

PERSONNEL (Series 4000)

PERSONNEL	4000
Personnel in Catholic Schools	4010
CERTIFIED PERSONNEL: DEFINITION	4100
Principal.....	4110
Qualifications	4111
Hiring Process	4112
Functions	4113
Annual Goal Setting/Employment Verification.....	4114
Principal Performance Review	4115
Probation.....	4116
Assistant Principal	4120
Hiring Process	4121
Qualifications	4122
Functions	4123
On-Site Coordinator/School Counselor	4130
Qualifications	4131
Hiring Process	4132
Job Description.....	4133
Coordinator of Curriculum/Grade Levels	4140
Teachers.....	4150
Full-time Teacher	4151
Part-time Teacher	4152
Teacher Recruitment and Selection	4153
Non-Discrimination Policy	4153.1
.....	4154
Teacher Duties	4155
Meetings	4155.1
Religion Teacher Responsibilities	4155.2
Teachers of Health, HIV/AIDS Curriculum, Alcohol and Drugs Curriculum.....	4155.3
Non-School Employment	4156
Lunch Period	4157
Personnel Records	4158
Calendar Requirements for Certified Personnel	4159
Alternative School Calendar (Year Round).....	4159.1
Contract Considerations	4160
Contract Procedures for Employment.....	4161
Teachers Under Contract at Another Catholic School.....	4162
The Catholic Teacher and Marriage Outside the Church	4163
Limited Contract.....	4164
Personnel Placement Schedule	4164.1
Contract Cancellation	4165
Employee Resignation	4166
Reduction in Force Policy	4167
Job Sharing	4168
Non-Renewal of Contract	4169
NON-CERTIFIED PERSONNEL	4200
Wages	4201
Teacher Assistant.....	4202
School Secretary	4203

STANDARDS FOR PROFESSIONAL CONDUCT AND RESPONSIBILITIES FOR SCHOOL EMPLOYEES 4300

Dress	4310
Code of Ethics	4311
Conduct.....	4312
Responding to Student Misbehavior.....	4313
Harassment of Employees	4314
Steps for Dealing with Harassment	4314.1
Policies on Sexual Offense/Abuse	4315
State of Kentucky Law	4315.1
Abuse and Neglect of Children.....	4315.2
Archdiocesan Policy on Sexual Abuse Against Children.....	4315.3
Professional Development	4316
Continuing Education for Teachers	4316.1
Teacher Performance Appraisal Process	4316.2
Faculty Planning Time.....	4316.3
State Requirements for Principals.....	4316.4
Catechist Requirements	4316.5
COMPENSATION AND BENEFITS	4400
Compensation to Religious.....	4410
Benefits: Certified and Non-Certified Personnel.....	4420
Worker's Compensation Insurance	4421
Archdiocesan Benefits Program	4422
Social Security.....	4423
Unemployment Compensation Exemption.....	4424
Liability Insurance.....	4425
Retirement	4426
Absence	4427
Sick Leave	4427.1
Personal Days	4427.2
Death in the Immediate Family	4427.3
Maternity/Paternity/Adoption.....	4427.4
Unpaid Absence.....	4427.5
Leaves	4428
Family and Medical Leave Act of 1993	4428.1
Jury Duty	4428.2
Military Leave	4428.3
Short-term Military Leave (two-week summer camp)	4428.4
Documentation for Employee Leave	4428.5
Sabbaticals.....	4428.6
Salary Guides for Principals and Teachers	4429
Lane Changes on Salary Scale.....	4429.1
Principals' Supplement	4429.2
HEALTH AND SAFETY	4500
Medical Examination.....	4510
School Employees with a Communicable Disease	4511
School Employees Infected with HIV/A.I.D.S.	4512
HIV Antibody Negative.....	4513
Work Place Environment.....	4514
Tobacco Use.....	4515
Substance Abuse	4516
Policy.....	4516.1
Disciplinary Action.....	4516.2
Obligation to Notify.....	4516.3
Chemical Dependency.....	4516.4

Chemical Dependency (Illness).....	4516.5
Chemical Abuse.....	4516.6
DISCIPLINARY ACTION AGAINST EMPLOYEES.....	4600
Probation.....	4610
Suspension.....	4620
Termination.....	4630
Grievance Procedures.....	4640
TEMPORARY PERSONNEL.....	4700
Definition.....	4710
Substitute Teachers.....	4720
Student Teachers.....	4730
Volunteers.....	4740

PERSONNEL

PERSONNEL 4000

PERSONNEL IN CATHOLIC SCHOOLS 4010

Beyond the common goal of all schools to develop literate, responsible citizens for our society, Catholic schools strive to develop a Catholic identity that interacts harmoniously with secular goals of lifelong learning. This dimension transforms the school into more than a community of learners. It also becomes a community where a common faith and set of values are shared.

Personnel in Catholic schools must understand their connection to the parish and the Archdiocese. Church and school employees accept the mission of the Catholic church to witness the message of Gospel values, to serve, to form community and to worship together as a faith community. School employees must understand and believe the basic doctrines of the church and follow a Christian code of ethics. Adults who work in schools must model basic beliefs and values of the Catholic church. Catholic school employees are role models for children and parents.

CERTIFIED PERSONNEL: DEFINITION 4100

Certified personnel are employees who have a valid certificate from the Kentucky Department of Education. It is the responsibility of certified employees to continue education to fulfill state requirements to maintain current certification. In order to retain certified status, a teacher must apply to the Kentucky Department of Education for appropriate certificate renewal every five (5) years. Some teachers with lifetime certification are not required to re-apply for valid certificates.

A school is not required to rehire a certified person whose certificate has been revoked or whose certificate has expired.

PRINCIPAL 4110

As an educational leader, a principal directs and coordinates planning, implementation and evaluation of the total educational program based on the written philosophy and mission of the school.

The primary goal of a school principal is to promote the Catholic educational development of staff and students. As a leader of a religion-based school, a principal proclaims, witnesses and shares the Gospel message as announced by Jesus Christ and lived out in the Catholic Church.

A principal is the administrative officer of the school and a member of the local school education/formation board. A principal's responsibility is to implement the policies of the Archdiocese and the local school board.

QUALIFICATIONS 4111

A principal must have a Master's Degree, Kentucky Principal Certification or working toward Kentucky Certification. A principal must have or be actively working towards an advanced catechist certificate. A principal must be a practicing Catholic in good standing with his/her parish.

The ideal candidate must have a minimum of four (4) years teaching experience in a Catholic school. Any variation due to unusual circumstances must be approved by the coordinator of personnel services at the Chancery or the superintendent at the Office of Lifelong Formation and Education.

References must be on file and must include previous employers, a criminal record check and any

pertinent educational records. A principal must sign a contract with the parish.

HIRING PROCESS

4112

A principal is selected by the pastor/canonical delegate, subject to archdiocesan approval. A pastor may choose to consult with the local school board or equivalent group before making a final decision. A pastor may ask a DRE or CRE and may choose representatives from the school board, the formation committee, PTO, faculty, parish council, parish-at-large and parents to serve on a principal search committee.

A pastor can consult with the archdiocesan coordinator of personnel services for assistance in beginning a principal search process.

FUNCTIONS

4113

A principal serves as a parish educational leader, as the supervisor and enabler for school personnel and as general administrator of the total school program. As school leader, a principal participates in building a Christian community and provides leadership to create a unique sense of mission, purpose and identity as a Catholic school. A principal's major responsibilities are to direct, guide, coordinate and evaluate the total educational program of the school within the framework of policies and guidelines of the archdiocese and the local school board.

In the Archdiocese of Louisville, a principal is responsible for strong religious and instructional leadership. A principal must integrate Catholic values and goals into every aspect of school climate. A principal must motivate faculty and students to excellence. A principal must establish policies and procedures that create an orderly and safe environment. A principal is responsible for sound financial management as specified by the pastor.

The Office of Lifelong Formation and Education organizes the responsibilities of the principal into the following five areas, which provide the focus of the principal performance review:

- I. **SPIRITUAL** The principal provides leadership which ensures the unique Catholic identity of the school, as reflected in building communities of faith, quality religious instruction and practices of Christian service.
- II. **EDUCATIONAL** The principal provides leadership which encourages a community of learners, demonstrated by the varied learning experiences available for faculty, staff, students and parents, as well as appropriate curriculum and instructional practices.
- III. **MANAGERIAL** The principal provides leadership which ensures a school environment that promotes learning, solves problems and resolves conflicts. The principal plans for the future of the school through effective strategic planning, recruitment and managing financial resources.
- IV. **COMMUNICATOR/RELATOR** The principal provides varied means for effective communication and collaboration among parish staff, the director of religious education, parish members, parents, teachers, students and other parish organizations. The principal models communication which is frequent, respectful and sensitive to individual needs.
- V. **PROFESSIONAL** The principal continues her/his professional growth through workshops, course work, ongoing religious education and professional reading.
(See Appendix IV - A)

ANNUAL GOAL SETTING/EMPLOYMENT VERIFICATION

4114

Annual goal-setting is an essential component of professional growth and development for a principal. It is a means of ensuring that responsibilities are met. It provides an opportunity for positive professional development in response to personal needs and the needs of the community being served. In order for a principal to provide vision and direction for the school, he/she needs to determine annual goals which will be mutually agreed upon by the pastor, principal, and school board chairperson. These goals can be based on a principal's most recent principal's performance review.

This annual goal-setting process should also address any other areas for personal/professional improvement which are needed for effective leadership. Prior to the beginning of each school year, using the formative goal-setting instrument, a principal consults with the pastor and/or school board chairperson about desirable goals.

A principal decides how to achieve the goals in measurable outcomes.

This document is a tool with which the pastor reviews a principal's performance each year. After appropriate signatures are affixed, it is turned in to the Office of Personnel and Planning at the end of the year.

This document is also the official record of a principal's employment verification information each year.

PRINCIPAL PERFORMANCE REVIEW

4115

During the second year of service in a school, and every three years thereafter, a more in-depth formative appraisal based on the principal's performance relative to the job description and educational competencies is required. The coordinator of personnel services notifies the pastor/canonical delegate when it is time for this performance review. The coordinator of personnel services is responsible for starting the process.

A team consisting of the pastor, school board chairperson or pastor's designee, and a lead principal is used for this process. A lead principal is the chairperson. A lead principal is responsible for surveying the internal publics as identified by the review guidelines, tabulating the results, writing the narrative review with the pastor and principal and sending all review materials to the coordinator of personnel services. A principal retains a copy of the review; one is sent to the Archdiocesan Office of Personnel and Planning for a principal's personnel file; and the pastor retains a copy of the review.

The coordinator of personnel services is responsible for distributing the principal performance review packets each year.

A principal must be evaluated periodically for legal reasons. A principal must have evidence of participation in either the annual goal-setting review or the principal performance review. This is to limit a principal's liability in determining unfair evaluations of performance or incompetency. A principal may not be excused from either the goal-setting or principal performance review except for illness, injury or special family circumstances. If such a waiver is requested, the pastor and the principal must submit a letter stating the reason(s) to the coordinator of personnel services.

PROBATION

4116

When a pastor has concerns about a principal's leadership competency or job performance, he must follow these procedures:

1. The pastor/canonical delegate must meet with a principal to share concerns. The pastor can decide at this time to place a principal on probation.

The pastor/canonical delegate must put the main points of this discussion in writing. The pastor/canonical delegate and principal need to sign this document and keep a copy. The pastor/canonical delegate must send a copy to the coordinator of personnel services.

2. If the pastor/canonical delegate has placed a principal on probation he must hold a second meeting within thirty (30) days to discuss the actions that a principal has taken to resolve the problem or concerns. The pastor/canonical delegate must consult the coordinator of personnel services when he determines that a principal has not addressed his concerns satisfactorily.
3. If a period of probation does not take care of the problem, the pastor can take one of the following actions:
 - a. non-renewal of contract for the following year;
 - b. termination.

ASSISTANT PRINCIPAL

4120

It is recommended that schools with an enrollment of 400 or more students and a staff of 15 or more hire an assistant principal. Schools with enrollment under 400 should designate a faculty member as teacher-in-charge during the absence of the principal.

HIRING PROCESS

4121

The assistant principal of the school is selected by the principal, subject to the pastor's approval. The candidate for assistant principal is to be a practicing Catholic in good standing with his/her parish. The assistant principal, as a parish co-leader, should be able to give witness to the same truths and values for which Catholic education strives. Before the assistant principal's contract is offered, the principal consults with the Office of Personnel and Planning for the Archdiocese of Louisville.

QUALIFICATIONS

4122

The assistant principal must have a master's degree and be working toward Kentucky Principal Certification, and have achieved or be actively working towards an advanced catechist certificate. It is recommended that the candidate pursue leadership training (examples: EILTP credits and other professional administration workshops).

The assistant principal must have a minimum of five years of successful teaching experience or performing administrative duties in a Catholic school.

References must be on file and must include previous employment, a criminal record check, and other pertinent educational records including copy of teaching certificate, current transcript and appropriate medical forms.

FUNCTIONS

4123

The assistant principal serves with the principal as a parish educational leader and as the general co-administrator of the school program. As a school leader, the assistant principal participates in building a Christian community and provides leadership to help create a unique sense of mission, purpose, and identity as a Catholic school.

The principal will provide a job description for the assistant principal unique to the individual school. The assistant principal assists the principal in promoting the Catholic educational development of students. The assistant principal performs such duties as are delegated to him/her by the principal and is accountable to the principal. This could include the teaching of some classes. In the absence of the principal, the assistant principal is in charge of the management and administration of the school.

- I. SPIRITUAL In cooperation with the principal and parish leadership, work with religious education and sacramental programs, sacramental and liturgical experiences, and other activities that contribute to a Christian environment and the building of a faith community for staff and students; nurture spiritual growth for faculty, staff, students families; review and actively promote the school's philosophy and goals in cooperation with principal and faculty; encourage and support school-wide service programs; and promote the concept of stewardship as a way of life.
- II. EDUCATIONAL Support the principal in the administration of the school's academic program and services, including standardized testing; assist the principal in supervising teachers and staff; assist in coordinating inservice workshops, conferences and faculty meetings; serve as a Chair of an Intern Committee, in appropriate cases; and assist in identifying students with differing abilities and needs and provide for their support.
- III. MANAGERIAL Support the policies and guidelines contained in the Archdiocesan and local school handbooks; act as principal in his/her absence; assist with routines such as preparing reports and other forms of communications, and designing master schedules; coordinate student services; assist with purchasing or financial reporting; assist with the distribution of teaching materials and supplies; facilitate emergency drill practices and file appropriate reports; help prepare and present reports and information for local boards; cooperate with the local parish/school authority on short and/or long range planning; and assist in providing an environment that is safe, conducive to learning and promotes self-discipline.
- IV. COMMUNICATOR/RELATER Demonstrate positive interpersonal relationships with students, faculty/staff, parents, pastor/parish staff, community; Report to the principal, facts or information that could impact the well being and reputation of the school or its students.
- V. PROFESSIONAL Achieve and maintain at least an advanced catechist certificate; hold a valid Kentucky Teaching certificate and be actively working toward Kentucky Administrative Certificate; acquire appropriate hours of required approved inservice; attend meetings that are required by the Office of Lifelong Formation and Education and the local parish/school community; demonstrate a sense professional responsibility.

ON-SITE COORDINATOR/SCHOOL COUNSELOR

4130

The on-site coordinator/school counselor collaborates with the school, the family, and parish community in the development of the whole child—academically, socially, spiritually. It is important that the on-site coordinator/school counselor supports children and their families in each of these areas, thus promoting the Catholic vision of the family as “the domestic church,” “the church of the home.”

QUALIFICATIONS

4131

The on-site coordinator/school counselor is a professional with special expertise in the areas of human development, personality formation, family systems, educational environments, approaches to appraisal, life-skills training, community resources, and professional ethics.

Credentials, for the on-site coordinator/school counselor may be earned in a variety of disciplines, including School Guidance and Counseling, Art Therapy, Marriage and Family Therapy, Psychology, and Social Work. This person shall hold a Master's Degree or a Doctorate in one of these fields and may also have licensure or certification of clinical skills. Experience in classroom or clinical settings will be considered along with formal credentials. The on-site coordinator/school counselor is prepared to intervene in the school setting with individuals, families, and small and large groups.

The on-site coordinator/school counselor works with parents, educators, other professionals and community members to provide comprehensive developmental programs in a learning environment so that all students will develop academic and social competence. This can include developing positive self-esteem, decision-making skills, collaborative problem-solving skills, responsible citizenship, and employability skills.

HIRING PROCESS

4132

The principal, in consultation with the pastor, may wish to consider the particular needs of the students and their families and hire an on-site coordinator/school counselor with the professional preparation and the skills best suited to meet these needs. The principal may consult the Family Counseling Office of the Archdiocese, which screens and keeps a roster of candidates for counseling positions.

The on-site coordinator/school counselor is accountable to the school principal.

JOB DESCRIPTION

4133

When formulating the specific job description for an individual school, the principal may consider the particular needs of that school and the length of time the counselor/coordinator will spend in the school.

The job description may include but is not limited to the following:

I COUNSELING

1. Demonstrates concern for the needs and growth of each student. educationally – Works with classroom teachers, faculty, staff, and families to identify students with special academic needs.
 - Personally – facilitates programs and activities and provides assistance to students and/or their families in support of the students' personal growth, psychological insight and developmental skills, the development of positive self-esteem and the acquisition of a range of coping strategies.
 - Socially – promotes exploration and changes toward acceptable interaction with peers and assists in the understanding of the relationship between academics and the world of work.
2. Facilitates communication between school and home.
3. Provides and/or coordinates individual, family, group, and classroom intervention and problem-solving within the school community.
4. Coordinates psychological testing services for students.
5. Refers students' problems to appropriate professionals.

II SPIRITUAL

1. Participates with students and their families, faculty and staff in activities that build faith community in the school.
2. Cooperates with principal, faculty, and staff to articulate and actively promote the schools' mission statement, philosophy, and goals.

III ADMINISTRATIVE

1. Coordinates and monitors student services as directed by the principal.
2. Serves as principal's designee to coordinate Archdiocesan and/or school-wide initiatives and programs.
3. Assists in providing an environment that is physically and emotionally safe and conducive to learning.
4. Abides by the policies and guidelines contained in the Archdiocese of Louisville Handbook for Catholic Schools and local school handbook.
5. Collaborates with the archdiocesan Student Services Team in delivering services and programs.

IV PROFESSIONAL

1. Keeps current credentials, licensure, continuing education (EILTP/CEU), and professional affiliations.
2. Demonstrates a sense of professional responsibility.
3. Attends to ethical issues of good professional care.
4. Attends to liability issues such as appropriate release of information, case documentation, confidentiality, dual-relations, and scope of practice ethics.

COORDINATOR OF CURRICULUM AND/OR GRADE LEVELS

4140

Primary, intermediate, junior high and/or curriculum coordinators are to be selected under the direction of the principal. They should plan and work in collaboration with the faculty.

TEACHERS

4150

"Prime responsibility for creating the unique Catholic school climate rests with the teachers, as individuals and as a community." (*The Religious Dimension of Education in a Catholic School, #26.*) teacher shares the Gospel message announced by Jesus Christ and lived out in the Catholic church. Teachers, as educational leaders, must give witness to the truths and values to which Catholic education strives. For this reason, teacher selection and development are critical tasks for a principal.

"Teacher" refers to individuals who are responsible for planning and implementing classroom instruction either full-time or part-time.

Teachers are directly responsible to the principal. A teacher is obligated to observe the regulations of the particular school in which he/she is employed, as well as the policies and regulations promulgated by the Superintendent and the Office of Lifelong Formation and Education, and the Archdiocesan Office of Personnel and Planning.

FULL-TIME TEACHER

4151

A full-time teacher works the regular school day hours. A full-time teacher must sign a contract with the parish. As a full-time teacher, a person is expected to teach 175 (one hundred seventy-five) days, consisting of a minimum of 6 (six) hours per day, with 6 (six) professional days and 4 (four) holidays.

The teacher may also be called upon to perform other duties that relate to the job.

The salary for a full-time teacher must be computed at the appropriate salary scale level which takes into account the teacher's rank and number of years of experience. In computing salary only a full year's experience held at the beginning of the school year will apply, i.e., the salary for a teacher with 5 1/2 years experience in September will be computed at 5 years, and this will be maintained throughout the year.

A teacher can transfer 10 (ten) years of experience from another school system. Teachers with experience in the Archdiocese of Louisville receive full credit for their years of experience.

PART-TIME TEACHER

4152

A part-time teacher works either a limited number of hours during a school day, a limited number of days, or he/she works only part of the school year. Part-time teachers may job share part of a teaching day with another part-time teacher. Part-time teachers must sign a contract with the parish.

1. The salary for a part-time teacher must be computed at the appropriate pro-rated share of the salary scale for full-time teachers in the same rank and with the same number of years of experience. In computing salary only a full year's experience held at the beginning of the school year will apply, i.e., the salary for a part-time teacher with 5 1/2 years experience in September will be computed at 5 years, and this will be maintained throughout the year.

A part-time teacher can transfer 10 (ten) years of experience from another school system. Teachers with experience in the Archdiocese of Louisville receive full credit for their years of experience.

2. A part-time teacher working in two schools on a part-time basis will not automatically receive benefits. A part-time teacher must work at least 20 hours a week to receive benefits. The employers must agree prior to signing of the contracts that one parish will pay the salary and benefits for the employee. The parish agreeing to pay salary and benefits will state this agreement in writing. The second parish agrees to reimburse its share of the salary and benefits to the first parish (not the employee) on a monthly basis. The salaries will be pro-rated according to the terms of the contract.
3. For part-time teachers working a full day but less than 175 (one hundred seventy-five) days, the following formulas must be used to compute experience:
 - part-time teachers working **less than 175 days but at least 140 days**,
 - part-time teachers working **less than 140 days but at least 90 days**
 - earn **1/2 year experience**.
 - part-time teachers working **less than 90 days**
 - earn **no experience**.
4. For part-time teachers working a partial day, one of the following formulas must be used to compute experience:
 - part-time teachers working **at least 840 hours per year**
 - earn **1 year experience**.
 - part-time teachers working **less than 840 but at least 525 hours**
 - earn **1/2 year experience**.
 - part-time teachers working **less than 525 hours**
 - earn **no experience**.
5. A principal must record the number of hours per week that a part-time teacher works and is paid for. Retirement benefits are determined by number of hours worked.

6. Absences and leaves for part-time teachers are pro-rated for the time they actually work. In other words, they receive compensation and accrued days **in proportion** to their part-time work schedule. This employment information must be recorded on the Final Appraisal for each part-time teacher.
7. A teacher who is classified as a “temporary employee” while working under contract is not eligible for any benefits. A long-term substitute teacher who is filling in for several weeks could be a “temporary employee.”

TEACHER RECRUITMENT AND SELECTION

4153

A teacher is an important person in bringing the mission and goals of the Archdiocese into the life of the school. Therefore, a principal must make every effort to hire certified, competent and qualified teachers who are also practicing Catholics. The Office of Personnel and Planning at the Chancery assists schools in the hiring process. The Office of Personnel and Planning maintains active applicant files for teaching positions. A principal may also keep his/her own application file to fill vacancies. The Office of Personnel and Planning maintains a process for the recruitment and selection of teachers. A principal should give first consideration to teachers from an archdiocesan school that has closed or downsized.

NON-DISCRIMINATION POLICY

4153.1

The Archdiocese of Louisville does not discriminate against any employee for reasons of race, color, sex, physical handicap, age or national origin. It fully supports and practices the principle of Equal Employment Opportunity. This means it is policy to recruit, hire, train, promote, demote, terminate and pay employees without regard to age, sex, race, religion, handicap or national origin and to ensure that all employees are treated equally in all other aspects of human resource practices and policies. There are job assignments within the Archdiocese where religious background and education are valid qualifications for the job.

RESPONSIBILITIES AND PROCEDURES FOR HIRING

4154

1. The Office of Personnel and Planning will:

- a. recruit applicants from regional universities;
- b. maintain files of applications, transcripts and references;
- c. inform the applicant by letter if documents are missing;
- d. keep a list of applicants available to principals upon request;
- e. provide opportunities for principals to review applicants' files;
- f. provide appropriate training for principals in regard to teacher selection; and
- g. follow criminal records check procedures.

2. The Local School Principal as the agent of the Pastor/Canonical Delegate must:

- a. ensure that all certified and non-certified applicants have completed the Archdiocesan Professional Application form or General Application form and that it is on file at the Office of Personnel and Planning;
- b. request that all applicants submit a copy of transcript of credits, Kentucky teaching certificate or statement of eligibility and a resume with the names and addresses of professional references;
- c. check references including the most recent employer;
- d. conduct an interview that deals with the school's and applicant's philosophy, goals and

objectives as well as the expectations of the position being considered;

- e. consult with the pastor/canonical delegate before finalizing a decision about employment or making a verbal or written commitment;
- f. notify all applicants in a timely fashion after a position is filled;
- g. inform the coordinator of personnel services when the position has been filled;
- h. verify that a criminal records check has been completed. The Office of Personnel and Planning will not accept a criminal record check that is more than two years old;
- i. require proof of valid health examinations and tuberculin test;
- j. offer contract if candidate is the best applicant for position. A contract cannot be signed with a teacher who is already under contract to another school for a given term without a written release from the employer or a letter of resignation from the teacher.
- k. provide orientation for all new employees.

TEACHER DUTIES

4155

A teacher must work cooperatively with the pastor, principal and all immediate supervisors to carry out the educational policies of the archdiocese and the local school. Each school can determine specific job-related duties for its teaching staff. However, the following list of duties is regarded as general expectations for any teaching employee:

1. to abide by the policies and guidelines contained in archdiocesan and local school handbooks;
2. to make a positive effort to integrate Catholic beliefs and moral values into all aspects of the curriculum;
3. to follow the school's curriculum;
4. to prepare for each lesson with written plans that a principal reviews periodically;
5. to maintain a positive learning climate in the classroom through appropriate classroom management techniques;
6. to cooperate with the principal in the goal setting and the teacher performance appraisal process;
7. to participate in activities with other faculty members that help to build faith community in the school;
8. to maintain regular communication with parents through parent/teacher/student conferences, report cards and telephone calls;
9. to report situations immediately to the principal in which a student or adult is injured or harmed while on school property;
10. to actively supervise students in all situations;
11. to sponsor co-curricular activities as directed by a principal;

12. to attend teacher in-service meetings that are required by the Office of Lifelong Formation and Education and the local school administration;
13. to earn a minimum of twelve inservice hours from approved programs each school year;
14. to accept non-teaching duties within the school as assigned, such as playground or cafeteria duty, monitoring hallways, bus duty and/or attendance at parish functions, as needed and requested by a principal;
15. to notify local Child Protective Services of any physical, sexual, or emotional abuse involving a student. Child neglect and/or threat of domestic violence in the home must also be reported to proper authorities. A teacher must also inform the principal when CPS is contacted.

MEETINGS

4155.1

School employees are required to attend meetings scheduled for them by either the Office of Lifelong Formation and Education, the Archdiocesan Office of Personnel and Planning or the local school administration.

Certified staff must attend school on days designated on the calendar as conference, professional development or professional days. In addition to the minimum days required, a principal may require attendance at other meetings or professional development days. Faculty meetings promote good communication, build a community spirit and facilitate smooth operation of the school. It is important that certified personnel attend these meetings. A principal may excuse certified personnel from faculty meetings or professional development days for valid reasons such as illness or family emergencies. Each principal can determine the requirement for non-certified employees.

RELIGION TEACHER RESPONSIBILITIES

4155.2

CANON 780: "Local ordinaries are to see to it that catechists are duly prepared to fulfill their tasks correctly, namely, that continuing formation is made available to them, that they acquire proper knowledge of the Church's teaching, and that they learn the Catholic teaching more fully and practice it more suitably."

"The religion teacher is the key, the vital component, if the educational goals of the Catholic schools are to be achieved. The effectiveness of religious instruction is tied closely to the personal witness given by the teacher; this witness is what brings the content of lessons to life." (*The Religious Dimension of Catholic Education in a Catholic School*. #96).

The following policies apply to religion teachers:

1. Only a practicing Catholic can teach religion at any grade level.
2. Schedules must be arranged so that Catholics teach religion in a sacramental grade if a non-Catholic is hired to teach other subjects at the same grade level.
3. Administrators, religion teachers and family life teachers must obtain the advanced level of catechist certification, as defined by the Office of Lifelong Formation and Education and must work toward this certification at the rate of 30 clock hours every two years. This requirement starts in the second year of experience in the Archdiocese.
4. After achieving advanced certification, religion teachers must earn 15 clock hours every other year to maintain catechist certification. They are encouraged to complete courses beyond the advanced level.

5. A principal must maintain accurate records of participation in catechist certification courses.
6. At any level, college courses towards a major in religious studies or a Master's Degree in religious studies can substitute for the required catechist certification courses. Participation in the Archdiocesan Lay Ministry Program can also substitute for the catechist certification courses.
7. New teachers who teach sacrament preparation in either First Eucharist, First Reconciliation or Confirmation are required to attend special workshop(s) presented for those sacraments when the workshops are available.
8. A principal and teacher involved in sacramental preparation need to collaborate closely with the parish director of religious education and the pastor in planning the sacrament celebration.
9. Non-Catholic teachers need to attend "Introduction for Non-Catholic Teachers" workshop sponsored by the Office of Lifelong Learning and Formation each fall.

(See Diocesan guidelines for the preparation and celebration of the sacraments.)

**TEACHERS OF HEALTH, HIV/AIDS CURRICULUM,
ALCOHOL AND DRUGS CURRICULUM**

4155.3

A principal must keep the teacher responsible for curriculum areas of health, HIV/AIDS, alcohol/drugs updated through available Archdiocesan training sessions.

NON-SCHOOL EMPLOYMENT

4156

Employment beyond the regular school workday must not interfere with a teacher's professional responsibilities and duties associated with school employment. A teacher and non-certified school employee with a second job must uphold the terms of the contract without a conflict of dual employment.

LUNCH PERIOD

4157

A principal must provide a duty-free 30 minute lunch period for each employee. This includes teacher assistants and secretaries.

PERSONNEL RECORDS

4158

The Office of Personnel and Planning maintains an employment file for each certified employee. A local principal must also keep a separate personnel file for each certified and non-certified employee. An employee may review the file at any time. Personnel files cannot be removed from the principal's office or the Chancery.

Employment File Contents for Certified Personnel:

General application form	Contracts of employment
Valid Kentucky teaching certificate	Final Appraisal Reports
Catechist certificate	Medical Examination and Tuberculin Tests
Official Transcript of credits	Verification of past employment
Resume	from other districts

Access to personnel records is limited to the individual employee, the local school principal, pastor and the Office of Personnel and Planning. Access by any other person(s) will be granted only with written authorization from the individual. Certified personnel wishing to view their file at the

Chancery must call the Office of Personnel and Planning for an appointment. Local principals need to implement procedures for local access to personnel records.

Personnel records must be kept on file at a school for five years after termination. Best practice is to hold them in an off-site file permanently. Inactive or former school personnel records are on file at the Chancery.

CALENDAR REQUIREMENTS FOR CERTIFIED PERSONNEL

4159

The term "school year" refers to the period of time within the contract year when a teacher is expected to be available for meetings, inservice programs, teaching and conferences. Kentucky law currently mandates a minimum of one hundred seventy-five (175) instructional days. Six (6) additional days may be used for professional and/or inservice programs. Four (4) additional days may be identified as paid holidays. Paid holidays are identified on the current archdiocesan school calendar. School contracts must show the minimum period of time that a teacher works is between August 12 and June 12. Local schools may decide to date contracts earlier than August 12 and/or later than June 12. The archdiocese and/or the principal can require a teacher to participate in activities such as meetings and inservices before the school year begins and after the school year ends.

For professional days scheduled within the contract year, a principal needs to try to follow these recommendations:

1. Solicit in-put from teachers about August and June meetings and inservices.
2. Schedule August meetings and programs as close as possible to registration day. Additional time may be required for Archdiocesan meetings.
3. Specify expectations and duties of teachers for the beginning and end of the year.
4. Assign extra activities and jobs to teachers as equitably as possible.

ALTERNATIVE SCHOOL CALENDAR (YEAR ROUND)

4159.1

Schools of the Archdiocese of Louisville may choose to develop and implement a year-round school calendar. The year-round calendar must consist of a minimum of one hundred eighty-five (185) days, one hundred seventy-five (175) of which must be instructional days. Of the remaining ten (10), four (4) must be identified as paid holidays. The remaining six (6) days are considered inservice and/or professional days.

An alternative calendar must be approved by the Superintendent and must fulfill the requirements found in the *Guidelines for Alternative School Schedules* on file in the Superintendent's office.

CONTRACT CONSIDERATIONS

4160

CONTRACT PROCEDURES FOR EMPLOYMENT

4161

State of Kentucky Law: Criminal Record Check

All persons over age 18 who have supervisory positions over children must complete a state police screening for records of sex offenses, arrests or convictions before employment.

Policy and screening for sexual abuse and violent crime or sex crime classified as a felony. A principal may offer a position to a person pending clearance of the criminal record check. Contracts with persons whose criminal record check reveals records of sex crimes against children will be

voided immediately.

1. The Office of Personnel and Planning requires that all applicants for substitute teaching submit to a criminal record check. Best practice indicates that a person can substitute in a school only after a principal knows that the substitute has cleared the criminal record check. It is the responsibility of the principal to verify that this process has been completed.
2. The Kentucky State Police may return a criminal record check stamped with “no conviction found.” This means that there was no conviction, but it does not necessarily mean there was no arrest. If an applicant has an arrest record for DUI, shoplifting or other offenses, it is up to a principal to decide about employment if he/she knows the applicant has an arrest record.

TEACHERS UNDER CONTRACT AT ANOTHER CATHOLIC SCHOOL

4162

An elementary or high school principal who interviews a teacher already under contract with another Catholic school should advise the principal of the other school of the interview with the teacher as a professional courtesy. A principal must seek a reference from the teacher’s current principal before making a final decision. It is best if a reasonable time period for the transition can be worked out between the two principals. A teacher leaving one Catholic school to go to another one is expected to give two (2) weeks notice. A contract becomes binding for the parish when it has been signed by all parties.

THE CATHOLIC TEACHER AND MARRIAGE OUTSIDE THE CHURCH

4163

A Catholic teacher who marries or remarries outside the Church can be dismissed if this action becomes a matter of public concern or scandal to the Catholic community.

1. It is the responsibility of authorities at the local parish/school level to implement this policy in relation to a teacher's status in the local community.
2. Officials in the archdiocese will not attempt to discover which teachers are in irregular marriages. The Office of Personnel and Planning is available to consult with local parishes/schools in the implementation of the policy.

LIMITED CONTRACT

4164

Teacher and principal contracts are limited employment contracts. This means they are year-to-year, however, a teacher may presume annual renewal of contract after teaching four consecutive years at the same school. Principals must notify teachers by April 1 of non-renewal or termination of contract. They must also notify the teachers by April 1 of any of the other following conditions:

1. There is reduction in work force necessitated by a change in enrollment.. (**See Appendix IV - B.**) A principal must give each teacher a letter to sign acknowledging this notification.
2. There is a reorganization/consolidation or closing of schools.

PERSONNEL PLACEMENT TIME SCHEDULE

4164.1

To assure orderly and fair reassignment opportunities, parishes must adopt a placement timetable in accordance with the following:

A pastor must notify a principal whose contract will not be renewed by **March 1**, or a principal may presume employment for the following year. This notification must be in writing. Likewise, a principal who does not expect to return must give written notification to the pastor, local school board and the Office of Personnel and Planning by March 1, if possible. Principals who are returning must sign their contract by June 1.

A principal who is not returning is expected to collaborate with the incoming principal for a smooth transition. It is the new principal's responsibility to hire new teachers and assign teacher positions.

A principal must notify a teacher not being rehired in writing by **April 1**. Without notification from the principal, a teacher may presume employment for another year. A teacher who does not expect to return must notify the principal in writing by **April 1**. The coordinator of personnel services must also receive a copy. Teacher contracts must be signed on or before **June 1**.

CONTRACT CANCELLATION

4165

A principal or teacher contract may be cancelled at any time by the parish for sufficient cause, which includes but is not limited to:

- a. violation of required duties;
- b. failure to carry out reasonable directions given by the principal;
- c. inability to carry out required duties;
- d. incompetence in the performance of duties;
- e. serious offense against Catholic morality or involvement in a public crime or scandal;
- f. conduct unbecoming a school employee.

EMPLOYEE RESIGNATION

4166

An employee who chooses to leave his/her position must submit a signed letter of resignation to the principal and the pastor/canonical delegate. If a resignation occurs before the school year begins or ends, an employee must give at least two week's notice. This gives a principal time to look for a replacement or arrange for a substitute. A copy of the resignation letter must be sent to the Office of Personnel and Planning and the parish bookkeeper for the employee's personnel file. A signed contract for the next year is considered a commitment to work. Breaking a signed contract when negotiating a contract with another district is unprofessional behavior. A change in faculty should be noted on the "Notification of Faculty Change Form." (**See Appendix IV - C**)

REDUCTION IN FORCE POLICY

4167

Parish and school administrators have the right to reduce the number of staff positions if this becomes necessary.

The criteria for deciding which employees to retain and which to release is as follows: (For a sample letter for reduction of staff, **See Appendix IV - B**)

1. Job performance;
2. Credentials, in terms of flexibility (for certified employees, this means certification);
3. Length of employee's employment in the school; and
4. Years of service in the Archdiocese.

JOB SHARING

4168

Job sharing is an employment arrangement in which two or more employees share the same job/position and have equal responsibilities and duties in completing the job. The agreement to permit job-sharing is made by the pastor and principal. They must determine the impact this decision will have on student learning. It is a principal's responsibility to ensure that job-sharing is a positive experience for all involved. In addition, the principal must supervise both persons who are in a job-sharing arrangement. Individual schools must have clear policies and procedures for the job-sharing arrangement. Schools can consult with the personnel coordinator for assistance.

NON-RENEWAL OF CONTRACT

4169

A principal can decide to inform a certified employee of “**Non-Renewal of Contract**”. This action allows a teacher to complete the contract and end the school year. Non-renewal is a decision not to invite a teacher back to teach in a particular school. It is not disciplinary action like probation, suspension or termination. Teachers' contracts are renewed from year-to-year. When a teacher signs a contract with a parish for four consecutive years, he/she can expect promise of renewal in the future unless reasons are given to the contrary. A principal can decide after one year that a teacher is not working out and not offer a contract for the following year. A principal is not required to state a reason for non-renewal when a teacher has only been under contract for one year. However, if in the fourth year of a teacher's contract at the same school, a principal decides not to renew the contract for a fifth year, a reason is necessary. A principal must contact the pastor/canonical delegate and the coordinator of personnel services before taking such action. Appropriate documentation is required for non-renewal of contract, including written records of teacher performance.

NON-CERTIFIED PERSONNEL

4200

Non-certified personnel are employees who do not need a valid certificate from the Kentucky Department of Education to be eligible for their job. Non-certified employees may include employees such as school secretaries, bookkeepers, teacher assistants, specialty curriculum assistants or aides, day care or after school care workers, cafeteria workers and janitors/maintenance workers.

Non-certified employees are essential to the functioning and climate of quality Catholic education. They must demonstrate values of respect, professionalism, confidentiality, care and concern for each person. A non-certified employee is classified as “non-exempt.” The principal is the immediate supervisor of non-certified persons.

Non-certified applicants will be hired at the local parish level according to the process outlined in the *Archdiocesan Personnel Policies and Procedures Manual*.

According to archdiocesan policy, any employee who is 18 years of age or older must submit a criminal record check, an updated medical examination and tuberculin test upon initial employment in a school.

A principal is required to:

1. Ensure that a current criminal records check has been completed before hiring;
2. Provide a job description to an employee;
3. Check references;
4. Provide an employee a compensation/flexible benefits statement; **(See Appendix IV-D)**
5. Orient a new employee;

6. Advise an employee that he/she must follow the policies found in the *Archdiocesan Personnel Policies and Procedures Manual* and the *Archdiocesan Handbook for Catholic Schools*, as appropriate; and
7. Supervise and evaluate non-certified employees on a regular basis, with written documentation. (See **Appendix IV - E**)

WAGES

4201

Wages for non-certified employees must at least meet the current minimum wage as set forth by the federal government. The local parish may decide the level of increase yearly or match the Archdiocesan increment. Wages for part time employees will be pro-rated according to the hours worked.

TEACHER ASSISTANT

4202

A teacher assistant is an adult who works under the direct supervision of the teaching staff in performing non-instructional duties.

A teacher assistant has the same legal status and protection as a certified teacher in the performance of non-teaching duties such as lunchroom supervision, hall monitoring, leading students in recreational activities, monitoring restrooms, preparing and organizing instructional materials and equipment.

A principal must inform a teacher assistant of his/her responsibilities with regard to student supervision when a teacher assistant is the only adult present in an area with students.

SCHOOL SECRETARY

4203

Qualifications for secretary must include but are not limited to: High school diploma, advanced writing skills, computer skills and organizational skills. A secretary will work under the direction and supervision of the principal in performing duties. A principal must develop a specific job description for a school secretary. Depending on the supervisory/managerial responsibility of a school secretary, his/her employment status is usually “non-exempt.” A school secretary who supervises other office personnel or who manages an office operation can be classified as “exempt”. Only non-exempt employees earn overtime compensation.

Important duties/responsibilities for a secretary are:

- to carry out the job description as defined by the school principal;
- to provide documentation, i.e., criminal record check, sexual abuse card;
- to observe working hours as directed by the principal;
- to demonstrate effective verbal and written communication skills and other skills needed to perform duties assigned;
- to maintain confidentiality relating to all written/verbal communication;
- to report any situation that occurs to the principal that can have repercussion with parents, students, faculty and the parish at large;
- to participate in activities that help to build a faith community in the school;
- to be evaluated by the appropriate school administrator;
- to set goals for evaluation by a principal.

STANDARDS FOR PROFESSIONAL CONDUCT AND RESPONSIBILITIES FOR SCHOOL EMPLOYEES

4300

DRESS 4310

Appearance is important in a school setting. Principals and teachers must present themselves in appropriate attire. Faculty handbooks are required to explain the school's dress code for staff in detail.

CODE OF ETHICS 4311

Catholic school employees must realize the call to higher moral standards and ethics in dealings with others and in our profession. Children see these individuals as role models. A Code of Ethics is provided in **Appendix IV –F**.

CONDUCT 4312

A Catholic school employee contributes to the public and private image of a school. An employee must behave in ways that support the values of Gospel living. To act in any other way is contrary to the purposes and beliefs of a Catholic school. Disrespectful and unprofessional actions are unacceptable. School employees must interact with each other, parents and students with kindness, compassion, fairness and respect. A school employee is expected to behave with respect and professional integrity regardless of how others behave towards them.

RESPONDING TO STUDENT MISBEHAVIOR 4313

In responding to a student's misbehavior, a school employee must work with the child in a manner that shows respect for a child's dignity, vulnerability and differences. It is against Archdiocesan policy for an employee to use any form of corporal punishment, physical restraint, unwarranted group punishments, public scoldings, and/or any other type of physical or emotional response that may cause mental or physical harm to the child and/or the child's reputation.

HARASSMENT 4314

It is against archdiocesan policy for a school employee to engage in any type of harassment. This policy applies to part-time and full-time clergy and lay employees. The following categories describe specific behaviors that are in **direct violation** of archdiocesan policy. There could be other behaviors not on this list that are also in the category of harassment. School officials must check with the Office of Personnel and Planning regarding any suspicion of harassment.

Sexual harassment involves unwelcome sexual advances, implicit or explicit requests for sexual favors, inappropriate verbal comments or physical conduct of a sexual nature.

An employee's rights have been violated when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
2. Submission to or rejection of such conduct by an individual is used as the basis of employment decisions affecting such individual, or
3. Such conduct has the purpose or effect of unreasonable interference with an individual's work performance or
4. Such conduct creates an intimidating, hostile or offensive working environment.

Verbal harassment involves derogatory comments, jokes or slurs about an employee's gender, race, religion, ethnic origin or family.

Physical harassment involves unwanted physical touching, contact, assault, deliberate impeding or blocking movements and any intimidating interference with normal work or movement.

Visual harassment involves derogatory, demeaning or inflammatory posters, cartoons, written words, drawings, novelties and gestures.

A school employee or volunteer who violates Archdiocesan policy regarding harassment will be suspended immediately. Following an internal investigation, termination could be a consequence.

STEPS FOR DEALING WITH HARASSMENT

4314.1

School employees or volunteers who believe supervisors or other employees/volunteers are harassing them in any of the ways described above can take action as follows:

1. They can elect to express their displeasure to the individual harassing them before notifying the appropriate authority. They must report the harassment to their supervisor if it does not stop.
2. They can report it to the principal. If the principal is the alleged harasser, an employee must inform the pastor/canonical delegate/pastoral administrator.
3. If they do not wish to report the harassment to the principal, they must notify the pastor/canonical delegate. If the alleged harasser is the pastor/canonical delegate, employees must report the harassment to the archdiocesan personnel coordinator.
4. Complaints regarding harassment in the workplace become formal when the person allegedly being harassed prepares and signs a written statement describing the harassment and naming the alleged harasser. This document is submitted to the personnel coordinator.
5. Upon receipt of the complaint, the pastor and archdiocesan personnel coordinator will initiate an investigation of the complaint. This begins with a meeting with the person accused of harassment. At the meeting, the pastor or personnel coordinator informs the accused of the allegations and the name of the person filing the complaint.
6. A written report of the findings of the investigation will be made available to the appropriate parties involved. The report will include an opinion and conclusion as to whether harassment occurred, as well as other relevant information. Based on the results of the investigation, the pastor and archdiocesan personnel coordinator, in consultation with the appropriate supervisor, will determine what, if any, disciplinary action is warranted. The disciplinary action will relate to the nature, context, and seriousness of the harassment, and can include all disciplinary actions up to and including immediate termination.

Likewise, if a complaint of harassment is found to be false, the pastor and archdiocesan personnel coordinator and/or the person(s) accused reserve the right to redress the complaint.

7. Complaints of sexual harassment and written reports of investigation must be kept separate from employees' personnel files. The pastor and archdiocesan personnel coordinator will keep complaints of harassment confidential to the extent such confidentiality is consistent with the pastor's and archdiocesan personnel coordinator's need to investigate and, if appropriate, redress an employee's complaint.
8. Appeals about any step of the process, including findings and resulting decisions of the investigation, may be taken to the archdiocesan due process board. The archdiocese does

not condone or authorize and furthermore, forbids any kind of retaliation against any employee or volunteer who has made a claim of harassment against another employee or supervisor. Copies of *Due Process Board Principles and Procedures* are available in the Office of Personnel and Planning.

POLICIES ON SEXUAL OFFENSE/ABUSE

4315

STATE OF KENTUCKY LAW

4315.1

All persons over age 18 who have supervisory positions over children in a school must submit to a state police criminal record check. The CRC screens for sex offenses, arrests or convictions. A principal may offer a contract conditionally to a person who is in the screening process. A contract will be voided immediately if a new hire's criminal record check reveal sexual offenses. A principal can decide to keep a contract with a new hire who has had prior arrests and/or convictions for shoplifting or petty larceny.

ABUSE AND NEGLECT OF CHILDREN

4315.2

The Catholic schools of the archdiocese are bound by the state and local laws for reporting child abuse and neglect.

1. **Failing to report is a Class B misdemeanor punishable by law. KRS 620.990** Anyone acting upon reasonable cause in the making of a report in good faith shall have immunity from civil or criminal liability. KRS 620.050 (1). No privilege, except attorney-client or clergy/penitent is grounds for failing to report.
2. KRS 620.030 of Kentucky law states that "any person who knows or has reasonable cause to believe that a child is dependent, neglected or abused shall immediately cause an oral or written report to be made to a local law enforcement agency, or the Kentucky state police, the cabinet or its designated representative, the Commonwealth's attorney by telephone or otherwise. Any supervisor who receives from an employee a report of suspected dependency, neglect, or abuse shall promptly make a report for investigation."
3. A **dependent child** is one who is under improper care, custody and control due to no fault of the parent. An **abused child** is one who is physically, sexually or emotionally abused or exploited or at risk of being physically, emotionally or sexually abused or exploited. A **neglected child** is one who is not provided with adequate care, supervision, food, clothing, shelter, education and medical care necessary for his/her well-being. KRS 600.020
4. A report may be made to the Crimes Against Children Unit, (502) 574-2465, to the Child Protective Services in Louisville, (502) 595-4550, or to the National Center at 1-800-752-6200. Individuals may also call 911.
5. A report may be followed by a visit to the school from Child Protective Services if the agency personnel determine there is enough information to investigate. A principal must cooperate with the investigator. A principal should request to see appropriate identification. If a child gives permission, a principal may remain in the room while a student is interviewed. A principal is not required to inform the child's parents of the interview by Child Protective Services.
6. A principal must report unprofessional behavior or comments from a CPS investigator to the director of the Child Protective Services Agency.

ARCHDIOCESAN POLICY ON SEXUAL ABUSE AGAINST CHILDREN

4315.3

Sexual activities or inappropriate relationships between a school employee and a student are grounds

for immediate suspension with possible termination.

1. All persons over the age of 18 involved with children in the school on a regular basis will be required to read and sign the *Archdiocesan Statement of Policy and Procedures on Sexual Abuse*. The signed cards must be sent to the Office of Personnel and Planning at the Chancery.
2. Archdiocesan employees who know or have reason to know of an incident of physical or sexual abuse against children by other employees of the archdiocese must comply with reporting or other requirements of state and local laws. If such action would violate the priest/penitent relationship of the sacrament of reconciliation, then a report cannot be made.

These steps must be followed:

- a. A verbal report of any incident of sexual activity or inappropriate relationships between an employee and a student must be made immediately to the appropriate supervisor, as determined by each diocesan entity. It must be followed immediately by a written report, with a copy to the director of personnel at the Chancery.
- b. The director of personnel will notify the Archbishop or his designate in the archdiocese.
- c. The employee will be removed immediately from direct contact with children, pending investigation and resolution of the case in the proper legal forum. During the period of investigation/trial the employee's salary will be continued, and he/she may be required to perform school services that involve no direct contact with children. When the case is resolved, the employee will either be reinstated or terminated, depending on the outcome of the investigation/trial.
- d. Each reported incident will be immediately investigated, with care taken not to interfere with any criminal investigation and with a high level of Christian care, concern and confidentiality for the alleged victim, the family of the alleged victim, the person reporting the incident and the accused.

PROFESSIONAL DEVELOPMENT

4316

CONTINUING EDUCATION FOR TEACHERS

4316.1

A minimum of twelve hours of professional development per year is required of each full-time teacher in the schools of the Archdiocese. These professional development hours must be taken between June 1 of one year and May 31 of the following year. Part-time teachers must take a minimum of six professional development hours per year.

1. Teachers who fulfill their twelve hour per year minimum requirement at times outside the approved school calendar may be excused from attendance on the scheduled Archdiocesan inservice days. In addition to the twelve-hour minimum, a principal may require teachers to attend additional inservices.
2. Persons participating in Office of Lifelong Formation and Education workshops must complete and submit to the principal appropriate verification of attendance.
3. Certified teachers who participate in a course or workshop sponsored by another agency must have approval from their principal for alternative inservice.
4. Any inservice that is taken during regular school hours cannot be counted toward the twelve hour minimum requirement.

5. In order to count for inservice credit, programs/workshops/courses must be a minimum of three hours in length. The presentations must also be by persons with appropriate educational credentials.
6. All courses offered by the Office of Lifelong Formation and Education for catechist training and college courses taken toward a degree in religious education will be approved.
7. Regular college courses taken to meet state certification requirements or a change in certification/rank will not satisfy the Archdiocesan minimum professional development requirement. Courses taken for enrichment can be exceptions to this requirement if prior approval is given.
8. School employees who present programs may receive a maximum of six inservice hours for their own credit for each three-hour presentation. Teachers serving on textbook adoption or curriculum committees sponsored by the Office of Lifelong Formation and Education can receive a maximum of twelve hours professional development credit.
9. Professional development activities must focus on specific teacher standards as much as possible to improve professional/instructional behaviors.

TEACHER PERFORMANCE APPRAISAL PROCESS

4316.2

A principal is required to complete a “Final Appraisal Report and Employment Verification” for each teacher. It can be a collaborative report that serves to improve the quality, variety and effectiveness of the learning experience in the classroom. It should also combine the teachers’ goals on the Professional Growth Plan. Teachers are encouraged to plan goals around the Professional Teacher Standards adopted by the Archdiocese of Louisville. A principal has the right to prioritize standards for each teacher. A teacher is expected to work toward proficiency in the standard(s).

Both the principal and teacher must sign the final report. A copy is provided to the individual and to the Office of Personnel and Planning. The final appraisal is used for employment verification purposes only.

A principal must also complete a “Final Appraisal Report and Employment Verification” at any time in the year when a teacher leaves or terminates the contract.

A principal cannot share copies of a teacher’s Final Appraisal with other principals or with any person so requesting. If a teacher freely provides others with a copy of the Final Appraisal, this is permissible.

FACULTY PLANNING TIME

4316.3

Faculty planning time should be set aside to give faculty members an adequate opportunity to plan and evaluate an instructional program. Faculty planning time can be arranged as it best fits the needs of individual schools.

Each school needs to provide for faculty planning time in a way that does not greatly inconvenience families. A principal needs to give teachers an opportunity to meet in order to assess the effectiveness of the instructional program.

When schools use planning sessions that modify the school day or school calendar, schools must have permission from the local school board before modifying the Archdiocesan calendar.

The integrity of the six-hour instructional day must be preserved. If two half-days are used for planning, one additional day must be added to the calendar.

A principal is urged to explore the most productive ways to free faculty for effective planning. Some possibilities could involve supervision of large-group activities by teachers of one level while teachers on another level are planning. Regional planning activities sponsored by different schools in the region are also an option.

Faculty planning time may vary from school to school depending on local needs.

STATE REQUIREMENTS FOR PRINCIPALS

4316.4

The Kentucky Department of Education requires at least three years' teaching experience and Rank II before an individual may be employed as a principal. An approved course of studies toward an administrative certificate and a principal internship are also required. Administrators who are certified in another state need to contact the Kentucky Department of Education for information about obtaining Kentucky certification.

To keep the administrative portion of the certification valid, the administrator is required to complete 42 hours of professional development credit as approved in the Effective Instructional Leadership Training Program (EILTP). The EILTP cycle is two years in length. Certificates of EILTP attendance must be sent to the Professional Development Office at the Office of Lifelong Formation and Education for the credits to be posted in the individual's personnel file. Forty-two (42) hours of EILTP credit are needed for renewal of the principal certificate by the Kentucky Department of Education.

CATECHIST REQUIREMENTS

4316.5

Beginning with the second year of experience in the archdiocese, school administrators will take 30 clock hours per year in catechist certification courses recognized by the Office of Lifelong Formation and Education until they have earned the advanced catechist certificate.

After achieving advanced certification, administrators must maintain certification every other year by earning 15 clock hours, or work toward master certification at this same rate. Courses toward master certification are highly encouraged.

School records of participation in catechist certification courses will be maintained by the principal/DRE and verified by the religious education certification coordinator at the Office of Lifelong Formation and Education.

At any level, college courses in theology, scripture, catechetics or pastoral theology can substitute for appropriate catechist certification courses. Participation in the Archdiocesan Lay Ministry Program may also substitute for appropriate catechist certification course. In all cases, application must be made to the religious education certification coordinator at the Flaget Center for certification credit.

COMPENSATION AND BENEFITS

4400

COMPENSATION TO RELIGIOUS

4410

Religious order teachers under contract with a school receive the same salary as lay teachers for the same rank, certification and experience. Parishes must pay a retirement contribution to religious communities. However, religious order teachers are not paid FICA benefits nor are they eligible for disability coverage.

BENEFITS: CERTIFIED AND NON-CERTIFIED PERSONNEL

4420

WORKERS' COMPENSATION INSURANCE

4421

School employees, religious and lay, certified and non-certified, are covered by Workers' Compensation insurance for job-related injury, disease or death, according to Kentucky law.

An employee, or a person acting in an employee's behalf, will notify a principal of the occurrence of a job-related injury, disease or death. A principal should notify the pastor and parish bookkeeper for steps to follow to file the claim. A principal must also inform officials at the Office of Personnel and planning that the school has filed a Workers' Compensation claim.

ARCHDIOCESAN BENEFITS PROGRAM

4422

The archdiocesan benefits program is revised annually. Detailed information is presented to parish bookkeepers. Bookkeepers are expected to provide the information to employees. Each school employee is required to complete an Archdiocesan Benefit Enrollment Form at the time of hire and each fall during open enrollment. It is the responsibility to employees to notify parish bookkeepers immediately when they have a significant life-changing event, such as marriage, birth of a child, divorce, death of a spouse or dependent, adoption or illness.

SOCIAL SECURITY

4423

All employees participate in Social Security as provided by law.

UNEMPLOYMENT COMPENSATION EXEMPTION

4424

The United States Supreme Court (St. Martin Evangelical Church vs. South Dakota, 451 U.S. 772 1991)) held that church and church-related schools that do not have separate legal existence are exempt from the coverage of the Federal Unemployment Tax Act. Therefore, Catholic school employees are not eligible to collect unemployment payments.

LIABILITY INSURANCE

4425

The Archdiocese of Louisville carries liability insurance to protect itself and its personnel in most job-related circumstances. An employee is expected to exercise reasonable precaution and care when fulfilling the duties of the job.

RETIREMENT

4426

Lay employees who have completed one full year of service and who work a minimum of 720 hours or more per year are eligible to participate in the archdiocesan retirement plan. The employer contribution is a percentage of the employee's annual salary.

As a participant in the Archdiocese of Louisville Flexible Benefits Program, an employees is entitled to certain rights and protection under the Employee Retirement Income Security Act of 1974 (ERISA). ERISA provides that all Plan Participants shall be entitled to:

1. Examine, without charge, at the Plan Administrator's office all plan documents and copies of all documents filed by the Plan Administrator with the U.S. Department of Labor, such as detailed annual reports and plan descriptions.
2. Obtain copies of all plan documents and other plan information upon written request to the Plan Administrator. The Administrator may make a reasonable charge for the copies.
3. Receive a summary of the plan's annual financial report.

ABSENCE SICK LEAVE

4427
4427.1

The archdiocese realizes that inability to work because of illness or injury may cause economic hardship. Consequently, regular full-time employees (30+ hours per week) will receive paid sick

time based on the employee earning one (1) sick day per month worked. This means that employees can earn a maximum of ten (10) or twelve (12) sick days per year since they work for either ten (10) months or twelve (12) months.

An employee has paid sick leave available for personal illness, spouse or child's illness, or a parent's illness.

An employee will continue to receive all benefits during sick leave. Prolonged absence required by a physician is not considered sufficient cause for termination unless it lasts beyond twelve (12) weeks.

A physician's statement may be required for frequent illnesses, illness exceeding five (5) consecutive days' absence or job performance adversely affected due to illness.

A part-time school employee earns sick time in proportion to the number of total hours worked. For example, an employee who works three days a week earns three (3) hours of sick time per month. This is based on a fifteen (15) hour work week for that person, divided by five (5) days in a regular work week. Therefore, at the end of the school year, a part-time employee who works three (3) out of five (5) days will have earned thirty (30) hours of paid sick time.

Effective July 1999, the maximum number of sick days that regular, full-time employees can accrue (carry in the bank) is sixty (60).

When an employee's accrued paid sick leave is used up, his/her salary is deducted at a daily rate of 1/185th of total salary.

Archdiocesan policy does not permit employees to "loan" unused sick days to other employees or to "buy" sick days from individuals.

Effective June 2000, departing employees who have reached age 55, and who have worked for the Archdiocese of Louisville for a minimum of ten consecutive years, will receive pay for one-third of the accrued sick days at their daily rate of pay at the time of retirement.

An employee is required to submit a time sheet verifying work attendance, absences and personal days to the principal on a regular basis.

A principal is required to complete a "Verification of Employment and Sick Leave" report for all certified employees at the end of the school year. Copies must be sent to the Coordinator of personnel services at the Chancery for the certified employees' files. It is recommended that a principal also prepare a report for all other school employees that specifies the number of sick days used and the number accrued for the next school year.

An employee may transfer accrued sick days from one position to another position within the Archdiocese. The most recent employer is expected to submit accurate documentation to the new employer regarding the number of used and accrued sick days.

If there has been a break in employment with the archdiocese for more than one (1) full year, no accumulated sick days may be carried over.

PERSONAL DAYS

4427.2

A full-time school employee has two (2) personal/retreat days available in addition to sick leave days. Personal days may be used at the employee's discretion. An employee should make a written request at least two (2) work days in advance; a principal will approve the request, provided it does not interrupt or impede the work program. Unused days convert to sick days up to the maximum

allowed. Personal days do not accumulate.

A part-time school employee, including an employee who works a minimum of fourteen (14) hours per week, are allowed pro-rated personal days. This means they are allowed a portion of two (2) full days. Check with the parish bookkeeper for further explanation. The coordinator of personnel services is also available for clarification or explanation.

DEATH IN THE IMMEDIATE FAMILY

4427.3

An employee is granted up to three (3) paid days from work immediately following the death of a father, mother, wife, husband, son, daughter, brother or sister, grandparent, grandchild or in-law (father, mother, sister, brother, son, daughter).

Other requests for bereavement absence will be handled on an individual basis.

MATERNITY/PATERNITY/ADOPTION

4427.4

Upon submitting a written request, eligible school employees will be granted a leave of absence not to exceed six (6) weeks for the birth of a child. All employees are eligible to receive one week paid leave upon the birth or adoption of a child. Maternity/paternity leave allows one (1) week of the six (6) weeks to be with pay. The additional five (5) weeks will be unpaid. However, sick leave may be used in place of unpaid days. The parish may also grant FMLA of twelve (12) weeks unpaid leave.

UNPAID ABSENCE

4427.5

Absences not covered by policies outlined herein are subject to forfeiture of one day's pay for each day's absence equivalent to 1/185 of the contract employee's salary or one day's pay based on hourly wages for other employees.

LEAVES

4428

FAMILY AND MEDICAL LEAVE ACT OF 1993

4428.1

The Family and Medical Leave Act of 1993 (FMLA) entitles eligible employees to take up to 12 weeks of unpaid, job-protected leave each year for specified family and medical reasons. An employee must request the FMLA-qualifying leave in writing and must explain the reasons for it to allow the employer to determine if the days asked for qualify as FMLA. To be eligible to request FMLA, the employee must have worked a full year for the Archdiocese of Louisville.

If the employer grants FMLA leave, the employer must designate it so and promptly inform the employee within two working days. Any designation of paid leave (sick days) must be made before the leave starts, unless the employer does not have sufficient information about the employee's reason for requesting FMLA. **The Family and Medical Leave Act of 1993** is in the appendix and lists rights/duties of employees/employers in more detail.

The U. S. Department of Labor's Employment Standards Administration administers and enforces FMLA for all private, state, and local government employees and some federal employees.

The law contains provisions on employer coverage; employee eligibility for the law's benefits; entitlement to leave, maintenance of health benefits during leave, and job restoration after leave; notice and certification of the need for FMLA leave; and, protections for employees who request or take FMLA leave. The law also requires employers to keep certain records.

A leave beyond twelve (12) weeks will not be granted except for extreme circumstances and may never last beyond ninety (90) working days. Inability or failure to return to work after the 12 work

weeks or 90 work days will result in automatic cancellation of a contract or termination of employment.

Promise of employment or contracts for the following school year may not be offered to an employee who is on leave, without a doctor's written authorization, that the employee is able to resume all duties at the beginning of the school year.

An employee on FMLA will continue to receive the archdiocese's employee benefits.

Before granting FMLA, a principal needs to consult with the archdiocesan coordinator of personnel services. (See Appendix IV-G)

JURY DUTY **4428.2**

The archdiocese recognizes an employee's civic obligation to serve as a juror. A full-time employee or a regular part-time employee will continue to receive their regular salary. Fees received by an employee for performing jury duty will be in addition to their normal salary. If jury duty terminates on any day at noon or earlier than noon, an employee is expected to return to work for the remainder of the day.

MILITARY LEAVE **4428.3**

A full-time employee ordered to active military service is granted an unpaid leave of absence.

Upon completion of the period of active military service, an employee is reinstated provided he/she satisfies the requirements set forth in the Vietnam Era Veterans' Readjustment Assistance Act of 1974.

SHORT-TERM MILITARY LEAVE (Two-Week Summer Camp) **4428.4**

An employee required to participate in the reserve training program receives the difference between base military pay and Archdiocesan pay for a two-week period each year, providing gross Archdiocesan pay exceeds gross military pay. An employee who engages in required military training during a regular vacation period receives the regular vacation pay and any supplemental pay due based on the above computation.

Upon return from summer camp, an employee must present to the principal a certified statement of the military pay received for the period of training.

In all cases of military leave, including periods of short-term training, a copy of the employee's military orders should be placed in his/her personnel file.

DOCUMENTATION FOR EMPLOYEE LEAVE **4428.5**

Any employee leave must be noted on the employee's final review document and appropriate documentation attached.

SABBATICALS **4428.6**

The Archdiocese of Louisville does not grant sabbaticals for administrators or teachers.

SALARY GUIDES FOR PRINCIPALS AND TEACHERS **4429**

Salaries on principal and teacher contracts must match the archdiocesan salary scale. A committee of principals, teachers, school officials and archdiocesan personnel work together to present a three-

year proposal for certified teacher salaries. The Priests' Council must approve the proposed salary scale before it goes to the Archbishop for his final approval. It is against Archdiocesan policy for parishes to pay above the salary scale for any teacher or principal contract.

According to Archdiocesan policy, only rural parishes outside Jefferson County can choose to pay teachers and principals an amount different from the one on the Archdiocesan salary scale.

LANE CHANGES ON SALARY SCALE

4429.1

A teacher is entitled to a change in salary when he/she officially changes certification or rank through university courses. He-she must submit an application for rank or certificate changes to the Kentucky Department of Education. The Archdiocese of Louisville has a salary scale for the following:

- ◆ degreed, non-certified (no Rank);
- ◆ Bachelor's Degree and teaching certificate (Rank 3);
- ◆ Bachelor's Degree and teaching certificate plus 15 hours of graduate work (Rank 3+15);
- ◆ Master's Degree and teaching certificate (Rank 2);
- ◆ Master's Degree and teaching certificate plus 15 hours of additional graduate hours (Rank 2 +15);
- ◆ 60 graduate hours above Bachelor's Degree or 21 hours above Master's Degree (Rank 1).

The Education Professional Standards Board of the Kentucky Department of Education determines whether a new rank will be granted. Teachers should notify a principal of application to Frankfort. A principal should await confirmation of that status change from the Kentucky Department of Education before granting the pay increase. This increase, however, should be retroactive to the first of the month following the submission of official course transcripts to the principal. In this instance, the period of time for which retroactive pay would be provided should not exceed two months unless the teacher can document that the delay beyond the two month period was due to time spent on processing the forms by the Kentucky Department of Education in Frankfort.

PRINCIPALS' SUPPLEMENT

4429.2

Principals' salaries are calculated using three criteria: adding 10% to the basic teacher salary scale; the number of teachers supervised; and the number of years of experience (up to five (5)) as a principal.

HEALTH AND SAFETY

4500

MEDICAL EXAMINATION

4510

A medical examination and tuberculin test are required upon initial employment in a school.

A school employee with positive tuberculin reactors is required to comply with the recommendations of the local Board of Health for further evaluation and treatment of the indicated tuberculosis infection. A principal will provide copies of such medical reports to the Archdiocesan Office of Personnel and Planning at the Chancery. (See Appendix IV - H)

A school employee who is diagnosed with a communicable or infectious disease during a routine medical examination must comply with the rules and regulations of the local Board of Health.

SCHOOL EMPLOYEES WITH A COMMUNICABLE DISEASE

4511

Local school authorities must report all known or suspected cases of communicable disease of an

employee immediately to the local health department. The employer must follow all requirements of the health department.

SCHOOL EMPLOYEES INFECTED WITH HIV/AIDS 4512

A school employee infected with HIV/AIDS is allowed to work so long as he/she is physically able. Sick leave and medical/disability benefits are extended to the employee infected with AIDS in the same manner as to the employee with any other illness. The employee has the right to privacy and respect.

HIV ANTIBODY NEGATIVE 4513

No special procedures will be required for an individual who is HIV antibody negative, regardless of the HIV status of any of his/her family members.

WORK PLACE ENVIRONMENT 4514

Catholic schools are committed to a safe environment that promotes and models both well-being and the care and concern of Christ for all employees. Creating such an environment challenges Catholic school personnel to model a wholesome life. It requires school administrators to establish clear expectations for the behavior of personnel that will lead to productive and spiritually rewarding involvement in the educational ministry of the archdiocese.

TOBACCO USE 4515

Tobacco use by employees is discouraged as both a health risk and as inappropriate modeling for students in a school dedicated to being drug free. School administrators must provide a smoke-free environment for its employees.

SUBSTANCE ABUSE 4516

An employee under the influence of drugs or alcohol on the job poses serious safety and health risks to himself/herself and to others as well. The possession, use or sale of an illegal drug also violates the law.

The Archdiocese has a vital interest in maintaining safe, healthful and efficient working conditions for its employees. It believes its own well-being is dependent upon the physical and psychological health of its employees. Accordingly, it is the expectation of the Archdiocese, and inherent in the offer of employment, that an employee must present himself/herself to the workplace fit for duty.

The Archdiocese also recognizes that an employee who experiences problems of substance abuse needs professional help to overcome the problem. It is the Archdiocese's desire to assist such an employee in his/her efforts to seek counseling and treatment directed toward rehabilitation.

POLICY: 4516.1

- a. Misuse or being under the influence of alcohol or any controlled substance while on Archdiocesan property or performing Archdiocesan business is prohibited.
- b. Possession, use or sale of an illegal drug by an employee violates the law and is prohibited.
- c. Upon being arrested for an alcohol or drug-related offense, an employee must notify the principal within forty-eight (48) hours. Depending upon the public knowledge of the incident and the degree to which the employee's work has been affected, an employee may be required by the principal to have an alcohol/drug assessment at a specified center and to

have the results forwarded to the principal. The results of the assessment will determine further action by the principal. Refusal to have an assessment may result in immediate termination.

- d. An employee arrested for a Driving Under the Influence (DUI) offense during work hours or while carrying out job responsibilities will be suspended and termination may result.
- e. The use or being under the influence of any legally obtained drug by any employee while performing Archdiocesan business or while on archdiocesan property is prohibited to the extent that such use or influence may affect the safety of co-workers or member so the public, the employee's job performance, or the safe, efficient and exemplary operation of the archdiocesan parish, agency or school.

An employee may continue to work, even under the influence of a legally obtained drug, if the supervisor determines that the employee does not pose a threat to his/her own safety or the safety of co-workers, and that the employee's job performance and the expectations of exemplary behavior are not significantly affected by the legal drug.

DISCIPLINARY ACTION **4516.2**

Violation of the policy shall result in disciplinary action against the employee, up to and including termination. An employee may be required to participate in a drug abuse assessment or rehabilitation program approved by the Office of Lifelong Formation and Education.

OBLIGATION TO NOTIFY **4516.3**

An employee convicted of violating a criminal drug statute shall notify a principal no later than 48 hours after such a conviction. If an employee fails to notify the principal, then the employee will be suspended without pay pending the results of an investigation.

CHEMICAL DEPENDENCY **4516.4**

A legally used drug such as alcohol or a prescription drug may be abused and may cause chemical dependency.

CHEMICAL DEPENDENCY (ILLNESS) **4516.5**

Chemical dependency may exist when an individual's repeated, abusive consumption of alcohol or other drugs interferes with the proper performance of an employee's duties. The Archdiocese of Louisville recognizes alcoholism and other chemical dependencies as human physical illnesses that demand enlightened concern and action. Unless successfully treated, the illness is progressive and fatal.

A principal shall be alert for signs of chemical abuse and possible chemical dependency and shall take steps to intervene. If chemical abuse/dependency is suspected, then a professional assessment may be requested, if appropriate. A professional assessment is a screening process conducted by a facility that specializes in the treatment of chemical dependency. The principal may request that the results of the assessment be reported to the school. Any further decisions regarding an employee may depend upon the results of the professional assessment. The Office of Personnel and Planning will be notified when the principal suspects such chemical abuse/dependency.

If an employee's behavior indicates chemical abuse/dependency inside or outside of the workplace, the principal will take the following steps:

1. Document and discuss with an employee any changes in the employee's performance

- and/or behavior relative to the school's professional standards.
2. Request that an employee undergo professional assessment and treatment as an alternative to probation or termination, and provide the principal the report of the outcome of the assessment. The principal may request the results to be reported within seven (7) days.
 3. If the professional assessment indicates chemical dependency, an employee is expected to
 4. Enter a treatment program.
 5. The Office of Personnel and Planning, if requested, will offer assistance to the individual school communities in the exercise of their responsibilities to be alert for possible chemical dependency, to intervene and to recommend appropriate treatment if chemical dependency is indicated.

CHEMICAL ABUSE

4516.6

This occurs when alcohol or other chemical use results in drunkenness or in the temporary impairment of the mental, emotional and/or physical competencies expected for normal social exchange or for activities like driving an automobile.

DISCIPLINARY ACTION AGAINST SCHOOL EMPLOYEES

4600

As the instructional leader of the school, a principal's most important responsibility is to supervise and evaluate teachers and teaching staff. Principals have a right to expect that employees can demonstrate competency, dependability, skill, cooperation, good judgment and appropriate behavior. However, from time to time, principals may have to deal with personnel situations that require disciplinary action.

In most cases, a principal can solve the problem by gathering the facts, analyzing them and discussing them with the employee. Most employees will appreciate the feedback and make the appropriate change. When this does not work, a principal must decide if disciplinary action is needed.

Local school boards do not have the authority or the responsibility to discuss or initiate disciplinary actions taken by a principal or pastor/canonical delegate against an employee. In fact, personnel matters involving specific school or parish employees should not be the topic of discussion at local board meetings. It is the principal's and pastor/canonical delegate's responsibility to inform the local board of this policy.

A principal is authorized to determine the disciplinary action that is appropriate for the situation and the employee. Before taking serious action, such as writing an official reprimand or terminating an employee, a principal is required to inform the pastor/canonical delegate and the coordinator of personnel services.

An employee does not have the right to refuse any disciplinary action decided by a principal.

A principal may not discuss any disciplinary action taken against a school employee with school parents, parishioners, visitors to the school, or family members without written authorization from the employee. An employee has the right to expect confidentiality with regard to disciplinary actions.

A principal has the responsibility to maintain confidentiality in personnel matters. A principal is cautioned not to discuss one teacher's poor job performance with another teacher unless that person is the assistant principal or a resource teacher working with an intern. A principal may discuss an employee's performance only with the person's immediate supervisor or the

pastor/canonical delegate, or archdiocesan officials. For example, a principal may find it necessary to discuss concerns about a cafeteria worker with the lunchroom manager, or concerns about a teacher assistant with the supervising teacher.

A **disciplinary action** may be as simple as a principal requesting an explanation for behavior from a teacher or staff member. A principal must hold a private conversation with an employee whose behavior is being questioned. The purpose is simply to state, “I saw you do ___ or I heard you say. Can you talk to me about it?”_ A principal can issue a **verbal warning** and inform an employee the behavior must not happen again. Documentation could be a calendar entry on the principal’s appointment book about the meeting or an actual note to an employee requesting a conference.

Based on an employee’s response, a principal can decide if a **written reprimand** is needed. If a principal decides to take this action, a signed statement that identifies the problem would go in the employee’s file. A principal must furnish a copy to the employee and keep one in his/her files. Since this is regarded as a serious disciplinary action, a principal must contact the coordinator of personnel services about the situation. A principal must also inform the pastor/canonical delegate when such action is taken.

A principal may decide to remove a written reprimand from an employee’s file if the employee finishes the year satisfactorily.

When an employee’s behavior is a violation of archdiocesan or school policies, a principal must document each **conference** that addresses the concern. A summary of the conference must be given to the employee and a copy must be kept in a principal’s file. A principal must put each request for a conference in writing as well as any follow-up recommendations for the employee. It is not necessary to send a copy of each conference summary with an employee to the coordinator of personnel services unless the coordinator requests such a copy.

A principal can decide at any time to put an employee on “**intensive assistance**” to address a specific instructional concern or work performance problem. If a principal decides to do this, it should be for a minimum of 30 days. A principal must also state in writing for an employee what kind of support will be provided in order to help the employee improve. (See the Supervision Manual for a specific outline of intensive assistance). When a principal decides to take this course of action, it is a serious step. It means that previously recommended changes have not occurred as hoped. It is a principal’s responsibility to decide if an employee has satisfactorily carried out the Intensive Assistance plan for improvement. A principal must inform the pastor/canonical delegate and the coordinator of personnel services of such action.

PROBATION

4610

When a principal has concerns about an employee’s work performance, attitude, working relationship with other employees, communication skills, or any other areas pertaining to work, a principal can decide to place the employee on “**Probation.**” Probation applies to a definite period of time during which an employee is aware that he/she must show evidence of improvement. A principal determines where improvement is needed and how long the probation will last. A principal must meet with an employee who is being placed on probation. Appropriate written forms must be used. (See Supervision Manual). At the end of the formal period of probation, a principal will decide if an employee satisfactorily improved. A principal must meet with an employee throughout the probation and when it ends. A principal must inform a pastor/canonical delegate and the coordinator of personnel services before taking such a step. Copies of the probation document must be distributed to the employee, the pastor/canonical delegate, and the coordinator of personnel services. A copy must also be kept in a principal’s files.

SUSPENSION

4620

When a principal determines that an employee’s work performance or conduct has seriously violated archdiocesan policies or has damaged the reputation of the school/parish, he/she can decide to put the employee on “**Suspension.**” This action means that a principal decides to remove an employee from his/her work duties despite a record of satisfactory work performances. A principal must determine if the suspension is “with pay” or “without pay.” When a principal decides to suspend an employee, he/she must notify the pastor/canonical delegate and the coordinator of personnel services before taking such action.

Appropriate documentation is required including written records of employee performance. Copies of documentation and notification of suspension are distributed to the pastor/canonical delegate and the coordinator of personnel services.

TERMINATION

4630

When a principal has evidence of any of the following, “**termination**” is considered an appropriate disciplinary action.

- An employee refuses to carry out assigned duties;
- An employee is physically or mentally not able to carry out his/her duties;
- An employee is incompetent in the performance of duties;
- An employee has committed a serious offense against Catholic doctrine or morality;
- An employee is involved in a crime;
- An employee is involved in a public scandal or conduct unbecoming a school employee.

“Termination” can mean 1) a teacher is dismissed without warning; 2) a teacher is given two-weeks’ notice to leave the position; 3) a non-contract employee is given two-weeks’ notice to leave the position; or 4) a non-contract employee is dismissed without warning.

A principal must contact the pastor/canonical delegate, and the coordinator of personnel services before such action is taken. Appropriate documentation is required, including written records of work performance. Copies of termination documents must be distributed to the employee, the pastor/canonical delegate, the superintendent, and the coordinator of personnel services. A principal must also keep a copy in his/her files.

A principal must inform the pastor/canonical delegate and the coordinator of personnel services of a disciplinary action taken against an employee.

GRIEVANCE PROCEDURES

4640

Catholic school administrators, teachers and staffs, by the nature of their positions, are expected to work out disagreements or conflicts in a manner that demonstrates a spirit of cooperation, respect, and courtesy. Principals, as the local authority of the schools, are obliged to try to resolve employee conflicts as quickly and as judiciously as possible.

When an employee disagrees with a principal’s work-related actions or personnel decisions, he/she must follow specific procedures to file a grievance.

Step one—An employee must try to resolve a conflict or disagreement at **the lowest level**. This means that an employee must either speak directly to the principal about the situation or address the concern in a note to the principal. A principal’s responsibility is to take the time to meet with such an employee to help him or her understand a decision or action.

Step two—If an employee thinks his/her grievance was not satisfactorily addressed in the first step, he/she can contact the **pastor/canonical delegate** to request a meeting to discuss the

grievance or write specific concerns to the pastor/canonical delegate in a letter. An employee must also inform the principal that this step has been taken. It is the pastor/canonical delegate's responsibility to contact the employee to discuss the grievance. After meeting with the employee, the pastor/canonical delegate decides what action to take. He may also decide no action is needed.

Step three—If an employee thinks that steps one and two have not satisfactorily addressed the grievance, he/she can make a formal request to speak to or meet with an official at the archdiocesan Office of Personnel and Planning. When this step is taken, an employee must inform the principal and the pastor/canonical delegate. It is the personnel official's responsibility to set up a meeting with the employee to hear the grievance. Personnel officials decide who else may need to attend the meeting with the employee. After meeting with the employee, personnel officials decide what action needs to be taken. They may also decide that no further action is needed.

Step four—If an employee has followed steps one, two and three, and still thinks that officials have not satisfactorily addressed the grievance, he/she can submit the grievance to the archdiocesan **due process board**. Specific procedural steps must be followed to request a DPB hearing. The Office of Personnel and Planning can advise an employee of the appropriate procedures. It is the responsibility of the Due Process Board to set up a meeting with the employee to hear the grievance and/or to request written documentation from the employee, the pastor/canonical delegate, and the principal. After meeting with an employee and/or after reviewing written documentation submitted by the parties who are involved, the archdiocesan due process board can decide that no further action is necessary. The DPB can also decide on specific actions to resolve the grievance.

Step five— If an employee has followed steps one, two, three, and four and thinks that his/her grievance has not been addressed, he/she can present the grievance in writing to the **Archbishop**. If a grievance reaches this level, the Archbishop can take whatever action he deems appropriate. He can decide to meet with the employee or to appoint someone else to talk to the persons involved in the grievance. He can also decide it is not necessary to have a meeting with the employee. He can decide that no further action or recommendation is needed to resolve the conflict. This is **the last and final step** in archdiocesan grievance procedure.

At the parish level, the pastor/canonical delegate retains the authority to intervene at any stage of a complaint or grievance, provided such intervention seems more likely to bring a just and speedy resolution to the problem.

If a breach of archdiocesan policy has occurred, either the Office of Lifelong Formation and Education and/or the Archdiocesan Office of Personnel and Planning, has the authority to intervene to address the problem in hopes of resolving it.

When an employee decides to take a grievance to the next higher level, all such appeals must be made in writing within a reasonable time (no longer than two weeks). If, at any level, a formal meeting or hearing is requested, all persons involved must agree to **full disclosure** of all pertinent information to the person or agency conducting the meeting or hearing. The hearing body is bound to maintain confidentiality of all information.

The Archdiocesan Office of Personnel and Planning or representatives of the Office of Lifelong Formation and Education may meet with both sides in a dispute to search for a satisfactory resolution. Officials of these two agencies may also appoint an ad-hoc committee to conduct a hearing if they feel that could resolve the disagreement. They may recommend that the due process board hear the dispute when no resolution seems possible.

TEMPORARY PERSONNEL

4700

DEFINITION

4710

Temporary personnel are those who work in the school for a limited period of time, such as substitute teachers, student teachers, volunteers, etc. they do not sign contracts, nor are they eligible for the flexible benefits program.

SUBSTITUTE TEACHERS

4720

A principal is responsible for implementing a procedure for covering classroom instruction when a teacher or teacher assistant is absent.

The best practice is to hire substitute teachers with valid teaching certification. The Archdiocese of Louisville Office of Personnel and Planning requires that substitute teacher applicants have a minimum of sixty (60) college credits in order to apply in the archdiocese. Each applicant must submit an application form and pay for a criminal record check. The Office of Personnel and Planning screens each substitute teacher applicant and reviews the qualifications. When the CRC is satisfactory, the person's name is added to the archdiocesan substitute list.

The Office of Personnel and Planning updates the archdiocesan substitute list every two weeks. Revised lists are sent to each Catholic school principal. A principal can use the names on the substitute list when he/she needs someone to cover classes. However, a principal can also rely on substitutes who are familiar and who live close to the school. Any person hired by principals to work as substitute teachers must submit an application to the individual school and do a criminal record check.

In some absences like FMLA, maternity/paternity leave or jury duty, a principal may need a long-term substitute teacher. For such situations, the Archdiocesan Office of Personnel and Planning will assist a principal in finding a qualified substitute teacher. For the sake of the students, it is not advisable to switch from one substitute to another during a long-term teacher absence. For long-term temporary hires, a parish may continue to pay a daily rate without a contract or to pay with a contract on a pro-rated basis. If a principal decides to put the substitute under such a contract, the employee cannot receive any archdiocesan benefits, even though he/she assumes all the responsibilities of the regular teacher. A substitute teacher is considered a temporary hire and is not entitled to benefits. The salary is based on 1/185th times the number of days contracted.

A principal in an elementary school may find it necessary to use teacher assistants as substitute teachers when no other person is available. The Office of Personnel and Planning recommends that when this is the practice, a principal uses teacher assistants with classes with which they are comfortable and effective. For example, a second grade teacher assistant would be effective with the second grade class. She may not be as effective with an eighth grade class. It is not advisable for a teacher assistant to act as the teacher for more than a day or two at a time. The Archdiocesan Office of Personnel and Planning strongly recommends that teacher assistants only supervise students in non-instructional settings, such as in the lunch room, cafeteria, hallway, restrooms and on the playground.

When a qualified teacher assistant is used as a substitute for a teacher on a regular basis, he/she can be paid for that work over and above the teacher assistant salary. A principal must submit documentation to the parish bookkeeper so that the pay for substitute work is separated from the pay for teacher assistant. Payroll checks cannot be written directly from the school account.

A principal can rely on in-house substituting and require that teachers cover each other's classes during their planning times.

A principal must notify the coordinator of personnel services when he/she receives complaints or has concerns about any person on the archdiocesan substitute list.

STUDENT TEACHERS

4730

Local universities and colleges often request that Catholic schools in the archdiocese provide supervising teachers for student teachers. Some of our local Catholic schools are willing to provide this field experience for student teachers.

However, a principal must treat student teachers as temporary employees even though they usually receive no compensation for their experience. A principal must decide which teacher will work with a student teacher and make the assignment according to the appropriate certification and experience of the supervising teacher.

A supervising teacher's responsibility is to direct and supervise the student teacher while he/she works with students as a classroom instructor. It is also a supervising teacher's responsibility to evaluate the student teacher's performance and to work with the university or college supervisor. A supervising teacher must also keep the principal informed of the student teacher's performance.

A principal's responsibility is to orient the student teacher to the school's policies and procedures, and to inform the staff that a student teacher will be working in the building.

VOLUNTEERS

4740

A volunteer is any one who works in the school setting without being paid for such service to the school. Volunteers may be school parents who work with Parent Teacher Organization committees, grandparents who are available to work with children to help out staff, senior citizens who belong to the parish and who are available to share time with the school, or high school students who perform service projects.

A volunteer must submit to the appropriate state criminal record check (CRC) and provide emergency information to the principal. A principal is responsible for the supervision of volunteers. Volunteers can supervise children in non-instructional settings, such as in the hallway, on the playground, in the lunch room, or leading students in recreational activities or health screenings.

A principal must provide orientation for all volunteers. This orientation must include a review of school policies, procedures and legal considerations as they pertain to the volunteers' time in the school.

A principal has the authority and right to dismiss a volunteer who violates policies and procedures of the school or whose actions harm the good name and reputation of the school.

Appendix IV - A

PRINCIPAL'S JOB DESCRIPTION

In the Archdiocese of Louisville, the principal is responsible for strong religious and instructional leadership while integrating Catholic values and goals into every aspect of school climate. The principal motivates faculty and students to excellence and establishes policies that create an orderly and safe environment. The principal is responsible for financial management as specified by the pastor. The principal implements all policies of the local school board which are in accord with all Archdiocesan policies and directives.

The Office of Lifelong Formation and Education organizes the responsibilities of the principal into the following five areas, which provide the focus of the principal performance review:

- I. SPIRITUAL The principal provides leadership which ensures the unique Catholic identity of the school, as reflected in building communities of faith, quality religious instruction and practices of Christian service.
- II. EDUCATIONAL The principal provides leadership which encourages a community of learners, demonstrated by the varied learning experiences available for faculty, staff, students and parents, as well as appropriate curriculum and instructional practices.
- III. MANAGERIAL The principal provides leadership which ensures a school environment that promotes learning, solves problems and resolves conflicts. The principal plans for the future of the school through effective strategic planning, recruitment and managing financial resources.
- IV. COMMUNICATOR/RELATOR The principal provides varied means for effective communication and collaboration among parish staff, the director of religious education, parish members, parents, teachers, students and other parish organizations. The principal models communication which is frequent, respectful and sensitive to individual needs.
- V. PROFESSIONAL The principal continues her/his professional growth through workshops, course work, ongoing religious education and professional reading..

Appendix IV - B

EXTENSION OF CONTRACT DEADLINE SAMPLE LETTER

Due to uncertainty about staffing and enrollment for the _____ - _____ school year, decisions regarding staffing needs for the 199_ - 199_ school year cannot be made in accord with the timeline established by the Handbook for Catholic Schools section 4164.

I hereby agree to extend each and all of these deadline dates by thirty days to allow extra time for budget preparation and staffing needs to be determined.

Furthermore, I understand that by agreeing to this deadline extension, that no commitment is made by this local parish to extend my contract beyond the present 199_ - 199_ school year.

Employee Signature: _____ Date: _____

School: _____

Appendix IV - C

Notification of Faculty Change

Name of School: _____ Address _____

Principal Signature _____

WITHDRAWAL

Name	Date Leaving	SSN	Grade/Subject	Reason for Withdrawal

REPLACEMENT**

Name	Date Starting	SSN	Grade/Subject	Address/Phone No.

** If this is a new employee to Archdiocese of Louisville, please send teaching certificates, CRC, a completed application, transcripts and medical information along with this form to the Personnel Office below.

NAME CHANGE

Maiden name	Married Name	SSN	New Phone	New Address

ADDRESS CHANGE

Name	SSN	New Phone	New Address

Please complete and return this form to:

Archdiocese of Louisville
Flaget Center
Judy Thomas, Assistant Superintendent
1935 Lewiston Drive
Louisville KY 40216

Appendix IV - D

**SUGGESTED
TERMS OF AGREEMENT FOR EMPLOYMENT**

Year Date: _____ - _____

School: _____

Employee: _____

Address: _____

Telephone: _____ SSN: _____

=====

1. Employment is for the position of _____.
2. Annual salary is _____, payable in _____ equal semi-monthly installments.
3. Services for the school shall commence on _____ and continue until _____. Work hours each day are _____ to _____.
4. The number of paid sick days per school year is ____.
5. The number of paid emergency days per school year is ____.
6. The number of paid personal days per school year is ____.
7. The employee shall be expected to abide by the regulations and policies of _____ school, the State Department of Education, the Office of Lifelong Formation and Education, and the Pastor. Violation of any phase of these regulations, as well as the inability to carry out duties provided herein, may be cause for dismissal.
8. In the event of dismissal, reasons for dismissal will be provided to the employee in writing at least 10 working days prior to effective day of dismissal.
9. Employee may terminate employment at will. However, if possible, a notice of 10 working days shall be given.
10. This agreement shall remain in full force from the date signed, unless otherwise replaced at a subsequent date.

I have read the above and agree to abide by the provisions contained herein.

Signature: _____ Date: _____

Pastor: _____

Appendix IV - E

NON-INSTRUCTIONAL SCHOOL STAFF
PERSONNEL EVALUATION
Year Date: _____ - _____

School: _____

Employee: _____

SSN: _____ Position:

Evaluation Date: _____

Evaluation Completed by: _____

Evaluator's Position: _____

Evaluation Scale: 1 - Excellent 2 - Above Average 3 - Average 4 - Improvement Needed

Attendance.....	1	2	3	4
Punctuality.....	1	2	3	4
Personal appearance--appropriateness for position.....	1	2	3	4
Cooperation with co-workers	1	2	3	4
Cooperation with administration	1	2	3	4
Observation of health and safety procedures	1	2	3	4
Conscientiousness toward performance of duties.....	1	2	3	4
Performance with minimum of supervision.....	1	2	3	4
Initiative demonstrated.....	1	2	3	4
Quality of work completed (neatness, completeness, thoroughness).....	1	2	3	4
Attitude towards work (willingness to improve, loyalty)	1	2	3	4

Appendix IV - E2 (continued)

Non-Instructional Evaluation
Page 2

Notable Strengths _____

Areas that need improvement or recommendations _____

The signature of the staff person below may not necessarily reflect agreement, but does reflect an awareness of the content of this report.

Employee Signature: _____ Date: _____

Evaluator Signature: _____ Date: _____

Comments from Employee if desired _____

Appendix IV - F

CODE OF ETHICS

PREAMBLE

(by Catherine T. McNamee, CSJ, President, National Catholic Educational Association)

The whole question of values has been an important topic in educational circles in recent years -- in both the public and the private sectors.

During this period of much ethical and moral debate, we in Catholic education stand ready with many contributions to make to the Church and to the nation as we share the vision and values which inform and inspire our teaching ministry.

This Code of Ethics for the Catholic School Teacher is a concise guide by which to re-examine those values and renew that vision as it relates to on-going commitment to students, parents, community, and profession. "To some has been given the gift of teaching ..." This gift carries with it both great responsibilities and great personal and spiritual rewards.

PRINCIPLE I: COMMITMENT TO THE STUDENT

As Catholic school educators we believe that students, like ourselves, are pilgrim people, making their journey through this life with a constant focus on the next. As Christian Catholic educators, we have a special responsibility to encourage each student to achieve his/her maximum potential. We work to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. In fulfilling our obligation to the student, we are called to:

1. Help students see the relevance of a Christian value system in their daily lives.
2. Help students learn to relate human culture and knowledge to the news of salvation.
3. Show Christian concern about the joys and problems of each student.
4. Speak with charity and justice about students even when called upon to discuss sensitive matters.
5. Work with students in preparing liturgies, paraliturgies and other religious programs.
6. Respect confidential information concerning students and their homes.
7. Plan appropriate service projects for students that will develop their sense of responsibility to the community.
8. Enable students to grow in a sense of self-worth and accountability by selecting activities which promote the positive self-concept as becomes a maturing Christian.
9. Develop the students' knowledge and understanding of the subject(s) for which we are responsible, without suppression or distortion.
10. Refuse remuneration for tutoring students assigned to our classes and reject any other use of our students for personal financial gain.

PRINCIPLE II: COMMITMENT TO PARENTS

As Catholic school educators we believe children are influenced by home, community and a society in which attitudes toward Christian values are often challenged. Parents, the source from whom children and youth derive their values, entrust their children to the Catholic school to instruct, complement and intensify the education and formation begun in the home. We are called to assist these parents in fulfilling their obligation for the Christian formation and education of their child; therefore, we will:

1. Respect parents' fundamental human right to know, to understand, and to share in decisions that affect the education of their child by:
 - Assuring parents of a commitment to ongoing education as a professional educator and informing them, upon request, of educational qualifications.
 - Keeping parents apprised of the curriculum and method of instruction.
 - Providing opportunities for parents to help shape classroom and school policies and keeping them well informed regarding all current policies.
2. Develop educational programs and activities to enhance family life as well as the home-school relationship.
3. Respect any confidential information which parents share.
4. Report to parents their child's progress regularly and as needed, in a spirit of charity, with professional accuracy and honesty.

Appendix IV - F (cont.d)

PRINCIPLE III: COMMITMENT TO THE COMMUNITY

As Catholic school educators, we believe the school community is both an agent of appropriate change and a preserver of basic tradition. We consider the school community an integral part of the parish whose people it serves, and a vital force for preparing future civic and Church leaders. In fulfilling our obligation to our apostolic profession, we are called to:

1. Promote the peace of Christ in the world by:
 - Modeling peaceful solutions to community conflicts.
 - Encouraging a spirit of cooperation and avoiding the extremes in competition.
 - Developing skills which will enable students to interact with society for a better world.
2. Cooperate wholeheartedly in the continued building of parish and spirit by:
 - Emphasizing the integral nature of the Catholic school within the parish and community.
 - Assisting communication concerning parish resources, needs and events.
 - Modeling active participation in one's own parish.
3. Develop student potential for constructive Christian leadership within the American democracy by:
 - Ensuring an adequate understanding of history and its lessons.
 - Providing opportunities for taking responsible moral positions on current issues.
 - Offering instruction and practice in leadership skills.
4. Contribute to the well-being of the area in which the school is located by:
 - Reflecting the philosophy of the school in one's attitudes and actions.
 - Manifesting respect and appreciation for the work of educators in other schools and systems.
 - Encouraging in students a respect for the person and property of their neighbors.
 - Avoiding inappropriate school activities that disturb the peace and order of the community.

PRINCIPLE IV: COMMITMENT TO THE PROFESSION

As Catholic school educators we believe that professional excellence in Catholic schools directly influences our Church, country and world. We strive to create a Christian environment which promotes sound moral and professional judgment. Through our spirit of joy and enthusiasm, we encourage others to join us in our apostolate of teaching in a Catholic school.

In fulfilling our responsibilities as professional educators we are called to:

1. Maintain professional standards by:
 - Preserving the reputations of colleagues, administrators and students.
 - Safeguarding the exchange of confidential information.
 - Refusing to use the classroom to further personal ends through the sale of any goods, products or publications.
 - Refraining from using the school as a platform for one's own beliefs which are not in accord with the school philosophy or Church teaching.
 - Overseeing the duties of non-professionals, making sure they assume only those responsibilities appropriate to their role.
 - Assisting in the orientation of educators new to a position and/or school.
 - Considering the obligations of the teaching contract as binding in a most serious manner, conscientiously fulfilling the contract.
 - Terminating unexpired contracts only because of serious reasons, with the consent of both parties, and after sufficient notice.
 - Upholding the authority of the school when communicating with parents, students, and civic community.
 - Presenting honest, accurate professional qualifications of self and colleagues when required for professional reasons.

Appendix IV - F (cont.d)

2. Seek and encourage persons who live a life consonant with Gospel values and Catholic Church teachings to pursue the apostolate of teaching by:
 - Modeling the faith life and witnessing to the faith community on the parish, diocesan, national and world levels.
 - Exemplifying the teachings of Jesus Christ by dealing with children and adults in true love and justice.
 - Exhibiting knowledge of the Church documents, especially "To Teach as Jesus Did," "Sharing the Light of Faith," and "The Catholic School."

1982 National Catholic Educational Association, Washington, DC, Fifth Printing, 1993

Appendix IV - G

THE FAMILY AND MEDICAL LEAVE ACT OF 1993

The Family and Medical Leave Act of 1993 (FMLA) was enacted on February 5, 1993.

The new law is effective on August 5, 1993, for most employers. If a collective bargaining agreement (CBA) is in effect on that date, the Act becomes effective on the expiration date of the CBA or February 5, 1994, whichever is earlier.

The U. S. Department of Labor's Employment Standards Administration administers and enforces FMLA for all private, state and local government employees, and some federal employees.

FMLA entitles eligible employees to take up to 12 weeks of unpaid, job-protected leave each year for specified family and medical reasons. An eligible employee's right to FMLA leave begins on August 5, 1993; any leave taken before that date does not count as FMLA leave.

The law contains provisions on employer coverage; employee eligibility for the law's benefits; entitlement to leave, maintenance of health benefits during leave, and job restoration after leave; notice and certification of the need for FMLA leave; and protections for employees who request or take FMLA leave. The law also requires employers to keep certain records.

EMPLOYER COVERAGE

FMLA applies to all:

- public agencies, including state, local and federal employers, local education agencies (schools); and,
- private sector employers who employed 50 or more employees in 20 or more workweeks in the current or preceding calendar year and who are engaged in commerce or in any industry or activity affecting commerce - including joint employers and successors of covered employers.

EMPLOYEE ELIGIBILITY

To be eligible for FMLA benefits, an employee must:

- (1) work for a covered employer;
- (2) have worked for the employer for a total of at least 12 months;
- (3) have worked at least 1,250 hours over the previous 12 months; and,
- (4) work at a location where at least 50 employees are employed by the employer within 75 miles.

Most federal and certain Congressional employees are also covered by the law, and are subject to the jurisdiction of the U. S. Office of Personnel Management and the Congress.

LEAVE ENTITLEMENT

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

- for the birth or placement of a child for adoption or foster care;
- to care for an immediate family member (spouse, child, or parent) with a serious health condition; or,
- to take medical leave when the employee is unable to work because of a serious health condition.

Spouses employed by the same employer are jointly entitled to a combined total of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent (but not a parent "in-law") who has a serious health condition.

Leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement.

Under some circumstances, employees may take FMLA leave intermittently -- which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule.

- If FMLA leave is for birth or placement for adoption or foster care, use of intermittent leave is subject to the employer's approval.
- FMLA leave may be taken intermittently whenever medically necessary to care for a seriously ill family member, or because the employee is seriously ill and unable to work.

Also, subject to certain conditions, employees or employers may choose to use accrued paid leave (such as sick or vacation leave) to cover some or all of the FMLA leave. The employer is responsible for designating if an employee's use of paid leave counts as FMLA leave, based on information from the employee. In no case can use of paid leave be credited as FMLA leave after the leave has ended.

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

- any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;
- any period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or,
- continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in period of incapacity of more than three calendar days, and for prenatal care.

"Health care provider" means:

- doctors of medicine or osteopathy authorized to practice medicine or surgery by the State in which the doctor practices; or,
- podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice, and performing within the scope of their practice, under State law; or,
- nurse practitioners and nurse-midwives authorized to practice, and performing within the scope of their practice, as defined under State law; or
- Christian Science practitioners listed with the First Church of Christ Scientist in Boston, Massachusetts.

MAINTENANCE OF HEALTH BENEFITS

A covered employer is required to maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. If applicable, arrangements will need to be made for employees to pay their share of health insurance premiums while on leave.

In some instances, the employer may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA

leave.

JOB RESTORATION

Upon return from FMLA leave, an employee must be restored to his or her original job, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

In addition, an employee's use of FMLA leave cannot result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave.

Under specified and limited circumstances where restoration to employment will cause substantial and grievous economic injury to its operations, an employer may refuse to reinstate certain highly-paid "key" employees after using FMLA leave during which health coverage was maintained. In order to do so, the employer must:

- notify the employee of his/her status as "key" employee in response to the employee's notice of intent to take FMLA leave;
- notify the employee as soon as the employer decides it will deny job restoration and explain the reasons for this decision;
- offer the employee a reasonable opportunity to return to work from FMLA leave after giving this notice; and,
- make a final determination as to whether reinstatement will be denied at the end of the leave period if the employee then requests restoration.

A "key" employee is a salaried "eligible" employee who is among the highest paid ten percent of employees within 75 miles of the work site.

NOTICE AND CERTIFICATION

Employees seeking to use FMLA leave may be required to provide:

- 30-day advance notice of the need to take FMLA leave when the need is foreseeable;
- medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member;
- second or third medical opinions and periodic recertifications (at the employer's expense); and,
- periodic reports during FMLA leave regarding the employee's status and intent to

return to work.

When leave is needed to care for an immediate family member or the employee's own illness, and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the employer's operation.

Covered employers must post a notice approved by the Secretary of Labor explaining rights and responsibilities under FMLA. An employer that willfully violates this posting requirement may be subject to a fine of up to \$100 for each separate offense.

Also, covered employers must inform employees of their rights and responsibilities under FMLA, including giving specific information when an employee gives notice of FMLA leave on what is required of the employee and what might happen in certain circumstances, such as if the employee fails to return to work after FMLA leave.

UNLAWFUL ACTS

It is unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided by FMLA. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding, related to FMLA.

ENFORCEMENT

MLA is enforced, including investigation of complaints, by the U. S. Labor Department's Employment Standards Administration. If violations cannot be satisfactorily resolved, the Department may

bring action in court to compel compliance. An eligible employee may also bring a private civil action against an employer for violations.

OTHER PROVISIONS

Special rules apply to employees of local education agencies. Generally, these rules provide for FMLA leave to be taken in blocks of time when intermittent leave is needed or the leave is required near the end of a school term.

Salaried executive, administrative, and professional employees of covered employers who meet the Fair Labor Standards Act (FLSA) criteria for exemption from minimum wage and overtime under Regulations, 29 CFR Part 541, do not lose their FLSA-exempt status by using any unpaid FMLA leave. This special exception to the "salary basis" requirements for FLSA's exemption extends only to "eligible" employees' use of leave required by FMLA.

The FMLA does not affect any other Federal or State law which prohibits discrimination, nor supersede any State or local law which provides greater family or medical leave protection. Nor does it affect an employer's obligation to provide greater leave rights under a collective bargaining agreement or employment benefit plan. The FMLA also encourages employers to provide more generous leave rights.

FURTHER INFORMATION

For more information, please contact the nearest office of the **Wage and Hour Division**, listed in most telephone directories under U. S. Government, Department of Labor, Employment Standards Administration.

Appendix IV - H

MEDICAL EXAMINATION OF SCHOOL EMPLOYEES*

Name _____

Address _____ Telephone _____

SSN _____ DOB _____ Sex _____

Applicant with or Employed by _____

HISTORY

Medical (All serious medical & psychiatric diseases: Diabetes, Epilepsy, Heart Disease, etc.)

Surgical (All major operations) _____

Traumatic History (Serious accidents or injuries) _____

Family History (TB, Epilepsy, Diabetes, etc.) _____

PHYSICAL

1. General Appearance _____

2. Eyes _____

3. Ear, Nose & Throat _____

4. Teeth & Gums _____

5. Thyroid _____

6. Heart _____

7. Blood Pressure _____

8. Lungs _____

9. Abdomen _____

10. Nervous System _____

11. Extremities _____

12. Other _____

TESTS

Tuberculin or X-ray _____ Positive _____ Negative _____

CERTIFICATION OF MEDICAL EXAMINATION

This is to certify that I have examined

_____, and find him/her free of communicable disease and any physical or mental disabilities that might interfere with performing his/her duties, except as follows:

_____, MD

Date of Examination

Signature