



CLEVELAND METROPOLITAN SCHOOL DISTRICT

Employee Policies and Procedures Manual | 2022-2023





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/14987.

As always, I thank you for all you do for our student scholars, their parents and caregivers, and for your fellow educators.

Sincerely,

A handwritten signature in black ink, appearing to read "E S Gordon".

Eric S. Gordon,
Chief Executive Officer



**FAMILIES
CHOOSE**



**SCHOOLS
EDUCATE**



**DISTRICT
SUPPORTS**

TABLE OF CONTENTS

- 1 SECTION 1: INTRODUCTION 1**
- 1.1 Administration 1
- 1.2 Disclaimer and Reservation of Rights..... 1
- 1.3 Relationship to Collective Bargaining Agreements 1
- 1.4 Relationship to Departmental Policies and Procedures 2
- 2 SECTION 2: CODE OF ETHICS 2**
- 2.1 Code of Ethics 2
- 2.2 Expected Behaviors: 3
- 2.3 Violations of Code of Conduct and any Work Rules, Regulations, or District Procedures4
- 3 SECTION 3: EQUAL EMPLOYMENT 5**
- 3.1 Diversity Statement..... 5
- 3.2 Equity & Inclusion Declaration 5
- 3.3 Affirmative Action Policy 6
- 3.4 Policy Prohibiting Sexual Harassment, Discriminatory Harassment and Discrimination... 6
 - 3.4.1 Prohibited Conduct..... 6
 - 3.4.2 Reporting 8
 - 3.4.3 Investigation..... 8
 - 3.4.4 School District Action..... 9
 - 3.4.5 Reprisal.....10
 - 3.4.6 Enforcement10
 - 3.4.7 Related Contacts:..... 11
- 3.5 Americans with Disabilities Act (“ADA”)..... 11
 - 3.5.1 ADA Reasonable Accommodation Request Procedure 12
- 3.6 Religious Accommodation 12
- 4 SECTION 4: EMPLOYEE CONDUCT POLICY 12**
- 4.1 Guidelines for Appropriate Conduct 12
- 4.2 Employee Dress and Appearance 14
- 4.3 Professional Licenses 14
- 5 SECTION 5: EMPLOYMENT WITH THE DISTRICT 15**
- 5.1 Categories of Employees..... 15

5.2	Staffing 12	16
5.3	Application	16
5.4	Job Posting.....	17
5.5	Employment of Relatives	17
5.6	Employment Eligibility Verification	18
5.7	Applicant Drug Testing	18
5.8	Background Checks.....	18
5.9	Prior Service	19
5.10	New Employee Orientation/ID Badges	20
5.11	Staff Conflict of Interest and Improper Compensation.....	20
5.11.1	Conflict of Interest	20
5.12	Conflict of Interest in Contracting and Purchasing	20
5.12.1	Conflict of Interest Defined	21
5.12.2	Conflict of Interest Disclosure.....	21
5.12.3	Substantial Conflict of Interest.....	21
5.13	Employee Performance Evaluations.....	21
5.14	Compensation Philosophy for Non-Bargaining Members.....	22
6	SECTION 6: SEPARATION OF EMPLOYMENT	22
6.1	Resignation – Voluntary Termination of Employment	22
6.2	Progressive Discipline and Involuntary Termination of Employment	23
6.2.1	Types of Disciplinary Actions.....	23
6.3	Layoffs	24
6.4	Disability Retirement with STRS or SERS.....	24
6.4.1	Disability Applications	24
6.4.2	Returning to work.....	25
6.5	Service Retirement	25
6.6	Re-Employment/Right to Not Re-Employ	26
6.7	Return of CMSD Property	26
7	SECTION 7: WORKWEEK AND HOURS/PAYROLL.....	27
7.1	Standard Workweek and Hours.....	27
7.2	Remote/Telework.....	27
7.3	Attendance and Timesheet Record keeping	28
7.4	Compliance with the Fair Labor Standards Act (FLSA)	28

CLEVELAND METROPOLITAN SCHOOL DISTRICT

7.5 Payroll System 28

7.6 Payroll Deductions..... 29

7.7 Direct Deposit Program 29

7.8 Expense Reimbursements for District Personnel..... 29

8 SECTION 8: HEALTH AND SAFETY 29

8.1 Staff Health and Safety..... 29

8.2 Drug-Free Workplace..... 30

8.3 Smoke and Tobacco Free Workplace.....31

8.3.1 Tobacco Use Prohibited.....31

8.3.2 Tobacco Advertisements and Promotions.....31

8.3.3 Providing Notice to Staff31

8.3.4 Enforcement32

8.3.5 Educational Reinforcement.....32

8.4 Employee Assistance Program (EAP).....32

8.5 Workplace Violence32

8.6 Lactation Provisions32

8.7 Whistleblower Protection Policy.....33

8.8 Pandemic Response33

9 SECTION 9: EMPLOYEE LEAVE (GENERAL)..... 35

9.1 Leave of Absence35

9.2 Supplemental Employment 36

9.3 Jury Duty Leave 36

9.4 Vacation Leave..... 36

9.5 Sick Leave and Special Privilege Leave37

9.6 Sick Leave Certification 38

9.7 Sick Leave Donation Program 38

9.8 Assault Leave..... 39

9.9 Educational and Professional Leave 39

9.9.1 Education Leave:..... 39

9.9.2 Professional Leave: 39

10 SECTION 10: FAMILY MEDICAL LEAVE ACT (FMLA) 40

10.1 FMLA Summary 40

10.2 Eligibility Requirements 40

Employee Rights FMLA	41
10.3 Qualifying Conditions	42
10.4 Coordination with Other Leaves of Absence	42
10.5 FMLA Application Procedure	42
10.6 Continuation of Benefits	42
10.7 Intermittent Leave and Reduced Leave Schedules	42
10.7.1 Special rules for school employees, limitations on intermittent leave.	43
10.7.2 Special rules for school employees, limitations on leave near the end of an academic term.....	44
10.8 Return to Work	45
11 SECTION 11: MILITARY LEAVE	46
11.1 Paid Leave	46
11.2 Call to Duty for More than One Month	46
11.3 Voluntary Service	46
11.4 Reinstatement.....	46
11.5 Non-Discrimination	47
11.6 Health Coverage	47
11.7 Service Credit	47
12 SECTION 12: EMPLOYEE BENEFITS	48
12.1 Health Care Benefits.....	48
12.2 Open Enrollment	48
12.3 Benefits during Unpaid Leaves of Absence.....	48
12.4 Changes in Medical Benefits Coverage.....	48
12.5 Extended Group Health Coverage/Continuation of Coverage.....	49
12.6 Pension and Retirement Benefits.....	49
13 SECTION 13: WORKERS' COMPENSATION	49
13.1 Workers' Compensation Policy.....	49
13.2 Reporting an Injury	50
13.3 Transitional Work Program Review	51
14 SECTION 14: ELECTRONIC EQUIPMENT AND COMMUNICATIONS.....	51
14.1 Privacy Expectations	52
14.2 Security and Proprietary Information	52

14.3 Acceptable Use and Internet Safety for Staff Policy 53

15 SECTION 15: TRAVEL/DRIVING ON DISTRICT BUSINESS 58

15.1 Safety Belt Usage 58

15.2 Driving on District Business 59

15.3 Use of Personal Vehicle 60

16 SECTION 16: RECORDS MANAGEMENT 60

16.1 District Records Commission and Records Retention 60

16.2 Personnel Records 61

16.3 Public Records 62

16.4 Confidentiality 62

APPENDIX 52

A. Changes in this Manual 63

B. Cleveland Metropolitan School District Board Policies 66

C. Collective Bargaining Agreements 67

D. Title IX Policy Forms 68

E. ORC 3319.391 Ohio Revised Code Title 33: Education - Libraries 70

F. ORC 3319.02 Ohio Revised Code Title 33: Education – Libraries 71

1 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.

Appendix B

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.

1.1 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.

1.2 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.

1.3 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.

Appendix C

1.4 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.

2 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.

2.1 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]

2.2 Expected Behaviors:

(Adopted from Licensure Code of Conduct ODE)

Educators are entrusted by the public with the responsibility of providing a high-quality education to every student. Through various roles, these professionals devote themselves to providing a safe and nurturing environment in which all students can learn. In alignment with the *Standards for Ohio Educators* and the *Ohio Academic Content Standards for Students*, our certificated staff strives for excellence through high expectations that they hold for themselves and their students. The professional conduct of every staff member affects attitudes toward the profession and molds the perception of the District. Certificated staff is entrusted with the education of our students and share with the broader community the responsibility of providing high-quality public education and leadership. Aware of the importance of maintaining the confidence and trust of students, parents, colleagues, and the public, CMSD Certificated staff must maintain the highest degree of professional conduct for themselves and their peers.

ODE Licensure Code of Professional Conduct for Ohio Educators is the basis for the eight expectations as follows:

1. Certificated staff behaves in a professional manner, realizing that one's actions reflect directly on the status and substance of the profession.
2. Certificated staff maintains a professional relationship with all students at all times, both in and outside the classroom.
3. Certificated staff accurately reports information required by the local board of education or governing board, state education agency, federal agency or state or federal law.
4. Certificated staff adheres to federal, state and local laws and statutes regarding criminal activity.
5. Certificated staff complies with state and federal laws related to maintaining confidential information.
6. Certificated staff serves as positive role models and do not use, possess or unlawfully distribute illegal or unauthorized drugs.
7. Certificated staff ensures that school property, public funds or fees paid by students or the community are used in the best interest of students in accordance with District policy and procedures and not for personal gain.
8. Certificated staff fulfills all of the terms and obligations in their employment contract and board policies/procedures. Certificated staff is entitled to all due process rights, with each circumstance considered on a case-by case basis to determine appropriate action.

2.3 Violations of Code of Conduct and any Work Rules, Regulations, or District Procedures

Violation of rules, procedures, directives, work orders (written or oral), bulletins, or specific instructions are cause for discipline when violations occur.

Employees will be counseled and/or referred to training as appropriate to assist the employees in improving their performance. When an employee's personal problems may affect his/her performance, he/she may be referred to the District's Employee Assistance Program for professional assistance and intervention.

Disciplinary consequences may be determined and issued by management personnel at the department/building level or through Employee Relations. Disciplinary actions are grounded on the concept of progressive discipline -- a disciplinary system that provides a graduated range of responses to employee performance/conduct which can lead to termination of employment.

However, a strong disciplinary response may be imposed when an employee exhibits a substantial performance or conduct violation. Flagrant, serious, grave violations (even if first offense) are subject to termination of employment.

General disciplinary actions may include, but are not limited to:

1. **Verbal Warning:** Intended to serve as warning to the employee to use more care in observing rules and regulations or to comply with workplace standards.
2. **Written Reprimand:** Intended to admonish employee conduct generally providing instruction about future conduct.
3. **Suspension:** Time off work without pay for the purpose of severe warning in response to inappropriate conduct or performance.
4. **Termination of Employment:** Final action in response to employee's flagrant/serious misconduct or continued violations of work rules.

Other responses to violations may also include, but are not limited to, supervisory referral to the District's Employee Assistance Program (EAP), demotion, and transfers.

With the exception of a "Verbal Warning," disciplinary actions are normally filed in the individual's Personnel Record.

3 SECTION 3: EQUAL EMPLOYMENT

3.1 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.

3.2 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.

3.3 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.

3.4 Policy Prohibiting Sexual Harassment, Discriminatory Harassment and Discrimination

GENERAL STATEMENT OF POLICY

It is the policy of the Cleveland Municipal School District to maintain educational and work environments free from Sexual Harassment and from Discriminatory Harassment or Discrimination on the basis of any individual's sex, race, ethnicity, citizenship status, color, national origin, religion, age, sexual orientation, gender identity or expression, genetic information, military status, disability, or any other characteristic protected by law.

This policy applies to all students, applicants, and employees of the Cleveland Municipal School District and extends to educational programs and activities and to employment within the 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 or harasses, disrupts, or 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 and equitably investigate all complaints, formal or informal, verbal or written, of sexual harassment, discriminatory harassment, or discrimination. Employees or students who engage in behavior in violation of this policy shall be subject to disciplinary action.

Retaliation is prohibited. No faculty member, staff member, or student may penalize, intimidate, or retaliate against a student or employee because he/she submits a claim; assists or participates in an investigation, proceeding or hearing regarding a complaint filed pursuant to this policy or because he/she has opposed conduct in violation of this policy.

3.4.1 PROHIBITED CONDUCT

Discriminatory Harassment:

Verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of their sex, race, ethnicity, citizenship status, color, national origin, religion, age, sexual

orientation, gender identity or expression, genetic information, military status, disability, or any other characteristic protected by law, and that:

- a) Has the purpose or effect of creating an intimidating, hostile, or offensive educational or work environment; or
- b) Has the purpose or effect of unreasonably interfering with an individual's educational or work performance; or
- c) Otherwise adversely affects an individual's educational or employment opportunities.

Discrimination:

Any behavior, expression, or activity that stigmatizes or victimizes individuals or groups of people because of their personal attributes, including sex, race, ethnicity, citizenship status, color, national origin, religion, age, sexual orientation, gender identity or expression, genetic information, military status, disability, or any other characteristic protected by law, and that:

- i. Involves an express or implied threat to an individual's educational efforts, participation in school-sponsored extra-curricular activities, terms or conditions of employment, or personal safety; or
- ii. Has the purpose of interfering with an individual's educational efforts, participation in school-sponsored extra-curricular activities, terms or conditions of employment, or personal safety; or
- iii. Creates an intimidating, hostile, demeaning, or offensive educational or work environment.

Sexual Harassment:

Title IX of the Education Amendments of 1972 prohibit the District from engaging in discrimination on the basis of sex. The District follows the definitions and implementing regulations as provided by the United States Department of Education. District employees with actual knowledge of a student being subject to Sexual Harassment are required report the conduct to the Title IX Coordinator.

The Chief Executive Officer appoints an individual(s) to serve as the Title IX Coordinator. The Title IX Coordinator will coordinate the District's efforts to comply with its responsibilities under Title IX, this policy, and applicable State and Federal Law. This coordination includes assessing and addressing the training needs of District employees.

The Title IX Coordinator is responsible for maintaining Sexual Harassment procedures and processes for promptly and equitably resolving complaints of violations of this policy and will publish the procedures on the District's website. The Sexual Harassment procedures and processes may differ from the investigative process identified in this policy based on USDOE regulations. At a minimum, the grievance procedures and processes will include the applicable definitions of prohibited conduct, explain the applicable investigative process, identify the standard of proof against which complaints will be evaluated, and provide any other information required by law.

Complaints may allege sexual harassment as well as other forms of discrimination or discriminatory harassment. In such cases, allegations of sexual harassment will be investigated pursuant to the Sexual Harassment procedures and allegations related to other forms of discrimination or discriminatory harassment will be investigated in accordance with the investigative process identified in this policy.

Questions regarding the applicability of Title IX, or United States Department of Education's implementing regulations to the District may be directed to the District's Title IX Coordinator, to the Assistant Secretary of the United States Department of Education, or both.

3.4.2 REPORTING

Appendix D

The District is committed to resolving complaints of violations of this policy as quickly and efficiently as possible.

Any student or employee who believes he/she has been subjected to sexual harassment, discriminatory 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 he/she has been sexually harassed, discriminately harassed, or discriminated against or has knowledge that others have been subjected to such behavior, he/she is 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, attached to this policy and 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.

3.4.3 INVESTIGATION

Upon receipt of a complaint alleging Discrimination or Discriminatory Harassment, the Director of EEO 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) the facts surrounding the allegation(s) and will be provided an opportunity to respond to the allegations and to submit evidence in his/her defense for the investigator's consideration.

The District aims to complete all Discrimination and Discriminatory Harassment 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 in doing so 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 his/her conclusions to the Director of EEO. The finding about whether or not 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.

3.4.4 SCHOOL DISTRICT ACTION

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, exclusion, 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 School 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 violation 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 and the investigations conducted pursuant to this policy shall be maintained for a period in accordance with the state statutes of limitations by the Director of EEO/ Title IX Coordinator.

3.4.5 REPRISAL

Submission of a good faith complaint or report pursuant to this policy 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, discriminatory harassment, or discrimination. Students and employees found responsible for deliberately making false reports of sexual harassment, discriminatory 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.

3.4.6 ENFORCEMENT

The Chief Executive Officer designates the Director of EEO / Title IX Coordinator as the District personnel with responsibility to identify, prevent, and remedy sexual harassment, discriminatory 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;
- Insure that any investigation is conducted by an impartial investigator who has been trained in the requirements of equal employment opportunity.

A copy of this policy shall appear in the student and employee handbooks and shall be made available upon request of any employee and other interested parties. This notice shall also include the name or title, mailing address, email 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.

The District will develop a method of discussing this policy with employees. Related training will be provided to all administrative personnel and school personnel on an annual basis, and at such other times as the CEO, in consultation with the Director of EEO / Title IX Coordinator, determines is necessary or appropriate.

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

The District's Sexual Harassment (Title IX) grievance procedures may be accessed on the District's Civil Rights Notices webpage, available at ClevelandMetroSchools.org/domain/105

3.4.7 RELATED CONTACTS:

Director of Equal Employment Opportunity/ Title IX Coordinator
1111 Superior Avenue East, Suite 1800
Cleveland, Ohio 44114
Phone: (216)-838-0070
TitleIX EEO@ClevelandMetroSchools.org

Equal Employment Opportunity Commissio
Cleveland Field Office
Anthony J. Celebrezze Federal Building
1240 E. 9th Street, Suite 3001
Cleveland, OH 44199
Telephone: 1-800-669-4000

Office for Civil Rights
U.S. Department of Education
1350 Euclid Avenue, Suite 325
Cleveland, OH 44115-1812
Telephone: 216-522-4970

3.5 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.

3.5.1 ADA Reasonable Accommodation Request Procedure

To request an ADA accommodation, the employee may complete this form with the Talent Department or request a copy of the required forms at EmployeeRelations@ClevelandMetroSchools.org. 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.

The complete ADA process and relevant links can be found by accessing this link <https://www.clevelandmetroschools.org/Page/3700>.

3.6 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.

4 SECTION 4: EMPLOYEE CONDUCT POLICY

4.1 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 of an employee in the public service;
6. Violation of policy GBP: Drug Free Workplace
 - 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 tobacco or e-cigarette free zones;
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 policies 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. violation of policy GBC: Code of Ethics;
19. unless otherwise permitted by law, staff members are not permitted to bring a deadly weapon or dangerous ordnance into a school safety zone.
20. 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.

The requirements in this policy may be superseded by any conflicting provisions in any collective bargaining agreement entered approved by the Board.

[Board Policy GBCB, Adopted September 25, 2018; amended June 23, 2020]

4.2 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.

4.3 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

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.

5 SECTION 5: EMPLOYMENT WITH THE DISTRICT

The Chief Executive Officer (CEO) or designee 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 or designee 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.
3. Interviewing and selection procedures ensure that the administrator who is directly responsible for the work of a staff member has the opportunity to aid in the selection process.
4. No candidate is hired without an interview, reference check, and a criminal record check.

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, subject to Board of Education approval where required by Ohio law or Board policy.

[Board Policy GCD/GDD, Adopted May 2, 2002 amended June 23, 2020]

5.1 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).

5.2 Staffing

Professional Staff

All professional staff positions are created only with the approval of the Board and require an educator's license. Professional staff includes school-based administrators, such as principals and assistant principals. It is the Board's intent to maintain a sufficient number of positions to accomplish its goals and objectives.

Before any new position is filled, the Chief Executive Officer (CEO) shall present the candidate to the Board for approval. The CEO or their designee shall keep all job descriptions current.

Administrators

The Board recognizes that there are administrators employed by the District, who do not perform administrative functions primarily within one school building. These non-school-based administrators are appointed by the CEO; have contracts with the District, the terms and conditions of which are agreed to by the administrator and the CEO; are evaluated by the CEO; and serve at the pleasure of the CEO.

Support Staff

All support staff are personnel who do not need teaching licenses issued by the state in order to hold their positions or who do not hold an administrator's contract (including administrators, supervisors and professionals in fields other than education). Some support staff are considered "classified" positions that are covered by Ohio civil service laws.

Before any new position is filled, the CEO presents the candidate to the Board for approval.

The CEO or their designee keeps all job descriptions current.

[Board Policy: GC/GD Adopted: June 23, 2020]

5.3 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.

5.4 Job Posting

Recruitment shall be directed both to those not currently employed by the District and to those currently employed by the District. Open positions will be posted as determined by the negotiated agreements, when applicable, via internal sources. Any current employee may apply for any position for which he/she has the required certification and meets other stated requirements. All candidates shall be considered on the basis of their merits, qualifications and the needs of the District.

Because the quality of the staff hired by the Board is the major component of an effective, productive educational program, the Board and the administration of the District make efforts to attract and retain qualified personnel. A qualified applicant shall be defined as one who fulfills all state and District requirements for the position. The Chief Executive Officer (CEO), with the assistance of the administrative staff, determines the personnel needs of the District and the individual schools and to recruit the best qualified candidates to recommend for employment.

[Board Policy: GCC/GDC/GCCA/GDCA; Adopted: May 2, 2002; amended June 23, 2020]

5.5 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 (ORC 2921.42).

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

5.6 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.

[Board Policy GBO, Adopted October 4, 2001]

5.7 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.

5.8 Background Checks

The Board shall request from the Superintendent of the Bureau of Criminal Identification (BCI) and Federal Bureau of Investigation (FBI) criminal record checks of candidates under final consideration for employment or appointment in the District.

The Board may employ persons responsible for the care, custody or control of students on the condition that the candidate submit to and pass a BCI criminal record check in accordance with the Ohio Revised Code. Applicants are given a separate written statement informing them that the Board may use a criminal record check as part of the initial hiring process and at various times during the employment career and that a satisfactory criminal record check is a precondition for employment with the District.

[Board Policy GBQ, Adopted: June 28, 2001; amended June 23, 2020]

Appendix F

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 6: Separation of Employment of this Manual if a background check reveals a criminal conviction.

Any person conditionally hired who fails to pass a BCI or FBI criminal records check shall be released from employment.

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.

5.9 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.

5.10 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.

5.11 Staff 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.

5.11.1 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.

No employee shall use or authorize the use of the authority or influence of his or her office or 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 employee shall solicit or accept anything of value that is of such a character as to manifest a substantial and improper influence upon the employee with respect to the employee’s duties.

Employees must not use their influence or authority to secure authorization of a public contract, including an employment contract, for a family member.

[Board Policy GBCA, Adopted October 4, 2001 amended June 23, 2020]

5.12 Conflict of Interest in Contracting and Purchasing

Board Members, the Chief Executive Officer (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.

5.12.1 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.

5.12.2 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.

5.12.3 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 GBCAA, Adopted January 26, 2010 amended June 23, 2020]

5.13 Employee Performance Evaluations

Annual evaluation of staff is essential to ensure that all staff is working toward established District goals and objectives. The Chief Executive Officer institutes and maintains a comprehensive program for the evaluation of staff.

The purpose of staff evaluations is to assess the performance of staff 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 the District.

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

[Board Policy GCN/GDN, Adopted May 2, 2002 amended June 23, 2020]

5.14 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. https://clemetroschools.sharepoint.com/Manuals/CMSSD-HR-Handbook-Non_Bargaining_Compensation-2017_18-v2.pdf

6 SECTION 6: SEPARATION OF EMPLOYMENT

6.1 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.

Appendix H

6.2 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.

6.2.1 Types of Disciplinary Actions

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.

The District shall ensure that before any employee is disciplined, the employee receives due process in compliance with all statutory and constitutionally mandated procedures, and consistent with any applicable collective bargaining agreement.

[Board Policy GCPD/GDPD, Adopted May 2, 2002 amended June 23, 2020]

6.3 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.

6.4 Disability Retirement with STRS or SERS

Employees who are members of the School Employees Retirement System of Ohio (SERS) or State Teachers Retirement System (STRS) may be eligible for a monthly benefit if they are unable to continue working in their usual position of employment due to a medical condition – either physical or mental.

An employee participating in the SERS or STRS defined benefit plan who has elected disability coverage under this section, has not attained age sixty, and is determined by the employee’s respective retirement board under section 3307.62 or 3309.39 of the Revised Code to qualify for a disability benefit shall be considered retired on disability.

6.4.1 Disability Applications

To apply for disability, employees must contact their respective retirement system:

STRS

275 East Broad St Columbus, OH 43215

Phone: 888.227.7877 STRSOH.org

https://www.strsoh.org/_pdfs/brochures/20-124.pdf

SERS

300 East Broad St, Suite 100

Columbus, OH 43215

Phone: 866.280.7377 OHSERS.org

<https://www.ohsers.org/members/working-members/disability-benefits/>

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

6.4.2 Returning to work

To return from Disability to an active position with the District, an employee is to contact the Employee Relations Department with certification of fitness and request to return. Position availability will be reviewed and communicated through the Employee Relations Department following verification of eligibility.

[STRS or SERS Disability Guide]

6.5 Service Retirement

To apply for retirement, you must complete and return a Service Retirement Application to your retirement system. This can be done online or a packet can be requested by contacting the retirement system directly.

Once all the information has been submitted to the retirement system, and you have received confirmation, you will need to go into Workday and elect to retire from the District. Directions notify the District of your retirement are attached.

The earliest your effective date of retirement can be is the first day of the month following the latter of:

- Your last day of paid school employment; or
- The date you reach an age and service credit combination (identified above). It is recommended that you reach out to the retirement system to verify an effective date.

If you have contributed to SERS and STRS your service credit will be combined at the time you retire. The benefit is calculated and paid by the system in which the greatest amount of service credit is established.

See the appropriate District notice of retirement form for your union or employee group for information. Forms can be found on the Leaving the District tab of the Human Resources page on the CMSD website.

CLEVELAND METROPOLITAN SCHOOL DISTRICT

State Employee Retirement System (SERS)		State Teachers Retirement System (STRS)		
For Retirement Aug. 1, 2021 – July 1, 2023				
	Members with at least 25 years of service as of August 1, 2017 (Grandfathered)	Members with at least 25 years of service as of August 1, 2017		
Eligibility Requirements for unreduced service Retirement	Age 65 with 5 years; or any age with 30 years	Age 67 with 10 years; or age 57 with 30 years	Eligibility Requirements for unreduced service Retirement	Any age and 34 years; or age 65 and 5 years
Eligibility Requirements for Early service Retirement with Reduced benefits	Age 60 with 5 years; or age 55 with 25 years	Age 62 with 10 years; or age 60 with 25 years	Eligibility Requirements for Early service Retirement with Reduced benefits	Any age and 30 years; age 55 and 29 years; or age 60 and 5 years
For Retirement Aug. 1, 2023 – July 1, 2024				
	Members with at least 25 years of service as of August 1, 2017 (Grandfathered)	Members with at least 25 years of service as of August 1, 2017		
Eligibility Requirements for unreduced service Retirement	Age 65 with 5 years; or any age with 30 years	Age 67 with 10 years; or age 57 with 30 years	Eligibility Requirements for unreduced service Retirement	Any age and 35 years; or age 65 and 5 years
Eligibility Requirements for Early service Retirement with Reduced benefits	Age 60 with 5 years; or age 55 with 25 years	Age 62 with 10 years; or age 60 with 25 years	Eligibility Requirements for Early service Retirement with Reduced benefits	Any age and 30 years; or age 60 and 5 years

6.6 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.

6.7 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.

7 SECTION 7: WORKWEEK AND HOURS/PAYROLL

7.1 Standard Workweek and Hours

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

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.

7.2 Remote/Telework

Availability and administration of telework is determined by the Chief Executive Officer and appointed designee(s). This includes the identification of eligible positions, determined to be able to fulfill essential functions apart from assigned School District locations.

Upon determination of availability, telework procedures will be published, including, but not limited to:

- Dates of availability and frequency
- Application process
- Eligibility requirements
- Performance expectations

- Reporting protocol
- District provisions
- Safety procedures

The Chief Executive Officer, in certain circumstances, including extreme weather, pandemics, or other declared emergencies, may temporarily authorize employees to work remotely, subject to regulations and procedures set forth by the Chief Executive Officer.

[Board Policy GH, Adopted June 22, 2021]

7.3 Attendance and Timesheet Record keeping

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).

7.4 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.

7.5 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.

7.6 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.

7.7 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.

7.8 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]

8 SECTION 8: HEALTH AND SAFETY

8.1 Staff Health and Safety

Through its overall safety program and various policies pertaining to school personnel, the District 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.

Bus drivers will have an annual physical examination in compliance with State Law. The results of all such examinations are filed with the Chief Executive Officer.

Employees who are required by State or Federal law to have respiratory protection are required to have two physical examinations. The first examination must take place prior to the individual's wearing a respirator. The second examination must take place after the individual's exposure to any hazardous material (within 30 days if it is a one-time exposure, and at least annually if it is ongoing exposure).

The District 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 District requires an employee to submit to a physical or mental health examination other than those required by law, the District 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 District.

Any genetic information acquired as a result of individual examinations will be handled in accordance with Federal law.

[Board Policy GBE, Adopted December 6, 2001 amended June 23, 2020]

8.2 Drug-Free Workplace

No employee shall unlawfully manufacture, distribute, dispense, possess use or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana (including legally acquired medical 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. When the District has reasonable suspicion an employee is under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana (including legally acquired medical marijuana), alcohol or any other controlled substance, as defined in State and/or Federal law, the employee may be subject to testing in accordance with prescribed administrative regulations, local, State and Federal law and/or the relevant collective bargaining agreement and may be considered in violation of this policy.

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.

[Board Policy GBP, Adopted June 28, 2001 amended June 23, 2020]

8.3 Smoke and Tobacco Free Workplace

The Board has a duty to protect and promote the health and well-being of all students and staff. The Board is acutely aware of the serious health risks associated with the use of tobacco products, both to users and nonusers, and that most tobacco use begins by the age of 18. The Board recognizes that staff and school visitors serve as role models to students and, therefore, adopts this 100% tobacco-free District policy to endorse a healthy lifestyle and prevent tobacco use.

For the purpose of this policy, "tobacco" is defined to include any lighted or unlighted cigarette, electronic cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, vaping product, tobacco substitute sand spit tobacco, also known as smokeless, dip, chew and snuff, in any form.

8.3.1 Tobacco Use Prohibited

No staff member or volunteer is permitted to smoke, inhale, dip or chew tobacco at any time, including non-school hours:

1. in any building, facility or vehicle owned, leased, rented or chartered by the District or
2. on school grounds, athletic facilities or parking lots.

No staff member or volunteer is permitted to smoke, inhale, dip or chew tobacco at any time, including non-school hours, at any school-sponsored event off campus.

8.3.2 Tobacco Advertisements and Promotions

Tobacco advertising is prohibited on school grounds, in all school-sponsored publications and at all school-sponsored events. Tobacco promotional items that promote the use of tobacco products, including clothing, bags, lighters and other personal articles, are not permitted on school grounds, in school vehicles or at school-sponsored events.

8.3.3 Providing Notice to Staff

"No Tobacco" signs will be posted throughout the District at entrances and other appropriate locations in all academic buildings, administrative spaces and athletic fields. District staff will be provided notice of this policy through staff handbooks. District vehicles will display the international "No Smoking" insignia.

8.3.4 Enforcement

Disciplinary measures taken against staff for violations of this policy comply with the requirements of State law, related District policies and regulations and/or the staff negotiated agreements.

8.3.5 Educational Reinforcement

Tobacco use prevention education is closely coordinated with the other components of the school health program. Staff responsible for teaching tobacco use prevention education have adequate pre-service training and participate in ongoing professional development activities to effectively deliver the education program.

The Board directs the Chief Executive Officer to educate all staff members concerning the mandate of this policy, as well as implementing, as appropriate, educational programming concerning smoking and, if needed, resources available to those who wish to discontinue their smoking habit.

[Board Policy GBK, Adopted March 20, 2001 amended June 23, 2020]

8.4 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 <https://allonehealth.com/easeatwork/> or 216.241.3273.

8.5 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.

8.6 Lactation Provisions

In compliance with the Fair Labor Standards Act amended by the Patient Protection and Affordable Care Act, the District will provide:

- 1) a reasonable unpaid break time to express milk for one year after her child's birth each time such employee has need to express breast milk; and
- 2) a private space, other than a bathroom, that is shielded from view and free from intrusion of others to express breast milk.

Please contact the Talent Department to request accommodations and workplace supports.

8.7 Whistleblower Protection Policy

Every District employee has a duty to report misconduct or suspected misconduct that has the potential to negatively impact District resources, endanger others, or violate applicable laws. District employees are encouraged to promptly report suspected or actual misconduct to their immediate supervisor. If the misconduct involves the employee's immediate supervisor or the employee is uncomfortable reporting the matter to his or her immediate supervisor, the employee may report the misconduct through other channels, such as (but not limited to) a higher level supervisor, Board of Education Chair, Chief Legal Counsel, Director of Internal Audit or law enforcement official. This policy is not intended to apply to routine personnel matters, which are more appropriately addressed by the Department of Human Resources and/or the applicable grievance process.

Reports to District personnel shall be treated as confidential to the extent possible. If an employee chooses to remain completely anonymous, he or she may file a report with the District's fraud hotline, which shall be administered by an independent third party that reports to the Director of Internal Audit. The third party administrator shall be selected by the Board based upon the recommendations of the Director of Internal Audit.

Employees who report suspected or actual misconduct after making a reasonable and good faith effort to determine the accuracy of the information reported shall not be punished, disciplined, or otherwise retaliated against as a result of their report. This policy does not protect employees who file a report in bad faith or for malicious purposes from disciplinary action. This policy is intended to supplement Ohio Revised Code Section 4113.52. Any rights granted to employees under that statute shall not be limited by this policy.

[Board Policy GBCD Adopted: January 26, 2010 amended June 23, 2020]

8.8 Pandemic Response

During a time of heightened epidemic diseases, or if a pandemic has been declared from the World Health Organization (WHO). Declaration of a pandemic based upon factors of communicability and disease outcome (i.e. easily spreads from person-to-person, it causes serious illness that may be fatal, rapid geographical spread of the virus). Prior to a pandemic being declared, WHO, Federal, State and/or local public health officials may issue a Public Health Emergency or label an outbreak as an epidemic.

Definitions:

- Epidemic refers to an increase, often sudden, in the number of cases of a disease above what is normally expected in that population in that area.

- Pandemic refers to an epidemic that has spread over several countries or continents, usually affecting a large number of people.

The District has identified and designated staff whose jobs are vitally important to respond to and continue operations in emergencies.

The District's Pandemic Response team was created to ensure appropriate actions is always taken. These actions of preparedness, response, and recovery are specific to the District, and directly correspond to the recommendations of other institutional, organizational or government guidelines.

The District has devised back-up arrangements to ensure our staff are trained and equipped to fulfill the duties of unavailable facilities. In addition, we have equipped our staff with resources, including computers, cell phones, and software access to work remotely during emergencies.

Infection-Control Measures

The District takes several steps to minimize to the extent practicable exposure to and spread of infection in the workplace, which is an ideal site for contagion because of workers' close proximity to one another. As appropriate, we recommend measures that employees can take to protect themselves outside the workplace and encourages all workers to discuss their specific needs with a family physician or other appropriate health or wellness professional.

CMSD Workplace Safety Provisions

To ensure the safety of staff and students, our District has taken the following steps and measures to ensure that our schools and offices are safe environments:

- Pandemic Support Hotline 216-838-9980
- District PPE procedure requirements
- Designated spacing and protocol for Social Distancing (signs, stickers, placards)
- Employee and student health assessments (temperature checks)
- Social distancing procedures
- Updated Facilities Cleaning Protocol
- Establishing appropriate Clinics
 - o Well Clinic – injury management, first aid, chronic condition management, medication administration, immunization record reviews and screenings
 - o Care Clinic – separate location for students or staff exhibiting symptoms consistent with illness, physically distanced chairs, bathroom access, phone and computer access, sanitation supplies, near to an entrance/exit
- Environmental controls, including physical barriers and air filtration systems
- Staff professional development related to safety procedures

Illness:

Employees who contract communicable diseases or have been exposed to infected family members or others with whom employees have been in contact to stay home and seek medical attention as necessary and appropriate. Workers must notify us as soon as possible of exposure or illness, using our secure telephone hotline, which channels calls to our emergency-response call center. At our discretion or the direction of outside authorities, we can require the isolation and quarantine.

Employees may be absent from work in a pandemic situation for reasons other than their own illness. For example, absences may occur where an employee is the primary support to their children and/or adults who have contracted a pandemic illness. Employees may also be absent from work due to school closures due to the pandemic. In these or similar circumstances, employees should take entitlement time available to them. In exceptional circumstances, unpaid leave can be taken as determined on a case by case basis. Employees are expected to provide as much notice as possible of the need to take leave.

Other planned absences such as vacations, and other elective reasons may need to be cancelled or re-arranged during a pandemic to ensure sufficient cover to maintain critical services. However, this should only occur where other alternatives have been explored.

9 SECTION 9: EMPLOYEE LEAVE (GENERAL)

Board Approval: Any changes to employment terms requires the approval of the Board of Education. Leaves of absence require Board approval. Employees must use Workday to apply and submit applications and documents to the Talent Department for Board review.

9.1 Leave of Absence

Leaves and absences granted are for the purposes of helping staff maintain their physical health, taking care of family and other personal emergencies and discharging important and necessary obligations. 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.

Compensation, if any, during leaves of absence depends upon the type of leave. Deductions are made in salaries for absence in accordance with regulations developed by the administration and approved by the Board.

A staff member terminates his/her affiliation with the Board if, at the expiration of the specified period of leave, he/she declines the position that is offered to him/her.

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 staff, including union employees whose bargaining unit agreement does not specifically address this policy.

[Board Policy GCBD/GDBD, Adopted June 23, 2020]

9.2 Supplemental Employment

An Employee shall not take any leave of absence to pursue employment or work for another employer or continue supplemental employment with the exception of student teaching and practicums.

9.3 Jury Duty Leave

Regular fulltime employees shall be granted paid leave when serving jury duty. Employees serving jury duty may retain any compensation received by a court for jury service. Employees receiving a jury duty summons from a court are to promptly notify their supervisor and follow reporting procedures set forth in School District regulations. Employees are required to report to work if not called for jury duty for any of the scheduled days.

[Board Policy GCBE/GDBE, Adopted June 23, 2020]

9.4 Vacation Leave

Below is the vacation schedule that applies to all non-union employees who are eligible for vacation. 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	4.615 hours per 80 hours paid (12 months = 15 days)
4 – 11.99 years	6.769 hours per 80 hours paid (12 months = 22 days)
12 – 14.99 years	7.077 hours per 80 hours paid (12 months = 23 days)
15 – 15.99 years	7.385 hours per 80 hours paid (12 months = 24 days)
16 or more years	7.692 hours per 80 hours paid (12 months = 25 days)

Non-teaching staff employed on a twelve-month basis receive vacation leave during the contract year as specified in their individual contracts or as set forth in School District regulations. Employee requests to take vacation leave must be in writing consistent with procedures set forth in School District regulations. Accrued and unused vacation leave may be carried over from year to year and accumulated without limit.

[Board Policy GCBE/GDBE, Adopted June 23, 2020]

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), and effective the first day the employee is assigned to the position. Chiefs earn 30 days annually. Directors, Executive Directors and Deputy Chiefs will begin their accruals at the rates specified in this paragraph, then progress through the table provided above as Service Years and the related rates exceed the initial placement.

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.

9.5 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 to those with 10 years of Retirement Credit with the Cleveland Metropolitan School District 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.

[Board Policy GCBE/GDBE, Adopted June 23, 2020]

9.6 Sick Leave Certification

Workday serves as the system of record for all employee leave, storing all leave events including records initiated in supplemental systems (e.g. SmartFind Express). Certification of leave, as provided through Ohio Revised Code 3319.141, is verified through Workday for all CMSD employees. Certification confirmations are delivered to the employee’s Workday Inbox and are to be completed upon submission of Sick Leave. Falsification of this statement is grounds for suspension or termination of employment under sections 3311.82, 3319.081, and 3319.16 of the Revised Code. The Cleveland Board of Education has approved that these forms can be delivered and signed through Workday, and considers electronic submission and acknowledgement through Workday to meet this requirement.

9.7 Sick Leave Donation Program

If provided for in the relevant collective bargaining agreement, the Board of Education of the Cleveland Municipal School District allows employees, who are members of a collective bargaining unit or are subject to a collective bargaining agreement, to donate sick time to other employees in cases where the recipient has a serious illness or injury and does not have sick time accumulated.

The donation and use of donated sick leave are governed by District regulations.

Under Ohio law the Board of Education does not have the authority to provide a sick leave donation program to employees who are not members of a collective bargaining unit or are not subject to a collective bargaining agreement.

[Board Policy GCQI/GDQI, Adopted May 2, 2002; amended September 22, 2020]

9.8 Assault Leave

An employee who is absent due to physical disability resulting from an assault which occurs in the course of District employment may be maintained on full pay status during the period of such absence. An employee is required to furnish a signed statement on designated forms to justify the use of assault leave. If medical attention is required, a certificate from a licensed physician stating the nature of the disability and its duration shall be required before assault leave can be approved for payment.

If provided for in the relevant collective bargaining agreement, the Board of Education of the Cleveland Municipal School District requires employees, who are members of a collective bargaining unit to utilize the process identified therein <https://www.clevelandmetroschools.org/Page/4346>.

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.

Falsification of either a signed statement or a physician's certificate is ground for suspension or termination of employment under section [3311.82](#) or [3319.16](#) of the Revised Code.

9.9 Educational and Professional Leave

9.9.1 Education Leave

Educational leave is a leave of absence during an employee's regular duties and schedule for the purpose of obtaining training that will enhance said employee's professional or educational enhancement or for education purposes relating to the operations of the District. Educational leave is a bargained benefit subject to CBA provisions and District policies and procedures.

9.9.2 Professional Leave

Professional leave is an uncompensated leave of absence during an employee's regular duties and schedule for the development of increased competence beyond that which is obtained through the performance of their assigned duties. Professional leave is available to all District employees. This leave covers professional meetings and conferences, required professional trainings, and continuing education programs (non-remedial) longer than 5 continuous days. The Board may approve professional leave for additional reasons not listed. Bargaining unit members may have specific CBA provisions for professional leaves.

10 SECTION 10: FAMILY MEDICAL LEAVE ACT (FMLA)

The District provides leave to eligible employees consistent with the Family and Medical Leave Act (FMLA) and all other federal and state laws. Eligible employees are entitled to up to 12 work weeks (or 26 workweeks to care for a covered service member) 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 reinstates the employee to the same or an equivalent position after the employee's return from leave.

In complying with the FMLA, the District adheres to the requirements of applicable Federal and Ohio laws.

[Board Policy GBR, Adopted June 23, 2020]

In accordance with Ohio Revised Code 3319.13, the board is, upon written request of the employee, able to grant a leave of absence for a period of not more than two consecutive school years. Upon subsequent request, such leave may be renewed by the board. Leave of Absence that extend beyond the period afforded by Ohio Revised Code and are not renewed by the board will result in termination of employment following the exceeding of that period.

10.1 FMLA Summary

The District provides leave to eligible employees consistent with the Family and Medical Leave Act (FMLA) and all other federal and state laws. Eligible employees are entitled to up to 12 work weeks (or 26 workweeks to care for a covered service member) 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 reinstates the employee to the same or an equivalent position after the employee's return from leave.

In complying with the FMLA, the District adheres to the requirements of applicable Federal and Ohio laws.

[Board Policy GBR Adopted: February 2, 2001 Amended June 23, 2020]

10.2 Eligibility Requirements

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.)

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS



Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

BENEFITS & PROTECTIONS

ELIGIBILITY REQUIREMENTS

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

*Special "hours of service" requirements apply to airline flight crew employees.

REQUESTING LEAVE

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

EMPLOYER RESPONSIBILITIES

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

ENFORCEMENT

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.



For additional information or to file a complaint:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

U.S. Department of Labor | Wage and Hour Division



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.

10.3 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.

10.4 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.

10.5 FMLA Application Procedure

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

10.6 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).

10.7 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, 2021–March 1, 2021). 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, 2021 - March 1, 2021, with an estimated frequency of leave once per month of eight hours each time). Intermittent leaves must qualify under FMLA unless authorized under a collective bargaining agreement.

Certain special rules apply to employees of local educational agencies, including public school boards and elementary and secondary schools under their jurisdiction, and private elementary and secondary schools. The special rules do not apply to other kinds of educational institutions, such as colleges and universities, trade schools, and preschools.

The special rules affect the taking of intermittent leave or leave on a reduced leave schedule, or leave near the end of an academic term (semester), by instructional employees. Instructional employees are those whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This term includes not only teachers, but also athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. It does not include, and the special rules do not apply to, teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists, or curriculum specialists. It also does not include cafeteria workers, maintenance workers, or bus drivers.

10.7.1 Special rules for school employees, limitations on intermittent leave.

(a) Leave taken for a period that ends with the school year and begins the next semester is leave taken consecutively rather than intermittently. The period during the summer vacation when the employee would not have been required to report for duty is not counted against the employee's FMLA leave entitlement. An instructional employee who is on FMLA leave at the end of the school year must be provided with any benefits over the summer vacation that employees would normally receive if they had been working at the end of the school year.

- (1) If an eligible instructional employee needs intermittent leave or leave on a reduced leave schedule to care for a family member with a serious health condition, to care for a covered servicemember, or for the employee's own serious health condition, which is foreseeable based on planned medical treatment, and the employee would be on leave for more than 20 percent of the total number of working days over the period the leave would extend, the employer may require the employee to choose either to:
 - (i) Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
 - (ii) Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.
- (2) These rules apply only to a leave involving more than 20 percent of the working days during the period over which the leave extends. For example, if an instructional employee who normally works five days each week needs to take two days of FMLA leave per week over a period of several weeks, the special rules would apply. Employees taking leave which constitutes 20 percent or less of the working days during the leave period would not be

subject to transfer to an alternative position. Periods of a particular duration means a block, or blocks, of time beginning no earlier than the first day for which leave is needed and ending no later than the last day on which leave is needed, and may include one uninterrupted period of leave.

(b) If an instructional employee does not give required notice of foreseeable FMLA leave (see S 825.302) to be taken intermittently or on a reduced leave schedule, the employer may require the employee to take leave of a particular duration, or to transfer temporarily to an alternative position. Alternatively, the employer may require the employee to delay the taking of leave until the notice provision is met.

10.7.2 Special rules for school employees, limitations on leave near the end of an academic term.

(a) There are also different rules for instructional employees who begin leave more than five weeks before the end of a term, less than five weeks before the end of a term, and less than three weeks before the end of a term. Regular rules apply except in circumstances when:

- (1) An instructional employee begins leave more than five weeks before the end of a term. The employer may require the employee to continue taking leave until the end of the term if -
 - (i) The leave will last at least three weeks, and
 - (ii) The employee would return to work during the three-week period before the end of the term.
- (2) The employee begins leave during the five-week period before the end of a term because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a serious health condition; or to care for a covered servicemember. The employer may require the employee to continue taking leave until the end of the term if -
 - (i) The leave will last more than two weeks, and
 - (ii) The employee would return to work during the two-week period before the end of the term.
- (3) The employee begins leave during the three-week period before the end of a term because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a serious health condition; or to care for a covered servicemember. The employer may require the employee to continue taking leave until the end of the term if the leave will last more than five working days.

(b) For purposes of these provisions, academic term means the school semester, which typically ends near the end of the calendar year and the end of spring each school year. In no case may a school have more than two academic terms or semesters each year for purposes of FMLA. An example of leave falling within these provisions would be where an employee plans two weeks of leave to care for a family member which will begin three weeks before the end of the term. In that situation, the employer could require the employee to stay out on leave until the end of the term.

10.8 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 parental leave.

As a condition of restoring an employee whose Medical leave was due to the employee's own serious health condition that made the employee unable to perform the employee's job, an employer may have a uniformly-applied policy or practice that requires all similarly-situated employees to obtain and present certification from the employee's health care provider that the employee is able to resume work. The employee has the same obligations to participate and cooperate in the fitness-for-duty certification process as in the initial certification process and is responsible for any associated costs.

Although the Family and Medical Leave Act (FMLA) generally requires an employee to be restored to his or her former position upon return, restoration is not necessarily required under the FMLA if the employee is physically unable to perform the essential functions of his or her position. An employer also is not required to create a new position simply to accommodate the employee's need for light duty.

If the employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition or an injury or illness also covered by workers' compensation, the employee has no right to restoration to another position. The employer's obligations may, however, be governed by the Americans with Disabilities Act (ADA), as amended.

A light-duty position involves restricted duties or an entirely different job.

An employer may delay restoration to employment until an employee submits a required fitness-for-duty certification. If an employer provides the notice required, an employee who does not provide a fitness-for-duty certification or request additional FMLA leave is no longer entitled to reinstatement under the FMLA.

Notice of the requirement to provide a fitness-for-duty certification is on the designation notice.

If an employee does not return to work from FMLA leave (in other words, the employee refused to return to light duty) or cannot return when he or she has medical restrictions that constitute a serious health condition, the leave is still covered under the FMLA until the time it has been exhausted.

1. The employer then may contact the employee's health care provider for purposes of clarifying and authenticating the fitness-for-duty certification.
2. Designation Notice is given to employee in Workday with the Leave of Absence Approval
3. Designation Notice says you may need FFD exam

4. District process requires Medical Documentation for Return to Work (No specific Form) – 10 days prior to return date
5. If restrictions are listed, Employee is contacted to have Medical Provider complete Fitness For Duty Return to Work Form (employee remains out until received)
6. ADA meeting is held, or employee is returned to work

11 SECTION 11: MILITARY LEAVE

11.1 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.

11.2 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.

11.3 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.

11.4 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.

11.5 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.

11.6 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.

11.7 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 GCDBB/GDBDB, Adopted May 2, 2002]

12 SECTION 12: EMPLOYEE BENEFITS

12.1 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.

12.2 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.

12.3 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).

12.4 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.

12.5 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]

12.6 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.

13 SECTION 13: WORKERS' COMPENSATION

13.1 Workers' Compensation Policy

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 the central office and request the necessary forms to make application for payment under this Act.

The injured employee may be requested to undergo chemical, drug, or alcohol testing, as established by law and administrative regulation. The employee must prove that the injury was not proximately caused by the employee being intoxicated, under the influence of a controlled substance not prescribed by the employee's physician or under the influence of marijuana (marijuana). The results of, or the employee's refusal to submit to, any of the requested chemical tests may affect the employee's eligibility to receive workers' compensation benefits.

[Board Policy GBE, Adopted December 6, 2001 amended June 23, 2020]

13.2 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

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.

13.3 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 an employee is eligible to participate in the District's Salary and Wage Continuation Program and/or Transitional Work Program will depend on if 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 at ClevelandMetroSchools.org/Page/10229.

14 SECTION 14: 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.

14.1 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.

14.2 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.

14.3 Acceptable Use and Internet Safety for Staff Policy

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]

15 SECTION 15: TRAVEL/DRIVING ON DISTRICT BUSINESS

15.1 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.

15.2 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.

15.3 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, and 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 6.2 Progressive Discipline), which may result in disciplinary action, up to and including termination from District employment.

16 SECTION 16: RECORDS MANAGEMENT

16.1 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.

16.2 Personnel Records

The Chief Executive Officer develops and implements a comprehensive and efficient system of personnel records. The Chief Executive Officer 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 Chief Executive Officer.
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.
6. 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 amended June 23, 2020]

16.3 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.

16.4 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.

APPENDIX

A. Changes in this Manual

Item	Changes
Cover Art Title to 21-22 SY	New Picture
2.2 Expected Behaviors	Added Section 2.2 referencing ODE Code of conduct for Certificated Staff
2.3 2.3 Violations of Code of Conduct and any Work Rules, Regulations, or District Procedures	Added Section 2.3 Violations of Code of Conduct and any Work Rules, Regulations, or District Procedures
3.4 et seq	New Title IX policy: Prohibiting Sexual, Discriminatory Harassment and Discrimination, Appendix D Board Policy AC
3.5.1 ADA Reasonable Accommodation Request Procedure	Updated Form available online, Appendix E
4.1 Guidelines for Appropriate Conduct	Updated Policy Board Policy GBCE
Section 5 Employment with the District	Updated Policy Board Policy GCD/GDD
5.2 Staffing	Added Section 5.2 Professional Staff Policy Board Policy GC/GD
5.4 Job Posting	Removed complete section and inserted the updated policy Board Policy GCC/GDC/GCCA/GDCA
5.5 Employment of Relatives	Added reference to ORC 2921.42
5.8 Background Checks	Inserted the updated policy, Appendix F Board Policy GBQ
5.11 Staff Conflict of Interest and Improper Compensation	Changed Personnel to Staff in title and replaced updated policy Board Policy GBCA
5.12 Conflict of Interest in Contracting and Purchasing	Updated Policy Board Policy GBCAA
5.13 Employee Performance Evaluations	Updated Policy Board Policy GCN/GDN
5.14 Compensation Philosophy for Non-bargaining Members	Electronic Link to Full Compensation Manual listed in Appendix G
Sections 6-15	All renumbered to 7-16
Section 6 Separation of Employment	Separation of Employment was a portion of Section 5 "Employment with The District"
6.1 Resignation – Voluntary Termination of Employment	Full Text of ORC 3319.02 listed in Appendix H
6.2.1 Types of Disciplinary Action	Policy Updated Board Policy GCPD/GDPD

CLEVELAND METROPOLITAN SCHOOL DISTRICT

6.4 Disability Retirement with STRS or SERS	Renamed from “Disability Separation” to “Disability Retirement with STRS or SERS”
6.4.1 Disability Applications	Disability Applications section was identified with updated links for the STRS and SERS disability guides
6.4.2 Returning to Work	Returning to work section was identified
6.5 Service Retirement	New section added with Retirement Chart 2021-2024
6.6 Re-Employment	
7.2 Remote/Telework	New section and Policy GH added
7.3 Attendance and Timesheet Record Keeping	Recordkeeping was separated into two words
8.1 Staff Health and Safety	Replaced with Updated Policy Board Policy GBE
8.2 Drug-Free Workplace	Updated Policy Board Policy GBP
8.3 (et seq.) No Tobacco Use on District Property	Replaced with Update Policy Board Policy GBK
8.4 Employee Assistance Program	Ease@Work website updated
8.6 Lactation Provisions	Change in title to Lactation “provisions” and language changed
8.7 Whistleblower Policy	Policy Added Board Policy GBCD
8.8 Pandemic Response	Information on Pandemic Response was added
9.1 Leave of Absence	Language added regarding Board approval and Workday Submissions Replaced with Updated Policy Board Policy GCBD/GDBD
9.2 Supplemental Employment	Section 9.2 added prohibiting supplemental employment while on an approved leave
9.2 Jury Duty Leave	Replaced with Updated Policy Board Policy GCBE/GDBE
9.3 Vacation Leave	Updated Policy Board Policy GCBE/GDBE
9.5 Sick Leave and Special Privilege Leave	Updated Policy Board Policy GCBE/GDBE
9.6 Sick Leave Certification	New section and language added
9.7 Sick Leave Donation Program	Replaced with Updated Policy Board Policy GCQI/GDQI
9.8 Assault Leave	New section created. Language and process exists in former Leave Policy GCBD/GDBD and former Workers’ Compensation policy. ORC 3319.143 Policy of assault leave establishes the foundation of this sections and falsification penalty.

9.9 Educational and Professional Leave	New section created with definitions of Professional and Educational leave
Section 10 Family Medical Leave Act (FMLA)	Updated Policy and new language added Board Policy GBR
10.1 FMLA Summary	Updated Policy Board Policy GBR
10.7 Intermittent Leave and Reduced Leave Schedules	Updated dates for the examples CFR rule for teachers
10.7.1 special rules for intermittent leave	New section of special rules for instructional staff and intermittent leave
10.7.2 special rules for leave near the end of academic term	New section created for special rules for leave taken near the end of an academic term
10.8 Return to Work	Updated language – Maternity was changed to Parental Rules for returning to work and the process added
13.1 Workers' Compensation Policy	Updated Policy Board Policy GBE
16.2 Personnel Records	Updated policy Board Policy GBL
Board of Education Members list	Members Updated
Appendix	Appendix added Changes in this manual CMSD Policy Website Link Collective Bargaining Agreement Website Link Title IX Policy and Forms ORC 3319.391 Non-bargaining Compensation Manual Link ORC 3319.02

B. Cleveland Metropolitan School District Board Policies

<https://www.clevelandmetroschools.org/Page/3455>

These publications are in PDF file format. In order to view them you need to have Adobe Acrobat Reader installed on your system. If you do not have Acrobat Reader, you can download the program from the Adobe web site.

Policy Index/Description

- SECTION A: FOUNDATIONS AND BASIC COMMITMENTS
- SECTION B: SCHOOL BOARD GOVERNANCE AND OPERATIONS
- SECTION C: GENERAL SCHOOL ADMINISTRATION
- SECTION D: FINANCIAL RESPONSIBILITIES
- SECTION E: SUPPORT SERVICES
- SECTION F: FACILITIES DEVELOPMENT
- SECTION G: PERSONNEL
- SECTION H: NEGOTIATIONS
- SECTION I: INSTRUCTION
- SECTION J: STUDENTS
- SECTION K: SCHOOL-COMMUNITY RELATIONS

C. Collective Bargaining Agreements

Collective Bargaining Agreements & Memorandums of Understandings

<https://www.clevelandmetroschools.org/Page/4346>

Cleveland Teachers Union Local No. 279 American Federation of Teachers, AFL-CIO July 1, 2019 through June 30, 2020

<https://www.clevelandmetroschools.org/cms/lib/OH01915844/Centricity/Domain/160/CMSD%20CTU%202019-2020.pdf>

Teamsters Local Union No. 436 Effective Date July 1, 2019 through June 30, 2020

<https://www.clevelandmetroschools.org/cms/lib/OH01915844/Centricity/Domain/160/CMSD%20Teamsters%20436%20CBA.pdf>

Cleveland Custodians Union Local 777, SEIU July 1, 2017 through June 30, 2019

<https://www.clevelandmetroschools.org/cms/lib05/OH01915844/Centricity/Domain/160/Cleveland%20Custodians%20Union%20Local%20777%20SEIU%20July%201%202017%20through%20June%2030%202019.pdf>

Cleveland Building Trades Council and Its Affiliated Local Unions July 1, 2017 through June 30, 2019

<https://www.clevelandmetroschools.org/cms/lib05/OH01915844/Centricity/Domain/160/Cleveland%20Building%20Trades%20Council%20July%201%202017%20through%20June%2030%202019.pdf>

Service Employees International Union District 1199 2019-2020

<https://www.clevelandmetroschools.org/cms/lib/OH01915844/Centricity/Domain/160/1199%20Agreement%202019-20.pdf>

CBA 2019-2020 Teamsters 407

<https://www.clevelandmetroschools.org/cms/lib/OH01915844/Centricity/domain/160/2021/CMSD.407.20192020.pdf>

Local 860 Laborers and Transportation - Laborers International Union of North America

<https://www.clevelandmetroschools.org/cms/lib/OH01915844/Centricity/Domain/160/2017-2019%20Local%20860%20CBA%20Laborers%20and%20Transportation.pdf>

Local 860: Assistant Custodians (Laborers' International Union of North America)

<https://www.clevelandmetroschools.org/cms/lib/OH01915844/Centricity/Domain/160/2017-2019%20Local%20860%20CBA%20Assistant%20Custodians.pdf>

MOU between Cleveland Council of Administrators and Supervisors (July 1, 2019 through June 30, 2021)

<https://www.clevelandmetroschools.org/cms/lib/OH01915844/Centricity/Domain/160/Signed%20CCAS%20MOU%202019-21.pdf>

D. Title IX Policy Forms

SEXUAL HARASSMENT, DISCRIMINATORY HARASSMENT,
AND/OR DISCRIMINATION COMPLAINT FORM

Date of Report _____

Complainant Name _____

Home Address _____

Phone Number _____

Position or Grade _____ Building _____

Date and Time of Alleged Violation _____

Location of Alleged Violation _____

Name of Alleged Offender _____

Position or Grade _____ Building _____

If the alleged violation was directed towards another individual, identify that individual:

Type of Alleged Violation (circle at least one):

Sexual Harassment

Discriminatory Harassment

Discrimination

If Discriminatory Harassment or Discrimination, on the basis of which protected classification is the violation alleged to have occurred (circle at least one):

Race

Sex

Ethnicity

Citizenship Status

Color

National Origin

Religion

Age

Sexual Orientation

Gender Identity or Expression

Genetic Information

Military Status

Disability Other Characteristic Protected by Law (specify): _____

Name of Witnesses, if any, and Description of Involvement _____

E. ORC 3319.391 Ohio Revised Code Title 33: Education - Libraries

3319.391 Applicants and new hires subject to criminal records check provisions.

This section applies to any person hired by a school district, educational service center, or chartered nonpublic school in any position that does not require a “license” issued by the state board of education, as defined in section 3319.31 of the Revised Code, and is not for the operation of a vehicle for pupil transportation.

(A) For each person to whom this section applies who is hired on or after November 14, 2007, the employer shall request a criminal records check in accordance with section 3319.39 of the Revised Code and shall request a subsequent criminal records check by the fifth day of September every fifth year thereafter. For each person to whom this division applies who is hired prior to November 14, 2007, the employer shall request a criminal records check by a date prescribed by the department of education and shall request a subsequent criminal records check by the fifth day of September every fifth year thereafter.

(B)

(1) Each request for a criminal records check under this section shall be made to the superintendent of the bureau of criminal identification and investigation in the manner prescribed in section 3319.39 of the Revised Code, except that if both of the following conditions apply to the person subject to the records check, the employer shall request the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person:

(a) The employer previously requested the superintendent to determine whether the bureau of criminal identification and investigation has any information, gathered pursuant to division (A) of section 109.57 of the Revised Code, on the person in conjunction with a criminal records check requested under section 3319.39 of the Revised Code or under this section.

(b) The person presents proof that the person has been a resident of this state for the five-year period immediately prior to the date upon which the person becomes subject to a criminal records check under this section.

(2) Upon receipt of a request under division (B)(1) of this section, the superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code as if the request had been made under section 3319.39 of the Revised Code. However, as specified in division (B) (2) of section 109.572 of the Revised Code, if the employer requests the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person for whom the request is made, the superintendent shall not conduct the review prescribed by division (B)(1) of that section.

(C) Any person who is the subject of a criminal records check under this section and has been convicted of or pleaded guilty to any offense described in division (B)(1) of section 3319.39 of the Revised Code shall not be hired or shall be released from employment, as applicable, unless the person meets the rehabilitation standards adopted by the department under division (E) of that section.

Amended by 128th General Assembly File No.9, HB 1, §101.01, eff. 1/1/2010.

Effective Date: 2007 HB190 11-14-2007; 2008 HB428 09-12-2008

F. ORC 3319.02 Ohio Revised Code Title 33: Education – Libraries

3319.02 Assistant superintendents and other administrators.

(A)

(1) As used in this section, “other administrator” means any of the following:

(a) Except as provided in division (A)(2) of this section, any employee in a position for which a board of education requires a license designated by rule of the department of education for being an administrator issued under section 3319.22 of the Revised Code, including a professional pupil services employee or administrative specialist or an equivalent of either one who is not employed as a school counselor and spends less than fifty per cent of the time employed teaching or working with students;

(b) Any nonlicensed employee whose job duties enable such employee to be considered as either a “supervisor” or a “management level employee,” as defined in section 4117.01 of the Revised Code;

(c) A business manager appointed under section 3319.03 of the Revised Code.

(2) As used in this section, “other administrator” does not include a superintendent, assistant superintendent, principal, or assistant principal.

(B) The board of education of each school district and the governing board of an educational service center may appoint one or more assistant superintendents and such other administrators as are necessary. An assistant educational service center superintendent or service center supervisor employed on a part-time basis may also be employed by a local board as a teacher. The board of each city, exempted village, and local school district shall employ principals for all high schools and for such other schools as the board designates, and those boards may appoint assistant principals for any school that they designate.

(C) In educational service centers and in city, exempted village, and local school districts, assistant superintendents, principals, assistant principals, and other administrators shall only be employed or reemployed in accordance with nominations of the superintendent, except that a board of education of a school district or the governing board of a service center, by a three-fourths vote of its full membership, may reemploy any assistant superintendent, principal, assistant principal, or other administrator whom the superintendent refuses to nominate.

The board of education or governing board shall execute a written contract of employment with each assistant superintendent, principal, assistant principal, and other administrator it employs or reemploys. The term of such contract shall not exceed three years except that in the case of a person who has been employed as an assistant superintendent, principal, assistant principal, or other administrator in the district or center for three years or more, the term of the contract shall be for not more than five years and, unless the superintendent of the district recommends otherwise, not less than two years. If the superintendent so recommends, the term of the contract of a person who has been employed by the district or service center as an assistant superintendent, principal, assistant principal, or other administrator for three years or more may be one year, but all subsequent contracts granted such person shall be for a term of not less than two years and not more than five years. When a teacher with continuing service status becomes an assistant superintendent, principal, assistant principal, or other administrator with the district or service center with which the teacher holds continuing service status, the teacher retains such status in the teacher’s nonadministrative position as provided in sections 3311.77, 3319.08, and 3319.09 of the Revised Code.

A board of education or governing board may reemploy an assistant superintendent, principal, assistant principal, or other administrator at any regular or special meeting held during the period beginning on the first day of January of the calendar year immediately preceding the year of expiration of the employment contract and ending on the first day of June of the year the employment contract expires.

Except by mutual agreement of the parties thereto, no assistant superintendent, principal, assistant principal, or other administrator shall be transferred during the life of a contract to a position of lesser responsibility. No contract may be terminated by a board except pursuant to section 3319.16 of the Revised Code. No contract may be suspended except pursuant to section 3319.17 or 3319.171 of the Revised Code. The salaries and compensation prescribed by such contracts shall not be reduced by a board unless such reduction is a part of a uniform plan affecting the entire district or center. The contract shall specify the employee's administrative position and duties as included in the job description adopted under division (D) of this section, the salary and other compensation to be paid for performance of duties, the number of days to be worked, the number of days of vacation leave, if any, and any paid holidays in the contractual year.

An assistant superintendent, principal, assistant principal, or other administrator is, at the expiration of the current term of employment, deemed reemployed at the same salary plus any increments that may be authorized by the board, unless such employee notifies the board in writing to the contrary on or before the fifteenth day of June, or unless such board, on or before the first day of June of the year in which the contract of employment expires, either reemploys such employee for a succeeding term or gives written notice of its intention not to reemploy the employee. The term of reemployment of a person reemployed under this paragraph shall be one year, except that if such person has been employed by the school district or service center as an assistant superintendent, principal, assistant principal, or other administrator for three years or more, the term of reemployment shall be two years.

(D)

(1) Each board shall adopt procedures for the evaluation of all assistant superintendents, principals, assistant principals, and other administrators and shall evaluate such employees in accordance with those procedures. The procedures for the evaluation of principals and assistant principals shall be based on principles comparable to the teacher evaluation policy adopted by the board under section 3319.111 of the Revised Code, but shall be tailored to the duties and responsibilities

of principals and assistant principals and the environment in which they work. An evaluation based upon procedures adopted under this division shall be considered by the board in deciding whether to renew the contract of employment of an assistant superintendent, principal, assistant principal, or other administrator.

(2) The evaluation shall measure each assistant superintendent's, principal's, assistant Principal's, and other administrator's effectiveness in performing the duties included in the job description and the evaluation procedures shall provide for, but not be limited to, the following:

(a) Each assistant superintendent, principal, assistant principal, and other administrator shall be evaluated annually through a written evaluation process.

(b) The evaluation shall be conducted by the superintendent or designee.

(c) In order to provide time to show progress in correcting the deficiencies identified in the evaluation process, the evaluation process shall be completed as follows:

(i) In any school year that the employee's contract of employment is not due to expire, at least one evaluation shall be completed in that year. A written copy of the evaluation shall be provided to the employee no later than the end of the employee's contract year as defined by the employee's annual salary notice.

(ii) In any school year that the employee's contract of employment is due to expire, at least a preliminary evaluation and at least a final evaluation shall be completed in that year. A written copy of the preliminary evaluation shall be provided to the employee at least sixty days prior to any action by the board on the employee's contract of employment. The final evaluation shall indicate the superintendent's intended recommendation to the board regarding a contract of employment for the employee. A written copy of the evaluation shall be provided to the employee at least five days prior to the Board's acting to renew or not renew the contract.

(d) Termination of an assistant superintendent, principal, assistant principal, or other administrator's contract shall be pursuant to section 3319.16 of the Revised Code. Suspension of any such employee shall be pursuant to section 3319.17 or 3319.171 of the Revised Code.

(e) Before taking action to renew or nonrenew the contract of an assistant superintendent, principal, assistant principal, or other administrator under this section and prior to the first day of June of the year in which such employee's contract expires, the board shall notify each such employee of the date that the contract expires and that the employee may request a meeting with the board. Upon request by such an employee, the board shall grant the employee a meeting in executive session. In that meeting, the board shall discuss its reasons for considering renewal or nonrenewal of the contract. The employee shall be permitted to have a representative, chosen by the employee, present at the meeting.

(f) The establishment of an evaluation procedure shall not create an expectancy of continued employment. Nothing in division (D) of this section shall prevent a board from making the final determination regarding the renewal or nonrenewal of the contract of any assistant superintendent, principal, assistant principal, or other administrator. However, if a board fails to provide evaluations pursuant to division (D)(2)(c)(i) or (ii) of this section, or if the board fails to provide at the request of the employee a meeting as prescribed in division (D)(4) of this section, the employee automatically shall be reemployed at the same salary plus any increments that may be authorized by the board for a period of one year, except that if the employee has been employed by the district or service center as an assistant superintendent, principal, assistant principal, or other administrator for three years or more, the period of reemployment shall be for two years.

(E) On nomination of the superintendent of a service center a governing board may employ supervisors who shall be employed under written contracts of employment for terms not to exceed five years each. Such contracts may be terminated by a governing board pursuant to section 3319.16 of the Revised Code. Any supervisor employed pursuant to this division may terminate the contract of employment at the end of any school year after giving the board at least thirty days' written notice prior to such termination. On the recommendation of the superintendent the contract or contracts of any supervisor employed pursuant to this division may be suspended for the remainder of the term of any such contract pursuant to section 3319.17 or 3319.171 of the Revised Code.

(F) A board may establish vacation leave for any individuals employed under this section. Upon such an individual's separation from employment, a board that has such leave may compensate such an individual at the individual's current rate of pay for all lawfully accrued and unused vacation leave credited at the time of separation, not to exceed the amount accrued within three years before the date of separation. In case of the death of an individual employed under this section, such unused

CLEVELAND METROPOLITAN SCHOOL DISTRICT

vacation leave as the board would have paid to the individual upon separation under this section shall be paid in accordance with section 2113.04 of the Revised Code, or to the estate.

(G) The board of education of any school district may contract with the governing board of the educational service center from which it otherwise receives services to conduct searches and recruitment of candidates for assistant superintendent, principal, assistant principal, and other administrator positions authorized under this section.

Amended by 129th General Assembly File No.143, HB 525, §1, eff. 10/1/2012.

Amended by 129th General Assembly File No.128, SB 316, §101.01, eff. 9/24/2012.

Amended by 129th General Assembly File No.28, HB 153, §101.01, eff. 9/29/2011.

Effective Date: 09-26-2003 .

Related Legislative Provision: See 133rd General Assembly File No. TBD, HB 164, §11.

See 133rd General Assembly File No. TBD, HB 164, §10.

Note: The amendment to this section by 129th General Assembly File No.10, SB 5, §1 was rejected by voters in the November, 2011 election.

NOTES

NOTES

Eric S. Gordon
Chief Executive Officer

BOARD OF EDUCATION

Anne E. Bingham, Board Chair
Robert M. Heard Sr., Board Vice Chair

Louise P. Dempsey, Esq.
Sara Elaquad, J.D.
Denise W. Link
Nigamanth Sridhar, Ph.D.
Lisa Thomas, Ph.D.
Kathleen C. Valdez, Esq.

Alex Johnson, Ph.D., Ex Officio Member Harlan
M. Sands, J.D., MBA, Ex Officio Member



1111 Superior Avenue E, Suite 1800, Cleveland, OH 44114
216.838.0000 • ClevelandMetroSchools.org

A CMSD Communications Publication

Original Publication June, 2017 — Revised Publications July 2018, August 2021