

# **ROD Employee Handbook**

**Certified Employees**

**2014-15**

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## ROD Certified Employees

### Preamble

This handbook is provided as a reference for certified employees. It is presented for information only. ROD reserves the right to modify, revoke, suspend, terminate, or change any of all plans, procedures, and policies. This handbook is not intended to create a contract, nor is it to be construed to create a contract between ROD and any employee as a guaranty of continued employment. The collectively bargained contract between the Ripley-Ohio-Dearborn Educators Association and the Ripley-Ohio-Dearborn Special Education Cooperative remains the controlling instrument when ambiguity exists and reserves the right to administer, interpret, and alter provisions within as needed..

### Professional Expectations

ROD employees are expected to maintain confidentiality, work efficiently, and exhibit a professional and courteous attitude toward other employees, students, and parents. Professional work and a professional work product are required. In all cases reports are to be available to parents upon request five (5) days prior to a case conference. Likewise ROD expects employees to comply with all applicable Board policies, work rules, job descriptions, legal obligations, and terms of this handbook. Violation of any policies, regulations, and guidelines may result in disciplinary action, including termination of employment.

### Eligibility for Employment

Potential employees must complete an application. All needed forms, including I-9 forms must be submitted within three days of accepting employment.

ROD checks previous employment history and confers with individuals listed as references. The potential employee must go to [www.rodspecialeducation.org](http://www.rodspecialeducation.org) and complete the application for Safe Hiring Solutions to complete an extended criminal history check. The potential employee must pay the cost for Safe Hiring Solutions. A tentative offer of employment may be withdrawn as the result of checking references, discussing the potential employee's skills with others who have known the potential employee in a professional manner, or reviewing the Safe Hiring Solutions information. Applicants who provide false information will be eliminated from further consideration for employment.

Employees who have falsified information on their employment applications will be disciplined, which could include termination.

All offers of employment are made subject to ROD Board approval.

### Job Postings

ROD has a job posting system to inform employees of available staff positions. To apply for a posted position an employee must meet the minimum requirements for the position. Employees

who are interested in applying for a posted position should submit an updated resume to the Director indicating an interest in the position. Candidates will be judged on individual performance, conduct, experience, and potential. The position may be filled from outside the ROD staff if circumstances call for outside recruitment.

#### Employee Records

The employee's personnel file contains the employee's employment application, reference checks, information regarding performance reviews, benefits data and other appropriate employment-related documents. Tax withholding forms are retained at the ROD office.

Personnel records are the property of ROD.

You may be dismissed for misrepresenting any fact on your application or in your personnel file.

It is the employee's responsibility to notify the payroll department or personnel office of changes in the employee's official name, address, county of residence, telephone number, marital status, number of dependents, military service status, and/or beneficiaries.

It is the employee's responsibility to notify a ROD secretary of the name, address, and telephone number of the person to notify in case the employee is, for example, involved in a serious accident or other emergency or it is necessary to contact the employee at home.

Employees may review their records or receive a copy of their records by contacting the Director.

#### Attendance and Punctuality

Every employee is expected to attend work regularly on all days scheduled and to report to work on time. If you are unable to report to work on time for any reason, telephone the secretaries in advance, if possible.

Unsatisfactory attendance, including reporting to work late or leaving early, may be cause for disciplinary action, up to and including termination of employment.

#### Dress Code

Appropriate attire is required at all times. Employees are expected to present a well-groomed, professional appearance. ROD expects that employees are neat, clean, and wear appropriate dress for work that is in good taste and suitable for the job. Be guided by common sense and good taste. Business casual dress may be permitted occasionally by the Director.

#### Conduct Standards and Discipline

ROD expects every employee to adhere to the highest standards of job performance and personal conduct including interactions with other school district personnel, students, parents, and visitors.

ROD reserves the right to discipline or discharge any employee for violating any school district policy, practice, or rule of conduct. The following list gives you notice of the expectations and standards. It does not include every type of unacceptable behavior that can or will result in disciplinary action. You are notified that the ROD Special Education Cooperative retains the discretion to determine the nature and extent of any discipline based upon the circumstances of each individual case.

Please be aware that employees may not work in a building that their child attends, unless an alternative is not available. This situation automatically raises conflict of interest issues that are best avoided

Employees may be disciplined or terminated for poor job performance, including, but not limited to the following:

- Unsatisfactory quality or quantity of work;
- Repeated unexcused absences or lateness;
- Failure to follow instructions or ROD policy and procedures;
- Failure to follow directives from ROD administration;
- Failure to follow established safety regulations.
- Failure to safeguard computer passwords.

Employees may also be disciplined or terminated for misconduct including, but not limited to:

- Falsifying an employment application or any other company records or documents;
- Being insubordinate or otherwise refusing to perform work as directed;
- Engaging in disorderly conduct or violence;
- Using vulgar, profane, or obscene language;
- Misusing, destroying, or stealing property of ROD or of a school;
- Possessing, entering with, or using weapons on district property;
- Possessing, selling, using, or reporting to work with alcohol, controlled substances or illegal drugs present in the employee's system, on school district property, or during the work day;
- Violating conflict of interest rules;
- Disclosing or using confidential information without authorization;
- Violating ROD's computer or software use policies;

- Being convicted of a crime that indicates unfitness for a job or presents a threat to ROD or its employees in any way.
- Further, all staff are prohibited from transporting students in their private vehicles.

#### Discipline

ROD expects the highest standards of personal conduct from its staff at all times. ROD retains the discretion to discipline its employees. Oral and written warnings up to, and including termination may be administered under the circumstances. ROD reserves the right to terminate any employee whose conduct merits immediate dismissal without resorting to any aspect of a progressive discipline process. ROD reserves the right to discipline or discharge any employee for violation of rules pertaining to harassment, alcohol, or illicit drugs or for infractions of workplace conduct.

#### Termination, Resignation, and Discharge

An employee who resigns or is discharged by ROD shall be paid for all wages earned.

An employee leaving ROD of his/her own accord shall submit a letter of resignation to the Director.

Employees may continue insurance coverage through COBRA at their own expense.

#### ROD Equipment and Property

When using equipment provided by ROD, employees are expected to exercise care, perform required maintenance, and follow all operating and safety instructions and guidelines. Notify the Director if any equipment or property appears to be damaged, defective, or in need of repair. Use normal care in handling ROD property.

#### Return of ROD Property upon Separation

When an employee's employment with ROD terminates for whatever reason, the employee is required to immediately return all district-owned property used during his or her employment, including all documents, disks, and other materials belonging to ROD. This includes all keys, identification cards or badges, credit cards, computers, iPads, communication devices, books, and materials used during the course of work.

Upon separation, employees must return any originals or duplicates of any written or other tangible items, whether maintained in hard copy or electronic medium belonging to ROD. This includes all written reports which have been created to document a student's performance and functioning in schools served by ROD. It includes all confidential information relating to ROD, its computer records, data bases, student information, financial information, and employee information. All of these items are the property of ROD.

### **Return of ROD Property at Summer Break**

Employees are to turn in property, including computers, tablets, test kits, and materials used during the course of work on their last work day prior to summer break. Equipment will be returned to employees the first day they return to work after the summer break.

### **Identity Theft Protection**

ROD respects the privacy of personal data and is committed to ensuring that it will only be accessed and utilized as necessary, in a professional and confidential capacity. In all circumstances, we take reasonable steps to:

Give you clear notice when we are requesting information from you, the types of information we request from you, the general purposes for which that information will be used or disclosed, and the categories of users to whom we provide the information; and

Use safe and secure systems, physical and electronic, to safeguard your non-public personal information, including your social security number.

If at any time you feel as if your personal data has been misused or improperly accessed, please report your concerns to the Director for further investigation.

### **Prohibition of Smoking**

Smoking and the use of tobacco products is prohibited by ROD and the member school corporations. This means smoking and tobacco products are not allowed at ROD, on school buses, at sporting events at member schools, or at any school-related event.

### **Zero Tolerance for Workplace Violence**

ROD prohibits threats, intimidation, and violence of any kind, either committed by or directed at our employees. Employees who engage in such conduct will be disciplined, up to and including immediate termination of employment.

Employees are not permitted to bring weapons of any kind into the ROD offices. Any employee who is suspected of possessing a weapon will be subjected to search.

If an employee feels he or she has been subjected to threats or threatening conduct by a coworker, student, parent, or vendor, the employee should notify the Director immediately.

### **Prohibition of Drugs and Alcohol**

ROD seeks to establish and maintain a workplace and educational setting free of drugs and alcohol, and to discourage drug and alcohol abuse by its employees.

ROD prohibits employees from using or being under the influence of alcohol while scheduled to work, while operating a motor vehicle in the course of their employment or for any job-related purpose, or while on ROD premises or any school property.

ROD prohibits employees from using or being under the influence of illegal/illicit drugs while scheduled to work, while operating a motor vehicle in the course of their employment or for any job-related purpose, or while on ROD premises or any school property.

Any employee who possesses, uses, or distributes illicit drugs and alcohol on school premises or as a part of any of the school's activities violates ROD standards and may be suspended without pay. Such employee shall show proof that they have made contact with a drug intervention agency within five days of the discipline and demonstrate such contact to the Director before they are permitted to return to work.

ROD retains authority to terminate an employee who possesses, uses, or distributes illicit drugs and alcohol on school premises. Any employee found violating these rules on the use or possession of illicit drugs or alcohol while working as an employee of ROD for a second time shall be terminated immediately.

Compliance with the standards of conduct concerning alcohol and illicit drugs is mandatory.

ROD does not prohibit the proper use of prescription medication under the direction of a physician; however, misuse of such medications is prohibited and discipline of the employee may be carried out.

#### Political and Campaign Activities

ROD encourages employees to exercise their constitutional right to vote and participate in the political process. However, political and campaign activities can be disruptive to the school environment and must be limited during work hours.

Employees are not permitted to participate in any political activity that interferes with or disrupts the workplace. It is against ROD standards for any employee to use work time or ROD resources to accomplish goals which are politically motivated, solicit or encourage monetary contributions or other support, use ROD or school facilities or property for any political or campaign activity, or use ROD's name in connection with any political campaign or activity.

Employees who decide to run for public office are expected to keep politics separate from employment and should not allow political involvement to interfere with work performance. Employees who wish to run for public office should notify the Director of Special Education in writing of their intentions, specifying the position and venue in which they are seeking election. Employees running for office are expected to maintain all regular work duties during the campaign and upon election.

Employees elected to a full time office are expected to resign. Employees who are elected to public office must disclose to the Director the existence of any potential or actual conflict of interest affecting the employee's duties or loyalty to the school district, and shall cooperate to the extent practicable to resolve such conflicts.

#### Cell Phones while Driving

Employees who travel for ROD drive their personal vehicles and use their own cell phones. ROD encourages safety while driving. ROD encourages drivers to take special precautions

while driving and conducting business on cell phones, including, but not limited to using hands-free wireless phones, limiting calls to essential and necessary business matters, limiting time spent on the cell phone, and pulling over when dialing or engaging in business conversation.

### Weather Delays and School Closings

Listen to the radio or TV for school closings. If Sunman-Dearborn is closed because of ice, snow, wind, etc. do not come to the office. If you are scheduled at another building and that building is open, you should go to that location. Do not come to the ROD office because the parking lot is not cleared and it is dangerous.

If Sunman-Dearborn is on a delay, ROD is on a delay. If you are scheduled to go to another building, you should go when they are open.

If there is an odd situation, for example, a school is closed because of a lack of electricity, you should go to another school to work, if at all possible. Use your best judgment. Remember that you will make up the day if you do not work.

All employees are expected to report to work when there are weather delays.

### On-the-Job Illnesses and Injuries

The Occupational Safety and Health Act (OSHA) requires that we keep records of all illnesses and accidents that occur on the job. OSHA also provides for your right to know about any health hazards which might be present on the job. Report all accidents, injuries, potential safety hazards, safety suggestions, and health and safety related issues immediately to the Director.

If an accident happens while you are working in a building, report the accident to the building principal. Seek help from outside emergency response agencies, if needed. In addition, contact the Director.

In addition, the state Workers' Compensation Act requires that you report any illness or injury caused at the workplace, no matter how slight. If you do not report an on-the-job illness or injury, you may jeopardize your right to collect workers' compensation payments as well as to receive appropriate medical benefits.

You must complete a "First Report of Employee Injury/Illness" form regardless of whether your injury/illness requires immediate medical attention or not. This form may be completed by you, or by someone who observed your injury/illness, or by the building Administrator or Director. Filing this report protects your right to medical treatment in accordance with Indiana's Workers' Compensation Act and helps ensure that any existing safety hazards are corrected. You can obtain the "First Report of Employee Injury/Illness" form from the secretary.

### Privacy

In an effort to safeguard the property of employees and ROD, ROD reserves the right to inspect property owned and/or supplied by ROD. District-supplied property, including but not limited to offices, desks, file cabinets, computers and software, lockers, and other storage facility) is subject to inspection by administrators at any time with or without notice.

Therefore, employees should have no reasonable expectation of privacy in property owned and/or supplied by ROD.

ROD does not assume responsibility for loss, theft, or damages to personal property. Personal items that are brought to work should be safeguarded through employee's own insurance coverage.

Searches of personal items are allowed. Employees should have no expectation to privacy to items in the office or in their cars. Searches will be made in accordance with applicable state and federal law.

#### Licensure/Certification

Each employee who is required to be licensed or certified by law must provide ROD with a copy of the current license or certificate to be maintained in his/her personnel file. Employees are expected to know the expiration date of their license/certification and meet the requirements for re-licensure or certification in a timely manner. All certifications and licences held at the time of employment, or acquired during the term of employment are maintained. All teaching contracts terminate when the authority to teach terminates. Failure to maintain certifications and/or licences will result in termination from employment.

#### Outside Employment

Outside employment is employment for compensation that is not within the duties and responsibilities of the employee's regular position with the school system. Employees are not prohibited from holding employment outside ROD as long as such employment does not interfere with assigned school duties determined by ROD. Employees are expected to devote maximum effort to the position in which they are employed. An employee will not conduct any duties related to an outside job during regular working hours. Likewise, an employee will not use ROD facilities, equipment, or materials in performing outside work.

### COMPENSATION AND BENEFITS

#### Pay Schedule

Certificated employees are paid in 26 equal installments. If a regular payday falls on a holiday or on a day when the banks are closed, the paychecks will be issued on the workday before the holiday. Paychecks are deposited directly to accounts in financial institutions which are members of the Automatic Clearing House program.

It is the employee's responsibility to review the information you are given on the pay stub. Notify the Treasurer if information is not accurate.

#### Pay Information

Certain mandatory deductions will be made from paychecks in accordance with state and federal laws. They include local, state, and federal income taxes, Social Security and Medicare taxes, and the Teacher's Retirement Fund for eligible employees.

In addition, ROD makes certain voluntary deductions as part of the employee's benefits. If an employee elects health care coverage, a flexible spending account, or elects to participate in an annuity, costs associated with the benefit will be deducted.

If an employee is not receiving a payroll check (due to illness, injury, or a leave of absence) the employee is required to make arrangements with the Treasurer to pay the cost of any benefits.

#### Child Support Reporting Requirements

Federal and state laws require ROD to report basic information about new employees, including your name, address, and social security number to a state agency designated as the State Director of New Hires. The state collects this information in an effort to enforce child support orders.

Please be advised that if the state agency determines that you owe child support, the state agency will send ROD an order requiring us to withhold money from your paycheck to pay your child support obligations. The school district is required to comply with such orders as a matter of federal and state law.

If you have a voluntary agreement to pay child support directly from your paycheck, it is your responsibility to make arrangements with the Treasurer to have child support deducted from your pay and automatically forwarded to the Department of Child Services.

#### Unemployment Compensation

The law provides unemployment compensation benefits to protect workers from economic hardship due to a loss of employment. A terminated employee who is unable to secure new employment may file a claim for unemployment compensation. An employee may be eligible for unemployment compensation if he/she was terminated for reasons other than misconduct, as defined by state law. Generally, employees who voluntarily resign without "good cause" are not eligible for unemployment benefits.

When an employee files a claim for unemployment compensation, the employer is required to provide a written statement detailing the circumstances or reasons for the employee's termination. The employer will also be asked whether payment of unemployment compensation is opposed. The answer provided by the employer may determine the employee's eligibility for benefits. If either party disagrees with the initial determination with respect to coverage, an appeal can be made. A formal hearing is held in the event that there is an appeal.

#### Worker's Compensation

ROD provides insurance to compensate for any illness or injury an employee might suffer while working on ROD premises, working on any school premises, traveling on official company business, or attending an activity officially sponsored by ROD, in accordance with the laws of the State of Indiana, as administered by our workers' compensation insurance carrier.

If you become ill or injured while at work, please seek medical attention at once.

You must report the details of your illness or injury to the Director of Special Education. You must complete a report for every injury, no matter how small, to keep the coverage in force and to get any benefits or other compensation to which you may be entitled.

#### Jury Duty

Employees are encouraged to fulfill their civic obligation by serving on jury duty when notified. Employees who are scheduled for jury duty need to provide documentation of the jury duty summons to the Director immediately following receipt of the summons.

When excused or released from jury duty, employees are expected to return to work promptly.

#### Time Off From Work in Connection with Court Cases

If you are subpoenaed or otherwise required to serve as a witness in a court case or arbitration, notify the Director immediately. You will not be terminated solely for an absence made necessary by participating in a court case, mediation, or arbitration.

If you are subpoenaed or otherwise required to serve as a witness in a court case or arbitration that is directly related to your employment, the time you are away from work to serve as a witness should be recorded on the time card as "Jury/Legal".

Unless otherwise required by state or local law, the time you are away from work to serve as a witness in a court case, mediation, or arbitration that is related to personal business will not be recorded as paid work time. If you have available personal leave or vacation time, that leave time will be used to cover the absence.

#### COMPLIANCE

##### Copyright

A variety of machines and equipment for reproducing materials to assist staff in carrying out their educational assignments are available to staff in the school. Infringement on copyrighted materials is a serious federal offense, a violation of Board policy and contrary to ethical standards. All reproduction of copyrighted material shall be conducted strictly in accordance with applicable provisions of law. Unless otherwise allowed as "fair use" under federal law, permission must be acquired from the copyright owner prior to reproduction of material in any form, print or digital.

##### Prohibition of Harassment and Discrimination

The Ripley-Ohio-Dearborn Special Education Cooperative (ROD) maintains an environment free from discrimination and harassment, with employees treating each other with respect, dignity, and courtesy.

This policy applies to all phases of employment, including but not limited to recruiting, testing, hiring, promoting, demoting, transferring, laying off, terminating, paying, granting benefits, and training. ROD does not discriminate on the basis of religion, race, color, national origin, sex, disability, age, or genetic information in its programs, activities or employment.

**Prohibited behavior:** ROD does not tolerate harassment of any type of our employees, or applicants for employment. Discriminatory conduct or harassing conduct is prohibited.

Harassment includes, but is not limited to: slurs, jokes, other verbal or physical conduct relating to a person's gender, genetic, race, color, religion, national origin, age, disability, military status, ancestry, or any other protected category under federal, state, or local law that unreasonably interferes with a person's work performance or creates an intimidating, hostile work environment.

Sexually harassing behavior includes unwelcome sexual advances such as requests for sexual favors, offensive touching, or other verbal or physical conduct of a sexual nature. Conduct may constitute sexual harassment when it is made for an explicit or implicit condition of employment, is used as the basis for employment decisions, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive working environment. It includes repeated sexual flirtations, advances, or propositions; continued and repeated verbal abuse of a sexual nature; sexually related comments and joking; displaying sexually suggestive objects or pictures; and any uninvited physical contact or touching of actions, such as patting, pinching, or repeated brushing against another's body.

Sexually harassing behavior has the purpose or effect of substantially interfering with an individual's professional performance or creating an intimidating, hostile, or offensive employment environment.

Conduct may constitute sexual harassment regardless of whether the conduct is between administrators, between administrators and staff employees or job applicants, between staff employees, between employees and students, or directed at employees by nonemployees conducting business with ROD, regardless of gender.

If you are unsure of the appropriateness of your interaction or relationship with another employee of ROD or a school district, contact the Director.

Dating and/or sexual relationships between ROD employees and students is prohibited.

Racial harassment consists of unwelcome racial comments, and other inappropriate verbal or physical conduct of a racial nature when made by administrators, between administrators and staff employees or job applicants, between staff employees, or directed at employees by nonemployees conducting business with ROD, regardless of race.

Racial harassing behavior has the purpose or effect of denying an employment opportunity, substantially interfering with an individual's professional performance, or creating an intimidating, hostile, or offensive employment environment..

Harassment on the basis of disability consists of unwelcome comments related to a disability, and other inappropriate verbal or physical conduct about or related to a disability when made by administrators, between administrators and staff employees or job applicants, between staff employees, or directed at employees by nonemployees conducting business with ROD.

Harassment on the basis of disability has the purpose or effect of denying an employment opportunity, substantially interfering with an individual's professional performance, or creating an intimidating, hostile, or offensive employment environment.

#### Complaint Procedure and Investigation

A report of a possible incident of sexual harassment, racial harassment, or harassment on the basis of disability, or other unlawful harassment or discrimination should be filed in writing promptly with the Director. If that person is not available, or if you believe it would be inappropriate to contact that person, contact the Assistant Director. The written report must explain the facts involved in the situation, the individuals who were involved, and must name the individual(s) charged with the harassment. The right of confidentiality, both of the complainant and the accused, will be respected consistent with ROD's legal obligations and the necessity to investigate allegations of misconduct and to take corrective action when such conduct has occurred.

A prompt investigation will be conducted as confidentially as possible. Employees who raise concerns and make reports in good faith may do so without fear of reprisal. Employees have an obligation to cooperate with ROD in enforcing this policy and investigating and remedying complaints.

Anyone found to have engaged in wrongful behavior will be subjected to appropriate discipline, which may include termination.

ROD will not tolerate retaliation against an employee who files a complaint of sexual harassment or discrimination in good faith. In addition, ROD will not tolerate retaliation against any employee who cooperates in the investigation of a complaint. Likewise, any person who knowingly files false charges against an employee in an attempt to demean, harass, abuse or embarrass that individual is subject to disciplinary action, which may include termination.

#### Confidential Information

Information that pertains to the business of ROD, including all information concerning our employees and students, is strictly confidential and must not be given to or shared with people who are not employed by ROD.

It is illegal, inappropriate and unprofessional to discuss confidential information about students and employees with other employees (or anyone else) who do not have a need to know such confidential information.

Employees must protect confidential information, which may include students' names, addresses, grades, and disciplinary records by taking the following precautionary measures. Discuss work matters only with other ROD employees who have a specific reason to know or have access to such information. Do not discuss work matters in public areas of buildings or in places outside of ROD. If you are in a school, monitor your conversations so that only individuals who have a need to know and contribute are involved. Monitor and supervise any visitors, persons who accompany parents, etc. to ensure that they do not have access to confidential information. Shred (cross-cut) hard copies of documents that are no longer

needed. Secure confidential information in desk drawers and cabinets at the end of every business day.

We have an obligation to protect the security we hold in regard to students and employees. Use common sense and good judgment. If you are uncertain as to whether you can properly divulge information or answer questions, contact the Director.

#### Conflict of Interest

Employees must avoid any interest, influence, or relationship that might conflict with, or appear to conflict with the best interests of ROD. You must avoid any situation in which your loyalty may be divided, and you should promptly disclose any situation where an actual or potential conflict may exist.

A conflict of interest may arise if you have a child (particularly in a building you are assigned to) with a disability, a financial interest in a business transaction with ROD, own or have a significant financial interest in, or other relationship with a customer or supplier of ROD, or accept gifts, entertainment, or other benefit from a customer or supplier of ROD. Anyone with a conflict of interest must disclose that interest to the Director. Anyone with a conflict of interest must remove themselves from negotiations, deliberations, or purchasing arrangements involving the conflict. If your knowledge of the situation will benefit ROD, you should answer questions, etc.

#### HIPPA Privacy and Security Compliance

It is the intent of ROD to safeguard and protect the privacy and security of its applicants' and employees' "protected health information" as defined by the Health Insurance Portability and Accountability Act of 1996 (HIPPA).

"Protected health information" refers to, and includes individually identifiable information, maintained or transmitted through any medium, relating to an individual's past, present, or future physical or mental health or healthcare. Health information is considered "individually identifiable" if it either identifies a person by name or creates a reasonable basis to believe the individual could be identified (through identifiers such as addresses, social security number, dates of service, telephone number, email address, or vehicle identification number).

It is the intent of ROD to ensure the confidentiality, integrity, and availability of protected health information entrusted to ROD by its applicants and employees by protecting those assets from unauthorized access, alteration, deletion, or unauthorized transmission and to ensure their physical security. Employees of ROD shall not at any time access, use, or disclose to any person or entity, any protected health information of ROD's applicants or employees, except as necessary and authorized in the course of their duties and responsibilities with the school district. Similarly, employees are prohibited from making any unauthorized transmission, alteration, deletion, or unauthorized access of protected health information. Such unauthorized transmission includes, but is not limited to, removing and/or transferring protected health information in the ROD computer system to an unauthorized location.

These privacy and security obligations apply regardless of the manner in which the employee or manager acquires the protected health information, whether it was communicated verbally, in

writing, electronically, or in any format, and regardless of whether it was communicated directly to the individual or intended for his/her access.

The unauthorized access, use, disclosure, alteration, deletion, or unauthorized transmission of protected health information in violation of this policy may subject you to disciplinary action up to and including termination of employment.

#### COBRA

The right to continuation coverage for group health plan benefits was created by federal law, the Consolidated Omnibus Budget Reconciliation Act of 1985. COBRA continuation coverage becomes available to you when you would otherwise lose your group health insurance coverage. It can also become available to other members of your family who are covered under the group health plan when they would have otherwise lost their group health coverage.

COBRA coverage is a continuation of plan coverage when coverage would otherwise end because of a life event, otherwise known as a "Qualifying event". After a qualifying event, COBRA continuation coverage must be offered to each person who is a qualified beneficiary. You, your spouse, and your dependent children could become qualified beneficiaries if coverage under the plan is lost because of a qualifying event. Under the plan, qualified beneficiaries who elect COBRA continuation coverage must pay for it.

If you are an employee, you will become a qualified beneficiary if you lose your coverage under the plan because your hours of employment are reduced or your employment ends for any reason other than your gross misconduct.

The spouse of an employee will become a qualified beneficiary if he/she loses coverage under the plan because the employee dies, the employee's hours of employment are reduced, the employee's employment ends for any reason other than his/her gross misconduct, the employee becomes entitled to Medicare benefits (Part A, Part B, or both) or the individual becomes divorced or legally separated from the employee.

Your dependent children will become qualified beneficiaries if they lose coverage under the plan because the employee/parent dies, the employee/parent's hours of employment are reduced, the employee/parent's employment ends for any reason other than his/her gross misconduct, the parents become divorced or legally separated, or the child stops being eligible for coverage as a dependent child.

Sometimes, filing a proceeding in bankruptcy under Title 11 of the United States Code can be a qualifying event. If a proceeding in bankruptcy is filed with respect to your employer sponsoring the plan, and that bankruptcy results in the loss of coverage of any retired employee covered under the plan, the retired employee will become a qualified beneficiary with respect to the bankruptcy. The retired employee's spouse, surviving spouse, and dependent children will also become qualified beneficiaries if bankruptcy results in the loss of their coverage under the plan.

The plan will offer COBRA continuation coverage to qualified beneficiaries only after the Plan Administrator has been notified that a qualifying event has occurred. When the qualifying event is the end of employment or reduction of hours of employment, death of the employee, commencement of a proceeding in bankruptcy with respect to the employer, or the employee's

becoming entitled to Medicare benefits (under Part A, Part B, or both), the employer must notify the Plan Administrator of the qualifying event.

For the other qualifying events (divorce or legal separation of the employee and spouse or a dependent child's losing eligibility for coverage as a dependent child), you must notify the Plan Administrator within 60 days after the qualifying event occurs.

#### How is COBRA Coverage Provided?

COBRA is administered by Infinisource. You will pay an administrative fee, as well as the cost of your insurance (including contributions made by the employer). Coverage through Infinisource is identical to the coverage currently available to similarly situated employees and their families. You will be subject to the same rules and limits, such as co-payments, deductibles, and coverage limits.

Please be aware that there are alternatives to COBRA, such as enrollment in other health coverage.

Once the plan administrator receives notice that a qualifying event has occurred, COBRA continuation coverage will be offered to each of the qualified beneficiaries. Each qualified beneficiary will have an independent right to elect COBRA continuation coverage. Covered employees may elect COBRA continuation coverage on behalf of their spouses, and parents may elect COBRA continuation coverage on behalf of their children. You have 60 days to provide a written notice to ROD regarding the qualifying event.

COBRA continuation coverage is a temporary continuation of coverage. Coverage ranges from 18 to 36 months, depending on your particular circumstances.

For more information about your rights under ERISA, including COBRA, the Health Insurance Portability and Accountability Act (HIPPA) and other laws affecting group health plans, contact the nearest Regional or District office of the U.S. Department of Labor's Employee Benefits Security Administration (EBSA) in your area or visit the EBSA website at [www.dol.gov/ebsa](http://www.dol.gov/ebsa).

#### Family and/or Extended Medical Leave

You may be eligible for family and/or medical leave if you have worked for ROD for at least twelve (12) months and you have worked at least 1,250 hours during the twelve (12) month period before the requested leave is to begin.

You may be entitled to take up to twelve (12) work weeks of unpaid leave to attend to the birth, adoption, or foster care placement of your child, to attend to the serious health condition of your dependent child, spouse or parent, or to receive care for your own serious health condition.

A serious health condition means an illness, injury, impairment, or physical or mental condition during which you are incapable of working that involves either treatment requiring inpatient care in a hospital, hospice or residential care facility or continuing treatment by a health care provider for a condition that lasts more than three consecutive days, or for pregnancy or prenatal care, or for a chronic health condition which continues over an extended period or time, requires periodic visits to a health care provider and may involve occasional episodes of incapacity, such

as serious asthma or diabetes. A serious health condition also includes a permanent or long-term condition such as Alzheimer's, a severe stroke and terminal cancer. In addition, leave may be used to cover absences due to multiple treatments for restorative surgery or for a condition which would likely make you incapable of working more than three days if not treated, such as chemotherapy or radiation treatments for cancer.

ROD requires you to substitute accrued illness leave time, personal leave time, and/or vacation time for family and medical leave. If the request for leave is due to your own serious health condition, you are required to first exhaust all accrued sick leave time. Any accrued personal leave time will then be used. Your total leave time, which may include paid vacation and sick time, may not exceed twelve (12) weeks. ROD has the right to designate such leaves as running concurrently with your leave.

If your need for leave is foreseeable, you must give thirty (30) days prior notice if possible. If your need for leave is due to a planned medical treatment, you should make every attempt to schedule the treatment so as not to unduly disrupt the work of your department. If your need for leave is not foreseeable, you must request it as soon as practicable, no later than two business days after the need for leave arises.

If leave is requested as a result of your own or a family member's serious health condition, you must provide medical certification from an appropriate health care provider. The medical certification must include the date on which the condition began and its probable duration. You may be denied leave if you do not provide satisfactory certification. ROD may also require a second or third opinion regarding certification of a serious health condition, at our expense.

If your leave is due to your own medical condition, you are required to provide medical certification that you are able to resume work before returning to work. Your physician will have a form, "Return to Work Medical Certification" to use.

Upon returning to work, you will ordinarily be entitled to be restored to your former position or to an equivalent position with the same employment benefits and pay if possible. If you do not return to work after the leave, you will reimburse ROD for the cost of maintaining insurance coverage during your leave.

If you intentionally misrepresent the reasons for requesting family and medical leave, you will be subject to disciplinary action up to and including termination of employment.

Taking family and medical leave will not cause you to lose any employment benefits accrued prior to the first day of leave. The leave period will be treated as continued services for purposes of determining vesting and eligibility to participate in any retirement plan in effect. Employees on leave from work will not accrue any other additional benefits during the leave period, unless it is a paid leave under which benefits would otherwise accrue.

ROD will maintain your insurance benefits while you are on leave, although you may be required to pay your portion of the premium. If you do not return to work after the leave, you will reimburse ROD for the cost of maintaining insurance coverage during the leave.

## Military Leave

Pursuant to the Uniformed Services Employment and Re-employment Rights Act, (USERRA) ROD prohibits discrimination against persons because of their service in the Armed Forces, the Army National Guard and the Air Force National Guard (when engaged in active duty for training, inactive duty training, or full time National Guard duty), the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or emergency.

USERRA provides job-protection for qualified employees returning from active military service in most cases.

Indiana law provides that employees who are members of the U.S. reserves can take up to fifteen (15) days of leave per year when called for training or service. Such leave is with pay.

The Indiana Military Family Leave Act provides an unpaid leave of absence for up to ten (10) work days for eligible employees if certain relatives are ordered to active duty. Employees should speak with the Director for information.

## Investigations

There may be times when there is an investigation regarding a ROD employee. All employees are expected to cooperate. Failure to be cooperative and completely truthful during an investigation may be grounds for disciplinary action, up to and including termination of employment. Every effort will be made to maintain the confidentiality of information learned during the course of an investigation. However, the individuals conducting investigations cannot promise that all information will remain confidential since some information may be revealed to support certain actions. If the alleged misconduct might constitute criminal conduct by the employee, the employee may be provided a Garrity warning. *Garrity v. New Jersey*, 385 U.S. 493 (1967). ROD may place an employee on paid or unpaid leave during an investigation into alleged misconduct.

## Child Abuse

All employees are required to report suspected child abuse. Contact the Building Principal and the Director prior to reporting child abuse.

## Equal Employment Opportunities

ROD does not discriminate, or use procedures having an adverse impact in application for employment, hiring practices, promotion, or other employment or membership opportunities toward members of any race, sex, ethnicity/national origin, age, disability, pregnancy, genetics, or religion.

If you believe that you have been discriminated against at work because of your race, color, religion, sex (including pregnancy), national origin, age (40 or older) disability, or genetic information you may file a **Charge of Discrimination** with the U.S. Equal Employment Opportunity Commission. You have 180 calendar days from the date the discrimination took place. Your file must include your name, address and phone number, the name, address, and

phone number of your employer, the number of employees employed there, a short description of the events you believe were discriminatory, when the event took place, why you believe you were discriminated against, your phone number, and your signature. You may call 1-800-669-4000 for information. If you file a charge, you may be asked to try to settle the dispute through mediation.

Your written and signed charge must be filed with the EEOC, Indianapolis District Office, 101 West Ohio St., Suite 1900, Indianapolis, IN 46204, 1-800-669-6820, fax 317-226-7953.