

## **Series 500: Personnel**

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**POLICY OBJECTIVES**

A dynamic and efficient staff dedicated to education is necessary to maintain a constantly improving education system. To this end, the development of personnel policies is an essential component of the program of public education in the District. The philosophy of the District and the community generally will be reflected in these policies. In addition, the Board-approved Employee Handbook should be consulted regarding practices relevant to school personnel.

Through its personnel policies, the Board seeks to establish a school environment that will attract and retain the best-qualified persons whose mission will be to provide the best possible learning opportunities for the students enrolled in the District.

The long-range goals on which these policies will be based are:

- To recruit, select, employ, and retain the best-qualified personnel to staff the District's schools and support services.
- To provide staff compensation and benefit programs sufficient to attract and retain quality employees, yet be fiscally responsible to the community.
- To provide professional development opportunities for all employees to improve their performance.
- To conduct an employee evaluation program that will contribute to the continuous improvement of staff performance.
- To assign personnel to ensure that they are used as effectively as possible.

Board policy must be approached with attitudes of mutual trust and respect. These policies are intended for all personnel employed with the District, including teachers, administrative and other professional staff as well as all support personnel. In the long run, all of these individuals determine the success of this District.

APPROVED:            April 6, 2005  
                              November 7, 2012



June 18, 2008

REVISED:

August 17, 2016

September 19, 2018

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

512.1

### HARASSMENT POLICY

The District prohibits harassment of its employees in any form. The District's policy is to provide a workplace free of (1) verbal or physical harassment concerning any protected status as outlined in Policy 512; and (2) unwelcome sexual advances, requests for sexual favors, and any other conduct or communication constituting sexual harassment as that term is defined by state and federal law.

Harassment is prohibited in any form. This policy has been enacted by the Board to provide a comprehensive statement that harassment is not tolerated in the District.

Harassment consists of verbal or physical conduct related to an individual's status as a member of a protected class when:

1. It has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
2. It has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. It otherwise adversely affects an individual's employment opportunities.

Examples of conduct which may constitute harassment when related to an individual's status as a member of a protected class include graffiti, name calling, threatening conduct, derogatory cartoons, slurs, negative stereotypes or other conduct that is motivated by an individual's status as a member of a protected class. Harassment also includes religious proselytizing to employees, students or others on District premises or District-sponsored activities or events.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is an explicit or implicit term or condition of an individual's employment;
2. The submission to or rejection of such conduct by an individual is the basis for any employment decision affecting that individual; or
3. When such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Examples of prohibited conduct include but are not limited to lewd or sexually suggestive comments, sexual flirtations, touching, advances or propositions, off-color language

or jokes of a sexual nature, slurs and other verbal, graphic or physical conduct relating to an individual's gender, or any display of sexually explicit pictures, greeting cards, articles, books, magazines, photos or cartoons.

The District strongly disapproves of any form of harassment of its employees by anyone either internal or external to the District. Further, harassment is strongly disapproved of regardless of whether it occurs within or outside of the District. Appropriate disciplinary action will be taken promptly against any employee engaging in unlawful harassment.

The policy of the District is to investigate thoroughly and remedy any known incidents of harassment. In order to accomplish this, all employees have a responsibility to report any incident of harassment to the attention of their immediate supervisors. Employees who feel aggrieved because of harassment are strongly encouraged to bring the matter to the immediate attention of their supervisors.

An employee who has a complaint of harassment should follow the steps found in Rule 512.1. No employee, supervisor or Board member shall attempt to restrain, interfere with, coerce, discriminate or take reprisal action against the complainant or their witnesses during or after the presentation, processing and resolution of a complaint.

Each employee shall receive a copy of the policy and procedures upon hiring.

LEGAL REF.:           Age Discrimination in Employment Act, as amended  
                          Americans with Disabilities Act  
                          Civil Rights Act of 1964 as amended (Title VII)  
                          Equal Pay Act  
                          Immigration Reform and Control Act of 1986  
                          Rehabilitation Act of 1973, as amended  
                          Wisconsin Statutes Sections  
                              111.31 (Unfair Discrimination Policy)  
                              111.36 (Sex, sexual orientation; exceptions and special cases)  
                              118.195 (Discrimination against handicapped teachers  
  prohibited)  
                              118.20 (Teacher discrimination prohibited)

APPROVED:           April 6, 2005

REVISED:            August 17, 2016

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

### 512.1-Rule

#### DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE

##### Discrimination and Harassment Informal Complaint Procedure

Any employee who believes that he/she has a valid basis for a complaint shall discuss the concern with his/her immediate supervisor and inform the supervisor that this is a discrimination and/or harassment complaint. If the complaint involves the immediate supervisor or if the employee is uncomfortable discussing the issue with the immediate supervisor, the employee is urged to report the complaint to any other supervisor or administrator. The supervisor shall in turn investigate the complaint and reply to the complainant as soon as possible following investigation of the complaint. If the reply is not acceptable to the complainant, he/she may initiate formal procedures according to the steps listed below.

##### Discrimination and Harassment Formal Complaint Procedure

Step 1: The complainant shall prepare and sign a written statement of the complaint and present it to the Director of Personnel, Administrative & Legal Services at the District Office located at 901 15<sup>th</sup> Avenue, South Milwaukee, Wisconsin 53172. The telephone number of the District Office is 414-766-5000. The complaint must be in writing, signed, and state the basis of the claim. The Director of Personnel, Administrative & Legal Services shall investigate the matters promptly after receipt of the complaint and reply in writing to the complainant promptly at the conclusion of the investigation. The purpose of the investigation shall be to establish, if possible, whether the allegations are true, to determine whether the alleged conduct constitutes discrimination or harassment, to determine whether remedial action is necessary and, if so, to act promptly, and to maintain confidentiality to the greatest extent possible.

In the event the complaint is against the Director of Personnel, Administrative & Legal Services, the complainant may file the complaint with the Superintendent.

Step 2: If the complainant wishes to appeal the decision of the Director of Personnel, Administrative & Legal Services, he/she may submit a signed statement of appeal to the Superintendent within five (5) calendar days after receipt of the response to the complaint. The Superintendent shall meet with all parties involved, formulate a conclusion, and respond in writing to the complaint within fifteen (15) calendar days of actual receipt of the appeal.

Step 3: If the complainant remains unsatisfied, he/she may appeal through a signed, written statement to the School Board within five (5) calendar days of his/her receipt of the Superintendent's response in Step 2. In an attempt to resolve the complaint, the School Board shall meet with the concerned parties and their representatives within thirty (30) calendar days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to

each concerned party within thirty (30) calendar days of the meeting.

Step 4: If, at this point, the complaint has not been satisfactorily settled, further appeal may be made to the appropriate state or federal agency. It is the responsibility of the employee to determine the appropriate agency and to comply with any and all applicable statutes of limitations.

The internal timelines listed above may be extended upon mutual agreement of the parties.

#### Maintenance of Records

The supervisor is responsible for documenting all complaints and should include the following:

1. The name of the complainant and his/her title or status.
2. The date the complaint was filed.
3. The specific allegation made and any corrective action requested by the complainant.
4. The name(s) of the respondents.
5. The levels of processing followed, and the resolution, date, and decision-making authority at each level.
6. A summary of facts and evidence presented by each party involved.
7. A statement of the final resolution and the nature and date(s) of any corrective or remedial action taken.

The Director of Personnel, Administrative & Legal Services shall keep records of all formal complaints for the purpose of documenting compliance and past practices.

August 2016

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

513

### EMPLOYEE RESPONSIBILITIES

All employees of the District have a responsibility to make themselves familiar with, and abide by, the laws of the state as it affects their work, the policies of the Board, and the regulations designed to implement them.

All employees will be expected to carry out their assigned responsibilities with conscientious concern. The education and the well being of all students is the responsibility of all employees of the District.

Essential to the success of school operations and instructional programs are the following specific responsibilities and requirements of employment:

- Consistent and prompt attendance at work.
- Reporting immediately to supervisor any accident or safety hazard that is detected.
- Support and enforcement of policies of the Board and regulations of the school administration.
- Diligence in submitting required reports promptly and correctly by the times specified.
- Care and protection of District property.
- Concern and attention toward their own and the Board's legal responsibility for the safety and welfare of students, including the need to supervise students.
- Responsibility to ensure that one's own professional development continues to grow and encompass new technologies, methodologies and/or research.

All employees of the District are to set a positive, professional example to students. Thus, employees should dress in an appropriate manner, be courteous, and use proper and appropriate language.

APPROVED:            April 6, 2005

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

513.1

### DUTY TO REPORT SUSPECTED CHILD ABUSE OR NEGLECT

The Board recognizes the serious local, state and national problems associated with child abuse and neglect. The Board also recognizes the legal responsibility for reporting suspected cases of child abuse, sexual abuse and child neglect to the designated county and/or local authorities.

Employees of the District that have reasonable cause to suspect that a student seen in the course of professional duties has been subject to physical, sexual or emotional abuse or has been neglected, shall immediately report such suspected abuse or neglect to the building principal, Director of Pupil Services or designee. The building principal, Director of Pupil Services or designee shall notify the appropriate local authorities as required by Wisconsin Statutes.

Employees of the District that have reasonable cause to believe that a student seen in the course of professional duties has been threatened with an injury and that abuse of the student will occur shall follow the same reporting procedures.

The District shall provide regular training regarding reporting procedures in accordance with state law.

LEGAL REF.: Wisconsin State Statute Sections:  
48.981 (Abused or neglected children)

APPROVED: November 20, 2007  
November 7, 2012

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

513.2

### STAFF INTERACTIONS WITH STUDENTS IN PERFORMANCE-ORIENTED EXTRA CURRICULAR ACTIVITIES

The Board recognizes that performance-oriented extracurricular activities may require teachers, activity leaders and coaches to interact with students in ways that are different from methods typically used in traditional classroom settings. Specifically, activities such as band, drama, debate and athletics often involve unique issues regarding student discipline and teaching/learning strategies because they occur in non-traditional classroom settings and often involve a competitive atmosphere and a significant emphasis on performance. The Board requires professional standards for teachers, activity leaders and coaches to be maintained at all times, regardless of the setting. Employees in violation of this policy may be subjected to discipline, up to and including termination of employment.

In interacting with students participating in performance-oriented extracurricular activities, teachers, activity leaders and coaches are expected to observe the following guidelines:

1. A positive and constructive learning atmosphere shall be maintained.
2. The teacher, activity leader or coach shall exhibit poise and self-control at all times, regardless of the level of intensity of the activity, and shall encourage students to do the same.
3. The teacher, activity leader or coach may convey disappointment with performance, but criticism and instructions should be conveyed to students in a positive manner which encourages improvement.
4. The teacher, activity leader or coach must never use profanity in interacting with students.
5. The teacher, activity leader or coach must never convey criticism or instructions in a manner intended to humiliate or demean the student.
6. While limited physical contact with students may occasionally be necessary and appropriate, a teacher, activity leader or coach must never strike or otherwise contact a student in a way that may cause injury, and should never have physical contact with a student in a manner which is intended for sexual gratification or may be interpreted as such.

APPROVED: June 18, 2008

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

514

### WORK SCHEDULES AND ATTENDANCE

The workday for all employees shall be determined either within the Employee Handbook, specific individual contracts or by administration.

All employees are expected to be at work, on time, every scheduled workday. If an employee submits a timecard (physical or electronic), the times submitted must be an accurate representation of all actual time worked. When an employee is absent or tardy, it is the responsibility of the employee to notify the substitute service and/or immediate supervisor within a reasonable time period. Employees must notify the substitute service and/or immediate supervisor at least thirty (30) minutes prior to the start of the shift if the employee will be absent from the work shift. Employees must notify the immediate supervisor or designee at least fifteen (15) minutes prior to the start of the shift if the employee will not be present at the start of his/her work shift.

Absences of two (2) or more consecutive work days or five (5) absences within a twelve (12) month period, without notification to the District, may be considered a voluntary resignation or termination of employment. Employees with six (6) tardies without adequate notice within a twelve (12) month period may be subject to termination of employment.

Excessive absences or tardiness may be subject to disciplinary action, including termination.

APPROVED: April 6, 2005

REVISED: November 20, 2007  
November 7, 2012  
August 17, 2016

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

514.1

### STAFF: DEATH OF A STUDENT OR STAFF MEMBER

The District respects the needs of individual staff members experiencing grief due to the death of a student or staff member. The following guidelines will be observed.

1. The District's traumatic event procedures will be followed.
2. Staff members in the building where the student or staff member was assigned will be notified as soon as possible after notification of the death. Staff members in other buildings will be notified via the District email system.
3. If the memorial or funeral services are during the students' day the normal school hours will continue to be observed. The goal of the District is to allow as many staff members as request the opportunity to attend the services. The District will request that other staff members volunteer to substitute for colleagues that wish to attend the services. If there are not enough substitutes or volunteers, classes may be combined as appropriate. If after the use of substitutes, volunteers and combined classes the District cannot adequately staff the schools, the following will be used to grant priority to those staff members that will attend the services: 1) family members; 2) close family/personal friends; 3) current year teaching relationship; 4) same building staff members; and 5) all other requests.
4. If the memorial or funeral services are during a professional development day when students are not present, the district will take every effort to reschedule the professional development activities to a different time and/or different day.
5. The Superintendent may approve memorial services, assemblies and funerals at school outside of the student day.
6. Memorial gifts organized in school should be arranged with the building principal. The Board's policy regarding gifts to the schools must be followed.
7. The appropriate decorating of a room, door or other item on school grounds will be allowed for one week after the death. At the end of the week the administration will ask the family to remove the items. If the family is uncomfortable removing the items the administration will do so and present the items to the family. Any decorations appearing after that week will be removed on a daily basis and be presented to the family.

CROSS REF.:       364     Students: Death of a Student or Staff Member  
                      841     Gifts to the School District

APPROVED:        November 20, 2007

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

515

### DRESS CODE

#### Uniformed Employees

Some employee groups may be required to wear uniforms (i.e., custodial and kitchen staff). Uniforms provide a professional appearance within the District and save the employee's wardrobe. Employees will be monitored by their supervisor to ensure that the uniform meets District requirements, is clean and in good repair.

#### Non-Uniformed Employees

All District employees work for the public, and the public often judges individuals and the District by appearance. It is important that all staff attire be appropriate for the job and that it conveys a neat, professional and clean image. Appropriate business casual attire should be consistent with professional responsibilities and activities. The mode of dress or grooming should not be disruptive to the educational environment.

Any employee appearing for work whose dress is identified by administration as inappropriate, for any reason, will be asked to leave and return acceptably attired.

APPROVED:            April 6, 2005  
                              November 7, 2012

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

516

### DRUG-FREE WORKPLACE

The District is committed to maintaining an alcohol and drug-free working and learning environment for all employees and students. Therefore, the unlawful manufacture, distribution, dispensing, possession, being under the influence of, or use of alcohol, a controlled substance or drug paraphernalia, by an employee on school premises, during scheduled work hours whether on or off school premises, in District-owned vehicles, or while involved in District-sponsored activities or events shall be strictly prohibited. This does not apply to medication prescribed and used as directed for the individual by a licensed physician.

Employees may be required to submit to a drug or alcohol test if there is reasonable suspicion that the employee may be under the influence of drugs or alcohol during working hours, or while a chaperone or supervisor of an activity or event. Involvement in an on-the-job accident may constitute a basis for reasonable suspicion testing under this policy.

All employees shall be expected to abide by provisions of this policy. Any employee who violates this policy shall be subject to disciplinary action, up to and including termination. Any person that violates this policy may be referred to law enforcement officials for potential prosecution under applicable laws.

LEGAL REF.:           Drug Free Workplace Act of 1988, as amended  
                          Elementary and Secondary Education Act of 1965, as amended  
                          Wisconsin Statute Section  
                          125.09 (No alcohol on school premises)

APPROVED:           April 6, 2005

REVISED:            December 3, 2014  
                          August 17, 2016  
                          September 19, 2018

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

516.1

### TOBACCO AND SIMILAR PRODUCTS DISALLOWED

The District is committed to maintaining a tobacco free environment for all employees and students. Therefore, it is the policy of the District that all uses of any tobacco product by any person are prohibited in all District facilities, school grounds, or other school owned or leased properties. Employees are prohibited from the use of tobacco products at any District-sponsored activity or off-campus event. The use of tobacco products is also prohibited in all District-owned vehicles. This prohibition also includes electronic cigarettes or look-a-like tobacco products.

LEGAL REF.:           Wisconsin Statutes Sections  
                                  101.123 (Smoking prohibited)  
                                  120.12 (Prohibition of tobacco)

APPROVED:           April 6, 2005

REVISED:             September 18, 2013

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

517

### USE AND POSSESSION OF WEAPONS

The possession, use, sale, or distribution of weapons or look-alike weapons while on District property, in a District-owned vehicle, or at District-sponsored activities or events by any person is strictly prohibited. This includes weapons possessed by an individual with a Carrying Concealed Weapon license. For purposes of this policy, “weapons” includes but is not limited to mace, pepper spray, ignition devices, martial arts instruments, explosive devices, knives, razors, firearms (loaded or unloaded), facsimile firearms, hunting equipment or any object or substance that could be used to cause bodily harm.

Any person that violates this policy shall be referred to law enforcement officials for prosecution under applicable laws. Employees violating this policy shall be disciplined based on the severity of the offense, up to and including termination.

Exceptions to this policy shall be made for employees that are lawfully using a tool that could be considered a weapon, and as outlined in Policy 832.1.

LEGAL REF.: City of South Milwaukee Ordinance 24.16

Gun-Free Schools Act of 1994

Wisconsin Statutes Sections

941.235 (Carry firearm in public building)

948.60 (Possession of a dangerous weapon by a person under 18)

948.605 (Gun-free school zones)

948.61 (Dangerous weapons other than firearms on school premises)

CROSS REF.: 832.1 Weapons Not Allowed on School Grounds

APPROVED: April 6, 2005

November 7, 2012

REVISED: September 18, 2013

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

518

### USE OF ELECTRONIC COMMUNICATION AND RECORDING DEVICES

Use of electronic communication devices, including but not limited to cellular phones with picture or electronic media image capabilities, cameras or other recording devices is prohibited in all locker rooms, restrooms, dressing rooms, weight rooms and the SM Fitness Complex.

Use of cellular phones, whether district-owned or personal, shall be limited during work hours. Employees shall use cellular phones primarily for work purposes during work hours.

Employees shall reimburse the district for personal calls made on district-owned cellular phones, unless there is a written exception for a specific employee or employee group.

CROSS REF.: 551 Technology Use

APPROVED: April 6, 2005

REVISED: November 20, 2007

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

519

### ETHICS / CONFLICT OF INTEREST

An effective educational system requires employees of integrity. To maintain such high standards the Board expects all District employees to:

- Recognize the basic dignities of all individuals with whom they interact in the performance of their duties.
- Act in a professional manner at all times.
- Develop positive relationships with students in such a way that fosters the development of a positive self-image for all students.
- Exercise good judgment in dealings with students, parents, other staff and the public.
- Be a positive ambassador of the District to the public, students and parents.
- Display moral and ethical behavior including never engaging in intimate, sexual or otherwise inappropriate relationships with students whether consensual or otherwise.
- Exercise due care to protect the mental and physical safety of students and fellow employees.
- Use the utmost discretion in regard to confidential information of any type.
- Seek and apply the knowledge and skills appropriate to assigned responsibilities.
- Use time granted for leave, planning or workshops for purposes for which it was intended.
- Refrain from using institutional privileges for private gain.
- Refrain from soliciting or receiving compensation that might impair his/her professional judgment or performance of his/her duties.
- Refrain from knowingly authorizing or employing the authority or influence of his/her office to secure authorization of any public contract in which he/she, a member of his/her family, or any of his/her business associates, has an interest.
- Refrain from offering any favor, service, or thing of value to obtain special advantage.
- Refrain from engaging in selling any of the following merchandise or services for personal profit to students or parents in the attendance area served by the schools in which they work such as instructional supplies and equipment, reference books, and educational tours.
- Refrain from furnishing lists of students or parents to anyone selling materials or services.
- Refrain from using, diverting, or appropriating District equipment, property, services, or assets for personal use or benefit.
- Refrain from overstating or “padding” expense reimbursement privileges.
- Refrain from using students for personal errands of any kind or to perform any service not connected to the students’ educational program.

Any employee who is unsure of his/her action in relation to this policy should contact either his/her supervisor or the Director of Personnel, Administrative & Legal Services and have the question clarified. Each employee has the obligation and responsibility to report real or apparent violations of the Ethics/Conflict of Interest policy. Employees should first report questionable practices to their immediate supervisor, or to the Director of Personnel, Administrative & Legal Services. Depending on the seriousness of the situation, the Director of Personnel, Administrative & Legal Services or supervisor should quickly respond to the report and take all necessary action to make sure that the violation is corrected or the situation clarified.

The District relies upon the ethical behavior of its employees and considers any violation of this policy to be an important matter. The District will take appropriate disciplinary action after considering the circumstances of the situation. In the event the situation is a violation of state or federal law, the District may refer the employee to the appropriate governing authorities.

LEGAL REF.: Wisconsin Statutes Sections

- 19.59 (Code of ethics for local government officials, employees and candidates)
- 118.01 (Educational goals and expectations)
- 118.12 (Sale of goods and services at school)
- 118.125 (Pupil Records)
- 946.10 (Bribery of public officers and employees)
- 946.12 (Misconduct in public office)
- 946.13 (Private interest in public contract prohibited)
- 946.18 (Misconduct sections apply to all public officers)
- 948.095 (Sexual assault of a student by a school instl. staff person)

APPROVED: April 6, 2005

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

519.1

### USE OF DISTRICT-OWNED VEHICLES

Employees that use District-owned vehicles must follow all traffic laws, regulations and posted signs of the State of Wisconsin and City of South Milwaukee. Employees must wear seat belts at all times when driving or riding in a District-owned vehicle. Employees are prohibited from using cell phones or other communication devices (either District-owned or personal) while driving a District-owned vehicle.

District-owned vehicles shall be used only for legitimate business of the District. Employees shall not use district-owned vehicles for personal use. Personal use includes commuting from home to work, use on personal errands and personal trips. Any personal use of District-owned vehicles must be reported to the employees' supervisor immediately and a log of mileage driven for personal use must be reported to the Director of Business Services. Such personal use will be treated as taxable income and the assigned amount will be added to the employees' Form W-2 as taxable income.

LEGAL REF.: Internal Revenue Code Sections  
61(a)  
132  
Wisconsin Retirement System Administration Manual, Chapter 4

APPROVED: April 6, 2005

REVISED: November 20, 2007

## **SCHOOL DISTRICT OF SOUTH MILWAUKEE**

**519.2**

### **UNEMPLOYMENT BENEFITS**

Employees may be eligible for unemployment benefits under certain circumstances. However, state law provides that school year employees are ineligible for benefits based on school year employment during school vacation periods and between academic terms or years if the employee has a reasonable assurance of returning to similar work after the vacation or at the start of the next term or year. In an effort to keep public accountability in regard to efficient and effective use of District time and money, employees with such reasonable assurance who repeatedly file for unemployment benefits in blatant disregard of this knowledge may be subject to progressive discipline.

LEGAL REF.:           Wisconsin Statutes Chapter 108 (Unemployment)

APPROVED:            April 6, 2005

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

521

### OVERTIME POLICY

The Fair Labor Standards Act (FLSA) is a federal law which requires that most employees in the United States be paid at least the federal minimum wage for all hours worked and receive overtime pay at time and one-half the regular rate of pay for all hours worked over forty (40) hours in a workweek.

Effective August 23, 2004, the U.S. Department of Labor changed the rules for overtime eligibility. Certain employees are exempt from the minimum wage and overtime pay requirements of the FLSA. To qualify for an overtime exemption, an employee must meet certain tests regarding job duties and generally must be paid at not less than \$455 per week on a salary basis. (The salary requirement does not apply to teachers, lawyers, or medical personnel. Exempt computer employees may be paid at least \$455/week on a salary basis.) Teachers, administrators and other employees that meet the job duties tests and wage requirements are generally considered exempt employees.

Being paid on a "salary basis" refers to an employee who regularly receives a predetermined amount of compensation each pay period on a weekly or less frequent basis which cannot be reduced because of variations in the quality or quantity of work.

Non-exempt employees will be paid only for actual hours worked unless the employee utilizes any accrued sick, vacation, holiday or personal leave days. Non-exempt employees are required to accurately complete all time records.

Subject to the exceptions listed below, an exempt employee must receive his or her full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work and will not be, unless appropriate accrued paid leave is utilized. If deductions are made from an employee's predetermined salary, because of municipal operating requirements (i.e., a cancelled work day due to a broken water pipe), that employee is not paid on a "salary basis." If the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

Deductions from pay (or the use of accrued sick, personal or vacation leave) are permissible when an exempt employee is either:

- absent from work for one or more full days for personal reasons, other than sickness or disability;
- absent from work for one or more full days due to sickness or disability, if the deduction is made in accordance with a bona fide plan, policy or practice of

- providing compensation for salary lost due to illness;
- in receipt of amounts as jury or witness fees that are not returned to the District;
- on an unpaid disciplinary suspension for one or more full days, imposed in good faith for workplace conduct rule infractions;
- a partial day deduction due to a leave approved under the Family and Medical Leave Act (FMLA); or
- a partial day deduction because of an illness, injury or personal reasons and
  - permission for use of sick, personal or vacation leave was not sought or was sought and denied;
  - accrued sick, personal or vacation leave has been exhausted; or
  - the employee chooses to use leave without pay.

Also, the District is not required to pay an employee's full salary in the initial or final week of employment; for penalties imposed in good faith for infractions of safety rules of major significance; or for weeks in which an exempt employee takes unpaid leave under the FMLA. In these circumstances, either a partial-day or full-day deduction may be made.

It is the policy of the District to comply with the "salary basis" requirements of the FLSA. Improper deductions are prohibited and are a serious violation of District policy. Therefore, those preparing paychecks are prohibited from making any improper deductions from the salaries of exempt employees.

Employees are not to work over their assigned number of hours in a workday without prior authorization of their supervisor. Overtime will be paid regardless of prior authorization, however, continued disregard of this policy may lead to progressive discipline.

Employees are encouraged to promptly report any problems with pay as soon as the employee becomes aware of the issue. If an employee believes that an improper deduction has been made to his/her salary or that overtime was worked and not paid, the employee should immediately report this information to his/her direct supervisor on a form available from the Director of Personnel, Administrative & Legal Services.

Reports of an improper deduction from wages or an overtime denial will be promptly investigated. The District will not retaliate against any individual making a claim for overtime payment, improper deduction of wages, or other alleged FLSA violations. If it is determined that an improper deduction or denial has occurred, the involved employee will be promptly reimbursed for any improper deduction or paid for overtime worked.

Upon approval of this policy by the Board, a copy of this policy will be distributed to all District employees and will be distributed to all new hires at the start of employment with the District.

LEGAL REF.: Fair Labor Standards Act of 1938, as amended  
Family and Medical Leave Act of 1993  
Wisconsin Statutes Section  
103.10 (Family or medical leaves)

Wisconsin Administrative Code Section  
DWD 274.08

APPROVED: April 6, 2005

REVISED: August 17, 2016  
September 19, 2018

**SCHOOL DISTRICT OF SOUTH MILWAUKEE**

**521 – Exhibit**

**COMPLAINT FORM FOR PAYROLL, PAY DEDUCTIONS AND OVERTIME DENIAL**

Employees are encouraged to promptly report any questionable calculations regarding payroll calculation, payroll deductions and/or overtime denial as soon as the employee becomes aware of the issue. Please complete this form and provide a copy to your immediate supervisor. The immediate supervisor should promptly provide the form to the Director of Personnel, Administrative & Legal Services.

NAME \_\_\_\_\_

TITLE \_\_\_\_\_

SCHOOL/DEPARTMENT \_\_\_\_\_

IMMEDIATE SUPERVISOR \_\_\_\_\_

WEEK(S) OF QUESTIONABLE DEDUCTION OR DENIAL \_\_\_\_\_

PLEASE EXPLAIN WHAT OCCURRED AND WHY YOU BELIEVE IT WAS IMPROPER

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

522

### DISTRICT HIRING POLICY

The quality of the staff hired by the Board is a major component of an effective, productive educational program. The Board and administration will conduct the selection procedures to ensure that the best-qualified candidates are attracted and retained with the District. The District only employs U.S. citizens and others lawfully authorized to work in the U.S.

The Board reserves the right to, eliminate positions, create new positions, specify the number of persons to be employed within each job category, and determine initial and subsequent salaries not currently covered by a collective bargaining agreement.

During the selection process, each individual will be evaluated based upon his or her skills, education, certifications, and knowledge without regard to an individual's age, race, creed or religion, color, physical or mental disability, marital status, sex, national origin, ancestry, sexual orientation, arrest record, conviction record, citizenship status, use or non-use of lawful products off the employer's premises during non-working hours, or past, present or future status in the uniformed services of the United States. All sources legally available may be utilized to influence the consideration given to an applicant.

The Superintendent or his/her designee will ensure that all persons nominated for employment meet license or certification requirements and the qualifications established for the position.

LEGAL REF.:           Immigration Reform and Control Act of 1986  
                          Wisconsin Statutes Section  
                                  121.02 (School district standards)  
                          Wisconsin Administrative Code  
                                  PI 8.01 (School district standards)  
                                  PI 34 (Teacher education program approval and license)

APPROVED:           April 6, 2005

REVISED:            September 18, 2013

## **SCHOOL DISTRICT OF SOUTH MILWAUKEE**

**522.1**

### **BACKGROUND CHECKS AND DISCLOSURES**

It is the policy of the Board that all employees, student teachers and interns, substitutes and volunteers of the District will be subject to a criminal background investigation. All applicants may be subject to a criminal background investigation prior to being offered employment with the District. Background checks may include a review of all public social media sites/information.

The Director of Personnel, Administrative & Legal Services or his/her designee is charged with the responsibility for carrying out the intent of this policy.

A record of conviction resulting from the background check will be held as confidential by the Director of Personnel, Administrative & Legal Services and shared only with the Superintendent, State Superintendent of Schools, State Teacher Certification Board or any other person necessary to the hiring decision.

Knowingly falsifying information on application materials or background check forms be sufficient grounds to refuse to hire or termination of employment.

LEGAL REF.: Wisconsin Statutes Sections

111.335 (Arrest or conviction record; exceptions and special cases)

118.19 (Teacher certificates and licenses)

APPROVED: April 6, 2005

REVISED: August 17, 2016

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

522.2

### PHYSICAL EXAMINATIONS

All new employees of the School District of South Milwaukee shall have a physical examination, before reporting for duty. Freedom from tuberculosis in a communicable form is a condition of employment. Additional medical examinations may be required for an individual at any time during the time of his/her employment if need is indicated in the area of physical or mental health. The District will choose the medical provider for the examination(s).

An employee may be exempt from the physical examination requirement for religious reasons if an affidavit has been filed with the Superintendent or his/her designee claiming such exemption. The Board may, however, require a health examination if there is reasonable cause to believe that such an employee is suffering from an illness detrimental to the health of students. No employee shall be discriminated against by reason of his/her filing of an affidavit.

The District shall pay for required physical examinations at a medical facility or physician approved by the District.

Certificates of examination shall be maintained in the District office, along with any recommendations from the employee's physician. Such files shall be treated as confidential medical records and shall only be available to those individuals specifically authorized by law.

LEGAL REF.: Americans with Disabilities Act of 1990  
Wisconsin Statutes Sections  
103.15 (Restrictions on use of a test for HIV or an antibody to HIV)  
118.25 (Health examinations)  
121.52 (Vehicle, operator and driver requirements)

APPROVED: April 6, 2005

REVISED: November 20, 2007  
September 19, 2018

**SCHOOL DISTRICT OF SOUTH MILWAUKEE**

**522.3**

**EMPLOYMENT OF MINORS**

It is the policy of the Board that no one under the age of eighteen (18) years of age will be employed without providing proper proof of his or her age. Minors will be employed only in accordance with state and federal laws and District policies.

Minors working a six (6) hour shift or longer shall be required to take a minimum thirty (30) minute duty free lunch.

LEGAL REF.: Wisconsin Statutes Sections  
DWD 274.02

APPROVED: August 17, 2016

## **SCHOOL DISTRICT OF SOUTH MILWAUKEE**

**522.4**

### **IMMIGRATION LAW COMPLIANCE**

The District is committed to employing only United States citizens and aliens who are authorized to work in the United States. Therefore, in accordance with Immigration Reform and Control Act of 1986, employees must complete an I-9 form before commencing work and at other times prescribed by applicable law or District Policy.

APPROVED: August 17, 2016

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

522.5

### NEW PREVENTION OF AIDING AND ABETTING

Pursuant to federal law, employees, contractors and agents of the District are prohibited from assisting another school employee, contractor or agent in obtaining a new job if that employee or the district has knowledge of, or probable cause to believe that the other employee engaged in sexual misconduct with a minor in violation of the law. "Assisting" does not include the routine transmission of administrative and personnel files.

The requirements of this policy does not apply if the information giving rise to probable cause has been properly reported to a law enforcement agency, or any other authorities as required by local, state or federal law or regulations, AND at least one of the following conditions applies:

The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor or agent engaged in sexual misconduct regarding a minor or student in violation of the law; or  
The school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or  
The case or investigation remains open and there have been no charges filed against or indictment of the school employee, contractor or agent within four years of the date on which the information was reported to a law enforcement agency.

LEGAL REF.: 20 U.S.C. 7926 (ESSA)

APPROVED: September 19, 2018

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

523

### JOB DESCRIPTIONS

All employees shall be able to perform the essential functions of the job assigned as outlined in the job description.

All job descriptions, especially for certified staff, will be developed and maintained in accordance with state law requirements.

LEGAL REF.:           Wisconsin Statutes Section  
                                  121.02 (District standards)  
                                  Wisconsin Administrative Code  
                                  PI 8.01 (District standards)  
                                  PI 34 (Teacher education program approval and license)

APPROVED:            April 6, 2005

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

524

### PERSONNEL RECORDS

The District shall maintain a personnel file for each employee. The official file, which contains applications for employment, contact information, compensation, work experience record, assignment history, references, credentials, evaluations, discipline, contracts, transcripts, and any other appropriate documentation, will be maintained in the District Office. The payroll department will maintain a file for each employee that contains salary, benefit information and any other appropriate documentation. Finally, the District shall maintain a separate file that contains employee medical information.

An employee shall have the right to review the contents of his/her personnel file in accordance with state law and provisions of applicable collective bargaining agreements. The request must be in writing. Access will not be provided to references or other materials exempted by law.

An employee shall not have the right to review the contents of or receive copies of the following items:

- Records relating to the investigation of possible criminal offenses committed by that employee.
- Letters of reference for that employee
- Any portion of a test document, except that the employee may see a cumulative total test score for either a section of the test document or the entire test document.
- Materials used by the employer for staff management planning, including judgements or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for the employer's planning purposes.
- Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- Records relevant to any other pending claim between the employer and the employee which may be discovered in a judicial proceeding.

The District will accommodate the individual making the request within seven (7) business days of receipt of the request by providing the personnel file for review in the District Office during regular working hours. The records shall not be taken out of the designated area for review and must be reviewed in the presence of the Superintendent or his/her designee. The employee shall make no alterations or additions nor remove any material from the personnel file. The employee may request a copy of any materials contained in his/her personnel file.

Although individual departments may maintain copies of documents that are contained in the personnel file, the personnel file maintained in the District Office will be considered the official file.

Access to personnel files will be limited to personnel in the Superintendent's office, personnel office, the immediate supervisor, and the employee. Access to personnel files by any other persons will be denied unless in compliance with Wisconsin Open Records Law.

LEGAL REF.: Americans with Disabilities Act of 1990

Wisconsin Statutes Sections

103.13 (Records open to employee)

Chapter 19, Subchapters II and IV (Wisconsin Open Records Law;  
Personal Information Practices)

APPROVED: April 6, 2005

REVISED: August 17, 2016

# SCHOOL DISTRICT OF SOUTH MILWAUKEE

524.1

## PERSONNEL RECORDS AND OPEN RECORDS LAW

The District will comply with current open records law pertaining to requests to review personnel files by non-district employees or employees that do not have a legitimate business reason to review personnel files.

Information contained in all personnel files that will be barred from release:

- Home address, home electronic address, and home telephone numbers
- Social security number
- Information relating to the current investigation of a possible criminal offense or possible misconduct with employment by an employee prior to disposition of the investigation
- Information related to a teacher or administrator's evaluation conducted under DPI's Educator Effectiveness System or an approved equivalent system.

Other information contained within personnel files will be evaluated using the balancing test (whether the harm to the public's interest in non-disclosure of the record outweighs the public's interest in inspection of the record) and taking into consideration the status of the record subject identified in the personnel file, most specifically if the record subject is considered an "employee" or a "local public official" as defined in the Wisconsin Open Records Law.

The District defines all positions within the District as an "employee" except for the following which are defined as "local public officials":

- Board Members
- Superintendent
- Director of Personnel, Administrative & Legal Services
- Director of Business Services
- Director of Instruction
- Director of Pupil Services
- Manager of Buildings and Grounds
- Recreation Director
- Technology Coordinator
- Activities, Athletics and Recreation Coordinator
- All building principals and associate principals

LEGAL REF.: Wisconsin Statutes Sections  
Chapter 19, Subchapter II (Wisconsin Open Records Law)  
120.12(2m)(6)(Educator Effectiveness)

APPROVED: April 6, 2005

REVISED: November 20, 2007  
November 7, 2012  
September 18, 2013

## **SCHOOL DISTRICT OF SOUTH MILWAUKEE**

### **524.1 - Rule**

#### **PERSONNEL RECORDS AND OPEN RECORDS LAW**

All requests for information contained in a personnel file shall be made to the Director of Personnel, Administrative & Legal Services. The Director of Personnel, Administrative & Legal Services shall first redact all information that may not be disclosed pursuant to current law and School Board Policy 524.1. The remaining file shall be reviewed using the balancing test (whether the harm to the public's interest in non-disclosure of the record outweighs the public's interest in inspection of the record) to determine if any portion of the file shall not be disclosed.

If, after applying the balancing test, it is determined that all or a portion of the file shall be disclosed, the Director of Personnel, Administrative & Legal Services shall notify the record subject identified in the file by personal service or certified mail of such decision to disclose within three (3) business days after the decision to disclose.

If the record subject is a local public official, the record subject has five (5) business days to augment the record to be released with written comments and documentation. The District will include the augmented information within the disclosed documents.

If the record subject is an employee, the record subject has five (5) business days after receipt of the notice to notify the District in writing if they intend to object to the disclosure and ten (10) business days after receipt of the notice to go to court to file an objection. The District may release the information if there is no written objection filed with the Director of Personnel, Administrative & Legal Services within twelve (12) business days of receipt of the notice by the record subject.

At all times the District shall follow the Open Records Law as defined in the Wisconsin Statutes.

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

525

### SOLICITATIONS AND DISTRIBUTION OF PROMOTIONAL MATERIALS

In order to prevent disruptions in the operations of the District and in order to protect employees from harassment and interference with their work, this policy has been established regarding solicitation and distribution of memberships or donations on District property.

- During work time, no employee shall solicit or distribute literature, memberships or donations to any other employee for any purpose. "Work time" refers to that portion of any working day in which the employee is supposed to be performing actual job duties; it does not include such times as lunch, break time, or time before or after work hours.
- No employee shall solicit or distribute literature, memberships, or donations to any visitors at any time for any purpose, unless authorized by the Superintendent or his/her designee.
- Persons who are not employed by the District shall not distribute literature, memberships or donations to employees or visitors at any time for any purpose on District grounds, inside District buildings, or at District-sponsored events, unless specifically authorized by the Superintendent or his/her designee.

Promotional materials may be posted on faculty bulletin boards in each school. Only one copy shall be posted. No other distribution shall occur unless specifically approved by the Superintendent or his/her designee.

The recognized bargaining units of the District may utilize the schools mailboxes for the distribution of information to bargaining unit members.

LEGAL REF.: Wisconsin Statutes Section  
118.12 (Sale of goods and services at school)

APPROVED: April 6, 2005

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

526

### STAFF SUPERVISION

The purpose of supervision is to ensure that employees carry out the job responsibilities in a safe, efficient manner and comply with District policy and professional standards. A supervisor is responsible for ensuring that employees are at work on a scheduled basis, and follow-up with employees who may be absent from work.

The school principal is the instructional leader of the school. As such, he/she is responsible, with other District personnel as appropriate, for the supervision of instruction and instructional personnel.

A supervisor is designated for each classification of non-instructional personnel. That may be the school principal, associate principal, District department head, or other designated supervisor position.

Staff members that are in a supervisory or evaluative relationship with an employee shall notify the Superintendent immediately if a dating relationship is commenced. In such situation the Superintendent reserves the right to involuntarily transfer employees or duties in order to remove the supervisory or evaluative relationship.

District employees who are family members, or who share housing for any reason, shall not be in a position to evaluate or supervise one another. If necessary, the District will involuntarily transfer employees in order to avoid such supervisory relationships.

Family member is defined as: father/ in-law, mother/ in-law, son/ in-law, daughter/ in-law, wife, husband, brother/ in-law, sister/ in-law, children, grandparents and grandchildren. (Children include natural, adopted, step or foster child.)

APPROVED: April 6, 2005

REVISED: November 20, 2007

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

527

### REPORTING OF EMPLOYEE MISCONDUCT

Wisconsin law requires the Superintendent to report school district employees engaged in specified conduct to the State Superintendent. (The School Board President is required to make such a report if concerning a district administrator.) Specifically, the Superintendent or Board President shall do all of the following:

1. Report the name of any school district employee licensed by the State Superintendent if the employee:
  - a. Is charged with a crime against children, a felony with a maximum prison term of at least five years, or a crime in which the victim was a child.
  - b. Is convicted of a crime described in item (a) or of 4<sup>th</sup> degree sexual assault.
  - c. Is dismissed, or his/her contract is not renewed, by the District based in whole or in part on evidence that the person engaged in immoral conduct. For purposes of this law, “immoral conduct” means conduct or behavior that is contrary to commonly accepted moral or ethical standards and that endangers the health, safety, welfare, or education of any student.
  - d. Resigns and the Superintendent has a reasonable suspicion that the resignation relates to the person having engaged in immoral conduct. If the administrator requests a licensed employee to resign, and has a reasonable suspicion that the employee engaged in immoral conduct, he/she must inform the employee that the Superintendent has a duty to report the resignation to the State Superintendent.
2. Report the name of any school district employee who is not licensed by the State Superintendent if the employee is convicted of a crime described in item (1)(a) above or of 4<sup>th</sup> degree sexual assault.
3. Send a copy of any report that is made to the State Superintendent to the employee who is the subject of the report.
4. Make such reports as required above within fifteen (15) days after he/she becomes aware of the charge, conviction, dismissal, nonrenewal, or resignation.

LEGAL REF.: Wisconsin Statutes Sections  
115.31 (License or permit revocation; reports; investigations)  
Chapter 948 (Crimes against children)

APPROVED: April 6, 2005

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

528

### UNAUTHORIZED WORK STOPPAGES

The Board is committed to providing a quality educational program to all students in the District. This may only occur if the schools are open and the students are in attendance.

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

Employees who fail to perform their normal duties when so required as part of a concerted unauthorized work stoppage will be subject to loss of pay and fringe benefits, including paid insurance coverage, as well as disciplinary measures in accordance with State law.

LEGAL REF.:           Wisconsin Statutes Section  
                                  111.70(4)(L) (Strikes prohibited)

APPROVED:           April 6, 2005

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

531

### FAMILY AND MEDICAL LEAVE ACT AND WISCONSIN'S BONE MARROW AND ORGAN DONATION LEAVE

The Family and Medical Leave Act (FMLA) is a provision created by Federal and State law that provides a leave of absence for specific family and/or medical reasons. The District shall provide leaves of absence designed to meet the requirements of both the Wisconsin and Federal FMLA Acts. Leaves will be administered in a manner which is consistent with the minimum requirements of the FMLA Acts. Leave taken under the Wisconsin and Federal FMLA Acts will run concurrently and will also run concurrently with any other leave provided by the District.

The District shall also provide leave consistent with the Wisconsin Bone Marrow and Organ Donation Leave Act.

The District shall not interfere with, restrain or deny the exercise of any right provided by the FMLA or Donation Acts. The District shall not discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or Donation Acts or for involvement in proceeding under or relating to the FMLA or Donation Acts.

LEGAL REF.: Federal Family and Medical Leave Act of 1993, as amended  
Wisconsin Statutes Section  
103.10 (Family and medical leave)  
103.11 (Wisconsin bone marrow and organ donation leave)

APPROVED: April 6, 2005

REVISED: October 21, 2009  
August 17, 2016

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

531 - Rule

### FAMILY AND MEDICAL LEAVE AND WISCONSIN BONE MARROW AND ORGAN DONATION LEAVE ACT PROCEDURES

The District shall administer FMLA leave consistent with the requirements of the Wisconsin and Federal FMLA Acts. In the event of a discrepancy between this administrative rule and a State or Federal law, the State or Federal law shall override this administrative rule.

#### **Amount of Leave:**

For the purposes of the Federal FMLA, eligible employees may take up to twelve calendar weeks of unpaid leave per a 12-month period for a qualifying event.

For purposes of the Wisconsin FMLA, eligible employees may take unpaid leave for up to two (2) weeks for the employee's own serious health condition, up to two (2) weeks for an immediate family member's serious health condition, and up to six (6) weeks for the birth or adoption of a child (this leave must begin within sixteen (16) weeks of the birth or actual placement of the child in the home).

State and Federal FMLA leave will be measured by allowing up to twelve (12) weeks of leave starting at the date the leave will commence and looking back twelve (12) months to determine if the allotted twelve (12) weeks of FMLA leave had been used during that time. This is referred to as the "rolling year" formula to determine the 12-month leave year.

FMLA leave taken to address a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on active duty or call to active duty status to a foreign country in support of a contingency operation as a member of the Regular Armed Forces, National Guard or Reserves may extend to up to twenty-six (26) weeks during a single 12-month period. A qualified exigency also includes leave to care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty. The maximum twenty-six (26) weeks of Federal leave to care for a service member includes, and is not in addition to, all other FMLA leave. An employee may not take more than a total of twenty-six (26) weeks of FMLA leave during a single twelve (12) month period for any qualifying reasons under the FMLA.

Federal FMLA and Wisconsin FMLA leave will run concurrently. A work-related serious health condition will be treated as FMLA leave. Any other District approved leaves shall run concurrently.

### **Required Employee Notice:**

The employee must provide the District with notice in a reasonable and practicable manner before leave taken under the FMLA is to begin if the need for the leave is foreseeable. Where advance notice is not foreseeable, notice must be given as soon as practical.

The employee must provide a written request for leave, the reasons for the requested leave and the anticipated beginning date and end date of the leave, by submitting an FMLA Request Form. The District may require that the employee complete the form or complete the form for the employee, after discovering the need for FMLA in a manner other than a written request.

A Certification of Health Care Provider form may be required to be completed when an employee is absent for his/her own serious health condition or the immediate family member's serious health condition. If the certification is not completed within the fifteen (15) day deadline, the District may deny the FMLA leave.

### **Benefits and Compensation:**

The District shall require that employees use their benefit time (i.e., vacation, sick, and personal days) for regularly scheduled work days or paid holidays during the FMLA leave, as allowed by law. If a day is not a scheduled work day for the individual employee, the day will not be reimbursed even if it falls within the twelve calendar weeks of approved FMLA leave. Employees will not be paid for FMLA leave if the individual employee does not have accrued paid leave of any type.

While an employee is on FMLA leave, the District shall maintain group health insurance coverage under the conditions that applied immediately before the leave began. In no circumstances will the insurance coverage apply beyond twelve (12) weeks in a year, as defined by the "rolling year" formula.

Insurance benefits will continue to be deducted from the employee's paycheck, if applicable, while in paid status. In the event the employee has insufficient accrued leave to remain in a paid status, the employee may go into an unpaid leave status. The District, in the event of an unpaid leave, shall require that the employee pay for his/her portion of any insurance premiums.

### **General Requirements:**

In cases in which the District employs both the husband and the wife, the total amount of family leave and continued insurance coverage as currently paid by the District is twelve (12) weeks for the couple, except when the leave is due to the serious health condition of either the husband or the wife.

### **Employee Reinstatement:**

At the end of any leave described in this administrative rule, the District shall restore the employee to his/her former position or to one that is equivalent in responsibility and compensation. If the employee on leave is a salaried employee and is among the highest paid ten percent of District employees living within 75 miles of the District, and keeping the job open for the employee would result in substantial disruption to District operations, reinstatement to the position may be denied. The employee will be given an opportunity to return to work, however, in a different job.

The employee may be required to submit a Work Status Report completed by his/her physician before returning to work.

An employee who fails to return from leave, or fails to contact his/her immediate supervisor or Director of Personnel, Administrative and Legal Services, on the schedule date of return, will be considered as voluntarily resigning his/her position.

### **Definitions:**

#### Eligible Employees

An employee who has worked at least 12 months and for at least 1000 hours during the last 12 months under State law, or 1250 hours under Federal law, is eligible for the leave provisions under FMLA

#### Qualifying Event

- To provide care for the serious health condition of a spouse, parent, or child (and domestic partner or parent-in-law under the Wisconsin FMLA) including incapacity due to pregnancy and for prenatal medical care.

Child: Anyone under the age of 18 years, who is the employee's biological, adopted, foster child, stepchild, legal ward, or an adult legally dependent child. This may also include a child for whom the employee has previously established day-to-day responsibility.

Parent: Biological, foster, adoptive, stepparent, or someone who plays or has played the role of parent. (Parents-in-law qualify only under State law and an employee is allowed a maximum of two (2) weeks unpaid leave.)

Serious Health Condition: An illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, nursing home or hospice, or outpatient care that requires continuing treatment or supervision by a health care provider.

Spouse: A husband or wife as defined or recognized in the state where the individual was married, including common law marriage or same-sex marriage. Spouse also indicates a husband or wife in a marriage that was validly entered into outside of the United States, if the marriage could have been entered into in at least one state.

Domestic Partner: A domestic partner may be a registered domestic partner in the county of the employee's residence. Proof of a registered domestic partnership is required. A domestic partner may also be an unregistered domestic partner. In this situation the employee must demonstrate that the following criteria are met:

- √ Each individual is at least 18 years old and otherwise competent to enter into a contract;
- √ Neither individual is married or in a domestic partnership with another individual;
- √ They share a common residence;
- √ They are not related by blood in any way that would prohibit marriage under Wisconsin law;
- √ They consider themselves to be members of each other's immediate family; and
- √ They agree to be responsible for each other's basic living expenses.

Next of Kin: Next of kin is defined as the nearest blood relative other than the covered service member's spouse, parent, son or daughter in the following order of priority: Blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

Qualifying Exigency Leave: Qualifying exigency leave may be taken for various reasons such as short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and any additional activities mutually agreed to by the District and employee.

Wisconsin Bone Marrow and Organ Donor Leave Act: Employees may obtain up to six (6) weeks leave in a 12-month period for the purpose of serving as a bone marrow or organ donor, if the employee provides written verification that the employee is to serve as a bone marrow or organ donor. Leave may be taken only for the period necessary for the employee to undergo the donation procedure and to recover from the procedure.

An eligible employee must have worked for the District more than 52 consecutive weeks and for at least 1000 hours during that 52-week period.

Employees may substitute paid or unpaid leave as provided by the employer for Wisconsin Family and Medical Leave.

Revised: September 18, 2013

August 17, 2016

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

532

### LIFE THREATENING OR COMMUNICABLE DISEASES

The District is committed to maintaining a safe and healthy work environment for all employees and students, and one that is free from harassment of any kind. Consistent with this commitment, the District will treat employees with life-threatening diseases with compassion and understanding and will provide support and reasonable accommodation to the fullest extent possible.

The District will also treat employees with infectious or communicable diseases in a like manner, consistent with reasonable precaution that relies on the most current medical knowledge.

It is the policy of the District to allow and assist all such employees to continue to work as long as they are medically able to perform their work satisfactorily and do not pose a direct threat to their own health or safety or to the health or safety of others in the District. Coworkers are expected to cooperate with this policy.

Employees who have concerns related to this policy are encouraged to contact their immediate supervisor or Director of Personnel, Administrative & Legal Services to discuss their concerns and to obtain additional information as appropriate.

The District will treat all medical information relating to disabilities and diseases confidentially as required by law.

APPROVED: April 6, 2005

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

533

### BLOODBORNE PATHOGENS

The District shall strive to safeguard the health and well-being of District employees and promote a safe work environment. As required by law, an exposure control plan shall be developed for use in the District. The plan shall be designated to reduce an employee's exposure to hepatitis B virus (HBV), human immunodeficiency virus (HIV) and other bloodborne pathogens in the workplace.

It is the District's full intention that, if necessary, the physical facility, work practices and other areas will be modified to attain the plan's goals. In addition, employees will be informed and trained so that they can contribute to the reduction and elimination of exposure.

LEGAL REF.:           Wisconsin Administrative Code  
  COMM 32 (Public employee safety and health)  
  Wisconsin Statutes Section  
  101.055 (Public employee safety and health)

APPROVED:            April 6, 2005

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

534

### WORKERS' COMPENSATION AND LIGHT DUTY

To provide for payment of medical expenses and for partial salary continuation in the event of a work-related accident or illness, District employees are covered by workers' compensation insurance. The amount of benefits payable and the duration of payment will depend upon the nature of the injury or illness.

#### Reporting Procedure

If an employee is injured or becomes ill on the job, the employee must immediately report such injury or illness to his/her supervisor. An employee's failure to follow this procedure may result in the failure to file the appropriate workers' compensation report in accordance with the law, which may in turn jeopardize one's right to benefits in connection with the injury or illness. IT IS ESSENTIAL THAT INJURIES ARE REPORTED PROMPTLY, NO MATTER HOW MINOR THEY MAY APPEAR AT THE TIME.

#### Medical Attention; Return to Work; Light Duty

If immediate medical attention/treatment is required, the employee shall proceed to either the nearest emergency care center or to the employee's personal physician. If, after receiving medical attention/treatment, the treating physician prohibits the employee from returning to normal duty, the employee must obtain from the physician such authorization in writing.

No employee will return to his/her job responsibilities from a work-related injury or illness until authorization is received from the treating physician.

If the employee is unable to return to normal duty, the employee will obtain in writing a list of work restrictions imposed by the treating physician. The employee will immediately contact the supervisor to see if there is work available within the listed restrictions. If there is work available, the employee will be placed on light duty. The employee will remain on light duty until authorization is received from the treating physician that the employee may return to normal duty. During light duty, it is the responsibility of the employee to keep his/her supervisor informed of the physician appointments, how treatment is progressing and anticipated return to normal duty. All work assigned on light duty is considered productive work.

#### False Claims

The making of false workers' compensation claim is a violation of Wisconsin's criminal code, which can result in a fine and imprisonment and will result in an employee's termination of employment.

Light duty assignments do not create a regular employment opportunity, and is in-fact made as a temporary assignment only, which will terminate at the conclusion of a specified time period. The District reserves the right to limit the amount and duration of light duty work.

LEGAL REF.:           Wisconsin Statutes Sections  
                                  102.01, et seq. (Worker's compensation)  
                                  943.395 (Fraudulent insurance and employee program benefit  
  claims)

APPROVED:           April 6, 2005

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

535

### PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS

The Board provides coverage to certain eligible employees under fully insured group health plans. The Board recognizes that the group health plans must comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule.

Any fully insured group health plan that is approved by the Board shall:

1. Refrain from taking any retaliatory action against any individual from exercising any right under the plan, filing a complaint with Health and Human Services, participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the HIPPA Privacy Rule provided that the individual has a good faith belief that the practice opposed is unlawful.
2. Not impose a requirement that participants waive their rights under the HIPPA Privacy Rule as a condition of the provision of payment, enrollment in a health plan or eligibility of benefits.
3. If the plan document is amended in accordance with the HIPPA Privacy Rule, the plan must retain a copy of the plan document as amended for six (6) years from the date of its amendment or the date when it last was in effect, whichever is later.

Any fully insured group health plan that is approved by the Board shall not create or receive protected health information, except for:

1. Summary health information. Summary health information is de-identified information that summarizes claims history, claims expenses, or type of claims experienced by health plan participants.
2. Information on whether an individual is participating in a group health plan, or is enrolled in or has dis-enrolled from a health insurance issuer or HMO offered by the plan.

LEGAL REF.: Health Insurance Portability and Accountability Act Privacy Rule  
Social Security Act, as amended

APPROVED: April 6, 2005

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

536

### HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

The District shall abide by the following procedures which are established to comply with the requirements of Federal law.

#### **Training**

The Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule requires the group health plan to train all members of the plan's workforce on the policies and procedures with respect to Protected Health Information, as defined by HIPAA. The Privacy Protection Officer shall ensure that the members of the plan's workforce receive adequate and appropriate training regarding the Privacy Rule.

#### **Safeguards**

The Privacy Rule requires the group health plan to implement appropriate administrative, technical, and physical safeguards to protect the privacy of Protected Health Information. The Privacy Protection Officer shall implement these safeguards in a reasonable and appropriate manner.

#### **Participant Rights**

The Privacy Rule grants health plan participants extensive rights with respect to their Protected Health Information. The Privacy Protection Officer shall timely respond to participant requests to exercise rights afforded by the Privacy Rule.

#### **Sanctions**

The District shall apply appropriate sanctions against members of its workforce who fail to comply with the privacy policies and procedures established by the District.

#### **Mitigation**

The District shall mitigate, to the extent practicable, any harmful effect that is known to the covered entity of a use or disclosure of Protected Health Information in violation of its policies and procedures or the requirements of HIPAA by the District or its business associates.

## **Retaliatory Acts**

The District shall refrain from taking any retaliatory action against any individual for exercising any right under the plan, filing a complaint with the Department of Health and Human Services, participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the Privacy Rule, provided that the individual has a good faith belief that the practice opposed is unlawful.

## **Waiver of Rights**

The District shall not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provisions of payment, enrollment in a health plan, or eligibility for benefits.

## **Changes to Policy and Procedures**

The District shall change its policy and procedures as necessary and appropriate to comply with changes in the law.

## **Documentation**

The District shall retain its policy and procedures for a period of six (6) years from the date of their creation or the date when they were last in effect, whichever is later.

## **Amendment of Plan Documents**

The Privacy Rule provides that plan documents be made to permit information sharing between the plan and the plan sponsor. The Privacy Protection Officer shall assist other District personnel in determining whether and how plan documents should be amended and in fulfilling the requirements for implementing such amendments.

## **Business Associate Agreements**

The Privacy Rule requires a group health plan to enter into business associate agreements with certain third-party vendors. The Privacy Protection Officer shall retain counsel to draft and negotiate these business associate agreements. In the event that the plan contracts with new business associates, the Privacy Protection Officer shall ensure that the necessary business associate agreements are entered into by these new vendors.

## **Complaint Procedure**

Any person that believes that his/her privacy rights have been violated by the inappropriate use of his/her personal medical information in violation of HIPAA may file a complaint with the District's Privacy Protection Officer. The Privacy Protection Officer will provide a copy of the

District's complaint procedure to any person who files a complaint.

**A. Informal Procedures**

- a. The Complainant shall orally discuss the complaint with the District's Privacy Protection Officer, who shall in turn investigate and answer the complaint. The complainant may also initiate the formal procedures as described below.

**B. Formal Procedure**

- a. Step 1
  - i. A written statement of the complaint (including the corrective action requested) signed by the complainant shall be submitted to the Privacy Protection Officer within five (5) business days of receipt of the answer to the informal complaint (if an informal complaint was made). The Privacy Protection Officer shall investigate the complaint, meet with the complainant and other staff, as appropriate, and reply in writing to the complainant within ten (10) business days of the submission of the formal complaint.
- b. Step 2
  - i. If the complainant wishes to appeal the decision of the Privacy Protection Officer, s/he may file a written appeal (including the corrective action requested) with the District Administrator within five (5) business day of his/her receipt of the Privacy Protection Officer's response in step one. The District Administrator shall meet with the parties within twenty (20) business days of the receipt of the appeal a copy of the District Administrators disposition of the appeal shall be sent to each party within ten (10) business days of this meeting

**Notice of Privacy Practice**

The Privacy Rule requires the group health plan to distribute a Notice of Privacy Practices to participants in the plan. The notice shall be distributed to:

- A. Each new participant in the health plan upon enrollment; and
- B. Every participant in the plan within sixty (60) days of a material revision to the notice.

The Privacy Protection Officer shall notify all participants in the Plan of the availability of the notice and how to obtain the notice no less frequently than once every three (3) years.

APPROVED: September 18, 2013

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

541

### PROFESSIONAL DEVELOPMENT OPPORTUNITIES

The Board desires that all staff develop and maintain professional competency. The Board believes that improvement of teaching skill and ability is one of the best methods of improvement for the instructional program. The Board also recognizes that education is constantly changing and expects all members of the District's staff to keep abreast of these changes.

The goal of improved instruction through increased professional competency requires commitment from both the District and professional staff members. Neither group should separately bear the burden of staff development, but rather, it should be shared by both. In order to accomplish this end, the staff development program must be objective based, cooperatively developed, and implemented through individualized, building unit, small group, or District-wide programs.

Other classifications of employees within the District must also maintain and develop their professional competencies through attendance at District workshops designed to educate and/or train in new methodologies. Further, support staff is encouraged to take advantage of training sessions outside of the District that will further develop their professional skills.

The Board expects staff development for all employees to enhance their comfort and competence in working with people of diverse racial, ethnic, and cultural backgrounds. The Board supports and encourages staff to seek opportunities to enhance their professional growth in multiculturalism, ethnic, and race relations. The Board recognizes that all employees are models in the educational process. Positive role models for all students enhance their racial and ethnocultural identities and self-esteem.

LEGAL REF.: Wisconsin Administrative Code  
PI 8.01 (School district standards)  
PI 34 (Teacher education program approval and license)  
Wisconsin Statutes Section  
121.02 (School district standards)

APPROVED: April 6, 2005  
June 18, 2008

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

542

### MENTORING PROGRAM

A “mentor” teacher shall be assigned to all teachers new to the District. The mentor will be designated according to the provisions of the Mentoring Program. This program will also provide other support systems to the nontenured teacher in the form of seminars, workshops, classroom observations, etc.

LEGAL REF.:           Wisconsin Administrative Code  
                                  PI 34 (Teacher evaluation program approval and license)

APPROVED:           April 6, 2005

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

543

### STAFF EVALUATIONS

To ensure that employees perform to the best of their abilities, it is important that employees be recognized for good performance as well as receive appropriate suggestions for improvement when necessary. Consistent with this goal, employee performance will be evaluated by an immediate supervisor on an ongoing basis.

Every employee will receive periodic written evaluations of his/her performance. Timing of evaluations will be dependent upon the job classification and the performance evaluation process developed for that group. The timing of evaluations and the evaluation process will be updated from time to time to ensure that the most current methods of evaluation are utilized. All professional staff will be evaluated using the DPI Educator Effectiveness System or approved equivalent system as adopted by the Board.

All written performance reviews will be based on one's overall performance in relation to job responsibilities, and will also take into account an employee's conduct, demeanor, and record of attendance and tardiness.

In addition to regular performance evaluations, a supervisor may conduct special written performance evaluations at any time to advise of the existence of performance or disciplinary problems.

LEGAL REF.:           Wisconsin Administrative Code  
                              PI 8.01 (School district standards)  
                              PI 34 (Teacher education program approval and license)  
                              Wisconsin Statutes Section  
                              121.02 (School district standards)

APPROVED:           April 6, 2005

REVISED:            September 18, 2013

## **SCHOOL DISTRICT OF SOUTH MILWAUKEE**

**544**

### **STAFF PARTICIPATION IN COMMUNITY ACTIVITIES**

The support of public education depends upon the confidence the public has in its schools. It is the Board's wish that all employees become an integral part of the community, share in its life and interests, and contribute to its general welfare.

Staff members have a professional responsibility, which extends beyond the classroom and beyond the hours of teaching service. This responsibility is to seek opportunities to interpret the school system to members of the community. Therefore, the Board wishes staff members to be well informed concerning the educational philosophy, goals, policies, regulations, and programs of the school system so that questions can be answered accurately and in a straightforward manner.

APPROVED: April 6, 2005

TECHNOLOGY USE

Employees may have access to the District's technology system, which includes computers, computer networks, electronic mail systems, voice mail systems, telephone systems (including cellular phones), facsimile machines, surveillance systems and the Internet. The purpose of these systems is to enhance job performance on day-to-day assignments and to facilitate effective business communications.

Property of the District, No Expectation of Privacy

All aspects of the technology system are the District's property. Use of the District's technology system is not guaranteed to be private. The District has access to the entire technology system and maintains the right to access or monitor, consistent with the law, all documents, messages or information created on, with or transmitted over the system, including e-mail and Internet usage, without notice to the users.

The District, consistent with the law, can review all such documents, messages, or information. All users should expect routine maintenance and monitoring of the District's technology system may lead to the discovery of a violation of this policy or the law.

The District may use or collect any aspect of the technology system in order to provide updates, to keep the technology in good working order or any other reason. This may include collecting technology aspects such as cell phones or laptop computers on a regular basis.

The District will not remotely access the camera feature of computers for students or staff members without prior notice to the student or staff member.

Use of the Technology System

The District emphasizes to all users that access to the technology system is a privilege not a right; and the user will be held responsible for his/her actions on the technology system. Inappropriate use of electronic information resources can be a violation of local, state, and federal laws and can lead to prosecution under those laws, as well as appropriate discipline regarding employment, up to and including termination of employment.

1. The District technology system shall be used in a responsible, efficient, ethical, and legal manner, and all users shall abide by the District's policies and procedures. The technology system is to be used primarily for school business purposes. However, employees are permitted to use the technology system for incidental personal use and/or communications provided that such use shall not interfere with or conflict with District

business, and such use does not occur during student contact time. Employees shall

exercise good judgment regarding the reasonableness of personal use and are required to keep their personal records and personal business at home (including but not limited to personal school coursework, tax or bank documents, home business records, home photos, etc.). Employees may be required to provide reimbursement to the District for excessive personal use of District technology, i.e., personal telephone calls.

2. Employees accessing the technology system are identifiable as employees of the District. As such, all employees must act as representatives of the District and conduct themselves appropriately. Employees may not use the District's technology system in an offensive, harassing, illegal, or defamatory manner. The District prohibits the use of the system to send or receive offensive or improper messages such as derogatory messages about other employees, Board members, or District practices. In addition, the District prohibits the use of the technology system in any way that could be construed as anti-social, threatening, harassment or disparagement of others.
3. The District prohibits use of "all users", "all school" or other mass electronic mailings in the electronic mail system unless there is a legitimate business reason to do so. Legitimate business reasons include information directly related to the employee's position within the district, positive culture building, or other messages of such importance. Legitimate business reasons do not include outside solicitations, messages in violation of a Board policy, jokes, chain e-mails, or messages that are derogatory toward students, other employees, Board members or District practices.
4. Employees may not improperly disclose confidential District information and/or materials, nor disclose personal information regarding another employee or students via the technology system. Nor may employees use the system to solicit for commercial activities, religious, or political causes, outside organizations or other non-District related matters without prior authorization. Employees may not use the technology system for illegal activities or purposes.
5. Employees may not load, save, download, or otherwise install software on technology without approval from the District technology department.
6. Employees shall not use any aspect of the technology system to communicate with students, except for legitimate school-related purposes. This limitation does not apply to close family members such as a staff-parent and student-child.
7. Employees shall not use technology to access/use copyrighted materials in an inappropriate manner, online gambling sites, pornography, materials harmful to minors, obscene materials and/or similar materials.
8. Employees may not access proxy websites or any other means to bypass District web filters.

9. Employees shall not allow others, including students, to have access to a computer while a staff member is still logged in to the network.
10. Employees who create web pages, blogs, profiles or other online postings that result in the employee's online posting being accessed and viewed in the school environment may be disciplined if there is a disruption at school that was reasonably foreseeable as a result of the online posting.
11. Employees may use the technology system to disseminate union information during non-work hours. The District shall not "search" for union information. However, employees are cautioned that the information shared or stored on the technology system is the property of the District and is not guaranteed to be confidential.
12. Employees must adhere to all other Board policies in relation to use of District technology.

#### No Liability of the District

Because access to the Internet provides connections to other computer networks located all over the world, users should understand that the District does not control the content of information available on such networks. The District is not responsible for the accuracy, quality, or appropriateness of the information obtained through the Internet and makes no warranties of any kind, either expressed or implied, that the information or services provided by or through the Internet will be error-free or without defect.

Anyone using the District's technology system should take note that the District will not be responsible for any mistakes or negligence, liability, copyright infringements or other costs incurred by the person using the District technology system, or the accuracy or quality of information received over the Internet. Copyright infringement includes the duplication of software, a violation of the law and Board policy.

#### Filtering System and Investigations

The District uses a filtering system to limit student and employee access to material that is harmful to students, obscene or disruptive to the educational or work environment, and to a lesser degree, high risk activities. The District reserves the right to block sites that do not enhance educational activities or development.

The District will cooperate fully with local, state and federal officials in any investigation concerning or relating to any illegal activities conducted through the District's system. In the event that there is an allegation that an employee has violated the District's policy, an investigation will ensue with the possible end result being that technology privileges may be withdrawn from users who do not respect the rights of others and who do not abide by established District policy up to and including possible termination of employment status.

Specific disciplinary actions will be tailored to meet the specific concerns related to the violation, as well as local, state and federal law.

All employees should be aware that their work related and personal computer files may be subject to public inspection and copying under the Wisconsin Open Records Law.

LEGAL REF.: Federal Copyright Law, 17 USC 101, et. seq.  
Children's Internet Protection Act, 20 U.S.C. 6301, et. seq.  
Wisconsin Statutes Sections  
Chapter 19 (Wisconsin Open Records Law)  
118.001 (Duties and powers of school boards)  
120.12 (School board duties)  
120.13 (School board powers)  
943.70 (Computer crimes)  
947.0125 (Unlawful use of computerized communication systems)

CROSS REF.: 518 Use of Electronic Communication and Recording Devices  
519 Ethics/Conflicts of Interest  
511.1 Social Networking Technology

APPROVED: April 6, 2005

REVISED: November 7, 2007  
June 18, 2008  
January 19, 2011  
September 19, 2018

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

551.1

### SOCIAL NETWORKING TECHNOLOGY

The District views social networking sites (e.g., Facebook, Twitter, etc.), personal blogs or websites, wikis, video or picture share sites (e.g., YouTube, Flickr) and other internet-based social forums positively. Technology is ever-changing and this policy is intended to be flexible to include new and changed technologies.

The District respects the rights of employees to use social networking sites as a medium of self-expression during non-work time. The District allows the use of social networking sites during work time for work purposes. However, employees are permitted to use the social networking sites for incidental personal use and/or communications provided that such use shall not interfere with or conflict with District business, and such use does not occur during student contact time. Employees shall exercise good judgment regarding the reasonableness of personal use.

#### Employee Use of Social Networking Sites - Guidelines

In general, what an employee does on his or her own time outside of work will not be regulated by the District. However, the District may monitor and potentially regulate employee public postings/activities if:

- The employee chooses to identify him/herself as an employee of the District. (Please note that identifying your work place on a site will not automatically rise to the level of District regulation unless one of the below bulleted activities occurs on the site.)
- The activity occurs through use of any District technology or during work time.
- The activity directly affects the employee's job performance or the performance of others.
- The activity involves or relates to District students.

Employees are personally responsible for the content they publish on blogs, wikis or any other form of user-generated media. Remember that what is published online will be public for a long time. Be mindful to protect individual privacy. Use common sense when determining what to publish. Online behavior should reflect the same standards of honesty, respect and consideration that is used in direct contact communication.

If an employee chooses to publish content as detailed above on any internet-based social networking site, including, but not limited to, the sites mentioned above, the District requires that employees observe the following guidelines:

- Employees may not produce content that states or implies that the employee's opinions

reflect the opinions of the District or are endorsed by the District. Employees may want to consider creating a statement such as “The postings on this site are my own and don’t necessarily represent the District’s positions or opinions.” (Please note that this statement will not protect you from any and all liability resulting from your statements.) Unless given permission by a direct supervisor, employees are not authorized to speak on behalf of the District or represent that they speak on behalf of the District.

- Employees may not disclose District information that is confidential or proprietary. This specifically includes information or comments regarding students. If an employee has any doubts regarding the release of information, speak to a supervisor before releasing confidential or proprietary information that could potentially harm the District, its current or potential employees, students or community.
- Do not reference personally identifiable information concerning students in any way on any personal social networking site or on the web unless specifically approved by your supervisor. This includes pictures, video or posting of student work. Employees must follow all Board policies regarding student privacy.
- Do not create posts which are: (1) malicious, obscene, threatening or intimidating; (2) harassing or bullying; (3) meant to intentionally harm someone’s reputation; or (4) could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other protected status.
- Respect copyright and fair use laws.
- Honor the privacy rights of the District’s current employees by seeking their permission before writing about or displaying internal District happenings that might be considered to be a breach of their privacy and confidentiality.
- Recognize that you are legally liable for anything that you write or present online. Employees can be disciplined by the District for commentary, comment or images that are defamatory, pornographic, harassing, libelous or that can create a hostile work environment or contains confidential student information. Employees may also be sued by other District employees and other individuals or companies that view the commentary, content or images as defamatory, pornographic, proprietary, harassing, libelous or as creating a hostile work environment.
- Follow all Board policies.

The District can and may monitor employee use of social networking sites, especially when such sites are accessed through District-provided technology resources.

#### Employee Use of Social Networking Sites – Classroom

The District understands that technology is constantly changing and encourages employees to use technology to assist with student learning.

Employees may use social networking sites for classroom purposes under the following guidelines (This section does not apply to close family members such as a staff-parent and student-child or to staff members connecting through social media with their child’s friends.):

- The employee shall not use a personal social account to connect with students. For instance, if an employee has a Twitter account that is used to keep in contact with friends

and relatives, the employee must create a separate Twitter account for professional use only to communicate with students.

- Any content posted to social media sites by students, including but not limited to statuses, comments, photographs, and videos, which is visible to an employee, may trigger that employee's mandatory reporting duties.
- The building administrator must approve all social network sites and groups prior to use by the employee with students.
- The building administrator must be a part of the social network site and group between any employee and student.
- Ensure that pictures of students are not posted if they have directed us not to post via the Directory Data form.

### District Social Networking Sites

The District may create and maintain District social networking sites. Employee comments or posts to a District social networking site must be professional in nature and must be in compliance with all Board policies, including this policy and the Technology Use policy. The District may remove or block any posts which, and/or users who, are not professional in nature or tone.

### District Prohibitions

The District shall not:

- (1) Request or require an employee or applicant, as a condition of employment, to disclose access information to a personal internet account or to otherwise grant access to or allow observation of the account;
- (2) Terminate or otherwise discriminate against an employee because the employee: refused to provide the employer access to a personal Internet account; or, opposed the employer's potential violation of the law, or filed a complaint or testified or assisted in an action against the employer for such a violation.
- (3) Refuse to hire an applicant because the applicant refused to provide access to a personal Internet account.

However, the District may:

- (1) Require access to personal Internet or other accounts in order to gain access to an electronic communications device (such as a computer or cell phone) supplied by or paid for by the District.
- (2) Require account access to an account or service provided by the District, obtained by the District due to the employee's employment, or which is used for the District's business.
- (3) Discipline or discharge an employee for transferring the District's confidential or financial information to the employee's personal Internet or other account without the District's authorization.
- (4) Require an employee to grant access to or allow observation of the employee's personal Internet or other account in certain instances: (1) if there is a reasonable belief that the employee has transferred confidential or financial information without authorization to the employee's personal Internet account or (2) if there is

a reasonable belief that activity on the employee's personal Internet account relates to other work-related misconduct or violation. Districts are not permitted to require the disclosure of personal Internet account access information in such cases.

- (5) Comply with a duty to screen applicants for employment prior to hiring and may comply with a duty to retain employee communications that is established under state or federal law, rules, or regulations.

#### Employee Harm

If an employee feels that he/she is being harmed on social media in their professional role due to online posts, the employee shall notify a supervisor. The District may attempt to mitigate the situation, and/or advise the employee regarding possible next steps.

#### Summary

This policy must be interpreted with all other Board policies, including the Technology Use policy. Employees that violate this policy may receive disciplinary action, up to and including termination.

CROSS REF.: 512 Equal Employment and Non-Discrimination  
513 Employee Responsibilities  
519 Ethics / Conflict of Interest  
551 Technology Use  
552 Copyrighted Materials

APPROVED: February 17, 2010  
November 7, 2012  
December 3, 2014

REVISED: September 19, 2018

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

552

### COPYRIGHTED MATERIALS

It is the intent of the Board to comply with all copyright laws, rule and regulations. The Board recognizes that copyright laws apply to the District and as such all employees shall comply with the law.

It is District policy to observe all copyright laws. The District understands that exceptions are permitted under the fair use doctrine. Where reproduction is permitted, it shall be done at District facilities, absent any direction from the District to the contrary. However, copyrighted materials shall not be duplicated by District employees, or on District equipment, in violation of the copyright owner's rights in such materials. All employees must obtain the copyright owner's written permission before making copies and other uses of a copyrighted work, unless an exception applies.

In order to help employees abide by copyright laws, the attached Rule 552 has been developed regarding the appropriate use of material that is protected through the copyright laws.

LEGAL REF.: Federal Copyright Law, 17 U.S.C. 101, et. seq.  
Wisconsin Statutes Sections  
100.206 (Music royalty collections; fair practices)  
943.207 (Transfer of recorded sounds for unlawful use)  
943.208 (Recording performance without consent of  
performance owner)  
943.209 (Failure to disclose manufacturer of recording)

APPROVED: April 6, 2005

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

552 – Rule

### COPYRIGHTED MATERIALS GUIDELINES

United States copyright law is federal law that grants copyright owners certain “exclusive” rights in their works. Under current law, these rights exist from the moment a work showing a modicum of originality and creativity is fixed in a tangible form. The work does not need to be registered with the Copyright Office or, under current law, marked with any copyright notice to be protected.

The copyright owner’s rights in the work are as follows: (1) to reproduce; (2) to create derivative works; (3) to distribute copies; (4) to publicly perform; (5) to publicly display; and (6) to publicly perform via digital audio transmissions. Many types of works are protected: literary works; musical works and words; dramatic works and music; pantomimes and choreographic works; pictorial, graphic and sculptural works; motion pictures and other audiovisual works; sound recording; and architectural works.

Violating someone’s copyright rights is a violation of federal law, and fines and criminal penalties may apply personally to District employees. However, the need of teachers and students to use copyrighted works for educational purposes is recognized by “fair use” and certain other exceptions under copyright law.

In order to determine if the intended use is acceptable under the copyright laws, an employee must review what is copied, how much is copied, the purposes of making copies, and the conditions of what is copied.

If the intended use does not fall within the following list, or if an employee has any questions about using copyrighted materials, the employee should contact the Director of Personnel, Administrative & Legal Services.

1. **REPRODUCTION.** (the term teacher below includes all applicable employees)
  - (a) **Text/Graphic Materials.**
    - (i) **Single copies for teachers.** Subject to the limitations provided below, teachers may make single photocopies of any of the following for their scholarly research or for their use in teaching or preparing to teach a class:
      - (1) a chapter from a book;
      - (2) an article from a periodical or newspaper;
      - (3) a short story, essay, or poem; or
      - (4) a chart, graph, diagram, drawing, cartoon, or picture from a book, periodical or newspaper.

- (ii) **Multiple copies for classroom use.** Subject to the limitations provided below, teachers may make one photocopy per student for classroom use or discussion in a course if all of the following four sections are met:
- (1) Copying is spontaneous. “Spontaneous” means that the decision to copy was done at the individual teacher’s instance and inspiration. (Teachers generally should not copy the same item from semester to semester, as this normally does not meet the test for spontaneity.);
  - (2) The copied material is brief. This means a teacher may copy:
    - (a) a poem or excerpt of a poem, if the copied material is less than 250 words and is printed on two or fewer pages;
    - (b) a complete work of prose, if less than 2,500 words;
    - (c) an excerpt from a work of prose, if copying at least 500 words but less than the lesser of 1,000 words or 10 percent of the work; or
    - (d) illustrations, if one chart, diagram, cartoon, or picture per book or periodical is copied. If a work is poetry or prose of less than 2,500 words and is combined with illustrations (e.g., a children’s book), then the teacher may copy only two pages containing no more than 10 percent of all words used in the work;
  - (3) The copying must not exceed the prescribed cumulative amount. Copying must be done for only one course in the school (e.g., for all sections of Biology 101, even if five separate sections are offered in a term). Except for current news periodicals, newspapers and current news sections of other periodicals, teachers may not copy more than one work (short poem, article, short story, essay or two excerpts thereof) by the same author or more than three works from the same collective work or periodical volume during one class term. Teachers may not copy copyrighted material for one class more than nine times during the class term; and,
  - (4) Include notice of copyright. A notice of copyright, if one appears on the original, must be reproduced on each photocopy exactly as it appears on the original.
- (iii) **No copying of workbooks or tests.** Notwithstanding the above, teachers shall not copy works intended to be “consumable” in the course of study or teaching. This includes workbooks, standardized tests, test booklets, answer sheets and coloring books.

- (iv) **No copying to take the place of an anthology.** Notwithstanding the above, teachers must not make copies of works to replace an anthology, compilation or collective work. This applies whether the copies would be used separately or as a single work. Further, a teacher may not prepare an anthology (even if unique) of copied materials as a replacement for a textbook.
- (v) **Additional restrictions.** Regarding one copy for a teacher or multiple copies for a class as defined above, no copying (1) may substitute for the purchase of books or reprints or periodicals, (2) may be directed by the teacher's higher authority, (3) may be repeated by the same teacher from term to term (unless spontaneity and the other requirements discussed above are otherwise met) or (4) may be provided at a charge to the student beyond actual cost of photocopying.

(b) **Music.**

- (i) **Modifications to or photocopies of sheet music.** Purchased copies of sheet music may be edited or simplified only if the fundamental character of the work is not distorted, and the lyrics are not altered (or added, if none exist). Teachers otherwise may not alter or change any musical scores without explicit written permission from the copyright owner. UNLESS PROVIDED HEREIN, COPYRIGHTED SHEET MUSIC MAY NOT BE COPIED. However, sheet music may be copied in the following circumstances:
  - (1) an emergency, to replace a purchased copy needed for an imminent performance, provided that purchased replacement copies are acquired in due course;
  - (2) excerpts of works used for nonperformance academic purposes (one copy per student), provided that the copy is not a performable unit (e.g. a complete movement or aria) and is less than 10 percent of the whole work (e.g., a teacher distributes one page of symphony to discuss music theory); or
  - (3) one copy of a complete performance unit for a teacher's scholarly research or in preparation to teach a class, if the copyright owner confirms that the work is out of print or if it is unavailable except in a larger work; and
  - (4) a notice of copyright, if one appears on the original, must be reproduced on each photocopy of sheet music exactly as it appears on the original.

Music may not be copied: (1) to replace or substitute for anthologies, compilations or collective works; (2) to substitute for consumables (e.g.,

band sheet music with student notes); (3) for performance purposes, except as described above; or (4) to substitute for the purchase of music, except as described above.

(ii) **Recordings of music.**

- (1) A single copy (short excerpts) of a sound recording (e.g., tape, CD) may be made from an original owned by the school or a teacher and kept for the purpose of creating aural exercises or testing.
- (2) A single recording may be made of a student performance, for evaluation or rehearsal purposes, and may be kept by the school for teacher.
- (3) The following practices are prohibited:
  - i. Copying to create or replace or substitute anthologies, compilations or collective works;
  - ii. Copying of or from works intended to be consumable in the course of study or of teaching such as workbooks, exercises, standardized tests, answer sheets and like material;

(iii) **Internet.** Except in those cases where the copying of music (e.g., downloading) is expressly permitted by the copyright owner or falls under an exception, and then only to that limited extent, no District facility, school, computer or server may be used to reproduce, use, perform, transmit or store music obtained via a file-sharing service on the Internet or otherwise, regardless of whether for educational purposes.

(c) **Audiovisual.**

- (i) Live broadcast. Viewing of a broadcast at the time it is being broadcast on television is allowed if there is no admission charged directly or indirectly to view the work.
- (ii) Recording of a live broadcast. Recording of a television broadcast to show during class time is acceptable if the recording is made at the direction of the teacher (and not a principal, parent or other individual or organization), no admission is charged directly or indirectly to view the work, and the teacher has obtained written permission from the copyright owner of the recorded program to show the broadcast. If it is impracticable to receive such written permission due to insufficient time to obtain such permission, the recording may be shown if the recording is shown for education use, is shown only once, and the recording is erased or destroyed following the viewing.
- (iii) Commercially available recording. A pre-recorded, commercially-available recording not licensed for public performance by the District may not be shown in class unless the teacher has obtained written permission from the copyright owner of the recording.

- (iv) Permission. When a teacher requests permission from a copyright owner, the request for permission should be directed to the permission department of the producer of the work and include the title, the date of broadcast if applicable, the audience who will view the work, an assurance that no admission will be charged to view the work, whether the work will be viewed once or on a frequent basis by other classes, and the methods by which the videotaped work was obtained or copied.
- (v) PBS broadcasts. Notwithstanding the above, a narrow exception exists regarding programs of published non-dramatic musical works and pictorial, graphic and sculptural works that are broadcasted by public broadcasting entities. Such program may be recorded and used by teachers or students in a school, classroom or similar place devoted to instruction, as long as the recording is destroyed within seven days after the broadcast.

**(d) Software.**

Copies of computer programs may not be made and adaptations of computer programs may not be made unless:

- (i) that such a new copy or adaptations is created as an essential step in the utilization of the computer program in conjunction with a machine and that it is used in no other manner; or
- (ii) that such new copy or adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful; or
- (iii) written permission is obtained by the publisher or copyright owner.

**2. LIBRARIES.**

Libraries are subject to other specific exceptions and requirements regarding the use of copyrighted works. Any questions about a use intended by a District library (e.g., archival uses, reproduction) should be directed to the Director of Personnel, Administrative & Legal Services.

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

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### SURVEILLANCE CAMERAS

The Board expressly authorizes the use of surveillance cameras in all areas under the supervision of the District, as well as buildings in the District, including school buildings. The surveillance cameras may record sounds and images and such sounds and images may be stored electronically, in printed form or in recorded form. The stored images are the property of the District. The District reserves the discretion to refuse to provide copies to students, parents, staff members, community members or other individuals or groups. The primary purpose for using surveillance cameras in the District is to provide a safe and secure environment for all students, staff and visitors. The District does not guarantee that the cameras will be monitored at all times.

CROSS REF.:       446.2 Surveillance Cameras  
                      734 Surveillance Cameras on District Property

APPROVED:        April 6, 2005

REVISED:         November 20, 2007

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

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### UNAUTHORIZED RECORDINGS

In order to cultivate a culture of trust and candid conversations, the District does not allow unauthorized recordings between staff members without express permission of each staff member. No one may record, by any means, a conversation with another staff member without express authorization. Express written and/or oral authorization is necessary for recordings to be permissible.

Additionally, staff members may not record students without a verbal notification to the student or group of students that there is a recording of the conversation or lesson. Parents should be notified if the recording would be used for anything outside of internal district use. There must be a legitimate educational or professional development reason before a recording of students is made.

Exceptions to this policy are the permanent and/or temporary security/surveillance cameras located throughout the district, as well as athletic or performance activities.

CROSS REF.:       551 Technology Use  
                      553 Surveillance Cameras  
                      832.2 Locker Room and Restroom Privacy

APPROVED:       February 24, 2016