

**STAFF DEVELOPMENT**

BP 4131(a)

Note: Staff training is mandated in evaluative techniques, child abuse recognition and reporting, the needs of students with alcohol or drug abuse disabilities, and suicide awareness and prevention. AS 14.20.680 mandates staff training on the needs of individual students who have alcohol or drug related disabilities within 45 days of first day of employment. A school district must provide annual youth suicide awareness and prevention training to each teacher, administrator, counselor, and specialist employed to serve students in grades 7-12.

The School Board recognizes that a competent well-trained staff is essential to carrying out its goals. In compliance with federal and state law, the Superintendent or designee is to develop a plan to ensure that all teachers of core academic subjects be highly qualified by the end of the 2005-2006 school year. Staff development is a necessary, continuous and systematic effort to improve district educational programs by involving all employees in activities that improve their skills and broaden their perceptions.

In order to respond directly to the needs of our students, staff development activities may address teacher qualifications, content areas, methodology, interpersonal relations between students and faculty, student growth and development, and staff communication, problem solving and decision making. The Superintendent is responsible for ensuring that all training required by law is provided in a timely fashion to appropriate staff.

*(cf. 5131.6 - Alcohol and Other Drugs)*

*(cf. 5141.5 - Child Abuse Reporting)*

The Superintendent or designee should provide the staff with development which may include opportunities such as the following:

1. Released time and leaves of absence for travel and study.
2. Visits to other classrooms and other schools.
3. Conferences involving outside personnel from the district, county, state, region or nation.
4. Membership in committees drawing personnel from various sources.

Personnel

**STAFF DEVELOPMENT** (continued)

BP 4131(b)

5. Training classes and workshops offered by the district.
6. Further training in institutions of higher learning, including credit courses conducted in or near the district instead of on the college campus, whenever possible.
7. Access to professional literature on education issues.

*(cf. 4116 - Nontenured/Tenured Status)*

*Legal Reference:*

ALASKA STATUTES

*14.08.111 Duties (Regional School Boards)*

*14.14.090 Additional Duties*

*14.18.060 Discrimination in textbooks and instructional materials prohibited*

*14.20.680 Required alcohol and drug related disabilities training*

*Enrolled SB 137 (2012) (uncodified law) Requiring suicide awareness and prevention training for certain school personnel*

*47.17.022 Training (child protection)*

ALASKA ADMINISTRATIVE CODE

*4 AAC 06.530 Guidance and counseling services*

*4 AAC 06.550 Review of instructional materials*

*4 AAC 19.060 Evaluation Training*

*4 AAC 52.260 Personnel Development*

*Section 1119 of the No Child Left Behind Act of 2001, P.L. 107-110*

*Revised 3/2013*

**YAKUTAT SCHOOL DISTRICT**

**Adopted: July 2, 1997**

**Revised: May 16, 2005**

**Revised: June 3, 2013**

**PUBLICATION OR CREATION OF MATERIALS**

4232

4332

The School Board recognizes that district employees may create copyrightable materials either at work, at home, or both at work and at home. The development of copyrightable materials during, or in part during, the work day must be approved by the Superintendent or designee. However, the Superintendent or designee's approval or lack of approval shall not affect the district's ownership of copyrights for materials developed during work hours.

Materials written or developed by an employee during the normal school day are considered district property. (17 United States Code 201)

Materials developed during both school and leisure hours are owned jointly by the employee and the district. In such cases, the Superintendent or designee shall ensure that a contractual agreement is made, clarifying the joint ownership. A partnership entity may be created to hold the copyright on behalf of both parties.

The Board may secure copyrights in the name of the district for all copyrightable works developed by the district. All royalties or revenues from these copyrights shall be used for the benefit of the district.

*(cf. 6162.6 - Use of Copyrighted Materials)*

*Legal Reference:*

FEDERAL COPYRIGHT LAW  
17 U.S.C., 201 and 201(a)

**YAKUTAT SCHOOL DISTRICT**  
**Adopted: July 2, 1997**

**All Personnel**

BP 4133

4233

**TRAVEL EXPENSES**

4333

Staff travel is authorized by the Board through the budgetary process and approved through the budgetary process and approved by the Superintendent and handled as any other expenditure or purchase. Any changes to budgeted and approved travel must be approved by the Superintendent. Superintendent and School Board travel must be approved by the School Board.

The school recognizes that employees who travel far from home to represent the school's business interests must forego their living accommodations and may forfeit personal time. Accordingly, the school will make efforts to provide comfortable and secure accommodations for lodging, meals and travel for employees. However, these items are not intended to be prerequisites and the school reserves the right to deny reimbursement of expenses that are considered lavish or extravagant.

To provide guidelines to facilitate travel for district staff for training, extra-curricular activities and other district activities in a manner that ensures travel is properly authorized and within the authorized budget.

Applies to all district related travel performed by employees and Board members of the District.

*(cf. 330 - Travel Expenses)*

**YAKUTAT SCHOOL DISTRICT**  
**Adopted: July 2, 1997**

**All Personnel**

BP 4135

**SOLICITING AND SELLING**

4235

4335

Employees shall not solicit district students or their families with the intent to sell general merchandise, books, equipment or services. Any classroom activity requiring students to bring money to school for any purpose must have the superintendent's approval.

*(cf. 1321 - Solicitation of Funds from and by Students)*

Staff shall not distribute promotional, political, controversial or other noninstructional materials unless approved by the Superintendent or designee.

*(cf. 1325 - Advertising and Promotion)*

Staff members shall not use their status as district employees to secure information such as names, addresses and telephone numbers for use in profit-making ventures.

Educational tours may be promoted on school premises only if they are sponsored by the district. Employees engaged in planning, organizing or leading tours as a private business shall make it clear that they do not represent the school or district. All activities related to such tours must be carried on outside of school hours and off school premises.

**YAKUTAT SCHOOL DISTRICT**  
**Adopted: July 2, 1997**

**All Personnel**

BP 4136  
4236  
4336

**NONSCHOOL EMPLOYMENT**

The School Board recognizes that district employees may receive compensation for outside activities as long as these activities are not inconsistent, incompatible, in conflict with, or inimical to the employee's duties or to the duties, functions or responsibilities of the district.

Outside paid activities are incompatible with district employment if they require time periods that interfere with the proper, efficient discharge of the employee's duties, if they entail compensation from an outside source for activities which are part of the employee's regular duties, or if they involve using for private gain the district's name, prestige, time, facilities, equipment or supplies.

*(cf. 1321 - Solicitation of Funds from and by Students)*

*(cf. 4119.21/4219.21/4319.21 - Codes of Ethics)*

*(cf. 4132/4232/4332 - Publication or Creation of Materials)*

*(cf. 4135 - Soliciting and Selling)*

**YAKUTAT SCHOOL DISTRICT**  
**Adopted: July 2, 1997**

**NEGOTIATED AGREEMENT**

Each agreement entered into by the School Board with a duly recognized employee organization shall constitute a commitment by the Board to the provisions of the agreement for its duration.

The provisions of the employee agreement shall be binding on the Board and on all employees covered by the agreement. Policies or regulations of the Board which conflict with provisions of the negotiated employee agreement shall not be binding on those employees who are covered by the terms of such agreement.

*(cf. 4143 - Negotiations/Consultation)*

*Legal Reference:*

ALASKA STATUTES

23.40.070 - 23.40.260 - *Public Employment Relations Act*

ALASKA ADMINISTRATIVE CODE

4 AAC 80.010 - 4 AAC 80.040 *Advisory Arbitration*

**YAKUTAT SCHOOL DISTRICT**  
**Adopted: July 2, 1997**

**Certificated/Classified Personnel**

BP 4141.6  
4241.6

**Concerted Activity/Work Stoppage**

Note: The following optional policy may be revised or deleted. SB 16 (Statutes of 1992), repealed Title 14 provisions related to collective bargaining and affirmed placement of public school employees under the Public Employment Relations Act. In addition, public school employees were reclassified from class (a) (2) to class (a) (3) under AS 23.40.200 which provides them the right to strike after exhausting the advisory arbitration process. If advisory arbitration fails, a strike may not begin until at least 72 hours after notice of the strike is given. In any event, a strike may not begin on or after the first day of the school term, as that term is described in AS 14.03.030, unless at least one day in session with students in attendance has passed after notice of the strike is given by the employees. AS 23.40.080 provides public employees the right to engage in concerted activities. AASB is available for assistance in preparing contingency strike plans.

The Superintendent or designee shall maintain a plan for the safe operation of the schools in the event of a work stoppage. In the event of a strike, a walkout, a coordinated mass use of sick leave or any other concentrated refusal of staff to perform assigned duties, the Superintendent or designee shall take whatever emergency steps he/she deems necessary for the safety of students, staff and district property. Such steps shall be reported to the Board as soon as possible.

When students raise questions related to a work stoppage, teachers shall be expected to approach the subject in accordance with the district's policy on controversial issues. Teachers shall not let such discussions interfere with their regular teaching responsibilities.

*(cf. 6144 - Controversial Issues)*

Employees shall not provide students with messages or other information that promotes or explains the position of any employee organization that is engaged in or contemplating a work stoppage.

*Legal Reference:*

ALASKA STATUTES

23.40.080 *Right of public employees*

23.40.200 *Classes of public employees; arbitration*

*Revised 1/04*

**YAKUTAT SCHOOL DISTRICT**

**Adopted: July 2, 1997**

**Revised: May 16, 2005**



**NEGOTIATIONS/CONSULTATION**

The School Board will strictly construe the scope of negotiations as provided by law and also meet and negotiate on such topics as are included within the scope of negotiations by the Labor Relations Board.

The Board may hold executive sessions with its designated representative(s) prior to or during consultations with representatives of employee organizations. The purpose of these executive sessions shall be to review the Board's position and instruct its representative(s).

*(cf. 9321 - Executive Sessions)*

*Legal Reference:*

ALASKA STATUTES

23.40.070 - 23.40.260 *Public Employment Relations Act*

23.40.070 *Declaration of Policy*

44.62.310 *Agency meetings public*

ALASKA ADMINISTRATIVE CODE

4 AAC 80.010-4AAC 80.040 *Advisory arbitration: teacher negotiations*

*Kenai Peninsula Borough School District v. Kenai Peninsula Education Assn., 572 P. 2d 416 (Alaska 1977)*

**All Personnel**

BP 4144

4244

**COMPLAINTS**

4344

The School Board recognizes the need for providing employees with a process for addressing concerns regarding issues which are not subject to formal grievance procedures.

The Superintendent or designee shall establish complaint procedures which encourage the prompt submission of complaints and resolution of conflicts.

The Board expects that employees and supervisors will make every effort to resolve employee complaints and disagreements informally before resorting to formal complaint procedures.

*(cf. 1312.3 - Complaints Concerning Discrimination)*  
*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*  
*(cf. 4141/4241 - Agreement)*

*Legal Reference:*

ALASKA STATUTES  
*20.40.270 Declaration of policy (PERA)*

**YAKUTAT SCHOOL DISTRICT**  
**Adopted: July 2, 1997**

## **Certificated/Classified Personnel**

AR 4144(a)

4244

## **COMPLAINTS**

4344

The following guidelines shall prescribe the manner in which complaints are handled:

1. A "complaint" shall be defined as an alleged misapplication of the district's policies, regulations, rules or procedures. Procedures for the resolution of employee complaints provide a route of appeal through administrative channels and to the Board, if necessary. If the complaint is related to discrimination or harassment, the district's procedure for complaints concerning discrimination should be used.

*(cf. 1312.3 - Complaints Concerning Discrimination)*

2. So as not to interfere with school schedules, meetings related to a complaint shall be held before or after the complainant's regular working hours.
3. All matters related to a complaint shall be kept confidential. Only those individuals directly involved in resolving the complaint shall be informed of the complaint.
4. All documents, communications and records dealing with the complaint shall be placed in a district complaint file. No such material shall be placed in an employee's personnel file.
5. No reprisals shall be taken against any participant in a complaint procedure by reason of such participation.
6. Time limits specified in these procedures may be reduced or extended in any specific instance by written mutual agreement of the parties involved. If specified or adjusted time limits expire, the complaint may proceed to the next step.
7. Any complaint not taken to the next step within prescribed time limits shall be considered settled on the basis of the answer given at the preceding step.

## **Informal Complaints**

Employees are encouraged to resolve complaints informally. Formal complaint procedures shall not be initiated unless informal efforts to resolve the complaint have been exhausted and the complainant has provided a written description of such efforts.

AR 4144(b)

4244

4344

## **COMPLAINTS (continued)**

### **Formal Complaint Procedure - Step 1**

If a complaint has not been satisfactorily resolved by informal procedures, the complainant may file a written complaint with the immediate supervisor within 60 days of the act or event which is the subject of the complaint.

Within five working days of receiving the complaint, the immediate supervisor shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The immediate supervisor shall present all concerned parties with a written answer to the complaint within ten working days after the meeting.

### **Formal Complaint Procedure - Step 2**

If a complaint has not been satisfactorily resolved at Step 1, the complainant may file a written appeal to the School Board within five working days of receiving the answer at Step 1. All information presented at Step 1 shall be included with the appeal, and the Superintendent or designee shall submit to the Board a report describing attempts to resolve the complaint at Step 1.

An appeal hearing shall be held at the next regularly scheduled Board meeting which falls at least 12 days after the appeal is filed. This hearing shall be held in executive session if the complaint relates to matters properly addressed in executive session.

*(cf. 9321 - Executive Sessions)*

The Board shall make its decision within 30 days of the hearing and shall mail its decision to all concerned parties. The Board's decision shall be final.

**YAKUTAT SCHOOL DISTRICT**  
**Adopted: July 2, 1997**

**Compensation & Related Benefits**

The District's policy is to fully comply with the terms of the applicable collective bargaining agreements as they relate to the length of pay periods, number of paydays and hours of work.

To comply with all negotiated agreements as they relate to pay periods, paydays and hours of work.

All District employees who are covered under a collective bargaining agreement.

**SALARY GUIDES – EXEMPT EMPLOYEES**

Note: The Fair Labor Standards Act (FLSA) is a federal law that requires most employees in the United States to be paid at least the federal minimum wage for all hours worked, and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek. However, Section 13(a)(1) of the FLSA provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, or professional employees. Sections 13(a)(1) and 13(a)(17) also exempt certain computer employees. To qualify for exemption, employees generally must meet certain tests regarding their job duties and be paid on a salary basis at not less than \$455 per week. These salary requirements do not apply to teachers. Exempt computer employees may be paid at least \$455 on a salary basis or on an hourly basis at a rate not less than \$27.63 an hour. Job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the Department of Labor's regulations.

The Board is committed to compliance with the salary basis requirements of the Fair Labor Standards Act. Improper deductions from the salaries of exempt employees are prohibited.

*(cf. BP 4253 Overtime Pay/Compensatory Time Off)*

**Salary Basis Requirement**

An exempt employee must meet certain tests regarding their job duties and be paid on a salary basis. Being paid on a "salary basis" means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee's work. Subject to exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work.

**Permissible Deductions**

Note: Under 2004 amendments to the federal regulations, employers can dock pay of exempt employees, without losing their exempt status, for disciplinary suspensions for one or more full days if employees break workplace conduct rules. To be able to take advantage of this provision, employers *must* adopt a written policy applicable to all employees that states that violating workplace conduct rules may result in a suspension.

Deductions from pay are permissible when an exempt employee: is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for violations of District policies or procedures.

The district is not required to pay the full salary in the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. In these circumstances, either partial day or full day deductions may be made.

**SALARY GUIDES – EXEMPT EMPLOYEES(CONTINUED)****Complaint Procedure for Improper Deductions**

Note: Under the 2004 safe harbor provision, employers will not lose exempt status for employees as a result of improper deductions, so long as several steps are taken. First, your district must have a clearly communicated policy prohibiting improper pay deductions. Second, the policy must contain a complaint procedure. Third, if an employer makes an improper deduction, it must reimburse employees for the improper deduction and make a good faith commitment to comply in the future. Finally, if the employer “willfully” violates the policy by continuing to make improper deductions after a complaint, it will lose exempt status for all employees in the same job classification working for the same managers responsible for the improper deductions for the time period in which the improper deductions were made.

If you believe that an improper deduction has been made to your salary, you should immediately report this information to your direct supervisor, or to the Superintendent.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

*Legal Reference:*

*Fair Labor Standards Act, 29 U.S.C. § 201, et seq.*

*Added 12/04*

**YAKUTAT SCHOOL DISTRICT**  
**Adopted: May 16, 2005**

**All Personnel**

BP 4154

4254

**HEALTH AND WELFARE BENEFITS**

4354

The district shall provide health and welfare benefits for certificated and classified employees in bargaining units. Benefits for employees who are not in bargaining units

shall be the same unless otherwise specified by Board action or individual contract in accordance with negotiated employee agreements.

The Superintendent or designee shall advise all employees of their rights and responsibilities related to continuing their health insurance benefits when their eligibility changes.

*(cf. 3530 - Risk Management)*

*(cf. 4141/4241 - Agreement)*

*Legal Reference:*

ALASKA STATUTES

*23.40.070 Declaration of Policy (PERA)*

CONSOLIDATED OMNIBUS RECONCILIATION ACT

*Public Law 99-272*

**YAKUTAT SCHOOL DISTRICT**  
**Adopted: July 2, 1997**



**All Personnel**

AR 4154

4254

**HEALTH AND WELFARE BENEFITS**

4354

**Federal Consolidated Omnibus Reconciliation Act (COBRA)**

Under COBRA, district employees may retain health insurance coverage when they reduce their working hours and/or are separated from employment. Continued coverage through the district shall also be made available to an employee's spouse and dependents upon the employee's death, separation or divorce, eligibility for Medicare or upon termination of a child's dependent status under the district health insurance program. Employees who are fired for gross misconduct may not retain health insurance coverage.

Persons who choose to retain health insurance coverage shall be charged the full costs of coverage within legal limits. Those who have reduced their working hours or who have been released from employment may retain the coverage for no more than 18 months. All other qualifying persons may retain the coverage for no more than 36 months. Coverage will end if the employee or beneficiary 1) fails to pay the insurance premium; 2) secures health insurance coverage through subsequent employment or remarriage; or 3) becomes eligible for Medicare benefits.

**YAKUTAT SCHOOL DISTRICT**  
**Adopted: July 2, 1997**

E 4154  
4254  
4354

## **INSURANCE/HEALTH AND WELFARE BENEFITS**

	<u>Responsibility</u>	<u>Timeline</u>
Plan Administrator	Provide written notice to all employees of coverage under COBRA	At commencement of coverage
District	Notify Plan Administrator of employee death, termination, retirement, Medicare eligibility or reduction in hours	Within 30 days of event
Plan Administrator	Notify employee/beneficiary of option to elect continued health coverage	Within 14 days
Employee/Beneficiary	Elect to accept or refuse continuation coverage	60 days
Employee/Beneficiary	Notify Plan Administrator of a divorce, legal separation or termination of a child's dependent status	Upon occurrence

**YAKUTAT SCHOOL DISTRICT**  
**Adopted: July 2, 1997**

**All Personnel**

BP 4156.2

4256.2

**AWARDS AND RECOGNITION**

4356.2

The School Board believes the district's employees are its most valuable resource and encourages recognition of the services they provide. The Superintendent or designee may issue service pins, certificates, plaques or other mementos in accordance with established district procedures.

*(cf. 1150 - Commendations and Awards)*

*(cf. 3300 - Expenditures/Expending Authority)*

**YAKUTAT SCHOOL DISTRICT**  
**Adopted: July 2, 1997**

**All Personnel**

BP 4156.3

4256.3

**REIMBURSEMENT, UNIFORMS AND ALLOWANCES**

4356.3

The School Board shall not be responsible for the reimbursement of any employee personal property which may be stolen, destroyed or maliciously damaged while being used in district schools.

Reimbursement for personal items used for work-related purposes shall be made only if the Superintendent approved the use of the personal property in school before the property was brought to school and at that time agreed on the value of the property.

**YAKUTAT SCHOOL DISTRICT**  
**Adopted: July 2, 1997**

**All Personnel**

BP 4157  
4257  
4357

**EMPLOYEE SAFETY**

The School Board believes that safety is every employee's responsibility. The Board expects all employees to use safe work practices and to report and correct any unsafe conditions which may occur. Supervisors shall constantly promote safety and correct any unsafe work practice through education, training and enforcement.

No employees shall be required to work under unsafe or hazardous conditions or to perform tasks which endanger their health, safety, or well-being. Working conditions and equipment shall be maintained in compliance with standards prescribed by federal, state, and local laws and regulations.

*(cf. 3514 - Environmental Safety)*

*(cf. 3514.1 - Hazardous Substances)*

*(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)*

*(cf. 4158/4258/4358 - Employee Security)*

**YAKUTAT SCHOOL DISTRICT**  
**Adopted: July 2, 1997**

**All Personnel**

BP 4158  
4258  
4358

**EMPLOYEE SECURITY**

Note: Alaska school districts are required to adopt standards relating to when a teacher, teacher's assistant, or other person responsible for students is authorized to use reasonable and appropriate force to maintain classroom safety and discipline. The following language is based upon guidelines found in AS 11.81.430, a statute authorizing reasonable nondeadly force by a teacher; and 4 AAC 07.900, which excludes certain reasonable and necessary physical restraint from the definition of corporal punishment. Additionally, the law provides that a teacher, teacher's assistant, a principal, or another person responsible for students may not be terminated or otherwise subjected to formal disciplinary action for lawful enforcement of a school disciplinary and safety program, including behavior standards. AS 14.33.130. Finally, this group is protected from civil liability for acts or omissions arising out of enforcement of the disciplinary and safety program while in the course of employment, unless the act constitutes gross negligence or reckless or intentional misconduct. AS 14.33.140, and the No Child Left Behind Act of 2001.

An employee may use reasonable force when necessary to protect himself/herself from attack, to protect another person, to quell a disturbance threatening physical injury to others, or to obtain possession of weapons or other dangerous objects on or within the control of a student.

*(cf. 5144 - Discipline)*

Note: Effective January 1, 2001, a teacher, teacher's assistant, administrator, or other employee responsible for students who, during the course of employment, observes a student committing a crime must report the crime to local law enforcement. AS 14.33.130. The obligation to report to law enforcement resides with the staff member observing the crime. "Crime" means an offense for which a sentence of imprisonment is authorized; a crime is either a felony or a misdemeanor. AS 11.81.900.

Employees shall promptly report any student attack, assault or threat against them to the Superintendent or designee. The employee and the principal or other immediate supervisor both shall promptly report such instances to the appropriate local law enforcement agency.

*(cf. 1410 – Interagency Cooperation for Student and Staff Safety)*

*Legal Reference:*

ALASKA STATUTES

*11.81.430 Justification, use of force, special relationships*

*11.81.900 Definitions*

*14.33.120-.140 School disciplinary and safety program*

ALASKA ADMINISTRATIVE CODE

*4 AAC 07.010-4 AAC 07.900 Student rights and responsibilities*

*Elementary and Secondary Education Act, 20 U.S.C. §§ 2361-2368, as amended by the No Child Left Behind Act of 2001 (P.L. 107-110)*

*Revised 1/03*

**YAKUTAT SCHOOL DISTRICT**

**Adopted: July 2, 1997**

**Revised: May 7, 2001**

**Revised: May 16, 2005**

**All Personnel**

BP 4159

4259

**EMPLOYEE ASSISTANCE PROGRAMS**

4359

The School Board recognizes that school district employees may have personal problems which can have detrimental effects upon job performance and student safety. Many

personal problems are easier to resolve when they are addressed early, before they reach disabling proportions. The Board encourages employees to seek help when such problems exist and to take advantage of the resources that are available to assist them.

Employees shall have confidential access to information about community resources that address personal problems. This information shall be available, on a voluntary basis, to all employees, spouses and dependents.

*(cf. 4020 - Drug and Alcohol-Free Workplace)*

Management and supervisory staff shall be knowledgeable about the district's employee assistance program. When there are indications of declining performance, attendance problems, or on-the-job behavioral problems, supervisors shall consult with the Superintendent or designee to explore the resolution of such problems.

Note: The federal Americans with Disabilities Act, Section 104 states that an employee who uses drugs or who is an alcoholic may be held to the same job performance standards as held for other employees, even if any unsatisfactory performance is related to the drug use or alcoholism.
--

Participation in the assistance program will not jeopardize the employee's employment or career advancement, nor will it protect the employee from disciplinary action for substandard job performance.

*(cf. 4115/4215/4315 - Evaluation/Supervision)*  
*(cf. 4118/4218 - Suspension/Disciplinary Action)*

**YAKUTAT SCHOOL DISTRICT**  
**Adopted: July 2, 1997**

**LEAVES**

Note: This policy and our other sample leave policies are offered as models for districts. Districts should take into careful account their past practices and collective bargaining agreements when providing for leave privileges.

The School Board shall authorize employee absences as provided by law and Board policy. The Board recognizes the following justifiable reasons for absence:

1. Personal sickness or injury, pregnancy, jury duty, military service or emergencies beyond the employee’s control.
2. Family illness, bereavement, religious observances and other personal reasons.
3. Situations stemming from occupational status such as attendance at meetings, conventions, inservice courses, seminars, etc.
4. Other situations for which leave is provided by law.

Note: The Alaska Family Leave Act became law September 16, 1992, and applies to employers that have employed 21 or more employees for each working day during any period of 20 consecutive workweeks in the preceding two calendar years. Family leave includes, at a minimum, "unpaid leave" for "serious" health conditions for a total of 18 weeks during any 12 month period, and unpaid leave for pregnancy and childbirth or adoption for a total of 18 work weeks within a 12 month period. Employees are entitled to apply accrued paid leave toward the unpaid leave time. Employers must allow employees to continue their existing health insurance coverage at the same level the employee had before going on leave. However, the employee may be required to pay the premium cost for the continuation of the insurance coverage. The Commissioner of Education may approve a labor contract that does not meet the family leave requirements if the district can show a lack of qualified, available substitutes to replace a teacher on leave or a lack of available housing for replacement teachers who do not live in the community.

*(cf. 4161.4 – Family and Medical Leave)*

*Legal Reference:*

ALASKA STATUTES

*14.14.107 Sick leave and sick leave transfer*

*14.20.147 Transfer or absorption of attendance area or federal agency school*

*23.10.500 - 23.10.550 Alaska Family Leave Act*

ALASKA ADMINISTRATIVE CODE

*4 AAC 09.020 Teachers entitled to pay*

*FAMILY AND MEDICAL LEAVE ACT, 29 U.S.C. 2601 et. seq.; 29 CFR Part 825, amend. 2008*

*NATIONAL DEFENSE AUTHORIZATION ACT for fiscal year 2008, Public Law 110-181, § 585(a)*

**YAKUTAT SCHOOL DISTRICT**  
**Adopted: July 2, 1997**  
**Revised: September 21, 2009**  
**Revised: May 7, 2012**

**LEAVES**



## **Annual and Sick Leave Accrual**

Annual and sick leave with pay shall be earned by all eligible employees. Leave accrual rates are dictated by the applicable collective bargaining agreement or separately negotiated contract. Part time employees will not accrue leave. Temporary employees are not eligible for paid vacation or sick leave.

Accrued annual and sick leave is recorded on the District Secretary's manual ledger. The ledger is updated after every payroll.

### **Use of Annual Leave**

Employee's request the use of annual leave by submitting to the Superintendent a Leave Request form and the District Secretary receives a copy.

The Superintendent assigns leave on the basis of the order in which the request was received and in order to promote the smooth operation of the District.

When annual leave encompasses the timesheet due day, timesheets must be submitted to the Bookkeeper before leave is taken and be current up to the timesheet due day.

The District Secretary updates the employee leave ledger for annual leave taken during the period after the related payroll is run.

### **Use of Sick Leave**

The employee contacts the District Secretary when the need for sick leave is known.

Once the employee returns from sick leave, the employee submits a Leave Request form to the Superintendent for approval and the District Secretary receives a copy.

The District Secretary updates the employee leave ledger for the sick leave taken during the period after the related payroll is run.

**Certificated/Classified Personnel**

AR 4161(b)  
4261

**LEAVES**

**Use of Court Leave**

The employee informs the Superintendent that the employee is to report for jury duty.

Once the employee returns from jury duty, the employee submits a Leave Request form to the Superintendent for approval and the District Secretary receives a copy.

The employee remits to the District any moneys paid for court service coincidental with paid leave.

The Bookkeeper updates the employee leave ledger for the court leave taken during the period after the related payroll is run.

**YAKUTAT SCHOOL DISTRICT**  
**Adopted: July 2, 1997**

**SICK LEAVE**

Every certificated employee working five school days each week is entitled to one and one-third days of sick leave a month. Such leave for employees working less than five days per week shall be proportionately less. Unused days of sick leave shall be accumulated from year to year without limitation.

The Superintendent or designee shall establish procedures for reporting and verifying such absences.

Teachers are subject to disciplinary action, up to and including termination, for misusing sick leave, including providing false information regarding the use of, or need for, sick leave.

Certificated employees may transfer accumulated sick leave between districts and the Department of Education. Employees are responsible for initiating a transfer of sick leave credits within 90 days of employment.

*(cf. 4161.4 – Family and Medical Leave)*

**Sick Leave Bank**

Note: AS 14.14.105 provides that the Board may establish a sick leave bank independently or jointly with teachers. The following optional language may be revised or deleted as appropriate.

The School Board authorizes the establishment of a sick leave bank to provide teachers sick leave benefits in unusual circumstances. Teachers may draw up to twice the number of days leave he/she has accumulated before the first day of school up to a maximum of 24 days. The Board may grant additional leave in cases of severe illness or external hardship.

*Legal Reference:*

ALASKA STATUTES

14.14.105 Sick leave bank

14.14.107 Sick leave and sick leave transfer

14.20.147 Transfer or absorption of attendance area or federal agency school

23.10.500 - 23.10.550 Alaska Family Leave Act

ALASKA ADMINISTRATIVE CODE

4 AAC 15.040 Sick leave

4 AAC 15.900 Definitions

FAMILY AND MEDICAL LEAVE ACT, 29 U.S.C. 2601 et. seq.; 29 CFR Part 825, amend. 2008

**YAKUTAT SCHOOL DISTRICT**

**Adopted: July 2, 1997**

**Revised: September 21, 2009**

**Revised: May 7, 2012**

AR 4161.1

## **Employee Notifications of Absence**

Employees shall notify the district of their need to be absent as soon as such need is known, so that substitute services may be secured. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall again notify the district of the need for a substitute. If the duration of absence is unknown or becomes shorter than estimated, the employee shall notify the district of his/her intent to return by at least 3 p.m. of the working day preceding the day he/she returns. If failure to so notify the district results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

**YAKUTAT SCHOOL DISTRICT**  
**Adopted: July 2, 1997**

Personnel

**PERSONAL LEAVES**

BP 4161.2  
4261.2  
4361.2

**Personal Necessity**

Note: 4 AAC 15.040 authorizes the School Board to limit the use of sick leave because of death, illness or welfare of a person in the teacher's immediate family. The following sample policy may be revised or deleted as appropriate.

Certificated employees may use no more than seven days of their accrued sick leave during each contract year for reasons of personal necessity.

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the immediate family.
2. An accident involving the employee's property or the person or property of a member of the immediate family.
3. An illness of a member of the employee's immediate family.
4. Fire, flood, or other immediate danger to the home of the employee.
5. Required court appearance other than those court appearances for which the employee is obligated to be absent from duty and compensation is required by law.
6. Personal business of a serious nature which the employee cannot disregard.

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, no such leave shall be granted for purposes of personal convenience, for the extension of a holiday or vacation period, or for matters which can be taken care of outside of working hours.

*(cf. 4161.4 – Family and Medical Leave)*

Note: Pursuant to 4 AAC 15.040, "immediate family" includes at least husband and wife, father and son or daughter, mother and son or daughter, and brother and sister.

*Legal Reference:*

- ALASKA STATUTES  
23.10.500 - 23.10.550 *Alaska Family Leave Act*
- ALASKA ADMINISTRATIVE CODE  
4 AAC 09.020 *Teachers entitled to pay*  
4 AAC 15.040 *Sick leave*

**YAKUTAT SCHOOL DISTRICT**  
**Adopted: July 2, 1997**  
**Revised: May 7, 2012**

Personnel

BP 4161.4(a)  
4261.4(a)  
4361.4(a)

**FAMILY AND MEDICAL LEAVE**

Note: Your district may be a “covered employer” under both the federal Family and Medical Leave Act (FMLA) and the Alaska Family Leave Act (AFLA). Covered employers must provide its employees with the benefits of these laws. FMLA covers employers who have at least 50 employees within 75 miles. AFLA covers public school district sites which have had at least 21 employees within 50 road miles during any period of 20 consecutive workweeks in the preceding two calendar years. Accordingly, some smaller districts may be covered by AFLA only, or, potentially, may not be covered at all. Additionally, some sites may be exempt from coverage while other sites in a district are covered. School districts can adopt a more generous policy by allowing employees who meet the hours-worked requirements to be eligible for family leave, regardless of the number of employees within a given radius.

The Board is committed to providing employees with family and medical leave in compliance with the Family and Medical Leave Act (FMLA) and the Alaska Family Leave Act (AFLA), as applicable. When both laws apply, the provisions more generous to the employee will govern.

In recognition that FMLA and AFLA provide some employer options for implementation of leave, the Board directs that leave under these laws will be implemented as set forth below. To the extent only AFLA leave applies, and AFLA does not contain specific requirements for implementation of that leave, the Board adopts by policy those procedures and employer rights set forth in FMLA and its regulations. The Superintendent shall develop regulations, in accordance with this policy, setting forth the qualifications, entitlements, and procedures for leave in compliance with these laws.

*(cf. 4161 – Leaves)*

## **Covered Employees**

Note: FMLA and AFLA are triggered when an employee has worked the requisite number of hours for a school district. AFLA protections will apply sooner than FMLA protections, especially for new employees or part-time employees. Accordingly, any employee who qualifies under FMLA due to length of service will qualify under AFLA. Because AFLA provides greater leave entitlements, school district employees will usually be entitled to 18 weeks of leave.

Eligibility for FMLA and AFLA leave, as applicable, shall be based entirely on eligibility criteria established by these laws. This policy is not intended to expand eligibility for FMLA or AFLA leave beyond that which is legally required.

Under FMLA, an employee who has worked for the District for at least one year, and for 1,250 hours over the previous twelve months, is entitled to up to 12 weeks of leave for qualifying events. Under AFLA, an employee who has worked for the District for at least 35 hours a week in the last six consecutive months, or at least 17.5 hours a week during the preceding twelve months, is entitled to up to 18 weeks of leave for qualifying events. Leave which qualifies under both FMLA and AFLA is to be used simultaneously.

Unused family and medical leave does not accumulate from year to year.

Personnel

BP 4161.4(b)  
4261.4(b)  
4361.4(b)

**FAMILY AND MEDICAL LEAVE** (continued)

**Reasons for Taking Leave**

Note: FMLA provides for two forms of military-related leave that are not covered by AFLA. Qualifying exigency leave and military caregiver leave are set forth in items 6 and 7 below. Districts not covered by FMLA may choose to provide similar military family leave.

Covered employees will be granted leave for the following reasons:

1. To care for the employee's infant child during the first 12 months following birth;
2. To care for a child during the first 12 months following placement with the employee for adoption or foster care;
3. To care for a spouse, son, daughter, or parent with a serious health condition;
4. For incapacity due to the employee's pregnancy, prenatal medical care or child birth;
5. Because of the employee's own serious health condition that renders the employee unable to perform the employee's job;
6. If FMLA is applicable, for qualifying exigency leave if the employee's spouse, son, daughter, or parent is a military member and is on covered active duty; or
7. To care for a covered servicemember under the terms set forth in FMLA.

**Notices**

Required notices shall be posted by the District so that employees are aware of their rights and responsibilities when the need for family or medical leave arises.

All requests for family and medical leave shall be made in writing on a District form. The employee shall provide sufficient information to determine whether the leave qualifies for FMLA and/or AFLA leave.

The employee is required to provide advance notice, consistent with these laws, and leave may be denied if notice requirements are not met. The employee must ordinarily provide 30 days advance notice when the leave is foreseeable.

**FAMILY AND MEDICAL LEAVE** (continued)

**Concurrent Use of Paid Leave**

Note: Both FMLA and AFLA are unpaid leaves. However, these laws permit employees and employers to substitute paid leave for unpaid leave. The policy language below requires employees to use all applicable paid leave in conjunction with FMLA/AFLA leave. If such a policy is not adopted, an employee may take his or her full entitlement of FMLA/AFLA leave, and then take any additional paid leave to which he or she is entitled. The policy helps minimize cumulative absences from work.

FMLA and AFLA are unpaid leaves. However, the District has elected to require employees to substitute paid leave for unpaid leave taken for an FMLA or AFLA qualifying event. Paid leave substitutions will include personal leave and annual leave; and sick leave if the employee requests leave because of the employee's own serious health condition or for another event for which sick leave may be used under District policies or negotiated agreements.

An employee's FMLA or AFLA leave runs concurrently with other types of paid leave and the District will give proper notice to the employee that FMLA or AFLA leave is being utilized. The substitution of paid leave for unpaid leave does not extend the maximum FMLA or AFLA leave period. When paid leave is exhausted, the remaining absences will continue to be FMLA or AFLA leave, as applicable, but will be unpaid.

*(cf. 4161.1 – Sick Leave)*

*(cf. 4161.2 – Personal Leaves)*

**Medical Certification and Fitness for Duty**

The District requires medical certification and recertification of any serious health condition of the employee or qualifying family member. Failure to provide timely certification when requested will result in denial of leave.

Employees on FMLA or AFLA leave must periodically report on their status and intent to return to work.

Employees are required to provide a fitness-for-duty certificate upon returning from FMLA or AFLA leave when the leave is taken because of the employee's own serious health condition.

**“Calendar Year” for Purposes of Leave Entitlement**

Note: FMLA allows employers to choose their calendar year for determining the amount of leave to which an eligible employee is entitled. This can include the actual calendar year, the District's fiscal year, or a rolling calendar year. The rolling calendar year is recommended as it allows the employer to look back and eliminate the potential for employees to stack FMLA leave entitlements between two calendar years.

For purposes of determining total leave availability for an eligible employee, the District utilizes a rolling twelve-month period measured backwards from the date leave is used, to avoid stacking of back-to-back leave entitlements.



**FAMILY AND MEDICAL LEAVE** (continued)

**Intermittent Leave**

An employee will be denied intermittent leave or leave on a reduced leave schedule to care for an immediate family member with a serious health condition, or for the employee's own serious health condition, when the employee fails to establish, through medical certification, that there is a medical need for such leave, as distinguished from voluntary treatments and procedures, and/or the employee has failed to establish, through medical certification, that it is medically necessary for the leave to be taken intermittently on a reduced leave schedule.

**Instructional Employees**

Both the District, and its instructional employees, will comply with the special rules for instructional employees set forth in law. These rules shall be included in the regulations developed by the Superintendent.

**Job Benefits and Protection**

Note: For the duration of FMLA leave, the employer must maintain the employee's health coverage under any group plan. There is a similar requirement under AFLA, except that school districts can require the employee to pay the full costs of coverage during periods of unpaid AFLA leave. For periods when the employee is concurrently on paid leave, health coverage requirements would apply consistent with what is provided to district employees on paid leave.

To the extent required by law, the District will maintain the employee's health coverage under any group plan. The employee will be required to continue making employee contributions as required by the plan. An employee who fails to return to work after expiration of his or her available leave may be required to reimburse the District for those benefits paid, as allowable by law.

The District will restore a returning employee to his or her original or an equivalent position, with equivalent pay, benefits, and other employment terms, unless restoration is not required by law. The employee will not lose any employment benefit that accrued prior to the start of the employee's leave.

Personnel

BP 4161.4 (e)

4261.4 (e)

**FAMILY AND MEDICAL LEAVE** (continued)

4361.4 (e)

The District will not interfere with, restrain, or deny to a qualifying employee any right provided by FMLA or AFLA. Nor will the District discriminate or retaliate against any person for utilizing leave, enforcing leave rights, or opposing any practice made unlawful by FMLA or AFLA, or for being involved in any proceeding related to these laws.

*(cf. 0410 – Nondiscrimination in District Programs & Activities)*

*(cf. 4030 – Nondiscrimination in Employment)*

**No Alternative Employment**

Note: Having a second job while on FMLA or AFLA leave does not violate these laws. However, employers may have and enforce a policy prohibiting its employees from outside work while on leave from the District.

The District prohibits employees who are on approved family and medical leave from engaging in other employment during the dates and times the employee would otherwise have been working for the District. Upon written request by the employee, the Superintendent may, in his or her sole discretion, grant an exception to this provision.

**Enforcement of Rights**

Employees who believe their rights under FMLA or AFLA have been violated are encouraged to bring this to the attention of the Superintendent or designee for investigation and resolution. Any employee may file a complaint with the U.S. Department of Labor for violations of FMLA, or the Alaska Department of Labor for violations of AFLA. An eligible employee may bring a civil action against an employer for violations.

The District reserves the right to take disciplinary action, up to and including termination, against any employee who abuses the rights, duties, and obligations of FMLA or AFLA.

*Legal References:*

ALASKA STATUTES

30.20.500-.550 Alaska Family Leave Act

UNITED STATES CODE

Family and Medical Leave, 29 U.S.C. 2601, et seq.

Family and Medical Leave Act of 1993, 29 C.F.R. 825.100-825.702 (Amend 2013)

Revised 3/2013

**YAKUTAT SCHOOL DISTRICT**

**Adopted: May 7, 2012**

**Revised: June 3, 2013**

## FAMILY AND MEDICAL LEAVE

Note: Unless the Board has decided to apply the protections of FMLA or AFLA to all school sites, regardless of the number of employees within a certain radius, the District should conduct a regular review of the eligibility of its sites.

The Superintendent or designee shall determine which sites are covered by Alaska's Family Leave Act (AFLA), by the federal Family & Medical Leave Act of 1993 (FMLA), or by both laws. Employees at the site shall be notified of this coverage determination through reasonable means. The determination of site coverage will be reviewed on a periodic basis.

### A. Eligibility for Leave

Note: Different rules apply under FMLA and AFLA. Accordingly, it is important to determine which of these laws apply to an individual employee. If both apply, the employee is entitled to the more generous protections.

Note: If an employee is an active duty or reserve military member who has been absent from work due to service covered by USERRA (Uniformed Services Employment and Reemployment Rights Act), all periods of USERRA absence are counted towards the employee's eligibility for FMLA leave.

Employees are eligible for FMLA leave if they:

1. Have been employed by the District for at least a year and have worked at least 1,250 hours in the preceding 12 calendar months immediately preceding the request for leave. Employers are required to count any service an employee had with an employer prior to a break in service of up to seven years toward his or her 12-month employment eligibility threshold.
- and
2. Are employed at a work site that has 50 or more employees within a 75-mile radius. This distance is measured by surface miles, using surface transportation over public streets or by waterways, using the shortest route.

Employees are eligible for AFLA leave if they:

1. Have worked for the District at least 35 hours per week for at least six consecutive months, or at least 17.5 hours per week for at least twelve consecutive months, preceding the request for leave.
- and
2. Are employed at a work site that has employed at least 21 employees within 50 road miles during any period of 20 consecutive workweeks in the preceding two calendar years.

Employees with questions about their eligibility for FMLA or AFLA leave should contact Business Manager for more information.

Personnel

AR 4161.4(b)  
4261.4(b)  
4361.4(b)

**FAMILY AND MEDICAL LEAVE** (continued)

**B. Qualifying Reasons for Basic FMLA and AFLA Leave**

Note: FMLA provides for “basic leave” as well as for military family leave.

Employees who meet the eligibility requirements described above are eligible to take leave for the following reasons:

1. To care for the employee’s infant during the first 12 months following birth;
2. To care for a child during the first 12 months following the employee’s adoption of the child or foster care placement of the child with the employee;
3. To care for a spouse, child, or parent with a serious health condition;
4. For incapacity due to the employee’s pregnancy, prenatal medical care, or childbirth; or
5. Because of the employee’s own serious health condition that renders the employee unable to perform an essential function of his or her position.

**Definitions**

For purposes of the above:

“**Child**” means the employee’s biological child, adopted child, stepchild, foster child, or legal ward, so long as the child is under 18 or, if 18 or older, is incapable of self-care because of mental or physical disability. However, under AFLA, “child” does not include stepchild for purposes of caring for the child following adoption.

“**Parent**” under AFLA means a biological or adoptive parent, parent-in-law, or stepparent. “Parent” under FMLA means biological, adoptive, step or foster parent, or any other individual who stood “in loco parentis” (in the role of a parent) to the employee when the employee was a child; it does not include parent-in-law.

“**Serious health condition**” means an illness, injury, impairment, or physical or mental condition that involves (1) inpatient care in a hospital, hospice, or residential health care facility; or (2) continuing treatment or supervision by a health care provider.

**C. Total Amount of Leave Availability**

FMLA provides up to 12 weeks of unpaid leave during any 12-month period, as defined by the District.

AFLA provides a total of 18 weeks of unpaid leave during any 24-month period because of a serious health condition of the employee or qualifying family member.

Personnel

AR 4161.4(c)  
4261.4(c)  
4361.4(c)

**FAMILY AND MEDICAL LEAVE** (continued)

AFLA provides a total of 18 weeks of unpaid leave during any 12-month period because of pregnancy and childbirth or adoption. The right to take leave for this reason expires one year after the birth or placement of the child. The District can require that an employee using leave for this reason take the leave in a single block of time.

The District defines its 12-month period for determining total leave availability by use of the rolling calendar. The 12-month period is measured backwards from the first date for which leave is requested, to avoid stacking of back-to-back leave entitlements.

**Married Couples**

Special rules apply to married couples who are employed by the District:

FMLA: Under FMLA, two spouses together may take a *combined* total of 12 weeks leave during any 12-month period for birth or adoption of a child, or to care for the same individual with a serious health condition.

AFLA: Under AFLA, the District is not required to grant simultaneous leave to both spouses to care for a parent or child with a serious health condition.

**D. Military Family Leave**

FMLA provides for two types of Military Family Leave.

**1. Qualifying Exigency Leave**

Employees meeting FMLA eligibility requirements may be entitled to use up to 12 weeks of their basic FMLA leave entitlement to address certain qualifying exigencies. Leave may be used if the employee's spouse, son, daughter, or parent is a military member and is on covered active duty or called to covered active duty status in the National Guard or Reserves in support of a contingency operation.

“Military member” includes members of the National Guard and Reserves and the Regular Armed Forces.

“Covered active duty” means deployment to a foreign country.

Personnel

AR 4161.4(d)  
4261.4(d)  
4361.4(d)

**FAMILY AND MEDICAL LEAVE** (continued)

Qualifying exigencies may include:

- Short-notice deployment (up to 7 days of leave)
- Attending certain military events
- Childcare and school activities
- Addressing certain financial and legal arrangements
- Periods of rest and recuperation for the servicemember (up to 15 days of leave)
- Attending certain counseling sessions
- Attending post-deployment activities (available for up to 90 days after the termination of the servicemember's active duty status)
- Caring for the military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty.
- Other activities arising out of the servicemember's active duty or call to active duty and agreed upon by the District and the employee.

**2. Leave to Care for a Covered Servicemember**

Employees meeting FMLA eligibility requirements may take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period.

A "covered servicemember" is a current member of the Armed Forces – including a member of the National Guard or Reserves, or a member of the Armed Forces who is on the temporary disability retired list – with a serious injury or illness incurred in the line of duty while on active duty, which may render the servicemember medically unfit to perform his or her duties, and for which the servicemember is undergoing medical treatment, recuperation, or therapy; or otherwise is in outpatient status.

A "covered servicemember" also includes covered veterans who are undergoing medical treatment, recuperation, or therapy for a serious injury or illness. A covered veteran is an individual who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

When both husband and wife work for the District, the aggregate amount of leave that can be taken by the husband and wife to care for a covered servicemember is 26 weeks in a single 12-month period.

**FAMILY AND MEDICAL LEAVE** (continued)

**E. Use of Leave, Including Intermittent And Reduced-Schedule Leave**

An employee does not need to use FMLA or AFLA leave in a single block. Rather, leave can be taken intermittently or on a reduced leave schedule *when medically necessary*. Leave because of a serious health condition, or either type of family military leave under FMLA, may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced-schedule leave (reducing the usual number of hours worked per workweek or workday), so long as medically necessary.

If leave is unpaid, the District will reduce the employee's salary based on the amount of time actually worked. In addition, while an employee is on an intermittent or reduced-leave schedule, the District may temporarily transfer the employee to an available alternative position that better accommodates the recurring leave and which has equivalent pay and benefits.

Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the District's operations. Leave may not be taken on an intermittent basis when used to care for the employee's own child during the first year following birth, or to care for a child placed with the employee for foster care or adoption, unless both the employer and employee agree to such intermittent leave.

Military family leave due to qualifying exigencies may also be taken on an intermittent basis.

**F. Right to Transfer for Pregnant Employee (Provided by AFLA Only)**

A pregnant employee entitled to AFLA protections may request a transfer to a suitable position. A position is suitable if: 1) it is an existing unfilled position in the same administrative division in which the employee is currently employed and is less strenuous or less hazardous than the employee's current position; 2) the transfer is recommended by a licensed healthcare provider; 3) the employee is qualified and immediately available to perform the duties of the position; and 4) the transfer will not subject the District to liability for violating a collective bargaining agreement or employment contract.

If an employee has requested transfer to a suitable position, the District may not fill the position with someone other than the requesting employee until the District has offered the position to the employee and the employee has refused.

An employee who transfers under this provision shall be compensated at the lesser of: 1) the employee's compensation immediately before requesting the transfer; or 2) the compensation of the position into which the employee transfers.

Personnel

AR 4161.4(f)

4261.4(f)

**FAMILY AND MEDICAL LEAVE** (continued)

4361.4(f)

**G. Pay, Benefits, and Protections During FMLA Leave**

**FMLA and AFLA leave is unpaid.** While on FMLA or AFLA leave, employees may be eligible for short- or long-term disability payments and/or workers' compensation benefits, if leave is taken because of an employee's own serious health condition.

**Substitution of paid time off for unpaid leave.** The District requires employees to substitute accrued paid leave for unpaid FMLA and AFLA leave, as determined by the terms and conditions of the District's normal leave policies or negotiated agreements.

If an employee requests leave because of birth, adoption, or foster care placement of a child, any accrued annual leave, personal leave, or other applicable leave, first will be substituted for unpaid family/medical leave.

If an employee requests leave because of the employee's own serious health condition, or to care for a covered family member with a serious health condition, any accrued paid annual leave, personal leave, sick leave, or other applicable leave, first will be substituted for any unpaid family/medical leave. The same rules apply for qualifying exigency leave or to care for a servicemember.

The substitution of paid leave for unpaid leave does not extend the total leave entitlement provided by FMLA or AFLA. Furthermore, in no case can the substitution of paid leave for unpaid leave result in the receipt of more than 100 percent of an employee's salary. An employee's family medical leave runs concurrently with other types of leave. FMLA and AFLA leave also run concurrently.

The employer will not provide paid sick leave or paid medical leave in any situation in which the employer would not normally provide such paid leave.

**Medical and other benefits.** During an approved FMLA leave, the District will maintain the employee's group health plan coverage as if the employee continued to be actively working. If paid leave is substituted for unpaid family medical leave, the District will continue to deduct the employee's portion of the health plan premium as a regular payroll deduction. If leave is unpaid, the employee must pay his or her portion of the premium through [the District should specify the method they will use].

If only AFLA leave applies, or if the employee qualifies for both FMLA and AFLA leave and FMLA leave has been exhausted, the District will require that the employee pay the full costs of health plan coverage as a condition of maintaining those benefits during any period of unpaid AFLA leave. Premium payments will be paid by the employee as set forth above.



**FAMILY AND MEDICAL LEAVE** (continued)

An employee's healthcare coverage will cease if the employee's premium payment is more than 30 days late. If the payment is more than 15 days late, the District will send the employee a letter to this effect. If the District does not receive the payment within 15 days after the date of that letter, the employee's coverage may cease. If the employee elects not to return to work for at least 30 calendar days at the end of the leave period, the employee will be required to reimburse the District for the cost of the premiums paid by the District for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or other circumstances beyond the employee's control.

Use of FMLA or AFLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave.

**Return to job at end of FMLA leave.** Upon return from FMLA or AFLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

**H. Instructional Employees (FMLA Leave Only)**

Special rules apply to school districts regarding FMLA leave. In cases where the special rules for instructional employees apply, the Superintendent may apply those special rules or the general FMLA rules as best serves the interests of the District.

"Instructional employees" are those employees whose principal function is to teach and instruct students in a class, small group or an individual setting. The term does not include administrators, teacher assistants or aides who do not have as their principal job actual teaching or instruction, nor does it include positions such as counselors, psychologists or curriculum specialists. It also does not include cafeteria workers, maintenance workers, or bus drivers.

**Summer months.** For all District employees, instructional and non-instructional, whose positions do not work during the period between school years (the summer months), FMLA leave will only apply to scheduled work days and is not counted over the summer break. Employees who end the school year on FMLA can continue FMLA at the beginning of the next school year, provided the employee has not used all of the twelve (12) weeks of their annual FMLA leave as allowed by law.

**Medical treatment impacting on instructional time.** If an instructional employee wants to take foreseeable intermittent leave or reduced-schedule leave because of planned medical treatment, and the leave is more than twenty (20) percent of the total number of working days in the period over which the leave would extend, the District may require the employee to take the entire period of leave in a block, or may transfer the employee to an alternative placement for the period of planned leave. This decision is at the discretion of the District.

**FAMILY AND MEDICAL LEAVE** (continued)

**Leave towards the end of the school term.** If an instructional employee begins FMLA leave more than five (5) weeks before the end of the term, and the leave lasts at least three (3) weeks, the District has the right to require the instructional employee to remain on leave for the rest of the school term.

If an instructional employee begins FMLA leave five (5) weeks or less before the end of the term, and the leave will last more than two (2) weeks for a reason other than his or her own health condition, the District has the right to require the instructional employee to remain on leave for the rest of the school term.

If an instructional employee begins FMLA leave with three (3) weeks or less before the end of the term and the leave will last more than five (5) working days for a reason other than his or her own health condition, the District has the right to require the instructional employee to remain on leave for the rest of the school term.

In the cases above where the District has exercised its right to extend the leave time, the leave is unpaid and is not charged against the employee's annual FMLA entitlement.

**I. Employee Responsibilities When Requesting Leave**

**FMLA Requirements:** If the need to use FMLA leave is foreseeable, the employee must give the District at least 30 days prior notice of the need to take leave. When 30 days notice is not possible, the employee must give notice as soon as practicable (within 1 or 2 business days of learning of the need for leave except in extraordinary circumstances). Failure to provide such notice may be grounds for delaying the start of FMLA leave. Employees can be asked to explain why providing 30 days notice of leave was not practicable.

**AFLA Requirements:** If the need to use AFLA leave is foreseeable based on an expected birth or adoption, or on planned medical treatment, the employee shall provide prior notice of the expected need for leave in a manner that is reasonable and practicable.

If the leave is foreseeable based on planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the District's operations, subject to the approval of the healthcare provider of the employee or the employee's child, spouse, or parent. Employees should attempt to schedule medical treatment around work so as to permit employees to work as much of their workday as possible.

Requests for family and medical leave should be submitted to [Human Resources or title of FMLA administrator] using the Request for Family/Medical Leave form available from [Human Resources; title of FMLA administrator].

**FAMILY AND MEDICAL LEAVE** (continued)

When submitting a request for leave, the employee must provide sufficient information for the District to determine if the leave might qualify as FMLA/AFLA leave. The employee must also provide information on the anticipated date when the leave will start as well as the duration of the leave. Sufficient information may include that the employee is unable to perform job functions; that a family member is unable to perform daily activities; that the employee or family member needs hospitalization or continuing treatment by a healthcare provider; or the circumstances supporting the need for military family leave. Employees also must inform the District if the requested leave is for a reason for which FMLA/AFLA leave was previously taken or certified. Employees are required to provide a certification and periodic recertification supporting the need for leave for a serious health condition.

**J. Employer Responsibilities**

When an employee requests leave, the District will advise the employee within five (5) business days whether he or she is eligible under FMLA and/or AFLA leave, assuming the employee has provided the required information to allow the District to make this determination. If the employee is eligible, the employee will be given a written notice that includes details on any additional information he or she will be required to provide, including medical certification. If the employee is not eligible, the District will provide the employee with a written notice indicating the reason for ineligibility.

The District will designate all qualifying leaves as FMLA or AFLA leave, even if the employee has not made a family and medical leave request, for example, when requesting sick leave, requesting annual leave to care for a sick family member, or taking workers' compensation leave. Any leave for a serious health condition of more than three days may qualify for FMLA/AFLA leave. If an employee takes leave for a medical condition involving more than three consecutive calendar days of incapacity and needs to have two visits to a healthcare provider, those visits must occur within 30 days of the period of incapacity for the condition to be classified as a serious health condition. Also, for a chronic serious health condition to be present, an employee must make at least two visits per year to a healthcare provider. If leave will be designated as FMLA or AFLA leave, the District will inform the employee in writing and provide information on the amount of leave that will be counted against the employee's leave entitlement under these law.

**K. Medical Certification**

If the employee is requesting leave because of the employee's own or a covered family member's serious health condition, the employee and the relevant healthcare provider must supply appropriate medical certification. This is at the employee's expense. Employees may obtain Medical Certification forms from the Human Resources Department. When the employee requests leave, the District will notify the employee of the requirement for medical certification and when it is due, which shall be no more than 15 days after the leave request. If the employee provides at least 30 days notice of medical leave, he or she should provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided.

**FAMILY AND MEDICAL LEAVE** (continued)

The District, at its expense, may require an examination by a second healthcare provider designated by the District, if it reasonably doubts the medical certification initially provided. If the second healthcare provider's opinion conflicts with the original medical certification, the District, at its expense, may require a third, mutually agreeable, healthcare provider to conduct an examination and provide a final and binding opinion.

The District requires subsequent medical recertification, at the employee's expense. Recertification shall be not more often than every 30 days, unless the law provides for more frequent recertification. Failure to provide requested recertification within 15 days, except in extraordinary circumstances, may result in the delay of further leave until it is provided. For employees on intermittent leave, the District will require recertification every six (6) months.

**L. Status Reporting While on Leave**

If an employee takes leave because of the employee's own serious health condition or to care for a covered family member, the employee must contact the District on [the first and third Tuesday of each month, for example] regarding the status of the condition and his or her intention to return to work. In addition, the employee must give notice as soon as practicable (within 2 business days, if feasible) if the dates of the leave change, are extended, or were unknown initially.

**M. Moonlighting Prohibited**

The District prohibits employees who are on approved family and medical leave from engaging in other employment during the dates and times the employee would otherwise have been working for the District. Should an employee desire an exception, the employee must submit a written request to the Superintendent. The written request must explain why the employee seeks to engage in work for another employer or entity and why such work is feasible when the employee is unable to work for the District. The Superintendent may grant, deny, or grant in part, the employee's request, within the Superintendent's discretion.

*Revised 3/2013*

**YAKUTAT SCHOOL DISTRICT**

**Adopted: May 7, 2012**

**Revised: June 3, 2013**

Personnel

E 4161.4

4261.4

**FAMILY MEDICAL LEAVE**

4361.4

**REQUEST, APPROVAL & NOTICE OF DESIGNATION**

This form is to be utilized by employees for leave requests under the federal Family and Medical Leave Act (FMLA) and Alaska's Family Leave Act (AFLA)

**SECTION 1: Family and Medical Leave Request – to be completed by the employee (or the supervisor if the employee is unavailable or unable to complete the form)**

This Family and Medical Leave of Absence is for the following **qualifying reason**:

Due to birth of a child and/or to care for a newborn child of the employee OR placement of a child with the employee through adoption or foster care

If leave is requested for adoption: child  is,  is not the employee's step-child

Due to the employee's serious health condition

Due to a covered servicemember with a serious injury or illness who is the  spouse,  child,  parent or  next of kin of an employee

Due to care of the employee's  spouse,  child,  parent who has a serious health condition

Due to a qualifying exigency arising out of the fact that the employee's  spouse,  child,  parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.

***A medical certification will be required for all leave requests for a serious health condition of the employee or the employee's spouse, child, or parent.***

Employee requests  full-time leave,  intermittent or reduced-schedule leave on the following schedule: \_\_\_\_\_

for the following reason: \_\_\_\_\_.

**Anticipated date FMLA leave is to begin** \_\_\_\_\_

**to end** \_\_\_\_\_  
**(if known)**

Employee  does,  does not have a spouse employed by the District: (name) (position)

Employee's primary job is to teach and instruct students:

Yes  No

**Employee Staff ID #:** \_\_\_\_\_

**Employee's Department or Position** \_\_\_\_\_

**Employee full name (please print)** \_\_\_\_\_ **Date** \_\_\_\_\_

**Employee Signature**

**SECTION 2 FMLA/AFLA Time Designation – to be completed by the EMPLOYEE:**

The District requires employees to use all applicable paid leave accruals during family and medical leave. This means that you will receive your paid leave and the leave will also be considered FMLA/AFLA leave and counted against your leave entitlement.

- **Please designate the order** of using paid time of \_\_\_ Annual Leave \_\_\_ Sick Leave

**SECTION 3: To be completed by the DISTRICT. Return a completed copy of this form to the employee within five business days of the employee notifying the district of the need for family and medical leave.**

- Leave of absence **approved** for birth or care of child, or placement of child:  FMLA eligibility met  AFLA eligibility met
- Leave of absence **approved** due to a qualifying military exigency (FMLA eligibility met)
- Leave of absence **conditionally approved** pending receipt of certification:  FMLA eligibility met  AFLA eligibility met

**Certification due by** \_\_\_\_\_ (allow at least 15 calendar days)

- Certification provided is not complete or sufficient to determine whether FMLA or AFLA applies. You must provide further information no later than \_\_\_\_\_ (allow at least calendar 7 days) or your leave may be delayed or denied. Information needed to make the certification complete and sufficient is:

\_\_\_\_\_

\_\_\_\_\_

- Certification was received on \_\_\_\_\_ (date), and we are exercising our right to have you obtain a second or third medical certification at our expense. You will be contacted with further details.
- Certification was received on \_\_\_\_\_ (date), has been reviewed and **final approval** is granted. All leave taken for this reason will be designated as  FMLA leave,  AFLA leave,  both FMLA and AFLA leave.
- Leave of absence **denied** because:
- Employee does not qualify for FMLA leave:
    - has not been employed by the District for 12 months (does not need to be continuous), only \_\_\_\_\_ months have been worked
    - has not worked 1,250 actual hours in the past 12 months prior to this leave, only \_\_\_\_\_ hours have been worked
  - Employee does not qualify for AFLA leave:
    - has not been employed for at least 35 hours a week for the past 6 months, or for at least 17.5 hours a work for the past 12 months, only \_\_\_\_\_ hours have been worked over \_\_\_\_\_ months.
  - Employee did not provide supporting certification
  - Employee's allotment of FMLA/AFLA has been exhausted
  - Employee's leave request does not qualify for FMLA/AFLA leave

**District Point of Contact (Name and number)**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

If you have any questions, contact the District representative identified above or review the District's family and medical leave policy and regulations, BP/AR 4161.4. These can be obtained from your supervisor, the District office, or on the District's website.

---

#### SECTION 4: Employee Responsibilities

If your leave has been approved, you will have the following responsibilities:

- Contact \_\_\_\_\_ at \_\_\_\_\_ to make arrangements to continue to make your share of the premium payments on your health insurance to maintain health benefits while you are on leave. The amount of your premium payment will depend upon whether your leave is under FMLA, AFLA, or both. You have a minimum 30-day (or, indicate longer period, if applicable) grace period in which to make premium payments. If payment is not timely made, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during leave, and recover these payments from you upon your return to work.
- If you do not return to work following leave for a reason other than: 1) the continuation, recurrence, or onset of a serious health condition which would entitle you to leave; 2) the continuation, recurrence, or onset of a covered servicemember's serious injury or illness which would entitle you to FMLA leave; or 3) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA or AFLA leave.
- While on leave you will be required to furnish us with periodic reports of your status and intent to return to work every \_\_\_\_\_. (Indicate interval of periodic reports, as appropriate for the particular leave situation).
- **If the circumstances of your leave change, and you are able to return to work earlier than the date indicated on this form, you will be required to notify us at least two workdays prior to the date you intend to report for work.**
- **You are required to notify us as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown. Based on the information you have provided to date, we are providing the following information about the amount of time that will be counted against your leave entitlement:**
  - Provided there is no deviation from your anticipated leave schedule, the following number of hours, days, or weeks will be counted against your leave entitlement: \_\_\_\_\_
  - Because the leave you will need will be unscheduled, it is not possible to provide the hours, days, or weeks that will be counted against your FMLA/AFLA entitlement at this time. You have the right to request this information once in a 30-day period (if leave was taken in the 30-day period).
- If you have taken leave for your own serious health condition, you will be required to present a fitness-for-duty certificate to be restored to employment. If such certification is not timely received, your return to work may be delayed until certification is provided. A list of the essential functions of your position  is,  is not attached. If attached, the fitness-for-duty certification must address your ability to perform these functions.

*Added 3/2012*

**CIVIC LEAVE**

The School Board encourages employees to fulfill their civic responsibilities and will accommodate these responsibilities as provided for below. If a conflict exists between a provision of this policy and a legally permissible provision in a collective bargaining agreement, the provision of the collective bargaining agreement will take precedence.

**JURY OR WITNESS DUTY**

Note: Subject to the terms of a collective bargaining agreement, AS 39.20.270 provides for court leave for any full time employee, whether permanent, nonpermanent, or temporary. The employee is entitled to administrative leave with pay; however, any compensation received for service as a juror or witness shall be deducted from the employee's normal compensation. In 2004, AS 09.20.030 was amended to excuse from jury duty during the school term any teacher who is teaching in a school that is designated as failing to make adequate yearly progress.

Any regularly contracted teacher or other full-time employee of the district who is required to be absent from duty pursuant to a court order, either as a witness or juror, shall receive regular salary/wage for such period of absence less any amounts received for such service. The payroll adjustment will be made at the first payroll period following such service.

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Employees are expected to report for work whenever the court schedule permits.

**MILITARY LEAVE**

Note: AS 39.20.340 provides that an employee, with the approval of the city council or borough assembly, who is a member of a reserve or auxiliary component of the United States Armed Forces is entitled to a leave of absence without loss of pay on all days during which the employee is ordered to training duty, as distinguished from active duty, or for instruction, or when under direct military control in the performance of a search and rescue mission. The leave of absence may not exceed 16 1/2 working days in any 12 month period. If an employee is called to active duty by the governor, the employee is entitled to five days leave of absence without loss of pay.

Any regular full-time employee who is a reservist in any branch of the armed forces or a National Guard member shall be granted time off for military training or temporary military service required during the school year. An employee requiring such leave must notify his or her supervisor of the training schedule as far in advance as possible. An employee requiring such leave will receive regular pay during such service, less any military pay earned during that time, for a period authorized by law.

Any regular full-time employee with an active military obligation will be granted a leave of absence without pay if called to active duty within the U.S. armed services. However, eligible employees may use any available paid time off for the absence. Employees called for active duty will be entitled to reinstatement in accordance with all applicable state and federal laws.



**All Personnel**

BP 4161.7(b)

**CIVIL LEAVE**

*Legal Reference:*

ALASKA STATUTES

*09.20.030 Exemptions*

*14.20.340 Military service and previous leaves of absence*

*26.05.075 Reemployment rights of the organized militia*

*39.20.270 Court leave*

*39.20.340 Leave of absence for reserve or auxiliary members of armed services*

*39.20.350 Restoration of reserve members to former positions*

*Revised 12/04*

**YAKUTAT SCHOOL DISTRICT**  
**Adopted: May 16, 2005**

**PERSONNEL**

BP 4170

4270

**DISTRICT ISSUED PORTABLE TECHNOLOGY**

4370

The Board believes that technology resources facilitate communication, innovation, resource sharing, access to information, and student learning. Employees who are trained in and comfortable with technology devices and their applications are better able to support the use of technology as an educational strategy in the instructional program.

As approved by the Board, the Superintendent shall oversee the acquisition and distribution of portable technology devices, including laptop computers, to District employees. This equipment is provided to improve and develop the job-related capabilities of District's employees, including certificated and support personnel. District employees who are issued portable technology devices are permitted to transport this equipment between home and office, and on other travel as appropriate. The equipment remains at all times District property. Employees are permitted to use this equipment outside of the instructional or work-day. Familiarity and competence in the multitude of technological applications and resources assists employees in maintaining and improving present job performance. All use of District-issued portable technology shall be in compliance with the District's equipment and Internet use policies.

*(cf. 3400 – Management of District Assets/Accounts)*

*(cf. 3512 – Equipment)*

*(cf. 6161.4 – Internet)*

*(cf. 6161.5 – Web Sites/Pages)*

*Added 1/09*

**YAKUTAT SCHOOL DISTRICT  
Adopted: September 21, 2009**