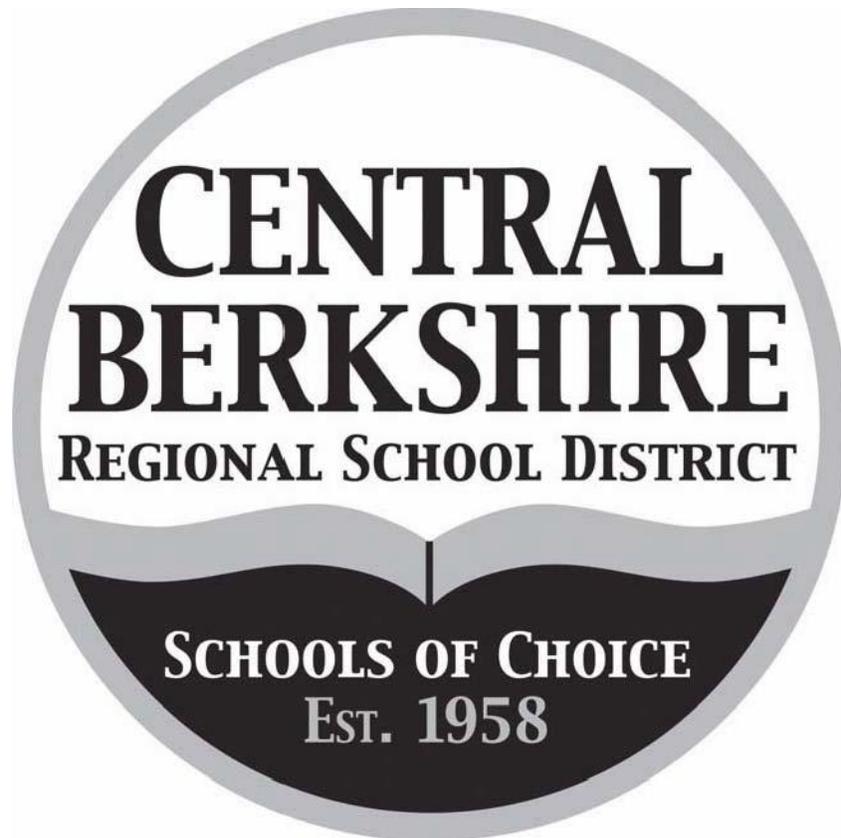


Central Berkshire Regional School District



Employee Handbook

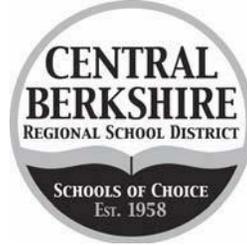
Revised August 2018

Central Berkshire Regional School District does not discriminate on the basis of age, disability, sex, race, religion, sexual orientation, or national origin.

Central Berkshire Regional School District Vision and Mission

The Central Berkshire Regional School District has a vision that the *District will provide an inclusive educational environment for all learners to attain social, emotional and academic success.*

Central Berkshire Regional School District, in partnership with the community provides a rigorous, meaningful learning environment.



EMPLOYEE HANDBOOK 2018-2019

1. ACKNOWLEDGEMENT OF RECEIPT OF PERSONNEL POLICY HANDBOOK:

I hereby acknowledge that I have received a copy of the Central Berkshire Regional School District Personnel Handbook. I understand that it is my obligation to immediately read the following policies' procedures and abide by them at all times while employed by the District.

Employee Name _____ School _____

Employee Signature _____ Date _____

2. ACKNOWLEDGMENT OF RECEIPT OF SUMMARY OF CONFLICT OF INTEREST LAW FOR MUNICIPAL EMPLOYEES

I, _____, hereby acknowledge that I received a copy of the summary of the (Signature) Conflict of interest law for municipal employees on _____. I am aware that all employees are required to take an online training program once every two years and that all new employees must complete the online training within 30 days of being hired.

3. CBRSD PROCEDURE FOR OFF-SITE USE OF TECHNOLOGY

I agree to all terms and conditions listed in the CBRSD Acceptable Use Procedure, and acknowledge that I will pay for the cost of repairs up to the amount of a \$500.00 deductible to replace the technology if it is lost, stolen or damaged beyond repair while it is in my possession. Furthermore, I understand and agree that failure to follow all written Acceptable Use Procedures may result in sanctions as outlined in that document.

Name: _____

Signed: _____ Date: ____ / ____ / ____

PLEASE RETURN THIS SIGNED PAGE TO YOUR BUILDING PRINCIPAL. THANK YOU

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All employees must sign the form on page 2 and return to their building principal within 15 days of receipt.

I. Introduction

1. **Purpose of the Employee Handbook** – This Employee Handbook has been written to provide information and guidance to all employees of the Central Berkshire Regional School District (referred to as CBRSD in the remainder of the document). The Handbook does not represent an exhaustive list of each of the CBRSD employment practices. Additionally, this handbook is designed to supplement, but not supersede any of the CBRSD School Committee Policies, Collective Bargaining Agreements, State or Federal Law. Where there is a conflict one of these other documents would prevail.
2. **Collective Bargaining Agreements**
 - a. The Collective Bargaining Agreements represented within the district are as follows:
 - i. Covered under the Central Berkshire Teachers Association Collective Bargaining Agreement (CBA) are: teachers; guidance counselors; school nurses, school adjustment counselors, speech and language pathologists
 - ii. Administrative Assistant Collective Bargaining Agreement
 - iii. Custodian and Collective Bargaining Agreement
 - iv. Cafeteria Workers Collective Bargaining Agreement
 - v. Paraprofessional Collective Bargaining Agreement to include COTA (Certified Occupational Therapists), SLPA (Speech Language Pathology Assistants), and Behavior Interventionists.
 - vi. All other contracts are individual service contracts not covered by the Collective Bargaining Agreements.
3. **School Committee** – The School Committee is the elected body that establishes goals and policies for the CBRSD, appoints the Superintendent and approves the budget. There are fifteen members of the School Committee representing the 7 towns of the district; Becket (2), Cummington (1), Dalton (7), Hinsdale (2), Peru (1), Washington (1), Windsor (1). The School Committee holds regular meetings approximately twice per month during the school year on the 2nd and 4th Thursday of the month. One meeting per month is held during the months of July, August, November and December. The meetings rotate between the 4 school buildings. Notices of the agenda, time, date and location of the meeting are posted as required per law on the school website.

II. Employment and Hiring Practices

1. **Hiring Practices and Employment Requirements**
 - a. **Equal Employment Opportunity** – CBRSD is an equal opportunity employer. It is the policy of the CBRSD to prohibit discrimination in hiring, promotion, discharge, compensation, benefits, job training or any other terms and conditions of employment on the basis of race, color, religion, gender, national origin or ancestry, veteran status and national guard or reserve unit obligations, handicap, disability, age, sexual orientation, gender identification, genetics or any other basis protected by applicable, federal, state or local laws. All employees, volunteers, and students shall not demonstrate any discrimination in any activity associated with CBRSD.
 - b. **Job Postings** – All job postings are posted on the school website (www.cbrsd.org) and internally in the main office of each school building. All job applications must be submitted through Talent Ed Recruit & Hire <https://centralberkshire.cloud.talentedk12.com/hire/Index.aspx> unless otherwise specified.
 - c. **Criminal Offender Record Information (CORI) Policy** – The CBRSD employment verification process includes a Criminal Offender Record Information (CORI) check through the Department of Criminal Justice Information Services. In addition, the CBRSD is required to conduct CORI checks of current employees, volunteers, contractors and contracted transportation providers at least once every three years per School Committee policy. All offers of employment are contingent upon satisfactory

results of these CORI checks. If the CBRSD Administration is inclined to make an adverse employment decision based on the results of the CORI check, the applicant/employee will be notified. The applicant or employee shall be provided with a copy of the criminal record and the organization's CORI policy, advised of the part(s) of the record that make the individual unsuitable for the position, and given an opportunity to dispute the accuracy and relevance of the CORI record. Employees who are involved in criminal proceedings that may affect employment should immediately notify their immediate supervisor or the Assistant Superintendent of Schools.

- d. **Fingerprint-Based Criminal History Record Information Checks** – The CBRSD employment verification process includes a state and national criminal background check by fingerprint. The fee associated with the cost of fingerprinting is the responsibility of the employee. All offers of employment are contingent upon satisfactory results of these CHRI checks. If the CBRSD is inclined to make an adverse employment decision based on the results of the CHRI check, the applicant/employee will be notified. The applicant or employee shall be provided with a copy of the criminal record and the organization's CHRI policy, advised of the part(s) of the record that make the individual unsuitable for the position, and given an opportunity to dispute the accuracy and relevance of the CHRI record. Employees who are involved in criminal proceedings that may affect employment should immediately notify their immediate supervisor or the Assistant Superintendent of Schools. To continue as an employee of Central Berkshire Regional School District all current employees, in accordance with **MGL Chapter 459 of the Acts of 2012 “An Act Relative to Background Checks”**, are required to submit to a fingerprint background check prior to September 1, 2016.
- e. **Sex Offender Registry Information (S.O.R.I.) Requirements** – The Superintendent or his/her designee shall notify the member town police departments annually that the District wishes to be notified regarding registered sex offenders. If an applicant for employment is selected to be hired, administration is directed to seek Sex Offender Registry Information (SORI) regarding said applicant from the local police department or by mailing the appropriate form to the Sex Offender Registry Board (SORB), as well as, from the National Sex Offender Registry. The hiring shall be contingent upon an acceptable SORI report. The Superintendent will develop appropriate procedures to evaluate any information received, and determine the appropriate course of action, if necessary.
- f. **Nepotism** – As per Central Berkshire Regional School District School Committee Policy 3425, no person shall be hired or promoted based on their family relationship to another district employee. No employee shall be in a position that supervises his/her relative, directly or indirectly. Candidates for employment shall be required as part of the hiring process, to disclose if he/she has any relatives employed by the district.

2. Employment Practices

- a. **Personnel Files** – A personnel file for each present and former employee is maintained in the Central Office. The Superintendent is the official custodian for personnel files and has overall responsibility for maintaining and preserving the confidentiality of the files within the provisions of the law. Each employee has the right, upon written request, to review the contents of his/her own personnel file. Original records cannot be removed from personnel files; however, employees who wish to obtain copies of documents contained in their personnel file must first submit to Payroll and Benefits. A copy will be provided within 10 days.
 - i. If an employee disagrees with any information contained in his/her personnel record, CBRSD and the employee may mutually agree to remove or correct it. If CBRSD and the employee do not reach an agreement, the employee may submit a written statement explaining his/her disagreement. This written statement will be retained as part of the employee's record.
- b. **Change of Name or Address** – Employees have an obligation to report any change of name, address, telephone number or emergency contact to Payroll and Benefits. Address changes can be made by submitting a revised W-4 form to Payroll and Benefits. Employees who are members of Massachusetts

Teachers Retirement must notify Payroll and Benefits of a legal name change and must also submit the appropriate name change application to MTRS so that their records may be updated. (These forms can be found on the district website under Human Resources.)

Compensation and Employee Benefits

1. Compensation

- a. **Payroll Cycle** – The payroll cycle is bi-weekly. Specific information on check dates are posted on the official school calendar annually on the district website.
- b. **Direct Deposit** – New employees are required to use Direct Deposit for their payroll checks. All employees hired after July 1, 2012 must be enrolled in direct Deposit. The initiation of Direct Deposit may take two payroll cycles after receipt of an employee's authorization form. To change routing or account information an employee must submit a new direct deposit authorization form.
- c. **Payroll Deductions** – All payroll deductions are itemized on employees' paycheck stub or advice of deposit forms. Mandatory payroll deductions are made, depending upon the number of exemptions claimed, for federal and state income taxes, and for retirement contributions. Employees may also authorize payroll deductions for health and life insurance and other voluntary elected deductions.
- d. **Garnishments and liens** – Subject to provisions of applicable federal and state law, CBRSD may be obliged to retain, and pay to a third party, a portion of the employee's earnings for employees with court mandated garnishments such as child support.
- e. **Dues** – Employees who are employed in a union position may also have union dues deducted from their pay. More information regarding union dues can be obtained through union representatives.

2. Retirement Plans

- a. **Contributions** – Employees who qualify for membership in either Berkshire County Retirement or the Massachusetts Teachers' Retirement System (MTRS) are required to contribute a percentage of salary to the appropriate plan which will be deducted each pay period.
- b. **Retirement Plans** – Employees who work at least 50% of full-time on a regular, permanent basis typically contribute to one of the two State retirement plans: the Berkshire County Retirement (BCR) or the Massachusetts Teachers' Retirement System (MTRS). When an employee retires, or if an employee becomes disabled, he/she may receive a pension based on his/her earnings from this job. This pension shall reduce or may eliminate an employee's entitlement to Social Security benefits when he/she retires.

Contributions shall be made as follows:

Retirement System	Date of Hire	% of Contribution
MTRS	7/1/01 to present and Retirement Plus	11% of regular pay
MTRS	7/1/96 to 6/30/01	9% of regular pay + 2% of salary in excess of \$30,000
BERKSHIRE COUNTY RETIREMENT	7/1/96 to present	9% of regular pay + 2% of salary in excess of \$30,000
MTRS & BCR	1/1/84 to 6/30/96	*% of regular pay + 2% in excess of \$30,000
MTRS & BCR	1/1/75 to 12/31/83	7% of regular pay + 2% in excess of \$30,000 (after 1/2/79)
MTRS & BCR	Before 1/1/1975	5% regular pay

- c. **Eligibility for Massachusetts Teachers' Retirement (MTRS)** – If a teacher works part-time or at least 50% of full-time and has never been a member of the Massachusetts Teachers' Retirement before, the teacher will need to enroll in the Berkshire County Retirement for the first six month and then transfer to Massachusetts Teachers' Retirement following six months of work.
 - d. **Omnibus Budget Reconciliation Act (OBRA)** – Employees not eligible to participate in the Berkshire County Retirement System shall contribute on a pretax basis, 7.5% of their pay to the Massachusetts deferred compensation plan administered by the Nationwide Retirement Services. The OBRA contribution is in lieu of the social security tax of the Federal Insurance Contribution Act (FICA). This payroll deduction is pursuant to the rules set forth by the Omnibus Budget Reconciliation Act of 1990 (OBRA), pursuant to Internal Revenue Code, Section 3121(b) (7), and in accordance with M.G. L, Chapter 494.
 - e. **Tax-Sheltered Annuity 403(b)** – Employees may also chose to defer income on a pre-tax basis through a 403(b) to provide additional retirement income. Information for 403(b) providers is available on the district website.
http://www.cbrsd.org/district_information/human_resources/retirement_information/
3. **Health Insurance** – Employees working at least 20 hours per week may be eligible to participate in the CBRSD group health insurance program. Health insurance is deducted from employee's checks on a pre-tax basis. An employee must enroll within 30 days from the date of employment. If an employee does not enroll within the 30 day period, he/she will not be eligible to enroll until the following Open Enrollment Period in May, to be effective July 1. An employee must furnish a copy of his/her marriage certificate and children's birth certificates, if applicable, to accompany the health insurance enrollment. Information about the different plans available to school employees will be available through Payroll and Benefits and on the district website.
http://www.cbrsd.org/district_information/human_resources/employee_health_insurance_options/
- a. **Employees Eligible for Medicare** – Employees who become eligible for Medicare and continue to work must contact Payroll and Benefits to change coverage upon determination of eligibility. Employees also need to contact the Social Security Administration to determine if they are eligible for Medicare Parts A and B; if eligible, employees must determine whether or not to defer Part B until retirement. Medicare Parts A and B become the primary insurance only upon retirement. Retired employees who become eligible for Medicare Parts A and B may participate in the District's supplemental plan.
 - b. **Continuation of Health Insurance** – Under the Consolidated Omnibus Budget Reconciliation Act (COBRA), employees, as well as spouses and dependents, may be entitled to continue health coverage through the CBRSD, with the employee bearing a portion of the cost, for a period up to 18 months (36 under certain circumstances). Health coverage may continue under COBRA as a result of the following: termination of employment, change in hours which results in ineligibility for health insurance, divorce or legal separation, and/or when a dependent child becomes ineligible. Employees who resign are not eligible for COBRA.
 - c. **Dental insurance** – The CBRSD has made available dental insurance for all employees who are at least 50% full time equivalent. The CBRSD contributes 50% to the plan. The Dental Plan is open enrolment; contact Payroll and Benefits for more information.
 - d. **Group life insurance** – Upon here, employees who are at least 50% full time equivalent may enroll in a term group life insurance plan for basic life insurance in the amount that is set by collective bargaining agreements or individual contracts.
 - e. **Unemployment insurance benefits** – An employee may be eligible for unemployment insurance benefits if he/she is laid off from his/her position. You may contact Payroll and Benefits or the Massachusetts Unemployment Office toll free at 888-626-5553 for more information.
 - f. **Workers Compensation Insurance** – Should an employee suffer an injury on the job, he/she must complete an accident form and return to Payroll and Benefits within 24 hours in order to properly assess his/her eligibility to receive compensation through our Workers' Compensation insurance carrier.

4. Reimbursement

- a. **Mileage for use of personal vehicle** – Mileage incurred on behalf of the CBRSD (not commuting mileage) is reimbursed on a monthly basis. All reimbursements for mileage will be paid in accordance with the most current IRS rate. Employees must complete a mileage re-imbusement form indicating dates of travel, mileage and reason for reimbursement. Staff requesting reimbursement for mileage not including travel between buildings as part of their employment expectations must provide supporting documentation to include (MapQuest or Triple A print out documenting total round trip mileage, original parking receipts, EZ pass or Toll Receipt, proof of attendance noting Title, location and dates of events i.e. agenda, proof of payment for workshop or conference).
 - i. Travel within the district is only reimbursed for travel as part of a routine employment scheduled.
 - 1. Carpooling is encouraged when traveling in groups of more than 1.
- b. **Reimbursement for workshops and conferences**
 - i. Food-All original itemized restaurant receipts with no charges for alcohol and or tobacco and with tips of no more than 20% of total bill must be submitted for reimbursement within a month of expense.
 - ii. Hotel-Original hotel receipt in attendee name, showing zero balance due.
 - iii. Registration fees-Proof of payment of workshop registration fee (canceled check, credit card statement or receipt). Proof of attendance noting Title, Location and Dates of Event must be included. Must be submitted as soon as possible after monthly event.
- c. **P-Card Purchases**
 - i. Completing the P-Card request form is the proper procedure for using the card and any purchases without prior approval will be denied reimbursement. P-Card requests will be approved only when there is no other means of purchasing available.

Mileage Chart for 2018-2019

CBRSD

MILEAGE CHART

SCHOOL TO SCHOOL

	CENTRAL OFFICE	BECKET WASHINGTON	CRANEVILLE	KITTREDGE	NRMS	WRHS
CENTRAL OFFICE	X	11.40	2.30	2.50	0.10	0.89
BECKET/WASHINGTON	11.40	X	13.60	9.00	11.40	12.20
CRANEVILLE	2.30	13.60	X	4.70	2.30	2.10
KITTREDGE	2.50	9.00	4.70	X	2.50	3.30
NESSACUS	0.10	11.40	2.30	2.50	X	0.90
WAHCONAH	0.89	12.20	2.10	3.30	0.90	X

Professional Development and Staff Licensure

1. Professional Development

- a. **Pre-Approval Forms** – All course reimbursement provided by the district must have prior approval in compliance with the contractual agreements covering the employee applying for reimbursement. The

required forms with required timelines and components consistent with the contracts are located in the appendix of this handbook.

- b. **Educator licensure** – All educators in positions for which DESE licensure is required are required to hold a license issued by the Massachusetts Department of Elementary and Secondary Education (DESE) in order to be eligible to teach in Massachusetts Public Schools. The Educator Licensing and Recruitment (ELAR) system allows current and prospective Massachusetts educators to complete most licensure related transactions on the internet at <https://gateway.edu.state.ma.us/elar>. Within ELAR, individuals may apply for new licenses, renew Professional licenses, check licensure status, and edit personal information, and more.

- i. **Types of licenses:**

1. Preliminary: valid for 5 years of employment; for people who have not completed an Approved Educator Preparation Program. Requires a Bachelor's Degree; passing score(s) on Massachusetts Tests for Educator Licensure (MTEL); and additional coursework for some licenses.
2. Temporary: valid for 1 calendar year; for experienced teachers from another state. Requires 3 years teaching under a valid out-of-state license; and possession of a valid educator license/certificate from another state/jurisdiction that is comparable to at least an Initial license in Massachusetts.
3. Initial: valid for 5 years of employment (may be extended one time for 5 additional years of employment). Requires a Bachelor's Degree; passing score(s) on MTEL; and completion of an Educator Preparation Program.
4. Professional: valid for 5 calendar years. Requires 3 years of employment under an Initial license; completion of a Teacher Induction Program; and 50 hours of mentoring beyond the induction program.

An educator who allows his/her license to lapse may be dismissed at the end of the school year.

Procedures for Requesting Leave

1. Absences

- a. **Daily absences** – Daily absences of staff reporting to a building principal are reported at the building level to the designated administrator via the AESOP website <https://login.frontlineeducation.com/login?signin>. The daily attendance report is sent each school day to the Payroll and Benefits office. All other staff absences are reported via Aesop. Any absences reported after 6:30 am must be completed by contacting the building principal or supervisor. All records of attendance are maintained by Payroll and Benefits. Any questions related to leave time should be directed to Payroll and Benefits.
 - i. All **planned** absences must be approved in advance through the Aesop system in compliance with the individual's contractual requirements.
 - ii. Any **unplanned** absence due to illness must be reported through the Aesop system as possible and prior to the report time for the building. Following return from an unplanned absence the staff member must complete the Staff Member's Report of Absence From Regular Duties
 - iii. **Long Term Absence** – Absences may require a medical note based on an individual's contract and circumstances.
 - iv. For any planned medical absence of more than 5 days please contact Payroll and Benefits in advance of the leave.

2. **Aesop Procedures** Central Berkshire Regional School District has implemented a new automated service that will greatly simplify and streamline the process of recording Absences and finding Substitutes. The service will

be available 24 hours a day, seven days a week. You may interact with the system either on the Internet at <http://www.frontlineducation.com>, or by way of a Toll Free automated Phone line.

Each employee will be given an ID and a Pin number to access the system.

To Register with the System:

- Simply dial 1-800-942-3767 (1-800-94-AESOP)
- Enter your Identification (ID) and Pin numbers.
- Once you are logged in the system, you will be given prompts for the various menu choices.

When you access the system over the phone for the first time, it is very important that you record your name and assignment for substitutes to hear. Please keep in mind that only your name and assignment should be recorded, (e.g. John Doe, 3rd Grade) as the system will play this recording to potential substitutes for all future absences you register. You will not be asked to record this information each time you register an absence.

*When entering an absence, please wait until you receive a confirmation number before you terminate the phone call. Your transaction is not complete until you receive a confirmation number.

You may also access the system on the Internet at <http://www.aesopeducation.com>. Here you will be able to enter absences, check your Absence schedule, update personal information, and exercise other features. If you have any questions, concerns, or comments; please feel free to contact the central office at (413) 684-0320 or support@aesopoline.com.

3. **Jury Duty** – If an employee is called for jury duty, CBRSD will grant him/her a leave of absence in accordance with applicable law. Upon completion of jury duty, a verification of attendance form from the court must be provided to the Payroll and Benefits Office. If the employee is excused from jury duty for the day, or is excused early, he or she should report to work when practical.
4. **Military leaves** – The CBRSD provides military leaves of absence to all regular and part-time employees in compliance with the Uniformed Services Employment and Reemployment Rights Act ("USERRA") and all other applicable federal and state laws.
5. **Maternity leave & absence for childrearing**
 - a. **The Massachusetts Parental Leave Act (PLA)** allows for 8 calendar weeks (per child) of leave from the date of delivery. If an employee has sufficient accumulated sick time, they will receive pay through the end of their entitled PLA.
 - i. If giving birth to twins, PLA would allow for 16 weeks; for triplets, 24 weeks, and so on.
 - b. **Family Medical Leave Act (FMLA)** – The employee is entitled to take up to 12 weeks of leave under the federal Family Medical Leave Act (FMLA). FMLA runs concurrently alongside PLA. The first day on FMLA is the first day an employee is absent due to the maternity. FMLA only encompasses work weeks. For instance:
 - i. Christmas, April, February and summer vacations (which are not work weeks for teachers) would not count as weeks of FMLA.
 - ii. Thanksgiving, for example, counts as a work week as you would be otherwise expected to report for work during that week.
 - iii. If the employee is out on physician directed bed rest prior to delivery, this would be counted as FMLA, but would not count as MMLA time.
 - iv. Should there be a medical reason for the employee to remain out of work for the full 12 weeks of FMLA, the attending doctor will need to indicate this on the official FMLA paperwork. Typically, the employee would submit this paperwork to the Payroll and Benefits Office after the 6 week post-delivery checkup. With a medical reason precluding the employee from

returning to work until the end of FMLA, the employee is entitled to utilize personal illness time to receive pay.

- v. If the employee elects to use the full twelve weeks to care for the newborn, but there is no associated medical reason, the remainder of the employee's FMLA leave (after PLA) will be unpaid.
- vi. If the employee's return to work date indicated by the attending doctor, for a medical reason, falls beyond the time afforded by FMLA the employee will need to petition the Superintendent for any additional leave time based on the terms of their individual contract.

6. **Family Medical Leave Act (FMLA)** – The Family and Medical Leave Act (FMLA) provides an entitlement of up to 12 weeks of job-protected, unpaid leave during any 12-month period to eligible, covered employees for the following reasons: 1) birth and care of the eligible employee's child, or placement for adoption or foster care of a child with the employee; 2) care of an immediate family member (spouse, child, parent) who has a serious health condition; or 3) care of the employee's own serious health condition. It also requires that employee's group health benefits be maintained during the leave. The FMLA is administered by the Employment Standards Administration's Wage and Hour Division within the U.S. Department of Labor.

- a. Employees shall provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. Such notice must be submitted in writing to the Payroll and Benefits Office. When 30 days advance notice is not possible, the employee must give notice of the need for such unforeseeable leave as soon as practicable under the facts and circumstances of the situation and generally must comply with CBRSD normal call-in procedures for an absence or tardiness. Employees must provide sufficient information for CBRSD 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.
- b. Employees also must inform CBRSD 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. Employees requesting leave will be advised whether they are eligible under FMLA. If they are, CBRSD will provide notice of any additional information the employee needs to provide, as well as the employee's rights and responsibilities under the FMLA.
- c. If the employee is not eligible for the leave, CBRSD will inform the employee and provide a reason for his/her ineligibility.
- d. The employee will also be informed if leave will be designated as FMLA-protected and the amount of leave that will be counted against the employee's leave entitlement, if possible. If it is determined that the leave is not FMLA-protected, CBRSD will notify the employee of this fact, as well.
- e. An employee's failure to comply with FMLA leave procedures can be grounds for delaying or denying an employee's request for FMLA-qualifying leave.
- f. During an approved FMLA leave, the employee's position will be held open to the extent required by the FMLA, and CBRSD will maintain the employee's health coverage under any group health plan (if there is such coverage) on the same terms as if the employee had continued to work. Upon returning from FMLA leave, employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Use of FMLA leave will not result in the loss of any available employment benefit that accrued prior to the start of the leave.

7. **All other extended leaves** – All other extended leaves will be considered on a case by case basis as per the employee's individual service contract or collective bargaining agreement. In most cases, extended leaves falling outside the scope of FMLA are at the Superintendent's discretion.

Employee Conduct

1. **Staff Conduct** - All employees of CBRSD are hired in order to benefit in some way the education of the students in our schools. Each district employee is expected, pursuant to School Committee policy 3100, "Staff Conduct," to have only "respectful interactions with students, colleagues, and other constituents," as well as to show "concern for and attention to their own and the school system's legal responsibility for the safety and welfare of students." And each district employee is expected to serve as a role model for students, engaging in conduct that exemplifies how we want and expect our students to behave. Social networking, whether through Facebook or another electronic means, is an area where CBRSD employees need to be aware of the pitfalls that await ill-considered interaction with students, colleagues, or others on-line. A CBRSD employee may be embarrassed or far worse by certain interactions she/he has with students online, or by certain information or images that are available there. Any employee of CBRSD may be held to account for behavior engaged in through a social networking medium, or by provision of information or images through a social network, that would be unacceptable for school system employees in other social settings.
2. **Conflict of Interest Law for Municipal Employees** This summary of the conflict of interest law, General Laws chapter 268A, is intended to help municipal employees understand how that law applies to them. This summary is not a substitute for legal advice, nor does it mention every aspect of the law that may apply in a particular situation. Municipal employees can obtain free confidential advice about the conflict of interest law from the Commission's Legal Division as follows: website, <http://www.mass.gov/ethics/> phone number (617) 371-9500, and address One Ashburton Place, Room 619, Boston, MA 02108. Municipal counsel may also provide advice.

The conflict of interest law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by placing restrictions on what municipal employees may do on the job, after hours, and after leaving public service, as described below. The sections referenced below are sections of G.L. c. 268A.

When the Commission determines that the conflict of interest law has been violated, it can impose a civil penalty of up to \$10,000 (\$25,000 for bribery cases) for each violation. In addition, the Commission can order the violator to repay any economic advantage he gained by the violation, and to make restitution to injured third parties. Violations of the conflict of interest law can also be prosecuted criminally.

a. **Are you a municipal employee for conflict of interest law purposes?**

You do not have to be a full-time, paid municipal employee to be considered a municipal employee for conflict of interest purposes. Anyone performing services for a city or town or holding a municipal position, whether paid or unpaid, including full-and part-time municipal employees, elected officials, volunteers, and consultants, is a municipal employee under the conflict of interest law. An employee of a private firm can also be a municipal employee, if the private firm has a contract with the city or town and the employee is a "key employee" under the contract, meaning the town has specifically contracted for her services. The law also covers private parties who engage in impermissible dealings with municipal employees, such as offering bribes or illegal gifts.

b. **On-the-job restrictions.**

- i. **Bribes. Asking for and taking bribes is prohibited. (See Section 2)** A bribe is anything of value corruptly received by a municipal employee in exchange for the employee being influenced in his official actions. Giving, offering, receiving, or asking for a bribe is illegal.

Bribes are more serious than illegal gifts because they involve corrupt intent. In other words, the municipal employee intends to sell his office by agreeing to do or not do some official act, and the giver intends to influence him to do so. Bribes of any value are illegal.

- ii. **Gifts and gratuities. Asking for or accepting a gift because of your official position, or because of something you can do or have done in your official position, is prohibited. (See Sections 3, 23(b)(2), and 26)**

Municipal employees may not accept gifts and gratuities valued at \$50 or more given to influence their official actions or because of their official position. Accepting a gift intended to reward past official action or to bring about future official action is illegal, as is giving such gifts. Accepting a gift given to you because of the municipal position you hold is also illegal.

Meals, entertainment event tickets, golf, gift baskets, and payment of travel expenses can all be illegal gifts if given in connection with official action or position, as can anything worth \$50 or more. A number of smaller gifts together worth \$50 or more may also violate these sections.

Example of violation: A town administrator accepts reduced rental payments from developers.

Example of violation: A developer offers a ski trip to a school district employee who oversees the developer's work for the school district. **Regulatory exemptions.** There are situations in which a municipal employee's receipt of a gift does not present a genuine risk of a conflict of interest, and may in fact advance the public interest. The Commission has created exemptions permitting giving and receiving gifts in these situations. One commonly used exemption permits municipal employees to accept payment of travel-related expenses when doing so advances a public purpose. Another commonly used exemption permits municipal employees to accept payment of costs involved in attendance at educational and training programs. Other exemptions are listed on the Commission's website.

Example where there is no violation: A fire truck manufacturer offers to pay the travel expenses of a fire chief to a trade show where the chief can examine various kinds of fire-fighting equipment that the town may purchase. The chief fills out a disclosure form and obtains prior approval from his appointing authority.

Example where there is no violation: A town treasurer attends a two-day annual school featuring multiple substantive seminars on issues relevant to treasurers. The annual school is paid for in part by banks that do business with town treasurers. The treasurer is only required to make a disclosure if one of the sponsoring banks has official business before her in the six months before or after the annual school.

- iii. **Misuse of position. Using your official position to get something you are not entitled to, or to get someone else something they are not entitled to, is prohibited. Causing someone else to do these things is also prohibited. (See Sections 23(b)(2) and 26)** A municipal employee may not use her official position to get something worth \$50 or more that would not be properly available to other similarly situated individuals. Similarly, a municipal employee may not use her official position to get something worth \$50 or more for someone else that would not be properly available to other similarly situated individuals. Causing someone else to do these things is also prohibited.

Example of violation: A full-time town employee writes a novel on work time, using her office computer, and directing her secretary to proofread the draft.

Example of violation: A city councilor directs subordinates to drive the councilor's wife to and from the grocery store.

Example of violation: A mayor avoids a speeding ticket by asking the police officer who stops him, "Do you know who I am?" and showing his municipal J.D.

- iv. **Self-dealing and nepotism. Participating as a municipal employee in a matter in which you, your immediate family, your business organization, or your future employer has a financial interest is prohibited. (See Section 19)** A municipal employee may not participate in any particular matter in which he or a member of his immediate family (parents, children, siblings, spouse, and spouse's parents, children, and siblings) has a financial interest. He also may not participate in any particular matter in which a prospective employer, or a business organization of which he is a director, officer, trustee, or employee has a financial interest. Participation includes discussing as well as voting on a matter, and delegating a matter to someone else. A financial interest may create a conflict of interest whether it is large or small, and positive or negative. In other words, it does not matter if a lot of money is involved or only a little. It also does not matter if you are putting money into your pocket or taking it out. If you, your immediate family, your business, or your employer have or has a financial interest in a matter, you may not participate. The financial interest must be direct and immediate or

reasonably foreseeable to create a conflict. Financial interests which are remote, speculative or not sufficiently identifiable do not create conflicts.

Example of violation: A school committee member's wife is a teacher in the town's public schools. The school committee member votes on the budget line item for teachers' salaries.

Example of violation: A member of a town affordable housing committee is also the director of a nonprofit housing development corporation. The non-profit makes an application to the committee, and the member/director participates in the discussion.

Example: A planning board member lives next door to property where a developer plans to construct a new building. Because the planning board member owns abutting property, he is presumed to have a financial interest in the matter. He cannot participate unless he provides the State Ethics Commission with an opinion from a qualified independent appraiser that the new construction will not affect his financial interest.

In many cases, where not otherwise required to participate, a municipal employee may comply with the law by simply not participating in the particular matter in which she has a financial interest. She need not give a reason for not participating. There are several exemptions to this section of the law. An appointed municipal employee may file a written disclosure about the financial interest with his appointing authority, and seek permission to participate notwithstanding the conflict. The appointing authority may grant written permission if she determines that the financial interest in question is not so substantial that it is likely to affect the integrity of his services to the municipality. Participating without disclosing the financial interest is a violation. Elected employees cannot use the disclosure procedure because they have no appointing authority. **Example where there is no violation:** An appointed member of the town zoning advisory committee, which will review and recommend changes to the town's by-laws with regard to a commercial district, is a partner at a company that owns commercial property in the district. Prior to participating in any committee discussions, the member files a disclosure with the zoning board of appeals that appointed him to his position, and that board gives him a written determination authorizing his participation, despite his company's financial interest. There is no violation. There is also an exemption for both appointed and elected employees where the employee's task is to address a matter of general policy and the employee's financial interest is shared with a substantial portion (generally 10% or more) of the town's population, such as, for instance, a financial interest in real estate tax rates or municipal utility rates. **Regulatory exemptions.** In addition to the statutory exemptions just mentioned, the Commission has created several regulatory exemptions permitting municipal employees to participate in particular matters notwithstanding the presence of a financial interest in certain very specific situations when permitting them to do so advances a public purpose. There is an exemption permitting school committee members to participate in setting school fees that will affect their own children if they make a prior written disclosure. There is an exemption permitting town clerks to perform election-related functions even when they, or their immediate family members, are on the ballot, because clerks' election-related functions are extensively regulated by other laws. There is also an exemption permitting a person serving as a member of a municipal board pursuant to a legal requirement that the board have members with a specified affiliation to participate fully in determinations of general policy by the board, even if the entity with which he is affiliated has a financial interest in the matter. Other exemptions are listed in the Commission's regulations, available on the Commission's website. **Example where there is no violation:** A municipal Shellfish Advisory Board has been created to provide advice to the Board of Selectmen on policy issues related to shell fishing. The Advisory Board is required to have members who are currently commercial fishermen. A board member who is a commercial fisherman may participate in determinations of general policy in which he has a financial interest common to all commercial fishermen, but may not participate in determinations in which he alone has a financial interest, such as the extension of his own individual permits or leases.

- v. **False claims. Presenting a false claim to your employer for a payment or benefit is prohibited, and causing someone else to do so is also prohibited. (See Sections 23(b)(4) and 26)** A municipal employee may not present a false or fraudulent claim to his employer for any payment or benefit worth \$50 or more, or cause another person to do so.

Example of violation: A public works director directs his secretary to fill out time sheets to show him as present at work on days when he was skiing.

- vi. **Appearance of conflict.** Acting in a manner that would make a reasonable person think you can be improperly influenced is prohibited. (See Section 23(b)(3)) A municipal employee may not act in a manner that would cause a reasonable person to think that she would show favor toward someone or that she can be improperly influenced. Section 23(b)(3) requires a municipal employee to consider whether her relationships and affiliations could prevent her from acting fairly and objectively when she performs her duties for a city or town. If she cannot be fair and objective because of a relationship or affiliation, she should not perform her duties. However, a municipal employee, whether elected or appointed, can avoid violating this provision by making a public disclosure of the facts. An appointed employee must make the disclosure in writing to his appointing official. Example where there is no violation: A developer who is the cousin of the chair of the conservation commission has filed an application with the commission. A reasonable person could conclude that the chair might favor her cousin. The chair files a written disclosure with her appointing authority explaining her relationship with her cousin prior to the meeting at which the application will be considered. There is no violation of Sec. 23(b)(3).
- vii. **Confidential information. Improperly disclosing or personally using confidential information obtained through your job is prohibited. (See Section 23(c))**
Municipal employees may not improperly disclose confidential information, or make personal use of nonpublic information they acquired in the course of their official duties to further their personal interests.

c. **iii. After-hours restrictions.**

- i. **Taking a second paid job that conflicts with the duties of your municipal job is prohibited. (See Section 23(b)(I))**

A municipal employee may not accept other paid employment if the responsibilities of the second job are incompatible with his or her municipal job. **Example:** A police officer may not work as a paid private security guard in the town where he serves because the demands of his private employment would conflict with his duties as a police officer.

- ii. **Divided loyalties. Receiving pay from anyone other than the city or town to work on a matter involving the city or town is prohibited. Acting as agent or attorney for anyone other than the city or town in a matter involving the city or town is also prohibited whether or not you are paid. (See Sec. 17)**

Because cities and towns are entitled to the undivided loyalty of their employees, a municipal employee may not be paid by other people and organizations in relation to a matter if the city or town has an interest in the matter. In addition, a municipal employee may not act on behalf of other people and organizations or act as an attorney for other people and organizations in which the town has an interest. Acting as agent includes contacting the municipality in person, by phone, or in writing; acting as a liaison; providing documents to the city or town; and serving as spokesman. A municipal employee may always represent his own personal interests, even before his own municipal agency or board, on the same terms and conditions that other similarly situated members of the public would be allowed to do so. A municipal employee may also apply for building and related permits on behalf of someone else and be paid for doing so, unless he works for the permitting agency, or an agency which regulates the permitting agency.

Example of violation: A full-time health agent submits a septic system plan that she has prepared for a private client to the town's board of health.

Example of violation: A planning board member represents a private client before the board of selectmen on a request that town meeting consider rezoning the client's property.

While many municipal employees earn their livelihood in municipal jobs, some municipal employees volunteer their time to provide services to the town or receive small stipends. Others, such as a private attorney who provides legal services to a town as needed, may serve in a position in which they may have other personal or private employment during normal working hours. In recognition of the need not to unduly restrict the ability of town volunteers and part-time employees to earn a living, the law is less restrictive for "special" municipal employees than for other municipal employees. The status of "special" municipal employee has to be assigned to a municipal position by vote of the board of selectmen, city council, or similar body. A position is eligible to be designated as "special" if it is unpaid, or if it is part-time and the employee is allowed to have another job during normal working hours, or if the employee was not paid for working more than 800 hours during the preceding 365 days. It is the position that is designated as "special" and not the person or persons holding the position. Selectmen in towns of 10,000 or fewer are automatically "special"; selectman in larger towns cannot be "specials." If a municipal position has been designated as "special," an employee holding that position may be paid by others, act on behalf of others, and act as attorney for others with respect to matters before municipal boards other than his own, provided that he has not officially participated in the matter, and the matter is not now, and has not within the past year been, under his official responsibility.

Example: A school committee member who has been designated as a special municipal employee appears before the board of health on behalf of a client of his private law practice, on a matter that he has not participated in or had responsibility for as a school committee member. There is no conflict. However, he may not appear before the school committee, or the school department, on behalf of a client because he has official responsibility for any matter that comes before the school committee. This is still the case even if he has recused himself from participating in the matter in his official capacity.

Example: A member who sits as an alternate on the conservation commission is a special municipal employee. Under town by-laws, he only has official responsibility for matters assigned to him. He may represent a resident who wants to file an application with the conservation commission as long as the matter is not assigned to him and he will not participate in it.

- iii. **Inside track.** Being paid by your city or town, directly or indirectly, under some second arrangement in addition to your job is prohibited, unless an exemption applies, (See Section 20) A municipal employee generally may not have a financial interest in a municipal contract, including a second municipal job. A municipal employee is also generally prohibited from having an indirect financial interest in a contract that the city or town has with someone else. This provision is intended to prevent municipal employees from having an "inside track" to further financial opportunities. **Example of violation:** Legal counsel to the town housing authority becomes the acting executive director of the authority, and is paid in both positions. **Example of violation:** A selectman buys a surplus truck from the town DPW. **Example of violation:** A full-time secretary for the board of health wants to have a second paid job working part-time for the town library. She will violate Section 20 unless she can meet the requirements of an exemption. **Example of violation:** A city councilor wants to work for a non-profit that receives funding under a contract with her city. Unless she can satisfy the requirements of an exemption under Section 20, she cannot take the job. There are numerous exemptions. A municipal employee may hold multiple unpaid or elected positions. Some exemptions apply only to special municipal employees. Specific exemptions may cover serving as an unpaid volunteer in a second town position, housing-related benefits, public safety positions, certain elected positions, small towns, and other specific situations. Please call the Ethics Commission's Legal Division for advice about a specific situation.

iv. **After you leave municipal employment. (See Section 18)**

1. **Forever ban. After you leave your municipal job, you may never work for anyone other than the municipality on a matter that you worked on as a municipal employee.**

If you participated in a matter as a municipal employee, you cannot ever be paid to work on that same matter for anyone other than the municipality, nor may you act for someone else, whether paid or not. The purpose of this restriction is to bar former employees from selling to private interests their familiarity with the facts of particular matters that are of continuing concern to their former municipal employer. The restriction does not prohibit former municipal employees from using the expertise acquired in government service in their subsequent private activities. **Example of violation:** A former school department employee works for a contractor under a contract that she helped to draft and oversees for the school department.

2. **One year cooling-off period. For one year after you leave your municipal job you may not participate in any matter over which you had official responsibility during your last two years of public service.**

Former municipal employees are barred for one year after they leave municipal employment from personally appearing before any agency of the municipality in connection with matters that were under their authority in their prior municipal positions during the two years before they left. **Example:** An assistant town manager negotiates a three-year contract with a company. The town manager who supervised the assistant, and had official responsibility for the contract but did not participate in negotiating it, leaves her job to work for the company to which the contract was awarded. The former manager may not call or write the town in connection with the company's work on the contract for one year after leaving the town. A former municipal employee who participated as such in general legislation on expanded gaming and related matters may not become an officer or employee of, or acquire a financial interest in, an applicant for a gaming license, or a gaming license, for one year after his public employment ceases.

3. **Partners. Your partners will be subject to restrictions while you serve as a municipal employee and after your municipal service ends.**

Partners of municipal employees and former municipal employees are also subject to restrictions under the conflict of interest law. If a municipal employee participated in a matter, or if he has official responsibility for a matter, then his partner may not act on behalf of anyone other than the municipality or provide services as an attorney to anyone but the city or town in relation to the matter. **Example:** While serving on a city's historic district commission, an architect reviewed an application to get landmark status for a building. His partners at his architecture firm may not prepare and sign plans for the owner of the building or otherwise act on the owner's behalf in relation to the application for landmark status. In addition, because the architect has official responsibility as a commissioner for every matter that comes before the commission, his partners may not communicate with the commission or otherwise act on behalf of any client on any matter that comes before the commission during the time that the architect serves on the commission. **Example:** A former town counsel joins a law firm as a partner. Because she litigated a lawsuit for the town, her new partners cannot represent any private clients in the lawsuit for one year after her job with the town ended. This summary is not intended to be legal advice and, because it is a summary, it does not mention every provision of the conflict law that may apply in a particular situation. Our website, <http://www.mass.gov/ethics> contains further information about how the law applies in many situations. You can also contact the Commission's Legal Division via our website, by telephone, or by letter. Our contact information is at the

top of this document.

Version 6: Revised May 10, 2013

3. **Tobacco use on School Property** - Use of tobacco products on school grounds is prohibited under Chapter 71, Section 36 of the Acts of 1993. Accordingly, CBRSD School Committee Policy 6760 prohibits the use of any tobacco products within the school buildings, the school facilities, on the school grounds or on school busses by an individual, including school personnel.
4. **Drug Free Workplace** - The CBRSD is an alcohol and drug free workplace.
5. **Best Practice for Guiding Staff in Use of Social Media**

(By Andy Mann, Instructional Tech Consultant, Muskegon Area ISD)

What is social media?

Social media is defined as any form of online publication or presence that allows end users to engage in multi-directional conversations in or around the content on the website. A large percentage of Internet traffic is centered on the use of social media. Social media includes: Facebook, MySpace, Ning, Twitter, Second Life, YouTube, blogs, wikis, social bookmarking, document sharing and email.

What is the purpose of these best practices?

Businesses are beginning to understand the importance of providing employees a clear understanding about how they should be appropriately using social media. Schools have been late to develop such understandings for their staff and students. The genesis for this was a Michigan State University course called New Media Driver's License where I had the opportunity to review a variety of media policies from business. I tried to find similar policies for education but found almost nothing. After reviewing a number of different policies, I've created this document as a starting point. A list of resources is provided at the end of the document. This is created to be edited, updated, and shared. It is licensed under a Creative Commons Attribution-Noncommercial Share Alike license.

Note: districts have an approval process to convert such ideas as these into their own district administrative guidelines or policies

Best Practices

Be Transparent

How you represent yourself online is an extension of yourself. Do not misrepresent yourself by using someone else's identity or misrepresenting your identity. Be honest about who you are, where you work and what you do.

Always a School Employee

The lines between public and private, personal and professional, are blurred in the digital world. Even when you have a disclaimer or use a different user name, you will always be considered a district employee. Whether it is clearly communicated or not, you will be identified as working for and sometimes representing the school in what you do and say online. Always write in the first person and make it clear that you are speaking for yourself and not on behalf of the district.

Use a Disclaimer

Include a disclaimer on your social media site which says something like this: "The opinions and positions expressed on this site are my own and do not necessarily reflect my school district's positions, strategies, or opinions." This standard disclaimer does not exempt employees from their responsibilities as explained in these guidelines. If asked by media to comment on a school-related issue, refer them to the designated public relations person in the district or when in doubt, to the principal or superintendent.

School Values

Represent the district's values. Express ideas and opinions in a respectful manner. All communications should be done in good taste. Build trust and responsibility in your relationships. Do not denigrate or insult others, including students, staff, administrators, parents, or other districts. Don't use ethnic slurs, innuendos, obscenity

or any other inappropriate content. Even though you are of legal age, consider carefully what you post through comments and photos. There are school districts who have taken disciplinary action on staff that made posts relative to alcohol and sexual activities.

Build Community/Positively Represent School

Represent the district and the students and parents you serve in the best light. Respect the privacy and the feelings of others. Under no circumstance should offensive comments be made about students or colleagues (including administrators) nor the district in general. Negative comments about people may amount to cyber-bullying and could be deemed a disciplinary offense. Your posts and comments should help build and support the school community. Do not comment on nor forward unsupported information, e.g., rumors. You are responsible for what you post; be certain it is accurate and supports your organization. If you are about to publish something that makes you hesitate, wait a day, review the guidelines and talk to a colleague or supervisor. Once posted, you can't take it back.

Share your Expertise

Write what you know to be accurate. Add value to the discussion. Post something useful. Provide worthwhile information and perspective. A district's most valuable asset is its people, and what is published may reflect negatively on the school. Speak in the first person with your own voice and perspective.

Respect and Responsible

Employees, parents, and students reflect a diverse set of customs, values and points of view. Be respectful for the opinions of others in your posts or comments. You are responsible for the content you post. Consider the words used to tag content in a social bookmarking site. Consider the avatar you select. Do your tags, descriptions, and your image portray you in a professional manner?

Own and Correct Mistakes

If you make a mistake, admit the mistake and correct it quickly. You should clearly state if you are correcting an earlier post. Even though damage may be done, it is best to admit your mistake and correct it. Apologize if appropriate.

Confidential Information

Online postings and conversations are not private. Do not share confidential information, whether it is internal school discussions or specific information about students or staff. What you post will be seen by others and will be online for a long time. It can be forwarded or shared in just a few clicks. Do not write about a colleague or student without their permission.

School Logos

Do not use any school logo or image without written permission.

Posting Photos or Movies without Permission

Do not post photos or movies of fellow employees without their permission. Do not use photos or movies taken at school without permission. Do not post photos or movies that contain students without written parental consent.

Responding to Negative Comments and Criticism

How you respond to negative comments or criticism will say more about you and your character than what you post. If you delete a negative post, it discourages open communications. When publicly criticized or receiving a negative comment, first, stay cool and don't reply in haste. Express your view in a clear, logical way. Don't get personal, and, if you made a mistake, admit it and move ahead. It is not uncommon for a negative response to be answered by some other person who supports your view. When in doubt, it's best to ignore a comment and not give it credibility by acknowledging it with a response publicly; perhaps a face-to-face meeting would be more appropriate.

Response and Post Regularly

Post regularly. Don't post to your blog and then not post for three weeks. Readers won't have a reason to follow you if they can't expect new content regularly. Respond to other's posts. Answer questions; thank people even if it's just a few words. Make it a two-way conversation

Grammar, Spelling, and Abbreviations

Blog and wiki posts should be well written. What you post will be online for the world to read. Follow writing conventions including proper grammar, capitalization, and punctuation. Be cautious about using common abbreviations. While your circle of friends may understand what you are saying, you may have readers from across the world who won't understand. When in doubt, define the abbreviation at least once in a post or include a definitions page on your site.

Copyright and Fair Use

Respect copyright and fair use guidelines. Share what others have said by linking to the source and using embedded content. Be sure to cite your source when quoting. When using a hyperlink, confirm that the link goes where it should and that the content is appropriate. It is recommended that all online content be licensed under a [Creative Commons Attribution Non-Commercial Share Alike 3.0 United States License](#).

Personal Information

Be careful about sharing too much personal information. People often share information such as their pets, parents, and children's names, where they grew up, and more. This information has been used by hackers to guess passwords. If you share that you will be out of town, a criminal may use this to target your home for a burglary. There was a 17-year-old girl who posted to her social network site that her parents were going to be away for the weekend and she'd be home alone; imagine if one of her online friends shared this information with someone who had bad intentions. Be smart and don't share too much about yourself online.

Video

YouTube is becoming an increasingly popular place to share personally created movies. You are responsible for all you do, say, and post online, including video. Anything you post online should represent you in a professional manner as others will see you as connected to the school district. It disrupts learning to have days of conversation about a teacher created YouTube video with questionable content.

Staff-Student Relations

Employees are prohibited from establishing unprofessional, inappropriate relationships with students. Examples of unprofessional relationships include, but are not limited to: employees fraternizing or communicating with students as if employees and students were peers such as writing personal letters or e-mails; "texting" students; calling students on cell phones or allowing students to make personal calls to them unrelated to homework or class work; sending inappropriate pictures to students; discussing or revealing to students personal matters about their private lives or inviting students to do the same (other than professional counseling by a school counselor); and engaging in sexualized dialogue, whether in person, by phone, via the Internet, or in writing. Employees who post information on Facebook, MySpace or similar web sites that include inappropriate personal information such as, but not limited to: provocative photographs, sexually explicit messages, use of alcohol, drugs or anything students are prohibited from doing, must understand that if students, parents or other employees obtain access to such information, their case will be investigated by school and district officials and, if warranted, will be disciplined up to and including termination, depending upon the severity of the offense. Additionally, certified personnel, depending upon the severity of the offense, may have their case forwarded to the appropriate state department for review and possible further sanctions. The Superintendent or designees reserve the right to periodically conduct Internet searches to determine if employees have posted inappropriate materials on-line. If inappropriate use of computers and web sites is discovered, the Superintendent's designees will download the offensive material and promptly bring that misconduct to the attention of the Superintendent.

Email

School districts require through acceptable use policies, that all electronic or any other communications by employees to students or parents at any time, from any email system shall be professional and acceptable in content to any reasonable person, and limited to information that is school-related or is acceptable to both student and parent. Email between employees, students and parents shall be done through the school-provided email application. Email must conform to school email policies.

Employee Responsibilities

1. **Mandated reporter** – Under Massachusetts Law, a mandated reporter who has reasonable cause to believe that a child under the age of eighteen years is suffering physical or emotional injury resulting from abuse, including sexual abuse, or from neglect, shall immediately report such condition to the Department of Children and Families ("DCF"). Mandated reporters include teachers, educational administrators, guidance or adjustment counselors, psychologists, attendance officers, social workers, day care providers, health care professionals, court and public safety officials. In the CBRSD, mandated reporters may either report directly to DCF or they may notify the superintendent or the school principal who will then be responsible for making the oral and written report to DCF. The mandated reporter must make the report orally to DCF immediately, and then make a written report to DCF within 48 hours. Please note that any mandated reporter who fails to file the required oral and written reports can be punished by a fine of up to \$1,000.00. Under the law, mandated reporters are protected from liability in any civil or criminal action, and from any discriminatory or retaliatory actions. CBRSD also strongly encourages all other school employees who are not "mandated reporters" to inform a Principal if they suspect a child has been abused or neglected.
 - a. There is a statewide DCF Child Abuse/Neglect Reporting Line, 1-800-KIDS-508. After 5:00 p.m. and on weekends, calls should go to the Child-At-Risk Hotline at 1-800-792-5200.
2. **Confidentiality** – CBRSD employees may have access to confidential, protected or privileged information. All employees are required to protect others' rights to privacy by not releasing such information to unauthorized individuals. Failure to do so may result in disciplinary action up to and including termination of employment. CBRSD employees should consult their supervisors with any questions regarding confidentiality.
3. **Compliance with Physical Restraint Regulations** – In compliance with the Commonwealth of Massachusetts Regulations (603 CMR 46.00) the CBRSD ensures that every student participating in a CBRSD public school education program will be free from the unreasonable use of physical restraint. Physical restraint shall be used only in emergency situations after less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution. School personnel shall use physical restraint with two goals in mind:
 - a. To administer a physical restraint only when needed to protect a student and/or member of the school community from imminent, serious, physical harm; and
 - b. To prevent or minimize any harm to the student as a result of the use of physical force.
 - i. Physical restraint in a public education program shall be limited to the use of such reasonable force as is necessary to protect a student or another member of the school community from assault or imminent, serious, physical harm.
 - ii. Physical restraint is prohibited in the following circumstances:
 - c. As a means of punishment; or
 - d. As a response to property destruction disruption of school order, a student's refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, serious, physical harm.

Anti-Discrimination and Anti-Sexual Harassment Policy

1. The CBRSD prohibits all forms of unlawful harassment, including but not limited to sexual harassment and bullying. The School District will investigate all reports or allegations of such conduct. Harassment for any discriminatory reason, such as sex, race, national origin, disability, religion, sexual orientation, gender identification or same-sex harassment, violates various state and federal laws. Harassment of any sort -verbal,

physical or visual-will not be tolerated. Disrespectful Conduct/Harassment is any form of behavior that interferes with another person's sense of safety, dignity, comfort, or productivity in in the school environment.

2. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation and training. Any employee, who engages in any act of illegal discrimination, including harassment, will be subject to immediate disciplinary action up to and including immediate termination of employment.
3. **Definition of Sexual Harassment** – Sexual harassment is a form of sex discrimination that is illegal under Title VII of the Federal Civil Rights Act of 1964 and other applicable federal state and local laws. These laws make it illegal for any employee, male or female to sexually harass another employee when:
 - a. Submission to or rejection of sexual advances or requests for sexual favors, and/or all other verbal or physical conduct of a sexual nature is made either explicitly or implicitly, a term or condition of an employee's employment or as a basis for any employment decision affecting an employee; or
 - b. Such sexual advances, requests or conduct have the purpose or effect of unreasonably interfering with an employees' work performance by creating an intimidating, hostile, humiliating, or offensive work environment. Furthermore, offensive comments, jokes, innuendoes, and other sexually-oriented statements are also prohibited. The dissemination of sexually explicit voicemail, e-mail, graphics, downloaded material or websites in the workplace are prohibited. Some, but not all, examples of sexual harassment would be described as follows: jokes, sexual innuendoes, probing personal questions, staring or leering at person, ridicule or hostility, showing lewd objects or pictures, unwanted touching, physical contact, assault, indecent exposure, and persistent invitations or requests for dates or sex.
4. **Reporting and Investigation Procedures Regarding Claims of Illegal Discrimination, Including Harassment** – CBRSD realizes that situations involving allegations of harassment based on a protected class are sensitive. It is unlawful to retaliate against an employee for filing a complaint of unlawful harassment or for cooperating in an investigation of a complaint for unlawful harassment; thus, CBRSD prohibits any form of retaliation against any employee for filing a complaint under this policy or for assisting or partaking in a complaint investigation.
5. **Reporting** – An employee who believes that he or he has been subjected to unlawful harassment should, and is encouraged to, immediately report the matter to his/her direct supervisor or building principal. CBRSD realizes, however, that circumstances may exist when it would be inappropriate or uncomfortable to report such conduct to such persons. In that case, an employee should directly report to the Sexual Harassment Contacts: Assistant Superintendent, Melissa Falkowski, 254 Hinsdale Road Dalton, Ma 01226 413-684-0320) or Stephen Messina, 150 Windsor Road Dalton, Ma 01226413-684-1330) Upon receipt of an employee report regarding unlawful harassment, CBRSD will promptly and fairly investigate the matter and will report its findings to the employee upon the conclusion of its investigation.
 - a. Questions regarding the above policy or reporting and investigation procedures should be promptly brought to the attention of the Office of Human Resources.
 - b. The appropriate state and federal employment discrimination enforcement agencies and directions as to how to contact such agencies area as follows:

STATE: **Massachusetts Commission Against Discrimination** One Ashburton Place, Room 601
Boston, MA 02108 Telephone: 617-994-6000/617-994-6196 TTY

FEDERAL: **Equal Employment Opportunity Commission** JFK Federal Building, Room 475 Boston,
MA 02203 Telephone: 617-565-3200
6. **Non Retaliation** – All CBRSD employees have the responsibility to report, in good faith, concerns regarding actual, potential or perceived wrongdoing. CBRSD is committed to a policy that encourages timely disclosure of compliance concerns and prohibits any action directed against an employee, manager or staff member for making a good faith report of a concern. Retaliation for good faith reporting of perceived or suspected violations of law, regulation, CBRSD Committee policy, or for participation in an investigation of an alleged violation is strictly prohibited. Any employee, supervisor, manager or executive who commits or condones any form of

retaliation, retribution or harassment against a reporting employee shall be subject to appropriate disciplinary action, up to and including termination.

- a. Individuals cannot exempt themselves from the consequences of their own misconduct by self-reporting, although self-reporting may be taken into account in determining the appropriate course of action. Any person who intentionally provides false information relative to a compliance investigation may be subject to disciplinary action, up to and including termination, in accordance with applicable civil service rules.
 - i. Suspects, witnesses and reporters of wrongdoing may be asked to sign non-retaliation agreements specific to a reported violation

7. CBRSD Civil Rights Laws/District Coordinator Information

Central Berkshire Regional School District Civil Rights Laws/District Coordinator Information

All programs, activities and employment opportunities provided by the CBRSD are offered without regard to race, color, gender, religion, national origin, sexual orientation or disability. Questions regarding implementation of these practices should be addressed to the appropriate coordinator listed below:

<p>Title VI: Title VI of the Civil Rights Act of 1964 Prohibits discrimination, exclusion from participation, and denial of benefits based on race, color or national origin in programs or activities receiving federal financial assistance. Title VI is codified at 42 U.S.C. 2000d <i>et seq.</i>; regulations have been promulgated under it in the Code of Federal Regulations at 34 CFR Part 100 (available at http://www.ed.gov/policy/rights/reg/ocr/edlite-34cfr100.html) Coordinator Mrs. Melissa Falkowski Assistant Superintendent 254 Hinsdale Road 413-684-0320 ext.103</p>	<p>Section 504: Section 504 of the Rehabilitation Act of 1973 Prohibits discrimination, exclusion from participation, and denial of benefits based on disability in programs or activities receiving federal financial assistance. Section 504 is codified at 29 U.S.C. 794; regulations have been promulgated under it at 34 CFR Part 104 (available at http://www.ed.gov/policy/rights/reg/ocr/edlite-34cfr104.html). Coordinator Director of Student Services 80 Maple Street Hinsdale, Ma 01235 413-655-0146</p>
<p>Title IX: Title IX of the Education Amendments of 1972 Prohibits discrimination, exclusion from participation, and denial of benefits based on sex in educational programs and activities receiving federal financial assistance. Title IX is codified at 20 U.S.C. 1681 <i>et seq.</i>; regulations have been promulgated under it at 34 CFR Part 106 (available at http://www.ed.gov/policy/rights/reg/ocr/edlite-34cfr106.html). Coordinators Mr. Stephen Messina Asst. Principal Wahconah 150 Windsor Road Dalton, Ma 01226 413-684-1330 ext.1103 Mrs. Melissa Falkowski Assistant Superintendent 254 Hinsdale Road Dalton, Ma 01226 413-684-0320 ext.103</p>	<p>IDEA 2004: the Individuals with Disabilities Education Act of 2004 Governs special education. Most of IDEA 2004 is codified at 20 U.S.C. 1400 <i>et seq.</i>; regulations have been promulgated under it at 34 CFR 300 (available at http://www.ed.gov/legislation/FedRegister/finrule/2006-3/081406a.html), effective October 13, 2006. Coordinator Director of Student Services 80 Maple Street Hinsdale, Ma 01235 413-655-0146</p>
<p>Title II: Title II of the Americans with Disabilities Act of 1990 Prohibits discrimination, exclusion from participation, and denial of benefits on the basis of disability in public entities. Title II is codified at 42 U.S.C. 12131 <i>et seq.</i>; regulations have been promulgated under it at 28 CFR Part 35 (available at http://www.ed.gov/policy/rights/reg/ocr/edlite-28cfr35.html). Coordinator Director of Student Services 80 Maple Street Hinsdale, Ma 01235 413-655-0146</p>	<p>The McKinney-Vento Homeless Assistance Act, reauthorized in December 2001 Part of the federal No Child Left Behind Act, ensures educational rights and protections for children and youth experiencing homelessness and requires school districts to adapt to a new set of requirements regarding the education of this needy at-risk population. Information on this act is available in the Massachusetts Department of Education’s Homeless Education Advisories at http://www.doe.mass.edu/mv/haa Coordinator Director of Student Services 80 Maple Street Hinsdale, Ma 01235 413-655-0146</p>
<p>Title VII: Civil Rights Act of 1964 Prohibits discrimination by employers on the basis of race, color, religion, sex or national origin. Coordinator Mrs. Melissa Falkowski Assistant Superintendent 254 Hinsdale Road Dalton, Ma 01226 413-684-0320 ext. 103</p>	<p>Chapter 151B: Massachusetts General Laws Prohibits discrimination by MA employers on the basis of race, color, national origin. Coordinator Mrs. Melissa Falkowski Assistant Superintendent 254 Hinsdale Road Dalton, Ma 01226 413-684-0320 ext. 103</p>

Employee Accommodations

- 1. **Employees Covered** – The Americans with Disabilities Act prohibits discrimination in employment against qualified individuals with disabilities. Qualified means someone with a disability who meets the necessary skill, work experience, education, training, licensing or certification, or other job related requirements of a position.

Employees and applicants can request reasonable accommodations by making changes in the work environment or by changing certain practices and procedures as long as these changes do not pose an undue hardship on the employer or alter the essential functions of the job. Employees must maintain standards as outlined in the contract of their collective bargaining unit or individual service contract for performance, attendance and professionalism.

- a. The ADA defines a person with a disability as an individual who meets one of the following criteria:
 - i. as a physical or mental impairment that limits one or more major life activities (examples are walking, speaking, seeing, hearing and performing manual tasks)
 - ii. Has a record of one or more of the above impairments
 - iii. Is regarded as having such an impairment
- b. **Areas of Employment Addressed**
 - i. Performance of essential functions of a position currently held by an employee or one being sought by a qualified employee or applicant.
 - ii. The application and selection process in which employees and applicants participate.
 - iii. Equal access to employee benefits and privileges.
- c. **Process for Requesting Accommodations**
 - i. All medical information related to an individual's request for accommodations is confidential and will be maintained in the Payroll and Benefits Office separate from the personnel file.
 - ii. The burden is on the employee to provide documentation and request an accommodation when required unless the employer has treated the employee as if they have such impairment.
 - iii. To receive an accommodation under the ADA, employees and applicants submit a written request for accommodations with supported medical documentation to the Payroll and Benefits Office. Payroll and Benefits will inform the direct supervisor a request has been made. The direct supervisor will schedule a meeting to determine if any reasonable accommodations are required.
 - iv. While the medical information is confidential, the employer is required to share with the direct supervisor the functional limitations as a result of the disability if accommodations are being requested. The Office of Payroll and Benefits can confirm with the direct supervisor that appropriate documentation has been provided.
 - v. While the documentation of a disability may be accompanied with specific recommendations for accommodations, what is a reasonable accommodation is determined by the employer and employee.
 - vi. Accommodations are building-based and will be implemented in the building assigned. Specific accommodations needed outside of an individual's assigned building(s) should be requested directly from the Superintendent's Office. Requests for accommodations need to be made by employees yearly or sooner if there is a change in assigned building location.
 - vii. The employee is responsible for contacting the direct supervisor if reasonable accommodations are not implemented in an effective and timely manner or if the employee and the accommodations are not working.

HIV/AIDS Policy

The CBRSD does not discriminate or tolerate discrimination against employees or job applicants on any grounds, including HIV status. While the District recognizes that there are circumstances unique to HIV infection, this policy rests on the principle that HIV infection and AIDS should be treated like any other serious condition or illness that may affect employees. It takes into account the fact that employees with HIV may live full and active lives for a number of

years. The District's commitment to maintaining a safe and healthy work environment for all employees is based on the recognition that HIV is not transmitted by casual contact.

The promotion of employees' well-being – The District will treat employees who are infected or affected by HIV / AIDS with empathy and care. The District will provide all reasonable assistance which may include counseling, time off, sick leave, family responsibility leave, and information regarding the virus and its effect.

Work performance and reasonable accommodation – It is the policy of the District to respond to the changing health status of employees by making reasonable accommodation in the workplace for those infected with HIV. Employees may continue to work as long as they are able to perform their duties safely and in accordance with accepted performance standards. If an employee with AIDS is unable to perform his or her tasks adequately, the manager or supervisor must resolve the problem according to the company's normal procedure on poor performance/ ill health.

Benefits – Employees living with HIV / AIDS will be treated no less favorably than staff with any other serious illness/condition in terms of statutory and company benefits, workplace compensation, where appropriate, and other available services.

Appropriate support and counseling services will be made available to employees.

District Forms

All can be found on the district website

http://www.cbrsd.org/district_information/human_resources/staff_resources