an (eligible) employee to take reasonable leave for any of the following reasons:

1. To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault or stalking;
2. To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to or harassment or stalking of the eligible employee or the employee's minor child or dependent;
3. To obtain or assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault, or stalking;
4. To obtain services from a ~~victim~~ ~~victims~~ services provider for the eligible employee or the employee's ~~employees~~ minor child or dependent;
5. To relocate or take steps to secure an existing home to ensure health and safety of the eligible employee or the employee's minor child or dependent.

The district may limit the amount of leave, if the employee's leave creates an undue hardship on the district.

The district shall not deny leave to an employee or discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regards to promotion, compensation or other terms, conditions or privileges of employment as a result of taking such leave.

The employee shall give the district reasonable advanced notice of ~~the employee's~~ ~~their~~ intent to take leave unless giving advance notice is not feasible.

The district may require the employee to provide certification that:

1. The employee or minor child or dependent is a victim of domestic violence, harassment, sexual assault, or stalking; and
2. The leave is taken for one of the identified purposes in this policy.

Sufficient certification includes:

1. A copy of a ~~police~~ report from law enforcement indicating the employee or child or dependent was a victim of domestic violence, harassment, sexual assault, or stalking;
2. A copy of a protective order or other evidence ~~from~~ ~~form~~ a court, administrative agency, or attorney that the employee appeared in or was preparing for a civil, criminal or administrative proceeding related to domestic violence, harassment, sexual assault, or stalking;
3. Documentation from an attorney, law enforcement officer, health care professional, licensed mental professional or counselor, member of the clergy or a ~~victim~~ ~~victims~~ services provider that the

employee, employee's/ child or /dependent was undergoing counseling, obtaining services or relocating as a result of domestic violence, harassment, sexual assault, or stalking.

All records and information kept by the district regarding the employee's leave, including the request or obtaining of leave is confidential and may not be released without the express permission of the employee unless otherwise required by law. This information will be kept in a file separate from the employee's personnel file.

The employee may use accrued paid leave, including personal, emergency, sick, or accrued vacation leave. The employer may choose the order in which paid accrued leave is to be used when more than one type of paid leave is available, consistent with Board policies and/or any collective bargaining agreement.

END OF POLICY

Legal Reference(s):

[ORS 192.355\(38\)](#)

[ORS 659A.270 - 659A.290](#)

Corrected 8/17/22



Code: GCBDC/GDBDC-AR
Revised/Reviewed: 6/08/16
Orig. Code: GCBDC/GDBDC-AR

Eligible Employee Request for Domestic Violence, Harassment, Sexual Assault or Stalking Leave

PLEASE PRINT

Where the need for the leave may be anticipated, a written request for leave under Oregon Revised Statute (ORS) 659A.270 - 659A.285 shall be made at least 30 days prior to the date the requested leave is to begin. In emergency situations, oral or written notice as soon as practical is allowed.

Name of Eligible Employee Effective Date of the Leave

Department Title

Status: Full-time Part-time Temporary Hire Date Length of Service

The requested leave is for:

- Myself
My minor child or dependent

The leave is for:

- To seek legal or law enforcement assistance or remedies to ensure the health and safety of the eligible employee or the eligible employee's minor child or dependent.
To seek medical treatment for or to recover from injuries caused by domestic violence, harassment, sexual assault or stalking for the eligible employee or the eligible employee's minor child or dependent.
To obtain or assist the eligible employee's minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault or stalking.
To obtain services from a victim services provider for the eligible employee or the eligible employee's minor child or dependent.
To relocate or take steps to secure an existing home to ensure the health and safety of the eligible employee or the eligible employee's minor child or dependent.

The following has been provided by the employee to certify the leave:

- A copy of a police report from law enforcement indicating that the eligible employee or the eligible employee's minor child or dependent was a victim or alleged victim of domestic violence, harassment, sexual assault or stalking.

- A copy of a protective order or any other order that restrains an individual from contact with an eligible employee or the employee’s minor child or dependent, evidence from a court, administrative agency or attorney that the eligible employee appeared in or is preparing for a civil or criminal proceeding related to domestic violence, harassment, sexual assault or stalking or other order authorized by ORS 30.866, 107.095(1)(c), 107.700 ~~to~~ 107.735, 124.005 - 124~~to~~120.040 or 163.730 ~~to~~ 163.750.
- Documentation from an attorney, law enforcement officer, health care professional, licensed mental health professional or counselor, member of the clergy or victim services provider with or from whom the eligible employee or the eligible employee’s minor child or dependent is receiving services.

I understand that I ~~may~~ **will** use accrued paid leave, including personal and sick leave or accrued vacation leave for the ~~OFLA~~ leave period or as established by Board policy(ies) and/or collective bargaining agreement before taking leave without pay.

If my request for a leave is approved, it is my understanding that without an authorized extension when the need for an extension could be anticipated, I must report to duty on the first workday following the date my leave is scheduled to end. I understand that failure to do so will constitute unequivocal notice of my intent not to return to work and the district may terminate my employment. I understand if I am unable to return to work following the period of authorized leave I will notify my employer as soon as practical and provide any required information which will allow my employer to determine my eligibility for an extension of leave.

I authorize the district to deduct from my paychecks any employee contributions for health insurance premiums, life insurance or long-term disability insurance which remain unpaid after my leave, consistent with state law.

Signature of Employee: _____

Date: _____

Corrected 9/07/22



Code: GCBDD/GDBDD
Adopted: 1/18/17
Orig. Code: GCBDD/GDBDD

Sick Time

General Provisions

“Employee” means an individual who is employed by the district and who is paid on an hourly, stipend or salary basis, and for whom withholding is required under Oregon Revised Statute (ORS) 316.162-316.221. The definition does not include volunteers or independent contractors.

The district shall provide sick time to employees in accordance with Oregon law. Consistent with ORS 653.641, the district shall not deny, interfere with, restrain or fail to pay for sick time to which an employee is entitled, or retaliate against an employee as a result of the employee’s lawful use of sick time.

Employees qualify to begin earning and accruing sick time on the first day of employment with the district.

Non-represented/Non-contracted Employees

The following provisions shall apply only to those employees who are not covered by a collective bargaining agreement, group handbook/agreement or individual contract that provides for paid time off in a manner that is substantially equivalent to the benefits set forth in ORS 653.601 ~~to~~ 653.661.

The district shall allow an eligible employee to earn up to 40 hours of paid sick time per year. Paid sick time shall accrue at the rate of at least one hour of paid sick time for every 30 hours the employee works, or 1-1/3 hours for every 40 hours the employee works.

Up to 40 hours of accrued sick time may be carried over to the subsequent year, with a usage limit of 40 hours per fiscal year. An employee is limited to accruing no more than 80 hours of sick time.

Sick time shall be taken in minimum of one-hour increments and may be used for the employee’s or a family member’s¹ mental or physical illness, injury or health condition, need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive care, or for reasons consistent with the Family Medical Leave Act (FMLA) or OFLA. Sick time may also be used in the event of a public health emergency.

The district reserves the right after five consecutive days of absence, to require proof of personal illness or injury from an employee, including a medical examination by a physician chosen and paid for by the

¹ “Family member” is defined by the Oregon Family Leave Act (OFLA).

district. An employee refusing to submit to such an examination or to provide other evidence as required by the district, shall be subject to appropriate disciplinary action, up to and including dismissal.

When the reason for sick time is consistent with FMLA/OFLA leave, the sick time and the FMLA/OFLA leave may run concurrently.

When the reason for sick time is consistent with ORS 332.507, the sick time and leave pursuant to ORS 332.507 may run concurrently.

If the reason for sick time is a foreseeable absence, the district will require the employee to provide advance notice of their intention to use sick time within 10 days of the requested sick time, or as soon as practicable. When the employee uses sick time for a foreseeable absence, the employee shall take reasonable effort to schedule the sick time in a manner that does not unduly disrupt the operations of the district (e.g., grading deadlines, in-service training, and mandatory meetings).

If the reason for sick time is unforeseeable, such as an emergency, accident or sudden illness, the employee shall notify the district at least 12 hours in advance or as soon as practicable.

Unused sick time is forfeited upon termination, is not transferrable to other school districts and is not reportable to PERS. For accounting purposes, the district's leave year will match the fiscal year (July 1 through June 30).

The district shall establish a standard process to track the eligibility for sick time of non-represented/non-contracted employees.

END OF POLICY

Legal Reference(s):

[ORS 332.507](#)
[ORS 342.545](#)

[ORS 342.610](#)
[ORS 653.601 to -653.661](#)

[ORS 659A.150 to -659A.186](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).
Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654 (2012); Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 (2016).
Americans with Disabilities Act Amendments Act of 2008.

Corrected 9/07/22



Code: GCBDE/GDBDE

Adopted:

Military Leave of Absence

The district will grant military leave to employees on duty¹ with a uniformed service² in accordance with applicable state and federal law. Employees requesting military leave are required to provide written notice as soon as practicable following notification of military call up or reservist duty, unless precluded by military necessity.

Military leave exceeding 15 days is unpaid leave. Employees may use any accrued vacation or similar leave during the period of service exceeding 15 days.

While on military leave, the employee will receive the same benefits as other employees on leave, as well as the following:

1. The employee may continue enrollment in the district’s health insurance plan. During the first 18 months of leave, the employee may be required to pay any employee contribution required of other employees on a leave of absence. If the leave extends beyond 18 months, the employee will be required to pay not more than 102 percent of the full premium;
2. Upon return from military service, the district will give retroactive employer contributions to the Public Employees Retirement System on the same basis as if the employee had not left, provided the employee was an enrolled member at the time of the leave. The employee may repay any required employee contributions over a period of three times the military service leave period or five years, whichever is less.

An employee on duty with a uniformed service is entitled to reemployment for a maximum of five years, unless retained on active duty because of war or national emergency. An individual returning from military leave shall notify the district of his/her intent to return as follows:

1. Employees who are veterans and reservists returning from training must only inform the district of their training obligations and report back at the next regularly scheduled working period;
2. Employees returning from active duty must notify the district of their intention to return to their former jobs within 90 days of release from duty.

¹ “Duty” means the performance of duty on a voluntary or involuntary basis in a uniformed service and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time U.S. National Guard duty and absence to determine fitness for duty.

² “Uniformed service” means the U.S. Armed Forces, the U.S. National Guard, the commissioned corps of the Public Health Service and any other category of persons designated by the President in time of war or national emergency.

An individual reemployed under this policy is entitled to the seniority and other currently existing rights and benefits the individual had when service started, plus the additional seniority and similar rights and benefits that would have been accrued if employment had been continuous.

This policy does not apply if the employee has been separated from service with a dishonorable or bad conduct discharge or under other than honorable conditions.

END OF POLICY

Legal Reference(s):

[ORS 332.505](#)

[ORS 408.290](#)

Consolidated Omnibus Budget Reconciliation Act of 1985, 42 U.S.C. §§ 300bb-1-300bb-8 (2012).

I.R.C., U.S.C. 26 § 4980B(f)(4) (2012).

Employment and Reemployment Rights of Members of the Uniformed Services, 38 U.S.C. §§ 4301-4334 (2012).

Corrected 8/17/22

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Code: GCBE/GDBE
 Adopted: 1/04/07
 Readopted: 10/14/10
 Orig. Code: GCDC, GDBE

Leave and Holidays

Unless otherwise arranged for, leaves shall be taken during the summer months, winter break or spring break. Leave times shall be approved by the superintendent and shall be registered with the human resources department. Administrators shall take care not to schedule leave time during known administrator in service dates.

All 12-month employees shall be paid and shall not be required to work on the following holidays:

1. New Years Day - January 1;
2. Martin Luther King’s Birthday - Third Monday in January;
3. President’s Day - Third Monday in February;
4. Memorial Day - Last Monday in May;
5. Independence Day - July 4;
6. Labor Day - First Monday in September;
7. Veterans Day - November 11;
8. Thanksgiving Day - Fourth Thursday in November;
9. Day after Thanksgiving - Fourth Friday in November;
10. Christmas Day - December 25;
11. December 24 (if it falls on a week day).

If a holidays falls on a Saturday or Sunday, it shall be observed in accordance with state law.

END OF POLICY

Legal Reference(s):

[ORS 187.010](#)
[ORS 336.010](#)



Code: GCC
 Adopted: 10/14/10
 Orig. Code: GCC

Recruitment of Licensed Staff

The superintendent will develop and maintain a recruitment program designed to attract licensed personnel to the district.

It is the responsibility of the superintendent, with the assistance of other district administrators, to determine the personnel needs of the district and to locate suitable candidates to recommend for employment by the district. Those factors considered will include, but not be limited to, the diverse characteristics of the district.

The search for licensed staff members may extend to a variety of educational institutions and geographical areas.

Present employees who meet the stated requirements are encouraged to apply for any vacant district position.

END OF POLICY

Legal Reference(s):

[ORS 326.051](#)
[ORS 332.505](#)
[ORS 342.934](#)
[ORS 659.805](#)
[ORS 659.850](#)
[ORS 659A.009](#)

[ORS 659A.029](#)
[ORS 659A.030](#)
[ORS 659A.109](#)
[ORS 659A.142](#)
[ORS 659A.145](#)
[ORS 659A.233](#)

[ORS 659A.236](#)
[ORS 659A.309](#)
[ORS 659A.409](#)
[OAR 581-021-0045](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).
 Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2012).
 Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2012).
 Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2012).
 Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2012).
 Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2012).
 The Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (2012).
 Title II of the Genetic Information Nondiscrimination Act of 2008.

Corrected 9/07/22



Code: GCCA/GDCA
Adopted:

Posting of Staff Vacancies

The district shall attempt to recruit the most suitably qualified applicants for filling licensed and classified positions. Announced vacancies will be posted in all buildings in an appropriate format to ensure effective communications with all individuals, including those with disabilities.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (2012).
Title II of the Genetic Information Nondiscrimination Act of 2008.
Section 503 of the Rehabilitation Act of 1973.
Americans with Disabilities Act Amendments Act of 2008.

Corrected 9/07/22; Corrected 9/21/22; Corrected 2/06/23



Code: GCCA/GDCA-AR
Revised/Reviewed:

Posting of Staff Vacancies

All postings will notify applicants that equal employment opportunity and treatment shall be practiced by the district. The employers' duties under the Americans with Disabilities Act, including the duty to reasonably accommodate upon request and with appropriate advance notice, will be clearly stated.

A copy of the posting will be sent to association representatives. During the summer break such notices will be communicated to the president of the association.

Notices will be posted at least five working days prior to closing the application period.

All notices will include the following information:

1. Job title;
2. Qualifications (license required);
3. Essential job functions;
4. Special requirements;
5. Terms of employment;
6. Salary range;
7. Posting dates;
8. Closing dates;
9. Other – as may be required or requested by the administrator initiating the job order.

Added 9/21/22; Corrected 2/06/23



Code: GCCB/GDCB/IKAAA
Adopted: 6/12/13
Revised/Readopted: 10/11/17
Orig. Code: GCCB/GDCB/IKAAA

District Equity Policy

(Revisions submitted by district 12/19/22.)

Reynolds School District is dedicated to closing the opportunity gap and creating learning communities that provide support and academic enrichment programs for all students. Additionally, the district believes that it is the right of every student to have an equitable educational experience within the Reynolds School District.

The concept of educational equity goes beyond formal equality where all students are treated the same. Educational equity fosters a barrier-free environment in which all students, regardless of race, ethnicity, class, or other personal characteristics such as creed, color, religion, ancestry, national origin, primary language, age, economic status, immigration status, sex, gender identity, gender expression, sexual orientation, including but not limited to gender expression or identity, pregnancy status, marital status, criminal history, physical appearance, the presence of any sensory, mental or physical disability, or the use of a service animal by a person with a disability, have the opportunity to benefit equally.

Equity requires differentiating resource allocation, within budgetary limitations, to meet the needs of students who need additional supports and opportunities to succeed socially, emotionally and academically.

A student, whose history and heritage are appreciated and celebrated, may enjoy higher levels of learning and success, than a student who is forced to overcome cultural barriers.

The Reynolds School District will work toward:

1. Raising the achievement of all students while narrowing the gap between the lowest and highest performing students;
2. Systematically using districtwide, school-level and classroom level data disaggregated by Oregon Department of Education data sets (e.g., race/ethnicity, national origin, language, qualification for special education services, gender, non-binary, socioeconomic or immigration status and mobility) to inform District decision making;
3. Eliminating the racial predictability and disproportionality in all aspects of education and its administration (e.g., the disproportionate over-application of discipline to students of color, their over-representation in special education and their under-representation in various advanced learning programs);
4. Supporting all students, regardless of race or class, to graduate from Reynolds School District ready to succeed in a racially and culturally diverse local, national, and global community.

In order to achieve educational equity for each and every student, the district shall embrace the following:

1. Equitable Access – The district shall provide every student with equitable access to a high quality curriculum, socio-emotional and academic supports, facilities and other educational resources, even when this means differentiating resource allocation;

2. Racial Equity Analysis – The district shall review existing policies, programs, professional development and procedures to ensure the promotion of racial equity, and all applicable new policies, programs and procedures will be developed ~~using a racial equity analysis tool to ensure the~~ promotion of racial equity;
3. Workforce Equity – The district shall actively work to have the teacher and administrator workforce be balanced and reflect the diversity of the student body. The district ~~shall intend to~~ recruit, employ, support and retain a workforce that includes racial, gender, and linguistic diversity, as well as culturally competent administrative, instructional and support personnel;
4. Professional Development – The district shall provide professional development to strengthen employees’ knowledge and skills for ~~identifying eliminating~~ opportunity gaps and other disparities in achievement and using various strategies for eliminating them;
5. Welcoming School Environments – The district ~~shall support envisions that each school in~~ ~~creates a~~ welcoming ~~culture~~ and inclusive environments that reflects and supports the diversity of the district’s student population, their families, and communities;
6. Partnerships – The district ~~shall will~~ include other partners who have demonstrated culturally specific expertise – including families, government agencies, institutes of higher learning, early childhood education organizations, community-based organizations, businesses, and the community in general – in meeting our high goals for educational outcomes;
7. Multiple Pathways to Success – The district shall provide multiple pathways to success in order to meet the needs of the diverse student body, and shall actively encourage, support and expect high academic achievement for all students;
8. Recognizing Diversity – Consistent with state regulations and district policy and within budgetary considerations, the district shall provide materials and assessments that reflect the diversity of students and staff, and which are geared towards the understanding and appreciation of culture, class, language, ethnicity and other differences that contribute to the uniqueness of each student and staff member.

The superintendent is authorized to develop procedures to implement this policy, including an action plan with clear accountability and metrics. At least annually the superintendent shall report to the ~~h~~Board on the progress toward achieving the goals outlined in this policy. The report shall be based on the ~~district’s~~ annual goals ~~of the district’s Equity Leadership Team~~, which are ~~set~~ developed in partnership with the superintendent and the ~~h~~Board.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 342.437 - 342.449](#)

Corrected 12/19/22



Code: GCL
 Adopted: 1/04/07
 Revised/Readopted: 10/14/10
 Orig. Code: GCL

Staff Development – Licensed * (Version 1)

The board recognizes the need to establish a continuing professional development program for all licensed staff in order to enhance professional performance, promote achievement of high standards for all students and assist employees in meeting the licensure requirements of the Teacher Standards and Practices Commission (TSPC).

Employee continuing professional development (CPD) Plans shall be consistent with the district’s mission and goals, assist educators to meet the requirements for license renewal as identified in OAR Chapter 584, Division 090, and may contain such other provisions as deemed appropriate by the district.

Administrators and teachers in the district shall follow all state requirements for professional development as it pertains to maintaining licensure or endorsements.

Any reimbursement for costs associated with professional development shall be within the guidelines or requirements of negotiated or group agreements.

END OF POLICY

Legal Reference(s):

[ORS 329.095](#)
[ORS 329.125](#)
[ORS 329.704](#)
[ORS 342.138\(3\)](#)

[ORS 342.856](#)
[OAR 581-022-2250](#)
[OAR 581-022-2405](#)

[OAR 584-018-0205](#)
[OAR 584-255-0010 to -0030](#)

Clackamas IED Assn. v. Clackamas IED, No. C-141-77, 3 PUB. EMPL. COLL. BARG. REP. 1848 (ERB 1978).
 Eugene Educ. Ass’n v. Eugene Sch. Dist. 4J, No. C-93-79, 5 PUB. EMPL. COLL. BARG. REP. 3004 (ERB 1980).
 Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).
 Americans with Disabilities Act Amendments Act of 2008.

Corrected 9/07/22



Code: GCL-AR
 Revised/Reviewed: 2/14/13
 Orig. Code: GCL-AR

Staff Development
 (Version 1)

District mission and goals, school and district improvement plan and report card data and other such information, will be considered in developing a district program of continuing professional development (CPD) for Board approval.

Board policy GCL - Staff Development - Licensed, this regulation and related district-issued handbooks and materials are recognized as the district’s qualified, Continuing Professional Development program.

Completion of CPD requirements, as set forth in OAR Chapter 584, Division 090 by the Teacher Standards and Practices Commission (TSPC) for license renewal, are the sole responsibility of the employee.

Corrected 9/07/22



Code: GCL/GDL
 Adopted: 3/13/13
 Orig. Code: GCL/GDL

Staff Development
 (Version 2)

In order to strengthen and refine professional skills of district personnel, the superintendent or his/her designee will develop a staff development program for all employees.

District site councils will be encouraged to participate in the development and implementation of the district’s staff development program including provisions for the professional growth of staff.

Staff development programs, whether provided directly by the district or through district contracts with third parties, will provide appropriate reasonable accommodations to ensure such programs are available to employees with disabilities.

~~Completion of continuing professional development (CPD) requirements, as set forth in OAR Chapter 584, Division 090 by the Teacher Standards and Practices Commission (TSPC) for license renewal, are the sole responsibility of the employee.~~

Each individual licensed employee is solely responsible for ensuring accurate completion of the professional development required for licensure. Once a licensed employee completes licensure requirements, the employee must submit evidence to the employee’s supervisor and human resources, who will verify that the licensed employee has successfully completed the professional development requirements, on the Teacher Standards and Practices Commission (TSPC) Professional Educational Experience Report (PEER) form.

END OF POLICY

Legal Reference(s):

[ORS 329.095](#)
[ORS 329.125](#)
[ORS 329.704](#)
[ORS 342.138](#)

[ORS 342.856](#)
[OAR 581-022-0606](#)
[OAR 581-022-2405](#)

[OAR 584-018-0205](#)
[OAR 584-255-0010 to -0030](#)

Clackamas IED Assn. v. Clackamas IED, No. C-141-77, 3 PUB. EMPL. COLL. BARG. REP. 1848 (ERB 1978).
 Eugene Educ. Ass’n v. Eugene Sch. Dist. 4J, No. C-93-79, 5 PUB. EMPL. COLL. BARG. REP. 3004 (ERB 1980).
 Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).
 Americans with Disabilities Act Amendments Act of 2008.

Corrected 9/07/22



Code: GCL-AR
Revised/Reviewed:

Staff Development - Licensed (Version 2)

The completion of professional development requirements, as set forth in Oregon Administrative Rule (OAR) Chapter 584, Division 255 by the Teacher Standards and Practices Commission (TSPC) for licensing or license renewal, is the sole responsibility of the employee.

1. Each professional licensed staff member employed by the district shall meet the standards as stated in OAR 584-420-0030 for:
 - a. Learner and Learning
 - (1) Learner development;
 - (2) Learning differences;
 - (3) Learning environments.
 - b. Content
 - (1) Content knowledge;
 - (2) Application of content.
 - c. Instructional Practice
 - (1) Assessment;
 - (2) Planning for instruction;
 - (3) Instructional strategies.
 - d. Professional Responsibility
 - (1) Professional learning and ethical practice;
 - (2) Leadership and collaboration.
2. The continuing professional development of each licensed staff member shall conform to the following standards for professional development as stated in OAR 584-255-0020:
 - a. Learning Communities: Professional learning that increases educator effectiveness and results for all students occurs within learning communities committed to continuous improvement, collective responsibility and goal alignment;
 - b. Leadership: Professional learning that increases educator effectiveness and results for all students requires skillful leaders who: develop capacity, advocate and create support systems for professional learning;
 - c. Resources: Professional learning that increases educator effectiveness and results for all students requires prioritizing, monitoring and coordinating resources for educator learning;

- d. Data: Professional learning that increases educator effectiveness and results for all students uses a variety of sources and types of student, educator and system data to plan, assess and evaluate professional learning;
 - e. Learning Designs: Professional learning that increases educator effectiveness and results for all students integrates theories, research and models of human learning to achieve its intended outcomes;
 - f. Implementation: Professional learning that increases educator effectiveness and results for all students applies research on change and sustains support for implementation of professional learning for long term change;
 - g. Outcomes: Professional learning that increases educator effectiveness and results for all students aligns its outcomes with educator performance and student curriculum standards.
3. Each employee is responsible for acquiring the number of continuing professional development units (PDUs) to meet the requirements as stated by the TSPC.
 4. The district will attempt to offer as many professional development activities as recognized needs warrant and resources permit.
 5. Acceptable professional development activities shall be those reviewed and approved by the employee's supervisor or professional development advisor and for which evidence is submitted to verify completion.
 6. Licensed individuals transferring to the district from other districts, including those educators hired without previous district experience, shall submit any PDUs of credit earned to their supervisor or professional development advisor for review.
 7. Upon receipt of evidence from an employee, the employee's supervisor or professional development advisor shall verify completion of the required PDUs for license renewal on the TSPC-provided Professional Educational Experience Report (PEER) form, and submit the form to the superintendent or designee.
 8. The superintendent shall ensure that the required forms are submitted to the TSPC.
 9. Completed TSPC, PEER forms shall be filed in the employee's personnel file.

Corrected 9/07/22



Code: GCN/GDN
Adopted: 10/14/10
Revised/Readopted: 5/14/14; 6/13/18
Orig. Code: GCN/GDN

Evaluation of Staff

An effective evaluation program is essential to a quality educational program. It is an important tool to determine the current level of a teacher's performance of the teaching responsibilities. It is also an important assessment of classified employees and current performance of their job assignments. Under Board policy, administrators are charged with the responsibility of evaluating the staff. An evaluation program provides a tool for supervisors who are responsible for making decisions about promotion, demotion, contract extension, contract nonextension, contract renewal or nonrenewal, dismissal and discipline.

Licensed Staff

The evaluations for licensed staff shall be based on the core teaching standards adopted by the Oregon State Board of Education. The standards shall be customized based on collaborative efforts with teachers and any exclusive representatives of the licensed staff.

Evaluation and support systems established by the district for teachers must be designed to meet or exceed the requirements defined in the Oregon Framework for Teacher and Administrator Evaluation and Support Systems, including:

1. Four performance level ratings of effectiveness;
2. Classroom-level student learning and growth goals set collaboratively between the teacher and the evaluator;
3. Consideration of multiple measures of teacher practice and responsibility which may include, but are not limited to:
 - a. Classroom-based assessments including observations, lesson plans and assignments;
 - b. Portfolios of evidence;
 - c. Supervisor reports; and
 - d. Self-reflections and assessments.
4. Consideration of evidence of student academic growth and learning based on multiple measures of student progress, including performance data of students, that is both formative and summative. Evidence may also include other indicators of student success;
5. A summative evaluation method for considering multiple measures of professional practice, professional responsibilities and student learning and growth to determine the teacher's professional growth path;

6. Customized by each district, which may include individualized weighting and application of standards.

An evaluation using the core teaching standards must attempt to:

1. Strengthen the knowledge, skills, disposition and classroom practices of teachers;
2. Refine the support, assistance and professional growth opportunities offered to a teacher, based on the individual needs of the teacher and the needs of the students, the school and the district;
3. Allow the teacher to establish a set of classroom practices and student learning objectives that are based on the individual circumstances of the teacher, including the classroom and other assignments;
4. Establish a formative growth process for each teacher that supports professional learning and collaboration with other teachers;
5. Use evaluation methods and professional development, support and other activities that are based on curricular standards and are targeted to the needs of the teacher; and
6. Address ways to help all educators strengthen their culturally responsive practices.

Evaluation and support systems established by the district must evaluate teachers on a regular cycle. The superintendent shall regularly report to the Board on implementation of the evaluation and support systems and educator effectiveness.

Each probationary teacher shall be evaluated at least annually, but with multiple observations. The purpose of the evaluation is to aid the teacher in making continuing professional growth and to determine the teacher's performance of the teaching responsibilities. Evaluations shall be based upon at least two observations and other relevant information developed by the district.

Classified Staff

All classified employees will be formally evaluated by their immediate supervisor at least twice during their first year of employment and at least once each year thereafter.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 332.505](#)
[ORS 342.850](#)

[ORS 342.856](#)

[OAR 581-022-2405](#)

[OAR 581-022-2410](#)
[OAR 581-022-2415](#)

Corrected 9/07/22



Code: GCPA
Adopted:

R O P O S E D Reduction or Recall of Licensed Staff

When the Board is considering a reduction of staff due to a lack of funds to continue the educational program at its anticipated level or due to the elimination or adjustment of classes due to an administrative decision, it will discuss the matter at a regular or special Board meeting and will consider such factors and alternatives it deems necessary to arrive at a decision.

Using the goals and priorities of the district, the Board shall direct the superintendent to prepare a reduction plan identifying which programs are to be reduced or eliminated for Board approval. As a result of the program reductions or elimination, the superintendent shall bring a list of positions to be cut or eliminated to the Board for approval. The district shall consider cultural or linguistic expertise and seniority, and may consider merit and competence, in accordance with Oregon law.¹

Nothing in this policy is intended to interfere with the right of the district to discharge, remove or fail to renew the contract of a probationary teacher, or to not extend the contract of or dismiss a contract teacher pursuant to the provisions of the Accountability for Schools for the 21st Century Law².

END OF POLICY

Legal Reference(s):

[ORS 342.805 - 342.910](#)

[ORS 342.934](#)

¹ See ORS 342.934 (HB 2001 (2021)) for definitions and requirements.

² ORS 342.805 - 342.937.



Code: GCPA-AR
Revised/Reviewed:

Reduction or Recall of Licensed Staff

The Board will make the final decision on programs to be kept, cut or eliminated following a review of the reduction plan developed by the superintendent. The Board will determine when staff layoffs become necessary, and will approve positions to be cut or limited as after receiving a recommendation from the superintendent.¹ Individuals that may be impacted by the layoff shall not be discussed by the Board. The affected employees shall be notified within a reasonable time.

Definitions

1. “Competence” means the ability of a teacher to teach a subject or grade level based on consideration of any of the following:
 - a. Teaching experience within the past five years related to the subject or grade level;
 - b. Educational attainments, which may not be based solely on being licensed to teach; or
 - c. The teacher’s willingness to undergo additional training or pursue additional education.
2. “Cultural or linguistic expertise” means the expertise of one teacher, as measured against the expertise of another teacher, based on consideration of any of the following factors:
 - a. A teacher’s linguistic ability in relation to an in-district language, as determined by the district using a method of verification or attestation of fluency for all in-district languages;
 - b. A teacher’s completion of a teacher pathway program that is implemented by a teacher pathway partnership at the national, state, regional or local level and that has the primary focus of increasing the number of culturally or linguistically diverse teachers; or
 - c. A teacher’s current work assignment that requires the teacher to work at least 50 percent of the teacher’s work assignment time:
 - (1) At a school where at least 25 percent of the student population consists of students from a historically underserved background, if the teacher is assigned to one school; or
 - (2) At programs, schools or school districts where at least 25 percent of the student population consists of students from a historically underserved background, if the teacher is assigned to multiple programs, schools or school districts.
3. “In-district language” means a heritage language or a language other than English that is spoken:
 - a. By five percent or more of the students enrolled at the school where a teacher is assigned or, if the teacher is not assigned to a school, of the students enrolled in the schools of the district; or

¹ Districts are encouraged to consult with legal counsel and any applicable collective bargaining agreements prior to taking any action on reductions of staff.

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- b. At five percent or more of the homes of the students enrolled at the school where a teacher is assigned or, if the teacher is not assigned to a school, of the homes of the students enrolled in the schools of the district. “Merit” means the measurement of one teacher’s ability and effectiveness against the ability and effectiveness of another teacher.
- 4. “Qualified” means the measurement of the teacher’s ability to teach the particular grade level or subject matter in which the teacher is placed after the reduction in force.
 - 5. “Qualified teacher with cultural or linguistic expertise” means a teacher who:
 - a. Has more cultural or linguistic expertise than a teacher with more or equal seniority; and
 - b. Holds proper licenses or other credentials to fill a remaining position.
 - 6. “Student from a historically underserved background” includes a student who:
 - a. Is an English language learner;
 - b. Is from a racial or ethnic group that has historically experienced academic disparities, including racial or ethnic groups for which a statewide education plan has been developed under ORS 329.841, 329.843 or 329.845 for students who are black, African-American, American Indian, Alaska Native, Latino or Hispanic;
 - c. Is economically disadvantaged; or
 - d. Has a disability.
 - 7. “Teacher” has the meaning given that term in ORS 342.120.

Procedures

When determining which teachers will be retained when the district reduces staff, the district shall prioritize seniority, except as follows:

- 1. A district shall retain a qualified teacher with cultural or linguistic expertise who has less seniority if the release of the less senior teacher would result in a lesser proportion of teachers with cultural or linguistic expertise compared to teachers without cultural or linguistic expertise.
- 2. If a qualified teacher with cultural or linguistic expertise is retained as described above and the district is determining which teachers to retain who do not have cultural or linguistic expertise, the district shall prioritize:
 - a. Seniority²; or
 - b. Competence or merit in accordance with law.
- 3. The district may retain a teacher with less seniority than a teacher being released if the district determines that the teacher being retained has more competence or merit than the teacher with more seniority who is being released.

² Seniority shall be calculated from the first day of actual service as teachers with the district, inclusive of approved leaves of absence. In the event there is a tie in calculating seniority, it shall be broken by drawing lots.

The district shall not agree in any collective bargaining agreement to waive the right to consider competence in making decisions about reduction in staff or recall of staff. Retained teachers will be properly licensed and qualified, as defined in Oregon statutes, for the positions they fill.

The district will develop criteria and procedures for identifying in-district languages, verifying teacher language abilities, reviewing teacher pathway programs and determining which teachers teach in schools with 25 percent or more students from a historically underserved population. Procedures and timelines will be communicated to teachers.

Recall

A teacher who was released due to a reduction in staff will be eligible for recall for 27 months after the last date of release, unless waived by a rejection of a specific position. No new teacher shall be hired to any position until all staff who remain on a recall list who are licensed and qualified for the position have been given an opportunity to accept the position.

The district shall notify teachers on the recall list of a position opening by registered letter, return receipt requested, at their last known address. Teachers shall have 7 calendar days from receipt of such notification in which to indicate their acceptance or rejection of the position and an additional 14 days from date of acceptance in which to begin active employment unless otherwise mutually agreed upon.

If the teacher rejects any position offered for which the teacher is licensed and qualified, or the teacher fails to respond within the specified timeline, the teacher shall forfeit all recall rights.

Staff returning to work shall have all previously accrued sick leave and seniority reinstated, but shall not receive benefits for the period of the release.

Teachers will have recall rights for a maximum 27-month period. If they choose, released teachers may maintain their district insurance and health plans by paying their own premiums as prescribed by law, subject to the rules of the insurance carrier.

Teachers affected by a reduction in staff may be placed on the substitute list for any position requested when released. They will be notified for those positions requested before other substitutes are notified.

Corrected 9/21/22; Corrected 2/06/23



Code: GCPB/GDPB
 Adopted: 12/10/08
 Readopted: 10/14/10
 Orig. Code: GCPB/GDPB

Resignation of Staff

Any district employee who desires to resign his/her their position shall submit in writing a letter of resignation indicating the date the employee would like as his/her the last day at work. The Board encourages employees to provide advance notice that is appropriate for the position they hold.

The Board authorizes the superintendent or designee to accept an employee’s written resignation and to set the effective date. Once the superintendent or designee has accepted and set an effective date, the resignation may not thereafter be withdrawn by the employee.

A licensed staff member who wishes to resign from their position with the district must give a written notice of at least 60 days upon or at the time of resignation. The superintendent is authorized to accept the resignation effective the day it is received and either release the teacher immediately from further teaching or administrative obligations or inform the teacher that they must continue teaching for part or all of the 60-day period.

Where less than a 60-day notice is given, the Board may request the Teacher Standards and Practices Commission to discipline the licensee. Exceptions due to emergency or other extenuating circumstances may be considered by the Board.

~~The superintendent upon learning of an employee’s verbal resignation, may accept that as the employee’s effective resignation.~~

END OF POLICY

Legal Reference(s):

- [ORS 332.107](#)
- [ORS 342.545](#)
- [ORS 342.553](#)
- [ORS 652.140](#)
- [OAR 581-022-2405](#)
- [OAR 584-050-0020](#)

Pierce v. Douglas County Sch. Dist., 297 Or. 363 (1984).

Corrected 9/21/22



Code: GCPD
Adopted:

Discipline and Dismissal of Licensed Staff

The Board will use due process and comply with relevant portions of the collective bargaining agreement when disciplining and/or dismissing employees.

END OF POLICY

Legal Reference(s):

[ORS 243.672](#)
[ORS 243.706](#)
[ORS 243.756](#)

[ORS 342.835](#)
[ORS 342.865 to -342.910](#)
[ORS 342.934](#)

[ORS 652.140](#)
[OAR 584-020-0040](#)

Corrected 9/21/22



Code: GCPD-AR
Revised/Reviewed:

Discipline and Dismissal of Licensed Staff

The Board will use due process and comply with relevant portions of the collective bargaining agreement when disciplining and/or dismissing employees.

Discipline

Staff members will be disciplined according to the severity and frequency of the conduct at issue. Discipline may be in the form of verbal reprimand, written reprimand or suspension depending on the circumstances of each case.

1. “Verbal reprimand”: The administrator will hold a conference with the employee. The administrator will outline the nature of the problem and listen to any comments from the employee. The administrator will indicate compliance with specified procedures or cessation of certain conduct is required and future consequences if directives are ignored.
2. “Written reprimand”: The administrator will hold a conference with the employee. The employee may have a representative present of their choice. The administrator will outline the nature of the problem and listen to any comments from the employee. The administrator will indicate compliance with specified procedures or cessation of certain conduct is required and future consequences if directives are ignored. A “letter of reprimand” shall be written and placed in the employee’s personnel file.
3. “Suspension”: Employees may be suspended in order to maintain the health and/or safety of other employees and/or students. Employees may also be suspended pending investigation of complaints regarding their job performance or conduct.

Dismissal

1. Probationary Teachers
 - a. Contracts of probationary teachers may be nonrenewed for any reason or reasons deemed in good faith sufficient by the Board. Written notice of intended nonrenewal and reason(s) for nonrenewal must be given to the teacher by March 15 or sooner if so specified in a collective bargaining agreement. Written notice must be given prior to Board action on the nonrenewal. The teacher may request a hearing before the Board.
 - b. Probationary teachers may be dismissed at any time for any reason or reasons deemed in good faith sufficient by the Board. Written notice of intended dismissal and reason(s) for dismissal must be given to the teacher prior to Board action on the dismissal. The teacher may request a hearing before the Board.
 - c. The following procedures apply to hearings before the Board:

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- (1) The employee shall receive notice of the time, date and place of the hearing;
- (2) The hearing shall be in executive session unless the employee has requested an open session;
- (3) The employee shall have an opportunity to be present and be represented by anyone of their choice;
- (4) The district may be represented by anyone of its choice;
- (5) Both parties shall have the opportunity to make opening statements, to call witnesses and to cross-examine the other party's witnesses, to present documentary evidence and to make closing statements;
- (6) The Board shall provide a written statement of the reasons for the final action taken (nonrenewal of contract or dismissal); and
- (7) The Board may, at its option, designate an individual to preside over and conduct the actual hearing.

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2. Contract Teachers

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- a. Contract teachers may be dismissed or their employment contract nonextended when their job performance or conduct falls within one or more of the broad reasons listed in Oregon Revised Statute (ORS) 342.865: inefficiency, immorality, insubordination, neglect of duty including duties specified by written rules, physical or mental incapacity, conviction of a felony or of a crime involving moral turpitude, inadequate performance, failure to comply with such reasonable requirements as the Board may prescribe to show normal improvement and evidence of professional training and growth, or any cause which constitutes grounds for the revocation of such contract teacher's teaching license.
- b. The superintendent and employee shall meet to discuss the superintendent's proposed recommendation to the Board regarding dismissal or contract non-extension. The employee may be accompanied by anyone of their choice.
- c. The employee shall be notified if the superintendent intends to recommend dismissal or contract non-extension.
 - (1) The notice shall contain:
 - (a) The statutory grounds upon which the superintendent believes such dismissal or non-extension is justified;
 - (b) A plain and concise statement of the facts relied on to support the statutory grounds for dismissal or non-extension;
 - (c) A copy of ORS 342.805 to 342.934; and
 - (d) The day and time of the Board meeting during which the recommendation will be made.
 - (2) A notice of intended dismissal must be given at least 20 days prior to the time a dismissal recommendation is made to the Board. It must be delivered in person or must be sent by certified mail.
 - (3) Notice of intended dismissal must be sent to the Board and to the Fair Dismissal Appeals Board.
- d. The employee may be present at the Board meeting and be accompanied by anyone of their choice.

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- e. The employee shall receive notice of the Board's action and the reasons for such actions. Notice shall be sent by certified mail, return receipt requested, or in the manner provided by law for the service of a summons in a civil action.

3. **P** Illness/Other Circumstances

Sickness or other unavoidable circumstances which prevent the teacher from teaching 20 school days immediately following exhaustion of sick leave accumulated under ORS 332.507 may be sufficient reason for the Board to place the teacher on leave without pay for the remainder of the regular school year. The district may terminate the teacher's employment without penalty on August 1 if the Board determines that the teacher is unable to resume teaching responsibilities at the beginning of the next fall term and the teacher is not on workers' compensation leave or federal or state family illness leave.

4. **O** Wages

Whenever an employee is dismissed or where such employment is terminated by mutual agreement all wages earned and unpaid at the time of discharge or termination shall be payable no later than the end of the first business day after discharge or termination.

P Corrected 9/21/22

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Code: GCQ/GDQ
 Adopted: 1/04/07
 Readopted: 10/14/10
 Orig. Code: GCQ

Professional Contracts Notice of Renewal/Nonrenewal – Administrative and Licensed Staff Continued Employment

Administrative and Licensed Staff

The district shall follow all procedural requirements of state law and relevant collective bargaining agreements in the renewal or nonrenewal of all employed teachers and administrators ~~contracts~~ who are not contract teachers as defined in ORS 342.815, and in accordance with ORS 342.513. These procedures include, but may not be limited to, legal timelines, appropriate status of individual employees (e.g., probationary status or contract status) and specific renewal or nonrenewal of individual contracts.

Classified School Employees

The Board shall give individual notices by May 30 to all employees for whom a teaching or administrative license is not required as a basis for employment.

The notices shall address reasonable assurance of continued employment as covered in the Oregon Revised Statutes and Oregon Administrative Rules.

END OF POLICY

Legal Reference(s):

- | | | |
|-----------------------------|---------------------------------------|----------------------------------|
| ORS 243.672 | ORS 342.549 | ORS 342.934 |
| ORS 243.706 | ORS 342.815 | ORS 652.140 |
| ORS 243.756 | ORS 342.835 – 342.845 | OAR 584-020-0040 |
| ORS 342.513 | ORS 342.865 - 342.910 | |

Corrected 9/21/22



Code: GCQA/GDQA
Adopted:

R Nonschool Employment

All employees are expected to accomplish those tasks required by the district.

Employees must avoid outside employment that interferes with the performance of their responsibilities and the maintenance of productive relationships with students, parents and other staff members. If outside employment interferes with job performance, the employee will be required to make a choice between district employment and outside employment.

No child care or other similar activity for which a district employee receives a fee will be allowed in a district-owned building on school time or while on duty.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

Corrected 9/21/22



Code: GCQAB
Adopted: 1/04/07
Readopted: 10/14/10
Orig. Code: GCQAB

Private Tutoring for Pay

No private tutoring for which a teacher receives a fee will be allowed in a school building on school time. District facilities, materials or equipment may not be used.

Generally it is expected that teachers will not receive reimbursement for tutoring or other private instruction of students enrolled in their classes except when a student is confined at home and home tutoring has been approved by the superintendent.

The use of school buildings for private instruction or tutoring for a fee is expressly prohibited except where authorized by the board district, consistent with ORS Chapter 244. All employees are subject to the district ethics Board policy GBC – Staff Ethics.

END OF POLICY

Legal Reference(s):

[ORS 244.010](#)

[ORS 332.505](#)

Corrected 9/21/22



Code: GCQB
Adopted:

Research

Employees are encouraged to participate in research for the development and improvement of education. If an employee plans to engage in a research project during the workday or use district resources or students, either for study toward advanced work or for use in classroom instruction, approval must be secured from the superintendent. If the study results in material which would be useful to other employees, it is recommended that it be made available for distribution throughout the district. For the protection of all concerned, privacy rights of students or other individuals involved in research projects must be protected.

Research which is conducted by or for a nondistrict employee must be approved by the superintendent or designee.

Classroom-based research approved by the principal is not subject to this policy in regard to action-based research or professional learning community based research.

Research publications, articles, materials, models and other items produced by district personnel for district use with district time, money and facilities as part of an employee's job responsibilities remain the property of the district.

END OF POLICY

Legal Reference(s):

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (2012); Family Educational Rights and Privacy, 34 C.F.R. Part 99 (2016).
Protection of Pupil Rights, 20 U.S.C. § 1232h (2012); Student Rights in Research, Experimental Programs and Testing, 34 C.F.R. Part 98 (2016).

Corrected 9/21/22; Corrected 10/17/22



Code: GCQB-AR(1)
Reviewed/Reviewed:

Research

The Reynolds School District (RSD) is a learning organization. Leading with equity to educate and support all students to graduate is the core of our mission. As such, we encourage participation in research for the development and improvement of education.

Criteria for Approval of Research

1. Research projects may be approved in compliance with Board policy GCQB - Research and any procedures outlined in applicable accompanying administrative regulation.
2. Research projects must have a potential impact to student achievement or meet the objectives and mission of the district.

Guidelines for District Employee or Student Project Research Requests

1. Staff or students must receive written approval from the superintendent or designee prior to engaging in research projects during the workday, using school resources or students, either for study toward advanced work or for use in classroom instruction. Classroom-based study, such as action research or the work of a professional learning community, approved by the principal is not subject to this policy.
2. All research must safeguard the confidentiality of all respondents, including individual students, staff members, schools and the district in order to avoid potential Family Educational Rights and Privacy Act (FERPA) violations.
3. Every effort will be made to approve reasonable research projects proposed by district staff and/or students.
4. Staff and/or students shall not use the district's name without prior written approval from the superintendent or designee when describing district activities or programs or to add authenticity to an authorship.
5. If the study results in material which would be useful to others in the district, these results should be made available for distribution throughout the district.
6. Research publications, articles, materials, models and other items produced by district personnel for district use with district time, money and facilities as part of an employee's job responsibilities remain the property of the district.

See GCQB-AR(2) – Submitting Research Requests – District Employees or Students for additional requirements.

Guidelines for Non-District Employee Research Requests

Due to the number of research proposals received and, because it is the mission of the district to educate students rather than to conduct research; not all research proposals will be approved. In the event that the Research Review Committee approves a proposal, it is still the prerogative of district staff and administrators to choose not to participate.

All written research proposals must:

1. Be accompanied by the Agreement for the Conduct of Research;
2. Be submitted to the director of assessment and systems improvement (DASI) prior to the researcher's contact with schools;
3. Have the potential to positively impact student achievement; and
4. Meet the objectives and mission of the district.

See GCQB-AR(3) – Submitting Research Requests – Non-District Employees for additional requirements.

**Agreement for the Conduct of Research
with Reynolds School District**

All proposals for permission to conduct research by researchers external to the district, or by district students or staff, or for district participation in test development, will be reviewed. All proposals must include the items listed in the applicable accompanying administrative regulation and submitted to the following address:

Director of Assessment and Systems Improvement
Reynolds School District
1204 NE 201st Ave
Fairview, OR 97024-2499

If the proposal is approved, the researcher will work with the director of assessment and systems improvement (DASI) to obtain the necessary cooperation from departments, schools and subjects. The researcher will not contact outside agencies on behalf of the district without prior written district approval.

Should researchers desire to make changes after the commencement of the approved research, they must receive prior approval from the Research Review Committee or superintendent or designee for all revisions to the initial proposal. Any deviation from the proposal will constitute grounds for withdrawal of permission to conduct the research.

Complaints from parents, research subjects or district staff about the conduct of the research will be investigated and could lead to retraction of permission to continue research.

All research must safeguard the confidentiality of all respondents, including individual students, staff members, schools, and the district. The district specifically prohibits publication of any report or documentation mentioning the district, specific schools, or research subjects without prior review and written approval of the report or documentation by the director of assessment and systems improvement or superintendent or designee.

I have read and agree to comply with the above guidelines.

Researcher Signature

Date

DASI Signature

Date

Corrected 12/13/22



Code: GCQB-AR(2)

Reviewed/Reviewed:

Submitting Research Requests – District Employees or Students

Please submit the following via [email](#) to director of assessment and systems improvement.

1. Research project rationale and logistics:
 - a. Scope and significance of the study;
 - b. Logistics and timeline of the study, including proposed start and end dates;
 - c. The overall research design;
 - d. All surveyor assessment instruments, protocols, and the informed consent form(s) for the study; and
 - e. Procedures for data confidentiality and disposal of data after analysis.
2. Signed “Agreement for the Conduct of Research” form.
3. Additional letters of support may be included but are not required.

Evaluating Research Requests for District Employees and/or Students

The Research Review Committee meets monthly to review applications. Proposals must be submitted at least six weeks in advance of the beginning of the research project. A letter of approval or rejection will be sent once the Research Review Committee has made its determination. Individuals who receive a letter of rejection are welcome to reapply.

Priority is given to research that:

1. Aligns with the mission and vision of the Reynolds School District.
2. Provide maximal educational benefit to our students.
3. Causes minimal disruption to the educational environment.
4. Requires minimal time investment of students and staff.
5. Avoids potential Family Educational Rights and Privacy Act (FERPA) violations in regard to the confidentiality of all respondents and corresponding data.

Agreement for the Conduct of Research

1. All proposals for permission to conduct research by district students and/or staff will be reviewed. All proposals must include the items listed in administrative regulation GCQB-AR(1) - Research and submitted to the director of assessment and systems improvement (DASI) via [email](#) or mailed to the Reynolds School District office 1204 NE 201st Ave Fairview, Oregon 97024-2499, Attn: Director of Assessment and Systems Improvement.
2. If the proposal is approved, the researcher will work with the RSD Research Review Committee to obtain the necessary cooperation from departments, schools and subjects.
3. The researcher will not contact outside agencies on behalf of the district without prior written district approval.
4. Should researchers desire to make changes after the commencement of the approved research, they must receive prior approval from the Research Review Committee for all revisions to the initial proposal. Any deviation from the proposal will constitute grounds for withdrawal of permission to conduct the research.
5. Complaints from parents, research subjects or district staff about the conduct of the research will be investigated and could lead to retraction of permission to continue research.
6. All research must safeguard the confidentiality of all respondents, including individual students, staff members, schools, and the district. A copy of all collected data must be submitted upon request.
7. A criminal background check is required for all researchers (who are not RSD employees or RSD students) conducting research on school grounds and/or having contact with RSD students. Requirements can be found on the district website.
8. The district specifically prohibits publication of any report or documentation mentioning the district, specific schools, or research subjects without prior review and written approval of the report or documentation by the Research Review Committee.
9. A final report of the research and findings must be submitted to the DASI.

I have read and agree to comply with the above guidelines.

Researcher

Date

Academic Advisor (for students)

Date

Corrected 12/13/22



Code: GCQB-AR(3)
Reviewed/Reviewed:

Submitting Research Requests – Non-District Employees

Please submit the following via [email](#) to the director of assessment and systems improvement.

1. Research project rationale and logistics:
 - a. Scope and significance of the study;
 - b. Logistics and timeline of the study, including proposed start and end dates;
 - c. The overall research design;
 - d. All surveyor assessment instruments, protocols, and the informed consent form(s) for the study; and
 - e. Procedures for data confidentiality and disposal of data after analysis.
2. Copy of Institutional Review Board (IRB) approval. Please include a copy of the full application that was submitted to the IRB.
3. Signed “Agreement for the Conduct of Research” form.
4. Additional letters of support may be included but are not required.

Evaluating Research Requests for Non-District Employees

The Research Review Committee meets monthly to review applications. Proposals must be submitted at least six weeks in advance of the beginning of the research project. A letter of approval or rejection will be sent once the Research Review Committee has made its determination. Individuals who receive a letter of rejection are welcome to reapply.

Priority is given to research that:

1. Aligns with the mission and vision of the Reynolds School District.
2. Provide maximal educational benefit to our students.
3. Causes minimal disruption to the educational environment.
4. Requires minimal time investment of students and staff.
5. Avoids potential Family Educational Rights and Privacy Act (FERPA) violations in regard to the confidentiality of all respondents and corresponding data.

Agreement for the Conduct of Research

1. All proposals for permission to conduct research by district students and/or staff will be reviewed. All proposals must include the items listed in administrative regulation GCQB-AR(1) - Research and submitted to the director of assessment and systems improvement (DASI) via [email](#) or mailed to the Reynolds School District office 1204 NE 201st Ave Fairview, Oregon 97024-2499, Attn: Director of Assessment and Systems Improvement.
2. If the proposal is approved, the researcher will work with the RSD Research Review Committee to obtain the necessary cooperation from departments, schools and subjects.
3. The researcher will not contact outside agencies on behalf of the district without prior written district approval.
4. Should researchers desire to make changes after the commencement of the approved research, they must receive prior approval from the RSD Research Review Committee for all revisions to the initial proposal. Any deviation from the proposal will constitute grounds for withdrawal of permission to conduct the research.
5. Complaints from parents, research subjects or district staff about the conduct of the research will be investigated and could lead to retraction of permission to continue research.
6. All research must safeguard the confidentiality of all respondents, including individual students, staff members, schools, and the district. A copy of all collected data must be submitted upon request.
7. A criminal background check is required for all researchers (who are not RSD employees or RSD students) conducting research on school grounds and/or having contact with RSD students. Requirements can be found on the district website.
8. The district specifically prohibits publication of any report or documentation mentioning the district, specific schools, or research subjects without prior review and written approval of the report or documentation by the RSD Research Review Committee.
9. A final report of the research and findings must be submitted to the DASI.

I have read and agree to comply with the above guidelines.

Researcher

Date

Academic Advisor (for students)

Date

Corrected 12/13/22



Code: GCQBA
Adopted:

Copyrights and Patents

The Board asserts the district's proprietary rights to publications, instructional materials and other devices prepared by district employees during their paid work time. The Board also recognizes the importance of encouraging its professional staff to engage in professional writing, research and other creative endeavors. Publications, articles, materials, models and other items produced by district personnel for district use with district time, money and facilities as part of an employee's job responsibilities remain the property of the district.

The district will apply for copyrights and patents when deemed appropriate by the superintendent. Employees will be expected to cooperate in the district's efforts.

In the event that an employee produces items described above partly on their own time and partly on district time, the district reserves the right to claim full ownership. The employee may petition the district for assignment of copyright or patent rights. Employees will not attempt to copyright or patent such items without the knowledge and consent of the superintendent or designee.

END OF POLICY

Legal Reference(s):

[ORS 332.745](#)

Copyrights, 17 U.S.C. §§ 101-1332; 19 C.F.R. Part 133 (2016).
Patents, 35 U.S.C. §§ 1-376 (2012).

Corrected 9/21/22



As a community, we prepare lifelong learners to achieve their full potential in a complex and interconnected world.

To: Board of Directors
From: Ana Gonzalez Muñoz, Board Chair
Prepared by: Kaylie Jeffries, Board Secretary
Subject: Board Announcements

Policy: [Board Meetings – BD/BDA, Conduct of Board Meetings – BDDF](#)

Date: April 12, 2023

Action	<input type="checkbox"/>
Report	<input checked="" type="checkbox"/>

Connection to School Board Core Beliefs and Commitments

Safety Equity Instructional Practice Organizational Culture

Strategic Plan Goal Topic 3: Student and Staff Wellness

We will promote a healthy learning and working environment which provides students and staff with the skills, social support, and environmental reinforcement they need to adopt long-term, healthy behaviors.

Summary:

Board Chair Gonzalez Muñoz will give a recap of the National School Boards Association conference.

To: Board of Directors
From: Frank Caropelo, Interim Superintendent of Schools
Prepared by: Kaylie Jeffries, Executive Assistant to the Superintendent
Subject: Adjourn
Policy: [Board Meetings – BD/BDA, Conduct of Board Meetings – BDDF](#)
Date: April 12, 2023

Action	<input checked="" type="checkbox"/>
Report	<input type="checkbox"/>

Connection to School Board Core Beliefs and Commitments

Safety Equity Instructional Practice Organizational Culture

Strategic Plan Goal Topic 3: Student and Staff Wellness

We will promote a healthy learning and working environment which provides students and staff with the skills, social support, and environmental reinforcement they need to adopt long-term, healthy behaviors.

Adjournment

