

**Section:** Professional Employees  
**Title:** Creating a Position  
**Adopted:** January 24, 2007

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### 401. CREATING A POSITION

Teaching positions and positions for other professional employees will be established by the Western Area Career & Technology Center Joint Operating Committee in order to provide programs of education and other supporting services, consistent with the needs and resources of the participating districts.

The need for creating teaching positions and positions for other professional employees shall be determined by the Joint Operating Committee.

In the exercise of its authority to create new positions, the Joint Operating Committee shall give primary consideration to the number of students enrolled; the special needs of students; and the operational needs of the school.

The Joint Operating Committee expects the Director to be responsible for recommending new or additional professional positions. The Joint Operating Committee reserves for itself the final determination as to the number and kind of professional positions deemed necessary for the effective operation of the school.

The Joint Operating Committee may, through the Director, seek the advice of its administrative staff in creating a new position or increasing the number of employees in existing positions.

The Director shall prepare and maintain a comprehensive and up-to-date job description for all positions in the school. Job descriptions shall be prepared consistent with local, state and federal laws and regulations.

**Section:** Professional Employees  
**Title:** Hiring Practices – Teacher Selection  
**Adopted:** October 27, 2004  
**Updated:** June 16, 2010  
**Updated:** March 27, 2019

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#### 404. HIRING PRACTICES – TEACHER SELECTION

Western Area Career & Technology Center is firmly committed to selecting and employing the best and most qualified candidates for available teaching positions and will not tolerate any type of discrimination in the employment of staff. Recruitment of candidates for positions in the Western Area Career & Technology Center shall not be geographically limited.

All Western Area Career & Technology Center professional positions shall be established initially by the Joint Operating Committee. In each case, the Joint Operating Committee will approve the broad purpose and function of the position in harmony with state laws and regulations and delegate to the Executive Director the task of writing, or causing to be written, a job description for the position.

No teacher shall be employed who is related to any member of the Joint Operating Committee, as defined in the Public School Code of 1949, as amended, unless such individual receives the affirmative vote of the majority of all members of the Joint Operating Committee, other than the member of the Joint Operating Committee related to the teacher.

A collection of job descriptions for professional positions will be compiled and kept up to date.

All professional staff members will be appointed by the Joint Operating Committee only upon recommendation of the Executive Director. Should a person nominated by the Executive Director be rejected by the Joint Operating Committee, it is his/her duty to make another nomination.

No candidate shall be employed until such candidate has complied with the mandatory Act 34 and Act 151 background checks, Western Area Career & Technology Center drug testing requirements, health certificates, and any other similar requirements as established by local, state, and/or federal statute.

The Executive Director will ensure that all persons nominated for employment shall:

1. be competent vocational teachers and/or meet minimum requirements and establish and carry through plans for meeting full certification as vocational teachers.
2. be occupationally proficient in their field of instruction or supervision by demonstrating successful completion of the Occupational Certification Assessment.
3. possess actual qualifying and documentable work experience in the field in which they will instruct/supervise in accordance with state and federal regulations.
4. submit copies of official transcripts and other pertinent information regarding academic assessment.

#### **Application and Interview Process**

1. All applicants will be required to complete academic and technical skills assessment testing related to the program vacancy. This testing will be administered by Indiana University of Pennsylvania. The technical skills assessment shall be the same assessment used as part of the certification process for students completing the technical program.

2. Certificated applicants will be required to submit appropriate Praxis scores and Occupational Competency Assessment scores.
3. Western Area Career & Technology Center reserves the right to use alternate academic and/or technical assessments for the purpose of expedience and/or convenience.
4. Applicants shall sign a Release stating that Western Area Career & Technology Center has a right to access records and/or results of the above-stated academic and technical skills assessments and/or PDE-required test results (i.e., Occupational Competency Assessment, etc.) and certification information pursuant to established employment requirements.
5. Upon completion of the interview process, the successful candidate will be offered employment **at the discretion of the administration** of the Western Area Career & Technology Center, contingent upon receipt of Occupational Competency Assessment and related testing results and documentation that the candidate achieved a passing grade on that testing prior to the completion of the first year of employment.
6. This process is used for selection purposes only and does not preclude state certification requirements. Employees satisfactorily completing the selection process may be subject to termination if certification obligations are not fulfilled pursuant to the Pennsylvania School Code of 1949, as amended.

A prospective employee's misstatement of fact material to qualifications for employment or the determination of the salary step at which the employee seeks to commence employment shall be evaluated by the Joint Operating Committee as possible grounds for dismissal.

Interviewing and selection procedures shall ensure that the building administrator or other administrator to be directly responsible for the work of the staff member has an opportunity to aid in the recommendation; however, the Executive Director will make the final recommendation.

All openings for professional positions will be made known to the staff. Any qualified applicant may apply. All candidates will be considered on the basis of their merits, qualifications, and the needs of the school. The Executive Director and others playing a role in the selection process will seek to employ the best-qualified person for the job.

## AFFIDAVIT AND INFORMATION RELEASE FORM

TO WHOM IT MAY CONCERN:

I respectfully request and authorize you to furnish the Western Area Career & Technology Center with any and all information that you may have concerning my educational records, testing, or assessments. Please include any and all records and reports, including all information of a confidential nature. Your cooperation in this matter will be used to assist the Western Area Career & Technology Center in determining my qualifications for the position I am seeking.

I hereby release you, your organization and others from any liability or damage, which may result from furnishing the information requested.

Additionally, I understand the Western Area Career & Technology Center will utilize this information as part of their employment process and I authorize this request.

\_\_\_\_\_  
Applicant Name (please print)

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

\*(Do not sign form without Notary present)

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Date

COMMONWEALTH OF PENNSYLVANIA )

) ss:

COUNTY OF \_\_\_\_\_ )

Subscribed to and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

(SEAL)

\_\_\_\_\_  
Notary Public

NOTE: A PHOTOCOPY OF THIS REQUEST SHALL BE FOR ALL INTENTS AND PURPOSES AS VALID AS THE ORIGINAL. YOU MAY RETAIN THIS FORM FOR YOUR FILES.



**Section:** Professional Employees  
**Title:** Pre-Employment Drug Testing  
**Adopted:** January 24, 2001

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### 404.1. PRE-EMPLOYMENT DRUG TESTING

Abuse of alcohol and controlled substances in the workplace is a danger to the safety and health of employees, volunteers, and students of the Western Area Career & Technology Center. The responsibility for maintaining an alcohol and drug-free workplace is entrusted to the Joint Operating Committee. An alcohol and drug-free workplace ensures the safety of all employees and volunteers and ensures their fitness to fulfill job responsibilities.

Furthermore, because Board-approved volunteers and employees of Western Area Career & Technology Center are engaged in activities which include direct involvement with students, it is the desire of the Joint Operating Committee that its Board-approved volunteers and employees provide a role model to its students in furtherance of the school's Drug-Free Workplace Policy. As such, the following pre-employment drug testing procedures shall be implemented.

As a condition of employment and/or volunteer work, the Joint Operating Committee will not hire nor permit to volunteer anyone who tests positive on the drug screening, unless the drug has been prescribed by a licensed physician and/or there is a bona fide medical reason for using the drug.

1. All drug testing will be conducted by a PA Department of Health certified medical testing laboratory that is approved by Western Area Career & Technology Center. All testing shall be performed and positive test results will be verified using approved methodologies. An appropriate chain of custody procedure should be developed to ensure continuity in specimen collection, handling, transfer and storage.
2. A listing of the approved testing centers will be maintained in the office of the Director.
3. Testing Procedure
  - A. An Employee/Volunteer Informed Consent form will be signed by each applicant when the specimen is required.
  - B. Prior to approval by the Joint Operating Committee as a Board-approved volunteer or employee of the school, every individual applying for a position in the school shall, at the school's cost and expense, submit to a urinalysis to determine whether such applicant is under the influence of, or uses or has used, any form of narcotic, depressant, stimulant, or hallucinogenic which is prohibited by law.

- C. As part of the screening process, every applicant for employment or Board-approved volunteer position shall be informed at least forty-eight (48) hours in advance of the administration of a urinalysis.
  - D. At least forty-eight (48) hours in advance of the administration of actual testing, every applicant shall be informed of his/her right to withdraw his/her application.
  - E. In the event that said urinalysis results in a positive determination of the conduct referred to above, such determination shall be grounds for the school's refusal to hire said applicant.
  - F. Every applicant shall be notified at least forty-eight (48) hours in advance of the actual testing, the testing site, and the identity of the testing entity.
  - G. Upon request, a copy of the test results shall be provided to the applicant.
4. The Joint Operating Committee may adopt such other rules and regulations as may be desired to carry out the function of this resolution so long as the same are not inconsistent with this resolution or the provisions of the applicable law.

**WESTERN AREA CAREER & TECHNOLOGY CENTER  
PRE-EMPLOYMENT DRUG TESTING VOUCHER  
SCHOOL DRUG SCREEN**

*To be completed by Business Office*

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Birthdate \_\_\_\_\_ Social Security Number \_\_\_\_\_

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Western Area Career & Technology Center authorizes the approved lab listed on the attached sheet to perform a drug screen on the above individual. Cost of testing will be borne by the Western Area Career & Technology Center.

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School Authorization	Date	Time	Time Limit
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I have received this voucher at the date and time above and understand that it must be redeemed within the timeframe outlined in the Procedure for Drug Testing in the Pre-Employment Drug Testing Policy.

\_\_\_\_\_  
Signature

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I, \_\_\_\_\_, Social Security Number \_\_\_\_\_ in accordance with the drug abuse policies of Western Area Career & Technology Center which I have read and understand, do hereby give my consent for the medical facility provider to perform body fluid tests on me for the purpose of determining the presence of drugs pursuant to the policies and procedures developed by Western Area Career & Technology Center and agree to hold all parties harmless.

I authorize the release of these results to Western Area Career & Technology Center and understand that if the test results indicate the presence of any drug, other than a drug prescribed by my doctor, I will not be recommended for employment.

I am taking the following medication: *(Include over-the-counter medication taken for headache, colds, allergy, weight control, pain, indigestion, asthma, etc. Reporting birth control medication and doctor's diagnosis is not required.)*

Name of Medication	Doctor Issuing Prescription
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

\_\_\_\_\_  
Donor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
School Representative's Signature

\_\_\_\_\_  
Date



**Section:** Professional Employees  
**Title:** Nepotism  
**Adopted:** October 23, 2013

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### 404.2 NEPOTISM

The Board has determined that a Nepotism Policy should be enacted for the hiring or appointment of any employee that is a relative of a member of the Joint Operating Committee or any employee of Western Area Career & Technology Center. The purpose of this policy is to eliminate the appearance of favoritism in regard to the school's personnel practices, including but not limited to, hiring, suspending, terminating or disciplining.

The term **relative** is defined to be a spouse, parent, child (including adopted and foster), grandparent, grandchild, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, uncle, aunt, nephew, niece, first cousin, stepfather, stepmother or stepchild of a JOC member or employee. The term relative also includes a person who resides in the same household as, or a person who has made his or her home with, a JOC member or employee.

No applicant shall be recommended for or elected to employment at Western Area Career & Technology Center if such person is a relative of any JOC member or employee, unless the applicant qualifies for employment pursuant to the following two (2) conditions:

1. In the opinion of the administration, the applicant is as qualified or more qualified than all other non-relative applicants.
2. The applicant and the top two (2) non-relative applicants have been interviewed by a committee consisting of three (3) JOC members and the Director. A JOC member related to the applicant shall not serve on the committee. In the event the Director is related to the applicant, a principal shall be appointed to the committee in place of the Director.

This policy does not apply to the following:

- Relatives who serve as day-to-day substitutes.
- Relatives who may be employed for extracurricular positions.
- A relative whose employment is renewed on a year-to-year basis, and the relative who has been previously employed or appointed by WACTC prior to adoption of this policy.
- A relative presently employed by WACTC.
- A person who becomes a relative by marrying while in the service of WACTC.

**WACTC**

## **Western Area Career & Technology Center**

**Section: Professional Employees**  
**Title: Employment of Substitute Professional Employees**  
**Adopted: January 24, 2007**

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### **405. EMPLOYMENT OF SUBSTITUTE PROFESSIONAL EMPLOYEES**

Qualified and competent substitute teachers and other professional employees shall be employed in accordance with these guidelines.

The Western Area Career & Technology Center Joint Operating Committee shall approve annually the names of potential substitute teachers and other substitute professional employees except that additional names may be added to the list of substitute teachers by the Joint Operating Committee during the school year contingent upon submission of all school employment requirements.

## Western Area Career & Technology Center

**Section:** Professional Employees  
**Title:** Employment of Summer Staff  
**Adopted:** January 24, 2007

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### 406. EMPLOYMENT OF SUMMER STAFF

The Western Area Career & Technology Center Joint Operating Committee directs that summer school program employees will be qualified and competent to fulfill assignments in accordance with these guidelines.

The Joint Operating Committee shall approve the employment, fix the compensation and establish the period of employment for each person employed in the summer school program, when said program is authorized by the Joint Operating Committee.

No candidate shall be employed until such candidate has complied with the mandatory background check requirements and drug testing and the administration has evaluated the results of that screening process.

The Director shall develop procedures for the recruitment, screening, and recommendation of candidates for summer school employment.

**Section:** Professional Employees  
**Title:** Student Teachers  
**Adopted:** January 24, 2007

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### 407. STUDENT TEACHERS

The Western Area Career & Technology Center Joint Operating Committee encourages cooperation with colleges and universities within the state in the training of student teachers. Therefore, the school will accept student teachers from accredited institutions of higher learning with which the school has a cooperative agreement approved by the Joint Operating Committee.

Under the direction of the Director, in coordination with the Supervisor, student teachers from accredited colleges and universities may be assigned for student teaching experience in the school.

Student teachers assigned in the school shall be subject to all policies, practices and procedures of the school.

**Section:** Professional Employees  
**Title:** Employment Contract  
**Adopted:** January 24, 2007

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### 408. EMPLOYMENT CONTRACT

Professional employees and temporary professional employees must have an employment contract that is in conformance with the School Code. This policy establishes considerations for these categories.

The Western Area Career & Technology Center Joint Operating Committee has the authority under law to prescribe employment conditions for the personnel of the school. Willful misrepresentation of facts material to the employment and determination of salary level shall be considered cause for disciplinary action or dismissal of the employee.

It shall be the policy of this school that all professional and temporary professional employees shall execute an employment contract upon employment, which shall automatically renew itself each year unless one of the parties shall give notice sixty (60) days prior to its expiration that it will not be renewed, except that non-tenured persons upon reaching the status of tenured persons shall be required to execute a new contract.

The contract shall specify those matters contained in statute for professional and temporary professional employees. For part-time employees of a professional category the contract or Joint Operating Committee resolution shall be in accordance with this policy.

The contract or resolution shall include the beginning compensation, term of employment and work period for which compensation will be paid.

The terms of a collective bargaining agreement may supersede the specifics of an individual employee contract in certain conditions of employment.

## Western Area Career & Technology Center

**Section:** Professional Employees  
**Title:** Assignment and Transfer  
**Adopted:** January 24, 2007

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### 409. ASSIGNMENT AND TRANSFER

The Western Area Career & Technology Center Joint Operating Committee desires that the assignment and transfer of professional and temporary professional employees shall be in accordance with the instructional needs of the school and these guidelines.

The Joint Operating Committee shall approve the initial assignment of professional personnel.

The Director shall, in considering any assignment or transfer, base a decision on the need to balance various skills, the impact on the educational program of the proposed assignment, the employee's length of service in the position presently held, and the educational advantage of the proposed assignment.

Western Area Career & Technology Center employees may apply for employment in any educational program beyond the regular school day program, but must satisfactorily complete a competitive process.

#### **Posting of Vacancies**

Whenever a vacancy or new position is declared, the Director shall promptly post notice of same. Any vacancy or new position will be posted with job title, description and required qualifications.

**Section:** Professional Employees  
**Title:** Abolishing a Position  
**Adopted:** January 24, 2007

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### 410. ABOLISHING A POSITION

It is the responsibility of the Western Area Career & Technology Center Joint Operating Committee to provide the professional staff necessary for the implementation of the educational programs of the school and for the proper operation of the school.

In the exercise of its authority to reduce staff or abolish positions, the Joint Operating Committee shall give primary consideration to the effect upon the educational program and shall ascertain that elimination of a program is approved by the Department of Education.

The abolishment of positions affecting professional employees can be brought about because of decline in student enrollment, changes in the methods of organization for instruction, or consolidation of programs.

The Director shall recommend to the Joint Operating Committee annually the number of professional positions needed for the school to function efficiently. The Director should also be responsible for recommending the abolishment of unnecessary positions.

Reduction in staff as a result of the abolishment of positions shall be in accordance with law and the procedures set forth in Joint Operating Committee Policy No. 411.

**Section:** Professional Employees  
**Title:** Suspensions and Furloughs  
**Adopted:** January 24, 2007

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### 411. SUSPENSIONS AND FURLOUGHS

The Western Area Career & Technology Center Joint Operating Committee recognizes its responsibility to maintain a professional staff appropriate to effectively carry on the educational program of the school. The purpose of this policy is to establish the manner in which the necessary reductions of that staff will be accomplished.

Consistent with law and the collective bargaining agreement, the Joint Operating Committee has the authority and responsibility to determine when suspensions and furloughs will be made.

The Director shall follow procedures for the reduction of staff that adhere to policy and School Code.

The efficiency and effectiveness of school organization and staffing patterns shall be under continuing review, and recommendations for abolishing positions and reallocating duties shall be presented for Joint Operating Committee consideration when the Director considers such actions to be in the best interest of the school.

Data necessary for the computation of each professional staff member's seniority status shall be recorded and maintained.

Professional employees shall be suspended for causes consistent with law and the collective bargaining agreement in inverse order of seniority within the school.

If a reduction in staff becomes necessary, notice of such reduction shall be made to the professional employee and the WAVTEA for the succeeding school year. No decision to reduce staff shall be made after the August Joint Operating Committee meeting.

Any realignment of staff to fill education voids resulting from position eliminations will not be construed to require curriculum changes or department revisions.

Tenured professional employees have the right to a Local Agency Law hearing and the decision to suspend shall be considered an adjudication for the purposes of that hearing.

Temporary professional employees are entitled to a Local Agency Law hearing at the request of the employee prior to suspension or furlough.

Should the furloughed employee fail to accept within a thirty (30) calendar day period after sending of the notice, the employee shall be passed over for such vacancy and the employee's name shall be removed from the preferred recall list. The furloughed employee shall be responsible for notifying the Joint Operating Committee of his/her current address.

Seniority shall not continue to accrue during suspension.



**Section:** Professional Employees  
**Title:** Evaluation of Professional Employees  
**Adopted:** October 21, 1976  
**Revised:** January 24, 2007

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### 412. EVALUATION OF PROFESSIONAL EMPLOYEES

The Western Area Career & Technology Center Joint Operating Committee mandates that there be a plan for regular evaluation of all professional employees of the school.

The evaluation plan for professional employees shall be in accordance with the State plan for such purposes or in accordance with a plan approved by the Joint Operating Committee.

The Joint Operating Committee directs that the school shall utilize the State approved evaluation forms with supporting documentation.

The objectives of the school evaluation plan for professional employees are to identify, improve, and reinforce the skills, attitudes and abilities which enable an employee to be effective in achieving school goals, and to suggest ways to improve on weaknesses which prevent an employee from achieving school goals.

The evaluation plan will:

- be uniform throughout the school and provide for both academic and career and technical professional employees;
- provide a procedure for assessing duties and responsibilities of professional employees;
- provide a procedure for identifying and commending effective performance, as well as making recommendations for improvement on a professional basis;
- provide for total evaluation of all professional employees annually, bi-annually for new employees;
- operate in accordance with terms of the collective bargaining agreement.

The Director will:

- ensure that evaluations performed by designees are fair and follow the established procedures;
- specify the form(s) upon which such evaluation will be recorded;
- ensure that evaluation entries are based upon observable and verifiable facts, and note strengths as well as weaknesses;

- provide for the opportunity for resolution of disagreements between the evaluator and person being evaluated regarding objectives, constraints, resources, methods and frequency of evaluation;
- provide an Improvement Plan, resource assistance, recommend actions for improvement, and schedule follow-up activities to assess change for those employees receiving unsatisfactory evaluation.

**Section:** Professional Employees  
**Title:** Physical Examination  
**Adopted:** August 26, 1973  
**Revised:** January 24, 2007

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### 414. PHYSICAL EXAMINATION

The Western Area Career & Technology Center Joint Operating Committee recognizes its responsibility to certify the fitness of employees to discharge efficiently the duties which they will be performing and to protect the health of students and staff from the transmission of communicable diseases.

For purposes of this policy, a physical examination shall mean a general examination conducted by a licensed physician.

Therefore, physical examinations of all professional employees will be required prior to employment.

All candidates for employment, prior to being placed on the rolls of the school, shall undergo a medical examination, as required by law. The Joint Operating Committee may require an employee to undergo subsequent physical examination(s) at its request and at its expense. Such information shall be provided by the school to its Health Care Professional for reporting purposes.

The Joint Operating Committee requires that all employees undergo a tuberculosis examination upon initial employment in accordance with the regulations of the PA Department of Health.

The Joint Operating Committee will accept an affidavit in lieu of an examination where circumstances warrant such action.

The results of all required medical examinations shall be made known to the Director on a confidential basis and discussed with the employee. Such medical records shall be kept in a file separate from the employee's personnel file. In the event of an unsatisfactory report, the Director shall follow Joint Operating Committee policy 415 relating to Disqualification by Reason of Health.

**Section:** Professional Employees  
**Title:** HIV Infection  
**Adopted:** January 24, 2007

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### 414.1. HIV INFECTION

The Western Area Career & Technology Center Joint Operating is committed to providing a safe, healthy environment for its students and employees. The purpose of this policy shall be to safeguard the health and well-being of students and employees while protecting the rights of the individual.

This policy is based on current evidence that the HIV virus is not normally transmissible by infected individuals within the school setting, except as noted in this policy.

#### **Definitions**

HIV Infection – Refers to the disease caused by the HIV or human immunodeficiency virus.

AIDS – Acquired Immune Deficiency Syndrome

CDCP – United States Public Health Service Centers for Disease Control and Prevention.

Infected Employee – Refers to employees diagnosed as having the HIV virus, including those who are asymptomatic.

This policy shall apply to all employees in all programs conducted by the school

The Joint Operating Committee directs that established school policies and procedures that relate to illness among employees shall also apply to infected employees.

The Joint Operating Committee shall not require routine screening tests for HIV infection in the school setting, nor will such tests be a condition for employment.

The Director shall be responsible for handling and releasing information concerning infected employees.

All school employees shall maintain a respectful working climate and shall not participate in physical or verbal harassment of any individual or group, including infected employees.

All employees shall be required to consistently follow infection control/universal precautions in all settings and at all times. Employees shall notify the school's Health Care Professional of exposure to bodily fluids.

The building Supervisor shall notify school employees, students and parents/guardians about current Joint Operating Committee policies concerning HIV infection and shall provide reasonable opportunities to discuss the policy and related concerns.

Infected employees whose employment is interrupted or terminated shall be entitled to available medical leave and medical disability benefits. Such employees shall be informed by the Director of benefits, leave, and alternatives available to them through state and federal laws, school policies, the collective bargaining agreement, and the retirement system.

School employees with knowledge of an infected employee's condition shall not disclose that information without prior written consent of the employee, consistent with the requirements of the Pennsylvania Confidentiality of HIV-Related Information Act.

Universal precautions shall be followed for exposure to bodily fluids. Employees shall treat all body fluids as hazardous and follow universal precautions.

The school shall maintain reasonably accessible equipment and supplies necessary for infection control.

All school employees shall participate in a planned HIV education program.

Designated school employees shall receive additional, specialized training appropriate to their positions and responsibilities.

**Section:** Professional Employees  
**Title:** Disqualification by Reason of Health  
**Adopted:** August 26, 1973  
**Revised:** January 25, 2007

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### 415. DISQUALIFICATION BY REASON OF HEALTH

Consistent with law with respect to equal opportunity and nondiscrimination, it is the policy of the Western Area Career & Technology Center Joint Operating Committee to ensure that programs are supported by professional employees who are physically and mentally fit to perform their assigned duties.

A professional employee may be placed on sick leave or retired for physical or mental disability to perform assigned duties.

In the case of a professional employee who, in the opinion of the Director, is unfit to perform assigned duties by reason of physical or mental condition, the following procedure shall be followed:

1. The Director shall present to the Joint Operating Committee reasons for questioning the condition of the employee.
2. Should the Joint Operating Committee determine that the reasons given constitute sufficient cause to order the employee to be examined, said employee shall be given written notice of the need for such examination and an opportunity to appear before the Joint Operating Committee, or a committee of the Joint Operating Committee, or a hearing officer designated by the Joint Operating Committee, within ten (10) days to explain why such an order will not be followed.
3. Should a hearing ensue, the hearing shall be conducted in accordance with Sections 1127 and 1128 of the School Code if dismissal is indicated or the following rules if a dismissal is not indicated:
  - The hearing will be privately held.
  - Staff members may present witnesses on their behalf.
  - Witnesses will be called individually and excused after making their statement.
  - Witnesses need not present testimony under oath and will not be subject to cross-examination, but may be questioned by the person conducting the hearing.
  - Staff members may be represented by counsel or an individual of the employee's own choice.
4. Should the Joint Operating Committee, following a hearing, order an examination, said examination may be conducted by a physician(s) selected by the employee from a list provided by the Joint Operating Committee.
5. The examination shall be conducted within ten (10) days following the hearing.
6. If as a result of such examination, the employee is found to be unfit to perform assigned duties, the employee shall be placed on mandatory sick leave for such period as may be indicated and with such compensation to which s/he is entitled until proof of recovery, satisfactory to the Joint Operating Committee is furnished.
7. Should an employee refuse to submit to examination following the exhaustion of proper appeals, the Joint Operating Committee shall consider such refusal as cause for dismissal.

**Section:** Professional Employees  
**Title:** Disciplinary Procedures  
**Adopted:** January 24, 2007

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### 417. DISCIPLINARY PROCEDURES

The Western Area Career & Technology Center Joint Operating Committee believes that effective operation of the school requires the cooperation of all employees, working together under a system of policies and rules applied fairly and uniformly. The orderly conduct of the school's business requires uniform compliance with these policies and procedures, as well as uniform penalties and disciplinary procedures for violations.

There shall be established procedures whereby professional employees shall be informed regarding disciplinary measures considered appropriate and their application for violation of school policies and procedures.

The Director shall prepare and promulgate disciplinary rules for violations of school policies and procedures which provide progressive penalties including, where appropriate, verbal warning, written reprimand, suspension, and/or dismissal.

In the event it is necessary to demote or dismiss, a hearing shall be provided as required by statute.

When charges are filed against a professional employee pursuant to the School Code, after hearing the case in accordance with the procedures established, the Joint Operating Committee may vote to discharge any such employee or authorize a lesser punishment short of discharge such as a suspension without pay or lesser degrees of punishment.

**Section:** Professional Employees  
**Title:** Penalties for Tardiness  
**Adopted:** January 24, 2007

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### 418. PENALTIES FOR TARDINESS

The Western Area Career & Technology Center Joint Operating Committee recognizes that school programs cannot commence at prescribed times without the punctual and reliable attendance of the teaching staff. Therefore, a prerequisite for efficient performance of a teacher's professional duties is the punctual start and proper completion of regularly assigned and extracurricular duties.

Timely attendance by district employees is a matter of primary concern to the Joint Operating Committee.

It shall be the responsibility of the Director to implement progressive disciplinary measures and assess penalties when a professional employee fails to meet punctuality and attendance requirements.

Whether tardiness is excusable shall be determined by the building Supervisor. Records of tardiness shall be retained in the employee's personnel file.



**Section:** Professional Employees  
**Title:** Outside Activities  
**Adopted:** January 24, 2007

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### 419. OUTSIDE ACTIVITIES

The Western Area Career & Technology Center Joint Operating Committee recognizes that members of the staff have private lives and may associate with others outside of school for political, economic, religious, cultural or personal reasons. The Joint Operating Committee and its supervisory staff, however, have a responsibility to evaluate staff members in terms of their faithfulness to, and effectiveness in discharging school duties and responsibilities. Therefore, when non-school activities threaten a staff member's effectiveness within the school system, the Joint Operating Committee reserves the right to evaluate the impact of such activities upon a professional employee's responsibilities to the students and to the school's programs.

The Joint Operating Committee authorizes the Director to promulgate guidelines so that staff members may avoid situations in which their personal interests, activities, and associations may conflict with the interests of the school.

The following guidelines are provided for the information and direction of staff members:

- Do not utilize school material for personal gain. Copyrights to materials or equipment developed, processed, or tested by school employees in the performance of school activities in fulfillment of the terms of their employment, reside with and may be claimed by the school.
- Do not use school property or school time to solicit or accept customers for private enterprises.
- Do not campaign on school property in behalf of any candidate for local, state, or national office.
- Do not use school time for outside activities when there is no valid reason to be excused from assigned duties.
- Refrain from making public statements about private associations or interests during school hours, if such remarks are likely to violate community standards of propriety.

**Section:** Professional Employees  
**Title:** Freedom of Speech in Non-Instructional Settings  
**Adopted:** January 24, 2007

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### 420. FREEDOM OF SPEECH IN NON-INSTRUCTIONAL SETTINGS

The Western Area Career & Technology Center Joint Operating Committee acknowledges the right of its professional employees, as citizens in a democratic society, to speak out on issues of public concern. When those issues are related to the school system and its programs, however, an employee's freedom of expression must be balanced against the interests of the school.

The following guidelines are adopted by the Joint Operating Committee to help clarify and therefore avoid situations in which the employee's expression could conflict with the school's interests. In situations in which a staff member is not engaged in the performance of professional duties, that employee should:

- refrain from expressions that would interfere with the maintenance of discipline by school officials;
- refrain from making public expressions known to be false or made without regard for truth or accuracy;
- make no threats against co-workers, supervisors or school officials.

Violations of these guidelines may result in disciplinary action.

**Section:** Professional Employees  
**Title:** Political Activities  
**Adopted:** January 24, 2007

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### 421. POLITICAL ACTIVITIES

The Western Area Career & Technology Center Joint Operating Committee recognizes and encourages the right of its employees, as citizens, to engage in political activity. School property and school time, paid for by all the people, may not be used for political purposes.

The Joint Operating Committee adopts the following guidelines for those staff members who intend to engage in political activities:

- No professional employee shall engage in political activities upon property under the jurisdiction of the Joint Operating Committee unless permission has been granted for that purpose through the "Use of Facilities" policy of the Joint Operating Committee.
- Political circulars or petitions may not be posted or distributed in school.
- The collection of campaign funds and/or the solicitation for campaign workers is prohibited on school property.

Professional employees who hold elective or appointive office are not entitled to time off from their school duties for reasons incident to such offices, except as such time may qualify under the leave policies of the Joint Operating Committee.

The following situations are exempt from the provisions of this policy:

- The discussion and study of politics and political issues, when such discussion and study are appropriate to classroom studies, such as history, current events, and political science;
- The conduct of student elections and campaigning connected therewith; and
- The conduct of employee representative elections.

Violation of any of the foregoing rules shall, at the discretion of the Joint Operating Committee, constitute cause for reprimand, penalty or dismissal.

# WACTC

## Western Area Career & Technology Center

**Section:** Professional Employees

**Title:** Gifts

**Adopted:** January 24, 2007

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### 422. GIFTS

The Western Area Career & Technology Center Joint Operating Committee considers the acceptance of gifts by professional staff members a generally undesirable practice and discourages this practice.

It is the policy of the Joint Operating Committee that professional staff members may accept gifts of a consumable nature or a nominal value only from students or parents/guardians.

The Joint Operating Committee shall consider as appropriate letters to staff members by parents/guardians expressing gratitude or appreciation for outstanding performance.

The Director may approve acts of generosity to individual staff members in unusual situations and shall report such instances to the Joint Operating Committee on a timely basis.

**Section:** Professional Employees  
**Title:** Personnel Files  
**Adopted:** January 24, 2007

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### 424. PERSONNEL FILES

It is necessary for the orderly operation of the school to maintain a file for the retention of all papers bearing upon an individual's duties and responsibilities as an employee of the school.

The Western Area Career & Technology Center Joint Operating Committee requires that sufficient records be maintained to ensure an employee's qualifications for the job held, compliance with federal and state statutes, local benefit programs, and conformance with school rules and evidence of completed evaluations.

The Joint Operating Committee delegates the establishment and maintenance of official personnel records to the Director.

The Director will oversee a comprehensive and efficient system of personnel records under the following guidelines:

1. A personnel folder for each employee will be accurately maintained in the administration office.
2. In addition to the application for employment and references, such folders will contain records and information relative to compensation, payroll deductions, evaluations, and such other information as may be considered pertinent.
3. All personnel records of individual employees of the Joint Operating Committee will be considered confidential. They will not be open for public inspection. The Director and his/her designees shall take the necessary steps to safeguard against unauthorized use of all confidential material.
4. Each employee will have the right, upon request, to review the contents of his/her own personnel file, with the exception of pre-employment information, references, and recommendations.
5. Lists of employees' names and addresses shall be released only as required for official reports.

Any employee shall have the right to request an appointment to review the contents of his/her personnel file excluding all information compiled prior to the official date on which the employee was hired. Such appointment shall be granted within a reasonable amount of time. The employee shall be entitled to have a representative of the Association accompany him/her during such review under administrative supervision.

No material derogatory to an employee's conduct, service, character or personality shall be placed in his/her personnel file unless the employee shall acknowledge that s/he has had the opportunity to review such material by affixing his/her signature and the date to the copy to be filed with the express understanding that such signature in no way indicates agreement with the contents thereof. The employee shall also have the right to submit a written answer to such material, and his/her answer shall be reviewed by the Director or his/her designee and attached to the file.

**Section:** Professional Employees  
**Title:** Substitute Compensation  
**Adopted:** January 24, 2007  
**Revised:** December 16, 2009

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### 429. SUBSTITUTE COMPENSATION

The Western Area Career & Technology Center Joint Operating Committee recognizes its obligation to secure and retain well-qualified substitutes for service in the school so that effective instruction takes place in the event of staff absenteeism. It further recognizes the need to provide substitute compensation that is both competitive and equitable.

The Joint Operating Committee shall annually approve the various levels of substitute compensation established within the school.

The Director shall implement this policy with appropriate administrative regulations.

Substitute teachers in the school shall be classified into three broad categories:

- Category A (per-diem) substitute teachers shall serve on a day-to-day basis, not more than thirty (30) days in the same assignment, as necessary, because of the absence of regular teaching staff. These individuals may be differentiated in compensation but shall not receive fringe benefits.
- Category B (short-term) substitute teachers shall serve a commitment of fifteen (15) consecutive days or more as needed in a specific teaching assignment for less than ninety (90) consecutive days. The duties and responsibilities of these substitute teachers shall generally be equivalent to those of the regular teaching staff and shall include responsibilities such as lesson plan preparation, parent conferences, committee work, progress and grade reporting, and planned evening events. On the sixteenth (16th) consecutive day, the rate of substitute compensation will be increased \$25 beyond the per diem substitute compensation rate. These employees shall not receive fringe benefits.
- Category C (long-term) substitute teachers shall serve a commitment of ninety (90) consecutive days or more. The duties and responsibilities of these substitutes shall be equivalent to those of the regular teaching staff, and they shall be placed on the negotiated teacher salary schedule. On the ninety-first (91st) consecutive day, the rate of substitute compensation will be increased \$25 beyond the short-term substitute compensation rate. These employees shall receive full benefits.

Absences for reason of illness, bereavement, or personal nature shall not be construed to cause interruption of a substitute's accumulation of consecutive teaching days for the purpose of being placed into an appropriate category.

All substitute teachers shall be compensated as defined the above categories. When a Category A substitute has served fifteen (15) consecutive days in the same assignment or a Category B substitute has served ninety (90) consecutive days in the same assignment, that individual shall be placed into the next highest category retroactively and approved by the Joint Operating Committee.

In all instances, effort will first be made to contact and assign substitute teachers not regularly employed by Western Area Career & Technology Center in other capacities.

When necessary, paraprofessionals included on the Western Area Career & Technology Center Joint Operating Committee approved Substitute Teacher List may be used as a substitute teacher.

Paraprofessionals used as substitute teachers will be paid Ten (\$10) Dollars more than their normal daily rate for paraprofessional services.



**Section:** Professional Employees  
**Title:** Job Related Expenses  
**Adopted:** January 24, 2007

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### 431. JOB RELATED EXPENSES

Employees who travel on school business are required to exercise the same economy as a prudent individual would exercise in traveling on personal business. Payment of the actual and necessary expenses, including travel, meals and lodging, incurred in the course of performing services for the school, shall be made in accordance with this policy and will be limited to actual and necessary amounts paid for by the individual.

The Director will determine the validity of payments for job-related expenses. Each reimbursement request shall set forth expenditures and shall itemize expenses. Original receipts for expenditures are required.

Employees attending meetings or conferences will travel by an approved mode of transportation that takes into consideration the least expense to the Western Area Career & Technology Center and the minimum amount of travel time for the employee. Reimbursement for travel will not be made for personal travel or side trips during a conference, meeting, seminars, etc.

For travel to certain common locations, employees will be reimbursed pursuant to established mileage tables contained in the Western Area Career & Technology Center Faculty Handbook.

The use of a personal vehicle shall be considered a legitimate job expense if travel is for the purpose of responsibilities to which the employee is assigned and is reimbursable at the applicable Internal Revenue Service rate. Compensation is not authorized between home and school.

Actual and necessary expenses incident to attendance at functions outside the school shall be reimbursable to the employee if approval has been obtained in advance from the Director. If, in these instances, an employee chooses an alternative method of transportation, including use of a personal vehicle, reimbursement will be made at the lowest rate. Only school-related expenses shall be considered reimbursable.

Under normal conditions, employees traveling on official business shall provide themselves with sufficient funds of their own for ordinary expenses.

Travel shall be by the most direct and economical route. For certain activities and/or lengthy trips, and when economically appropriate, the Director may require use of a school vehicle, common carrier, or rental vehicle.

For official travel by other than automobile, the school shall assist in the purchase of transportation tickets in advance.

Reimbursable expenses related to the employee's job duties include, but are not limited to, telephone calls, fax fees, computer access fees and/or conference materials. The Director may grant reimbursement for educational materials obtained at conferences and/or meetings. Such materials become the property of the Western Area Career & Technology Center.

### **Overnight Travel**

Employees attending an overnight meeting or conference will be reimbursed up to \$30 per day for breakfast, lunch and dinner, which is to include tips.

If an employee is accompanied by a spouse/guest on a trip, the employee is responsible for all expenses incurred on behalf of the spouse/guest. Western Area Career & Technology Center will pay for the accommodations of the employee at a single-room rate basis. The difference between the double-room rate and the single-room rate will be incurred by the employee.

Attendance at meetings or conferences that are not first approved by the Director and/or Joint Operating Committee will not be reimbursed by Western Area Career & Technology Center.

### **Non-Allowable Expenses**

Under no circumstances are entertainment expenditures reimbursable.

Under no circumstances are alcoholic beverages reimbursable.

Individual travel insurance is considered a personal matter and the cost will not be reimbursed by Western Area Career & Technology Center.

Expenditures for laundry, valet service, barber, and similar services are considered personal expenses and are not reimbursable.

<b>Section:</b>	<b>Professional Employees</b>
<b>Title:</b>	<b>Professional Growth Guidelines</b>
<b>Adopted:</b>	<b>October 27, 1999</b>
<b>Updated:</b>	<b>September 26, 2018</b>
<b>Updated:</b>	<b>January 23, 2019</b>

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### 433. PROFESSIONAL GROWTH GUIDELINES

Continued professional study and in-service training are prerequisites for continued professional growth and advanced ability to undertake increased responsibility. Therefore, these guidelines are established for all administrative and professional personnel.

All administrators and professional employees are encouraged through graduate study, special study, or in-service training to further their professional advancement in accordance with these guidelines.

- Individuals must submit a written request to the Director specifying the course of study the individual chooses to participate. This request must be approved before any reimbursement can be applied for.
- Payment for credit for approved graduate study or special study will be made in October and May.
- Documentary evidence of satisfactory completion of all study programs will be required before reimbursements are processed.
- Employees who have received credit reimbursement payment from the Western Area Career & Technology Center agree to work at least two (2) years for the Western Area Career & Technology Center from the final credit reimbursement payment date. If the employee is furloughed, retires through PSERS, and/or resigns for health reasons, the provision to work for at least two (2) years for the Western Area Career & Technology Center from the final credit reimbursement payment date will be null and void.

#### Professional Meetings and Conferences

Professional personnel of the Western Area Career & Technology Center are encouraged to actively participate at such meetings and conferences as may assist the individual to grow in service to the Western Area Career & Technology Center.

Requests to attend such meetings and conferences should be made to the Director. Approval of attendance at meetings and conferences will occur prior to the meeting or conference and will take into consideration the following factors:

- Value of the meeting or conference to the Western Area Career & Technology Center generally;
- Value of the meeting or conference to the performance growth of the individual;
- Participation of the individual in the meeting or conference (an officer, discussion leader, program chairperson, speaker, etc.);
- Length of absence from regular school duty;
- Cost to the Western Area Career & Technology Center in time and travel, and the relationship to budgetary limits;
- Possible conflicts or problems anticipated or arising as a result of the absence from regular school duty;
- Number of meetings and/or conferences requested by the individual;
- Number of persons requesting attendance of the same or other meetings and/or conferences.

Individuals attending professional meetings and conferences will be reimbursed on the following basis with no deduction in salary made:

- A. When the school requests the employee to attend a professional meeting or conference, all meeting or conference expenses will be reimbursed.
- B. When an employee is requested by the Joint Operating Committee to sponsor a group of pupils on a trip, meeting or conference, all trip, meeting or conference expenses will be reimbursed.
- C. When an organization to which a staff member belongs requests that the member attend a meeting or conference, no deduction will be made in salary. Expenses incurred will be borne by the organization or the individual.

#### **Conference Attendance**

- A. Attendance for activities of one (1) day will be approved in advance by the Director. Requests for two (2) or more days (with an overnight stay) or which involve expensive travel must be submitted to the Joint Operating Committee for approval.
- B. All requests are to be submitted in writing to the Director on a Conference Request form. Requests requiring Joint Operating Committee approval will be submitted with the monthly Joint Operating Committee report.
- C. Requests will include place, purpose, and estimated cost of attendance.
- D. Only expenses actually incurred going to, attending, and returning from the place of such activities will be reimbursable. These may include transportation, lodging, meals, registration fee, parking, tolls, and other necessary expenses. A Travel Expense Voucher obtained from the Business Office must be submitted with receipts for reimbursement within ten (10) working days after return.
- E. Reasonable expense planning will be followed:
  - Coach fare for air, rail, or bus travel
  - When applicable, rental vehicles will be utilized
  - A food allowance limit per day or per meal, whichever is applicable
  - Mileage reimbursement will be at the current Internal Revenue Service reimbursement rate
- F. The staff, whenever possible, is requested to share both travel and lodging expenses. All staff is encouraged to be frugal with conference money, thus permitting other staff the opportunity to attend conferences.

In all cases possible, payments for registration, travel, and accommodations will be made directly by the Business Office. The individual requesting to attend the conference and/or meeting will be responsible for making his or her own lodging accommodations, registration information, and travel arrangements. Requests for advance payments must be submitted to the Business Office on a Purchase Request form.

Requests for attendance at conferences requiring Joint Operating Committee approval will be limited to two (2) Joint Operating Committee members and/or two (2) staff members for any one activity.

A short report detailing highlights of the trip must accompany the request for reimbursement.

**Conference Expenses**A. Food

Reimbursement will be made up to a maximum rate of \$50 including gratuities. Receipts must be submitted regardless of the amount spent on each meal. If an individual is attending a conference or meeting, and meals are provided and been paid for with the registration, no reimbursement will be made for any meals outside of those being provided during the conference or meeting.

B. Lodging

Reimbursement will be made only at the single accommodation rate unless a room is shared at the double accommodation rate with another conference attendee. If any employee is accompanied by a spouse/guest on a trip, the employee is responsible for all expenses incurred on behalf of the spouse/guest. Western Area Career & Technology Center will pay for the accommodations of the employee on a single room rate basis and the difference between the double room rate and single room rate will be incurred by the employee.

C. Telephone Calls

Reimbursement will be made for business phone calls. Personal calls will not be reimbursed. The employee must clearly indicate on the receipt the nature of the call and to whom the call was made.

D. Workshop Material

The Executive Director may grant reimbursement for educational materials obtained at conferences and/or meetings. Such materials become the property of the Western Area Career & Technology Center.

E. Distance Travel

When employees choose to travel to conferences in excess of 1000 miles from Pittsburgh, conference costs which exceed \$1,000 shall be paid by the employee. This rate shall be increased by the Joint Operating Committee as appropriate.

**Section:** Professional Employees  
**Title:** Sick Leave  
**Adopted:** April 22, 1981  
**Revised:** January 24, 2007

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### 434. SICK LEAVE

The Western Area Career & Technology Center Joint Operating Committee recognizes the need for a sick leave policy for professional employees. Such a policy shall ensure that professional employees receive no less than the minimum sick leave provided under law.

Sick leave is defined as leave taken by a regular, full-time employee of the school who is absent from assigned duty because of personal disability due to illness or injury, or because s/he has been excluded from school by a physician as a result of contagious disease or other condition that creates a hazard for students and other employees.

The school shall provide a specified number of days annually for sick leave of which all shall be cumulative and in accordance with the collective bargaining agreement.

The Joint Operating Committee reserves the right to require of any employee claiming sick leave pay sufficient proof, including a physician's certification, of the employee's illness or disability. The Joint Operating Committee shall consider the application of any eligible employee for an extension of sick leave, pursuant to law where applicable, when the employee's own accumulated sick leave is exhausted.

Employee whose leave was occasioned by a serious health condition or injury that made the employee unable to perform his/her duties must provide present certification from the employee's health care provider that the employee is able to resume work and to perform all essential functions of the employee's position without any job modifications except as otherwise required by the Americans With Disabilities Act.

The Executive Director shall report to the Joint Operating Committee the names of those employees absent for non-compensable cause or whose claim for sick leave pay cannot be justified. The misuse of sick leave shall be considered a serious infraction and subject to disciplinary action.

A sick leave day shall commence when the employee or authorized agent of the employee reports the absence. A sick leave day, once commenced, may be reinstated as a working day only with the approval of the Executive Director.

Regardless of the claimed disability, no day of absence shall be considered to be a sick leave day on which the employee has engaged in or prepared for other gainful employment, or has engaged in any activity which would raise doubts regarding the validity of the sick leave request. Such doubts shall include patterned absences before and after weekends or vacations. The Principal shall monitor sick leave of this type and counsel employees accordingly. Under no circumstances shall sick leave be used as vacation time.

Any employee absent on sick leave may be required to submit a physician's written statement certifying his/her disability in accordance with the collective bargaining agreement. Such statements may not be presumed to conclusively establish the employee's disability.

Upon the expiration of all then currently earned and accumulated sick leave, the Joint Operating Committee may grant unpaid leave for the remainder of the school year.

The personnel records of professional employees shall show the attendance of each employee, and such days as that employee may be absent shall be record with the reason for such absence noted. A record shall be made of the unused sick leave days accumulated by each employee, which shall be made available to the employee in accordance with law.

**Section:** Professional Employees  
**Title:** Family and Medical Leave  
**Adopted:** September 28, 1994  
**Reviewed:** January 24, 2007

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### 434.1. FAMILY AND MEDICAL LEAVE

#### FMLA Leave Entitlement

Employees who have worked for the Western Area Career & Technology Center for a total of twelve (12) months and have worked at least 1250 hours during the 12-month period preceding the commencement of the leave period shall be eligible for a total of up to 12 weeks of unpaid family and medical leave ("FMLA leave") per year for the following:

- Birth of the employee's child
- Placement of a child with the employee for adoption or foster care
- When the employee is needed to care for a child, spouse, or parent with a serious health condition
- When the employee is unable to perform the functions of his or her position because of a serious health condition

#### Definitions

- The 12-month period in which the twelve weeks of leave entitlement occurs shall be measured forward from the date any employee's first FMLA leave begins.
- The term child means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in *loco parentis*, who is (1) under 18 years of age, or (2) 18 years of age or older and incapable of self-care due to mental or physical disability.
- The term parent means the biological parent of an employee or an individual who stood in *loco parentis* to an employee when the employee was a child. The term does not include a parent-in-law.
- The term serious health condition means an illness, injury, impairment, or physical or mental condition that involves (1) inpatient care in a hospital, hospice, or residential facility, or (2) continuing treatment by a health care provider.
- The term health care provider means (1) a doctor of medicine or osteopathy authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices, or (2) any other person determined by the United States Secretary of Labor to be capable of providing health care services.



**Leave for Birth, Adoption, or Foster Care Placement**

The entitlement to leave for a birth, adoption or placement of a child shall expire at the end of the 12-month period beginning on the date of such birth or placement.

**Intermittent Leave**

Intermittent leave will be provided where medically necessary when the employee is needed to care for a child, spouse, or parent with a serious health condition, or when the employee is unable to perform the functions of his or her position because of a serious health condition.

If intermittent leave is requested, Western Area Career & Technology Center may require the employee to transfer temporarily to an equivalent, alternative position which better accommodates recurring periods of absence or a part-time schedule.

**Substitution of Paid Leave**

FMLA leave is unpaid leave, as provided in this policy. If an employee requests leave because of their own serious health condition, any accrued paid vacation, personal leave and/or sick leave will first be substituted for an unpaid family/medical leave.

If an employee requests leave because of a birth, adoption, foster care placement of a child, or to care for a covered relative with a serious health condition, any accrued paid vacation and/or personal leave will first be substituted for any unpaid family/medical leave.

The substitution of paid leave time for unpaid leave time does not extend the 12-week FMLA leave period.

**Dually Employed Spouses**

In the event that spouses are employed by the school, the aggregate number of weeks of leave to which both are entitled is limited to twelve weeks if such leave is taken for the birth of a child, the placement of a child with the employees for adoption or foster care, or for the care of a sick parent with a serious health condition.

**Notice of Leave**

In any case in which the necessity for FMLA leave is foreseeable based on an expected birth or placement of a child, the employee shall provide the Western Area Career & Technology Center with not less than thirty (30) days notice before the date the leave is to begin, of the employee's intention to take FMLA leave, except that if the date of the birth or placement requires leave to begin in less than thirty (30) days, the employee shall provide such notice as is practicable.

In any case in which the necessity for FMLA leave is foreseeable based upon planned medical treatment required by a serious health condition of the employee or his/her spouse, child or parent, the employee shall make a reasonable effort to schedule the treatment so as not to unduly disrupt

operation of the Western Area Career & Technology Center, subject to the approval of the health care provider of the employee or his/her spouse, child or parent, as appropriate; and the employee shall provide the Western Area Career & Technology Center not less than thirty (30) days notice, before the date the leave is to begin, of the employee's intention to take such leave, except that if the date of the treatment requires leave to begin in less than thirty (30) days, the employee shall provide such notice as is practicable.

Failure to provide notice as herein required may be grounds for delay of leave. Where the need for leave is not foreseeable, employees are expected to notify Western Area Career & Technology Center at least within one (1) to two (2) business days of learning of the need for leave, except in extraordinary circumstances.

### **Medical Certification**

Western Area Career & Technology Center may require medical certification and second opinions by health care providers in accordance with the Family and Medical Leave Act.

### **Health Care Benefits**

During the period of FMLA leave, Western Area Career & Technology Center will maintain the same group health care benefits provided to the employee prior to taking FMLA leave. The Western Area Career & Technology Center shall have no obligation to maintain other benefits except that the taking of FMLA leave shall not result in the loss of any benefits accrued by the employee prior to the date on which the leave commenced. Although the taking of FMLA leave shall not result in the loss of any benefits accrued by the employee prior to the date on which the leave commenced, benefit entitlements based upon length of service will be calculated as of the last paid workday prior to the start of FMLA leave and will not accrue during the period of FMLA leave except to the extent required by applicable federal or state law.

As used herein, group health care benefits include any hospitalization, major medical, vision or dental insurance provided to the employee prior to the FMLA leave. Group health care benefits do not include life insurance, disability or income protection insurance, or other insurance presently or hereafter provided by Western Area Career & Technology Center, although the employee may maintain any such insurance for which he or she was eligible prior to the FMLA leave during the period of his/her FMLA leave by remitting the premiums for such insurance to the Western Area Career & Technology Center at least five (5) business days in advance of the premium payment due date.

### **Reporting While on Leave**

If employees take leave because of their own serious health condition or to care for a covered relation, the employee must contact Western Area Career & Technology Center, through the Business Manager, on the first and third Tuesday of each month regarding the status of the condition and their intention to return to work.

### **Return From Leave**

Upon completion of leave, an employee is entitled to be restored to the same or an equivalent position held by the employee when the leave commenced. An employee shall be entitled to such reinstatement only if and to the extent that the employee would have retained such a position had the FMLA leave not been taken. In the event the employee fails to return to work, Western Area Career & Technology Center shall be entitled to recover the amount expended on benefits during any unpaid period of an FMLA leave unless the reason the employee does not return is due to the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control.

### **Intermittent Leave or Leave on a Reduced Schedule**

Subject to compliance with the notice requirements hereinabove provided, in any case in which the necessity for FMLA leave is foreseeable based upon planned medical treatment required by a serious health condition of an employee employed principally in an instructional capacity or his/her spouse, child or parent, and the employee would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, Western Area Career & Technology Center may require such employee to elect either (1) take leave for a period of a particular duration not to exceed the duration of the planned medical treatment, or (2) transfer temporarily to an available alternative position offered by Western Area Career & Technology Center for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave than the regular employment position of the employee.

### **Instructional Employees – Periods Near the Conclusion of an Academic Term**

The following rules apply with respect to periods of leave near the conclusion of an academic term in the case of any eligible employee employed principally in an instructional capacity:

- Leave More Than Five Weeks Prior to End of Term. If the eligible employee begins FMLA leave more than five (5) weeks prior to the end of the academic term, the Western Area Career & Technology Center may require the employee to continue taking leave until the end of such term if (1) the leave is of at least three (3) weeks in duration, and (2) the return to employment would occur during the three-week period before the end of such term.
- Leave Less Than Five Weeks Prior to End of Term. If the eligible employee begins FMLA leave for reasons other than his/her own serious health condition during the period that commences five (5) weeks prior to the end of the academic term, Western Area Career & Technology Center may require the employee to continue taking leave until the end of such term if (1) the leave is of greater than two (2) weeks duration, and (2) the return to employment would occur during the two-week period before the end of such term.
- Leave Less Than Three Weeks Prior to End of Term. If the eligible employee begins FMLA leave for reasons other than his/her own serious health condition during the period that commences three (3) weeks prior to the end of the academic term, and the duration of the leave is greater than five (5) working days, Western Area Career & Technology Center may require the employee to continue to take such leave until the end of such term.

### **Pregnancy Disability Leave**

Pregnancy disability leave is applicable to that period during which an employee is physically incapacitated, due to pregnancy, childbirth and/or recovery therefrom, of performing her duties.

The beginning date for a pregnancy disability leave shall be determined jointly by the employee's physician and the employee upon the employee's physician's certification of disability with a written notification to Western Area Career & Technology Center of the beginning date of the leave. The employee shall notify Western Area Career & Technology Center of her pregnancy as promptly as practical so that staffing can be secured. Western Area Career & Technology Center shall retain the authority to have the employee examined by its physician to determine disability.

The pregnancy disability leave shall be for an unpaid period of at least eight (8) weeks. If in the event that the employee's disability continues for some reason related to pregnancy or childbirth, the unpaid leave of absence may be extended upon proper written, medical certification for up to twelve (12) months from the beginning date of the leave, inclusive of any sick leave, personal leave, accrued vacation or leave granted pursuant to the Family and Medical Leave Act. If the employee wishes to return to work prior to the expiration of the pregnancy disability leave and her physician or the Western Area Career & Technology Center's physician certifies her ability to assume her duties, she may do so. The employee, when returning to her employment prior to the expiration of the pregnancy disability leave, shall notify Western Area Career & Technology Center at least thirty (30) days prior to her returning to work.

Notwithstanding the foregoing, during the period of pregnancy disability leave, employees may use accumulated sick leave, personal leave, and vacation time. Sick leave may be taken prior to or subsequent to the birth of the child only in the case of physical incapacity or illness which must be verified by a sufficiently detailed doctor's statement stating, at least, when such disability commenced, the probable duration of the disability, the appropriate medical facts regarding the disability, and a statement of the planned medical treatment.

Except for that period covered by sick leave, personal leave and/or accrued vacation, during the period of the pregnancy disability leave, the employee shall receive no salary, retirement benefits or credit for seniority. During that period covered by sick leave, personal leave and/or accrued vacation, Western Area Career & Technology Center will maintain all insurance benefits for which the employee is eligible. During that period covered by Family and Medical Leave Act, insurance coverage will be maintained in accordance with such statute and the Western Area Career & Technology Center Family and Medical Leave Act policy. Except as hereinabove provided, during the period of pregnancy disability leave, the Western Area Career & Technology Center will not be obligated to provide or to maintain insurance coverage, although such coverage may be maintained during such leave at the employee's expense by remittance of the premiums for such insurance to the Western Area Career & Technology Center at least five (5) business days in advance of the premium payment due date.

The employee returning from pregnancy disability leave as set forth above shall be returned to the same or equivalent position she occupied prior to the leave. An employee shall be entitled to a position with the Western Area Career & Technology Center following a leave only if the employee would have retained such a position had the leave of absence not been taken.

Pregnancy disability leave shall be subject to change only by mutual agreement between the employee and Western Area Career & Technology Center in a written statement signed by the Director.

**Section:** Professional Employees  
**Title:** Personal Necessity Leave  
**Adopted:** April 22, 1981  
**Revised:** January 24, 2007

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### 436. PERSONAL NECESSITY LEAVE

This policy provides for a professional employee's absence for personal necessity when not otherwise covered by sick leave or disability policies.

The Western Area Career & Technology Center Joint Operating Committee has the authority to establish reasonable guidelines under which personal leave may be granted, the type of situations in which such leave will be permitted, and the total number of days which may be used in any school year for personal leave.

#### **Personal/Emergency/Bereavement Leave**

The total number of days used for personal leave with pay in any school year shall not exceed the provisions of the applicable collective bargaining agreement.

Requests for personal leave shall be made to the building Supervisor and Director. The Director shall grant such leave.

No personal leave shall be granted on the workday immediately preceding or following any school holiday, except in the case of an emergency situation, which must be properly reported. An emergency situation shall be deemed to be so by the Director. Personal leave shall not be granted on scheduled in-service or Act 80 days.

Unused personal leave shall be accrued as provided for in the applicable collective bargaining agreement.

Personal leave of an unpaid nature of up to five (5) days may be granted by the Director and in emergency situations only. An emergency situation shall be deemed so by the Director

Bereavement leave may be taken in the event of death of a member of the employee's immediate family and condition for such, including duration, shall be as established in the collective bargaining agreement.

Compensation for bereavement leave shall be in full.

**Section:** Professional Employees  
**Title:** Uncompensated Leave  
**Adopted:** January 24, 2007

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### 439. UNCOMPENSATED LEAVE

The Western Area Career & Technology Center Joint Operating Committee recognizes that in certain instances a professional employee may wish uncompensated leave for personal reasons. This policy establishes guidelines for an uncompensated leave of absence.

The Joint Operating Committee reserves the right to specify the conditions under which uncompensated leave may be taken, consistent with a currently in force collective bargaining agreement.

Uncompensated leave of an extended nature may be taken for study or restoration of health. An uncompensated leave may be granted for a period of up to one semester. Extensions for one semester may be considered upon proper application. Short-term uncompensated leave may be granted for emergency purposes only and for a duration of five (5) days or less.

Request for uncompensated leave shall be made to the Director in advance of the desired start date. All requests for uncompensated leave in excess of five (5) days shall be subject to approval by the Joint Operating Committee at its sole discretion. Requests of five (5) days or less may be approved by the Director at his/her sole discretion.

An employee granted an extended uncompensated leave of absence shall inform the Joint Operating Committee of the scheduled return date. At the expiration of the extended uncompensated leave, the employee shall be offered the same position previously held.

To the extent permissible by law, time on extended uncompensated leave may not count as time on the job and fringe benefits may not be provided unless the employee makes provision for payment for benefits.

**Section:** Professional Employees  
**Title:** Responsibility of Staff for Student Welfare  
**Adopted:** January 24, 2007

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### 440. RESPONSIBILITY OF STAFF FOR STUDENT WELFARE

The Western Area Career & Technology Center Joint Operating Committee establishes school policy to delineate responsibility of professional employees for student welfare.

The Director shall prepare and promulgate guidelines to ensure the maintenance of the following standards by professional employees:

1. Maintain a high level of supervision, control and protection of students commensurate with assigned duties and responsibilities.
2. Provide proper instruction in the safety procedures inherent in assigned curriculum.
3. Immediately report to the building Supervisor an accident or a safety hazard.
4. Refrain from engaging students in personal errands or tasks.
5. Refrain from having students perform work or services that may be detrimental to their health.

Professional employees are responsible for the safety of pupils in their charge within the building and on school property. Every professional employee shall be in the classroom, career and technical program area, or other assigned station at all times or must make sure that another individual is temporarily in charge. The following guidelines are provided to minimize the occurrence of situations in which staff members may incur liability for their acts with relation to students:

- Never leave a class of pupils unattended.
- Accompany assigned students wherever assigned. Remain until supervision is assumed by another responsible person.
- Do not permit students to use equipment on which they have not been instructed or which has not been approved for school use.
- Ensure that students work only at regularly scheduled time, under qualified supervision, and in accordance with prescribed safety procedures.
- Report promptly unsafe equipment or conditions to the building Supervisor.



- Organize classroom materials and equipment so as to minimize danger of injury.
- Ensure that proper safety gear is used wherever it is specified.
- In general, exercise good judgment when assigning tasks to students to prevent bodily harm and damage to property.

**Section:** Professional Employees  
**Title:** Jury Duty  
**Adopted:** January 24, 2007

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### 442. JURY DUTY

The Western Area Career & Technology Center believes that regularly scheduled professional employees should be protected against loss of pay occasioned by jury duty.

Should a regularly scheduled employee be called for jury duty, s/he shall report same to the appropriate administrator.

Employees called for jury duty shall normally be permitted to serve and will not be penalized in any way for doing so. They shall receive normal pay for the period of jury duty, but any compensation received from such duty that is in excess of actual expenses shall be credited against such pay.

While on jury duty, employees shall report their schedule for the following day to the building Supervisor.

Time spent on jury duty will not be charged against personal leave and will count as time on the job.

Employees must submit to the Supervisor official documentation of the number of days served.

The Joint Operating Committee reserves the right to request the Court to release and relieve any employee from jury duty.