



CLEVELAND METROPOLITAN SCHOOL DISTRICT

Employee Policies and
Procedures Manual





Dear Educators:

The Cleveland Metropolitan School District is one of the top 10 largest employers in Cuyahoga County, with approximately 7,000 employees. Whether you directly or indirectly work with students, you are making a difference in their education.

The Policies & Procedures Manual provides answers to the most frequently asked Human Resources questions, as well as outlining programs & benefits available to provide a highly competitive total rewards package.

I encourage you to familiarize yourself with the contents of this manual. Please contact the Talent Department with any questions at 216.838.0040, or for a list of who to contact, please visit ClevelandMetroSchools.org/Page/528.

Sincerely,

Eric S. Gordon,
Chief Executive Officer



**FAMILIES
CHOOSE**



**SCHOOLS
EDUCATE**



**DISTRICT
SUPPORTS**

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SECTION 1: INTRODUCTION

The Cleveland Metropolitan School District (“District”) is responsible for providing educational services to the children of Cleveland through its talented and diverse employee resources. The District relies upon employees to fulfill their roles in providing these services and to perform their jobs in a professional, fair, honest and thorough manner. The District expects that employees will strive for excellence in advancing the District’s mission by demonstrating integrity and upholding professional standards.

All District employees are subject to the provisions of federal law, the Ohio Revised Code, the Ohio Administrative Code, Cleveland Board of Education policies (ClevelandMetroSchools.org/Page/3455), collective bargaining agreements and the District Administrative Rules included in this Manual. This Manual addresses the most frequently asked questions regarding District policy. It should be noted that changes to policy are initiated by changes in the law and/or District operating procedure. Employees are required to make themselves familiar with the contents of this Manual.

1.01 Administration

All matters relating to the administration of the policies and procedures in this Manual will be under the general supervision of the Chief Talent Officer and the Talent Department. Questions regarding interpretation and application of this Manual should be directed to the Talent Department.

1.02 Disclaimer and Reservation of Rights

The policies and procedures set forth in this Manual supersede all previous written and unwritten District personnel policies. This Manual is not a limitation on the District’s right to direct its workforce. Unless restricted by law or collective bargaining agreement, the District reserves all rights to manage its workforce. This Manual lays out policies and procedures to provide guidelines to employees and managers covering a multitude of situations. Specific cases may differ and will be handled as warranted by the circumstances and at the discretion of the District in its application of the policies and procedures prescribed herein. The District retains the right to amend, add to, or change the policies and procedures in this Manual at any time.

1.03 Relationship to Collective Bargaining Agreements

For employees covered by a collective bargaining agreement, the terms and conditions of the collective bargaining agreement supersede this Manual on any subject covered by the collective bargaining agreement. The subjects covered in this Manual do not diminish the District’s management rights and should not in any way be considered a waiver of these rights. Employees should contact their union representative and managers should contact the Talent Department if they have any questions regarding conflicts between collective bargaining agreements and this Manual.

1.04 Relationship to Departmental Policies and Procedures

The terms and conditions of this Manual supersede any contradictory terms or conditions set forth in any departmental policies and procedures. Departmental policies and procedures that do not conflict with this Manual remain in full force and effect.

SECTION 2: CODE OF ETHICS

It is the policy of the District to carry out its mission in accordance with the strictest ethical guidelines and to ensure that District members and employees conduct themselves in a manner that fosters public confidence in the integrity of the District, its processes and its accomplishments. Failure to adhere to the standards of ethical conduct established by the District or the State of Ohio may subject an employee to discipline, up to and including removal, pursuant to Section 5.1402 Progressive Discipline of this Manual as well as criminal prosecution in certain cases.

2.01 Code of Ethics

The Board is committed to ensuring that the District effectively uses public resources to provide the best education possible to all students in the District. This Code of Ethics is designed to assist the District in maintaining this focus upon academic success and public accountability by setting common expectations for ethical conduct on the part of all District employees. For purposes of this policy, the term “employees” shall include those employed by the District as well as Board Members and volunteers.

The tenets of the Code of Ethics are as follows:

1. **Maintain the Public’s Trust** – Employees are expected to promote and maintain the public’s trust in the District. Employees must be honest in their communications with other employees, the Board, state auditors, students, families, community members and with all of those with whom the District does business.
2. **Treat Others with Fairness, Dignity and Respect** – Employees are expected to treat each other, students, families and members of the community fairly and with dignity and respect.
3. **Refrain from Using Position for Personal Gain** – Employees may not use their position in the District for personal or private gain. Except for occasional and limited personal use that does not interfere with the performance of duties or convey the appearance of impropriety, District employees may not use District equipment, supplies or resources for non-District purposes.
4. **Avoid Conflicts of Interest** – Employees may not hold financial interests, outside employment or engage in outside activities that interfere with or conflict with the performance of their official duties.
5. **Gifts** – Employees may not accept gifts, services, travel, entertainment, jobs for immediate family members or anything of value from an existing vendor or a party that seeks to do business with the District if doing so could improperly influence a business relationship, create the appearance of impropriety or impose an obligation upon the District to award business, offer employment or give anything else of value to a third party.
6. **Exercise Care in Hiring, Assigning, Promoting and Supervising** – Employees must avoid nepotism and the appearance of impropriety in hiring, assigning, promoting and supervising other employees. No employee shall be directed or permitted to engage in personal services or non-District work during work hours.
7. **Prevent Waste, Fraud and Misuse of Resources** – Employees shall not engage in waste, fraud or misuse of resources and are expected to report any such conduct to appropriate personnel, the Board, the District’s fraud hotline at 1.866.372.8364, or the State Auditor.

8. Abuse of Authority – Employees shall not use their position within the District to intimidate, threaten or retaliate against any person in an effort to interfere with the disclosure of potentially improper activities within the District.
9. Comply with Applicable Laws – Employees are expected to comply with all applicable laws and regulations.
10. Respect Confidentiality and Privacy – Employees who have access to confidential information must refrain from disclosing such information to persons who are not legally entitled to receive it. Employees shall not engage into any unwarranted intrusion into the privacy of others while carrying out their duties on behalf of the District.

The District shall ensure that all employees are provided with a copy of this Code of Ethics on an annual basis. Employees are expected to review and acknowledge the responsibilities set forth in the Code of Ethics.

The District shall provide regular ethics training to all levels of employees for the purposes of reinforcing the District’s commitment to ethical conduct, encouraging principles of public service and strengthening public confidence in the integrity of the District. The District shall consult as appropriate with the Ohio Ethics Commission in the planning and development of such ethics training.

[Board Policy GBCC, adopted January 26, 2010]

SECTION 3: EQUAL EMPLOYMENT

3.01 Diversity Statement

The District recognizes the value of diversity and the benefits of fostering an inclusive work environment. All District employees should strive to create and support a work environment representative of the families and children we serve and reflective of the demographics of the District. On December 11, 2018, the Board of Education adopted the District’s Equity & Inclusion Declaration.

EQUITY & INCLUSION DECLARATION

We believe that equity and inclusion at CMSD is an essential call to action, a catalyst to ensure value and appreciation among all our employees, so we may be fair and welcoming now and in the future.

It is necessary to foster practices that address the lack of awareness and understanding of differences and to gain buy-in from our entire workforce and the community we serve.

It requires truthfulness, definition of terms and a customized message for our employees to create and promote an inclusive mindset.

It requires the continuous development and capacity building of our employees to better engage and meet the needs of our students and their families.

It will be realized when each person can fully and comfortably be themselves at work regardless of their race, ethnicity, national origin, religion, sex, ability, age, citizenship status, sexual orientation, gender-identity or expression, socio-economic status, title or other dimensions of identity.

3.02 Affirmative Action Policy

Through affirmative action, the District seeks to enhance its equal employment opportunity goal and achieve equitable and sufficient representation of protected class members who have traditionally been under-represented at all levels of employment and specifically where under-utilization exists.

The District shall make good faith efforts to recruit, train, hire and promote members of these groups at sufficient levels. This includes preventing discrimination in hiring and promoting, providing access to varieties of jobs at all levels of pay and enhancing opportunities for these groups.

3.03 Workplace Harassment Policy

It is the policy of the District to maintain educational and work environments free from sexual harassment, discriminatory harassment or discrimination on the basis of any individual's sex, race, color, national origin, religion, sexual orientation and disability.

This policy applies to all employees of the Cleveland Metropolitan School District. The District prohibits any and all forms of sexual harassment, discriminatory harassment and discrimination by faculty, staff, students or any person with whom our faculty, staff or students interact in an educational or work environment as defined by this policy. Any verbal, nonverbal or physical conduct that discriminates against, harasses, disrupts, interferes with another's educational or working environment or creates an intimidating, offensive or hostile educational or working environment is unacceptable and will not be tolerated.

The District will promptly investigate all complaints, formal or informal, verbal or written, of sexual harassment, discriminatory harassment or discrimination. Employees who engage in behavior in violation of this policy shall be subject to disciplinary action.

Retaliation is prohibited. No employee may penalize, intimidate or retaliate against an employee because they submit a claim; assists or participates in an investigation, proceeding or hearing regarding the charge of discrimination of an individual or because they have opposed conduct in violation of this policy.

[Board Policy AC, adopted April 19, 2016]

3.04 Definitions of Prohibited Conduct

3.041 Sexual Harassment

Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature may constitute sexual harassment when:

- submission to such conduct is made, either explicitly or implicitly, a term or condition of education, employment or participation in District activities.
- submission to, or rejection of, such conduct by an individual is used as the basis for educational or employment decisions affecting such individual; or such conduct has the purpose or effect of unreasonably interfering with an individual's educational or work performance or creating an intimidating, hostile or offensive environment.

Examples of sexually related conduct may include, but are not limited to, unwanted sexual advances; demands for sexual favors in exchange for favorable treatment, academic advancement or continued employment; repeated sexual jokes, flirtations, advances or propositions; verbal abuse of a sexual

nature; graphic verbal commentary relating to an individual's body, sexual prowess or sexual deficiencies; coerced sexual activities; any unwanted physical contact; sexually suggestive or obscene comments or gestures or displays of sexually suggestive or obscene objects or pictures.

Sexually related conduct forms the basis of a sexual harassment claim if a reasonable person, in view of all the surrounding circumstances, would consider it sufficiently severe or pervasive as to create an objectively hostile or abusive educational or work environment and it causes the person who believes they have been harassed to subjectively perceive the environment to be abusive or hostile.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive and persistent such that it adversely affects, limits or denies an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.

Sexual conduct/relationships with students by District employees or any other adult member of the District community is prohibited, and any teacher, administrator, coach or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of "sexual battery" as set forth in ORC 2907.03. The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to District employees or other adult members of the District community.

3.042 Discriminatory Harassment

Verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of their sex, race, color, national origin, religion, age, sexual orientation, disability and any other characteristics protected by law, or that:

- has the purpose or effect of creating an intimidating, hostile, or offensive educational or work environment.
- has the purpose or effect of unreasonably interfering with an individual's educational or work performance.
- otherwise adversely affects an individual's educational or employment opportunities.

3.043 Discrimination

Any behavior, expression or activity that stigmatizes or victimizes individuals or groups of people because of their personal attributes, including sex, race, color, national origin, religion, sexual orientation, military status or disability, and that:

- involves an express or implied threat to an individual's educational efforts, participation in school-sponsored extracurricular activities, terms or conditions of employment or personal safety.
- has the purpose of interfering with an individual's educational efforts, participation in school-sponsored extracurricular activities, terms or conditions of employment or personal safety.
- creates an intimidating, hostile, demeaning or offensive educational or work environment adversely affects an individual's educational or employment opportunities.

[Board Policy AC, adopted April 19, 2016]

3.05 Allegations of Harassment or Discrimination

3.0501 Reporting

The District is committed to resolving complaints of violations of this policy as quickly and efficiently as possible. Any student or employee who believes they have been subjected to sexual harassment, harassment or discrimination by another person is encouraged, but not required, to notify the offender in an effort to stop the behavior.

If a student or employee believes they have been sexually harassed, harassed or discriminated against or has knowledge that others have been subjected to such behavior, they should report the incident to the Director of EEO/Title IX Coordinator. A report can be submitted verbally or in writing. A written report can be made by completing the Sexual Harassment, Discriminatory Harassment and/or Discrimination Complaint Form, available in each school and department, or by e-mail or letter submitted to the Director of EEO/ Title IX Coordinator. Oral reports shall be considered complaints as well. All complaints shall be handled in accordance with District procedure.

Contacts:

Director of Equal Employment Opportunity/Title IX Coordinator
Wayne Belock
1111 Superior Ave E, Suite 1800
Cleveland, OH 44114
Phone: 216.838.0070
Fax: 216.436.5064

Equal Employment Opportunity Commission
Cleveland Field Office
Anthony J. Celebrezze Federal Building
1240 E. 9th St, Suite 3001
Cleveland, OH 44199
Phone: 800.669.4000

Office for Civil Rights
US Department of Education
1350 Euclid Ave, Suite 325
Cleveland, OH 44115
Phone: 216.522.3970
Email: orc.cleveland@ed.gov

3.0502 Enforcement

The District has designated the Director of EEO/Title IX Coordinator as the District personnel with responsibility to identify, prevent and remedy sexual harassment, harassment and discrimination. This individual shall:

- receive complaints of sexual harassment, discriminatory harassment and discrimination.
- oversee the investigative process.
- be responsible for assessing the training needs of the District's staff.

- arrange for necessary training.
- ensure that any investigation is conducted by an impartial investigator who has been trained in the requirements of equal employment opportunity.

The District shall conspicuously post notice of this policy in its administration buildings and in each school that the District maintains, in a place accessible to students, faculty, administrators, employees, parents and members of the public. This notice shall include the name, mailing address and telephone number of the Director of EEO/Title IX Coordinator; the mailing address and telephone number of the United States Equal Employment Opportunity Commission and information for accessing this policy online. A copy of this policy shall appear in the student and employee manuals and shall be made available upon request of any employee and other interested parties.

The District will develop a method of discussing this policy with employees. Training on the requirements of non-discrimination and the appropriate responses to issues of harassment will be provided to all administrative personnel and school personnel on an annual basis and at such other times as the Chief Executive Officer (CEO), in consultation with the Director of EEO/Title IX Coordinator, determines is necessary or appropriate.

The CEO or their designee shall report to the Board periodically pursuant to Board Policy CL-Administrative Reports.

[Board Policy AC, adopted April 19, 2016]

3.0503 Investigation

Upon receipt of a complaint alleging a violation of this policy, the Director of EEO/Title IX Coordinator shall promptly undertake or authorize investigation. That investigation may be conducted by District officials or by a third party designated by the District. Whether a particular incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances. In determining whether the alleged conduct constitutes a violation of this policy, the investigating individual may consider:

- the nature of the behavior.
- the relationship between the parties involved.
- where the harassment occurred.
- any past incidents involving the same individuals.
- whether the conduct adversely affects the work environment.
- the context in which the alleged incidents occurred.

During the course of an investigation under this policy, the investigating individual may conduct interviews with the complainant, alleged victim, alleged offender, any identified witnesses or any other individuals deemed necessary by the investigating individual, as well as a review of pertinent documents.

An alleged offender will be informed of the allegation(s) and the facts surrounding the allegation(s) and will be provided an opportunity to respond to the allegations and to submit evidence in their defense for the investigator's consideration.

The District aims to complete all investigations within 60 calendar days of the initial report. However, there may be some investigations that cannot be completed within 60 calendar days. In such cases, the District will communicate to the complainant that the investigation is going to take longer than 60 calendar days and will indicate when the District believes it will complete the investigation.

After conclusion of the investigative process, the investigating individual shall submit written reports of their conclusions to the Director of EEO/Title IX Coordinator. The finding about whether there is a violation of this policy will be communicated to the complainant and the alleged offender. However, any sanction imposed will not be communicated with the complainant. Reports to the alleged victim and alleged offender may be conclusory in nature and need not identify witnesses interviewed, statements offered or evidence collected. The results of the investigation of each complaint filed under these procedures will be reported in accordance with state and federal laws regarding data or records privacy and consistent with the privacy rights of the alleged harasser.

The District's obligation to conduct this investigation shall not be extinguished by the fact that a criminal investigation involving the same or similar allegations is also pending or has been concluded.

If a violation of this policy has occurred, the District will take prompt, appropriate action to address the violation. Appropriate actions related to students may include but are not limited to counseling, awareness training, parent-teacher conferences, warning, suspension, transfer or exclusion.

Appropriate actions related to employees may include but are not limited to counseling, awareness training, warning, transfer, termination or discharge. District action taken for violation of this policy shall be consistent with the requirements of applicable collective bargaining agreements, student codes of conduct, state and federal law and the District's policies on disciplinary action.

The District will respect the privacy of the complainant, the individuals against whom the complaint is filed and the witnesses as much as possible, consistent with the District's legal obligation to investigate, to take appropriate action and to conform to any discovery or disclosure obligations.

In the event that the evidence suggests that the harassment at issue is also a crime in violation of an Ohio criminal statute, the Director of EEO/Title IX Coordinator shall report the results of the investigation to the appropriate law enforcement agency charged with responsibility for handling such crimes.

Copies of all complaints of harassment and the investigations conducted pursuant to them shall be maintained for a period in accordance with the state statutes of limitations by the Director of EEO/Title IX Coordinator.

[Board Policy AC, adopted April 19, 2016]

3.0504 Reprisal

Submission of a good faith complaint or report of harassment will not affect the complainant or reporter's educational or work status, environment or assignments. Students and employees are prohibited from deliberately making false complaints of sexual harassment, harassment or discrimination. Students and employees found responsible for deliberately making false reports of sexual harassment, harassment or discrimination may be subject to a full range of disciplinary consequences.

Retaliation of any type against any person who reports an alleged violation of this policy, or who testifies, assists or participates in an investigation or hearing related to such a violation is not

tolerated by the District. The District will discipline any student, teacher, administrator or other school personnel who engages in retaliation, including possible termination or expulsion. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

[Board Policy AC, adopted April 19, 2016]

3.06 Americans with Disabilities Act (“ADA”)

The District, in accordance with the Rehabilitation Act of 1973, Section 504, and the Americans with Disabilities Act of 1990 (“ADA”), seeks to assure its employees that no individual will be discriminated against due to a disability. Under the ADA, the term disability means: “(a) a physical or mental impairment that substantially limits one or more major life activities of an individual, (b) a record of such an impairment or (c) being regarded as having such an impairment.” Having a disability does not ensure ADA coverage. The District seeks to ensure that individuals with a disability are hired, are retained and have reasonable access to District-owned and leased facilities.

An “ADA Reasonable Accommodation” may be provided to qualified employees. What constitutes a reasonable accommodation will vary from case to case depending on the needs of the position and of the qualified employee. There is no guarantee that a reasonable accommodation will exist for every situation.

3.0601 ADA Reasonable Accommodation Request Procedure

To request an ADA accommodation, the employee may contact the Talent Department to request a copy of the required forms at EmployeeRelations@ClevelandMetroSchools.org or retrieve the forms from ClevelandMetroSchools.org/Page/3700. Completed forms should be sent to the Talent Department, and upon receipt of the required information, the Talent Department will engage the employee in an interactive process to ascertain the individual’s precise job-related limitations, determine how they can be overcome with reasonable accommodation, identify potential accommodations and assess the effectiveness of each.

The Talent Department, with input from the employee, department management and other necessary professionals, will determine whether a reasonable accommodation may be fashioned and recommend an appropriate accommodation whenever possible. The appropriate accommodation may not be the one desired by the employee. The Talent Department will monitor the situation to ensure that the agreed-upon accommodation is achieved and maintained as long as required.

3.07 Religious Accommodation

In accordance with federal and state laws and District policy, the District prohibits discrimination on the basis of religion. The District provides reasonable accommodations for sincerely held religious beliefs and/or practices unless doing so would impose an undue hardship on the District. A reasonable religious accommodation is an adjustment to the work environment that will allow an employee to comply with their religious beliefs. An employee seeking a reasonable religious accommodation should initially approach their immediate supervisor to discuss the request. If the employee is not satisfied with their supervisor’s response, the employee can forward the request to the Talent Department for review at EmployeeRelations@ClevelandMetroSchools.org. The Talent Department will respond to the employee’s request within a reasonable time.

SECTION 4: EMPLOYEE CONDUCT POLICY

4.01 Guidelines for Appropriate Conduct

All District employees are responsible for performing their jobs in a competent, professional manner and for conducting themselves, at all times, in a way that advances the goals of the District and increases public confidence in the District. This requires District employees to exercise due care and regard for the safety and security of persons and property and to refrain from behavior which might be harmful to the District's students, employees, families and communities' interests or which violates or conflicts with District policies and procedures or the law.

All staff members have a responsibility to make themselves familiar with, and to abide by, the laws of the State of Ohio, the relevant collective bargaining agreements, the Board of Education policies, and any administrative regulations designed to implement them.

The Board expects staff members to conduct themselves in a manner that not only reflects credit to the Cleveland Municipal School District, but also presents a model worthy of emulation by students. Unless otherwise permitted by law, staff members are not permitted to bring a deadly weapon or dangerous ordinance into a school safety zone.

All staff members are expected to carry out their assigned responsibilities. Essential to the success of ongoing operations and the instructional program are the following specific responsibilities, which are required of all personnel:

1. faithfulness and promptness in attendance at work;
2. support and enforcement of Board policies administrative regulations;
3. diligence in submitting required reports promptly at the times specified;
4. care and protection of School District property and
5. concern and attention toward their own and the School District's legal responsibility for the safety and welfare of students, including the need to ensure that students are under supervision at all times.

The following actions may lead to disciplinary action, including suspension without pay, discharge, or demotion:

1. neglect of duty;
2. absence from duty without leave;
3. incompetence or inefficiency in performance of duties;
4. falsification of any school record or employment applications;
5. conduct unbecoming an employee in the public service;
6. A. intoxication in the course of his/her employment;
B. misuse or abuse of drugs or narcotics in the course of his/her employment;
7. disorderly, immoral, or unethical conduct while on duty;
8. smoking in restricted areas;
9. insubordination;

10. offensive conduct or language toward students or employees, or the public in the course of his/her employment;
11. willful violation of any of the provisions of law governing the School District or of the rules or regulations of the School District;
12. conviction of a felony or conviction of a misdemeanor involving moral turpitude;
13. negligent or willful damage to School District property;
14. theft of School District property, the property of another employee or theft occurring during work hours;
15. wasteful or unauthorized use of School District vehicles, equipment, materials or property;
16. negligent, improper or inefficient handling or accounting for public funds or accounts, or violation of any departmental rule or regulation respecting the handling or accounting for public funds or accounts;
17. excessive absenteeism or excessive tardiness;
18. other failure of good behavior which is detrimental to the School District, or any other act of misfeasance, malfeasance, or nonfeasance in office.

This list does not include all types of prohibited conduct, but is intended to reflect the types of conduct that will not be condoned.

[Board Policy GBCE, adopted September 25, 2018]

4.02 Employee Dress and Appearance

District employees are required to dress in a manner appropriate for their position. Unless otherwise required by their position or governed by a collective bargaining unit, employees are generally required to dress in a manner that is business appropriate. Although it is not possible to compile a complete list of acceptable and unacceptable attire, employees should always strive to dress in a way that maintains a business appearance and projects a positive image and level of professionalism. Central office staff is expected to wear appropriate business professional attire daily. Jeans and other similar attire are not appropriate, unless specifically permitted in certain circumstances. District polo shirts may be a part of the team's professional dress when worn with slacks, skirts or other professional attire.

4.03 Professional Licenses

The District complies with Ohio Revised Code as it relates to all issues of licensure. Positions which require licensure are governed by ORC 3319. The Talent Department cannot issue or honor a contract or pay money for services not entirely covered by a certificate/license as required by state law ORC 3319.36. Specifically, each teacher must have a valid State of Ohio teaching certificate/license to teach in the field and subject assigned. Paraprofessionals must have a valid educational aide permit. Principals, assistant principals, curriculum and instruction specialists and other school leaders must have a valid Administrator License for the grade band of their school. Failure to hold a valid State of Ohio certificate/license for any position that requires licensure may result in disciplinary action.

SECTION 5: EMPLOYMENT WITH THE DISTRICT

The CEO determines the District's personnel needs. Through recruiting and evaluation procedures, the CEO or designee recruits and hires personnel for the District.

It is the duty of the CEO to ensure that persons selected for employment in the schools meet all certification requirements and the requirements of the Board for the type of position for which the selection is made.

The following guidelines are used in the selection of personnel:

1. There is no unlawful discrimination in the hiring process.
2. The District makes every effort to hire staff with diverse backgrounds, educational preparation and previous experience to enhance the quality of instruction and work.
3. Interviewing and selection procedures ensure that the administrator who is directly responsible for the work of a staff member has an opportunity to aid in the selection process.
4. No candidate is hired without an interview and a criminal record check.
5. All candidates are considered on the basis of their merits, qualifications and the needs of the District. In each instance, the CEO and others having a role in the selection process seek to select the best-qualified applicant for the job.

An appointment is valid only if approved by the CEO. Both the CEO and the Board must approve principal and assistant principal appointments.

[Board Policy GCD/GDD, adopted May 2, 2002]

5.01 Categories of Employees

The District has the following categories of employees whose employment is governed by different sections of Ohio Revised Code:

1. Union employees are covered by civil service laws as superseded by collective bargaining agreements (ORC 4117.01). District union positions include, but are not limited to, teachers, related service providers, paraprofessionals, custodians, assistant custodians, laborers, cleaners, secretaries, food service workers, bus drivers, mechanics, truck drivers and security personnel.
2. Non-union, school-based administrators are employed to perform administrative functions primarily within one school building and include principals, assistant principals, heads of school, deans and curriculum and instruction specialists (ORC 3311.72, 3319.02).
3. Non-union, at-will employees are administrators or management level employees as defined by ORC 4117.01 who direct the policy of the District (ORC 3311.72). In general, chiefs, executive directors, directors, network leaders and managers of people are considered at-will employees.
4. Non-union, civil service employees are non-supervisory or non-management level employees not referenced above (ORC 124.01).

5.02 Application

All persons applying for appointment to a position with the District shall complete and file with the Talent Department an "Employment Application Form." No applicant shall be required to disclose their religious affiliation, political affiliation, race or ethnic origin, except as necessary to gather equal employment opportunity or other statistics that, when collected, will not identify any specific individual.

5.03 Job Posting

Current District employees may elect to apply for other positions within the District for which they are qualified. All positions are posted on the District website. Internal applicants will be considered based on the same criteria and qualifications as external candidates and must submit an online application. Non-bargaining employees must have been in their current position for at least nine months before being eligible for a promotion.

5.04 Employment of Relatives

Ohio law prohibits an employee from authorizing the employment of a family member, using the authority or influence of their public position to secure authorization of the employment of a family member, securing employment-related benefits for a family member or delegating the authority to hire a family member to a subordinate employee. This prohibition applies to any full-time, part-time, temporary or permanent position.

To preclude actual favoritism or the appearance of favoritism in the employment relationship, no employee shall take any part in the selection process for a position for which a family member is an applicant. In addition, an individual may not be assigned or accept employment in a department in which a supervisory authority and/or responsibility directly affecting that department is provided by a family member of the individual. Employees who become related as a result of marriage (their own or that of a relative) will be transferred to another department or school when possible.

Relationship to another individual employed by the District will not constitute a bar to initial employment unless the hiring authority for the position is a family member of the applicant. The District extends equal consideration to all applicants and candidates for employment. Neither positive nor negative weight shall be considered when a family relationship exists with another District employee. Family member is defined for the purposes of this section to include the following:

- Spouses
- Parents
- Siblings
- Children
- Grandparents
- Grandchildren

5.05 Employment Eligibility Verification

In accordance with the Immigration Reform and Control Act of 1986, the District is committed to employ only United States citizens and aliens lawfully authorized to work in the United States. Employees hired after June 1, 1987, are required to complete Section 1 of Form I-9 Employment Eligibility Verification and present documentation within three working days to the Talent Department to verify identity and employment eligibility. The Talent Department shall examine the documentation and, if satisfied, shall complete Section 2 of Form I-9 to record information. The completed Form I-9 shall be retained for three years or for one year past the employment of the individual, whichever is longer.

5.06 Applicant Drug Testing

All offers of employment under the District are conditional upon the successful passage of a urinalysis to test for illegal drug use. The urinalysis must be completed within 48 hours of the acceptance of an employment offer and prior to final appointment. An applicant with a positive test may not be offered employment for a period of one year from the date of the positive test. Applicants shall have an opportunity to submit medical documentation of legally prescribed medications that may explain a positive test result. Random testing of employees may be done on an as-needed basis or with reasonable suspicion.

5.07 Background Checks

All outside applicants for employment will be required to submit to fingerprinting for a background check. A background check may also be required for current employees who are applying for certain types of positions. CMSD in its discretion may also periodically conduct background checks of current employees. The following types of employee background checks may be performed:

1. Prior employment verification
2. Personal and professional references
3. Educational verification
4. Criminal history
5. Motor vehicle (if applicable)

A misdemeanor or felony may preclude an individual from employment, as defined by state law (see ORC 3319.39). Current employees may also be subject to discipline, up to and including removal, pursuant to Section 5.14 Separation of Employment of this Manual if a background check reveals a criminal conviction.

House Bill 190(Ohio Revised Code 3319.391), mandates Ohio Bureau of Criminal Identification and Investigation (BCII) and Federal Bureau of Investigation (FBI) background checks on all school district and contracted employees working in a school district every five years.

BACKGROUND CHECK / FINGERPRINTING SCHEDULE	
Employee Type	Requirement
Classified (Non-Licensed) Employees & Certificated (Licensed) Employees with a permanent license.	Must complete an FBI background check every five years. BCII is also required if you have lived outside of Ohio for any period of time in the last five years.
Professional Drivers and Bus Attendants who are Truck Driver Union, Local 407 members with a Commercial Driver's License	Required to be fingerprinted every six years for recertification.
Employees who only hold coaching positions	BCII is required if you have lived outside of Ohio, for any period of time, in the last 5 years.
Certificated (Licensed) Employees holding any other type of license	Required when certificate is renewed and current information on file with the Ohio Department of Education expires. Also required if you did not continuously live in Ohio since the last renewal.

5.08 Prior Service

Employees who have prior service with the District, another public school district of the State of Ohio, or another public institution or political subdivision of the State of Ohio within the last 10 years may be eligible for credit for unused accumulated sick leave (ORC 124.38, 3319.141)

Employees must provide the Talent Department via Verifications@ClevelandMetroSchools.org with a letter from their former employer(s) on the employer's letterhead with qualifying start and end dates of employment and with verification of any unused accumulated sick leave.

5.09 New Employee Orientation/ID Badges

All newly appointed employees are required to attend the District's New Educator Orientation. Newly appointed employees may also be required to attend additional employee orientations as required by their respective department.

New employees will receive an identification badge from the District at no cost. Employees are required to wear their identification badges at all times while on District property or District business. It is the responsibility of the employee to contact their supervisor immediately if an identification badge is lost, stolen or damaged. Employees are required to request a new badge from the Safety and Security Department within five working days. Employees will be charged a replacement fee to obtain a new badge.

5.10 Personnel Conflict of Interest and Improper Compensation

All employees are subject to the requirements of Ohio Ethics Laws as set forth in the Revised Code and promulgated by the Ohio Ethics Commission and Board Policy as set forth below.

5.1001 Conflict of Interest

Employees shall not engage in, nor have a financial interest in, any activity which conflicts with their duties and responsibilities in the District.

Employees shall not engage in work of any type in which information concerning customer, client or employer originates from any information available to them through District sources.

Employees shall not sell textbooks, instructional supplies, equipment, reference books or any other products to the District. They shall not furnish the names of students or parents to anyone selling these materials.

To ensure that no conflict of interest exists in the employment, supervision and evaluation of employees, at no time shall any administrator responsible for the employment, supervision and/or evaluation of an employee be directly related to that employee, nor shall any Board member or other administrator vote for or participate in the making of a contract with a person as a teacher or instructor to whom they are related as father, brother, mother, sister, or in which contract they otherwise have a pecuniary interest.

[Board Policy GBCA, adopted October 4, 2001]

5.1002 Improper Compensation

No District employee shall use or authorize the use of the authority or influence of his or her employment to secure anything of value or the promise or offer of anything of value that is of such a character as to manifest a substantial and improper influence upon the District employee with respect to that employee's duties.

No District employee shall knowingly solicit or accept, and no person shall knowingly promise or give to a District employee, either of the following:

1. Any compensation, other than as allowed by law, to perform the District employee's official duties, to perform any other act or service in the District employee's public capacity for the general performance of the duty of the District employee's public employment or as a supplement to the District employee's public compensation.
2. Additional or greater fees or costs allowed by law in exchange for the District employee's performance of his or her official duties.

No District employee for his or her own personal or business use shall solicit or accept anything of value in consideration of either of the following:

1. Appointing or securing, maintaining or renewing the appointment of any person to any public office, employment or agency.
2. Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion or other material aspects of employment.

No District employee, for the benefit of a political party, campaign committee, legislative campaign fund, political action committee or political contributing entity, shall coerce any contribution in consideration of either of the following:

1. Appointing or securing, maintaining or renewing the appointment of any person to any public office, employment or agency.

2. Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion or other material aspects of employment.

[Board Policy GBCA, adopted October 4, 2001]

5.11 Conflict of Interest in Contracting and Purchasing

Board Members, the CEO and all employees who make purchasing or contracting decisions on behalf of the District (collectively “Covered Persons”) shall perform their duties in a manner free from conflict of interest to assure the proper performance of school business as well as to earn and keep public confidence.

5.1101 Conflict of Interest Defined

A “conflict of interest” is any transaction or relationship that presents or may present a conflict between the duties of the Covered Person to the District and his or her personal, business or other interests.

5.1102 Conflict of Interest Disclosure

A Covered Person who is employed by or under contract with a business enterprise with which the District is considering entering into a contract, or who knows that he or she has a family member with an ownership or employment interest in that business enterprise, should disclose the potential conflict or the appearance of a potential conflict of interest as soon as he or she learns that the District is considering such a contract. A Board Member shall not vote on any contract in which he or she has a potential conflict of interest.

Every Covered Person shall also complete a disclosure form that identifies potential conflicts of interest that may arise from his or her personal and business dealings. The form shall be collected from all new Covered Persons and from existing Covered Persons on an annual basis. Board Members, the CEO and the Chief Financial Officer shall file annual financial disclosure statements with the Ohio Ethics Commission as required by law.

5.1103 Substantial Conflict of Interest

Although some potential conflicts of interest can be addressed by ensuring that the individual with a potential conflict does not participate in the decision-making process, in other instances the conflict of interest may be so substantial that entering into a contract would create the appearance of impropriety.

If a Covered Person has a substantial conflict of interest with regard to a proposed contract for services, supplies or equipment, the District shall not enter into that contract. A “substantial conflict of interest” means “a conflict of interest that is of such substance as to induce action on the part of the Covered Person to promote the contract for his or her own personal benefit.”

[Board Policy GBCB, adopted January 26, 2010]

5.12 Employee Performance Evaluations

Regular evaluation of staff is essential to ensure that all staff is working toward established District goals and objectives. The CEO institutes and maintains a comprehensive program for the evaluation of personnel.

The purpose of staff evaluations is to assess the performance of employees and to provide information upon which to base employment and personnel decisions. In addition, evaluations should assist staff in developing their abilities in order to increase the effectiveness of their work.

This policy governs all non-union staff as well as union employees whose bargaining unit agreement does not specifically address this policy.

[Board Policy GDN, adopted May 2, 2002]

5.13 Compensation Philosophy for Non-Bargaining Members

To support its strategy, the District must attract, recognize and retain employees who will have a positive impact on teaching, learning and student achievement – either directly in schools and classrooms, or indirectly through support of principals, teachers and students. The District defines Total Compensation as encompassing monetary compensation, benefits, work/life balance (e.g., vacation), recognition, development and career mobility opportunities, inspirational mission orientation and positive work culture. The Total Compensation Program for District staff supports its talent strategy by offering a program built on the following five principles:

- **Equity:** Given variation in roles and responsibilities, the District uses a consistent set of factors and processes to make total compensation decisions for each non-union employee.
- **Clarity:** The District regularly provides transparent information so that employees understand what drives individual total compensation, what changes (if any) they can expect and what role they play (if any) in executing compensation processes.
- **Recognition:** The District celebrates and recognizes high-quality contributions of employees as well as the long-term commitment many make to our mission.
- **Flexibility:** The District is prepared to adapt to market changes and to changing needs of a portfolio school district, and the District is committed to ongoing review and improvement of its structures and processes.
- **Sustainability:** The District enables responsible stewardship of District resources by considering long-term budgetary impact of each compensation decision.

Information regarding new hire placement, promotions, and one-time payments can be found in the Non-Bargaining Compensation Manual. The manual can be found on the District’s intranet, INSITE.

5.14 Separation of Employment

5.1401 Resignation – Voluntary Termination of Employment

An employee may resign their employment by submitting sufficient notice to the Talent Department via the electronic human resources information system (Workday). Upon receipt of an employee’s notice of resignation, the Chief Talent Officer or their designee will confirm acceptance of the employee’s resignation to the employee in writing/via the human resources information system. A resignation notice may not be rescinded by an employee after acceptance by Board of Education or after acceptance by the CEO in the case of employees who serve at the pleasure of the CEO pursuant to ORC 3311.72.

Employees are requested, where possible, to provide 14 days advance written notice of their intended resignation. Licensed employees are encouraged to consult ORC 3319.02.

5.1402 Progressive Discipline and Involuntary Termination of Employment

Employees may be subject to progressive discipline, including suspension without pay up to and including termination, for just cause consistent with Ohio law.

The District subscribes to a policy of progressive discipline. The goal of this policy is to help the employee recognize and correct certain unacceptable behavior before it becomes serious enough, or frequent enough, to warrant termination of employment.

TYPES OF DISCIPLINARY ACTION

- **Verbal Reprimand:** A verbal reprimand is an articulation of the problem by the supervisor to the employee. This reprimand serves as a warning and may be administered before a supervisor applies stronger action.
- **Written Reprimand:** The purpose of a written reprimand is to give an employee formal written notice that their conduct has been deemed inappropriate and of any action that may be necessary to correct said conduct. If a written reprimand is appropriate pursuant to the Progressive Discipline Program, the supervisor or management representative shall prepare the written reprimand and give the written reprimand to the employee. The written reprimand shall be signed by the supervisor or management representative, the employee and any third party who witnessed the issuance of the written reprimand. The employee's signature is an acknowledgement of receipt of the form, not agreement with its contents, and is not necessary on the document for issuance. The original written reprimand shall be sent to the Talent Department to be placed in the employee's personnel file, with copies to the employee and the employee's direct supervisor. The employee shall have the right to issue a response to a written reprimand, along with any relevant documentation, which response shall be submitted to the Talent Department and included in the employee's personnel file.
- **Suspension:** A suspension is a forced unpaid leave of absence from employment with the District. The length of the suspension will be determined by comparing similar offenses across the District and their length of suspension served. However, management has the right to determine this length of suspension. The suspension will be recorded in the employee's personnel file.
- **Demotion:** A demotion is a reduction in rank or position to a classification that carries a lower salary range than that previously held. A demotion shall be made in the progression of discipline or when the employee voluntarily agrees and management accepts in writing.
- **Removal/Termination:** Removal is an involuntary termination of employment for just cause.

5.1403 Layoffs

District employees may be laid off whenever a reduction in force is necessary due to one or more of the following reasons:

- Lack of funds
- Lack of work
- The abolishment of positions or programs as a result of reorganization for the efficient operation of the District, for reasons of economy, or for lack of work

Whenever it becomes necessary for the District to reduce its workforce, the District shall lay off employees or abolish their positions in accordance with the Ohio Revised Code and the administrative rules promulgated thereunder.

5.1404 Disability Separation

To apply for a disability separation, employees must contact either State Teachers Retirement System of Ohio (STRS) or School Employees Retirement System of Ohio (SERS):

STRS
275 East Broad St
Columbus, OH 43215
Phone: 888.227.7877
STRSOH.org

SERS
300 East Broad St, Suite 100
Columbus, OH 43215
Phone: 866.280.7377
OHSERS.org

All Disability Allowance notices must be sent to the appropriate Payroll Specialist.

5.1405 Re-Employment/Right to Not Re-Employ

The District reserves the right to re-employ or to not re-employ any individual previously employed by the District in its sole discretion.

5.1406 Retirement

Notices of retirement should be entered into the human resources information system (Workday).

5.1407 Return of CMSD Property

Employees shall not abuse, neglect, waste or misappropriate District property. All employees are responsible for the proper care of any tools, materials or equipment assigned for the performance of their jobs. No District tools, equipment or materials shall be used for any purpose other than authorized work-related activities. No District tools, equipment or materials shall be taken from the worksite for any purpose unless specifically authorized by the employee's supervisor and/or management. Any violation of these requirements may subject an employee to discipline, up to and including removal.

Upon separation from District employment, employees must return to their department management all District-issued cell phones, pagers, computers, keys, uniforms, ID badges and any other such equipment. Failure to return such property on demand, or in more than five working days, without express written permission shall be considered an unauthorized retention of such property, which may subject the employee to legal consequences.

SECTION 6: WORKWEEK AND HOURS/PAYROLL

6.01 Standard Workweek and Hours

The normal workweek for full-time District employees is five days per week, usually Monday through Friday. The normal workday is from 8:00 a.m. to 5:00 p.m., with a one hour, unpaid lunch period, resulting in a standard 40-hour workweek. The normal workweek and standard hours of work may vary based on operational needs and in situations covered by a collective bargaining agreement.

Department managers, in their sole discretion, may authorize employees to participate in flextime. Those authorized to participate in flextime are required to comply with all other policies and procedures. Participation in flextime does not eliminate any of the work rule requirements mandated in this Manual. Flextime may be revoked at any time. Flextime describes the ability of an employee to work outside the 8:00 a.m. to 5:00 p.m. schedule. For instance, if an employee worked 8:00 a.m. to 6:00 p.m. today, they may come in an hour later or leave an hour earlier on another day in that same week. Each week must be equal to or greater than 40 hours worked. The District does not offer compensatory time, which is additional time off work to be taken in a future week to compensate for extra hours worked. Managers may not offer compensatory time.

The District does not offer remote working arrangements.

6.02 Attendance and Timesheet Recordkeeping

All CMSD employees are required to report time worked and time off in the Human Resources information system, Workday. All reported time (full-time and part-time) must be approved by the employee's department head, principal, supervisor or foreman. All overtime for non-exempt employees must be approved by the department head, principal or supervisor in advance of hours worked.

Non-exempt employees should only Check-in through Workday when they are in the building at their designated worksite, and ready to begin work (at their desk, in the lunchroom, in the office, etc).

6.03 Compliance with the Fair Labor Standards Act (FLSA)

The District complies with the federal Fair Labor Standards Act (FLSA), including overtime work rules. When a position is created, the Compensation Department determines whether a position is exempt or non-exempt and periodically reviews positions' classifications under FLSA.

Non-exempt employees are eligible for overtime pay for all hours worked over 40 in a workweek. Managers must approve all overtime in advance of the time being worked and manage their employees' weekly schedules based on workflow needs. If a manager determines that a non-exempt employee needs to work more than 8 hours in a day or over a weekend, the manager will also determine whether the employee will work overtime or flextime.

An employee who believes that he or she has been improperly classified or their pay has been improperly docked may complete a Position Review Form and send it to the Chief Talent Officer, using the forms provided in the Compensation Manual found on the District's intranet, INSITE. If the District determines that the employee has been improperly classified or docked, the employee will be re-classified and/or reimbursed. Appeals are heard by the CMSD Position Review Committee.

6.04 Payroll System

The District's compensation schedule for all employees EXCEPT Cleveland Teachers Union (CTU) members is biweekly based on an eighty-hour (80) pay period, which begins on Saturday morning and ends on Friday night. Pay notices are made available on Fridays of pay weeks.

The District's compensation schedule for all Cleveland Teachers Union (CTU) members is semimonthly, resulting in 24 pays per year.

6.05 Payroll Deductions

The District is authorized to make both mandatory and voluntary payroll deductions from employee wages. Mandatory deductions include federal, state and local withholding taxes; contributions to the Ohio School Teachers Retirement System or the School Employees Retirement System; garnishments; court-ordered child or spousal support; Medicare portion of Social Security for employees hired after April 1, 1986 and union dues/fair share fees.

Employees may authorize additional deductions from wages for benefits selections, deferred compensation contributions and other voluntary deductions.

6.06 Direct Deposit Program

In lieu of paper paychecks, the District will electronically transfer net pay into an employee's checking or savings account at the financial institution of the employee's choice. Enrollment in a direct deposit program is mandatory. Employees not eligible to secure direct deposit via a bank account will be offered alternative means such as the pay card.

6.07 Expense Reimbursements for District Personnel

District personnel who incur expenses in carrying out their authorized duties are reimbursed by the District upon submission of a properly completed and approved request with such supporting receipts as required by the administrative regulations. Such expenses will only be approved within the limits of budgetary allocations and administrative regulations as well as state and federal laws applying to the specific type of expense. All District personnel should familiarize themselves with the administrative policy on maximum travel expenses issued by the District annually at the beginning of each school year (available at ClevelandMetroSchools.org/Page/11154). When official travel by a personally owned vehicle has been authorized, mileage payment is made at the rate currently approved by the Chief Financial Officer and within the limitations of federal law.

A traveler on official school business is expected to exercise the same care in incurring expenses that a prudent person would exercise in traveling on personal business. Excessive costs, such as those caused by circuitous routes or luxury services or accommodations, are not considered prudent, nor are they accepted for reimbursement. No reimbursement for alcoholic beverages will be approved for any person.

The District is permitted to provide and pay the salary of a substitute for such days on which an employee is excused for the purpose of carrying out their authorized duties.

[Board Policy DLC, adopted June 15, 2004]

SECTION 7: HEALTH AND SAFETY

Through its overall safety program and various policies pertaining to school personnel, the Board attempts to ensure the safety of employees during their working hours and assist them in the maintenance of good health.

All employees are expected to observe commonly recognized practices that promote the health and safety of school personnel.

The Board may require an individual examination of an employee whenever, in its judgment, it is necessary to protect the health and safety of students or other employees. Whenever the Board requires an employee to submit to a physical examination other than those required by law, the Board

assumes the cost of the examination. All health examinations required of employees are made by one of the physicians approved for this purpose by the Board.

Bus Drivers

Bus drivers will have an annual physical examination. The examinations shall be scheduled after the first day of May and prior to the beginning of the next school year for all bus drivers intending to be eligible to operate buses during the next school year. Bus drivers hired prior to January 1 must undergo a medical examination and meet the physical qualifications set forth in OAC 3301-83-07(E) prior to operating a bus with passengers. They are required to have a re-examination to be eligible for the next school year.

Bus drivers hired after January 1 must undergo a medical examination prior to operating a bus with passengers, and the examination will be valid for the following school year. However, after the following school year, these drivers will be required to have medical examinations on the same schedule as those hired prior to January 1.

The costs for the examinations required by Ohio regulations shall be the responsibility of the person or entity owning the school buses. Bus drivers are also required by Ohio law to undergo criminal record and background checks on a continuing basis.

The results of all such examinations are filed with the CEO.

Employee Physicals

As of July 1, 2000, persons entering teaching and administrative positions are not required to have physicals with the exception of paraprofessional positions (e.g., special education). However, a tuberculosis test and drug test are required for entry into such positions. The costs of these tests are the responsibility of the District.

Workers' Compensation

In case of injury while pursuing duties in keeping with the employee's contract, the employee may be eligible for payment of medical expenses under the Workers' Compensation Act of Ohio.

Any employee who is injured while at work should immediately report such injury to their supervisor and the Workers' Compensation Department to request the necessary forms to make application for payment under this Act. Employees who are out on assault leave must apply for Workers' Compensation (see SECTION 12: WORKERS' COMPENSATION of this Manual for more information). The District will be responsible for paying assault leave not covered by Workers' Compensation.

[Board Policy GBE, adopted December 6, 2001]

7.01 Drug-Free Workplace

No employee shall unlawfully manufacture, distribute, dispense, possess or use any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcohol or any other controlled substance as defined in federal and Ohio law in the workplace. "Workplace" is the site for the performance of any work done in connection with the District. The workplace includes any District building, property, vehicles or Board-approved vehicle used to transport students to and from school or school activities (at other sites off District property) or any school-sponsored or District activity, event or function, such as a field trip or athletic event in which students are under the jurisdiction of District authorities.

As a condition of employment, each employee shall notify their supervisor, in writing, of their conviction of any criminal drug statute not later than five days after such conviction.

Employees who violate the policy shall be subject to disciplinary proceedings in accordance with prescribed administrative regulations, local, Ohio and federal laws and/or negotiated agreements, up to and including termination. Any employee in violation of this policy may be required to participate in a drug-abuse assistance or rehabilitation program approved by the Board.

Employees are provided the opportunity to participate in a drug-free awareness program to inform them of requirements, services and penalties.

Annually, a list of local drug and alcohol counseling, rehabilitation and re-entry programs and services which are available in the community shall be made available to the employees. Lists are also available in the central office.

[Board Policy GBP, adopted June 28, 2001]

7.02 Smoke and Tobacco Free Workplace

The Board is dedicated to providing a healthy, comfortable and productive environment for its staff, students and citizens. Health professionals have determined that smoking poses health hazards not only for the smoker, but for the nonsmoker as well.

Recognizing these health issues, and in compliance with federal and state law and city ordinance, the Board prohibits smoking in all District-owned, leased, or contracted buildings and enclosed structures, as well as on the grounds of all such buildings and structures, regardless of whether the building or structure is for student use, and in all vehicles.

The Board directs the CEO to educate all staff members concerning the mandate of this policy, as well as implementing, as appropriate, educational programming concerning smoking.

A notice to this effect shall be posted at the entrance to all District buildings.

[Board Policy GBK, adopted March 20, 2001]

7.03 Employee Assistance Program (EAP)

The District will make available as a free benefit to all employees an Employee Assistance Program. This program will assist the employee with their needs to include counseling, drug and alcohol addiction services, nutrition, financial and legal services. See the employee benefits booklet at ClevelandMetroSchools.org/Page/6186 or contact Ease@Work directly at EaseAtWork.com or 216.241.3273.

7.04 Workplace Violence

Threats, threatening behavior or acts of violence against employees, students, clients or guests by anyone on District property will not be tolerated. In addition to applicable criminal penalties, employees who violate this section may be subject to discipline, up to and including removal. The District reserves the right to remove anyone who engages in violent or threatening behavior from the premises and may require that they remain off the premises pending the outcome of an investigation and/or as long as they are still considered a threat.

Employees should immediately contact their supervisor and/or the appropriate law enforcement authority (911) if an employee (or student/constituent) is creating or communicating a threat of violence. Employees that fail to report such threats will be subject to disciplinary action, up to and including termination of employment.

Employees with a criminal or civil protective or restraining order which lists District locations as being protected areas are responsible for providing a copy of such documents to the Talent Department. The Talent Department may meet with the employee and offer EAP or other services that might assist the employee.

7.05 Lactation Policy

In compliance with the Fair Labor Standards Act amended by the Patient Protection and Affordable Care Act, the District will provide comprehensive service including unpaid lactation time, a private space and some workplace support for any employee who is breastfeeding her child for up to one year after the child's birth. Please contact the Talent Department to make arrangements.

SECTION 8: EMPLOYEE LEAVE (GENERAL)

The District calendar, available on the District website, contains the annual holiday schedule.

A leave of absence is a period of extended absence from duty by a staff member, for which written request has been made and the District has granted formal approval. To be eligible for leave, employees must follow all District regulations pertaining to the specific type of leave requested. Such leaves include:

- Medical/sick leave (see SECTION 9: FAMILY MEDICAL LEAVE ACT (FMLA))
- Jury duty leave
- Military leave (see SECTION 10: MILITARY LEAVE)
- Special privilege leave
- Professional leave

The District procedures governing leaves and absences comply with Ohio and federal laws, including the Family Medical Leave Act. Failure to follow appropriate regulations may result in disciplinary action, up to and including termination of employment.

This policy governs all non-union support staff as well as union employees whose bargaining unit agreement does not specifically address this policy.

[Board Policy GCBD/GDBD, adopted May 2, 2002]

8.01 Jury Duty Leave

When an employee receives notification pertaining to jury service from the court, the employee will notify his/her immediate supervisor and submit their time off request through Workday so that appropriate arrangements can be made. Employees on jury duty will be compensated at their regular rate of pay for the number of hours regularly worked. Employees are required to report to work if not called for jury duty for any of the scheduled days.

8.02 Vacation Leave

Below is the vacation schedule that applies to all non-union, non-supervisory employees who are eligible for vacation notwithstanding the provisions that follow. Accruals will begin the first day of work, and all employees will be eligible to use vacation as it is accrued. No employee may utilize vacation prior to its accrual. The District recognizes service contributions through an increase in vacation leave earned.

Service Years	Vacation Earned
0 – 3.99 years	4.62 hours per 80 hours paid (12 months = 15 days)
4 – 11.99 years.	6.77 hours per 80 hours paid (12 months = 22 days)
12 – 14.99 years	7.08 hours per 80 hours paid (12 months = 23 days)
15 – 15.99 years	7.38 hours per 80 hours paid (12 months = 24 days)
16 or more years	7.70 hours per 80 hours paid (12 months = 25 days)

All Supervisors receive a minimum of 4.62 hours per 80 hours paid (15 days annually), effective the first day the employee is assigned to the position. Directors (or the equivalent) earn 6.77 hours (22 days annually), Executive Directors and Deputy Chiefs earn 7.70 hours per 80 hours paid (25 days annually), effective the first day the employee is assigned to the position. Chiefs earn 30 days annually.

Current employees who are reclassified from a regular, benefits-eligible position which is not eligible for vacation (e.g., teacher) will be given credit for years completed in the District.

Former employees who were assigned to a regular, benefits-eligible position and whose service was voluntarily terminated (e.g., resignation) will not be given credit for years completed in the District. Former employees who were assigned to a regular, benefits-eligible position and whose service was involuntarily terminated (e.g., layoff) will be given credit for years completed in the District immediately preceding the separation. Former hourly employees who worked 19 or more hours per week will be given credit for years completed in the District in this capacity.

Except as otherwise provided in ORC 9.44, any non-teaching employee who previously held a vacation-eligible position with the state, or any political subdivision of the state, is entitled to have the employee’s prior service with any of these employers counted as service with the state, or any political subdivision of the state, for the purpose of computing the amount of the employee’s vacation leave. The anniversary date of employment for the purpose of computing the amount of the employee’s vacation leave, unless deferred pursuant to the appropriate law, ordinance, or regulation, is the anniversary date of such prior service.

Eligible employees may submit their service to their Talent Representative for consideration regarding their vacation accrual rate upon hire as defined by Ohio Revised Code. Acceptable documentation includes written verification of years of prior service credit in a vacation-eligible position on an accredited state or political subdivision of the state’s letterhead. Information should include verifier’s name and contact information, position held, part-time or full-time, vacation eligibility, years worked, and hire and separation date.

Upon separation, employees will be paid for all vacation time remaining for the two years immediately preceding their separation and the prorated portion of their earned but unused vacation leave for the current year.

8.03 Sick Leave and Special Privilege Leave

Regular, full-time employees are eligible for 15 sick days and three special privilege days each year. Employees in active pay status will accrue sick time each pay period. Unused sick days carry over each year. Sick leave is paid out upon retirement at the rate of 30 percent of accrued time or \$30,000 maximum. An employee who resigns will not be paid for the value of his or her unused sick leave unless otherwise stated in his/her employment contract. Per Ohio Revised Code, a previous employee must be reemployed by the District within 10 years in order to have his or her sick time balance restored. An employee who has previous service with an Ohio public agency may be eligible to have unused sick time transferred to the District. The employee must have contributed to one of the following Ohio retirement systems in order to be eligible:

- OPERS
- SERS
- STRS
- Ohio Police and Fire Pension Fund
- Ohio Highway Patrol

Special privilege days will be awarded July 1 of each year. Unused special privilege days will be added to the employee's sick balance at the end of the fiscal year. New hires will be awarded special privilege days immediately, pro-rated to date of hire. Twelve-month employees accrue in hours.

SPECIAL PRIVILEGE DAYS AWARD SCHEDULE		
Hired In	Accrual (Days)	Accrual (Hours)
July	3	24
August	3	24
September	3	24
October	3	24
November	2	16
December	2	16
January	2	16
February	2	16
March	1	8
April	1	8
May	1	8
June	1	8

Vacation time, sick time (in accordance with ORC 3319.141) and special privilege time may be used to accommodate bereavement-related time off.

8.04 Sick Leave Donation Program

District employees are granted a specified number of sick leave days each year, and unused days accumulate without limit. Employees may wish to “donate” days from their accumulated totals to other employees who are in need of sick leave for a serious illness or injury, but who have exhausted their own leave supplies, including vacation and special privilege leave. Employees covered by a collective bargaining agreement should consult their contract for information about sick leave donations. Non-bargaining employees should access CMSD’s website for further information at ClevelandMetroSchools.org/Domain/41.

SECTION 9: FAMILY MEDICAL LEAVE ACT (FMLA)

The District provides leave to eligible employees consistent with the Family and Medical Leave Act (FMLA). Eligible employees are entitled to up to 12 workweeks of family and medical leave in any consecutive 12-month period. The District continues to pay its share of the employee’s health benefits during the leave. In addition, the District restores the employee to the same or an equivalent position after the termination of the leave in accordance with District policy.

In complying with the FMLA, the District adheres to the requirements of applicable federal and Ohio laws. *[Board Policy GBR, adopted February 2, 2001]*

9.01 FMLA Summary

The Family and Medical Leave Act (FMLA) provides eligible employees up to 12 workweeks of paid or unpaid leave per year and requires group health benefits to be maintained during the leave as if employees continued to work instead of taking leave. Employees are also entitled to return to their same or an equivalent job at the end of their FMLA leave.

The FMLA also provides certain military family leave entitlements. Eligible employees may take FMLA leave for specified reasons related to certain military deployments of their family members. Additionally, they may take up to 26 weeks of FMLA leave in a single 12-month period to care for a covered service member with a serious injury or illness.

9.02 Eligibility Requirements

In order to be eligible to take leave under FMLA, an employee must meet all of the following requirements:

- Have worked 1,250 hours during the 12 months prior to the start of leave
- Have work at a location where the employer has 50 or more employees within 75 miles
- Have worked for the employer for 12 months (The 12 months of employment are not required to be consecutive in order for the employee to qualify for FMLA leave. In general, only employment within seven years is counted unless the break in service is (1) due to an employee’s fulfillment of military obligations or (2) governed by a collective bargaining agreement or other written agreement.)

In order to be eligible to take leave under an employee’s bargaining unit agreement, an employee must refer to their bargaining union agreement for eligibility requirements and leave of absence terms and conditions.

9.03 Qualifying Conditions

A covered employer must grant an eligible employee up to a total of 12 workweeks of paid or unpaid, job-protected leave in a 12-month period for one or more of the following reasons:

- For the birth of a child and to bond with the newborn child
- For the placement with the employee of a child for adoption or foster care and to bond with that child
- To care for an immediate family member (spouse, child or parent, but not a parent-in-law) with a serious health condition
- To take medical leave when the employee is unable to work because of a serious health condition
- For qualifying exigencies arising out of the fact that the employee's spouse, son, daughter or parent is on covered active duty or call to covered active duty status as a member of the National Guard, Reserves or Regular Armed Forces

FMLA also allows eligible employees to take up to 26 workweeks of unpaid, job-protected leave in a single 12-month period to care for a covered service member with a serious injury or illness.

9.04 Coordination with Other Leaves of Absence

As provided per the Family Medical Leave Act, all time accruals will run concurrently with FMLA time taken in the following order: sick, special privilege, vacation. One week may be withheld from being taken in the event of childbirth, adoption or newly fostering of a child in order to facilitate doctor appointments and other care of child or parent upon return to work.

9.05 FMLA Application Procedure

All employees must apply for FMLA utilizing the human resources information system (Workday).

9.06 Continuation of Benefits

While on an approved FMLA leave, the District will continue to pay the employer deduction for benefits. In the event the employee goes on an unpaid FMLA leave, the District will maintain coverage for 60 days with the expectation that the employee will return in the month that follows those 60 days. Any missed deductions will be taken in arrears through payroll deduction when the employee returns to paid status. If the employee does not return in that timeframe, and remains unpaid, benefits will be discontinued at the end of the 90-day period (last day of the third unpaid month).

9.07 Intermittent Leave and Reduced Leave Schedules

A continuous leave is a leave that is taken in one block of time (e.g., request approved from January 1, 2017–March 1, 2017). An intermittent leave is a leave that is taken in separate blocks of time given by a determined timeframe specified by the health care provider (e.g., request approved from January 1, 2017–March 1, 2017 with an estimated frequency of leave once per month of eight hours each time). Intermittent leaves must qualify under FMLA.

9.08 Return to Work

To return to work following a medical leave, the employee must obtain a Physician's Statement with release to full duty with the date released and submits the Physician's Statement with a Return to Work form to the Talent Department for processing. Return to Work forms need not be completed to return following a family caregiving or maternity leave.

SECTION 10: MILITARY LEAVE

10.01 Paid Leave

An employee who is a member of the Ohio organized militia or a member of other reserve components of the armed forces of the United States, including the Ohio National Guard, is entitled to a paid leave of absence while performing service in the uniformed services for a period up to one month per calendar year, not to exceed 22 eight-hour work days or 176 hours.

An employee who is entitled to paid leave must submit to the District the published order authorizing the call or order to the uniformed services or a written statement from the appropriate military commander authorizing the service, prior to being credited with the leave.

10.02 Call to Duty for More than One Month

An employee who is called or ordered to the uniformed services for more than one month because of an executive order issued by the President of the United States, an Act of Congress or an order to perform duty issued by the governor is entitled to the lesser of \$500.00 or the difference between the employee's military pay and his or her salary for each month of service.

An employee will not receive these payments if the sum of the employee's military pay (gross and allowance) in a pay period that exceeds the employee's gross salary.

10.03 Voluntary Service

An employee who leaves employment for the purpose of entering the uniformed services of the United States will be placed on an unpaid leave of absence.

10.04 Reinstatement

An employee will be reinstated to employment under the same type of contract he or she last held before the military leave if all of the following apply:

- The employee has given advance written or verbal notice of qualifying military service to the District.
- The cumulative length of absence for military service does not exceed five years, unless the service was required to go beyond five years by special orders or circumstances provided by law.
- The employee submits an application for reinstatement within 90 days upon release from military service if the length of service was greater than 180 days or the employee submits an application for reinstatement within 14 days upon release from military service if the length of service was between 31 and 180 days.
- The employee was discharged under honorable or satisfactory conditions.
- The employee provides documentation to establish that the application was timely, the service does not exceed five years and the type of discharge.

If the employee applies for reinstatement 30 days prior to the beginning of the next school semester, the District may re-employ the employee beginning that next semester. Otherwise, the employee may be re-employed beginning the following semester, unless the Board waives the 30-day requirement.

The employee is entitled to be reinstated under the same type of contract he or she last held. An employee shall receive the same seniority and benefits he or she had, or would have had, if the employee had not been on military leave.

10.05 Non-Discrimination

The Uniformed Services Employment and Re-employment Rights Act of 1994 prohibits discrimination and retaliation for an employee's membership (voluntary or involuntary) in the uniformed services concerning any aspect of employment.

The Board may suspend the contract of an employee whose services become unnecessary by reason of the return of another employee from service in the uniformed services who is reinstated pursuant to this policy and applicable laws.

An employee who is reinstated after service of 180 days or more may not be discharged without cause for one year after reinstatement. Employees whose service was between 31 and 180 days may not be discharged without just cause for six months.

10.06 Health Coverage

An employee on paid military leave for 31 days or less may continue his or her current District health care coverage at the normal employee rate for such coverage. The District and employee shall continue to pay the same costs for coverage as if the employee were not on leave. The employee's dependents are likewise entitled to continued medical, dental and vision insurance.

An employee on military leave in excess of 31 days is eligible for coverage under COBRA, and will be responsible for 100 percent of the full premium for the coverage elected.

An employee whose health coverage was terminated by reason of military service will not be subject to an exclusion or waiting period upon re-employment if an exclusion or waiting period would not have been imposed if the coverage had not been terminated as a result of military service.

10.07 Service Credit

An employee may purchase up to five years of military service credit, which shall be considered the equivalent of Ohio service credit for purposes of state retirement benefits.

[Board Policy GCBDB/GDBDB, adopted May 2, 2002]

SECTION 11: EMPLOYEE BENEFITS

11.01 Health Care Benefits

The District's comprehensive benefits program consists of group medical, prescription, dental, vision and life insurance coverage. New employees have 30 days from date of hire to make their benefit elections and to submit documentation regarding their dependents. Under most circumstances, if an employee fails to make benefit elections within that period, the employee must wait until the annual open enrollment period to enroll.

11.02 Open Enrollment

The annual open enrollment period will occur in November. Employees who do not have current coverage and do not make elections during the open enrollment period will default to "waive" status and will not be enrolled in benefits. Once this occurs, the employee cannot appeal or change their elections without a qualifying event.

11.03 Benefits during Unpaid Leaves of Absence

If an employee is on an unpaid leave of absence, the District will maintain coverage for 60 days with the expectation that the employee will return in the month that follows those 60 days. Any missed deductions will be taken in arrears through payroll deduction when the employee returns to paid status. If the employee does not return in that timeframe, and remains unpaid, benefits will be discontinued at the end of the 90-day period (last day of the third unpaid month).

11.04 Changes in Medical Benefits Coverage

Employees can only make changes to benefit elections during the annual open enrollment period or with a qualifying life event. Employees must notify the Benefits Department of the qualifying event through the human resources information system (Workday) and uploading the supporting documentation. Examples of qualifying events and appropriate documentation are as follows:

QUALIFYING LIFE EVENTS	
Event	Supporting Documentation
Marriage, divorce, legal separation, annulment	Court documents, marriage license
Birth, adoption, placement for foster care or legal guardianship	Court documents, birth certificate, birth letter from hospital
Change in status in child custody	Court document
Death of dependent	Death certificate
Loss of alternate coverage	Termination letter

Employees may send the Talent Department (Benefits@ClevelandMetroSchools.org) any additional questions regarding coverage, qualifying events or other benefits matters.

11.05 Extended Group Health Coverage/Continuation of Coverage

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) provides for certain employees of the District and their dependents to be allowed to purchase extended group health insurance coverage for a limited period of time following their cessation of employment with the District. The Board contracts with a plan administrator who coordinates the program and provides the notices, which are mandated. Such insurance coverage will be provided in accordance with established District procedure.

[Board Policy GBN, adopted October 4, 2001]

11.06 Pension and Retirement Benefits

All District employees, except for some student interns, are required to contribute to one of two state pension systems, State Teachers Retirement System of Ohio (STRS) or School Employees Retirement System of Ohio (SERS). Most Cleveland Teachers’ Union members pay 14 percent of their salary into

STRS, and all other employees pay 10 percent of their salary into SERS. Contributions are automatically deducted from employee paychecks. All questions regarding the administration of the pension, benefits, retirement eligibility and counseling, withdrawals and rollovers should be directed to STRS or SERS:

STRS
275 East Broad St
Columbus, OH 43215
Phone: 888.227.7877
STRSOH.org

SERS
300 East Broad St, Suite 100
Columbus, OH 43215
Phone: 866.280.7377
OHSERS.org

District employees have the option to open and contribute to additional tax-advantaged retirement accounts with 403(b) and 457 retirement plans. The District has relationships with a number of providers, and employees may select from any current vendors. The list of vendors may be obtained from the Benefits Department (Benefits@ClevelandMetroSchools.org) upon request.

Employees should contact and work with their preferred vendor from the list to establish an account. The employee should ensure that they complete a payroll deduction authorization form provided by the agent, which the agent will then submit to the District Benefits Department.

SECTION 12: WORKERS' COMPENSATION

12.01 Workers' Compensation Policy

In case of injury on the job, the employee may be eligible for payment of medical expenses under the Workers' Compensation Act of Ohio.

Any employee who is injured while at work should immediately report such injury to the central office and request the necessary forms to make application for payment under this Act. Employees who are out on assault leave must apply for Workers' Compensation. The District will be responsible for paying assault leave not covered by Workers' Compensation.

[Board Policy GBE, adopted December 6, 2001]

12.02 Reporting an Injury

If an employee is injured on the job, they should immediately:

- report the injury to their supervisor or location designee.
- obtain and complete the District Employee Injury Report.
- return the completed form to their supervisor or location designee.
- send a copy of the completed injury report to the Workers' Compensation Department (contact information below) within 24 hours.

After submitting the Injury Report, the employee should contact the Workers' Compensation Department to report the injury and to discuss the workers' compensation procedures, their eligibility and participation requirements for programs offered through the District.

The supervisor should complete the Supervisor's Investigation of Accident Form as soon as possible and send it to the Workers' Compensation Department (contact information below). If immediate medical care is needed or requested, the supervisor should inform the injured employee of the District's preferred provider list (available at [ClevelandMetroSchools.org/Page/10229](https://www.clevelandmetroschools.org/Page/10229)) and refer them to the Workers' Compensation Department to discuss benefits of choosing treatment with a preferred provider.

The supervisor should also ensure that the injured employee has access to the necessary paperwork, either by providing them with an Injury Reporting Packet or referring the employee to the Workers' Compensation website to obtain the forms ([ClevelandMetroSchools.org/Page/10229](https://www.clevelandmetroschools.org/Page/10229)). An Injury Reporting Packet includes:

- Reporting an Injury Policy
- Listing of preferred providers, including addresses
- Provider information sheet and medical care organization identification card
- First Report of Injury form with employer portion completed
- Physician's Report of Work Ability form
- Job Analysis with Transitional Work Program (TWP) identified tasks, if available
- Election form for participation in the District's Transitional Work Program/Salary and Wage Program

The Workers' Compensation Department may be contacted at:

Mail: 1111 Superior Avenue E, Suite 1800, Cleveland, OH 44114

Phone: 216.838.0326

Fax: 216.436.5408

Online Forms: [ClevelandMetroSchools.org/Page/10229](https://www.clevelandmetroschools.org/Page/10229)

It is the injured employee's responsibility to return all required forms within the specified timeframe. If the employee is unable to complete any of the forms, they should contact the Workers' Compensation Department immediately. The District strongly encourages all parties to keep copies of documents for their own records.

12.03 Transitional Work Program Review

The District has experienced ever-increasing costs in the area of workers' compensation. It is the goal of both management and labor to implement a return to work/transitional work program to benefit the injured employee as well as the District. The program shall emphasize that job accommodation, modified duty activity, or transitional work will not aggravate the medical condition of the employee. Every effort will be made to ensure that their safety and health will be protected while they are working within physical restrictions. Additionally, job accommodation, alternate duty assignments and transitional work are meant to be temporary, not permanent work assignments.

Whether or not an employee is eligible to participate in the District's Salary and Wage Continuation Program and/or Transitional Work Program will depend on whether the employee meets certain requirements which will be explained by the District's Workers' Compensation Risk Manager. Election

into this program must be made within 72 hours of the injury and once an employee opts out of the program, or fails to opt in within the 72 hours, they cannot be placed in the program for the remainder of the claim.

Additional information can be provided by the Workers' Compensation Department.

SECTION 13: ELECTRONIC EQUIPMENT AND COMMUNICATIONS

Internet, intranet and extranet-related systems, including but not limited to computer equipment, software, operating systems, storage media, network accounts providing electronic mail, world wide web browsing, FTP, cellular telephones and smart phones are the property of the District. These systems are to be used for business purposes in serving the interests of the District, the public and District customers in the course of normal operations. Access and use of District-provided communication equipment and services are provided at the discretion of the District and may be revoked at will.

Effective security is a team effort involving the participation and support of every District employee and affiliate who deals with information and/or information systems. It is the responsibility of every computer user to know these guidelines and to conduct their activities accordingly.

The purpose of this policy is to outline the acceptable use of District electronic equipment. These rules are in place to protect the employee and the District. Inappropriate use exposes the District to risks including virus attacks, compromise of network systems, data, services and legal liability issues.

This policy applies to employees, contractors, consultants, temporaries and other workers at the District, including all personnel affiliated with third parties. This policy applies to all equipment that is owned or leased by the District.

13.01 Privacy Expectations

District employees do not have a right, nor should they have an expectation, of privacy while using any District electronic equipment at any time, including accessing the Internet and/or using District-owned/provided e-mail. By using District electronic equipment, District employees make express agreement to consent to disclose the contents of any type of information maintained on or passed through District electronic equipment. In addition, any record created by an employee when using District electronic equipment (e.g., e-mail record, Internet usage history) is generally considered a public record subject to disclosure upon request.

By using District electronic equipment, consent to monitoring and recording is implied with or without cause, including, but not limited to, accessing the Internet and using District-owned/provided e-mail. Any use of District communication resources is made with the understanding that such use is generally not secure, is not private and is not anonymous.

All District-provided electronic equipment and its contents may be monitored and inspected at any time without prior notice. Electronic communications may be disclosed within a department to those who have a need to know in the performance of their duties. Department directors, system managers and supervisors may access any electronic communications at any time.

13.02 Security and Proprietary Information

The following guidelines are designed to protect District employees, partners and the public from illegal or damaging actions by individuals, either knowingly or unknowingly:

1. Keep passwords secure and do not share accounts. Authorized users are responsible for the security of their passwords and accounts. System level passwords should be changed quarterly, and user level passwords should be changed every six months.
2. All PCs, laptops and workstations should be secured with a password-protected screensaver with the automatic activation feature set at 10 minutes or less, or by logging off when the host will be unattended.
3. Use encryption of information in compliance with IT's Acceptable Encryption Use policy.
4. Because information contained on portable computers is especially vulnerable, special care should be exercised. Protect laptops in accordance with good judgment and best practices in protecting District-owned equipment.
5. Postings by employees from a District email address to newsgroups should contain a disclaimer stating that the opinions expressed are strictly their own and not necessarily those of the District, unless posting is in the course of business duties.
6. All hosts used by the employee that are connected to the District Internet, Intranet or Extranet, whether owned by the employee or the District shall be continually executing approved virus-scanning software with a current virus database unless overridden by departmental or group policy.
7. Employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain viruses, e-mail bombs or Trojan horse code.

13.03 Acceptable Use and Internet Safety for Staff Policy

SCOPE AND PURPOSE

This policy applies to all staff required/authorized to use or have access to the District's Technology Resources.

The District provides access to technology in order to enhance the instructional program, as well as the efficiency of the District. The Board recognizes that careful planning is essential to ensure the successful, equitable and cost-effective implementation of technology-based materials, equipment, systems and networks.

This policy is established to promote the use of Technology Resources in a manner that leads to a safe and worthwhile educational experience for all. The use of CMSD's Technology Resources is a necessary, innate element of the District's educational mission and vision. Technology is provided to students and staff as a privilege, not a right.

Utilization of the District's Technology Resources by staff must be in support of and consistent with the educational objectives of the District. When utilizing the network, all staff must adhere to the provisions of this policy, and other local, state and federal laws.

Computers and use of the District network or online services support learning and enhance instruction, as well as assist in administration. For purposes of this policy the District's Technology Resources include the District network or online services as well as District-owned desktop computers, laptops, tablets and other mobile computing devices.

All Technology Resources are to be used in a responsible, efficient, ethical and legal manner. Failure to adhere to this policy and the guidelines below may result in the revocation of the user's access privilege.

DEFINITIONS

Account – For this policy, an “Account” is defined as any directory services account or another set of credentials consisting of a unique username and password that are collectively designed to authenticate the user's identity to provide access to CMSD Technology Resources.

Parent – For this policy, a “Parent” is defined as a natural or adoptive parent or other person acting in the capacity of a parent (step-parent, grandparent, guardian, etc.)

Staff Member – For this policy, a “Staff Member” is defined as any employee of CMSD, any contractor employed by a company that is providing paid services to CMSD, or any employee or contractor of a charter school under the supervision of CMSD.

Student – For this policy, a “Student” is defined as any individual enrolled in a class at any CMSD school or CMSD supervised charter school.

Technology Resource(s) – For this policy, a “Technology Resource(s)” is defined as any Local Area network; Wide Area Network; Internet or any telecommunications service whether wired or wireless, that is used to access the Internet or any information source that is, or is not owned or controlled by CMSD; or any computing device, regardless of operating system or form factor.

Visitor – For this policy a “Visitor” is defined as any non-employee of CMSD that is accessing any technology resource within any facility that is owned by CMSD or occupied and used by CMSD staff members.

Users – For this policy, A “User” is defined as an individual or a collective group that is comprised of Students, Staff Members and Visitors.

AUTHORIZATION FOR USE

Use for the District's Technology Resources sources will be permitted upon submission and approval of authorization form(s) by staff members and visitors.

Employees and other users must sign and return the authorization form(s) to the Chief Information Officer (CIO) or designee.

These policies and regulations also apply to use of District-owned devices, or accessing of District intranet off District property.

Violations of the terms and conditions stated in the authorization agreement may result in revocation of the user's access privileges and/or disciplinary action up to and including termination.

ACCEPTABLE USE

Examples of acceptable use includes but not limited to the following:

- Conducting research in furtherance of District or educational objectives.
- Communicating broadly and effectively.
- Accessing and publishing appropriate data, information and resources.
- Participating in collaborative efforts.

PROHIBITED USE

Prohibited uses of the computer/network include but are not limited to:

- violating the conditions of State and Federal law dealing with students' and employees' rights to privacy, including unauthorized disclosure, use and dissemination of personal information;
- improperly accessing files, data, of information of others, including reposting (forwarding) personal communication without the author's prior consent;
- granting internet or network access to unauthorized persons, or failing to notify a supervisor or the IT Department if you suspect someone of using your password or credentials;
- displaying, uploading, or otherwise distributing photographs or videos of employees or individuals not affiliated with the District without the individual's prior consent, unless the individual is a historic figure or a public figure;
- using profanity, obscenity or other language that may be offensive to another user or intended to harass, intimidate or bully other users;
- transmitting materials that are offensive, threatening or that otherwise are intended to harass or demean recipients, including jokes that are intended to offend, harass or intimidate or other material which is based on slurs or stereotypes relating to race, gender, ethnicity, age, nationality, religion, sexual orientation or disability;
- using the Internet to create, access, or transmit information that is obscene or vulgar, that advocates dangerous or illegal acts or that advocates violence or hatred toward any group;
- using the network or Internet to send messages relating to or in any way supporting illegal activities such as the sale or use of drugs or alcohol; support of criminal or gang activity; threats, intimidation or harassment of any other person;
- plagiarizing i.e. stealing and passing of the ideas or words of another as one's own without crediting the author;
- engaging in copyright infringement; copying commercial software and/or other material in violation of copyright law (copyrighted materials include, but are not limited to, writings, articles, web pages, designs, music, videos, and software);
- accessing personal social networking websites for non-educational purposes
- using the network for financial gain, for commercial activity or for any illegal activity;
- "hacking" or gaining unauthorized access to other computers or computer systems, or attempting to gain such unauthorized access;
- vandalizing or destroying equipment or deleting computer files;
- accessing and/or viewing inappropriate material, including but not limited to obscene, pornographic or other inappropriate material (staff should notify a supervisor or the IT Department if receive such material);
- downloading of freeware or shareware programs.

NETWORK ETIQUETTE

All staff authorized to use the District network are expected to abide by the generally accepted rules of network etiquette. These standards of conduct include, but are not limited to the following:

- Be polite and respectful.
- Use appropriate language. The use of abusive language, profanity, vulgarities or any other inappropriate language is prohibited.
- Harassment is unacceptable and prohibited.
- Cyberbullying is prohibited.
- Staff should not reveal their personal addresses and /or telephone numbers or those of students, other staff or colleagues.
- Note that electronic email (email) is not guaranteed to be private. Technology coordinators have access to all messages relating to or in support of illegal activities and such activities may be reported to the authorities.
- The network should not be used in such a way that it disrupts the use of the network by others.
- All communications and information accessible via the network should be assumed to be property of the District.
- Users shall not use the system to encourage the use of drugs, alcohol or tobacco nor shall they promote unethical practices or any activity prohibited by law or Board policy.

REVIEW AND MONITORING

The District reserves the right to monitor, inspect, copy, review and/or store at any time and without prior notice any and all results of usage of computers, network and/or Internet access and any and all information transmitted or received in connection with such usage. This includes information contained in online services provided by the District. All such information shall be and remain property of the District and users shall have no expectation of privacy regarding such materials. The creator of original works may retain specific rights to use as applicable under U.S. copyright law. Staff shall maintain and protect the confidentiality of any confidential information housed, processed or maintained by the District. This includes but is not limited to account information, passwords and personal information.

Because access to online services provides connections to other computer systems located all over the world, users (and parents of users who are under 18 years old) must understand that neither the school nor the District can control the content of the information available on these systems. Some of the information available is controversial and sometimes offensive.

The District does not condone the use of such materials. Employees, students and parents of students must be aware that privileges to access online services are withdrawn from users who do not respect the rights of others or who do not follow the rules and regulations established. A user's agreement is signed to indicate the user's acknowledgment of the risks and regulations for computer/online services use. The District has implemented technology-blocking measures that protect against access by both adults and minors to visual depictions that are obscene, child pornography, or, with respect to the use of computers by minors, harmful to minors. The District has also purchased monitoring devices that maintain a running log of Internet activity, recording which sites a particular user has visited.

CHILDRENS' INTERNET PROTECTION ACT

The Children's' Internet Protection Act (CIPA) requires school districts that receive federal funds to purchase computers, direct access to the internet under the Elementary and Secondary Education Act or receive universal E-rate service discounts and internet services under the Communications Act to adopt, implement and maintain computer use policies to prevent students from viewing objectionable material that address these issues:

- Access by minors to inappropriate matter on the Internet and World Wide Web
- Access by both adults and minors to visual depictions that are obscene, child pornography on the Internet and World Wide Web
- The safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications
- Unauthorized access including "hacking" and other unlawful activities by minors online
- Unauthorized disclosure, use, and dissemination of personal information regarding minors
- Measures designed to restrict minors' access to materials harmful to minors
- Educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

The District will educate minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyber bullying awareness and response and will develop a program to educate students on these issues.

SECURITY

Pursuant to CIPA, CMSD uses an Internet Content Filter to prevent all users' access to prohibited material. Bypassing the CMSD content filter without authorization is strictly prohibited. CMSD has procedures in place to evaluate request from users to block or unblock sites as necessary.

The security on CMSD's Networks is a high priority, especially when the telecommunications environment involves many users. To minimize data security issues, Staff are required to follow the following procedures:

- If an internet/network security issue is identified, the user must notify the IT Department (do not try to demonstrate the problem to others).
- A user with a history of clicking/accessing phishing or malicious emails may be denied access to the District network until he/she has taken an official District offered cyber security class and successfully passed the associate examination(s). The District reserves the right to take further disciplinary actions as described in Section XII – Consequence for Improper Use contain herein.
- Do not conduct mass e-mailing of unsolicited or unwanted messages ("spamming"), including text, software, video images, and graphics.
- Do not attempt to log on as a system administrator. This action will result in cancellation of privileges.
- Do not use anonymous proxies to circumvent District implement content filtering.
- Do not knowingly or inadvertently load or create a computer virus or load any software that destroys files and programs, confuses users, or disrupts the performance of the system.
- Do not install third party software without the consent of your assigned administrator.

- Do not share your passwords.
- Do not use another person's accounts or passwords.
- Technology protection measures may be disabled by an authorized person. This will be done only by Information Technology Management (ITM) during adult computer usage to enable internet access for research or other lawful purposes.
- Do not participate in hacking/cracking activities or any form of unauthorized access to other computers, networks, or information systems.

ATTORNEY-CLIENT PRIVILEGED COMMUNICATIONS

Some of the messages sent, received or stored on the District e-mail system will constitute confidential, privileged communications between the District and either its internal or external attorneys. Upon receipt of a message either from or to counsel, the message content should not be forwarded to others inside the District without counsel's authorization. Such messages or their contents should never be forwarded to any outsiders. Violation of this policy may result in discipline up to and including termination.

CONFIDENTIALITY OF STUDENT AND PERSONAL INFORMATION

Personally identifiable information concerning students may not be disclosed or used in any way on the internet without the permission of a parent or guardian or, if the student is 18 or older, the permission of the student himself/herself. Users should also never provide private confidential information about themselves or others on the internet, such as credit card or Social Security Numbers.

CONSEQUENCE FOR IMPROPER USE

The act of signing the acceptable use policy authorization agreement and/or accessing the Internet through the District's network signifies that the staff member will comply with the provisions of this policy. Inappropriate use by a staff member may result in the staff member's access privileges being taken away or other disciplinary action up to and including termination being taken by the District.

[Board Policy EDE-A, adopted February 20, 2018]

SECTION 14: TRAVEL/DRIVING ON DISTRICT BUSINESS

14.01 Safety Belt Usage

The District recognizes that safety belts are an important item of personal protective equipment and that safety belts save lives and reduce the severity of injuries to those who wear them. It is the District's commitment to do everything reasonable to prevent injuries to employees and damage to property and to protect the District, its employees and the general public from the results of vehicle accidents.

This policy applies to all District employees and to all occupants of vehicles driven by employees on District business. Occupants shall use safety belts in all vehicles driven on District business (including privately owned vehicles). It is especially important that all employees demonstrate their commitment to and support of this policy by their strict adherence to it.

Any employee who is cited by a law enforcement agency for not wearing a safety belt will be responsible for any fines or other actions that may result as part of the citation. Employees who violate this policy may be subject to disciplinary action, up to and including removal.

14.02 Driving on District Business

Every employee who drives or operates a District fleet vehicle at any time, or who operates any motor vehicle (e.g., employee's personal vehicle, rental vehicle) on or in the course of District business must strictly adhere to the following requirements:

- The employee must have and maintain at all times, without interruption, a valid driver's license and the minimum automobile insurance coverage required by Ohio law. Employees are solely responsible to make sure that their licenses and automobile insurance are properly renewed and maintained.
- Employees are responsible to make sure that the Ohio Bureau of Motor Vehicles (BMV) has the employee's correct mailing address. Employees can notify the BMV of an address change by visiting the BMV website (BMV.Ohio.gov). If the BMV sends notification of a license suspension or other mailing to the address in its records, the employee is deemed to be properly notified and held responsible for having knowledge of the suspension or other matter.
- If the employee's driver's license or insurance is expired, suspended, revoked or otherwise invalid, the employee shall immediately report this fact to their immediate supervisor and immediately stop driving on or in the course of District business. The employee's supervisor, with the concurrence of the Chief Talent Officer or their designee, may allow the employee to resume driving on or in the course of District business upon the employee providing acceptable proof of insurance coverage and driver's license (or appropriate occupational driving privileges granted by a court of competent jurisdiction). Other conditions may be imposed as appropriate in light of the circumstances of each individual case.
- All occupants (including non-employees) of any motor vehicle being used on or in the course of District business are required to wear a safety belt at all times.
- Employees who are required to transport children on or in the course of District business must follow all applicable Ohio laws regarding the use of car seats or other restraints.
- Employees must follow all traffic laws and parking regulations. Employees are solely responsible for the cost of any driving or moving infraction or violation, parking tickets, impound charges, towing charges and/or storage charges incurred while driving a District fleet vehicle or any vehicle on or in the course of District business.
- The use of alcohol and/or other controlled substances – including a prescription or over the counter medication, which may temporarily render an employee unable to operate a vehicle safely – is strictly prohibited.

14.03 Use of Personal Vehicle

A District employee who is required to drive or operate their personal vehicle on or in the course of District business must adhere to the following additional requirements:

- The employee's personal vehicle's automobile registration must be current. If the employee's personal vehicle's automobile registration expires or is otherwise invalid, the employee must immediately notify their supervisor and immediately stop driving that vehicle in the course of District business. The employee's supervisor with the concurrence of the Chief Talent Officer or their designee may allow the employee to resume driving their personal vehicle on or in the course of District business upon the employee providing acceptable proof of valid automobile registration.

- An employee on or in the course of District business may not be transported by a non-District employee unless approved by the employee's supervisor.
- Every employee who submits a Travel Expense Report for operating a personal vehicle on or in the course of District business certifies that they have a valid driver's license, vehicle registration, financial responsibility (insurance) and personally operated the vehicle for which the travel expense is claimed.
- The employee must maintain the vehicle in a good and safe operating condition.
- Smoking is strictly prohibited within an employee's personal vehicle when transporting other employees and/or the public throughout the course of District business.

Employees who are required to drive their personal vehicle on or in the course of District business should refer to the policies and procedures set forth in the District Travel Policy (available at ClevelandMetroSchools.org/Page/11154) for information regarding mileage and parking reimbursement.

Any failure to conform to the requirement set forth in this Section constitutes an infraction of the District Discipline Policy (Section 5.1402 Progressive Discipline), which may result in disciplinary action, up to and including termination from District employment.

SECTION 15: RECORDS MANAGEMENT

15.01 District Records Commission and Records Retention

The District has established policies to ensure that all District records are retained and disposed of in compliance with all local, state and federal laws and regulations. The District has a Records Commission, which is comprised of the Board Chairperson, the Chief Financial Officer and the CEO (or their designees) to govern matters pertaining to District records, their retention and disposal in accordance ORC 149.41 (see also Board Policy EHA).

The District Records Commission, in conjunction with the Ohio Auditor of State and the Ohio History Connection (formerly the Ohio Historical Society), has created a Records Retention Schedule, which identifies common records. The schedule (available at ClevelandMetroSchools.org/Page/11962) sets forth suggested retention periods for District records and procedures for record retention and disposal.

Disposal of any records must be in accordance with the posted schedule. Before disposing of any records, employees must contact the Law Department, Internal Audit or the District's Public Records Manager. These departments will provide forms and required documentation before any document can be disposed of or destroyed. Completed forms should be returned to the Law Department or Internal Audit.

15.02 Personnel Records

The CEO develops and implements a comprehensive and efficient system of personnel records. The CEO will designate the employees directly responsible for the personnel records system. The following guidelines govern such records.

1. Personnel files contain records and information relative to compensation, payroll deductions, evaluations and such information as may be required by the state or federal government or considered pertinent by the CEO.
2. Anonymous material or material from an unidentified source is not placed in a staff member's file.

3. A personnel file for each employee is accurately maintained in the District office in accordance with administrative regulations incorporating the requirements set forth under the Ohio Privacy Act for the protection of employees.
4. Ohio law requires the following for all public records: (1) They must be promptly made available for inspection to any member of the general public at all reasonable times during regular business hours. (2) Upon request to the Human Resources Office, the person directly responsible for the personnel records is required to make copies of public records contained in personnel records available at cost, within a reasonable period of time allowing for review of the request by the Law Department. Materials considered to be public records are defined in ORC 149.43 and do not include those items exempted by statute.
5. Each employee has the right, upon written request, to review the contents of their own personnel file. If a document is not disclosed to the employee because it is determined by a physician, psychiatrist or psychologist to be likely to have an adverse effect upon the employee, the document will be released to the medical authority designated by the person or the person's legal guardian. Requests are made to the Human Resources Office at PersonnelFile@ClevelandMetroSchools.org and scheduled for a time convenient for the parties involved.

Employees may make written objections to any information contained in the file. Any written objection must be signed by the staff member and becomes part of the employee's personnel file after the appeal procedure outlined in the Ohio Revised Code, Chapter 1347. The appeal procedure permits any employee who disputes the accuracy, relevance, timeliness or completeness of information maintained in their file to compel the District to investigate the status of the information.

[Board Policy GBL, adopted June 28, 2001]

15.03 Public Records

According to the Ohio Public Records Act, a "record" is any item that:

- contains information stored on a fixed medium (such as paper, computer, file, etc.).
- is created, received or sent under the jurisdiction of a public office.
- documents the organization, functions, policies, decision, procedures, operations or other activities of the office.

In order for an item to be a public record, it must be "kept" by the District, but that does not mean that the item must be "required" to be maintained by the public office before it will be deemed a public record. Rather, the item must simply be the type of item typically and actually retained by the office in the ordinary course of its business in order to carry out its duties and functions. If not, then the item is not "kept" and the public office does not have an obligation to provide access to the item. If the item does not exist, the public office will not have the obligation to provide access to that item or create the item to respond to a request. See Board Policy KBA for the District's full public records policy.

Employees who receive a public records request should forward the request to the Law Department within one business day.

15.04 Confidentiality

The District prohibits the release of confidential information, which consists of any information that is required by state or federal law or state or federal administrative rule to be kept confidential.

In addition, some information is specifically exempt from public inspection and copying under state public records law but is not required to be kept confidential. Release of such information is permitted only by the Law Department, and release of such information by anyone else is a violation of this section.

An employee who violates this section may be subject to disciplinary action, up to and including removal.

Eric S. Gordon
Chief Executive Officer

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