

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
3113/page 1 of 1

1 **CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP**

2
3 No District officer or employee shall have or hold any employment or contractual
4 relationship with any business entity or any agency which is conducting business
5 with the officer or employee's school or work location.
6

7 No District officer or employee shall engage have or hold any employment or
8 contractual relationship or have any interest, direct or indirect: 1) that results in any
9 conflict between his/her private interests and the performance of his/her duties; 2)
10 that results in a benefit to any other organization or agency apart from or over the
11 interests of the District; 3) in which he/she acts, or has cause to act, in a manner
12 adverse to the interests of the District; or 4) that impedes the full and faithful or
13 proper discharge of his/her duties.
14

15 District officers and employees have a duty to disclose any employment or
16 contractual relationship that represents a conflict of interest, as described above, in
17 accordance with applicable District policies and administrative guidelines.
18

19
20
21 Approved: 00/00/00
22 Revised & Adopted: 00/00/00
23 Reviewed: 00/00/00
24 Revised & Adopted: 00/00/00

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
3121/page 1 of 4

CRIMINAL HISTORY RECORD CHECK

1
2
3
4
5 Before the District hires any employee (full or part-time) or allows any individual
6 under contract to continuously and regularly work in the schools, a criminal history
7 records check shall be conducted in accordance with State law.
8

9 "Under contract" shall apply to all individuals, as well as owners and employees of
10 entities, who contract directly with the District or with a third party vendor,
11 management company, or similar contracting entity.
12

13 Prior to allowing an individual, who is subject to the criminal history record check
14 requirement, to work in the District, the District shall submit a fingerprint-based
15 check on the individual, using Michigan State Police (MSP) Form RI-030 (7/2012),
16 regardless of whether the individual will work directly for the District or be
17 contracted through a third-party vendor, management company or similar
18 contracting entity ("Private Contractors"). Except as provided below, the report from
19 the MSP must be received, reviewed and approved by the District prior to the
20 individual commencing work.
21

22 Private Contractors cannot receive or retain criminal history record information
23 ("CHRI"). Information Technology contractors and vendors may be granted access to
24 CHRI subject to successful completion of fingerprint-based records criminal history
25 records check. In cases where the District contracts with a Private Contractor for
26 the services of an individual, the District will notify the Private Contractor(s), after
27 review of the MSP report, whether the individual has been approved to work within
28 the District. The District may not give any details, including the fact that a criminal
29 history check was run. Notice for approval to work in the District should use the
30 Affidavit of Assignment or similar "red light/green light" procedure.
31

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
3121/page 2 of 4

32 Should it be necessary to employ a person or contract for a person to maintain
33 continuity of the program prior to receipt of the criminal history report, the
34 Superintendent may contract on a provisional basis until the report is received. Any
35 such provisional hire requires that:

36

- A. the record check has been requested;
- B. the applicant has signed a disclosure of all convictions and acknowledges that employment may be terminated if there are discrepancies; and
- C. the hiring occurs during the school year or not more than thirty (30) days before the beginning of the school year.

37

38 For substitute teachers or substitute bus drivers, or for an individual who regularly
39 and continuously is currently working or under contract in another district, public
40 school academy or non-public school in the State, the Superintendent may use a
41 report received from the State Police by such school to confirm the individual has no
42 criminal history. Absent such confirmation, a criminal history record check shall be
43 performed.

44

45 Individuals working in multiple districts may authorize the release of a prior
46 criminal history records check with another district in lieu of an additional check for
47 either direct employment or working regularly and consistently under contract in the
48 schools.

49

50 Individuals who previously received a statutorily required criminal background
51 check and who have been continuously employed by a school district, intermediate
52 school district, public school academy or non-public school within the State, with no
53 separation, may have their previous record check sent to the District in lieu of
54 submitting to a new criminal background check. If this method is used, the
55 Superintendent must confirm that the record belongs to that individual and whether
56 there have been any additional convictions by processing the individual's name, sex
57 and date of birth through the Internet Criminal History Access Tool (ICHAT).

58

59 "No separation," for purposes of the preceding paragraph, means a lay off or leave of
60 absence of less than twelve (12) months with the same employer; or the employee
61 transfers without a break in service to another school district, intermediate school
62 district, public school academy or non-public school within the State.

63

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
3121/page 3 of 4

64 The District shall implement administrative guidelines for the review of criminal
65 history reports, including the results of fingerprint-based checks and physical
66 records, from all external entities.

67

68 All criminal history record check reports received from the State Police or produced
69 by the State Police and received by the District from another proper source, will be
70 maintained in the individual's confidential file.

71

72 When the District receives a report that shows an individual has been convicted of a
73 listed offense under State statutes or any felony, the Superintendent and his/her
74 designee shall take steps to verify that information using public records, in
75 accordance with the procedures provided by the State Department of Education.

76

77 Verified convictions may result in termination of employment or rejection of an
78 application. The District will not hire or continue to employ any individual, either
79 directly or as a contracted employee to work regularly and continuously in the
80 schools, who has been convicted of a "listed" offense as defined in M.C.L. 28.722.
81 The District will not hire or continue to employ any individual, either directly or as a
82 contracted employee to work regularly and continuously in the schools, who has
83 been convicted of any non-listed felony or misdemeanors, related to child abuse or
84 controlled substances unless both the Superintendent and the Board provide
85 written approval.

86

87 The District must report as directed by and to the State Department of Education
88 the verified information regarding conviction for any listed offense or conviction for
89 any felony and the action taken by the District with regard to such conviction. Such
90 report shall be filed within sixty (60) days of receipt of the original report of the
91 conviction.

92

93 The Superintendent shall establish the necessary procedures for obtaining from the
94 Criminal Records Division of the State Police any criminal history on the applicant
95 maintained by the State Police. In addition, the Superintendent shall request the
96 State Police to obtain a criminal history records check from the Federal Bureau of
97 Investigation.

98

99 An applicant must submit, at no expense to the District, a set of fingerprints,
100 prepared by an entity approved by the Michigan State Police, as part of his/her
101 employment application or as required by State law for continued employment.

102

103 Confidentiality

Revised 5/23/18

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
3121/page 4 of 4

104

105 All information and records obtained from such criminal background inquiries and
106 disclosures are to be considered confidential and shall not be released or
107 disseminated to those who have not been given access to CHRI by the
108 Superintendent. Violation of confidentiality is considered a misdemeanor
109 punishable by a fine up to \$10,000.

110

111

112 Criminal history reports may be released with the written authorization of the
113 individual.

114

115 Records may also be released, in accordance with statute, upon the request of a
116 school district, intermediate school district, public school academy or non-public
117 school when the individual is an applicant for employment at such school and there
118 has been no separation from service, as defined in this policy and by statute.

119

120

121

122

123 M.C.L. 380.1230 et. seq., 380.1535, 380.1535a, 380.1809, 28.722, 380.1539b

124

125

126 © **NEOLA 2017**

127

128

129

130

131

132 Approved: 00/00/00

133 Revised & Adopted: 00/00/00

134 Reviewed: 00/00/00

135 Revised & Adopted: 00/00/00

Revised 5/23/18

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
3122/page 1 of 1

1 **CONDITIONS FOR EMPLOYMENT AND REEMPLOYMENT**
2 **OF PROFESSIONAL STAFF**
3
4
5

6 Applicants for employment or reemployment must submit an employment
7 application, a copy of the social security card with correct name, and a
8 minimum of three (3) acceptable references. Candidates shall meet the
9 District's hiring guidelines and employment prerequisites prior to
10 consideration for any vacancy.
11

12 False or misleading statements or responses, or omissions made by a person
13 in connection with seeking employment may bar a person from employment
14 with the District or, if discovered after employment, may result in disciplinary
15 action, including termination upon the recommendation of the
16 Superintendent and the approval of the Board. Each case shall be considered
17 on its own merits.
18
19
20
21
22
23

24 Approved: 00/00/00
25 Revised & Adopted: 00/00/00
26 Reviewed: 00/00/00
27 Revised & Adopted: 00/00/00

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

ADMINISTRATION
3139.01/page 1 of 1

EMPLOYEE MISCONDUCT

District employees are required to self-report within forty-eight (48) hours any arrest, arraignment or charge, other than a minor traffic violation, to their supervisor and the Detroit Public Schools Community District Police Department Criminal Convictions, Background and Fingerprinting Unit (DPSCD PD CBFU), and if required by law, to the appropriate state agency. The notice shall not be considered an admission of guilt nor be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory.

Self-reporting shall also be required for any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering a plea of guilty or nolo contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment. When handling sealed and expunged records disclosed under this policy, the District shall comply with all confidentiality provisions.

The Superintendent shall require that all legally sufficient complaints be filed in writing to DPSCD PD CBFU and the District's Office of Employee Relations. All employees shall promptly report any felonious criminal complaint against any staff member that comes to the employee's attention that may be grounds for the revocation or suspension of a teaching certificate or employment license. The willful failure by an employee to promptly report a complaint shall subject the employee to discipline as provided by law and policy.

Approved: 00/00/00
Revised & Adopted: 00/00/00
Reviewed: 00/00/00
Revised & Adopted: 00/00/00

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
3161/page 1 of 2

FITNESS FOR DUTY

1
2
3

4 If an instructional staff member is endangering the safety of students and/or
5 is unable to perform essential functions of the position to which the staff
6 member is assigned, with or without reasonable accommodations, the staff
7 member will be offered the opportunity for a meeting to discuss these issues.

8 The Superintendent and his/her designees may require an instructional staff
9 member to submit to an appropriate examination by a health provider
10 designated by the Superintendent and his/her designee to determine whether
11 or not the staff member is a danger to the safety of students and/or is able to
12 perform essential functions of the position to which the staff member is
13 assigned, with or without reasonable accommodations. The District shall pay
14 any uninsured fees for such examinations.

15 The staff member shall execute a release that complies with the Health
16 Insurance Portability and Accountability Act (HIPAA) to allow the report of the
17 medical examination to be released to the Board/Superintendent and to allow
18 the Superintendent to speak to the health care provider who conducted the
19 medical examination for clarification. Refusal to submit to an appropriate
20 examination or to execute the HIPAA release will be grounds for disciplinary
21 action according to the terms of the applicable employee agreement.

22 Pursuant to State law, the Americans with Disabilities Act and the Genetic
23 Information Nondiscrimination Act (GINA), the results of the examination
24 shall be treated as a confidential medical record and will be exempt from
25 release, except as provided by law.

26 Upon the recommendation of the Superintendent and approval of the Board,
27 a staff member may be placed on a leave of absence related to fitness for
28 duty. This leave shall be without pay but an employee may use available
29 accrued leave or request leave in accordance with the Family Medical Leave
30 Act (FMLA). Under certain circumstances, the Superintendent may
31 recommend the instructional staff member's dismissal.

32 The staff member is entitled to a hearing as provided in law or the applicable
33 collective bargaining agreement.

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
3161/page 2 of 2

34

35

36 M.C.L. 38.17 et. seq.

37 Americans with Disabilities Act of 1990, as amended

38 42 U.S.C. 12101 et seq.

39 29 C.F.R., Part 1630

40 29 C.F.R. Part 1635

41

42

43

44 © **NEOLA 2011**

45

46

47

48

49

50 Approved: 00/00/00

51 Revised & Adopted: 00/00/00

52 Reviewed: 00/00/00

53 Revised & Adopted: 00/00/00

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
3210.01/page 1 of 3

CODE OF ETHICS

1
2
3
4
5 Society has charged public education with trust and responsibility that requires of
6 professional educators the highest ideals and quality service. The Michigan State
7 Board of Education Code of Ethics articulates the ethical standards to which District
8 staff are expected to adhere in their job performance.
9

10 All members of the Board, and district employees, regardless of their position, because
11 of their dual roles as public servants and educators are to be bound by Code of Ethics.
12 Adherence to the Code of Ethics shall create an environment of honesty and integrity
13 and aid in achieving these common missions for all District students, to provide a
14 high quality education and to improve their health, safety and wellbeing.
15

16 As stated in the Michigan Professional Educator's Code of Ethics:
17

18 Ethical Standards: The following ethical standards address the professional
19 educator's commitment to the student and the profession.
20

21 1. Service toward common good
22

23 Ethical Principle: The professional educator's primary goal is to support the growth
24 and development of all learners for the purpose of creating and sustaining an informed
25 citizenry in a democratic society.
26

27 2. Mutual respect:
28

29 Ethical principle: Professional educators respect the inherent dignity and
30 worth of each individual.
31

32 3. Equity
33

34 Ethical principle: Professional educators advocate the practice of equity. The
35 professional educator advocates for equal access to educational opportunities
36 for each individual.
37

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
3210.01/page 2 of 3

38

39

4. Diversity

40

41

Ethical principle: Professional educators promote cross-cultural awareness by honoring and valuing individual differences and supporting the strengths of all individuals to ensure that instruction reflects the realities and diversity of the world.

42

43

44

45

46

5. Truth and honesty

47

48

Ethical principle: Professional educators uphold personal and professional integrity and behave in a trustworthy manner. They adhere to acceptable social practices, current state law, state, and national student assessment guidelines, and exercise sound professional judgment.

49

50

51

52

53

Personnel Matters

54

55

This Code of Ethics applies to all members of the Board, administrators, teachers, and all other employees regardless of full or part time status. It also applies to all persons who receive any direct economic benefit from the District.

56

57

58

59

Personnel Matters

60

61

A. Confidentiality.

62

63

An educator shall comply with State and Federal laws and regulations, and Board policies relating to the confidentiality of student records. Unethical conduct includes, but is not limited to, sharing of confidential information concerning student academic and disciplinary records, personal confidences, health or medical information, family status and/or income, and assessment/testing results.

64

65

66

67

68

69

70

B. Enforcement.

71

72

Enforcement will be pursuant to State law and to Board policies, which may include penalties for violations of the Code of Ethics that will be imposed pursuant to the applicable State law or Board policy.

73

74

75

76

C. All District employees will be required to certify that the employee has read, understands, and agrees to abide by this Code of Ethics as well as the state

77

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
3210.01/page 3 of 3

78 laws and Board policies and regulations cited in the Code. A failure to sign the
79 Certificate will not excuse a failure to comply with the Code of Ethics. The
80 certification shall be submitted according to a process determined by the
81 Division of Human Resources and Talent. Infractions shall be reported to the
82 Superintendent, his/her designees, and of the Office of the Inspector General.
83

84 Employees are subject to various other laws, rules, and regulations including but not
85 limited to this Code of Ethics which should be viewed as additive to these laws, rules
86 and regulations. To the extent it does not in conflict with any laws, Board policies, or
87 governmental regulations, this Code of Ethics shall control with regard to conduct. In
88 the event of any conflict, the law, regulation, or Board policy shall control.
89

90
91

92 Approved: 00/00/00
93 Revised & Adopted: 00/00/00
94 Reviewed: 00/00/00
95 Revised & Adopted: 00/00/00

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
3281/page 1 of 1

USE OR STORAGE OF PERSONAL PROPERTY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

From time-to-time employees may wish to bring personal property to work either for reasons associated with professional or employment responsibilities or for use during off-duty time. This practice is permitted provided it is understood that the District is not responsible or liable for any loss, damage, or misuse of said property.

Except in extraordinary circumstances, the District will provide all employees with the equipment and tools necessary to perform their assigned duties.

The owner of the personal property bears all responsibility and assumes all risk for loss, damage or misuse of personal property while it is on Board property and waives any and all claims for loss or damage against the Board and the District. This provision applies, without limitation, to trespassers, invitees, visitors, and independent contractors.

Under no circumstances shall District employees store, for any period of time, any motor vehicle capable of transporting person(s) or any material(s), floating watercraft or vessels, commercial equipment and heavy machinery on school premises without the express written consent of the Superintendent and his/her designees.

The limitation of liabilities set forth in the previous paragraphs applies to all personal property, regardless of any benefit the District receives from its use or its intended use.

Approved: 00/00/00
Revised & Adopted: 00/00/00
Reviewed: 00/00/00
Revised & Adopted: 00/00/00

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
3430.02/page 1 of 1

OUTSIDE EMPLOYMENT

1
2
3
4 Outside employment is regarded as employment for compensation that is not
5 within the duties and responsibilities of the employee's regular position with
6 the school system. Employees shall not be prohibited from holding
7 employment outside the District as long as such employment does not result
8 in a conflict of interest nor interfere with assigned school duties as
9 determined by the District.

10
11 The Board expects employees to disclose outside employment. The Board
12 expects employees to devote maximum effort to the position in which
13 employed. An employee will not perform any duties related to an outside job
14 during regular working hours or for professional employees during the
15 additional time that the responsibilities of the District's position require; nor
16 will an employee use any District facilities, equipment or materials in
17 performing outside work.

18
19 When the periods of work are such that certain evenings, days or vacation
20 periods are duty free, the employee may use such off-duty time for the
21 purposes of non-school employment.

22
23 This policy prohibits outside supplemental employment while on any type of
24 leave.

25
26
27
28
29
30
31 Approved: 00/00/00
32 Revised & Adopted: 00/00/00
33 Reviewed: 00/00/00
34 Revised & Adopted: 00/00/00

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
3590/page 1 of 1

PERSONNEL FILE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

A personnel information system shall be prepared for the retention of appropriate files bearing upon an employee's duties and responsibilities to the District and the District's responsibilities to the employee.

Sufficient records shall exist to ensure an employee's qualifications for the job held, compliance with Federal, State, and local benefit programs, conformance with District policies, and evidence of completed evaluations. The records will be maintained in compliance with the laws of the State of Michigan.

"Personnel file" shall mean all records, information, data, or materials maintained by the District, in any form or retrieval system, with respect to any of its staff, which are uniquely applicable to that employee, whether maintained in one (1) or more locations.

Information relating to the professional role of the employee and submitted by authorized school administrative personnel and the Board may be entered in the official record file. An employee may submit a statement to be included in the file if there is disagreement with information contained within the personnel file. A copy of each entry shall be provided to the employee upon request.

Personnel files shall be maintained, handled and accessible to employees as required by the Bullard-Plawecki Employee Right to Know Act, M.C.L.423.501 et. seq. The employee shall have access to his/her file upon request.

M.C.L. 423.501 et. seq.

Approved: 00/00/00
Revised & Adopted: 00/00/00
Reviewed: 00/00/00
Revised & Adopted: 00/00/00

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

SUPPORT STAFF
4140/page 1 of 2

TERMINATION AND RESIGNATION

TERMINATION

Except as set forth in an applicable negotiated, collectively bargained agreement, an employee may be terminated for reasons that are lawful and not arbitrary or capricious. Terminations may only occur upon a majority vote of the Board. When considering termination the Board shall abide by District policy and administrative guidelines. An employee shall be provided due process.

When the Board approves the termination of an individual from employment, the termination shall apply to all positions that the individual may hold at that time.

No person who has been separated from employment by the Board shall be reemployed in any department on any basis, unless a special request for doing so, is recommended by the Superintendent and approved by the Board.

RESIGNATION

A staff member may resign by submitting a written resignation with the Superintendent, his/her designees, or the employee's immediate supervisor with a suggested timeframe of thirty (30) days prior to the effective date of the resignation. The District will respectfully request that a written confidential statement of reasoning for resignation, subject to FOIA, be submitted to the Board. A resignation, once accepted by Superintendent and his/her designees, or an employee's immediate supervisor shall not then be rescinded. The Superintendent may act for the Board in the acceptance of employee resignations.

The Superintendent shall present to the Board a report of monthly personnel transactions providing District terminations and resignations.

M.C.L. 28.722, 38.74, 380.1230 et seq.,

© NEOLA 2010

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

SUPPORT STAFF
4140/page 2 of 2

42 Approved: 00/00/00
43 Revised & Adopted: 00/00/00
44 Reviewed: 00/00/00
45 Revised & Adopted: 00/00/00

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

SUPPORT STAFF
4362.02/page 1 of 3

WORK PLACE SAFETY

All staff members shall be responsible for maintaining a safe work environment and participating in investigations as necessary. Reasonable action shall be taken to ensure that persons involved in an investigation, or in providing information during an investigation do not suffer any form of retaliation, inclusive of unconsented transfers, because of their good faith participation. Steps to avoid retaliation may include placing a party to the investigation on administrative leave or other reasonable action. Additional steps may be taken to address workplace safety issues. See Policy 1244.

It is the Superintendent and his/her designees intent to create and maintain an environment free from disruptive, threatening, and violent behavior. The Board will not tolerate inappropriate or intimidating behavior within the workplace (see examples below).

PROCEDURE

The Board will respond appropriately to every reported incident of disruptive, threatening, or violent behavior.

A. Definitions:

Examples of inappropriate behavior by staff members include but are not limited to:

1. Behavior that distracts, interferes with, or prevents normal work functions or activities. This behavior includes but is not limited to yelling, using profanity or vulgarity, verbally abusing others; Behavior that includes physical actions short of actual contact/injury (e.g., moving closer aggressively), oral or written threats to a person or property, whether in person, over the telephone or through other means of communication;
2. Behavior that includes physical assault, with or without weapons behavior that a reasonable person would interpret as being violent, (e.g., throwing things, pounding on a desk or door, or destroying property), and specific threats to inflict physical harm; and

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

SUPPORT STAFF
4362.02/page 2 of 3

42 3. Behavior(s), which creates incidents that, are stressful or traumatic
43 that interfere with an individual's or group of individual's ability to
44 function in his/her educational or work environment.

45
46 **B. Reporting:**

47
48 Employees experiencing work place safety issues are required to
49 notify, in writing, their immediate supervisor. When appropriate,
50 complaints under this policy may be reported to the local law
51 enforcement agencies, by the Superintendent and his/her designees.
52 All reports or complaints under this policy shall be investigated and
53 include confidentiality where appropriate. Once an investigation is
54 complete, a recommendation on how to handle the complaint shall
55 be submitted to the Superintendent for disposition.

56
57 Counseling for staff will be coordinated by the District for both the
58 victim and any others within the District affected by a violent
59 traumatic incident.

60
61 **C. Protective Orders:**

62
63 Members of the staff who have obtained a protective order should
64 supply a copy of the order to the Superintendent and his/her
65 designees. Other parties may also be informed when deemed
66 necessary for the safety of the School District personnel.

67
68 **D. Discipline/Corrective Steps:**

69
70 Staff who violate this policy may be subject to discipline up to and
71 including discharge.

72
73 **E. Any retaliation by the District**

74
75 In accordance with applicable law, the Superintendent and his/her designee shall
76 implement appropriate procedures to implement this policy.

77
78 © NEOLA 2002

79
80
81
82

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

SUPPORT STAFF
4362.02/page 3 of 3

83
84 Approved: 00/00/00
85 Revised & Adopted: 00/00/00
86 Reviewed: 00/00/00
87 Revised & Adopted: 00/00/00

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

SUPPORT STAFF
4425/page 1 of 2

NURSING MOTHERS

1
2
3
4
5 Staff members who breastfeed their children shall be provided additional
6 unpaid break time, as necessary, to express breast milk on District premises.
7

8 Prior to returning to work from maternity leave, the employee shall notify her
9 supervisor of her need to express milk during work hours. The employee shall
10 also keep her supervisor informed of these needs throughout the period of
11 lactation.
12

13 The building administrator shall designate a mutually agreed upon private
14 area, other than a restroom, where an employee can express breast milk. The
15 designated area shall be a space where intrusion from coworkers, students,
16 and the public can be prevented and an employee using this area can be
17 shielded from view. Employees can reasonably expect that the area have a
18 door with a functional lock or that the room will have a sign advising that it
19 is in use and not accessible to other employees or the public. Other factors
20 to consider in deciding upon an area for nursing mothers are location of
21 space and nearby amenities (such as proximity to employee's work area,
22 availability of sink for washing, location of refrigerator or storage place for
23 milk (refrigerator or cooler).
24

25 An employee can express milk during regularly scheduled break periods. The
26 Principal or employee's supervisor shall make an accommodation if the time
27 of regular breaks needs to be adjusted or if additional and/or longer breaks
28 are needed. If more breaks are needed or the break(s) need to be longer than
29 legally required, the additional time required shall be unpaid, and the
30 employee's work schedule or work day shall be modified accordingly. The
31 Principal, or the employee's supervisor, shall work with the employee to make
32 these necessary modifications.
33

34 29 U.S.C. 207
35
36
37

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

SUPPORT STAFF
4425/page 2 of 2

38
39 Approved: 00/00/00
40 Revised & Adopted: 00/00/00
41 Reviewed: 00/00/00
42 Revised & Adopted: 00/00/00

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

INSTRUCTIONAL STAFF
4437/page 1 of 2

1

MILITARY LEAVE

2

3 The Board provides military leave, reemployment, and other rights as
4 established by the Federal Uniformed Services Employment and
5 Reemployment Rights Act (USERRA) and State law.

6 To qualify:

- A. the employee (or an appropriate officer in the uniformed service in which the employee's military service is performed) provided advance written or verbal notice of his/her military duty unless excused;
- B. the cumulative length of all periods of military service with the employer do not exceed five (5) years, except as provided under State or Federal statute;
- C. the employee timely reports to work after the period of military service ends; and
- D. the employee has not separated from service with a disqualifying or other than honorable conditions.

7 The Superintendent and his/her designees shall post notices of employees'
8 rights under USERRA at conspicuous locations within the District.

9 Employees shall contact the U.S. Department of Labor or the Michigan
10 Department of Military and Veteran's Affairs to obtain more information
11 regarding their rights under these statutes.

12 This policy is intended to comply with and explain the service person's rights
13 under USERRA and State law. To the extent there is any conflict, the
14 USERRA, State law and applicable regulations shall govern.

15

16 38 U.S.C. 4301-4333
17 M.C.L.A. 32.271 et seq.

18

19

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

INSTRUCTIONAL STAFF
4437/page 2 of 2

20

21

22

23 Approved: 00/00/00

24 Revised & Adopted: 00/00/00

25 Reviewed: 00/00/00

26 Revised & Adopted: 00/00/00

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

SUPPORT STAFF
4440/page 1 of 1

EMPLOYMENT-RELATED EXPENSES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

The Superintendent and his/her designee may provide for the payment of the actual and necessary expenses, including traveling expenses, of any support staff member of the District incurred in the course of performing services for the District, under the direction of the Superintendent and his/her designee in accordance with District administrative guidelines whether within or outside the District.

The Superintendent and his/her designees shall establish administrative guidelines to implement this policy.

Approved: 00/00/00
Revised & Adopted: 00/00/00
Reviewed: 00/00/00
Revised & Adopted: 00/00/00

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
5630/page 1 of 2

CORPORAL PUNISHMENT AND USE OF REASONABLE FORCE AND RESTRAINT

District employees shall assume full-authority over students under their span of control and maintain order. Under no circumstance shall District employees find it necessary to resort to physical force or violence to compel student obedience and manage disruptive behavior. Instead, district employees shall consider the application of alternative discipline approaches that include, but are not limited to, counseling, student mediation, conflict resolution, parental involvement, alternative education programs, restorative justice, and other forms of positive reinforcement. If all other means fail, professional staff shall consider the administrative removal of disruptive students through detention and indoor/outdoor suspension. By no means, shall corporal punishment ever be exercised to manage disruptive behavior.

Corporal Punishment

While recognizing that students may require disciplinary action in various forms, the Board does not condone, in any form, the use of corporal punishment as an appropriate means to discipline students. Corporal punishment is therefore strictly prohibited.

If any staff member, full-time, part-time, or substitute intentionally inflicts, or causes physical pain to be inflicted by hitting, paddling, spanking, slapping, head-butting, forcing prolonged maintenance of physically-painful positions, or make use of any other kind of physical force as a means of disciplining a student, the professional or support staff member shall be subject to discipline up to and including discharge.

When an employee inflicts unnecessary, unreasonable, irrational, or inappropriate force upon a student, he/she shall also be subject to criminal charges and prosecution.

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
5630/page 2 of 2

36 Reasonable Force and Restraint

37

38 Staff may use or apply incidental, minor, or reasonable physical contact
39 (reasonable physical force) as necessary to maintain order and control in a
40 school or school-related setting for the purpose of providing an environment
41 conducive to safety and learning, under limited circumstances, as described
42 below:

43

44 a) if after requesting that the student refrain from further disruptive acts,
45 staff may restrain a student whose behavior is interfering with the
46 orderly exercise and performance of school district functions;

47

48 b) for self-defense or defense of another;

49

50 c) to quell a disturbance threatening physical injury to others;

51

52 d) to obtain possession of weapons or other dangerous objects upon or
53 within the control of the student; or

54

55 e) for the protection of property.

56

57 The above referenced policy governs the use of reasonable force and restraint.
58 Appropriate District staff and contractors will be trained in accordance with
59 this policy. The Board directs all staff to comply with Michigan law and
60 policy, as well as, District policy related to the use of emergency seclusion
61 and emergency physical restraint as defined and prohibited, as well as,
62 permitted.

63

64

65

66

67 M.C.L. 380.1312, 1307-1307h

68

69 Approved: 00/00/00

70 Revised & Adopted: 00/00/00

71 Reviewed: 00/00/00

72 Revised & Adopted: 00/00/00

Revised 5/23/18

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

ADMINISTRATION
6107/page 1 of 2

1 AUTHORIZATION TO ACCEPT AND DISTRIBUTE ELECTRONIC
2 RECORDS AND USE ELECTRONIC SIGNATURES

3
4 Unless a provision of law specifically prohibits the use of an electronic record for the
5 specified purpose, the Board of Education authorizes the acceptance and
6 distribution/transmission of electronic records and electronic signatures to and
7 from District staff and other persons, as well as between District staff members. The
8 Board further authorizes District staff to create, generate, send, communicate,
9 receive, store, process, use, and rely upon electronic records and electronic
10 signatures.

11
12 The Superintendent is authorized to develop administrative guidelines and
13 procedures concerning the acceptance and distribution/transmission of electronic
14 records and electronic signatures. After giving due consideration to security, risk,
15 and opportunity for fraud, the Superintendent may specify the following:
16

- A. The manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored, and the systems established for those purposes.
- B. If electronic records must be signed by electronic means, the type of electronic signature that is required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met by any third party used by a person filing a document to facilitate the process.
- C. Control processes and procedures as appropriate to provide for adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records.
- D. Any other required attributes for electronic records that are specified for nonelectronic records or reasonably necessary under the circumstances.

17
18
19
20 15 U.S.C. 7001 et seq
21 M.C.L. 450.831-450.849
22

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

ADMINISTRATION
6107/page 2 of 2

23

24

25 © NEOLA 2013

26

27

28

29

30

31 Approved: 00/00/00

32 Revised & Adopted: 00/00/00

33 Reviewed: 00/00/00

34 Revised & Adopted: 00/00/00

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

ADMINISTRATIVE
1256/page 1 of 3

AUTHORITY AND RESPONSIBILITIES OF THE INSPECTOR GENERAL

1
2
3 The Board of Education affirms the establishment of a full-time program of
4 investigation to provide increased accountability, promote integrity and fiscal
5 responsibility, assist District leadership and management in the establishment and
6 maintenance of internal control processes within District operations, and prevent,
7 detect and deter waste, fraud, abuse, financial mismanagement and misconduct in
8 programs and personnel within the District.
9

10 The Office of Inspector General shall function as an independent office of the School
11 Board. This independence is essential to freely and objectively carry out its mission,
12 without impairment or prohibition, in accordance with the professional standards
13 that relate to fields of investigation and auditing in governmental environments.
14

15 The head of the office shall be the Inspector General. The Inspector General shall be
16 selected without regard to political affiliation and on the basis of integrity, capability
17 for strong leadership, and demonstrated ability in accounting, auditing, financial
18 analysis, law, management analysis, public administration, investigation, law
19 enforcement and/or criminal justice administration, or other closely related fields.
20

21 The Inspector General shall serve as a full-time employee of the School District.
22 He\She should hold at appointment, or be required to obtain within a time certain
23 after appointment, certification as a Certified Inspector General.
24

25 The Inspector General shall functionally report to the Board, and administratively to
26 the Superintendent for the School District. The Inspector General shall establish the
27 organizational structural appropriate for carrying out the responsibilities and
28 functions of the Office of Inspector General.
29

30 Prior to the expiration of his or her contract, the Inspector General may be removed
31 by the Board only for just cause; based upon the following: neglect of duty,
32 malfeasance, abuse of power or authority, discrimination, ethical misconduct,
33 failure to obtain or maintain certification as a Certified Inspector General as
34 provided herein, or other good cause. Any allegations of misconduct involving the
35 Inspector General, other than ethical or criminal, shall be handled by the
36 appropriate internal administrative office of the School District. Other allegations
37 relating to violations of the Code of Conduct and/or other professional standards
38 governing members of the Association of Inspectors General, or criminal
39 misconduct, shall immediately be referred to an external office or law enforcement
40 agency that the Board determines to have authority to investigate such allegations.

Updated 5/23/18

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

ADMINISTRATIVE
1256/page 2 of 3

41

42 To facilitate its functions, the Office of Inspector General is provided immediate,
43 complete and unrestricted access to all employees, contractors, vendors, agents and
44 representatives of the School District; who shall report all instances of suspected
45 waste, fraud, and abuse; and provide testimony and/or requested documents
46 (including automated or electronic data) within their custody, pertaining to the
47 business of the School District, to the Office of Inspector General upon request.

48

49 As promulgated by the Association of Inspectors General, the Inspector General
50 shall ensure that investigations are conducted in accordance with the Principles and
51 Standards for Offices of Inspector General (Green Book). Accordingly, the Inspector
52 General shall:

53

54 a) Initiate, conduct, supervise, and coordinate investigations resultant of
55 complaints, or upon its own initiative, designed to detect, deter, and prevent
56 fraud, waste, abuse, financial mismanagement, and fiscal misconduct;

57

58 b) Maintain a confidential fraud hotline to receive complaints via telephone,
59 email, fax, and internet, regarding suspected waste, fraud and abuse, and
60 circulate and communicate the hotline's existence and purpose districtwide;

61

62 c) Receive and consider complaints, and conduct inquiries, reviews and/or
63 investigations as the Inspector General deems appropriate;

64

65 d) Pursuant to State of Michigan's Whistleblowers' Protection Act (Act 469 of
66 1980) and the School District's policy regarding Whistleblower Protection,
67 receive complaints and ensure protections to employees who report violations
68 or suspected violations in good faith;

69

70 e) Conduct investigations and forensic audits free of actual or perceived
71 impairment to the independence of the Inspector General or the Office of
72 Inspector General. This shall include freedom from any interference with
73 investigations and timely access to records, personnel and other sources of
74 information;

75

76 f) Refer to the appropriate District administrators and/or offices matters related
77 to employee misconduct that do not involve fraud, waste of District resources,
78 financial mismanagement, or abuse of District assets;

79

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

ADMINISTRATIVE
1256/page 3 of 3

- 80 g) Refer substantiated employee wrongdoing (non-criminal) to the District's
81 Human Resources for administrative discipline;
82
83 h) Refer to the appropriate law enforcement agency, where there are reasonable
84 grounds to believe there has been a violation of state, federal or local law;
85
86 i) Timely submit Final Investigative Reports to members of the School Board,
87 Superintendent, and other appropriate District administrators with a need to
88 know and who have responsibility for corrective actions recommended by the
89 Office of Inspector General (Investigative reports are not made public);
90
91 j) Monitor implementation of recommendations made by the Office;
92
93 k) Engage in Fraud prevention activities, training and education;
94
95 l) Maintain information regarding monetary benefits to the District as result of
96 investigative activities, including but not limited to: cost avoidance, court
97 ordered restitution, monetary loss prevented, and funds recouped from
98 persons or entities involved in willful misconduct against the School District;
99
100 m) Issue an Annual Report summarizing prominent activities and
101 accomplishments of the office during the immediately preceding fiscal year;
102
103 n) Attend any public meetings held by the School Board; and
104
105 o) Do all things necessary to carry out the functions set forth in this section.
106

107 The Inspector General shall immediately report to the Superintendent whenever
108 he/she becomes aware of particularly serious or flagrant abuses, or deficiencies
109 resultant of investigative matters, or matters that may result in media attention.
110

111
112
113

114 Inspector General Act of 1978, As Amended

115
116 Approved: 00/00/00
117 Revised & Adopted: 00/00/00
118 Reviewed: 00/00/00
119 Revised & Adopted: 00/00/00

Updated 5/23/18

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
3144/page 1 of 2

EMPLOYMENT OF RETIRED STAFF

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

The District is under no obligation to employ any retired staff member and further, there shall be no expectation of continued employment or re-employment when a staff member that retires from full-time District employment.

Retired staff formerly employed by the District may be reemployed if they retired in good standing. If the former employee separated from the District in good standing and is eligible for rehire, that employee shall adhere to District application and onboarding procedures and requirements as other applicants.

Staff members employed by the District after retirement will be entitled to a one (1) year limited contract only and his/her contract shall contain a resignation clause effective at the end of the one (1) year period. It is understood that all retire/rehire employment contracts shall expire without further action by the District or notice of contract expiration to the individual employee.

A retired professional or support staff member who may be eligible for rehire must waive his/her eligibility for continuing contract status as a professional or support staff member of the District.

Salary placement shall be at the staff member's respective degree level (i.e. Bachelor's, Master's, etc.), if applicable, and will be at the first salary step for their specific job title as found in the tentative agreement between the Board and the staff member's labor union. The retired staff member shall not advance on the salary schedule, and only be entitled to wage increases that may be granted to other professional staff members at the first salary step of negotiated wage schedules.

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
3144/page 2 of 2

37 Retired staff hires shall return to employment with no sick leave balance and
38 shall not carry over any sick leave or personal leave days. However, upon
39 reemployment, he/she will be eligible to accumulate sick leave and personal
40 leave time.

41

42 The performance review and evaluation of retired staff members shall be the
43 same as other staff members with similar job titles.

44

45

46

47

48

49 Approved: 00/00/00

50 Revised & Adopted: 00/00/00

51 Reviewed: 00/00/00

52 Revised & Adopted: 00/00/00

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
3122.03/page 1 of 2

NEW EMPLOYEE ONBOARDING

1
2
3
4 The Board is committed to supporting new employees in their successful transition
5 to the District, as well as supporting the District's need to enable new employees to
6 achieve high levels of performance. A new hire's successful transition requires an
7 onboarding experience that engages each new employee beginning with the
8 acceptance of a District employment offer, and continuing through the first year of
9 employment.

10
11 The Department of Human Resources and Talent shall guide and support District
12 onboarding efforts. This policy and associated training are intended to provide new
13 employees with a comprehensive onboarding experience that reinforces their choice
14 to work for the District and support employees in performing their duties and
15 responsibilities. This policy calls for departments to support an onboarding program
16 that meets the needs of each type of employee.

17
18 The ongoing collection and analysis of feedback from new employees about their
19 onboarding experience shall inform and encourage program enhancements and
20 additional training and support resources.

Onboarding Program Development and Training Requirements

21
22
23
24 The Department of Human Resources and Talent shall develop, implement, monitor
25 and maintain a documented onboarding program for all new employees.
26 Departments shall be provided the flexibility to develop customized onboarding
27 programs to best meet the individual needs of each employee provided the
28 departments' onboarding programs comply with the onboarding process/programs
29 of the Department of Human Resources and Talent. Each work location shall be
30 required to have all new hires complete the onboarding program. The goal for
31 program completion is thirty (30) days.

Onboarding Program Requirements

32
33
34
35 At a minimum, each program shall:

- 36
37 A. Reflect a time period that begins with the accepted job offer and spans the
38 first 30 days of employment.
39

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
3122.03/page 2 of 2

- 40 B. Describe each onboarding activity, which type(s) of employees each activity
41 applies to, when the activity should occur, and who is responsible for each
42 activity.
43
44 C. Designate an onboarding coordinator from among staff at the program
45 location who shall possess accountability for initiating onboarding
46 activities for each new hire at each work location. If the
47 division/department has multiple functional areas that are delegated to
48 division/department sub-units, an onboarding liaison shall be designated
49 for each division/department sub-unit. The onboarding liaison shall
50 possess the ultimate responsibility for ensuring new hires acquire
51 foundational information needed to succeed and be productive in their
52 new position.

53
54

Onboarding Program Feedback

55

56
57 To ensure onboarding programs remain up-to-date, active, and effective, the
58 Department of Talent and Human Resources shall collect onboarding feedback. All
59 new employees shall be provided the opportunity to provide feedback about their
60 onboarding experience. The Department shall collect feedback on a regular basis
61 from new employees about each component of their onboarding experience.

62

63

64

65

66

67

68

69 Approved: 00/00/00

70 Revised & Adopted: 00/00/00

71 Reviewed: 00/00/00

72 Revised & Adopted: 00/00/00

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

**PROFESSIONAL STAFF
3210/page 1 of 4**

STANDARDS OF ETHICAL CONDUCT

All employees are representatives of the District and shall conduct themselves, both in their employment and in the community, in a manner that will reflect credit upon themselves and the school system.

A. All professional staff members shall:

1. teach efficiently and faithfully, using the books and materials required, following the prescribed courses of study, and employing approved core content standards, pedagogical approaches, and methods of instruction as provided by law and by the rules of the Michigan Department of Education, and as required by the District;
2. keep current in their subject area through attendance at professional meetings, acquaintance with professional publications, and participation in in-service activities;
3. make a reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety;
4. not unreasonably restrain a student from independent action in pursuit of learning;
5. not unreasonably deny a student access to diverse points of view;
6. not intentionally suppress or distort subject matter relevant to a student's academic program;
7. not intentionally expose a student to unnecessary embarrassment or disparagement;
8. not intentionally violate or deny a student's legal rights;
9. not harass or discriminate against any student on any basis prohibited by law or the Board and shall make reasonable efforts to assure that each student is protected from harassment or discrimination;

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
3210/page 2 of 4

- 41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
10. not exploit a relationship with a student or any district staff member for personal gain or advantage;
 11. keep confidential personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law;
 12. take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated;
 13. not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression;
 14. not use institutional privileges for personal gain or advantage;
 15. accept no gratuity, gift, except as permitted by Board Policy 3124, loan, reward, promise of future employment, favor, or service based upon an understanding that might influence professional judgment;
 16. maintain honesty in all professional dealings;
 17. maintain, prepare, and submit promptly all reports that may be required by State law, State Department of Education rules, Board rules, and administrative directives;
 18. not deny a colleague professional benefits, advantages, or participation in any professional organization on any basis prohibited by law or the Board;
 19. not interfere with a colleague's exercise of political or civil rights and responsibilities;
 20. not use abusive and/or profane language or display unseemly conduct in the workplace;
 21. not engage in harassment or discriminatory conduct which interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile,

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
3210/page 3 of 4

- 81 intimidating, abusive, offensive, or oppressive environment; and,
82 further, shall make reasonable efforts to assure that each individual is
83 protected from such harassment or discrimination;
84
85 22. not make malicious or intentionally false statements about a colleague;
86
87 23. not use coercive means or promise special treatment to influence
88 professional judgments of colleagues;
89
90 24. not misrepresent one's own professional qualifications;
91
92 25. not submit fraudulent information on any document in connection with
93 professional activities;
94
95 26. not make any fraudulent statement or fail to disclose a material fact in
96 one's own or another's application for a professional position;
97
98 27. not withhold information regarding a position from an applicant or
99 misrepresent an assignment or conditions of employment;
100
101 28. provide upon the request of a certificated individual a written statement
102 of specific reason for recommendations that lead to the denial of pay
103 increases, significant changes in employment, or termination of
104 employment;
105
106 29. not assist entry into or continuance in the profession of any person
107 known to be unqualified in accordance to applicable statutes and State
108 Board of Education rules;
109
110 30. self-report within forty-eight (48) hours to appropriate authorities any
111 arrest and final dispositions of such arrest other than minor traffic
112 violations, to their supervisor and the District's Criminal Convictions,
113 Background and Fingerprinting Unit, and if required by law, to the
114 appropriate state agency. DDUI is not considered a minor traffic
115 violation. Staff members shall self-report any conviction, finding of guilt,
116 withholding of adjudication, commitment to a pretrial diversion
117 program, or entering of a plea of guilty or Nolo Contendere for any
118 criminal offense other than a minor traffic violation within forty-eight
119 (48) hours after the final judgment;
120

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
3210/page 4 of 4

- 121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
31. report any criminal act, and/or disruptive, and/or inappropriate behavior to the administrator or designee to whom the employee is responsible;
 32. report all allegations of child abuse and/or neglect immediately upon knowledge, to the Michigan Department of Health and Human Services, call 855-444-3911 any time day or night, and the site administrator. Failure to immediately report child abuse and/or neglect to the proper authorities will lead to disciplinary action.
 33. seek no reprisal against any individual who has reported any allegation of a violation; and
 34. No staff member shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or hold any employment or contractual relationship; or incur any obligation of any nature that is in conflict with the proper or full and faithful discharge of his/her duties.
- Approved: 00/00/00
Revised & Adopted: 00/00/00
Reviewed: 00/00/00
Revised & Adopted: 00/00/00

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
3362.01/page 1 of 1

THREATENING BEHAVIOR TOWARD STAFF MEMBERS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

The Board of Education believes that a staff member should be able to work in an environment free of threatening speech or actions.

Threatening behavior consisting of any words, deeds, or electronic communications including social media that intimidate a staff member or cause anxiety concerning his/her physical and/or psychological well-being is strictly forbidden. Any student, parent, visitor, staff member, or agent of this Board who is found to have threatened a member of the staff will be subject to discipline or reported to the authorities.

The Superintendent and his/her designees shall implement guidelines whereby students and employees understand this policy and appropriate procedures are established for prompt and effective action on any reported incidents.

Approved: 00/00/00
Revised & Adopted: 00/00/00
Reviewed: 00/00/00
Revised & Adopted: 00/00/00

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

ADMINISTRATION
3430.01/page 1 of 14

FAMILY & MEDICAL LEAVES OF ABSENCE ("FMLA")

In accordance with Federal law, the District shall provide up to twelve (12) weeks of unpaid FMLA leave in any twelve (12) month period to eligible administrators for the following reasons:

A-1: the birth of a child and/or the care of a newborn child within one (1) year of the child's birth;

B-1: the placement of a child with the staff member by way of adoption or foster care and/or to care for the child within one (1) year of the child's arrival;

C-1: the staff member is needed to care for a spouse, parent or dependent child if such individual has a serious health condition, or

D-1: the staff member's own serious health condition prevents him/her from performing the functions of his/her position.

Employee Entitlement to Service Member FMLA

Leave Entitlement

Service member FMLA provides eligible employees unpaid leave for one, or for a combination, of the following reasons:

A-2: A "qualifying exigency" arising out of a covered family member's (spouse, son, daughter, or parent) covered active duty or call to covered active duty in the United States Armed Forces including the National Guard and Reserves. Qualifying exigencies, as defined by Federal regulations, include: 1) short-notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation (maximum fifteen (15) calendar days); 7)

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

ADMINISTRATION
3430.01/page 2 of 14

38 post-deployment activities; 8) caring for a military member's
39 parent who is incapable of self-care when the care is necessitated
40 by the member's covered active duty; and 9) additional activities
41 not encompassed in the other categories, but agreed to by the
42 employer and employee. Covered active duty means deployment
43 with the Armed Forces to a foreign country.
44

45 B-2: To care for a covered family member, including next of kin as
46 provided in the statute, who has incurred an injury or illness or
47 aggravation of a pre-existing illness or injury while in the line of
48 duty while on covered active duty in the United States Armed
49 Forces, including the National Guard and Reserves, provided that
50 such injury or illness may render the family member medically
51 unfit to perform duties of the member's office, grade, rank, or
52 rating. Covered active duty means deployment with the Armed
53 Forces to a foreign country. This leave is also available to care for
54 veterans of the United States Armed Forces, including the National
55 Guard and Reserves, provided the veteran was a service member
56 at any time within the five (5) years prior to the start of the
57 treatment, recuperation or therapy. In accordance with applicable
58 regulations, a veteran's serious injury or illness incurred or
59 aggravated in the line of active duty can also be manifested by: 1)
60 a physical or mental condition with a VA Service Disability Rating
61 of 50% or greater and is the condition precipitating the need for
62 leave; or 2) a physical or mental condition that substantially
63 impairs the ability to secure or substantially follow a gainful
64 occupation, or would do so absent treatment; or 3) an injury,
65 including psychological, for which the veteran has been enrolled in
66 the Dept. of V.A. Program of Comprehensive Assistance for Family
67 Care Givers.
68

69 **Duration of Service Member FMLA**

70
71 A. When leave is due to a "Qualifying Exigency": An eligible employee may
72 take up to twelve (12) work weeks of leave during any twelve (12)
73 month period. Such leave shall be counted with regular FMLA leave
74 time in calculating the twelve (12) weeks of allowable leave.

Revised 5/23/18

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

ADMINISTRATION
3430.01/page 3 of 14

75

76

77

78

79

80

81

82

83

84

85

86

87

88

89

90

91

92

93

94

95

96

97

98

99

100

101

102

103

104

105

106

107

108

109

110

111

B. When leave is to care for an injured or ill service member: An eligible employee may take up to twenty-six (26) work weeks of leave during a single twelve (12) month period to care for the service member who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. This is a one time benefit per service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed twenty-six (26) weeks in a single twelve (12) month period.

C. Service Member FMLA runs concurrent with other leave entitlements provided under Federal, State, and local law.

General FMLA Provisions

Administrators are "eligible" if they have worked for the District for at least twelve (12) months, and for at least 1,250 hours over the twelve (12) months prior to the leave request. Service time may be aggregated when the break in service is less than seven (7) years for military obligation or subject to recall under a collective bargaining agreement. All full-time administrators are deemed to meet the 1,250 hour requirement. All periods of absence from work due to or necessitated by USERRA-covered service is counted in determining an employee's eligibility for FMLA leave.

Twelve (12) month period for determining hours worked and use of leave is defined as a rolling twelve (12) month period measured backward from the date the staff member uses FMLA leave (i.e. the "leave year" is specific to each individual staff member).

For Service Member FMLA leave, the use of the twenty-six (26) weeks of leave will be measured forward from the first date on which the employee takes leave.

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves:

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

ADMINISTRATION
3430.01/page 4 of 14

- 112 A. inpatient care, including any period of incapacity or any subsequent
113 treatment in connection with such inpatient care; or
114
- 115 B. continuing treatment by a healthcare provider, including:
116
- 117 1. a period of incapacity of more than three (3) consecutive full
118 calendar days and any subsequent treatment or period of incapacity
119 relating to the same condition, that also involves either in person
120 treatment two (2) or more times by a healthcare provider within
121 thirty (30) days of the first date of incapacity absent extenuating
122 circumstances beyond the employee's control, or in person
123 treatment by a healthcare provider on at least one (1) occasion
124 which results in a regimen of continuing treatment under the
125 supervision of a healthcare provider;
126
- 127 The first visit to the healthcare provider must occur within seven (7)
128 days of the first date of incapacity.
129
- 130 2. any incapacity due to pregnancy or for prenatal care;
131
- 132 An expectant mother is entitled to FMLA leave for incapacity due to
133 pregnancy even if she does not receive treatment from a healthcare
134 provider during the absence, and even if the absence does not last
135 for more than three (3) consecutive, full calendar days.
136
- 137 3. any period of incapacity or treatment for such incapacity due to a
138 chronic serious health condition;
139
- 140 4. a period of incapacity which is permanent or long-term due to a
141 condition for which treatment may not be effective;
142
- 143 5. any period of absence to receive multiple treatments by a healthcare
144 provider either for restorative surgery after an accident or other
145 injury, or for a condition that would likely result in a period of
146 incapacity of more than three (3) consecutive days in the absence of
147 medical intervention or treatment, such as cancer (chemotherapy,

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

ADMINISTRATION
3430.01/page 5 of 14

148 radiation, etc.), severe arthritis (physical therapy), kidney disease
149 (dialysis);

150

151 C. conditions for which cosmetic treatment are administered are not
152 "serious health conditions" unless inpatient hospital care is required or
153 complications develop. Ordinarily, unless complications arise, the
154 common cold, the flu, ear aches, upset stomachs, minor ulcers,
155 headaches other than migraines, routine dental or orthodontia
156 problems, periodontal disease, etc., are conditions that do not meet
157 this definition and do not qualify for FMLA leave.

158

159 Whenever the leave is foreseeable, the staff member shall provide the District
160 with thirty (30) days notice. If there is insufficient time to provide such notice
161 because of unforeseeable events, the staff member shall provide such notice
162 as soon as possible and practical, generally not later than the next business
163 day after the employee realizes the need for leave. Failure to follow the leave
164 notice requirements may result in delay of obtaining the leave. Employees will
165 still be required to comply with the absence reporting procedures at their
166 buildings.

167

168 When planning medical treatment, the staff member must consult with the
169 District and make a reasonable effort to schedule the leave so as not to
170 unduly disrupt the regular operation of the District, subject to the approval of
171 the healthcare provider.

172

173 The staff member may request to substitute any of his/her earned or accrued
174 paid vacation leave, personal leave or family leave (per the applicable
175 collective bargaining agreement) for unpaid FMLA leave provided for the
176 birth, adoption or foster care placement of a child, or qualifying exigency for a
177 Service Member Family Leave (see A-1, B-1, and A-2 on page one).

178

179 The staff member may request to substitute any of his/her earned or accrued
180 paid vacation, personal leave or sick leave (per the applicable collective
181 bargaining agreement) for unpaid FMLA leave provided for the staff member's
182 own serious health condition or to care for a spouse, parent or dependent
183 child with a serious health condition (see C-1 and D-1 on page one and B-2
184 on page two).

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

ADMINISTRATION
3430.01/page 6 of 14

185

186 If the staff member has not earned or accrued adequate paid leave to
187 encompass the entire twelve (12) or twenty-six (26) week period of FMLA
188 leave, any additional weeks of leave to which the staff member is entitled to
189 shall be unpaid. Whenever a staff member uses paid leave for a qualifying
190 leave under this policy, such leave will count towards the maximum
191 allowable leave, the paid leave, and FMLA/Service Member Family leave to
192 which the staff member is entitled will run concurrently.

193

194 The District may allow a staff member to take FMLA leave intermittently or on
195 a reduced-leave schedule for the birth, adoption or foster care placement of a
196 child (see A-1 and B-1 on page one). A staff member may take FMLA leave on
197 an intermittent or reduced-leave schedule when medically necessary for
198 his/her own serious health condition or to care for a spouse, parent or
199 dependent child with a serious health condition (see C-1 and D-1 on page
200 one). The taking of such leave results in the total reduction of the twelve (12)
201 weeks only by the amount of leave actually taken. Leave will be accounted for
202 in increments no greater than the smallest increment used for other similar
203 leaves, but in no event greater than one (1) hour increments. Leave
204 entitlement will not be reduced by more than the amount of leave actually
205 taken.

206

207 If the intermittent or reduced-leave schedule is foreseeable based on planned
208 medical treatment, the District may require the staff member to transfer
209 temporarily to an available alternative position which better accommodates
210 recurring periods of leave. The alternative position shall have equivalent pay
211 and benefits but not necessarily equivalent duties. Instructional staff
212 members (i.e. individuals whose principal function is to teach and instruct
213 students in a class, a small group, or an individual setting) who request
214 intermittent leave or a reduced-leave schedule which would exceed twenty
215 percent (20%) of the total number of working days over the period of
216 anticipated leave must elect either to:

217

218 A. take leave for a period or periods of a particular duration, not greater
219 than the duration of the planned treatment; or

220

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

ADMINISTRATION
3430.01/page 7 of 14

221 B. transfer temporarily to an available alternative position offered by the
222 District for which the instructional staff member is qualified, and that
223 has equivalent pay and benefits and that better accommodates the
224 recurring periods of leave than the staff member's regular position.
225

226 The District will notify the staff member when the District intends to
227 designate leave as FMLA-qualifying. Such notice may be given orally or in
228 writing. When verbal notice is given, it will be followed by written notice
229 within ten (10) business days. In the case of intermittent or reduced-leave
230 schedule leave, only one (1) such notice is required unless the circumstances
231 regarding the leave have changed. If the District does not have sufficient
232 information about the reason for an employee's use of paid leave, the District
233 may inquire further to ascertain whether the paid leave is FMLA-qualifying.
234 Once the District learns that a paid leave is for an FMLA leave-qualifying
235 reason, the District will promptly notify the staff member that the paid leave
236 will count toward the staff member's twelve (12) week FMLA-leave
237 entitlement.
238

239 In cases in which the District employs both spouses, the total amount of
240 FMLA leave is twelve (12) weeks for the couple, except when the leave is due
241 to the serious health condition of either spouse or a child, or twenty-six (26)
242 weeks of FMLA leave for Service Member Leave.
243

244 When FMLA leave is taken for the staff member's own serious health
245 condition or to care for a spouse, parent or dependent child with a serious
246 health condition (see C-1 and D-1 on page one), the staff member must
247 provide medical certification from the healthcare provider of the eligible staff
248 member or his/her immediate family member. When the staff member
249 requests qualifying Service Member Leave, he/she must provide certification
250 of a qualifying exigency or of the service member's serious illness. For service
251 member leave, any certification permitted under 29 C.F.R. 825.310 shall be
252 allowed.
253

254 The staff member may either:

255
256 A. submit the completed medical certification to the District; or
257

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

ADMINISTRATION
3430.01/page 8 of 14

258 B. direct the healthcare provider to transfer the completed medical
259 certification directly to the District, which will generally require the
260 staff member to furnish the healthcare provider with a HIPAA-
261 compliant authorization.
262

263 In the event the staff member fails to provide medical certification, any leave
264 taken by the employee will not qualify for FMLA Leave/Service Member
265 Family Leave.
266

267 When the need for FMLA leave is foreseeable and at least thirty (30) days
268 notice has been provided, the staff member must provide the medical
269 certification before the leave begins. When this is not possible, the employee
270 must provide the requested certification to the Superintendent within fifteen
271 (15) calendar days after the staff member requests FMLA leave unless it is
272 not practicable under the circumstances to do so despite the staff member's
273 diligent and good faith efforts.
274

275 Any dispute over eligibility for FMLA leave shall be discussed between the
276 employee and District. The District shall be responsible for maintaining a
277 record of those communications.
278

279 The District reserves the right to obtain, at its expense, the opinion of a
280 second healthcare provider and, in the event of conflict, the opinion of a third
281 healthcare provider whose decision shall be binding and final. The staff
282 member may either:
283

284 A. submit the opinion of the second healthcare provider, and the opinion
285 of the third healthcare provider if applicable, to the District; or
286

287 B. direct the second or third healthcare provider to transfer his/her
288 opinion directly to the Superintendent, which will generally require the
289 staff member to furnish the healthcare provider with a HIPAA-
290 compliant authorization.
291

292 In the event the staff member fails to provide the medical opinion of the
293 second or third healthcare provider, if applicable, any leave taken by the
294 employee will not qualify for FMLA leave.

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

ADMINISTRATION
3430.01/page 9 of 14

295

296 A staff member who takes leave for his/her own serious health condition
297 prior to returning to work, must provide the District with a statement from
298 his/her healthcare provider that he/she is able to resume work.
299

300

301 Upon return from any FMLA leave, the District will restore the staff member
302 to his/her former position or to a position with equivalent employment
303 benefits, pay and conditions of employment. During FMLA leave, the District
304 shall maintain the staff member's current coverage under the District's group
305 health insurance program on the same conditions as coverage would have
306 been provided if the staff member had been continuously working during the
307 leave period. If the staff member was paying all or part of the premium
308 payments prior to going on FMLA leave, the staff member must continue to
309 pay his/her share during the leave.

310

311 Any leave or return from leave during the last five (5) weeks of an academic
312 term shall be reviewed individually by the District to minimize disruption to
313 the students' program. Special rules under the FMLA may apply for
314 instructional staff.

315

316 The staff member shall not accrue any sick leave, vacation, or other benefits
317 during a period of unpaid FMLA leave.

318

319 The use of FMLA leave will not result in the loss of any employment benefit
320 that accrued prior to the start of the staff member's leave.

321

322 If the staff member fails to return to work at the end of the leave for reasons
323 other than the continuation, recurrence, or onset of a serious health
324 condition of the staff member or of the staff member's immediate family
325 member, or for circumstances beyond the control of the staff member, the
326 staff member shall reimburse the District for the health insurance premiums
327 paid by the District during the unpaid FMLA leave period.

328

329

Communication Requirements

330

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

ADMINISTRATION
3430.01/page 10 of 14

331 When the need for FMLA leave is not foreseeable, an employee on FMLA shall
332 comply with the employer's usual and customary notice and procedural
333 requirements for requesting leave. Employees on FMLA shall also follow
334 District call-in guidelines like any other employee. Under FMLA regulations,
335 an employee must comply with the District's call-in procedures unless
336 unusual circumstances prevent them from doing so. In such cases, the
337 employee shall provide notice to his/her supervisor as soon as practicably
338 possible. Failure to provide timely absence or tardy notice to the employee's
339 immediate supervisor shall lead to FMLA leave approval delays or denials,
340 and are subject to progressive employee discipline where good cause is not
341 shown. Failure to adhere to daily call-in requirements may also result in
342 delays to processing intermittent and reduced schedule FMLA leave requests
343 and associated compensation requests.
344

345 **Work Beyond District Employment While on FMLA Leave**

346
347 District Policy 3430.02 titled Outside Employment prohibits outside
348 supplemental employment for all District employees while on any type of
349 leave. An employee approved for FMLA leave shall therefore not work in any
350 capacity that impedes the employee's recovery from, or treatment for reported
351 health condition(s). As such, employees found to be engaging in outside
352 employment while on FMLA leave that potentially impedes the employee's
353 recovery efforts shall be subject to investigation, potential disciplinary action
354 and dismissal.
355

356 FMLA fraud occurs when employees take FMLA leave for purposes other than
357 those permitted under FMLA. For example:
358

- 359 • Working for another employer, performing same or similar duties that
360 the employee's FMLA medical certification form says he or she is not
361 able to perform; or
362
- 363 • Engaging in off-duty activity, while on FMLA leave for one's own serious
364 health condition, that is inconsistent with the limitations the serious
365 health condition imposes.
366

367 **Travel While on FMLA Qualifying Leave**

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

ADMINISTRATION
3430.01/page 11 of 14

368
369 Whether District employees engage in personal travel while on FMLA leave
370 and retain the law's protections will depend on the nature of their activities
371 while engaging in personal travel, and whether those activities stand in
372 contrast to the reason FMLA qualifying leave was taken. This policy requires
373 employees on medical leave to stay close to home and allows travel for
374 purpose of obtaining treatment for themselves or to care for an immediate
375 family member (spouse, child, or parent) with a serious health condition.
376 Long distance travel requires written permission from the District.

377
378

379 **Recertification**

380

381 To the extent permitted by applicable law, if the District has reason to doubt
382 the validity of a medical certification, the District shall exercise its right to
383 obtain a second or third medical opinion at the District's expense. If the
384 District determines that the certification is incomplete, it shall provide a
385 written notice indicating what additional information is required.

386

387 During an FMLA leave, employees shall be required to provide the District
388 periodic status updates regarding expected date of return and/or intent to
389 return to work.

390

391 Recertification shall be required no more often than every thirty (30) days in
392 connection with an absence by the staff member unless the condition will last
393 for more than thirty (30) days. For conditions that are certified as having a
394 minimum duration of more than thirty (30) days, the District will not request
395 recertification until the specified period has passed, except that in all cases
396 the staff member must submit recertification every six (6) months in
397 connection with an absence by the employee. Additionally, the District may
398 require a staff member to provide recertification in less than thirty (30) days if
399 the staff member requests an extension of leave, the circumstances described
400 in the previous certification have changed significantly, or if the District
401 receives information that casts doubt upon the staff member's stated reason
402 for the absence or the continuing validity of the certification. Finally, staff
403 members must provide a new medical certification each leave year for
404 medical conditions that last longer than one (1) year. If an employee fails to

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

ADMINISTRATION
3430.01/page 12 of 14

405 provide a recertification within a reasonable time under the particular facts
406 and circumstances, then the employer may deny continuation of the FMLA
407 leave protections.

408

409 A staff member who takes leave for their own serious health condition that
410 makes him/her unable to perform the functions of his/her position; prior to
411 returning to work, must provide the District and his/her designees with a
412 fitness-for-duty certification that specifically addresses the staff member's
413 ability to perform the essential functions of his/her job. The fitness-for-duty
414 certification shall only apply to the particular health condition that caused
415 the staff member's need for FMLA leave. If reasonable safety concerns exist,
416 the District shall under certain circumstances, require a staff member to
417 submit a fitness-for-duty certification before he/she returns to work from
418 FMLA leave. The cost of the certification shall be borne by the staff member.

419

420 **Dishonesty, Fraud, and Misuse of FMLA**

421

422 All credible reports of suspected FMLA abuse shall be investigated and
423 documented. FMLA dishonesty, fraud, and abuse refers to employees'
424 legitimate use of FMLA qualifying leaves in a fraudulent manner, or in cases
425 where FMLA was fraudulently obtained by the employee. All findings of
426 FMLA malfeasance and or abuse shall be subject to disciplinary action and
427 dismissal. Under all circumstances where an employee has committed fraud
428 in obtaining FMLA leave, the District is exempted from all obligations to the
429 employee under FMLA rules. A staff member who fraudulently obtains and
430 uses FMLA leave is not protected by this policy's job restoration or
431 maintenance of health benefits provisions.

432

433 **Compliance**

434

435 Absent extenuating circumstances, if an employee fails to follow this policy,
436 the District shall exercise its right to delay or deny the FMLA request. The
437 District shall prepare administrative guidelines that are appropriate for this
438 policy and shall ensure that the policy and associated administrative
439 guidelines are posted and properly adhered to.

440

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

ADMINISTRATION
3430.01/page 13 of 14

441 In any areas where discretion is allowed in the implementation of this policy
442 or its guidelines for implementation, such discretion shall be exercised in a
443 non-discriminatory manner. Similarly situated persons shall be treated
444 similarly.
445

446 The District shall provide a copy of this policy to all staff members on any
447 form of FMLA. A notice of Rights and Obligations shall also be provided each
448 time an employee requests FMLA leave or the District has sufficient
449 information to believe that the employee may qualify for FMLA leave.
450

451 The approval, denial and administration of leave under this policy will be
452 governed by the Family Medical Leave Act of 1993, as amended, and its
453 published regulations, as applied and interpreted by the Superintendent and
454 his/her designees.
455

456 The District will not interfere with, restrain, or deny the exercise or attempted
457 exercise of a right established under this FMLA policy. Further, the District
458 will not discharge, fine, suspend, expel, discipline, or discriminate against a
459 staff member with respect to any term or condition of employment because of
460 the staff member's actual or potential exercise, or support for another
461 employee's exercise, of any right established under this FMLA policy. Nothing
462 herein shall prevent the District from taking an employment action that is
463 independent of the exercise of a right under this FMLA policy. Finally, the
464 District will not deprive an employee who takes FMLA pursuant to this policy
465 of any benefit that accrued before the date that leave commences.
466

467
468 29 U.S.C. 2601 et seq.

469 29 C.F.R. Part 825

470 P.L. 110-181, Sec. 585 – National Defense Authorization Act (January 28,
471 2008)

472 P.L. 111-84, Sec. 565 – National Defense Authorization Act (October 28,
473 2009)

474 29 C.F.R. Part 1630

475 29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended,

476 34 C.F.R. Part 104

477 42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

ADMINISTRATION
3430.01/page 14 of 14

478

479

480

481

482

483

484

485 Approved: 00/00/00

486 Revised & Adopted: 00/00/00

487 Reviewed: 00/00/00

488 Revised & Adopted: 00/00/00

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
5631/page 1 of 3

STUDENT NON-FRATERNIZATION

1
2
3
4
5 The Board expects all District internal and external stakeholders who directly
6 engage with students on or off District property, to maintain the highest
7 professional, moral and ethical standards in their conduct with students.
8 The interactions and relationships between all District internal and external
9 stakeholders should be based upon mutual respect and trust, an
10 understanding of the appropriate boundaries between adults and students in
11 an educational settings; and consistent with District and community
12 standards.

13
14 The Board expects all professional and support staff, contractors, as well as
15 all athletic coaches, counselors, administrators, volunteers, and other
16 District stakeholder who directly engage with students on or off District
17 property, to maintain appropriate professional relationships with students
18 and be sensitive to the appearance of impropriety in their conduct with
19 students. All professional and support members are encouraged to discuss
20 issues and concerns with District administrators or other personnel who
21 function in an administrative/supervisory capacity whenever they are unsure
22 whether particular conduct may constitute or appear as a violation of this
23 policy.

24
25 Fraternization of any type may create the perception of inappropriate conduct
26 or may lead to allegations or instances of sexual harassment or child abuse.
27 Accordingly, all staff members are prohibited from engaging in any of the
28 following types of prohibited conduct, regardless of whether the conduct
29 occurs on or off school property or whether the conduct occurs during or
30 outside of school hours. The following list of prohibited conduct does not, and
31 is not intended to, constitute the entire list of conduct for which discipline
32 may be imposed:

- 33
34 A. allow a student into his/her home, or enter the home of a student,
35 at any time without the express permission of the principal or the
36 parent(s) or legal guardian of the student, and a record of the
37 permission placed on file;

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
5631/page 2 of 3

38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74

- B. engaging in any romantic or sexual relationships with students, including dating, flirting, sexual contact, inappropriate physical displays of affection, or sexually suggestive comments between staff and students, regardless of whether staff or student initiates the behavior, whether the relationship is consensual, or whether the student has parental permission;
- C. fostering, encouraging, or participating in inappropriate emotionally or socially intimate relationships with students in which the relationship is outside the bounds of the reasonable, professional staff-student relationship and in which the relationship could reasonably cause a student to view the professional or support staff person as more than an administrator, teacher, or coach;
- D. initiating or continuing communications with students, including those through District and personal accounts, for reasons unrelated to any appropriate purpose, including oral or written communication; telephone calls; electronic communication such as texting, instant messaging, email, chat rooms, Facebook, or other social networking sites; webcams; or photographs;
- E. providing any mood altering substances to students;
- F. socializing with students outside of class time for reasons unrelated to any appropriate purpose; and
- G. transporting students in personal vehicles, or ride in a personal vehicle with a student, before, during or after school hours without the express permission of the principal and the parent(s) or legal guardian(s) of the student, and a record of the permission placed on file.

Any person with knowledge or suspicion of an improper relationship between staff and a student must immediately report the conduct to school administration. Staff who makes a good-faith report of a suspected fraternization violation, or who cooperates in inquiries or investigations

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
5631/page 3 of 3

75 related to the investigation of such a report, shall be protected from
76 retaliation in accordance with District policy.

77

78 Reports of suspected fraternization violations by represented staff shall follow
79 the procedures set forth in accordance with the appropriate District
80 disciplinary policies and guidelines. The District shall take appropriate
81 disciplinary action, up to and including dismissal, against any staff found to
82 have violated this non-fraternization policy.

83

84

85

86

87

88

89 Approved: 00/00/00

90 Revised & Adopted: 00/00/00

91 Reviewed: 00/00/00

92 Revised & Adopted: 00/00/00

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
3531/page 1 of 1

UNAUTHORIZED WORK STOPPAGE

1
2
3
4 The Board is obligated and committed to provide certain basic services to students
5 residing in the District under its jurisdiction and as contracted. Therefore, if the
6 schools are open and students are in attendance, those basic services will be
7 provided.
8

9 Recognizing the fact that the District, for various reasons, could experience an
10 unauthorized work stoppage, the Board remains committed to providing educational
11 and related services to the schools and will fulfill its obligations to operate the
12 schools when possible.
13

14 Staff members who fail to perform their normal duties when so required as part of a
15 concerted unauthorized work stoppage will be subject to loss of pay and fringe
16 benefits, including paid insurance coverage, as well as disciplinary measures in
17 accordance with the laws of the State.
18

19
20
21 M.C.L. 423.201 et seq.
22
23
24
25
26

27 Approved: 00/00/00
28 Revised & Adopted: 00/00/00
29 Reviewed: 00/00/00
30 Revised & Adopted: 00/00/00

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
3121.01/page 1 of 3

CRIMINAL CONVICTION REVIEW

1
2
3
4
5 In an effort to maintain a safe environment for students, staff and visitors, the
6 District performs a criminal background check of those individuals who apply for
7 employment with the District, work for the District, or are contracted to work on a
8 regular and continuous basis at the District. Employees and individuals who have
9 applied or are applying for a position have a continuing duty to disclose any pending
10 criminal charges or convictions.

11
12 Individuals convicted of crimes listed in Section 2 of the Sex Offender Registry Act,
13 M.C.L. 28.722, cannot be employed by the District.

14
15 An employee convicted of a felony not listed in the Sex Offender Registry Act may not
16 continue to work in the District, unless or until they have received written approval
17 from both the Superintendent and the Board. Pending such approval, employee
18 shall be placed on administrative leave.

19
20 Individuals convicted of a misdemeanor related to child abuse or controlled
21 substances shall require the written approval of the Superintendent and the Board
22 to continue or to obtain employment.

23
24 Individuals convicted of certain non-listed misdemeanors may be denied
25 employment at the discretion of the Superintendent.

26
27 The Superintendent shall suspend consideration of any applicant who has a felony
28 charge pending and shall determine whether an employee or person contracted to
29 work in the District will be allowed to continue to work while a felony charge is
30 pending against the individual.
31

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
3121.01/page 2 of 3

32 In making the determination regarding whether to hire an applicant or allow an
33 individual to continue working with pending felony charges or after a conviction, the
34 Superintendent and the Board will consider the following factors:

- 35
- 36 A. the nature of the offense does, is it related to children, deviant
37 behavior, drugs, violence or involve a matter of national security, etc.;
 - 38
 - 39 B. how long ago did the incident occur;
 - 40
 - 41 C. were there repeated incidents;
 - 42
 - 43 D. nature of assignment in District (access to children, role model, etc.);
 - 44
 - 45 E. whether any treatment or other rehabilitation has occurred;
 - 46
 - 47 F. the nature of the employee's work record since offense (likelihood of
48 repeated misbehavior) and
 - 49
 - 50 G. the individual's record of working positively to promote the
51 achievement, health and welfare of students since the occurrence of
52 the incident.

53

54 Neither the Board nor the Superintendent shall consider criminal charges that did
55 not result in conviction, or pending misdemeanor charges in determining whether to
56 hire or continue the employment of any individual.

57
58
59

60 M.C.L. 28.722, 380.1230 et seq., 388.1535a, M.C.L. 38.74, MCL 380.1539b

61
62
63

64 © **NEOLA 2005**

65
66
67
68
69

70 Approved: 00/00/00
71 Revised & Adopted: 00/00/00

Revised 5/31/18

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

PROFESSIONAL STAFF
3121.01/page 3 of 3

72 Reviewed: 00/00/00
73 Revised & Adopted: 00/00/00