



CLASSIFIED HANDBOOK

2021-2022

Shepherd School District #37

Shepherd, MT

www.shepherd.k12.mt.us

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EMPLOYMENT BASICS

HIRING

Upon hiring, there is a 6-month probationary period. During this time, the newly hired employee can be let go without cause at the district's discretion.

OTHER INFORMATION

If further information is desired, please feel free to consult a board policy manual or visit with your direct supervisor.

WORKPLACE POLICIES

EMPLOYEE DRUG AND ALCOHOL POLICY

All employees not covered by the negotiated agreement are covered by board policy (5228) and subject to random drug testing at the discretion of the district.

GRIEVANCE

All Shepherd School District employees are protected by a grievance policy. For proper procedure when filing a grievance please consult Board Policy 3225P & 3225F. Board Policies and Procedures are available on the school district's website at www.shepherd.k12.mt.us

SEXUAL/RACIAL HARASSMENT POLICY STATEMENT

Employees of the Shepherd School District #37 are entitled to the opportunity to work in an environment free of discrimination, whether it is based on sex, race, color, religion, national origin, marital status, political belief, age or handicap. Sexual/ racial harassment is one form of discrimination that undermines the integrity of the employment relationship, lowers morale, interferes with productivity and adversely affects the careers of Shepherd School District #37 employees. Sexual/racial harassment, which affects employment decisions or creates an offensive working environment, is both a prohibited personnel practice under the Montana Human Rights Act and a violation of Title VII of the Civil Rights Act of 1964. A mutually acceptable relationship can turn into sexual/racial harassment if unwelcome advances are continued. Shepherd School District #37 employees should distinguish mutual, acceptable social relationships which do not encroach on the working environment from sexual harassment. Any deliberate or repeated unsolicited comments, gestures, or physical contact of a sexual nature, which are unwelcome constitute sexual/racial harassment.

Shepherd School District #37 employment demands from each of us the highest standards of honesty, integrity, and impartiality when carrying out the business of the Shepherd School District #37. Sexual harassment and other conduct which violates these standards will not be

condoned or tolerated. It is the policy of Shepherd School District #37 to take direct and immediate action when informed of violations and to enforce the full range of liability and protection created by Title VII and the Montana Human Rights Act.

TITLE IX

No person at Shepherd Schools shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity. Inquiries regarding sexual harassment, (sex) discrimination or (sex) intimidation should be directed to the Shepherd Public Schools Title IX Coordinator., to the Assistant Secretary for Civil Rights of the Department of Education, or both. The Board designates the following individual to serve as the District's Title IX Coordinator:

Title: Heather Davis

Office Address: 7842 Shepherd Road, Shepherd, MT 59079

Email: h-davis@shepherd.k12.mt.us

Phone Number: 406-373-5300 ext. 172

Title IX, Coordinators-High School Counselor, 373-5300 ext. 172; Middle School Counselor, 373-5873 ext. 150; Elementary Counselor, 373-5516 ext. 112.

OCCUPATIONAL HEALTH AND SAFETY

Public employers in Montana are exempt from compliance with the Federal Occupational Safety and Health Act (OSHA), since the Act exempts state and local governments and political subdivisions. However, public employers are required to comply with the Montana Safety Act, and its requirements, and under the Montana Safety Act, the Workers' Compensation Division (which administers the Act) has adopted essentially the same health and safety standards applicable under OSHA. For all intents and purposes then, public employers must comply with OSHA standards, although they are enforced by the Montana Workers' Compensation Division and not the federal government.

The Montana Safety Act itself requires employers to furnish a place of employment which is safe for employees. Additionally, employers must furnish, use, and require the use of safety devices and safeguards to make the place of employment safe. Also, whether the employer is the owner or the lessee of the place of employment, they must repair and maintain the place of employment to make it safe.

The health and safety standards promulgated by regulation under OSHA are extensive. Copies can be obtained by consulting the Workers' Compensation Division.

CODE OF CONDUCT

DRESS CODE

Employees will dress in a professional manner. Jeans are only permitted on Fridays.

EVALUATIONS

Evaluations are performed by an employee's direct supervisor. Each employee must have at least one evaluation per year.

COMPENSATION

SALARY SCHEDULE

The salary schedule is available at the District Clerk's office.

PAYROLL

Payroll is scheduled for the 7th of every month. If the 7th falls on a weekend or holiday, the payroll will be effective the following business day.

BENEFITS

BENEFITS

By law and administrative policy, public employees are entitled to certain rights and benefits. Commonly called "Fringe Benefits", they include benefits such as annual leave, paid holidays, insurance coverage, and grievance procedures. Fringe benefits of public employees, minimum wage, overtime compensation requirements, maximum hour entitlement, anti-discrimination laws, and rights of terminated employees are addressed in this handbook.

INSURANCE COVERAGE

Any employee working less than four (4) hours is not eligible to participate in the group health insurance.

Any employees working four (4) or more hours may participate in the group health insurance with the district contributing a portion per month and the employee paying the remainder of the premium. There is a 60 day probation period from the date of hire to when the insurance will become effective. The district's contribution amount follows the ACA requirements. Please refer to the District Clerk for questions regarding insurance.

Once an employee's employment is terminated, the district will no longer pay a portion of the health insurance premium and the insurance policy will no longer be in effect.

RETIREMENT SYSTEMS

There are two retirement systems available to Shepherd School classified employees – MPERA and TRS. Reporting hours to a retirement system is required for most full-time employees, however, all public employees in Montana have an opportunity to join a retirement system.

Most employees are required to participate in MPERA or TRS from their first day of employment. Certain employees are exempt from mandatory membership, but may elect to become members. See specifics from MPERA or TRS to determine mandatory membership.

Both the employee and employer are required to contribute to MPERA or TRS. The contributions of employees are deducted from their wages or salaries, and these deductions plus the amount of the employers' contributions are remitted on a monthly basis. Contributions are based on the salary of the employee.

WORKERS' COMPENSATION INSURANCE

All public employees in Montana are required to be covered by Workers' Compensation Insurance, paid for by the employer. Coverage must also be provided for elected and appointed paid public officers. Job related injuries are compensated for by the insurance, and employees are then precluded from suing the employer for injuries.

UNEMPLOYMENT INSURANCE

All public employers in Montana are required to provide unemployment insurance for their employees.

Unemployment compensation benefits are paid to employees separated from employment under certain specified criteria. For example, employees terminated for "misconduct" are not entitled to benefits, nor are employees who have voluntarily left work "without good cause".

The Montana Unemployment Insurance Division should be consulted for information regarding these and other requirements of the Unemployment Insurance Law.

WORKING HOURS & LEAVE

WORKING HOURS

Working hours are to be established by an employee's direct supervisor. All working hours and any changes to working hours must be reported to the Superintendent's office.

OVERTIME

Overtime is strictly prohibited unless prior approval has been given by the Superintendent. There are no exceptions. Abuse of overtime could lead to disciplinary action, up to and including the termination of employment with the District.

SICK AND BEREAVEMENT LEAVE

All public employees, with certain minor exceptions, are entitled to sick leave under Montana law. The amount of the leave is based upon a credit hour system, which in turn is based on length and type of service.

By statute, "sick leave" is defined as a leave of absence with pay for a sickness suffered by an employee or his/her immediate family. "Immediate Family" is defined as the employee's spouse, children or parent.

The following are examples of sick and bereavement leave when an employee is unable to perform job duties because of:

- A physical or mental illness, injury or disability;
- Maternity or pregnancy-related disability or treatment; including a prenatal care, birth, or medical care for the employee or employee's child;
- Prenatal leave for a permanent employee as provided in 2-18-606, MCA;
- Quarantine resulting from exposure to a contagious disease;
- Examination or treatment by a licensed health care provider;
- Short-term attendance, in an agency's discretion to care for a person (who is not the employee's immediate family) until other care can reasonably be obtained;
- Necessary care for a spouse, child or parent with a serious health condition, as defined in the Family and Medical Leave Act of 1993; or
- Death or funeral attendance of an immediate family member or, at the agency's discretion, another person.

Nothing in this policy guarantees approval of the granting of such leave in any instance. The District will judge each request in accordance with this policy.

An employee who has suffered a death in the immediate family will be eligible for 3 days of bereavement leave. Any longer amount of bereavement leave must be approved by the Board. Accumulated vacation/sick leave will be utilized. Such leave will not exceed three (3) months unless prescribed by a physician.

Full-time public employees covered by the law earn credits for sick leave at the rate of twelve (12) working days each year of service, which is deemed to be equal to 2,080 hours. This means that employees earn sick leave at the rate of 96 hours per year, or approximately .37 hours per day of employment (.046 hours per hour). Overtime hours (hours worked beyond 40 hours per week) are not counted. Credits are accumulated from one year to the next with no maximum. The credits are earned from the first day of employment, but employees are not entitled to take paid sick leave until they have been continuously employed for 90 days. Sick leave cannot be earned while on a leave-without-pay status.

Part time, temporary, and seasonal employees earn sick leave credits like anyone else, except credits are prorated to part-time employees. They must also work the qualifying 90-day period in order to take paid sick leave.

As provided in §2-18-615, MCA, "Absence from employment by reason of illness shall not be chargeable against unused vacation leave credit unless approved by the employee".

By law, "abuse" of sick leave is cause for dismissal and forfeiture of the lump sum payment.

Each public employer is responsible for administering the sick leave provisions described above, and personnel policies are required to be adopted to do so. Such policies can include provisions to prevent the abuse of sick leave. Employment and collective bargaining agreements which included sick leave provision can also be negotiated. However, the Attorney General and the courts have ruled that sick leave benefits provided by law (as well as vacation leave benefits) are mandatory and not minimums. Therefore, personnel policies and employment agreements cannot grant employees more benefits than they are entitled to by law.

Shepherd School requires a medical confirmation or a work release when an employee has used sick leave for 3 days in a row. Each employee should request this when visiting the doctor, as it is required to return to work.

VACATION LEAVE

Public employees earn vacation leave credits in much the same manner as sick leave. The leave earned is based on length of service.

Vacation leave credits for covered public employees are earned as follows:

<u>Years of Employment:</u>	<u>Working Days Credit Per Year:</u>
1 day – 10 years	15
10 years – 15 years	18
15 years – 20 years	21
20 years +	24

For calculating annual leave credits, 2080 hours equals one year, and credits are earned only at the end of each pay period.

In accordance with §2-18-617(1), MCA, all full-time employees serving in permanent and seasonal positions may accumulate two times the total number of vacation leave credits they are eligible to earn per year, according to the rate earned schedule.

Vacation leave credits are earned from the first day of employment, but employees cannot take paid leave until they have been continuously employed for six calendar months. Vacation leave cannot be earned while the employee is on a leave-without-pay status §2-18-611.

Part-time and seasonal employees also earn vacation leave credits, except credits are prorated for part-time employees. Temporary employees earn vacation leave only if they are employed longer than six months or are transferred to a permanent position. The six-month qualifying rate also applies to these employees.

An employee of the District requesting vacation shall complete a “Request for Leave” form in advance and shall submit that form to his/her designated supervisor who shall review and approve or disapprove and forward if approved to the personnel office or the next administrative tier as indicated on the form.

The employee’s requested vacation leave shall be determined and/or granted by agreement between each employee and the District. Where the interest of the District requires the employee’s work or attendance at duties, the District’s interests override the employee’s interest.

A public employer can adopt policies governing vacation leave or enter into employment agreements regarding it. However, those policies or agreements cannot conflict with or increase the benefits provided by law since the benefits are considered to be mandatory and not minimum.

The District shall not pay accumulated leaves to employees who have not worked the qualifying period. The value of unused vacation leave is computed based upon the employee’s salary rate at the time of termination.

MATERNITY LEAVE

Shepherd School District #37 follows the Family Medical Leave for maternity leave. Please consult with the District Clerk for a copy or clarification of this leave.

HOLIDAYS

(Legal Reference 20-1-305, MCA)

School employees are entitled to the following holidays:

- (a) New Year's Day, January 1
- (b) Memorial Day, Last Monday in May
- (c) Independence Day, July 4
- (d) Labor Day, First Monday in September
- (e) Thanksgiving Day, Fourth Thursday in November
- (f) Christmas Day, December 25

If these holidays fall on a Saturday or Sunday, the preceding Friday or following Monday are NOT holidays. To be paid for a holiday, one must work the weekday before and after the holiday, or claim vacation or sick leave for the weekday before and after the holiday (20-1-305, MCA). If an employee qualifies for holiday pay, he/she must be sure to claim the holiday time on his/her time sheet.

JURY AND WITNESS DUTIES

(Legal Reference 2-18-619)

Public employees who are summoned to jury duty or subpoenaed to serve as a witness may elect to receive their regular salary or take vacation leave during jury time. If the employee elects not to take vacation leave, all juror and witness fees and allowances (except for expenses and mileage) must be remitted to the employer.

MILITARY LEAVE

By state law a state, city and county employee who is a member of the organized militia of this state or who is a member of the organized or unorganized reserve corps or military forces of the United States, and who has been an employee for a period of at least 6 months must be given leave of absence with pay accruing at a rate of 15 working days in a calendar year for performing military service. Military leave may not be charged against the employee's vacation time. Unused military leave must be carried over to the next calendar year, but may not exceed a total of 30 days in any calendar year.

This statute has been interpreted by the Attorney General to apply to political subdivisions of state and local government as well, including school districts. The Attorney General has also ruled that the law applies to employees, who have fulfilled all mandatory military service and reserve obligations, but who have extended their military service; it does not apply to

temporary employees. However, federal law requires that temporary employees who are in federal employment while at a training camp must be given leave without pay for a period not to exceed 15 days.

If a public employee is called to active duty or volunteers for active duty during a war involving the United States or in any other national emergency, his/her time while on active duty must be counted as employment for purposes of calculating vacation leave credits.

EMPLOYMENT RESIGNATION & TERMINATION

EMPLOYMENT RESIGNATION

Upon resignation, an employee must submit a signed resignation letter to his/her immediate supervisor, which will then be submitted to the Superintendent for approval.

EMPLOYMENT TERMINATION

Upon termination, employees are entitled to be paid a lump sum payment equal to one-fourth of the accumulated sick leave based on the salary or wage of the employee at the time of termination. Once paid a lump sum, all sick leave credits are lost, even if the employee goes back to work for the same employer. As provided in § 2-18-617(2), MCA, "an employee who terminates his/her employment for reasons not reflecting discredit on himself/herself shall be entitled upon the date of such termination to cash compensation for unused vacation leave, assuming that the employee has worked the qualifying periods set forth in § 2-18-611." Said employee must turn in keys and any other school property to the District Office.