




PONTIAC SCHOOL DISTRICT



EMPLOYEE HANDBOOK 2020-2021

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Y'londa Kellum, Assistant Superintendent of Human Resources |
Darryl Segars, Legal Counsel |



District Administrative Staff 2020-21

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Dr. DeSheil Echols, Assistant Superintendent of Curriculum and Instruction

Y'londa Kellum, Assistant Superintendent of Human Resources

Darryl Segars, Legal Council

Robert Englund, Facilities Director

Yvette Williams, Director of Student Services

Dr. Rubin Alicea, Bilingual Director

Jim Graham, Director of Business Services

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Dr. Arnella Jamison, Special Education Director

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Building Administrative Staff 2020-21

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Lee Montgomery, Asst. Principal PHS/A.D.

Joe Auricchio, Asst. Principal Pontiac High School

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Welcome

The School District of the City of Pontiac covers a geographical area of 20.2 square miles and is the county seat of Oakland County. Communities that comprise the district are: Pontiac, Sylvan Lake, Lake Angelus, Auburn Hills, and the Townships of Bloomfield, Orion, Waterford and West Bloomfield. To serve the need of these residents, over 4,000 children attend the high school, middle school, five elementary schools, one preschool and one special education center. The District's commitment to excellence, efficiency and equity is demonstrated through their instructional innovations, which includes a site based improvement model with an aligned curriculum that is data driven, student focused and research based.

As you review this Employee Handbook, it is our hope that you will find the information useful and informative. The handbook contains details about our District's operations, procedures, and benefits. It is each employee's responsibility to become familiar with the content of this handbook. The procedures identified in the handbook have been adopted to ensure that the District complies with all State and District accounting procedures.

Many Board of Education policies have been referenced in this handbook. For a complete listing of policies, please visit www.pontiacschools.org, then click the "Board of Education" tab on the top of the page.

The Board recognizes its obligation under the Public Employee Relations Act (PERA) and all negotiated master contracts. The information contained in this handbook is not intended to supersede any negotiated provision found in any master contract or to circumvent the Board's obligation to bargain under PERA.

Please contact us with any questions or comments at 248.451.6800.

Board of Education

Vision

The Board of Education believes that the Pontiac School District can become the premier school district as a recognized leader in student achievement, high school graduation rates, college readiness, and postsecondary success. The Board's Trustees are committed to achieving this vision, and realize that hard work coupled with community partnerships is paramount to not only the success of the school district, but for the success of all our communities.

Core Values

- Safe and Orderly Schools
- Student Learning is the Central Priority
- Accountability at All Levels
- Respect for Diversity
- Parents are Partners
- Community Ownership of the District

Goals

- Increase Student Achievement
- Support Successful Teaching and Learning
- Create Effective Governance Processes
- Insist on Sound Business and Management Operations
- Forge Strong Community Relations

COVID Return to Work Guide

Welcome Back

This document is intended to update all individuals who work in the School District of the City of Pontiac's programs on the actions the organization is implementing and continuing to implement in response to the Coronavirus Pandemic (COVID-19) to ensure to the best of our ability and control a safe return to work. As you are likely aware, COVID-19 is a respiratory infection. Symptoms include but not limited to cough, fever, shortness of breath, loss of taste or smell, and

sore throat. We continue to monitor the potential impacts of COVID-19 in our workplaces. Members of our leadership team are working with employees throughout the District to take the necessary steps to protect the health and safety of everyone.

This plan is based on information available from the U.S. Department of Health and Human Services' Centers for Disease Control and Prevention (CDC), the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA), and the Governor's Executive Orders. It is subject to change based on further information provided by the CDC, OSHA, and other public officials. GISD may also amend this plan based on operational needs, Executive Orders, or other unforeseen possibilities.

Some people infected with the virus have reported experiencing other non-respiratory symptoms. Other people, referred to as asymptomatic cases, have experienced no symptoms at all. COVID-19 is thought to be spread mainly from person to person, between people who are in close contact with one another (within about 6 feet) and through respiratory droplets produced when an infected person coughs, sneezes, or talks. It is also possible that a person can get COVID-19 by touching a surface or object that has the virus on it and then touching their mouth, nose, or possibly their eyes.

Your Health in Mind

Your health is our top priority as we prepare to return to our workplaces. Following guidance from global health experts, we have developed several resources including a care kit, training, processes, and communications.

What You Can Do

To ensure the health and safety of all, we need to start working differently and we must work together. Make a commitment to:

- Read and understand all communications
- Self-certify your health daily
- Follow the processes and guidelines for social distancing and face coverings
- Participate in cleaning and disinfecting your work area and high touch point areas
- Practice proper handwashing and sanitizing
- Cough and sneeze into tissues or your elbow
- Ask questions and focus on your health and the health of your co-workers
- If you experience any symptoms, stay home If You experience symptoms at work:
- Maintain a six-foot distance from others
- Notify your supervisor and Human Resources
- Go home, contact your healthcare provider
- Report confirmed cases to y'londa.kellum@pontiacschools.org

What We've Done While Staff Was Away

To ensure you return to a safe work environment, we have:

- Cleaned and disinfected all workstations and accessible offices
- Cleaned and disinfected all common areas – this includes break and lunch areas, classrooms, hallways, entrances, meeting rooms, and restrooms
- Instituted daily and weekly cleaning protocols, utilizing checklists. Cleaning will occur throughout the day, especially “touchpoints”
- Hand sanitizer, Clorox wipes, hand soap, and disinfectant sprays are available throughout the district
- Purchased multiple electrostatic spray cleaners. Additional sprayers have been ordered.
- Implemented social distancing guidelines
- Developed and provided training content in the form of infographics, written material, and videos
- Designed measures to control the flow of people entering buildings

- Assured distancing measures and other protective barriers around workstations
- Designated work entrances and work areas established
- Created protocols requiring all staff and visitors to wear face coverings
- Established staggered work times to reduce the number of employees entering the building at one time
- Restructured office areas as necessary
- Established visitor protocols

Other Important Changes

Workstation, Classroom, and Office Cleaning

Common areas will be cleaned daily. Disinfectants will be available. Those areas include: Shared office spaces

- Classrooms
- Meeting rooms
- Restrooms
- Copiers/equipment/tools
- Common areas, buses, and other high traffic areas will be cleaned daily or more as needed.

Hand Sanitizer Locations

The Centers for Disease Control states that cleaning hands at key times with soap and water or using hand sanitizer are the most important steps people can take to avoid getting sick and spreading germs to those around them.

The School District of the City of Pontiac has made hand sanitizer readily available throughout the district in all buildings and programs.

Cleaning and Disinfection

During the shutdown, all of our buildings have been cleaned and disinfected.

Disinfectant, sanitizers, and other approved cleaning supplies will be available for workspaces, shared equipment, and other common surfaces.

Confirmed COVID-19 Case Cleaning Protocol

If a confirmed case is established, by testing or confirmed clinically by the employee's healthcare professional, Pontiac Schools will implement specified cleaning protocols to clean and disinfect affected areas.

People Flow

Measures have been implemented to assist with the flow of people entering, and while inside buildings to establish social distancing.

- Specific entry points have been established
- Employees will be asked to enter the building at specific doors
- Walking routes inside of the building will be defined and identified if necessary
- Staggered beginning and end times will be identified to control the number of staff reporting at one time.

Procedures and Guidelines for Staff

Employee/Visitor Health Screening

If you have symptoms related to COVID-19, do not come to work. All employees will complete a daily health screening survey prior to reporting to work. All visitors will complete a visitor health screening, including a temperature check, prior to entering any building. Visitors should arrange for an appointment to enter a building.

Employee Health Check Form

The employee health screen protocol is in place to try and prevent sick or symptomatic individuals from entering buildings to decrease the likelihood of spreading infection. Pontiac Schools has:

- Established scanning at designated entrances
- Established social distancing indicators for individuals who are waiting to be screened
- Placed informational signage on all entry doors
- Developed an Employee Health Check online and paper forms

Daily, when reporting for work, all staff will be required to complete a health screen survey assessing their ability to report to work. Paper and electronic copies of the Health Screen Form will be available at each building/site.

Temperature Scanning

Prior to entering a building, all employees and visitors will receive a non-contact temperature scan. If your temperature scan is 100.4 degrees or higher, you will not be permitted in the building. An employee who has a fever at or above 100.4 degrees shall be sent home and can return to work when:

- He or she has had no fever for at least three (3) days without taking medication to reduce fever during that time.

An employee may return to work earlier if a doctor confirms the cause of an employee's fever or other symptoms is not COVID-19 and releases the employee to return to work in writing.

What happens if I have a Temperature?

Each building will perform a daily temperature scan of employees when they return to work. Temperature scanning will be performed through the use of a non-contact hand-held scanner.

Performing a temperature scan of employees and visitors allows for the rapid identification of people who have an elevated body temperature (fever). Although not everyone with a fever is infected with COVID-19, a fever is frequently one of the symptoms of being infected.

Staff who have a fever of 100.4 or above, will be permitted to be re-scanned after five minutes. If the reading is still 100.4 or above, the employee will not be permitted into the building and will be advised to return home, monitor their symptoms, and contact their personal healthcare provider.

Please note: you may be required to get a release from your medical provider before returning to work.

Personal Protective Equipment (PPE)

All staff and visitors are required to wear a face covering while in the building.

Pursuant to Executive Orders 2020-59 and 2020-77, all employees performing in-person work are required to wear face coverings or masks if they can medically tolerate wearing a face covering over his or her mouth and nose. Homemade masks, scarfs, bandanas, etc. are encouraged. For those employees who do not have a face covering, to the extent it can obtain supplies, the District will provide face coverings to those employees. Anyone needing masks should let their supervisor or Human Resources know.

Additionally, all visitors to Pontiac Schools buildings will be required to wear a face covering. Individuals who do not have a face covering, will not be permitted into the building.

Masks are not required to be worn by employees while working in cubicles/workstations, or offices. However, these employees are required to wear a mask outside their workstation or if meeting with another employee.

Face Masks

Face masks are required to be worn by everyone, in all buildings. This measure of protection will remain in effect until the COVID-19 virus is no longer a critical risk.

Please contact human resources if you are concerned about your ability to wear the required Personal Protection Equipment for medical or other reasons.

What does/does not a face mask do for you?

- Reduces the risk that asymptomatic wearer will give the virus to someone else

- Does not protect your eyes

Who needs to wear a face mask?

- ☐ Face masks must be worn by ALL employees, visitors, contractors, and vendors

Face Shields

Face shields can protect you and others from coughs and sneezes. Face shields function as a reminder to not touch your own face/eyes with your hands. Personal face shields help protect personal space and supplement social distancing efforts and should be worn with a facemask.

What does a face shield do for you?

- ☐ Protects eyes, face, and mouth from droplets
- ☐ Protects others if you cough or sneeze by reducing the spread of droplets
- ☐ Helps to reduce the frequency of face touching

Who needs to wear a face shield?

- ☐ Face shields are to be worn by staff in close proximity to others where social distancing cannot be maintained
- ☐ Where are face shields required?
- ☐ Face shields are not required for entry into GISD buildings
- ☐ Face shields will be provided, as needed

NOTE: Safety glasses with side shields and a face mask that covers your nose and mouth are an approved alternative to a face shield.

Social Distancing

According to The Centers for Disease Control, one of the best practices people can follow to prevent the spread of COVID-19 is to practice social distancing.

Social distancing is the practice of keeping space between yourself and other people outside of your home. To practice social distancing:

- Stay at least six feet from other people
- Avoid contact with others, such as handshakes or embracing friends, co-workers, visitors
- Do not gather in groups; stay away from crowded places and avoid mass gatherings

It is expected while in the building, all employees and visitors follow social distancing protocols maintaining a six feet distance whenever possible.

To help remind people, signage and other visual cues promoting social distancing will be posted throughout the district.

Social Distancing in Your Work Area

Whenever possible, workstations will be rearranged to avoid face-to-face contact if the minimum requirement for social distancing cannot be met; if this condition cannot be met, the following will be considered:

- ☐ Wearing face coverings
- ☐ Face shields will be provided, as necessary, and are to be worn by workers in close proximity to others where social distancing cannot be maintained
- ☐ Physical barriers may be installed where practical

Social Distancing During Meetings

Less face-to-face, more phone, email, or virtual meetings

Staff are encouraged to avoid face-to-face interactions as much as possible. Digital communication methods including texting, phone, email, Teams, ZOOM, or other virtual platforms should be the preferred method of communication.

Meetings should take place using a virtual platform whenever possible. Should needs arise requiring a face-to-face meeting, proper distancing, and/or use of PPE are required.

Handwashing/Sanitizing/Respiratory Etiquette

Regular handwashing is one of the best ways to prevent the spread of germs. The CDC recommends washing hands often with soap and water for 20 seconds. Hand sanitizer will be available as an extra precaution.

The District expects respiratory etiquette, including covering coughs and sneezes with the crook of your arm.

Breaks and Meals

Staff are encouraged to bring their meals in personal coolers, although refrigerators and microwaves will be available.

Each building will establish standard procedures regarding communal coffee. Ice makers and drinking fountains will be temporarily closed. However, hydration stations for filling water bottles will remain open.

Work Areas and Common Spaces

Workstations and office areas continue to be evaluated to ensure six feet of social distancing whenever possible, and/or the need for additional barriers. Visual signage reminding others about social distancing is available. If you would like one, please talk to your supervisor.

Employees are discouraged from using other worker's phones, desks, offices, or other work tools and equipment when possible. All shared equipment should be disinfected PRIOR to using, and the employee should immediately wash/sanitize his/her hands afterward. Avoid touching your face/eyes.

People Flow

Measures have been implemented to assist with the flow of people entering, and while inside buildings to establish social distancing.

- Specific entry points have been established
- Employees will be asked to enter the building at specific doors
- Walking routes inside of the building will be defined and identified if necessary
- Staggered beginning and end times will be identified to control the number of staff reporting at one time

At any time if you are uncomfortable with a situation related to COVID-19 safety or co-worker safety, please report the situation to a supervisor or human resources.

What To Do If You Have COVID-19 Related Symptoms

Employees are encouraged to stay home if they are experiencing COVID-19 related symptoms such as fever, cough, shortness of breath, loss of taste or smell, or sore throat.

Employee Exhibits COVID-19 Symptoms

If an employee exhibits COVID-19 symptoms, the employee must remain at home until he or she is symptom free for 72 hours (3 full days) without the use of fever-reducing or other symptom-altering medicines (e.g., cough suppressants). The District will similarly require an employee who reports to work with symptoms to return home until he or she is symptom free for 72 hours (3 full days).

Employee Tests Positive for COVID-19

An employee who tests positive for COVID-19 will be directed to self-quarantine at home, consistent with any operable Executive Order or other guidance from proper authorities. Employees that test positive and are symptom free may return to work when at least ten (10) days have passed since the date of his or her first positive test, and he/she has not had a subsequent illness, unless otherwise directed by their healthcare provider. Employees who test positive and are directed to care for themselves at home may return to work when: 1) at least 72 hours (3 full days) have passed since recovery; and 2) at least ten (10) days have passed since symptoms first appeared or 3) the employee receives a negative COVID-19 test. Employees who test positive and have been hospitalized may return to work when directed to do so by their healthcare providers. The District may require an employee to provide documentation clearing his or her return to work.

Please note, you may be required to get a release from your healthcare provider before returning to work.

Showing Symptoms While at Work

- Maintain social distancing (if possible) of six feet from the individual and ask them to move away from other employees
- If an employee is in acute respiratory distress (shortness of breath, difficulty speaking, wheezing, gasping for air), then outside emergency medical services are contacted and appropriate treatment is provided
- If an employee is not in acute respiratory distress, they will be advised to go home, contact their personal healthcare provider for further direction/advice
- The District encourages employees to self-monitor for signs and symptoms of COVID-19 if they suspect possible exposure

Who to Notify

If an employee is determined to be a confirmed COVID-19 case, they should notify Human Resources immediately by email y'londa.kellum@pontiacschools.org

For confirmed cases, Human Resources will initiate contact tracing and the following protocols:

- Close the individual's work area and properly disinfect.
- Relocate co-workers as needed
- Follow district cleaning protocols
- Contact the Health Department
- Contact co-workers who came in contact with the employee

Frequently Asked Questions

The purpose of these Frequently Asked Questions (FAQs) is to provide as much information as possible with the information available at this time. The district will continue to follow CDC, MDHHS, and MDE guidance, along with best-practices from the field in order to provide the safest environment for our students, staff, parents, visitors, and the entire community. As such, responses to specific questions may change over time based on such guidance.

Q1. What happens if I get COVID-19 -- will I need to use sick time?

A1. You may qualify for a federal leave under the Emergency Paid Sick Leave Act or FMLA. If you do not qualify for one of these leaves, you will be required to use sick time if you have them, or take the time unpaid.

Q2. If I have COVID-19, can I work from home?

A2. No. if you are using sick time or on a leave of absence, you will not be able to telework from home.

Q3. If one of my immediate family members tests positive for COVID-19, will I need to use sick time?

A3. If one of the members of your household tests positive for COVID-19, you will be expected to follow the CDC and/or your personal healthcare physician's guidelines and self-quarantine for 14 days. You may qualify for a federal leave under the Emergency Paid Sick Leave Act or FMLA. If you do not qualify for one of these leaves, you will be required to use sick time if you it, or take the time unpaid.

- Q4. If one of my immediate family members tests positive for COVID-19 and I have to self-quarantine, can I work from home?
A4. No, if you are using sick time or on a leave of absence, you will not be able to telework from home.
- Q5. If I have symptoms but don't know if it's COVID-19, can I work from home?
A5. No, if you are using sick time or on a leave of absence, you will not be able to telework from home.
- Q6. Will I have my temperature retaken if I enter another building on the same day?
A6. No. We are working on a system so you are only scanned once. Stickers will be provided to staff after they have entered one building that can be shown when entering another building.
- Q7. With temperature scanning, how will medical privacy be addressed?
A7. We will do our best to be discrete.
- Q8. Are we still using the COVID-19 Travel Form and are there any travel restrictions?
A8. We will no longer be using the form for domestic travel.
- Q9. Will we have an area big enough for social distancing for sick students?
A9. We are working on having isolation rooms/spaces for sick students in each building.
- Q10. Can bathroom toilets be turned to auto flush to minimize touching?
A10. Not at this time. We will provide sanitizers in the restrooms for your safety.
- Q11. Will drinking fountains be turned off?
A11. Yes. Drinking fountains will be turned off. However, hydration stations for filling water bottles will still be available and continue to work.
- Q12. How will students self-report their exposure to COVID-19 or travel?
A12. Students will be given a temperature check before entering the buses or buildings. Student handbooks or supplemental packets will contain more information.
- Q13. What if a family has traveled internationally or has family from another country visit -- do families need to report this international travel?
A13. No. Families will not need to report family visiting from another country.
- Q14. If parents are exposed to COVID-19, will the student be kept from school?
A14. No, students will remain home only if students have symptoms, have been diagnosed positive with the virus, or have been directed to self-quarantine under the direction of their healthcare provider.
- Q15. Is Pontiac Schools return to work phases aligned with the MI SAFE START PLAN that Governor Whitmer proposed?
A15. No, the MI Safe Start Plan does not refer to school staff. School employees are essential workers per Governor Whitmer's Executive Order.
- Q16. Does our return to work fall in alignment with Governor Whitmer's Phase 4, and would our work format be categorized as "Telework required if possible"?
A16. We are in alignment with the Governor's plan, as we were deemed essential workers from the beginning of school closure. The district will be bringing staff back in a phased-in approach. We have implemented all necessary safety measures in accordance with the CDC and Health Department guidelines.
- Q17. Are there any checks in place to inquire if people living within an employee's home are exhibiting COVID-19 Symptoms?

- A17. No, we are only asking if staff have been exposed to someone who has tested positive for COVID-19.
- Q18. If my temperature is 100.4 or above and I have to go home, is that a Telework day or do I have to take sick time?
- A18. You will be rescanned and if your temperature is still 100.4 or above, you will need to go home and sick time will need to be used.
- Q19. Will parents and visitors be scanned before they enter the building?
- A19. Yes, all visitor's temperatures will be taken. They will also fill out the visitor online Health Screen Form.
- Q20. What are we doing with lounges and eating areas?
- A20. We will ask staff to not sit and eat (congregate) in the lounge for the time being. Staff can eat at their desk or leave the building during their break.
- Q21. Is there an age or health condition you are considering that would permit people to work from home?
- A21. No. Any necessary accommodations will be made individually through Human Resources.
- Q22. When will face-to-face professional development sessions be scheduled?
- A22. When it is safe to do so.
- Q23. How will entrances be marked so everyone knows where to enter?
- A23. Staff will be given designated doors and times. Signs will be posted.
- Q24. How do we safely share public restrooms?
- A24. Signage will be posted and staff will be expected to maintain social distancing.
- Q25. How will meetings with visitors occur?
- A25. Visitors will make an appointment, complete a health screen survey online, and have their temperature taken. All visitors will need to wear a face covering and abide by social distancing guidelines while in any GISD building.
- Q26. How do we know when a student that was sent home ill may return to school?
- A26. For non-confirmed COVID-19 symptoms:
- 3 days beyond when the symptoms ended without medication For confirmed COVID-19 cases:
 - 3 days beyond when the symptoms ended without medication, and
 - 10 days from the start of symptoms, or
 - Alternatively, a note from a doctor
- The district will continue to follow updated guidance provided by the CDC.
- Q27. Will the Health Screening Form questionnaires continue all year?
- A27. The Health Screening Form questionnaire will be required until further notice.
- Q28. If a staff member has a family member at home who cares for people with COVID-19 (nurse/nursing home), how does this affect their coming back?
- A28. This does not impact their return.
- Q29. For staff sent home, how long are they expected to stay home before they can return?
- A29. For non-confirmed COVID-19 symptoms:
- 3 days beyond when the symptoms ended without medication For confirmed COVID-19 cases:
 - 3 days beyond when the symptoms ended without medication, and
 - 10 days from the start of symptoms, or
 - Alternatively, a note from a doctor
- The district will continue to follow updated guidance provided by the CDC.

- Q30. How do early childhood/special education staff sanitize materials, toys, books?
A30. Protocols are being developed and will go out through supervisors.
- Q31. Are we going to receive training on the proper use of PPE, masks, glove removal, shields?
A31. Training materials will be distributed to staff.

References

Families First Coronavirus Response Act (FFCRA) Emergency Paid Sick Leave Act (PL 116- 127, § 5101et seq.; 134 Stat. 177)

Families First Coronavirus Response Act (FFCRA) Emergency Family and Medical Leave Expansion Act (PL 116-127, § 3101 et seq.; 134 Stat. 177)

CDC Activities and Initiatives Supporting the COVID-19 Response and the President's Plan for Opening America up Again
Executive Order 2020-35 Executive Order 2020-36

Executive Order 2020-42

Executive Order 2020-36 Occupational Health and Safety Administration Guidance on Preparing Workplaces for COVID-19.

Employment at Will

Except as otherwise provided by an employee's collective bargaining agreement or individual contract, employment between an employee and the Pontiac School District is on an at-will basis. This means that the employee is free to resign his/her employment at any time, for any reason, and the Pontiac School retains that same right to terminate an employee's employment at any time. No individual supervisor, manager or officer can make a contrary agreement, except for the Superintendent, and even then, such an agreement must be set forth in a written employment contract with the employee, signed by the Superintendent.

Equal Opportunity and Commitment to Diversity

Nondiscrimination and Equal Opportunity Employment

Board Policy 3122/4122

The Board of Education does not discriminate on the basis of race, color, national origin, sex (including sexual orientation or transgender identity), disability, age, religion, height, weight, marital or family status, military status, ancestry, genetic information, or any other legally protected category, (collectively, "Protected Classes"), in its programs and activities, including employment opportunities.

District Compliance Officers

The Board designates the following individuals to serve as the District's "Compliance Officers" (also known as "Civil Rights Coordinators") (hereinafter referred to as the "COs").

Y'londa Kellum
Assistant Superintendent of Human Resources
School District of the City of Pontiac
248-451-6813
47200 Woodward Ave
Pontiac, MI 48342
y'londa.kellum@pontiacschools.org

Darryl Segars
General Counsel
School District of the City of Pontiac
248-451-6802
47200 Woodward Ave
Pontiac, MI 48342
darryl.segars@pontiacschools.org

The names, titles, and contact information of these individuals will be published annually in the staff handbooks and on the School District's web site.

The COs are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination/retaliation or denial of equal access. The COs shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. Any sections of the District's collective bargaining agreements dealing with hiring, promotion, and tenure need to contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender-specific terms should be eliminated from such contracts. A copy of each of the Acts and regulations on which this notice is based may be found in the CO's office.

Reports and Complaints of Unlawful Discrimination and Retaliation

Employees are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to an administrator, supervisor, or other District-level official so that the Board may address the conduct. Any administrator, supervisor, or other District-level employee or official who receives such a complaint shall file it with the CO within two (2) school days.

Employees who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. The COs shall accept complaints of unlawful discrimination/retaliation directly from any member of the School District community or a visitor to the District, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint, either directly or through a school building administrator, a CO will begin either an informal or formal process (depending on the request of the person alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to any person who files a complaint. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

Any Board employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any Board employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact the employee within two (2) business days to advise him/her of the Board's intent to investigate the wrongdoing.

Investigation and Complaint Procedure

Any employee who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30)

calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights or Equal Employment Opportunity Commission ("EEOC").

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop quickly inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who believes s/he has been unlawfully discriminated or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is only available in those circumstances where the parties (the alleged target of the discrimination/retaliation and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

Employees who believe that they have been unlawfully discriminated/retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a District employee or any other adult member of the School District community against a student will be formally investigated.

As an initial course of action, if an individual feels that s/he is being unlawfully discriminated/retaliated against and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful conduct of his/her concerns is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful discrimination, such as sexual discrimination, the CO may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully discriminated/retaliated against may make an informal complaint, either orally or in writing: (1) to a building administrator; (2) directly to one of the COs; and/or (3) to the Superintendent or other District-level employee.

All informal complaints must be reported to one of the COs who will either facilitate an informal resolution as described below, or appoint another individual to facilitate an informal resolution.

The School District's informal complaint procedure is designed to provide employees who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate his/her concerns to the person who allegedly engaged in the discriminatory/retaliatory behavior.
- B. Distributing a copy of **Policy 1422 – Non-Discrimination** as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works.
- C. If both parties agree, the CO may arrange and facilitate a meeting between the individual claiming discrimination/retaliation and the individual accused of engaging in the misconduct to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, the formal complaint process shall be implemented.

An individual who believes s/he has been subjected to unlawful discrimination/retaliation (hereinafter referred to as the "Complainant"), may file a formal complaint, either orally or in writing, with a principal, the CO, Superintendent, or other District-level employee. Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. If a Complainant informs a principal, Superintendent, or other District-level employee, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO within two (2) business days.

Throughout the course of the process, the CO should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person who allegedly engaged in the misconduct. In making such a determination, the CO should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deems appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including **Policy 1422 - Non-Discrimination**. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the CO or a designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO or the designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. The CO's recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used. The CO may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or the designee, the Superintendent must either issue a final decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

If the Superintendent determines the Complainant was subjected to unlawful discrimination/retaliation, s/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of his/her receipt of the Superintendent's final decision.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business 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 ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the employee alleging the unlawful discrimination/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The Complainant may be represented, at his/her own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The School District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent(s).

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against an employee, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation, or participates as a witness in an investigation is prohibited. Specifically, the Board will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information provided regarding the Board's policy and discrimination in general, will be age and content appropriate.

Retention of Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but not be limited to:

- A. all written reports/allegations/complaints/grievances/ statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/ complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by District personnel related to the investigation and/or the District's response to the alleged violation of this policy;
- D. written witness statements;
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);

- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;
- J. documentation of any interim measures offered and/or provided to complainants and/or the alleged perpetrators, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student and/or Employee Handbooks or Codes of Conduct);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment.

Americans with Disabilities Act (ACA) and Reasonable Accommodation

Board Policy 3123/4123

The Board of Education prohibits discrimination against any employee or applicant based upon his/her disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive

technology, reasonable accommodations or "auxiliary aides or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

Compliance Officers

The Board designates the following individuals to serve as the District's 504 Compliance Officers/ADA Coordinators (hereinafter referred to as the "District Compliance Officers").

Y'londa Kellum

Assistant Superintendent of Human Resources

School District of the City of Pontiac

47200 Woodward Avenue

Pontiac, MI 48342-5008

248-451-6813

y'londa.kellum@pontiacschools.org

Darryl Segars

General Counsel

School District of the City of Pontiac

47200 Woodward Avenue

Pontiac, MI 48342-5008

248-451-6802

Darryl.segars@pontiacschools.org

The names, titles, and contact information of these individuals will be published annually in the staff handbooks and on the School District's web site.

The District Compliance Officers are responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the District Compliance Officers.

The District Compliance Officers will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. See below.

Training

The District Compliance Officers will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

Facilities

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the District's Compliance Officers will be posted throughout the District, and published in the District's recruitment statements or general information publications.

Complaint Procedures

If a person believes that s/he has been discriminated against on the basis of his/her disability, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Section 504. In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

Internal complaints must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. The complaint must be filed with a District Compliance Officer within the time limits specified below. The District's Compliance Officer is available to assist individuals in filing a complaint.

Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination based upon disability. This complaint procedure is not available to unsuccessful applicants. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights.

- A. An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the District Compliance Officer.
- B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the District Compliance Officer. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the District Compliance Officer of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) calendar days of the circumstances or event giving rise to the complaint, unless the time for filing is extended by the District Compliance Officer for good cause.
- C. The District Compliance Officer will conduct an independent investigation of the matter (which may or may not include a hearing). This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The District Compliance Officer will provide the complainant with a written disposition of the complaint within ten (10) work days. If no decision is rendered within ten (10) work days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent. The District Compliance Officer shall maintain the District's files and records relating to the complaint.

- D. The Superintendent will, within ten (10) work days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint. The Superintendent will render his/her decision within ten (10) work days of the hearing.
- E. The employee may be represented, at his/her own cost, at any of the above-described meetings/hearings.
- F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the complainant was subjected to unlawful discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

At any time, if an employee believes that s/he has been subjected to discrimination based upon his/her disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR can be reached at:

U.S. Department of Education
Office for Civil Rights
Cleveland Office
1350 Euclid Avenue
Suite 325
Cleveland, Ohio 44115
(216) 522-4970
FAX: (216) 522-2573
TDD: (216) 522-4944
E-mail: OCR.Cleveland@ed.gov
Web: <http://www.ed.gov/ocr>

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination, or participates as a witness in an investigation, is prohibited. Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

Commitment to Diversity

The School District of the City of Pontiac is committed to creating and maintaining a workplace in which all employees have an opportunity to participate and contribute to the success of the business and are valued for their skills, experience, and unique perspectives. This commitment is embodied in culture and the way we do business.

Harassment and Complaint Procedure

Board Policy 3362/4362

It is the policy of the Board of Education to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all School District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against discriminatory harassment based on race, color, national origin, sex (including sexual orientation and transgender identity), disability, age, religion, height, weight, marital or family status, military status, ancestry, or genetic information (collectively, "Protected Classes") that are protected by Federal

civil rights laws (hereinafter referred to as "unlawful harassment"), and encourages those within the School District community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate all allegations of harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "School District community" means students, administrators, and professional and support staff, as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off School District property).

Other Violations of the Anti-Harassment Policy

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

Definitions

Bullying

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school or work performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;
- G. physical violence;
- H. theft;
- I. sexual, religious, or racial harassment;
- J. public humiliation; or
- K. destruction of property.

"Harassment" means any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal or physical conduct directed against a student or school employee that:

- A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or an employee's work performance; or
- C. has the effect of substantially disrupting the orderly operation of a school.

Sexual Harassment

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.
- C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Unwanted physical and/or sexual contact.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
- H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
- I. In the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.
- J. Inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life.
- K. Verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.

NOTE: Sexual conduct/relationships with students by District employees or any other adult member of the School District community is prohibited, and any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of "sexual battery". The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to District employees or other adult members of the School District community.

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin/Ancestry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Reports and Complaints of Harassing Conduct

Members of the School District community, which includes all staff, and third parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other School District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a complaint shall file it with the District's Anti-Harassment Compliance Officer at his/her first convenience.

Members of the School District community or third parties who believe they have been unlawfully harassed by another member of the School District community or a third party are entitled to utilize the Board's complaint process that is set

forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with **Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior**, the Principal believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Principal will report the act of bullying, aggressive behavior and/or harassment to one of the Anti-Harassment Compliance Officers who shall investigate the allegation in accordance with this policy. While the Compliance Officer investigates the allegation, the Principal shall suspend his/her Policy 5517.01 investigation to await the Compliance Officer's written report. The Compliance Officer shall keep the Principal informed of the status of the Policy 1662 investigation and provide him/her with a copy of the resulting written report.

Anti-Harassment Compliance Officers

The Board designates the following individuals to serve as "Anti-Harassment Compliance Officers" for the District. They are hereinafter referred to as the "Compliance Officers".

Y'londa Kellum
Assistant Superintendent of Human Resources
School District of the City of Pontiac
248-451-6813
47200 Woodward Ave
Pontiac, MI 48342
y'londa.kellum@pontiacschools.org

Darryl Segars
General Counsel
School District of the City of Pontiac
248-451-6802
47200 Woodward Ave
Pontiac, MI 48342
darryl.segars@pontiacschools.org

The names, titles, and contact information of these individuals will be published annually in the staff handbooks and on the School District's web site.

The Compliance Officers will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the District community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

The Compliance Officers shall accept complaints of unlawful harassment directly from any member of the School District community or a visitor to the District, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a Compliance Officer will begin either an informal or formal process (depending on the request of the member of the School District community alleging harassment or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of harassment that are reported to them to the Compliance Officer within two (2) business days of learning of the incident.

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within two (2) business days. Thereafter, the Compliance Officer or designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age eighteen (18), within two (2) business days to advise s/he/them of the Board's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.

Investigation and Complaint Procedure

Any employee or other member of the School District community or third party (e.g., visitor to the District) who believes that s/he has been subjected to unlawful harassment may seek resolution of his/her complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of legally prohibited harassment was substantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The informal and formal procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education Office for Civil Rights or Equal Employment Opportunity Commission ("EEOC").

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student, other member of the School District community, or third party who believes s/he has been unlawfully harassed or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint and will only be utilized where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in such process.

Employees, other members of the School District community, or third parties who believe that they have been unlawfully harassed or retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

However, all complaints of harassment involving a District employee, any other adult member of the School District community, or a third party against a student will be formally investigated. Similarly, any allegations of sexual violence will be formally investigated.

As an initial course of action, if an individual feels that s/he is being unlawfully harassed and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. Such direct communication should not be utilized in circumstances involving sexual violence. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully harassed may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator; (2) directly to one of the Compliance Officers; and/or (3) to the Superintendent or other District-level employee.

All informal complaints must be reported to one of the Compliance Officers who will either facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.

The School District's informal complaint procedure is designed to provide employees, other members of the School District community, or third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate the unwelcome nature of the behavior to the alleged harasser.
- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the individual claiming harassment and the individual accused of harassment to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, the formal complaint process shall be implemented.

An individual who believes s/he has been subjected to offensive conduct/harassment/retaliation hereinafter referred to as the "Complainant", may file a formal complaint, either orally or in writing, with a teacher, Principal, the Compliance Officer, Superintendent, or other District employee. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, Principal, Superintendent, or other District employee, either orally or in writing, about any complaint of harassment or retaliation, that employee must report such information to the Compliance Officer or designee within two (2) business days.

Throughout the course of the process, the Compliance Officer should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the alleged harasser. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to the proposed

action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions s/he deem appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation. A Principal will not conduct an investigation unless directed to do so by the Compliance Officer.

Simultaneously, the Compliance Officer will inform the individual alleged to have engaged in the harassing or retaliatory conduct, hereinafter referred to as the "Respondent", that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant Administrative Guidelines, including the Board's Anti-Harassment Policy. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the Compliance Officer or a designee will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or the designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful harassment. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used. The Compliance Officer may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a final decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of his/her receipt of the date of the Superintendent's final decision.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representative within twenty (20) business 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 ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the member of the School District community or third party alleging the unlawful harassment/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint

investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

Privacy/Confidentiality

The School District will employ all reasonable efforts to protect the rights of the Complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative guidelines shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent.

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects.

Retaliation

Any act of retaliation against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation is prohibited.

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any school teacher or school employee who knows or suspects that a child under the age of eighteen (18) or that a person with a disability receiving services as a student from the school regardless of age has suffered or faces a threat of suffering a physical or mental wound, disability or condition of a nature that reasonably indicates abuse or neglect of a child to immediately report that knowledge or suspicion to the county children's services agency. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board Policy.

Any reports made to a county children's services agency or to local law enforcement shall not terminate the Compliance Officer or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

Education and Training

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information

to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information provided regarding the Board's policy and harassment in general, will be age and content appropriate.

Retention of Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but not be limited to:

- A. all written reports/allegations/complaints/grievances/ statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/ complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by District personnel related to the investigation and/or the District's response to the alleged violation of this policy;
- D. written witness statements;
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);
- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;
- J. documentation of any interim measures offered and/or provided to complainants and/or the alleged perpetrators, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student and/or Employee Handbooks or Codes of Conduct);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment.

Whistleblower Protection

Board Policy 3211/4211

The Board of Education expects all its employees to be honest and ethical in their conduct, and to comply with applicable State and Federal law, Board policies and administrative guidelines. The Board encourages and requires staff to report possible violations of these Board expectations. Parents, volunteers, contractors and concerned citizens are encouraged to report possible violations, when done in good faith belief.

It is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that possibly violates Federal or State law, or Board policy, to call this conduct to the attention of his/her immediate

supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, the employee may report to the Superintendent. If the reported conduct relates to the Superintendent, the report may be filed directly with the Board President.

After such a report is made, the employee will be asked to put the report in writing. Any employee making such a report shall be protected from discipline, retaliation, or reprisal for making such report as long as the employee had a good faith belief as to the accuracy of any information reported. Employees are subject to disciplinary action, up to and including termination, for knowingly making a false report under this policy. Employees may also be subject to disciplinary action, up to and including termination, if they are aware of a violation of Federal, State, or local law involving or relating to the business of the District and they do not make a report confirmed in writing to a supervisor in accordance with this policy.

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

Conflicts of Interest and Confidentiality

Conflicts of Interest

Board Policy 3110/4110

Staff members, officers, and agents shall perform their official duties in a manner free from conflict of interest. To this end:

A. The maintenance of unusually high standards of honesty, integrity, impartiality, and professional conduct by School District's Board members, employees, officers, and agents is essential to ensure the proper performance of school business as well as to earn and keep public confidence in the School District.

To accomplish this, the Board of Education has adopted the following guidelines which apply to all District employees, officers and agents, including members of the Board to assure that conflicts of interest do not occur. These guidelines are not intended to be all inclusive, nor to substitute for good judgment on the part of all employees, officers, and agents.

1. No employee, officer, or agent shall engage in or have a financial or other interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the school system. When a staff member determines that the possibility of a personal interest conflict exists, s/he should, prior to the matter being considered by the Board or administration, disclose his/her interest (such disclosure shall become a matter of record in the minutes of the Board).
2. No staff member, officer, or agent shall use his/her position to benefit either himself/herself or any other individual or agency apart from the total interest of the School District.
3. If the financial interest pertains to a proposed contract with the District, the following requirements must be met.

The staff member, officer, or agent shall disclose the direct financial interest in the contract to the Board with such disclosure made a part of the official Board minutes. If his/her direct financial interest amounts to \$250 or more or five percent (5%) or more of the contract cost to the District, the staff member, officer, or agent shall make the disclosure in one (1) of two (2) ways:

- a. In writing, to the Board president at least seven (7) days prior to the meeting at which the vote on the

contract will be taken. The disclosure shall be made public in the same manner as the Board's notices of its public meetings. (See Bylaw 0165.)

b. By announcement at a meeting at least seven (7) days prior to the meeting at which a vote on the contract is to be taken. The staff member, officer, or agent must use this method of disclosure if his/her financial interest amounts to \$5,000 or more.

4. Employees, officers, and agents shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment or professional relationship with the School District.

Included, by way of illustration rather than limitation are the following:

- a. the provision of any private lessons or services for a fee
- b. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's, officer's, or agent's employment or professional relationship with the District through his/her access to School District records
- c. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals
- d. the requirement of students or clients to purchase any private goods or services provided by an employee, officer, or agent or any business or professional practitioner with whom any employee, officer, or agent has a financial or other relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations

5. Employees, officers, and agents shall not make use of materials, equipment, or facilities of the School District in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.

- B. Should exceptions to this policy be necessary in order to provide services to students or clients of the School District, all such exceptions will be made known to the employee's supervisor and will be disclosed to the Superintendent **before** entering into any private relationship.
- C. Employees, officers, and agents can not participate in the selection, award, or administration of a contract supported by a Federal grant/award if s/he has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties described in this section, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

Employees, officers, and agents shall not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts involved with Federal grant funds. Employees, officers, and agents may, however, accept a gift of unsolicited items of "nominal value" from a contractor or party to subcontracts that do not involve Federal grant funds. For purposes of this section, "nominal value" means that the gift has a monetary value of \$95 or less.

- D. To the extent that the District has a parent, affiliate or subsidiary organization that is not a State, local government or Indian tribe, the School District may not conduct a procurement action involving the parent, affiliate or subsidiary organization if the School District is unable, or appears to be unable, to be impartial.
 - E. Employees, officers and agents must disclose any potential conflict of interest which may lead to a violation of this policy to the School District. Upon discovery of any potential conflict of interest, the School District will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.
- The District will also disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.
- F. Employees, officers and agents found to be in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination, as permitted by applicable Board policy.

Confidential Information

All information concerning employees, students, clients, donors, and organizations with which the School District of the City of Pontiac does business is to be considered privileged and maintained in strict confidence. All employees are responsible for protecting the confidentiality of such information. Violation of confidentiality will be grounds for disciplinary action, up to and including discharge. Information concerning past and present employees, other than essential employment verification, will not be released without the proper written authorization request under Michigan's public records law. Student education records are treated as confidential under the Family Educational Rights and Privacy Act (FERPA) of 1974.

At the end of an individual's employment with the District, the individual must return all documents, both originals and copies, containing any confidential information, as well as any computer disks, programs, tapes, flash drives, or anything else on which confidential information may be stored or recorded. Former employees of the District should not disclose any confidential information after their employment relationship with the District has ended. The District will enforce all of its rights to prevent the disclosure of confidential information, including litigation, where necessary.

"Proprietary Materials" are all property related to the District's business in any way, including email, documents, reports, formulas, product information, manuals, tools, equipment, handbooks, computer printouts, customer lists and other property related to the District's business. Any proprietary material in an employee's possession, or used by an employee, continues to be the exclusive property of the District. If the employee authored, created, or assisted in authoring or creating such property, the employee and the District will have equal rights. At the conclusion of an individual's employment relationship with the District, the individual shall return all proprietary property, originals and copies, to the District on or before the individual's last active day of work.

The Hiring Process

Administration:

1. Determines the District's need to hire a new employee. Requests for new and replacement personnel must be submitted in writing using the District's Personnel Requisition Form. This ensures that the District has properly utilized the skills and talents of current employees.
2. Ensures the District's budget can support a new employee.
3. Conducts a thorough job analysis of the job's essential functions and key performance criteria.
4. Provides a job description and job specifications for the position based on the job analysis.
5. Determines the salary for the position based on internal and external equity and contractual obligations.

6. Authorizes the posting of the position using the Oakland Human Resources Consortium/AppliTrack System and other available resources. Interested candidates can apply on line by using the Pontiac School District's website employment link, or logging on to the Oakland Human Resources Consortium at: <https://www.oakland.k12.mi.us/about/departments/human-resources/careers>, using the Pontiac link for positions in the Pontiac School District. Applicants may also complete a hand written application at the Human Resources Office.

Screening Process

1. After the posting window has closed, the screening process involves entering each instructional applicant on the certification database of MDE to verify certification or a certification announcement endorsed by an accredited university. After the certification screening, resumes and/or applications are then pulled and reviewed for interview consideration to determine if the applicant meets all other qualifications and job specifications on the posting. Non-instructional applicant screening is based on qualifications posted on the job announcement.
2. Applications are also filtered and screened by performance criteria, experience or ability, education, and professional activities if applicable.
3. A minimum of four applications per position/vacancy will be selected if available.

Interview Process

To aid in obtaining the best available staff members for the District's schools, the District shall use the following general criteria in the selection process for initial employment:

- Administrative candidates are assigned by recommendation of the Superintendent to the Board of Education.
- Teaching candidates will be assigned to teach in their major or minor field and/or major subject area at the elementary or secondary level.
- Non-certified candidates are hired as the needs of the District dictate and upon recommendation of the Superintendent.

Administration will:

- Develop a list of interview questions that will answer, "How well is the candidate qualified for the position?" and "What do I need to know about the candidate?"
- Schedule interview appointments of selected applicants.
- Establish an Interview Committee.
- During the interview, committee members will ask questions, take notes, and score answers after each question.
- Candidates will be given the opportunity to ask questions at the end of the interview.
- After the interview, committee members will add the scores to each of candidate's responses.
- All scores are placed on a score sheet, added, and a final score is recorded for each applicant. Score sheets are kept for District records.
- The committee completes a debriefing session and makes a recommendation of the preferred candidate.

The Selection Process

- The Interview Committee Chair provides the Superintendent with the preferred candidate recommendation from the Interview Committee for final approval.
- Administrative candidates are assigned by recommendation of the Superintendent to the Board of Education.

- Employment is contingent upon a successful background check (including fingerprints), drug test and reference check. (See hiring check list attached.)
- After clearance is received from appropriate agencies (i.e., Michigan State Police, Oakland County Sheriff's Department, District's medical clinic, etc.), the successful candidate is called to sign an offer letter and complete hiring paper work.
- New employees will be presented to the Board through the Consent Agenda.

Employment of Minors

The School District of the City of Pontiac recognizes that special conditions apply to the employment of un-emancipated minors between the ages of 14 and 17. It is the policy and practice of the Pontiac School District to comply with all federal and state laws governing the employment of minors. Pontiac Schools prohibits the employment of minors under the age of 14 and the employment of minors in hazardous and injurious occupations.

Work Permits

Prior to commencing employment with Pontiac Schools, all prospective employees under the age of 17 must submit a work permit issued by his or her school. A valid work permit must state the minor's name, address, date of birth, occupation and industry of employment, employer name and employer address. An authorized agent of the issuing school must sign the work permit.

The maximum hours a minor is permitted to work is 24 hours per week when school is in session, and no more than 48 hours of work per week during vacation periods and when school is not in session.

A minor shall not be employed in, about, or in connection with an occupation that is hazardous or injurious to his or her health. Such occupations include:

- the operation of motor vehicles on public roads;
- the operation of power-driven woodworking, metal-forming, punching, or shearing machines, power-driven hoisting apparatus and power-driven saws;
- the operation of bakery machines.

A work permit may be revoked by the school if,

- poor school attendance results in a level of school work lower than that prior to beginning employment, or
- the Michigan Department of Consumer and Industry Services' Wage and Hour Division informs the school of an employer's violation of state or federal laws or rules. Any minor who has a work permit revoked by the school shall be informed of an appeal process by the school.

Identity and Employment Status

All potential District employees shall verify their identity and employment status to the Superintendent. Human Resources shall maintain a file on all District employees hired after November 6, 1986, proving that each employee has verified his or her identity, employment status, U.S. citizenship, or legal alien status to the Superintendent's satisfaction. Evidence to be used to verify identity employment status, U.S. citizenship, or legal alien status includes at least two of the following documents, one of which contains a current photo of the employee: U.S. birth certificate, social security card, and a current driver's license; a state or military identification card; or one of the following: U.S. passport, U.S. citizenship certificate, naturalization certificate, unexpired foreign passport, or resident alien card. These records can be destroyed three years following date of employment or one year after the date of termination

Background Checks

Public Act 99 of 1992 and Public Act 68 of 1993 mandates a criminal records check for all employees. This check includes a review of criminal history, fingerprint and professional conduct summaries.

Job Announcements

Classified, certificated, non-instructional, and administrative positions are announced periodically. These postings are located on the Pontiac School District website and on the Oakland Human Resources Consortium website (www.oakland.k12.mi.us). Some vacancy announcements are also advertised in local and/or national newspapers, and other publications. For a listing of vacancies, as well as online and downloadable applications, go the Human Resources webpage at www.pontiac.k12.mi.us.

Job Descriptions

Written job descriptions are available in the Human Resource office upon request.

Employment Relationship

Reasonable Assurance

This school district has regularly scheduled breaks during its school year. These breaks occur when school is not in session. During these breaks, the district provides you, in good faith, the reasonable assurance that you will return to work in the same or similar position at the completion of the break. Your return to work validates your reasonable assurance. Michigan Unemployment Agency regulations prohibit you from receiving unemployment benefits from a school district during breaks of a school year when you have a “reasonable assurance” of employment at the end of that break.

Payroll

The work week runs Saturday-Friday. The School District of the City of Pontiac pays every two weeks. A copy of the pay schedule can be found on the school district website under Departments/Business Office.

Overtime (time and a half) is paid for hours worked in excess of 40 hours per week. Note, certain union contracts call for overtime pay in excess of 8 hours per day.

Federal, state, and city withholdings are processed by the Payroll Department. If you wish to change your withholdings, please complete the appropriate forms found on the district website under Departments/Business Office and then forward them to the Payroll Department. Blank withholding forms can also be obtained from the Board Office.

Timesheets

Timesheets for hourly staff are expected to be turned in on a biweekly basis. Instructions on completing a paper or electronic copy will be communicated by your building principal, director, and/or Human Resources. Employees are responsible for completing his/her own timesheet. Timesheets not turned in by the deadline noted in the pay schedule will result in the employee not being paid in the current pay period and will need to wait until next pay period to be paid.

Pay stubs

Pay stubs can be accessed by going to: advantage.oakland.k12.mi.us Employees are expected to print their own pay stubs should they wish a hard copy. Computer access is provided in each building and in Human Resources. If you have issues accessing the site (i.e. user id/password, etc., please contact the Help Desk at 248-209-2060 or helpdesk.oakland.k12.mi.us

Personnel Files

Employee personnel files are maintained in the Human Resources Office. If you would like to review your personnel file, please contact the Human Resources Office to make an appointment.

Employee Groups

- Pontiac Association of School Administrators (PASA)
- Pontiac Educational Association Members (PEA)

- Pontiac Education Secretaries Association (PESA)
- Food Service Employees (AFSCME Local 719)
- Pontiac Para-Professional Instructors Association (PPIA) including Teacher Asst's (PESPA)
- Executive Administrators
- Executive Assistants
- Police Authority Officers
- Non-affiliated full-time staff
- Part-time Employees (Substitutes, Building Helpers, Tutors, etc.)

Staff Orientation

Orientation of new staff will include the specific job assignment, applicable benefits, a general orientation to the District, its function, the importance of the individual and his/her job to the total District operation, and the basic premise that all employees, regardless of their positions, contribute to the education of students, and that his/her contribution is the justification for employment

The District holds an annual Opening Day Convocation in August where the Superintendent provides an update on the Goals and Objectives for the upcoming school year

Performance Evaluation

Evaluation of an employee's job performance is a continuous process that focuses on improvement. Performance evaluation is based on an employee's assigned job duties and other job-related criteria. All employees will participate in the evaluation process with their assigned supervisor on a schedule as specified in the collective bargaining agreement. Written evaluations will be completed on forms approved by the District. Reports, correspondence, and memoranda can also be used to document performance information. All employees will receive a copy of their written evaluation, have a performance conference with their supervisor, and have the opportunity to respond to the evaluation

Resignations/Retirement

As a common courtesy, employees are encouraged to notify the District as soon as practicable when the decision had been made to resign/retire. Employees are expected to submit their resignation/retirement in writing to their immediate supervisor. The employee's supervisor will forward a copy of the written resignation/retirement to Human Resources for processing and record keeping purposes. There are different rules for certified and non-certified staff members regarding termination of employment. Please refer to the respective collective bargaining agreement for language regarding required notification for termination.

Exit Interviews and Procedures

Exit interviews will be scheduled for all employees leaving the District. Information on the continuation of benefits, release of information, and procedures for requesting references will be provided at that time. Separating employees are asked to provide the District with a forwarding address and phone number and complete a questionnaire providing the District with feedback on the employment experience.

All District keys, books, property, and equipment must be returned upon separation from employment. The District may withhold the cost of any unreturned items from the final paycheck.

Personnel Records Files/Unprofessional Conduct

Personnel matters are confidential. Employees have a specific right to privacy in the maintenance and use of information contained in their personnel file. Human Resources respect that right. Access to this information is limited and its confidential nature is consistently safeguarded. An employee's personnel file may contain the following items: application, resume, credentials, letters of recommendation, assignment letters, training certificates, disciplinary records, copies of correspondence between the District and employee, performance evaluations, benefits, and payroll documents. No materials other than those of routine financial nature or those used in the hiring process shall be placed in the personnel folder unless the employee has had the opportunity to review such material.

Unprofessional conduct files are maintained on employees of the school district who were cited for unprofessional conduct (MCL 380.1230b).

Workplace Safety

Drug-Free and Alcohol-Free Workplace

Board Policy 3122.01/4122.01

The Board of Education believes that quality education is not possible in an environment affected by drugs. It will seek, therefore, to establish and maintain an educational setting, which is not tainted by the use or evidence of use of any controlled substance.

The Board shall not permit the manufacture, possession, use, distribution, or dispensing of any controlled substance, alcohol, and any drug paraphernalia, by any member of the District's support staff at any time while on District property or while involved in any District- related activity or event. Any staff member who violates this policy shall be subject to disciplinary action in accordance with District guidelines and the terms of collective bargaining agreements.

The Superintendent shall establish guidelines that ensure compliance with this policy and that each staff member is given a copy of the standards regarding unlawful possession, use, or distribution of illicit drugs and alcohol by staff and informed that compliance with this requirement is mandatory. Such guidelines shall provide for appropriate disciplinary actions, if and when needed, which comply with the terms of any negotiated agreement.

To ensure compliance with this policy, substance abuse screening may be conducted in the following situations:

Pre-employment: As required by the district for all prospective employees who receive a conditional offer of employment

For Cause: Upon reasonable suspicion that the employee is under the influence of alcohol or drugs that could affect or has adversely affected the employee's job performance.

Random: As authorized or required by federal or state law.

Compliance with this policy is a condition of employment. Employees who test positive or who refuse to submit to substance abuse screening will be subject to termination. Notwithstanding any provision herein, this policy will be enforced at all times in accordance with applicable state and local law.

Any employee violating this policy is subject to discipline, up to and including termination, for the first offense.

Board Policies 3170/4170

The Board of Education recognizes alcoholism and drug abuse as treatable illnesses. When such illnesses impair the performance of professional/support staff members, the Board recognizes the responsibility to assist in a manner recommended by an appropriate specialist in the treatment of those illnesses.

A professional/support staff member having an illness or other problem relating to the use of alcohol or other drugs will receive the same careful consideration and offer of assistance that is presently extended to professional/support staff members having any other illness.

The responsibility to correct unsatisfactory job performance or behavior resulting from a suspected health problem rests with the professional/support staff member. Failure to do so will result in appropriate corrective or disciplinary action as determined by the Board.

If a professional/support staff member voluntarily requests counseling or assistance before the Board learns of the professional/support staff member's substance abuse problem (through a positive test result or otherwise), the professional/support staff member's job security or promotion opportunities will not be jeopardized by his/her request for counseling or referral assistance. A professional/support staff member may not avoid the consequences of a positive test by requesting counseling or assistance for a substance abuse problem after being instructed to submit to a drug test.

Professional/Support staff members who suspect they may have an alcohol or other drug abuse problem are encouraged to seek counseling and information on a confidential basis by contacting resources available for such service.

Smoke-Free Workplace

Board Policies 3215/4215

The Board of Education recognizes that the use of tobacco presents a health hazard which can have serious consequences both for the user and the nonuser and is, therefore, of concern to the Board.

In order to protect students and employees who choose not to use tobacco from an environment noxious to them and potentially damaging to their health, the Board prohibits the use of tobacco on District premises, in District vehicles, and in all school buildings owned and/or operated by the District.

The Board prohibits the use or visible possession of tobacco product by professional/support staff members in District buildings, on District property (owned or leased), on District buses, and at any District-related event.

For purposes of this policy:

- A. "tobacco product" means a preparation of tobacco to be inhaled, chewed, or placed in a person's mouth
- B. "use of a tobacco product" means any of the following:
 - 1. the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device
 - 2. the inhaling or chewing of a tobacco product
 - 3. the placing of a tobacco product within a person's mouth
 - 4. the use or smoking of electronic, "vapor," or other substitute forms of cigarettes, clove cigarettes or other lighted smoking devices for burning tobacco or any other substance

Work Place Injuries

The School District of the City of Pontiac acknowledges its duty to comply with the Michigan Workers' Disability Compensation Act of 1969. The Act provides for the payment of workers compensation benefits to a PSD employee who receives a personal injury "arising out of and in the course of employment".

The District endeavors to provide all employees with a safe working environment. However, in the event of a work related injury, the District will adhere to the statutory requirements to provide medical services and/or the partial payment of wages for our impacted employees. The amount and duration of these benefits is dependent upon the nature of the injury or illness and the provisions of the law.

Accident Reporting

An employee who suffers any occupational illness or injury should immediately report their condition to their supervisor. Delays in reporting an on-the-job illness or injury may result in the subsequent delay or possible loss of workers' compensation benefits for the employee. Claims found to be fraudulent will be subject to PSD Corrective Discipline and or statutory penalties. **Failure to file a report in a timely manner could result in your claim being denied or delayed while under investigation.**

Supervisors must forward all notice of injury or illness documentation to Human Resources within 24 hours. The supervisor shall also conduct an investigation of the incident, which should involve interviewing the injured/ill employee

and any other employees who may have witnessed the incident. Human Resources is responsible for claims administration and completion of all other appropriate forms.

Injuries/Illness Requiring Medical Attention

Immediately after notification of an on-site injury or illness, the supervisor shall direct the employee to an authorized medical center for treatment (Concentra Medical Centers). The Supervisor shall complete the Concentra Form. Form must be faxed to Concentra and the PSD Benefits department (248.451.6889). **Under no circumstances should a seriously injured employee be directed to drive to the medical clinic or hospital on his or her own.**

Medical Treatment

The State of Michigan Workers Compensation Act allows PSD to direct its employees to receive their treatment from a designated occupational medical center for the first 30 days from notice of claim. After this initial treatment period, employees have the option of continuing their care with this center or from their own medical provider.

Petition for Hearing

If the workers' compensation claim is denied, the employee has the right to appeal to the State's Workers' Compensation Bureau to resolve the matter. Information on how to appear will be provided on the Notice of Dispute from our Worker's Comp carrier.

Return to Work

Upon release from a work related injury or illness (with or without restrictions), employees are obligated to report for duty. It is the District's goal to accommodate an employee's requirements should they receive return to work restrictions. Further, the employee, supervisor or manager, and third party claims administrator will attempt to place the employee in a job which will foster both the rehabilitative process and continued employment.

Recordkeeping

Human Resources will maintain all pertinent documentation relating to a workers compensation incident. These records will be maintained in accordance with state regulatory procedures to assure confidentiality

Weapons

Board Policies 3217/4217

The Board of Education prohibits staff members from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, including athletic events, or in a District vehicle.

The term "weapon" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type, including spring, air and gas-powered guns (whether loaded or unloaded) that will expel a BB, pellet, or paint balls, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapon, ammunition, and explosives or any other weapons described in 18 U.S.C. 921.

The Superintendent shall refer a staff member who violates this policy to law enforcement officials. The staff member will also be subject to disciplinary action, up to and including termination, as permitted by applicable Board policy and the terms of existing collective bargaining agreements.

Exceptions to this policy include:

- A. weapons under the control of law enforcement personnel;
- B. items approved by a principal as part of a class or individual presentation under adult supervision, if used for the purpose of and in the manner approved; (Working firearms and ammunition shall never be approved.)
- C. theatrical props that do not meet the definition of "weapons" above, used in appropriate settings;
- D. starter pistols used in appropriate sporting events;

Staff members shall immediately report knowledge of dangerous weapons and/or threats of violence by students, staff members, or visitors to Security and/or the Superintendent. Failure to report such information may subject the staff member to disciplinary action, up to and including termination.

Emergency Closings

Occasionally, in the event of hazardous or severe weather conditions, a decision is made to temporarily close the District buildings. The decision is generally based on early morning weather conditions and/or forecasts and may affect both students and employees. The decision to close offices in the District is made by the District's Superintendent after appropriate consultation with key staff. Emergency closing announcements are broadcast on numerous local television and radio stations and are posted on the District's website.

These announcements will be made as expediently as possible so that employees know before the start of their work shift whether or not to report for work. In most cases the decision to close the District will affect students and most employees.

If it becomes necessary to close the District during the course of the workday, employees will be notified by phone and e-mail, and your supervisor will allow you to leave. School cancellations and school activities that are cancelled due to inclement weather will be posted on the District's website and through School Messenger telephone notification.

Workplace Guidelines

Reporting Suspected Child Abuse

All mandated reporters are required by state law to report any suspected child abuse or neglect to a law enforcement agency, Child Protective Services, or appropriate state agency (e.g. state agency operating, licensing, certifying or registering a facility) within 24 hours of the event that led to the suspicion. Mandated reporters include school administrators, school counselors, school social workers, teachers, psychologists and regulated child care providers. However, all personnel may report suspected child abuse to Child Protective Services. Abuse is defined by Child Protection Law and includes, but is not limited to, any sexual conduct involving an educator and a student or minor. Reports to Child Protective Services can be made by calling **1-855-444-3911**. State law specifies that an employee may not delegate to or rely on another person to make the report. Under state law, any person reporting or assisting in the investigation of reported child abuse or neglect is immune from liability unless the report is made in bad faith or with malicious intent. In addition, the District is prohibited from retaliating against an employee who, in good faith, reports child abuse or neglect or who participates in an investigation regarding an allegation of child abuse or neglect.

Identification Badges

ID badges with photographs are issued to all employees. If the employee misplaces his/her identification badge, he/she must contact the principal/supervisor to arrange for a replacement. Lost badges cost \$20.00 to replace. Employees must wear this badge at all times while on district property. These cards are the property of the School District of the City of Pontiac and must be returned when you terminate employment.

Grievance Procedures

Please see individual contracts for the grievance procedures.

Discipline

The School District of the City of Pontiac expects employees to comply with the Company's standards of behavior and performance and to correct any noncompliance with these standards.

Under normal circumstances, the district endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right to administer discipline in any manner it sees fit. This policy does not modify the status of employees as employees-at-will or in any way restrict the district's right to bypass the disciplinary procedures suggested.

The following steps are suggested in the discipline procedure. All steps should be documented in the employee's personnel file in Human Resources.

Step 1: Informal Discussion/Verbal Warning. When a performance problem is first identified, the nature of the problem and the action necessary to correct it should be thoroughly discussed with the employee.

Step 2: Written Reprimand. If satisfactory performance and corrective action are not achieved under Step 1 the supervisor should meet with the employee and Human Resources, in private and issue a written reprimand notice to the employee.

Step 3: Suspension. Supervisors may make a recommendation in writing to Human Resources to temporarily remove employees from the workplace. The Assistant Superintendent of Human Resources will evaluate and determine if the suspension is with or without pay.

Step 4: Last Chance Agreement. If the steps above have not resulted in corrective action, following a thorough investigation, the supervisor should meet with the employee and Human Resources, and (a) review the problem, (b) permit the employee to present his or her views on the problem, (c) advise the employee that the problem must be corrected, (d) Human Resources will inform the employee that failure to correct the problem will result in further disciplinary action which may include discharge, and (e) issue a Last Chance Agreement to the employee.

Step 5: Dismissal/Termination. Failure to improve performance or behavior after the written warning, suspension and Last Chance Agreement may result in termination.

The progressive disciplinary procedures described above also may be applied to an employee who is experiencing a series of unrelated problems involving job performance or behavior, as outlined in the District Work rules.

In cases involving serious misconduct, or any time the Human Resources Department determines it is necessary, such as a major breach of policy or violation of law, the procedures contained above may be disregarded. Typically, the Assistant Superintendent of Human Resources should suspend the employee immediately (with or without pay) and an investigation of the incidents leading up to the suspension should be conducted to determine if any further action, such as termination, should be taken.

Attendance

Consistent and regular attendance and punctuality are considered essential requirements for all positions in the school system. While even the most conscientious employee occasionally finds it necessary to miss work, unnecessary absences are to be avoided. Principals and immediate supervisors are expected to monitor their employees' attendance and take appropriate action when attendance problems occur. It is in the best interest of the students and the educational process that all personnel be present at their assigned duty stations for each scheduled work day. Absences that do not comply with Board policy are prohibited and may result in disciplinary action up to and including loss of salary, initiation of dismissal procedures for termination of employment.

Absences should be reported to your immediate supervisor as soon as practical and reported in AESOP (for applicable employee groups)

Dress Code and Personal Appearance

Board Policies 3216/4216

The Board of Education believes that professional staff members set an example in dress and grooming for their students to follow. A professional/support staff member who understands this precept and adheres to it enlarges the importance of his/her task, presents an image of dignity, and encourages respect for authority. These factors act in a positive manner toward the maintenance of discipline.

The Board retains the authority to specify the following dress and grooming guidelines for staff that will prevent such matters from having an adverse impact on the educational process. When assigned to District duty, all professional staff members shall:

- A. be physically clean, neat, and well groomed;
- B. dress in a manner consistent with their professional responsibilities;
- C. dress in a manner that communicates to students a pride in personal appearance;
- D. dress in a manner that does not cause damage to District property;
- E. be groomed in such a way that their hair style or dress does not disrupt the educational process nor cause a health or safety hazard.

Staff Development/Training

Staff development activities are organized to meet the needs of employees and the District. Staff development for instructional personnel is predominantly school-based, and related to achieving school-based performance objectives, addressed in the school improvement plan, and approved by the Division of Academic Achievement. Staff development for non-instructional personnel is designed to meet specific licensing requirements and continued employee skill development aligned to job responsibilities.

Email/Voicemail Etiquette

It is the District's expectation that employees will check their email and voicemail on a regular basis and respond to messages in a timely manner. If you have trouble accessing your email or voicemail, please contact the Help Desk at 248-209-2060.

1. Make sure your e-mail includes a courteous greeting and closing. This helps to make your e-mail not seem demanding, rude or condescending.
2. Read your email out loud to ensure the tone is what you desire. Add a few words like "please" and "thank you" to reflect the meaning appropriately.
3. If the email is emotionally charged, walk away and reply later. This will allow time to reread the email, think and respond professionally.
4. Include a clear, brief and concise "Subject" in the subject area of the email.
5. Refrain from utilizing all CAPITAL LETTERS because this means you are yelling. Sometimes you can add emphasis to a word or phrase, but not the entire message.
6. The "CC" feature sent to higher authority leaders does not automatically mean punishment sometimes it is just an FYI. If you are in doubt of the intent.....Ask.
7. Be careful how you "Reply to All" in a business environment. Doing so to tattle can backfire and you may be viewed as insecure or petty. It is ok to email the individual directly verses involving the whole team in a controversial conversation.
8. When there is a misunderstanding by email, don't hesitate to pick up the phone to work things out.
9. Observe and follow the communication protocol established for the District.
10. Take time to review each email before clicking "Send" to ensure your message is clear, professional and RESPECTFUL!

Internet Access

Individual users of the District computer networks are responsible for their behavior and communications over those networks. It is presumed that users will comply with District standards and will honor the agreements they have signed. Network administrators may review files and communications to maintain system integrity and ensure that users are using the system responsibly. Users should not expect that files stored on District servers will always be private.

The following are not permitted:

- Sending or displaying offensive messages or pictures
- Using obscene language
- Harassing, insulting or attacking others

- Damaging computers, computer systems, or computer networks
- Violating copyright laws
- Using others' password
- Trespassing in others' folders, work or files
- Intentionally wasting limited resources
- Using the network for commercial purposes

Sanctions

- Violations may result in a loss of access.
- Additional disciplinary action up to and including discharge may occur.
- When applicable, law enforcement agencies may be involved.

Non-District Owned Equipment

Computers not owned by the District should not be connected to the District's network. The exception would be for presentations and/or workshops given by vendors and presenters. Only District-owned peripherals (PDAs, printers, scanners, etc.) should be connected to District computers.

Software Installation and Modification of District Computers

All software should be installed by the District's Technology Office. Individuals may not install software on District computers without express written permission from the Technology Office. No personal software is allowed on District computers. All requests for technical support should be submitted through the Oakland Schools Help Desk (www.helpdesk.oakland.k12.mi.us)

Social Media Use

An employee's personal or private use of social media, such as Facebook, Twitter, blogs, etc., may have unintended consequences. While the Board respects its employees' First Amendment rights, those rights do not include permission to post inflammatory comments that could compromise the District's mission, undermine staff relationships, or cause a substantial disruption to the school environment. This warning includes staff members' online conduct that occurs off school property including from the employee's private computer. Postings to social media should be done in a manner sensitive to the staff member's professional responsibilities.

Outside Activities

Policies 3231/4231 (excerpt)

It is the policy of the Board of Education that staff members avoid situations in which their personal interests, activities, and associations may conflict with the interests of the District. If such situations occur, the Superintendent shall evaluate the impact of such activity or association upon the professional staff member's responsibilities and take appropriate action as necessary.

- Staff members should not give work time to an outside interest, activity, or association without valid reason to be excused from assigned duties.
- Staff members shall not use school property or school time to solicit or accept customers for private enterprises without written administrative permission.
- Staff members shall not engage in business transactions on behalf of personal or private enterprise in which s/he may profit by virtue of his/her official position or authority or benefit financially from confidential information which the employee has obtained or may obtain by reason of his/her position or authority.
- Staff members shall not campaign on school property during duty hours on behalf of any political issue or candidate for local, State, or National office.
- Staff members may not accept fees for tutoring when such tutoring is conducted during the normal work day.

- F. Staff members may not accept fees for tutoring, private lessons, or other activities related to their professional duties for students currently enrolled in one (1) or more of their classes or on their case load without prior written administrative permission.

Time Off and Leaves of Absence

Leaves of Absence

A leave of absence (paid or unpaid) is approved time off from the job, without a break in employment, for valid medical, personal, military or other reasons. Regular, full-time employees are eligible to apply for a leave in accordance with specific leave provisions identified in the respective bargaining agreements. Leaves may be requested for the following reasons:

- Bereavement
- Career option
- Education
- Illness (self or immediate family member)
- Military
- Public office
- Family and Medical Leave

Family Medical Leave Act (FMLA)

The Family and Medical Leave Act (FMLA) requires employers to provide up to 12 weeks of unpaid or paid, job-protected leave to eligible employees for certain family members and medical reasons. Employees are eligible if they have worked for the School District of the City of Pontiac for at least one year and for 1,250 hours over the previous 12 months. The method used for calculations is a “rolling” 12-month period measured backward from the date an employee uses any FMLA leave. Employees are required to use available sick time before going on unpaid status. The FMLA leave begins on the employee’s first day off work. The complete FMLA regulations can be obtained from the Human Resources Office. For information about taking a leave, please contact the Benefits Office at 248-451-6809.

Jury Duty

Employees called for jury duty will be granted leave at full pay less the amount of pay received from the court, excluding stipends for mileage, meals and parking. Payroll will charge each employee who is on jury duty a sick day, once the employee returns his/her check from the court to payroll, the sick day will be credited back. Please contact Payroll if you have questions. A copy of the jury summons from the court must be submitted to Human Resources for proper accounting.

Vacation, Sick, and Personal Leave

Vacation, sick, and personal leave provisions vary by employee group. Specific information regarding these types of leaves may be found in the employee’s individual employment contract or collective bargaining agreement...Employees taking vacation, sick, or personal time must notify their immediate supervisor and enter their absence into AESOP.

Employee Benefits and Compensation

Compensation

Employees are paid in accordance with administrative guidelines and a pay structure established for each position. All District positions are classified as exempt or nonexempt according to federal law. Professional and administrative employees are generally classified as exempt and are paid every two weeks. They are not entitled to overtime compensation. Other employees are generally classified nonexempt and are paid an hourly wage or salary and receive overtime pay for each hour worked beyond 40 in a work week.

All employees will receive written notice of their pay and work schedules at the start of each school year. Contract employees who perform extracurricular or supplemental duties will be paid a stipend in addition to their salary according to their specific bargaining unit master agreement.

Direct deposit of payroll is encouraged for the most expeditious and efficient method for receiving one's pay. If direct deposit is not an option, you will need to sign up for a Payroll Card. Paper checks will not be issued.

An employee's payroll statement contains detailed information including deductions, withholding information, and the amount of leave accumulated. Employees are encouraged to use the Oakland Schools' Advantage Employee Self Service to review pay admittances and leave accrual information. (www.advantage.oakland.k12.mi.us)

Insurance Benefits

Active employees with the District who are eligible for benefits will find the provisions for eligibility stated in their respective collective bargaining agreement or salary and benefit package. Insurance benefits provided by the District include medical, dental, prescription, vision, life, and disability insurance.

Upon employment with the District, new employees will speak with a Human Resources representative who will explain the benefits applicable to the position. Active employees who have questions, concerns or need further information concerning their benefits should contact the Human Resources Office at 248.451.6809.

COBRA Rights

The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their families who lose their health benefits the right to choose to continue group health benefits provided by their group health plan for limited periods of time under certain circumstances such as voluntary or involuntary job loss, reduction in the hours worked, transition between jobs, death, divorce, and other life events. Qualified individuals have the opportunity to choose continuation of the District's group health and dental plans, identical to the coverage currently being offered, for a period of time from 18 to 36 months depending on the circumstances. The employee is required to pay the premiums in full plus a 2% administration fee for this continuation coverage.

Tax Shelter Annuity (TSA) Plans (403b and 457 Plans)

All employees have the opportunity to save for retirement by participating in Pontiac School District's Tax Shelter Annuity (TSA) plans. Employees can participate in the Plan with pre-tax contributions (which lower your taxable salary and your personal income taxes) by submitting a Salary Reduction Agreement through TSA Consulting Group, Inc.. www.tsacg.com 888-796-3786.

We recommend these methods to contribute through a Salary Reduction Agreement:

1. If you already have an established TSA with a TSA company (Fidelity, ING, Vanguard, etc.), the Salary Reduction Agreements are available through your agent via TSA Consulting Group (Pontiac Schools TSA processor). Your agent will assist you to contribute to or change your TSA.
2. If you do not have an established TSA company, you must contact a participating TSA company to establish your account. A list of the participating companies is available with agent phone numbers by contacting TSA Consulting Group, www.tsacg.com 888-796-3786.

Upon completion of the above process, TSA Consulting Group will contact the District of the amount you have requested to contribute so the amount can be deducted from your salary. You may contact TSA Consulting Group if you have questions regarding your TSA limits or other matters.

Annual Meaningful Notice of the Right to Participate

To: All Employees of the School District for the City of Pontiac
From: Y'londa Kellum, Assistant Superintendent of Human Resource
Date: August 15, 2020

Notice of Your Right to Participate in the School District for the City of Pontiac 403(b) Plan

In compliance with the requirements of final 403(b) regulations and the universal availability requirements of Section 403(b)(12)(A)(ii), we are pleased to notify our common law employees of the availability of a 403(b) plan in which voluntary salary reduction contributions can be made.

Following are the details of our 403(b) plan, and the eligibility of our employees who wish to participate:

1. All part time and full time common law employees (no leased employees and no independent contractors can be permitted to participate) are eligible to participate except for any classification so indicated below:

All employees are eligible to participate with the exception of any employee that will not contribute more than \$200 per year.

2. Employees are permitted to submit salary reduction agreements to the payroll department at any time allowed by the district. The requested salary reduction contributions will begin at the first monthly payroll period following receipt of the salary reduction agreement, and catch up contribution calculations (for employees who are utilizing catch up contributions). Employees are also reminded that the proper annuity account or custodial account application will need to be established prior to receiving the requested contributions.
3. The following information is available to aid employees in participation in the 403(b) plan:
 - a. A list of the authorized providers can be obtained from TSA Consulting Group, www.tsacg.com or 888-796-3786
 - b. Salary reduction agreements can also be obtained from TSA Consulting Group or through your 403(b) financial advisor.
 - c. The proper application and other contract paperwork can be obtained through the provider or a representative of that provider.
4. Salary reduction contributions can be made to the extent of the lesser of 100% of your includible compensation or \$19,000 (in 2019, as indexed) to all elective deferral plans in which you participate.

Additionally, the plan permits the following catch up contributions to be made by eligible employees: \$6,000 for employees that are age 50 or older by the end of the current tax year

5. Salary reduction contributions are permitted to be made on a pre-tax basis.
6. Administrative services for the School District for the City of Pontiac 403(b) plan are provided by TSA Consulting Group. Participant distribution requests (loans, hardship withdrawals, and other distributions) and all other plan forms and materials may be obtained at:

TSA Consulting Group
PO Box 4037
Fort Walton Beach, FL 32549
P: 888-796-3786, F: 866-741-0645
www.tsacg.com

Please be sure to consult with your legal or tax advisor before participating in the 403(b) plan. The School District for the City of Pontiac does not provide tax or legal advice.

Employee Assistance Program

Pontiac Schools is pleased to announce that **beginning January 1, 2018** we will offer an Employee Assistance Program (EAP) for our employees and their families provided by Ulliance. We recognize that our employees are our most valuable asset and that an investment in your well-being is a sound investment for everyone.

We understand that each of us will be faced with a personal problem in our lives. Such common difficulties may or may not impact our work lives, but will certainly affect the satisfaction in our lives. Most personal concerns can be resolved, or their effects minimized, through appropriate assistance. A counselor helps people work through concerns much like a coach helps an athlete improve through supportive, objective feedback and suggestions.

The *Life Advisor Employee Assistance Program* is a completely confidential, short-term counseling service, utilizing a practical approach toward problem resolution. Sometimes we are so close to a problem that it becomes hard to look at it, and therefore, we may have a difficult time identifying the solutions. Professional assistance can make the difference between a problem repeating itself, and resolving it for good the first time it occurs.

Ulliance counselors can help with many issues, such as:

- Relationship and family concerns
- Death of a loved one
- Stress
- Substance Abuse
- Financial or legal referrals
- Anxiety and depression

There is no cost to you or your dependents for Ulliance services, which are available **24 hours a day, 7 days a week**.

The Ulliance toll free number—800.448.8326—is all you need to reach free, confidential assistance. We hope you and your dependents take advantage of the services the EAP has to offer.

Employee Work Rules

The following work rules relating to personal conduct are issued by the Pontiac School District as part of its responsibility under law to inform all employees of personal interpersonal conduct considered unacceptable as a Pontiac School District employee. These rules are established so the District can attain its objectives in an orderly and effective manner and are not intended to restrict the rights of employees, but rather to advise employees of prohibited conduct. Engaging in one or more of the following forms of prohibited conduct by an employee of the Pontiac School District may result in disciplinary actions; ranging from a reprimand, to immediate discharge, depending upon the specific form of conduct as well as the number of infractions.

These work rules listed below do not constitute the entire list of violations for which employees may be disciplined. Other rules are provided by law and by administrative policies/procedures established by the Pontiac Board of Education. Violations of these rules can also result in appropriate disciplinary action. Additional work rules may be established by the Superintendent to meet special requirements of departments or work units, or as circumstances require. Questions regarding the work rules can be directed to the Human Resources Department.

PROHIBITED CONDUCT

1. WORK PERFORMANCE

- a. Insubordination, including disobedience, or failure and/or refusal to carry out assignments or instructions.
- b. Loafing, loitering, sleeping, or engaging in unauthorized business.
- c. Unauthorized disclosure of confidential information or records.

- d. Falsifying records or giving false information to other state agencies or to employee's recordkeeping. This includes attendance reporting, labor time reports, and any other legal documents.
- e. Failure to provide accurate and complete information whenever such information is required by an authorized person.
- f. Failure to comply with health, safety, and sanitation requirements, rules and regulations.
- g. Negligence in performance of assigned duties.

2. ATTENDANCE AND PUNCTUALITY

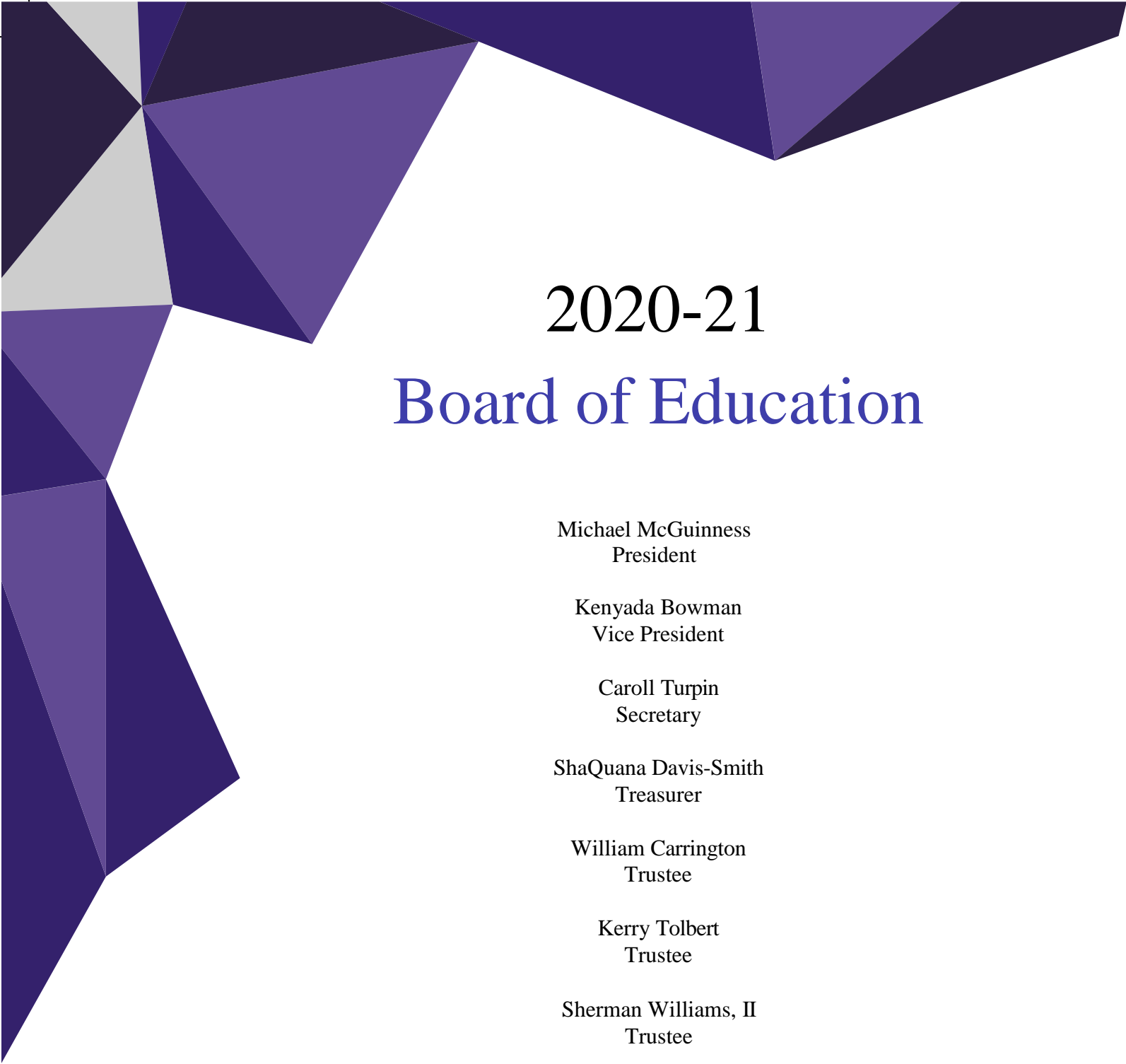
- a. Failure to report promptly at the starting time of a shift or leaving before the scheduled quitting time of a shift without the specific approval of the immediate supervisor.
- b. Unexcused or excessive absenteeism.
- c. Failure to observe the time limits and scheduling of lunch, breaks, or preparation periods.
- d. Failure to notify your immediate supervisor promptly of an anticipated absence or tardiness.

3. PERSONAL AND INTERPERSONAL ACTIONS

- a. Threatening, attempting, or doing bodily harm to another person.
- b. Threatening, intimidating, interfering with, or using abusive language toward others.
- c. Unauthorized possession of weapons.
- d. Making false or malicious statements concerning other employees, supervisors, students or the District.
- e. Use of alcoholic beverages or illegal drugs during work hours.
- f. Reporting to work under the influence of alcoholic beverages or illegal drugs.
- g. Unauthorized solicitation for any purpose.
- h. Inappropriate dress or lack of personal hygiene which adversely affects proper performance of duties or constitutes a health or safety hazard.
- i. Unauthorized or improper use or possession of uniforms, identification cards, badges, or permits.
- j. Failure to exercise good judgment, or being discourteous in dealing with fellow employees, students, or the general public. This includes social networks such as Facebook, Twitter, or text messaging.
- k. Participation in gossip, demeaning or inappropriate communications or conversations within the workplace pertaining to other individuals and/or students.

4. USE AND EXCHANGE OF SCHOOL DISTRICT PROPERTY

- a. Unauthorized or improper use of District property or equipment including vehicles, telephone or mail.
- b. Unauthorized possession, removal, exchange of District property, information, or document. This is inclusive of another employee's private or personal information (i.e. payroll, medical, emails, passwords, log-ins, etc.)
- c. Unauthorized posting or removing of notices or signs from bulletin boards, doors, or property.
- d. Unauthorized use, lending, borrowing, or duplicating of District keys.
- e. Unauthorized entry to District property, including unauthorized entry of assigned hours of work or entry to restricted areas.



2020-21

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It is the policy of the Board of Education that the District will not discriminate against any person on the basis of sex, race, color, national origin, religion, height, weight, marital status, handicap disability. The District complies with all applicable federal and state laws and regulations prohibiting discrimination including but not limited to, Titles VI and VII of the Civil Rights act of 1964, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, The Americans with Disability Act of 1990.

