Employee Handbook
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>3</td>
</tr>
<tr>
<td>District Information</td>
<td>3-4</td>
</tr>
<tr>
<td><strong>Employment</strong></td>
<td></td>
</tr>
<tr>
<td>Equal Opportunity Employer</td>
<td>4</td>
</tr>
<tr>
<td>Employment Requirements</td>
<td>4</td>
</tr>
<tr>
<td>Professional Certified Employees</td>
<td>4</td>
</tr>
<tr>
<td>Experience Verification</td>
<td>5</td>
</tr>
<tr>
<td>Employee Attendance</td>
<td>5</td>
</tr>
<tr>
<td>Employee Attire</td>
<td>5</td>
</tr>
<tr>
<td>Employee Assistance Program</td>
<td>6</td>
</tr>
<tr>
<td>Corporal Punishment</td>
<td>6</td>
</tr>
<tr>
<td>Technology Usage</td>
<td>7</td>
</tr>
<tr>
<td>Drug-Free Workplace – Substance Abuse Procedures</td>
<td>7</td>
</tr>
<tr>
<td>Discrimination, Harassment &amp; Retaliation</td>
<td>8</td>
</tr>
<tr>
<td>Sexual Harassment</td>
<td>8</td>
</tr>
<tr>
<td>Child Abuse and Neglect</td>
<td>10</td>
</tr>
<tr>
<td>Americans with Disabilities</td>
<td>10</td>
</tr>
<tr>
<td><strong>Complaints and Due Processes</strong></td>
<td></td>
</tr>
<tr>
<td>Grievance Procedures</td>
<td>10</td>
</tr>
<tr>
<td>Americans with Disabilities Act Complaint Procedures</td>
<td>11</td>
</tr>
<tr>
<td><strong>Leaves of Absences</strong></td>
<td></td>
</tr>
<tr>
<td>Leave Types</td>
<td>12</td>
</tr>
<tr>
<td>Family Medical Leave</td>
<td>14</td>
</tr>
<tr>
<td>On the Job Injury</td>
<td>17</td>
</tr>
<tr>
<td>Sick Leave Bank</td>
<td>18</td>
</tr>
<tr>
<td>Catastrophic Sick Leave</td>
<td>20</td>
</tr>
<tr>
<td>Payroll/Benefits</td>
<td>21</td>
</tr>
<tr>
<td>PEEHIP Eligibility</td>
<td>21</td>
</tr>
<tr>
<td>End of Employment Information</td>
<td>23</td>
</tr>
</tbody>
</table>
Introduction

This handbook is intended to be a resource for employees and should be utilized as a guide to inform employees of the policies, procedures and benefits of Birmingham City Schools (BCS). Although this handbook is intended to explain certain policies and practices of the Board, it does not establish or create a legal right, claim, or interest to or in any title, position, assignment, duty, work location, level or rate of compensation, benefit, or term of employment.

Employees are encouraged to familiarize themselves with the content of this handbook, for it will answer many common questions concerning employment with Birmingham City Schools (BCS); however, the handbook cannot anticipate every situation or answer every question about employment. As a result, the employee should consult with his or her work site supervisor or the Human Resources Department regarding any questions not answered in this handbook. All forms associated with Human Resources and Payroll/Benefits information can be found online at www.bhamcityschools.org.

It is our desire that all employees of BCS find their employment to be personally and professionally rewarding. As such, our objective is to create a work environment that is conducive to these goals. This in turn will create an atmosphere of excellence in supporting our educational mission. We ask that all employees be dedicated to providing the very best educational experience for the students of Birmingham City Schools.

Mission, Vision and Core Values

Our Mission

The mission of the Birmingham City Schools is to guide all students to achieve excellence in a safe, secure and nurturing environment.

Our Vision

Birmingham City Schools will be a recognized leader in public education, meeting the needs of a diverse student population prepared to succeed in a global society.

Our Core Values

Diversity
Integrity
Respect
Excellence
Compassion
Teamwork
Strategic Plan 2018-2023

In August 2018, the Birmingham Board of Education approved the Force for Greatness 2018-2023 five-year strategic plan for BCS. The strategic plan consist of four pillars including student success, team excellence, stakeholder trust and effective systems and planning.

Equal Opportunity Employer

The Birmingham Board of Education is an equal opportunity employer. Personnel actions and decisions will be made without regard to factors or considerations prohibited by federal or state law (as such laws may from time to time be amended), including but not limited to race, gender, age, disability, national origin, citizenship, and religious preference. (Policy 5.14)

Our Shared Values

Employment Requirements

All applicants must submit an online application, any required documents, and a copy of their diploma if applicable. An official transcript and a teaching certificate must also be submitted, if applying for a certified position. Upon recommendation to hire, all employees of Birmingham City Board of Education are subject to a background check through the Alabama State Department of Education and are required to be e-verified through the Department of Homeland Security.

Professional Certified Employees

In addition to requirements established by the Alabama State Board of Education and the pertinent job description, professional employees must hold a degree from an accredited college or university and hold a current, valid and properly endorsed Alabama Teacher's Certificate, which will be maintained in their Personnel file.

An employee who has completed the certification process, but has not received the certificate, may be employed pending verification of the initiation of the certification process from the Alabama State Department of Education. The Human Resources Department will work closely with each employee to expedite the process to obtain the certificate as soon as possible; however, it is ultimately the educator's responsibility to ensure they obtain and maintain the proper certification and/or renew their certificate for their position.
Failure to maintain current professional certification of licensure may result in a change in employment and/or salary status or termination. (Policy 5.1.2 c)

If an employee earns a higher degree from a regionally accredited institution recognized by the Alabama State Department, that merits increased compensation under the approved salary schedule, the salary increase will become effective following verification of higher degree.

Experience Verification Procedures

Verification of prior work experience must be obtained through the interview and hiring process. Employees are responsible for providing proper documentation of previous experience for purposes of placement on the salary schedule. This information must be submitted within the first 90 days of employment to have the experience paid retroactive from the start date.

Employee Attendance

All employees are expected to be at work, on time, every scheduled workday. Employees contribute to achieving the school district’s mission—the education of school children. The success of the school district depends upon each employee’s doing what is expected, including maintaining an acceptable attendance record.

Excessive absenteeism adversely affects overall operations by placing added pressure or burdens on employees who are at work on a regular basis, and by requiring administrative time and cost to cover for employees who are absent. Promptness in arriving to work is expected from all employees. Tardiness has a negative effect on school district operations, just as absenteeism does.

Any employee who finds it necessary to be away from the job for illness or for any other reason is obligated to enter the absence in AESOP and notify the immediate supervisor as soon as the necessity for absence is known. This process is necessary for the orderly ongoing of the school’s operation. When an employee fails to notify the appropriate person about absences, reasonable attempts will be made to contact the employee and to determine the cause of the absences on the possibility that the employee is not able to notify the supervisor of his absence.

Employee Attire

Employees are required to report to work or to school functions in attire that is appropriate to their position. Our professional appearance should be one that enhances our primary goal of student learning and achievement. Service and other employees who are issued uniforms shall wear uniforms when required.
All employees should exhibit a professional appearance in a manner and style in accordance with the following guidelines set forth by the District. Appropriate dress includes, but is not limited to:

- Business suits/coordinated pants suits
- Collared shirts with and without ties
- Skirts
- Dresses
- Slacks
- Sweaters, blouses, knit tops, jackets
- Sweatshirts and tee shirts with school-related insignia (on approved days by administration)
- Appropriate shoes
- Attire in accordance with the environmental requirements for specific job assignments

The following shall not be acceptable at any time from any employee.

- Frayed, torn and/or extremely faded pants
- Clothes with stamps that are offensive or inappropriate
- Clothes with profane or vulgar sayings or images, including innuendo, or messages that are inconsistent with the District's mission
- Clothes that are too revealing

**Employee Assistance Program**

The Employee Assistance Program (EAP) is voluntary and confidential. Through this free program, all employees may receive confidential intervention/counseling. EAP promotes healthy functioning in order to maximize the quality of life and to maximize job performance through Wellness Education, Prevention and Intervention/Counseling. The employee may enter the program through self-referral or may be referred by his or her supervisor. The services are offered at no cost to the employee and are confidential. Although the services offered by the Employee Assistance Program are free, if those services lead to referral by the program for services that exceed those covered by the program, those costs will be the responsibility of the employee. It shall be the employee’s discretion whether to comply with the referral from the Employee Assistance Program to other services. EAP counselors adhere to the highest standards of confidentiality.

**Corporal Punishment**

To ensure that students be allowed to learn in a safe classroom setting, BCS does not allow the use of corporal punishment as an appropriate means of discipline.
Technology Usage

The primary goal of the technology environment is to support the educational and instructional endeavors of students and employees of Birmingham City Schools. The Board permits restricted and conditional access to and use of its technology resources, including but not limited to computers, the “Internet,” network storage areas, and electronic mail. Such access and use is restricted to employees, students, and other persons who are engaged in bona fide educational and administrative activities that serve and are consistent with identified educational objectives or authorized support functions, and who, by signing an “Acceptable Use Agreement,” each year agree to abide by all Board policies, rules, and regulations regarding technology use. The Acceptable Use Agreement will be developed by the Superintendent and approved by the Board. Employees who violate any Board policy, rule, or regulation regarding technology use may be denied use of the Board’s technology resources and may be subject to additional disciplinary action. All technology resources, including network and Internet resources, e-mail systems, and computers or other access devices owned, leased, or maintained by the Board are the sole property of the Board. Board personnel may, at any time and without prior notice, access, search, examine, inspect, collect, or retrieve information of any kind from the Board’s technology resources, including computer or related equipment, files, and data, to determine if a user is in violation of any of the Board’s policies, rules, and regulations regarding access to and use of technology resources, for or in connection with any other matter or reason related to the safe and efficient operation or administration of the school system, or for any other reason not prohibited by law. Users of school system technology resources have no personal right of privacy or confidentiality with respect to the use or content of such.

Drug-free Workplace - Substance Abuse Procedures

BCS is a drug-free environment, other than prescription medications in their original containers, are prohibited on District property.

All employees of the Birmingham City Board of Education are subject to drug and alcohol testing if there is reasonable suspicion to believe an employee has violated the Alcohol and Drug Policy. If an employee tests positive, he/she may be subject to termination, counseling sessions through the Employee Assistance Program, or enrollment and treatment in an appropriate Substance Abuse Program. The School Board will discipline, up to and including discharge, any employee who refuses to submit to a random, reasonable suspicion, post-accident, or return-to-duty test. Any individual who refuses to submit to testing shall not perform or continue to perform any safety-sensitive function.
Discrimination, Harassment, and Retaliation

Birmingham City Schools prohibits unlawful discrimination, including harassment, based on a person's race, color, religion, sex, citizenship, medical status, disability, sexual orientation or any other protected status. Acts of discrimination or harassment committed by a BCS employee are violations of this policy and will result in disciplinary action up to and including termination.

Sexual Harassment (5.15)

I. The Board strictly prohibits unlawful discrimination in all of its programs, offices, departments and facilities. Sexual harassment in any form that is directed toward students is prohibited. Persons who violate the policy will be subject to the full range of disciplinary consequences up to and including termination (for employees) and expulsion (for students) as dictated by the nature and severity of the violation and other relevant considerations. If appropriate, the circumstances constituting the violation may be reported to law enforcement agencies or child welfare agencies for further investigation and action.

Prohibited Forms of Harassment

Definition of Sexual Harassment – Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature when:

i. Submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of employment or other employment benefits provided by the Board;

ii. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual's employment, or other benefits provided by the Board; or

iii. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of Prohibited Conduct – The following are examples of conduct that may constitute sexual harassment, depending on individual circumstances:

iv. Verbal harassment or abuse of a sexual nature, including graphic or derogatory comments, the display of sexually suggestive objects or pictures, and sexual propositions;

v. Repeated unwelcome solicitation of sexual activity or sexual contact;

vi. Unwelcome, inappropriate sexual touching;
vii. Demands for sexual favors accompanied by implied or overt promises of preferential treatment or threats with regard to an individual’s employment status.

Employee Complaint Resolution Procedure

viii. Reporting – Any employee with reason to believe that he or she has been or is being subjected to any form of sexual harassment should report the matter immediately. Under no circumstances will an employee be required to present the complaint to the person who is the subject of the complaint.

ix. Informal Complaint – An employee may choose to submit a sexual harassment complaint to a supervisor for investigation and resolution at the departmental or local level without resorting to formal complaint procedures. If the supervisor is the subject of the complaint, the complaint may be submitted to the Superintendent for resolution. If the complaint is not resolved informally to the satisfaction of the complaining employee, the employee must contact the Superintendent to initiate formal complaint procedures.

Formal Complaint Procedure

Persons Responsible For Receiving and Investigating Formal Complaints – The Superintendent is responsible for receiving and investigating formal complaints regarding sexual harassment. The Director of Human Resources is an additional official to which formal complaints can be reported. If the Superintendent is unavailable or is the subject of the complaint, the alternate should be contacted regarding the formal complaint.

Complaint form, contents – Formal complaints should be made in writing, signed by the complainant, and fully describe the circumstances surrounding the alleged harassment. Harassment complaints that cannot be made in writing should be memorialized by the Superintendent or designated alternate official.

Investigation – The Superintendent will promptly investigate the complaint, review the results of any investigation with legal counsel or other appropriate officials, make any findings that are supported by the investigation, and recommend appropriate action based on these findings. The complainant will be informed of any action that is taken as a result of the investigation.

Review by the Superintendent and the Board – A complaining party who is not satisfied with the investigation or resolution of the complaint may request that the Superintendent take additional or different action or present the complaint to the Board for its review and action. In such case, the Board will render a final decision as soon as practicable.

Confidentiality – To the extent possible, reports of sexual harassment will be kept confidential; however, complete confidentiality cannot be guaranteed.

Retaliation Prohibited – No retaliation or adverse action may be imposed as a result of a good faith complaint or report of sexual harassment. False accusations that are made in bad faith or for improper reasons may result in disciplinary action.

Penalties for Violation – Any employee who violates the terms of this policy or who impedes or unreasonably refuses to cooperate with a Board investigation regarding allegations of sexual harassment will be subject to appropriate disciplinary action, up to and including termination.
Child Abuse and Neglect

To protect the welfare of BCS students, all employees and other persons working with students on behalf of Birmingham City Schools, including contractors, consultants and volunteers must report all cases of suspected child abuse and neglect on behalf of children under age 18. Your school principal can help you file a report.

Americans with Disabilities

The Board provides reasonable accommodations, upon request, to individuals with disabilities who are in need of such accommodations in order to perform the essential duties of their position. Employees may contact Human Resources for information regarding ADA accommodations.

Complaints & Due Process

Grievance Procedures 4.1.1

Any employee may present to the Board a concern, complaint, grievance, or request for corrective action regarding any aspect of school system operations. Before requesting corrective action or relief from the Superintendent or the Board, requests should be present to the employee, supervisor, or administrator at the lowest administrative level who has the authority and ability to address the problem or to implement the requested action. Said procedures are located on the district's website.

The general complaint/grievance procedures that are authorized under the terms of this policy may not be invoked for the purpose of challenging or seeking review or reconsideration of adverse personnel decisions that have received final Board approval. A grievance may be based on an alleged misapplication of Board policies, regulations, or procedures, but may not be used to challenge the Board’s exercise of its discretion to adopt, approve, modify, or repeal a policy, regulation, or procedure or on its failure to exercise such discretion (e.g., adoption of a school calendar, compensation policies, etc.).
Americans with Disabilities Act Complaint Procedure

Complaint Criteria – Persons who believe that they have been discriminated against on the basis of disability in the provision of services, activities, programs, or benefits covered by Title II of the Americans with Disabilities Act may file a written complaint with the ADA Coordinator (Human Resources Officer).

- Complaint Form – The complaint should be in writing and contain information about the alleged discrimination including the name, address, phone number of complaining party and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

- Complaint Process – The complaint should be submitted to the ADA Coordinator as soon as possible, but no later than thirty (30) days after the alleged violation. The ADA Coordinator will meet with the complaining party to discuss the complaint and possible resolutions. Within fifteen (15) calendar days of the meeting, the ADA Coordinator will respond in writing, and where appropriate, in a format accessible to the complaining party, such as large print, Braille, or audio tape. The response will explain the position of the Board and offer options for substantive resolution of the complaint.

- Appeal Procedure – If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complaining party may appeal the decision within fifteen (15) calendar days after receipt of the response to the Superintendent. Within fifteen (15) calendar days, the Superintendent will respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

- Records Retention – All written complaints received by the ADA Coordinator, appeals to the Superintendent, and records relating thereto will be retained by the Board for at least three (3) years.

- Additional Procedures Authorized – The Superintendent is authorized to develop such procedures as are necessary to implement this policy.

Leaves of Absence

The district offers employees paid and unpaid leaves of absence. Employees who expect to be absent for an extended period of more than five (5) days should contact the Human Resources Department for information about applicable leave benefits, payment of insurance premiums, and requirements for communicating with the district. Paid leave must be used in full or half day increments.
Absences – Except as otherwise authorized under Board policy, employees may be absent from work only in the following circumstances:

- Illness, injury or other qualifying reason for sick leave or on-the-job injury leave under state law or the Family Medical Leave Act;
- Personal leave;
- Vacation leave;
- Professional leave;
- Military leave;
- Court leave;
- Other unpaid leave that is specifically approved by the Board upon a showing of substantial hardship or extraordinary circumstances.

Paid Sick Leave

- Persons Eligible for Paid Sick Leave – All regular full time employees are eligible for paid sick leave.
- Earning and Accumulation of Paid Sick Leave – All eligible employees earn sick leave days at the rate provided for in state law. Eligible employees may accumulate sick leave as provided by state law.
- Use of Sick Leave – Eligible employees may only use paid sick leave for absences caused by the following
  - Personal illness;
  - Incapacitating personal injury;
  - Attendance upon an ill member of the employee’s immediate family, defined as a spouse, parent, child, sibling or any person with a close personal tie;
  - Death of a family member, including a spouse, parent, child, sibling, mother or father-in-law, son or daughter-in-law, brother or sister-in-law, nephew or niece, grandparent, grandchild, aunt or uncle;
  - Death or care of an individual with whom unusually strong personal ties exist because of a relationship other than those listed above.
- Certification – Employees must certify that sick leave was used for one of the reasons provided in state law and specify the reason. Additionally, if the employee is absent in excess of 3 consecutive days, an original physician’s statement is required to be submitted to the employee’s supervisor. If the employee’s principal or department head has probable cause to believe that an employee has abused or misused sick leave, a physician’s statement verifying the existence and nature of the illness or medical condition may be required by the Board. Abuse of sick leave may subject the employee to disciplinary action.

Personal Leave

All regular, full time teachers are eligible for three (3) non-cumulative personal leave days each scholastic year without loss of pay. The first two days shall be with full pay; the third shall be at full pay minus the amount paid as a substitute teacher. All other regular full time employees will receive two (2) personal leave days. Personal leave must be requested in writing in accordance with such procedures as may be established by the
Superintendent or the Board. Personal leave may not be taken immediately before or after a school holiday or in the first or last ten days of a school term. Teachers may be compensated for unused personal leave at the end of the school year at the same daily rate of pay used for substitute teachers. Full time employees may choose to convert unused personal leave days to sick leave days at the end of the school year

**Vacation Leave**

Twelve month employees may carry over unused vacation days from one fiscal year to the following fiscal year, but no employee may carry over more than thirty (30) vacation days for use in any fiscal year.

- Any accrued but unused vacation days in excess of thirty (30) will be forfeited after the close of business on September 30 of each year.
- Vacation days may not be bought, sold, or donated.
- Vacations must be scheduled with the knowledge and approval of the employee’s supervisor.

**Professional Leave**

The Superintendent is authorized to grant professional leave with pay to Board employees to engage in educational activities which, in the judgment of the Superintendent, serve the needs and interests of the school system. The number of days approved for such leave will be at the discretion of the Superintendent.

**Military Leave**

Military leave is available to all eligible employees in accordance with state and federal law.

**Administrative Leave**

The Superintendent is authorized to place an employee on administrative leave upon a determination that the best interests of the school system would be served by such action. Administrative leave relieves the employee of regular work responsibilities pending resolution of the matters or circumstances that gave rise to the leave. Administrative leave is not disciplinary in nature or purpose and does not affect the employee’s compensation, benefits, tenure, or non-probationary status. Administrative leave may be accompanied by such additional restrictions or conditions as may reasonably be imposed by the Superintendent under the circumstances (e.g., limitation on access to school property). The status of employees who are on administrative leave will be reviewed and reported to the Board periodically or as otherwise may be directed by the Board.
Court Leave

Full-time employees are entitled to regular compensation while performing jury duty (Ala. Code §12-16-8) or when the employee is summoned under subpoena or other legal requirement to testify at trial in a court of law or in an administrative proceedings constituted under the statutory authority of the agency conducting the proceedings. Paid leave is not authorized for employees to meet with attorneys, to attend depositions, or to otherwise prepare for legal proceedings unless the presence of the employee is requested or required by the Board.

Unpaid Study Leave

Upon written application by the employee, the Board may provide an unpaid leave of absence to certified employees for up to one year to pursue study or professional growth opportunities. Such leave is available to non-probationary certified personnel only. Except as provided to the contrary by applicable law, the employee shall not be entitled to return to the same position held before the commencement of leave, and may be assigned to a different work location or comparable position upon return from leave at the discretion of the Board.

Hardship Leave

Employees, who are unable to report to work because of their displacement caused by natural disasters, may be granted up to twenty (20) days of hardship leave with pay upon approval of the Superintendent. The Superintendent may request any and all appropriate documentation to verify such hardship.

Family Medical Leave

Eligible Employees – The FMLA is applicable to all persons who have been employed for at least twelve (12) months and have worked a minimum of 1,250 hours during that twelve (12) month period.

Medical Leave provided by the Act – Under the FMLA, eligible employees are entitled to twelve (12) weeks of unpaid leave during any twelve (12) month period for one or more of the following reasons:

- The birth and first year care of a newborn child;
- The placement of a foster child or adoption;
- The care of an immediate family member, defined as a spouse, child or parent, with a serious health condition;
- The taking of medical leave because of the employee’s own serious health condition.

For the birth, adoption, or foster placement of a child, the entitlement to leave for child care expires at the end of the twelve (12) month period beginning on the date of birth, adoption, or placement. Leave associated with the illness of a child will only be provided
if the child is under eighteen (18) years of age or is incapable of self-care due to physical or mental disability.

**Serious Health Conditions** – The term “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves the following:

Any period of incapacity in connection with or following inpatient care in a hospital, hospice, or residential medical care facility.

Continuing treatment by a health-care provider, to include any period of incapacity due to:

- A health condition, including treatment and recovery, lasting more than three (3) consecutive days, and any subsequent treatment or period of incapacity relating to the same condition;
- Pregnancy or prenatal care;
- A chronic, serious health condition which continues over an extended period of time, requires periodic visits to a health care provider, and may involve episodes of incapacity (e.g., asthma and diabetes);
- A permanent or long-term condition for which treatment may not be effective (e.g., Alzheimer’s, severe stroke) and for which supervision of a health-care provider is required;
- Multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three (3) days if not treated.

**Military Family Leave Provided by the Act**

- **Qualifying Exigency Leave** – Under the FMLA, an eligible employee with a spouse, child, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may utilize the twelve (12) week medical leave entitlement to address qualifying exigencies resulting from that service.

- **Military Caregiver Leave** – An eligible employee, who is the spouse, child, parent, or next of kin of a covered service member, is entitled to take up to twenty-six (26) weeks (including any medical leave provided by the Act) of unpaid leave during any twelve (12) month period (beginning the first day of the leave) to care for an individual covered service member with a serious injury or illness incurred in the line of duty while on active duty that may render the service member medically unfit to perform the duties of the member’s office, grade, rank, or rating. A covered service member is a member of the Armed Forces, including the National Guard and Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty.

**Spouse Employed by the Board** – Spouses who are both employed by the Board are limited to a combined total of twelve (12) weeks of family leave for the birth and care of a newborn child, for the placement of a child for adoption or foster care, for the care of a parent who has a serious health condition, and for qualifying exigency leave. Spouses
who are both employed by the Board are limited to a combined total of twenty-six (26) weeks for military caregiver leave.

**Intermittent Leave** – An employee may take leave intermittently or on a reduced leave schedule only when medically necessary to care for a spouse, parent, or child or to receive planned medical treatment. Intermittent leave should be scheduled to the extent practicable so as not to unduly disrupt the operations of the Board. Intermittent leave may be further limited for teachers in accordance with federal law.

**Use of Vacation and Sick Leave** – Employees may be placed on FMLA leave by the Board upon occurrence of a qualifying event. If an employee has available sick leave, vacation leave or other applicable paid leave, the employee must utilize those forms of leave before taking unpaid leave under the FMLA. In that instance, the paid leave and the FMLA leave will run concurrently and the employee’s twelve (12) weeks of unpaid FMLA leave will be reduced by the paid leave utilized, as long as the need for such leave results from one or more of the qualifying reasons under the FMLA.

**Notice** – Employees seeking leave under the FMLA must provide thirty (30) days advance notice of the need to take leave when the need is foreseeable. When the need for leave is unforeseeable, employees should notify their supervisors and contact the Human Resources Department as soon as possible. Employees must also provide notice of the need for qualifying exigency leave as soon as practicable.

**Certification for Medical or Military Caregiver Leave** – Every request for FMLA leave based upon the serious health condition of the employee or employee’s spouse, children, or parents, or leave as a military caregiver must be supported by medical certification issued by the appropriate health care provider on forms provided by the Board.

For leave based on a serious health condition of the employee or employee’s spouse, child, or parent, the Board reserves the right to obtain a second opinion from an independent health-care provider designated by the Board. If the opinion received by the employee and the second opinion conflict, the Board and the employee must agree on a third provider to issue a binding opinion. Both the second and third opinions (if necessary) will be at the expense of the Board.

**Certification for Qualifying Exigency Leave** – Certification will be required by the Board for requests for qualifying exigency leave. Certification must be timely submitted on forms available from the Board. For the first such request, certification may include a copy of the military service member’s duty orders or other military documentation.

**Return to Work** – The Board may require an employee who has taken leave due to the employee’s own serious medical condition to provide the Board with a healthcare provider’s certification in order to return to work. Any employee who takes leave under these provisions will be entitled to be restored to the original position held when the leave commenced or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

**Maintenance of Benefits** – Benefits accrued by the employee before leave is taken are not lost when approved FMLA leave is taken. Employees who are on approved FMLA
leave will remain eligible to participate in benefit programs in which the employee was enrolled at the time of the leave, provided that the employee will continue to be responsible for payment of employee’s portion of any cost, premium, or like payment that is required to maintain eligibility for the coverage or benefit. An employee that does not return to work after FMLA leave, will be required to reimburse the Board for the cost of benefits coverage extended to the employee during the leave, unless the reason for the employee’s failure to return to work is (i) a continuing serious health condition suffered by either the employee or a family member, or (ii) other circumstances beyond the employee’s control.

**Instructional Employees** – Medical leave taken by eligible instructional employees is subject to further limitations and provisions established by the FMLA. The Superintendent or his designee is authorized to develop additional information and guidelines concerning Instructional Employees.

**Failure to Comply with Request for Documentation** – Employees who fail and/or refuse to provide requested documentation necessary for FMLA leave may be subject to discipline, up to and including termination.

**On-The-Job Injury Leave**

On-the-job injury includes an accident or injury to an employee that occurs in the course of performing job duties for the Board or when the employee is directed or requested by the employer to be on the property of employer and which prevents the employee from working or returning to the job. This does not include a serious medical situation or degenerative condition that occurs while working on the job (i.e. stroke, heart attack, arthritis, etc.). Employees who are accidentally injured on the job may be approved for paid “on-the-job injury” leave without using sick days, provided that:

- The employee submits a signed written account of the accident attested by a principal or department head within twenty-four (24) hours after the injury occurred. If the injured employee is not able to notify the Board, another person reasonably knowledgeable about the employee’s condition and circumstances leading to the injury may provide the required notification. An **Employee Injury Report** must be completed for all employee injuries and signed by the employee and his/her supervisor. The report must be submitted to the Human Resources Department for documentation.

- If medical attention is required, the injured employee must submit a **Physician Certification Form** to certify written medical certification from the attending licensed physician stating the employee was injured and cannot return to work due to a specified injury, if there is a reasonable expectation that the employee will return to work and, if so, the expected date of that return. The Board may require a second opinion from a Board specified physician, at its expense.

Upon a determination that the employee has been injured on the job and cannot return to work, the Board may maintain the employee’s salary and benefits for the period of incapacity caused by the injury, not to exceed ninety (90) days. **An employee who is**
injured on the job may file a request for unreimbursed medical expenses and costs with the State Board of Adjustment. The Board will provide such reasonable assistance to the employee in filing the Board of Adjustment claim as is required by law, but assumes and will have no responsibility or liability for processing the claim or directly reimbursing the employee any unreimbursed medical expenses and costs. On-the-job injury leave will be administered in accordance with and subject to the requirements and limitations imposed by state law regarding such leave.

**Sick Leave Bank**

The Birmingham City Schools Sick Leave Bank (SLB) is established to provide a loan of leave days for participating members after their accumulated sick leave days have been exhausted. It is the purpose of the SLB to allow any school employee who earns sick leave and who wishes to participate in the SLB to also have access to the catastrophic sick leave provisions as established by law.

**The Sick Leave Bank Committee**

The SLB Committee shall consist of five members. Four of these members shall be members of the SLB and are to be elected by secret ballot by the participating members of the SLB. The remaining member shall be appointed by the Superintendent, subject to Board approval.

Members of the SLB Committee will serve a term of one year. Term shall be for the scholastic year. No representative on the committee shall serve for a term longer than five consecutive years.

The SLB Committee is charged with the administration of the SLB policies, decisions; recommended changes in the SLB Guidelines may occur only when approved by the majority of the SLB Committee. The SLB shall be responsible for writing the guidelines which shall govern the operations of the SLB, and Catastrophic Leave Policies. No Board or SLB Committee shall adopt any regulations that conflict with state regulations.

**Duties of the SLB Committee:**

The SLB Committee will elect a chairperson from among its members at the beginning of each year. Other officers may be elected as the Committee shall determine. Meetings of the SLB Committee shall be scheduled on a regular basis as determined by the Committee. Additionally, meetings may be called by the elected Chairperson or by a majority of the Committee.

Decisions affecting the SLB and Catastrophic leave are to be made exclusively by the SLB Committee by a majority recorded vote.
The SLB Committee is charged with the responsibility of developing the necessary forms so that all eligible employees will have reasonable access to the forms and membership. All forms developed by the SLB Committee shall be available on the BCS Website or intranets.

The SLB Committee shall review all applications for loans from the SLB and make appropriate decisions on approval of such loans. Any alleged abuse of the SLB shall be investigated by the Committee. Upon finding of wrongdoing, the violator shall repay all of the sick leave credits drawn from the SLB and be subject to appropriate disciplinary action.

Eligibility and Participation in the Sick Leave Bank

Participation in SLB shall be voluntary. Any full time employee of the BCS who has completed a Sick Leave Bank Authorization Form depositing or committing the required two (2) days to the SLB is eligible to borrow up to ten (10) days from the SLB.

SLB enrollment shall be held the first 30 days of the beginning of each scholastic year, the month of January or within 30 days of hire date of new employee. Members wishing to withdraw can do so at the end of the scholastic school year or at the end of employment with BCS.

To be eligible for a loan from the SLB, a participating member must have exhausted all accumulated sick/personal leave in his/her personal account.

No employee shall be allowed to borrow or owe a number of days which is in excess of fifteen (15) days unless over 50% of the participating members of the SLB vote to extend said limit.

The number of days loaned to an applicant shall be determined by the SLB committee. Factors to be considered include, but are not limited to, (1) the applicant’s need, (2) the circumstances of the illness or disability, (3) years of service to the system, and (4) the availability of days in the SLB.

The BCS Payroll Department shall maintain records of all member deposits to the SLB, withdrawals from the SLB and the status of the SLB. Reports shall be provided on a timely basis and at the request of the SLB Committee, Superintendent, or BCS Board.

Days borrowed need to be in half or whole day increments.

D. Repayment of Loaned Days

Members of the SLB who borrow from the SLB shall be required to repay the SLB as he or she accrues new days monthly. An individual cannot leave employment without repaying any outstanding debt of leave days to the SLB. If the member has no sick leave days remaining, then his/her final check shall be garnished at the prevailing rate of pay for the number of days owed to the SLB. Such monies collected from former members
of the SLB by the administration shall be used to replace the number of days borrowed from the SLB. If a member of the SLB has days borrowed and is on sick leave and cannot return to work due to a permanent or long term disability, the employee may request a donation of days, the donated days shall repay the SLB and the beneficiary employee's last paycheck shall not be garnished.

Retirement – Any member who is retiring may withdraw his or her donated days from the SLB for retirement credit.

Disagreements and Appeals – Any individual who disagrees with the initial decision of the SLB Committee may appeal the decision in writing for reconsideration to the SLB Committee. The Committee shall have the authority, but shall not be required, to put the issue to a vote of the full membership of the SLB. The decision of the SLB Committee shall be final and binding on all parties.

Withdrawal from SLB – Withdrawal from SLB must be made by submitting the official form to the SLB Committee at the end of the scholastic year. Any days which the member has on deposit shall be re-credited to the employee’s personal sick leave account.

Catastrophic Sick Leave

The term "Catastrophic illness or injury" is defined as "Any illness, or pregnancy or medical condition related to childbirth, certified by a licensed physician which causes the employee to be absent from work for an extended period of time." Must be a member of the Sick Leave Bank.

An employee may use catastrophic sick leave for a catastrophic illness for himself or herself or for the following covered persons: parent, spouse, child, foster child currently in the custody and care of the employee, sibling, or an individual with a close personal tie.

An employee who desires to receive Catastrophic Sick Leave must provide a written request to the SLB Committee. The request must include an estimated time of leave and the required form signed by a licensed physician.

An employee must exhaust all sick, personal leave and vacation (if applicable) days before using catastrophic sick leave days and must borrow and utilize from the sick leave bank (up to a maximum of 15 days before being eligible to use catastrophic sick leave days.)

A sick leave bank member may donate a specific number of days (not to exceed 30 sick leave days) to a sick leave bank for a specific employee to use against a catastrophic illness. Donated catastrophic sick leave may be used to repay days owed to the sick leave bank.
Days are donated for a specific person and can only be used by that person. In the case of more than one employee on catastrophic sick leave at the same time, donated days will be recorded separately for each employee. The employee receiving donated days from a SLB member is not required to repay the donated days back to the donor, also donated days are not to be recovered or returned to the donor. Any days donated for catastrophic purposes which are not used by the beneficiary employee shall revert to the employee making the donation.

Payroll/Benefits

Direct Deposit
All employees are required to have direct deposit for receiving their monthly earnings.

Notify Payroll Department immediately if you change banks and/or your account is closed. Also, it is important that the payroll department be notified if your account number changes.

An employee’s salary is divided evenly over 12 months
- September through August for nine (9) month employees
  - Nine month employees will receive the first paycheck on September 30th
- August through July for ten (10) and eleven (11) month employees
  - Ten and Eleven month employees will receive the first paycheck August 31st.
- July through June for twelve (12) month employees
  - Twelve month employees will receive the first paycheck July 31st.
- For late hires, pay is calculated on the number of working days and is divided equally over the remaining pay periods.

All employees are paid on the last working day of each month. Check stubs are obtained electronically via the Employee Self Service (ESS) portal.

Some examples of non-mandatory deductions could include health insurance, disability insurance, dental insurance, savings accounts, deferred compensation plans and flexible spending accounts.

PEEHIP Eligibility

- A full-time employee is any person employed on a full-time basis in any public institution of education within the state of Alabama as defined by Section 16-25A-1, Code of Alabama, 1975. These institutions must provide instruction for any combination of grades K through 14 exclusively, under the auspices of the State Board of Education or the Alabama Institute for Deaf and Blind.
- A full-time employee also includes any person who is not included in the definition of employee in Section 16-25A-1, but who is employed on a full-time basis by any board, agency, organization, or association which participates in the Teacher’s
Retirement System of Alabama and has by resolution pursuant to Section 16-25A-11 elected to have its employees participate in PEEHIP.

- A part-time employee is any person employed on a permanent part-time basis in any public institution of education within the state of Alabama as defined by Section 16-25A-1, Code of Alabama, 1975. These institutions must provide instruction for any combination of grades K through 14 exclusively, under the auspices of the State Board of Education or the Alabama Institute for Deaf and Blind.

- A part-time employee also includes any person who is not included in the definition of employee in Section 16-25A-1, but who is employed on a permanent, part-time basis by any board, agency, organization, or association which participates in the Teacher's Retirement System of Alabama and has by resolution pursuant to Section 16-25A-11 elected to have its employees participate in PEEHIP.

- An eligible permanent part-time employee is eligible for PEEHIP if he or she agrees to payroll deduction for a pro rata portion of the premium cost for a full-time employee. The portion is based on the percentage of time the permanent part-time worker is employed. An eligible permanent part-time employee is not a substitute or a transient employee.

**Open Enrollment begins July 1 and ends by the following deadlines:**

- The deadline for submitting online Open Enrollment changes is midnight of September 10. After September 10, online Open Enrollment changes will not be accepted and the Open Enrollment link will be closed.

- The deadline for submitting paper Open Enrollment forms is August 31 or the last business day of the month. Any paper forms or faxes postmarked after August 31 will not be accepted.

- The deadline for enrollment or re-enrolling in a Flexible Spending Account online or on paper is September 30.

**Transfers**

Employees who transfer from one system to another system are considered current employees and are not considered new employees for insurance enrollment purposes. Transfers must keep existing PEEHIP coverage and cannot make insurance changes until the Open Enrollment period for an October 1 effective date.

**Rehired Employee and 3-1 Rule**

If an employee is terminated at the end of the school year and transfers to another system or is rehired by the same system for the next school year, or a retiree suspends his or her retirement and comes back to work, the employee is not considered a "new employee" for insurance purposes and the employee cannot make insurance changes until the Open Enrollment period.
Retirement

Employee and Employer Taxes Paid Employees hired prior to January 1, 2013 are considered Tier 1 employees for the employer contribution rate for retirement purposes. Any employee hired on or after January 1, 2013 is considered a Tier 2 employee for the employer contribution rate for retirement purposes.

END OF YEAR EMPLOYMENT INFORMATION

Employment Renewal/Non-Renewal – During the first two (2) years of employment, all non-tenured teachers will be rehired unless given notice by the superintendent before June 15th. However, in year three (3), tenure year, notice will be given by the last working day for teachers to report. Certified employees must be hired by October 1st of a scholastic year for that year to be counted towards tenure.

Probationary classified employees may be terminated at the discretion of the employer upon written recommendation of the superintendent and a vote from the majority of the board. Classified employees must be hired by October 1st of a scholastic year to be counted towards acquisition on non-probationary status. The employee will receive 15 days’ notice before ending pay and benefits.

Resignations – Teachers must notify the board 30 calendar days of the next scholastic year of their decision to not return. During the school year, teachers must submit a 30 day written notice to Human Resources and their immediate supervisor. Failure to provide proper notice is considered unprofessional conduct and the State Superintendent of Education may revoke or suspend a teacher’s certificate.

Transfer Request- All request for transfers will be carefully considered and reviewed in accordance with Board policies relative to prohibited discrimination practices. The principal with the vacancy must make a recommendation to the superintendent for the proposed transfer.

Retirement – If considering retirement at the end of the current school year, an employee must contact the Teacher Retirement System (TRS) to verify eligibility. A letter indicating the decision to retire must be submitted to the principal/ supervisor and the Human Resources Department.