

<b>1000</b>	<b>Administration</b>
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1                    CRIMINAL BACKGROUND AND EMPLOYMENT HISTORY CHECKS

2                    Prior to recommendation for initial employment, or re-employment if there has been a  
3 break in service, all candidates for all positions shall be subject to a Level 2 criminal  
4 background check to determine suitability for employment. The application for  
5 employment shall inform applicants they are subject to criminal background checks  
6 as a condition precedent to employment and thereafter in accordance with applicable  
7 law. The application shall advise applicants that failure to be truthful on the  
8 application about prior criminal history will be grounds for ineligibility or dismissal  
9 from employment.

10                   When a person is selected for a position in the District, that applicant shall, as a  
11 condition of employment, file a complete set of fingerprints taken by a designated  
12 employee of the Board or approved contractor who is trained to take fingerprints. ~~The~~  
13 ~~fingerprints shall be processed by the Florida Department of Law Enforcement (FDLE)~~  
14 ~~and the Federal Bureau of Investigation (FBI). The applicant shall be required to pay~~  
15 ~~for the full cost of processing fingerprints.~~ The cost of the background screening  
16 related to initial employment or re-employment after a break in service will be born by  
17 the candidate for employment.

18                   Fingerprints of candidates for employment or re-employment if there has been a break  
19 in service shall be submitted to the Florida Department of Law Enforcement (FDLE) for  
20 statewide criminal and juvenile records checks and to the Federal Bureau of  
21 Investigation (FBI) for Federal criminal records checks. A person who is found  
22 ineligible for employment under F.S. 1012.315, or otherwise found through  
23 background screening to have been convicted of any crime involving moral turpitude  
24 as defined by rule of the State Board of Education, shall not be employed, engaged to  
25 provide services, or serve in any position that requires direct contact with students.

26                   Individuals whose fingerprints have not been retained by the FDLE must be re-  
27 fingerprinted and re-screened upon re-employment or re-engagement to provide  
28 services as an administrative staff member in order to comply with the law.

29                   Furthermore, before employing an administrator in any position that requires direct  
30 contact with students, the Superintendent shall conduct employment history checks  
31 of each candidate's previous employer(s), screen the candidate through use of the  
32 educator screening tools described in F.S. 1001.10(5), and document the findings. If  
33 unable to contact a previous employer, the Superintendent shall document efforts to  
34 contact the employer (F.S. 1012.27(6)).

1 No employee shall be hired before the FDLE and FBI background review is complete  
2 except that, under extenuating circumstances as documented by the Superintendent,  
3 applicants may be nominated and temporarily assigned following a background check  
4 by District staff using existing criminal justice information available to the  
5 Superintendent.

6 No person shall be granted employment status until all background check reports are  
7 reviewed and the Superintendent has determined, based upon information received  
8 from FDLE, FBI and previous employers that the employee has passed Level 2  
9 screening and is of good moral character. While an employee is on temporary status  
10 pending fingerprint processing, the Board may dismiss the employee without cause or  
11 the employee may resign without breach of contract.

12 **Criteria for Review**

13 A. The Superintendent shall review and make a determination regarding all  
14 applicants for whom a background check identifies a criminal conviction.  
15 The information provided in the application will be reviewed along with  
16 the criminal history report.

17 B. For purposes of this policy, "convicted" means a conviction by a jury or  
18 by a court, whether or not adjudication is withheld, and shall also  
19 include the forfeiture of any bail, bond, or other security deposited to  
20 secure appearance by a person charged with having committed a felony  
21 or misdemeanor; the payment of a fine; a plea of nolo contendere; the  
22 imposition of a deferred or suspended sentence by the court; a finding of  
23 guilt; a plea of no contest; and entry into a pre-trial intervention, pre-trial  
24 diversion, or similar program.

25 A criminal record is available to the District, notwithstanding the entry of  
26 an order sealing or expunging the record.

27 **Moral Turpitude**

28 A. The Board shall not employ an applicant who is found through  
29 fingerprint processing to have been convicted of a crime involving moral  
30 turpitude.

31 B. Crimes involving moral turpitude include, but are not limited to, the  
32 following:

33 1. felony sexual-related crimes

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- 1                   2.     felony child abuse crimes
- 2                   3.     murder
- 3                   4.     lewd and lascivious crimes
- 4                   5.     indecent exposure, if sexual in nature
- 5                   6.     felony distribution or sale of controlled substances

6     **Other Crimes**

7           A.     The Board shall not employ an applicant who is found through  
8                   fingerprint processing to be disqualified under sections 435.04 or  
9                   1012.315, Florida Statutes.

10          B.     The Board shall not employ an applicant who is found through  
11                   fingerprint processing to have been convicted, during the five (5) years  
12                   preceding the background review, of any other felony crime or of any  
13                   misdemeanor crime of a sexual nature or misdemeanor crime related to  
14                   children.

15                   The Superintendent will consider and carefully review the record of any  
16                   applicant who was convicted of such an offense more than five (5) years  
17                   preceding the background review.

18          C.     The Board shall not employ an applicant who is found through  
19                   fingerprint processing to have been convicted, during the three (3) years  
20                   preceding the background review, of any misdemeanor crimes involving  
21                   drugs, violence, or weapons.

22                   The Superintendent will consider and carefully review the record of any  
23                   applicant who was convicted of such an offense more than three (3) years  
24                   preceding the background review.

25          D.     The Superintendent will consider and carefully review the record of any  
26                   applicant who has a conviction of another misdemeanor or of an offense  
27                   that is directly related to the duties and responsibilities of the particular  
28                   position for which the applicant is applying.

- 1           E.     In evaluating the background screening results, the Superintendent may  
2                   consider various factors, including but not limited to:
- 3                   1.     severity of the offense(s);
- 4                   2.     multiple convictions;
- 5                   3.     disclosure of offense(s);
- 6                   4.     whether the offense was an isolated or repeated violation;
- 7                   5.     amount of time that has passed since the most recent conviction;
- 8                   6.     circumstances under which the offense(s) occurred;
- 9                   7.     age of the applicant when the crime was committed;
- 10                  8.     evidence of rehabilitation;
- 11                  9.     compliance with conditions of probation/parole.

12     **Reconsideration**

13     An applicant who has been denied employment because of a criminal record shall  
14     receive written notice and may request reconsideration by the Superintendent only if  
15     s/he presents new information not previously made available.

16     **Appeal**

17           A.     An applicant who has been denied employment by the Superintendent  
18                   because of his/her criminal record may appeal to a Criminal History  
19                   Review Committee appointed by the Superintendent. The appeal must  
20                   be in writing and may not include any documents or material not been  
21                   previously considered by the Superintendent. The Committee shall make  
22                   a recommendation to the Superintendent whose decision shall be final.

23                   Approval of the application by the Committee only allows for  
24                   consideration of the applicant for a position, with no assurance of a  
25                   nomination by the Superintendent.

- 1           B.     Employees who have been temporarily appointed pending fingerprint  
2                   processing who are denied regular employment because of their criminal  
3                   record shall receive a written notice from the Human Resources Division  
4                   and notice of the right to appeal such a decision to the Superintendent.  
5                   The employee shall have the opportunity to respond in writing to the  
6                   findings. The decision of the Superintendent shall be final.

7     **Current Employees**

- 8           A.     Current employees shall be subject to criminal background screening  
9                   every five (5) years periodically as required by applicable law. The cost of  
10                  this subsequent background screening will be borne by the Board.

11                   1.     If it is discovered during the period of employment that a regular  
12                   employee has a prior criminal record and that the employee did  
13                   not provide this information at the time of hire, the employee may  
14                   be subject to disciplinary action, including dismissal for falsified  
15                   application, or otherwise having misled the District.

16                   2.     If a current Board employee is convicted of a crime involving moral  
17                   turpitude s/he shall be subject to termination.

18                   3.     An employee whose criminal record after employment would  
19                   otherwise disqualify him/her from initial employment may be  
20                   recommended for discipline, up to and including termination.

- 21           B.     Board personnel who are recommended for termination because of a  
22                   criminal record shall receive written notice of the right to appeal such a  
23                   decision consistent with Board policy. The final decision for termination  
24                   shall be made by the Board.

- 25           C.     Whenever a personal investigation of a complaint against an employee is  
26                   required, a criminal background check may not be conducted as part of  
27                   the investigation, unless it would be relevant to the issues under  
28                   investigation.

- 29           D.     ~~Pursuant to State law, a~~ All administrators employed by the Board must  
30                   self-report arrests for serious offenses (see AP 1121.01see Policy  
31                   1139.02, Violation of Local, State, and/or Federal Laws).

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1 **Records**

2 | ~~Background screening records may contain confidential information,~~ The information  
3 | contained in reports received from the FDLE and the FBI is confidential and  
4 | appropriate security of the records will be maintained. Board personnel will only  
5 | share the background screening results and details of the record with the individual  
6 | who has been screened or his/her attorney in fact, or with other public school  
7 | districts.

8 | Although permissible by State law, the District will not share information received as  
9 | the result of the criminal background check with other school districts.

10 | Furthermore, if information received as a result of the criminal history records check  
11 | indicates that a certificated administrator has been convicted of certain crimes  
12 | enumerated by law, the Superintendent must report this information to the Florida  
13 | Department of Education in accordance with to Policy 8141, *Mandatory Reporting of*  
14 | *Misconduct.*

15 |  
16 | F.S. 435.04, 435.09, 943.0585(4)(a), 943.059(4)(a), 1012.315, 1012.32, 1012.56  
17 | s. 26, ch. 2008-108, L.O.F.

18 | 6B-4.009(6), F.A.C.

19 | AGO 2007-42

20 |  
21 | Adopted 7/17/07

22 | Revised 10/7/08

23 | Revised

EDUCATOR MISCONDUCT

As required by the provisions of State Board of Education Rule F.A.C. 6B-1.006(5) and the *Principles of Professional Conduct of the Education Profession in Florida*, an administrator is required to self-report within forty-eight (48) hours any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, self-reporting shall also be required for any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering a plea of guilty or nolo contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment. When handling sealed and expunged records disclosed under this policy, the District shall comply with the confidentiality provisions in Florida statutes.

Furthermore, all legally sufficient complaints against an administrator shall be reported to the Department of Education within thirty (30) days after the date on which the subject matter of the complaint comes to the attention of the Board or the office of the Superintendent. A complaint is legally sufficient for reporting if the subject matter of the complaint includes any of the grounds for discipline or dismissal set forth in Florida statutes.

The Superintendent shall require that all legally sufficient complaints are timely filed in writing with the Department of Education. The Superintendent shall file with the Department of Education all information relating to the complaint which is known to the Superintendent at the time of filing. Additionally, Policy 8141, *Mandatory Reporting of Misconduct*, sets forth the procedures for mandatory reporting of alleged misconduct by school administrators to the Florida Department of Education.

It is the responsibility of all employees of the Board to promptly report to the office of the Superintendent or the office of Human Resources Services any complaint against an administrator that comes to the employee's attention and that includes grounds for the revocation or suspension of a teaching certificate. The willful failure by an employee of the Board to promptly report a complaint shall constitute cause for discipline of the employee as provided by law and Board policy.

F.S. 943.0585(4)(c), 943.059(4)(c), 1012.795, 1012.796  
F.A.C. 6B-1.006

Adopted \_\_\_\_\_

DISCIPLINE OF ADMINISTRATIVE STAFF

The Board retains the right and the responsibility to manage the work force. When the discipline of a staff member becomes necessary, such action shall be in proportion to the employee's offense or misconduct, consistent with appropriate procedural and substantive due process and State law.

Policy 8141, *Mandatory Reporting of Misconduct*, sets forth the procedures for reporting alleged misconduct by school administrators.

F.S. 1006.061

Adopted \_\_\_\_\_

1           SUSPENSION, TERMINATION, OR DISMISSAL OF ADMINISTRATORS

2       It is the desire of the Board to maintain a staff of well-trained, competent  
3 administrators in order to offer comprehensive services to the students of this  
4 District.

5       An administrator may be suspended, returned to annual contract (if holding a  
6 Continuing/Professional Service Contract) or dismissed at any time during the  
7 contract year for just cause, pursuant to provisions set forth in Florida statutes, and  
8 the Rules of the Educational Practices Commission. [Additionally Policy 8141,  
9 \*Mandatory Reporting of Misconduct\*, sets forth the procedures for the mandatory  
10 reporting of alleged misconduct by school administrators to the Florida Department  
11 of Education.](#)

12       Administrators may be required to take such recognized examinations as the  
13 Superintendent deems necessary and administered by a professional selected by the  
14 Superintendent to evaluate their health, competence, and/or performance. Refusal  
15 to take required examination(s) shall be grounds for immediate dismissal. The  
16 Board shall pay for the cost of the examination(s).

17       The term of the initial contract of an administrator shall be a probationary period  
18 during which the administrator may be terminated or demoted, and the  
19 administrator may resign, without cause and without breach of contract.

20       The Superintendent shall determine the effective date of suspension, termination, or  
21 dismissal.

22       The Board hereby delegates to the Superintendent the non-delegable authority to  
23 terminate the employment of probationary employees. The Superintendent shall  
24 notify the Board of such terminations.

25  
26       F.S. 1012.22, 1012.27, 1012.33, 1012.34  
27       [Adopted 7/17/07](#)  
28       [Revised \\_\\_\\_\\_\\_](#)

1 RESIGNATION

2 Since the Board employs its administrative staff as individuals, resignations  
3 tendered by administrators shall be submitted individually to the Superintendent.  
4 No mass resignations submitted by an organization(s) on behalf of individual  
5 employees of the Board shall be accepted.

6 Each resignation shall be submitted in writing, on a separation form (Form 1150 F1)  
7 provided by the Division of Human Resources, and shall include an effective date, a  
8 specific reason or reasons for offering the resignation, and shall bear the signature  
9 of the resigner's administrator. The resignation may be accepted if a qualified and  
10 satisfactory replacement is available.

11 Administrators should give notice of resignation to their immediate supervisor at  
12 least thirty (30) calendar days prior to the resignation date.

13 Resignations shall be processed through the Division of Human Resources.

14 The Superintendent is authorized to accept resignations on behalf of the Board. [The](#)  
15 [resignations shall be submitted to the Board for information at a regular meeting.](#)

16 Resignations shall be effective upon acceptance; provided, however, that once  
17 tendered, resignations may not be withdrawn without the express written consent of  
18 the Superintendent.

19 [If the Superintendent determines that misconduct by an administrator who holds an](#)  
20 [educator certificate affects the health, safety, or welfare of a student and the](#)  
21 [misconduct warrants termination, the administrator may resign or be terminated by](#)  
22 [the Board. The Superintendent must report the misconduct to the Department in](#)  
23 [the format prescribed by the Department. Policy 8141, Mandatory Reporting of](#)  
24 [Misconduct, sets forth the procedures for mandatory reporting of alleged misconduct](#)  
25 [by school administrators to the Florida Department of Education.](#)

26 [An administrator who returns to employment after resigning shall be entitled to](#)  
27 [unused sick leave credit accrued prior to the time of his/her resignation.](#)

28  
29 F.S. 1001.43, 1012.22, 1012.23, 1012.33, [1012.796](#)  
30 [Adopted 7/17/07](#)  
31 [Revised](#)

32

WHISTLEBLOWER PROTECTION

The Board expects all its employees to be honest and ethical in their conduct, and to comply with applicable State and Federal law, Board policies and administrative guidelines. The Board encourages staff to report possible violations of these Board expectations to their immediate supervisors.

It is the responsibility of an employee who is aware of conduct on the part of any Board Member or employee that possibly violates Federal or State law, or Board policy, to call this conduct to the attention of his/her immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, the employee may report to the Superintendent. If the reported conduct relates to the Superintendent, the report may be filed directly with the Board Chairman. If the reported conduct relates to a Board Member, the report may be filed directly with the Board Attorney.

After such a report is made, the person receiving the report will ask that the employee's report be put in writing. Any employee making such a report shall be protected from discipline, retaliation, or reprisal for making such report as long as the employee made a reasonable and good faith effort to determine the accuracy of any information reported. Employees are subject to disciplinary action, up to and including termination, for purposely, knowingly, or recklessly making a false report under this policy. Conversely, employees are subject to disciplinary action, up to and including termination, if they are aware of a violation of Federal, State, or local law that the Board has the authority to correct and they do not make a report confirmed in writing to their immediate supervisor.

The Superintendent shall develop administrative procedures necessary for implementation of this policy, including the development of forms upon which such reports may be made.

F.S. 112.3187

Adopted \_\_\_\_\_

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OUTSIDE ACTIVITIES OF ADMINISTRATORS

Administrative staff members should avoid situations in which their personal interests, activities, and associations conflict with the interests of the District. If such situations threaten an administrator's effectiveness within the School System, the Superintendent shall evaluate the impact of such interest, activity, or association upon the administrator's responsibilities.

Administrators may not:

- A. dedicate work time to an outside interest, activity, or association;
- B. use school property or school time to solicit or accept customers for private enterprises;
- C. engage in business transactions on behalf of private enterprises in which s/he may profit by virtue of his/her official position or authority or benefit financially from confidential information that the employee has obtained or may obtain by reason of his/her position or authority; or
- D. campaign on school property during working hours on behalf of any political issue, or candidate for local, state, or national office. The constitutional right to express political and other opinions as citizens is reserved to all employees.

Administrators should refrain from expressions that disrupt the efficient operation of the school or interfere with the maintenance of discipline by school officials.

F.S. 112.3145, 1012.23  
Adopted

RESEARCH AND PUBLISHING

Administrators are encouraged to contribute articles to professional publications and to engage in approved professional research.

Materials that are considered for publication and/or production, which identify the District in any manner, shall be cleared with the Superintendent prior to publication and/or production.

Publications and productions shall be subject to the following copyright provisions:

A. Rights to copyrights or patents of books, materials, devices, etc. developed by administrators on their own time will be relinquished by the Board upon request of the administrator provided that:

1. the books, materials, devices, etc. were prepared without the use of Board data, facilities, and/or equipment;
2. the Board is granted the privilege of purchasing the materials or products free of any copyright or royalty charges;
3. the administrator does not become involved in any way in the selling of the product to the Board.

The final decision regarding whether materials were produced independent of any work assignment, and/or without using school equipment, facilities, data, or equipment rests with the Superintendent.

Administrators who desire to publish or produce materials on their own time should make such action known to the Superintendent prior to the time such work is started in order that proper procedures can be established to assure that Board interests and the interests of the administrator are protected.

B. All books, materials, devices, or products that result from the paid work time and/or prescribed duties of administrators shall remain the property of the Board. The Board shall retain all rights and privileges pertaining to the ownership thereof.

In the event that any of these products have commercial possibilities, the Superintendent is authorized to secure copyrights, patents, etc. that protect the Board's ownership of the product.

1        The Superintendent is authorized to negotiate with appropriate  
2        agencies for the production and distribution of products with  
3        commercial appeal. Such negotiations shall seek fair and appropriate  
4        compensation, including sharing of royalties, for the administrator(s)  
5        who developed the products.

6  
7        Adopted \_\_\_\_\_

1                                    FAMILY AND MEDICAL LEAVES OF ABSENCES ("FMLA")

2        In accordance with ~~the federal~~ Family and Medical Leave Act (FMLA), the Board shall  
3        provide eligible administrators with up to a maximum of twelve (12) work weeks of  
4        unpaid FMLA leave ~~during any school year in any twelve (12) month period (July 1st~~  
5        ~~- June 30th) to eligible administrators~~ or up to twenty-six (26) workweeks of unpaid  
6        Service Member Family Leave during a single twelve (12) month period. This policy  
7        shall not increase paid leave as provided for under State law and other Board  
8        policies.

9        An eligible staff member shall be entitled to a combined total of twenty-six (26) work  
10       weeks of leave under the Service Member Family leave and general FMLA leave.  
11       Nothing in this paragraph shall be construed to limit the availability of general  
12       FMLA leave during any other twelve (12) month period.

13       ~~Family and medical leave~~ Leave under this policy may be granted ~~for a maximum of~~  
14       ~~twelve (12) work weeks during any school year (July 1st - June 30th)~~ for the  
15       following reasons:

16                    A.        Family Leave

- 17                                    1.        the birth of a child and/or the care of a newborn child within  
18                                                            one (1) year of the child's birth
- 19                                    2.        the placement of a child with the staff member by way of  
20                                                            adoption or foster care and/or to care for the child within one (1)  
21                                                            year of the child's arrival

22                    B.        Medical Leave

- 23                                    1.        the staff member is needed to care for a spouse, son, daughter,  
24                                                            or parent if such individual has a serious health condition
- 25                                    2.        the staff member's own serious health condition prevents  
26                                                            him/her from performing the functions of his/her position

27                    C.        Service Member Family Leave

- 28                                    1.        any exigency (as defined in applicable Federal regulations)  
29                                                            arising out of the fact that the staff member's spouse, son,  
30                                                            daughter, or parent is on active duty (or has been notified of an  
31                                                            impending call or order to active duty) in the Armed Forces in  
32                                                            support of a contingency operation.

1 2. An eligible staff member who is a spouse, son, daughter, parent,  
2 or next of kin (i.e., the nearest blood relative) or a covered  
3 service member in order to care for the service member.

4 A "covered service member" is defined as a member of the Armed  
5 Forces, including a member of the National Guard or Reserves,  
6 who is undergoing medical treatment, recuperation, or therapy,  
7 is otherwise in outpatient status, or is otherwise on the  
8 temporary disability retired list, for a serious injury or illness.

9 **Eligibility**

10 Administrators are "eligible" if they have worked for the Board for at least twelve (12)  
11 months, and for at least 1,250 hours over the twelve (12) months prior to the leave  
12 request. Months and hours that reservists or National Guards would have worked if  
13 they had not been called up for military service counts towards the staff member's  
14 eligibility for FMLA leave/Service Member Family Leave.

15 **Serious Health Condition**

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

- 18 A. Inpatient care, including any period of incapacity or any subsequent  
19 treatment in connection with such inpatient care; or
- 20 B. Continuing treatment by a healthcare provider, including:
- 21 1. a period of incapacity of more than three (3) consecutive  
22 calendar days and any subsequent treatment or period of  
23 incapacity relating to the same condition, that also involves  
24 either treatment two (2) or more times by a healthcare provider,  
25 or treatment by a healthcare provider on at least one (1)  
26 occasion which results in a regimen of continuing treatment  
27 under the supervision of a healthcare provider;
- 28 2. any incapacity due to pregnancy or for prenatal care;
- 29 3. any period of incapacity or treatment for such incapacity due to  
30 a chronic serious health condition;
- 31 4. a period of incapacity which is permanent or long-term due to a  
32 condition for which treatment may not be effective;

- 1           5.     any period of absence to receive multiple treatments by a  
2           healthcare provider either for restorative surgery after an  
3           accident or other injury, or for a condition that would likely  
4           result in a period of incapacity of more than three (3)  
5           consecutive days in the absence of medical intervention or  
6           treatment, such as cancer (chemotherapy, radiation, etc.),  
7           severe arthritis (physical therapy), and/or kidney disease  
8           (dialysis).

9 | ~~\_\_\_\_\_C.~~ Conditions for which cosmetic treatment is administered are not  
10 | "serious health conditions" unless inpatient hospital care is required or  
11 | complications develop. Ordinarily, unless complications arise, the common cold, the  
12 | flu, ear aches, upset stomachs, minor ulcers, headaches other than migraines,  
13 | routine dental or orthodontia problems, periodontal disease, etc., are conditions that  
14 | do not meet this definition and do not qualify for FMLA leave.

15 | For purposes of Service Member Family Leave, a serious injury or illness is defined  
16 | as an injury or illness incurred by the member in line of duty on active duty in the  
17 | Armed Forces that may render the member medically unfit to perform the duties of  
18 | the member's office, grade, rank, or rating.

19 | **Use of Leave**

- 20           A.     Family leave shall not be taken intermittently, nor shall employees  
21           work on a reduced schedule during family leave.
- 22           B.     Medical leave may be taken intermittently when medically necessary.  
23           Intermittent leave is defined as leave taken in separate, pre-scheduled  
24           blocks of time due to a single illness or injury. The taking of  
25           intermittent leave results in the total reduction of the twelve (12) weeks  
26           only by the amount of leave actually taken. Under such circumstances,  
27           the employee must try to schedule the leave so as not to unduly  
28           disrupt the operations of the Board.

29 | ~~After discussion with the employee, the~~ The Superintendent may place  
30 | an employee who requires intermittent medical leave in an alternative  
31 | position which better accommodates intermittent leave. The  
32 | alternative position shall have equivalent pay and benefits but not  
33 | necessarily equivalent duties.

- 34           C.     Leave taken under "Service Member Family Leave" may be taken  
35           intermittently or on a reduced-leave schedule when medically  
36           necessary.

1        ~~CD.~~ ~~Family and medical leave~~ FMLA leave is intended to provide assistance  
2        to employees who do not have other leaves available. Therefore,  
3        employees claiming family leave must first use any accrued paid  
4        vacation leave and personal leave; and employees claiming medical  
5        leave or Service Member Family Leave must first use any accrued paid  
6        vacation leave, personal leave, and sick leave.

7        ~~DE.~~ Paid leave used for FMLA purposes shall not be counted as a part of  
8        the twelve (12) week family and medical leave or the twenty-six (26)  
9        week period for Service Member Family leave. The Board will not count  
10       paid leave taken for other reasons against the employee's twelve (12)  
11       week family and medical leave or the twenty-six (26) week period for  
12       Service Member Family leave. Leave taken under this policy for birth or  
13       adoption (including foster care placement) must conclude within twelve  
14       (12) months after the birth or placement.

15       ~~EF.~~ ~~A husband and wife who are both employed by the Board and both~~  
16       ~~eligible may take only a combined total of twelve (12) weeks of leave~~  
17       ~~during any school year if the leave is taken for birth of a child(ren); to~~  
18       ~~care for the child after birth; for placement of a child for adoption or~~  
19       ~~foster care; or to care for a child after placement; or for care for a~~  
20       ~~parent (not a parent "in law") with a serious health condition. In cases~~  
21       ~~in which the Board employs both spouses, the total amount of FMLA~~  
22       ~~leave is twelve (12) weeks for a couple, except when the leave is due to~~  
23       ~~the serious health condition of either spouse or child.~~

24       Additionally, the aggregate number of work weeks of leave to which  
25       both the husband and wife may be entitled pursuant to this policy may  
26       be limited to twenty-six (26) work weeks during the single twelve (12)  
27       month period provided for in the Service Member Family Leave  
28       provision if the leave is taken pursuant to Service Member Family leave  
29       or a combination of general FMLA leave and Service Member Family  
30       leave.

31       **Notice for Leave**

32       Except in unanticipated situations, an employee intending to take ~~family or medical~~  
33       ~~leave because of an expected birth or placement, or because of planned medical~~  
34       ~~treatment~~ FMLA or Service Member Family Leave, must submit an application for  
35       leave at least thirty (30) days before the leave is to begin. If leave is to begin within  
36       thirty (30) days, an employee must give notice to the work site supervisor as soon as  
37       the necessity for the leave arises. Except in unanticipated situations, failure to give  
38       proper notice may result in denial of entitlement to leave under this policy.

1 When a staff member is taking Service Member Family leave because of a “qualifying  
2 exigency”, and the leave is foreseeable, whether because the staff member’s spouse,  
3 son, daughter or parent is on active duty, or because of a notification of an  
4 impending call or order to active duty in support of a contingency operation, the  
5 staff member shall provide such notice to the Superintendent as is reasonable and  
6 practicable.

7 When planning medical treatment, or taking leave pursuant to Service Member  
8 Family leave the staff member must consult with the Superintendent and make a  
9 reasonable effort to schedule the leave so as not to unduly disrupt the regular  
10 operation of the District, subject to the approval of the healthcare provider.

11 A staff member seeking to take leave pursuant to Service Member Family leave must  
12 submit, in a timely manner to the Superintendent, an appropriate certification as  
13 described by Federal regulations.

#### 14 **Medical Certification**

15 When medical leave or Service Member Family leave is taken, the staff member must  
16 provide medical certification from the healthcare provider of the eligible staff  
17 member, ~~or~~ his/her immediate family member or, for Service Member Family leave,  
18 the next of kin of the individual. (see Form 1430.01 F2, Medical Certification)

19 When the need for medical leave is foreseeable and at least thirty (30) days notice  
20 has been provided, the staff member must provide the medical certification before  
21 the leave begins. When this is not possible, the employee must provide the requested  
22 certification to the Superintendent within fifteen (15) calendar days after the staff  
23 member requests medical leave, unless it is not practicable under the circumstances  
24 to do so despite the staff member's diligent and good faith efforts.

25 In the event the staff member fails to provide medical certification, any leave taken  
26 by the employee is not FMLA leave/Service Member Family Leave.

27 The Board reserves the right to obtain, at its expense, the opinion of a second  
28 healthcare provider and, in the event of conflict, the opinion of a third healthcare  
29 provider whose decision shall be binding and final.

30 A staff member who takes medical leave for his/her own serious health condition,  
31 must, prior to returning to work, ~~must~~ provide the Superintendent with a statement  
32 from his/her healthcare provider that s/he is able to resume work.—(see  
33 ~~Form 1430.01 F4~~)

1 **Restoration of Employment**

2 Upon return from any FMLA leave, the Board will restore the staff member to  
3 his/her former position or to a position with equivalent employment benefits, pay,  
4 and conditions of employment.

5 **Benefits During Leave**

6 A. During FMLA leave, the Board shall maintain the staff member's  
7 current coverage under the Board's group health insurance program  
8 on the same conditions as coverage would have been provided if the  
9 staff member had been continuously working during the leave period.  
10 If the staff member was paying all or part of the premium payments  
11 prior to going on FMLA leave, the staff member must continue to pay  
12 his/her share during the leave. Failure of the employee to pay his/her  
13 share of the health insurance premium may result in a loss of  
14 coverage. Persons not eligible for insurance coverage, such as  
15 substitutes, will not become eligible by taking leave.

16 B. If the employee fails to return to work after the expiration of the [FMLA](#)  
17 [leave](#) or [Service Member Family Leave](#), or an extension of leave for the  
18 same or related purpose, the employee will be required to reimburse  
19 the Board for payment of health insurance premiums during the family  
20 or medical leave, unless the reason the employee fails to return is the  
21 presence of a serious health condition which prevents the employee  
22 from performing his/her job or to circumstances beyond the  
23 employee's control.

24 C. An employee who takes family or medical leave is not entitled to the  
25 accrual of any seniority or employment benefits that would have  
26 accrued if not for the taking of leave. An employee who takes family or  
27 medical leave will not lose any seniority or employment benefits that  
28 accrued before the date leave began.

29 D. A staff member who fraudulently obtains FMLA leave is not protected  
30 by this policy's job restoration or maintenance of health benefits  
31 provisions.

32 This policy supplements but does not supplant any provisions for leave contained in  
33 other Board policies and collectively bargained agreements.

**THE SCHOOL BOARD OF  
ALACHUA COUNTY**

ADMINISTRATION  
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1 The Superintendent shall prepare any procedures that are appropriate for this policy  
2 and ensure that the policy is posted properly.

3 The Superintendent shall provide a copy of the policy upon the request of a staff  
4 member.

5 F.S. 110.221, 1012.61  
6 29 U.S.C. 2601 et seq.  
7 29 C.F.R. Part 825  
8 45 C.F.R. Part 160, 164

9

10 Adopted 7/17/07

11 Revised 12/8/07

12 | [Revised](#)

1                    USE OF EMPLOYEE'S PERSONAL PROPERTY AT SCHOOL

2   The Board will normally provide all employees with the equipment and tools  
3   necessary to perform their assigned duties.

4   From time-to-time Board employees may wish to bring personal property to school,  
5   either for reasons associated with administrative responsibilities or for use during  
6   off-duty time. This practice is permitted provided it is understood that the Board is  
7   not responsible for any loss of, or damage to, said property. This limitation of  
8   liabilities applies to all personal property, regardless of any benefit the Board  
9   receives from its use.

10            A. When, as a result of a physical altercation in the performance of  
11            his/her normal duties, damage is incurred to an administrator's  
12            personal property, such damage shall be reimbursed by the Board.  
13            Notification of such damage shall be made in writing within 24 hours  
14            to the Superintendent.

15  
16            B. If the Superintendent requests an employee bring a certain piece of  
17            equipment or tool to school in order to complete a specific task, and  
18            the employee completes Form 1481 F1, Notice of Personnel Property for  
19            Use at Work, the personal property may be covered by the Board's  
20            property insurance policy during the period of time referenced on the  
21            form, subject to deductibles and limitations of District insurance  
22            coverage.

23   Employees may not install personal networking devices to the Board's network  
24   without prior written approval from the Superintendent. See Policy 7540.04, Staff  
25   Network and Internet Acceptable Use and Safety.

26  
27   Adopted \_\_\_\_\_