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**DEQUEEN-MENA EDUCATION SERVICE COOPERATIVE  
PERSONNEL POLICY MANUAL**

I. NAME

The name of the agency shall be the DeQueen-Mena Education Service Cooperative.

II. MISSION

The mission of the DeQueen-Mena Education Service Cooperative is to assist the member schools in more effective and more equitable use of their shared resources, and to provide shared services for the better education of their children and youth.

III. GENERAL GOALS

A. Services

Service desires of the local school districts shall be the paramount influence on the design of the cooperative's services program. Such programs will also be influenced by the State Department of Education's desire to make services available to local districts through the cooperative.

1. The cooperative shall endeavor to provide requested services more economically and/or more effectively than the same services could be provided on an individual district basis.

The cooperative shall strive to make services to all interested districts as equally accessible as possible.

B. Communication and Coordination

1. The cooperative shall work with its local school districts, with other cooperatives, and the State Department of Education to improve communication and coordination through the Arkansas network of local school districts.
2. This cooperative shall constantly strive to reflect the wishes of the local districts representative in its operation, consistent with the applicable provisions of statutes and state regulations.

IV. Governance

A. Board of Directors

The parent governing body for the cooperative shall consist of a representative from each member school district. A majority of the representatives shall represent a quorum and a majority vote of the quorum will rule on proposals.

B. Method of Operation

The governing body shall perform the following responsibilities:

1. General fiduciary responsibilities for the cooperative with regard to policies and practices consistent with guarding the integrity of the agency and maintaining public trust

but not be limited to the following:

- a. Development of tentative budget
- b. Periodical review of disbursement and receipts
- c. Approval of financial procedures
- d. Compliance with applicable statutes
- e. Establishment of prudent personnel policies
- f. Monitoring of annual programs consistent with the priorities of the executive committee and the services of member schools

2. Appoint and dismiss the director after ascertaining the sentiments of a majority of the members of the governing body.

3. Establish the director's salary, benefits, and working conditions.

4. Upon the recommendation of the director - appoint, dismiss, establish salary levels, benefits and working conditions for other employees.

5. Conduct an annual assessment of the director's effectiveness and report to the governing body.

6. Evaluation of the Co-op Director shall be done by the Board of Directors at the regular January meeting.

C. The director shall:

1. Carry out the policies established by the governing body and the executive committee.

2. Recommend appointments, dismissals, benefits, and working conditions to the executive committee.

3. Temporarily employ, not to exceed sixty days without executive committee approval, new personnel.

4. Employ part-time and consultative personnel as the need arises within the limiting constraints of the budget.

5. The Co-op Director is instructed to maintain equipment records as specified in the Arkansas Department of Education's "A Guide for Minimum Property Accounting System." The dollar value for equipment to be kept in this inventory is a minimum of \$2,500. Further it is the Director's responsibility to purchase equipment, material and supplies for the efficient operation of the Co-op and the Director is so authorized. The Director has the responsibility of acquiring the necessary equipment and supplies, disposing of no longer needed equipment and supplies, and making the necessary service contracts with the providers that are needed in order to properly maintain the co-op's equipment.

Board of Directors

Director

Bookkeeping Assistant Director Maintenance/Custodial

Coordinators

Certified Staff

Classified Staff

D. Participation

The participation of any district in any cooperative service is voluntary.

E. Equity

1. New members of the cooperative shall not have to pay an equity cost for using the resources of the cooperative.

2. Upon withdrawing from any service of the cooperative, any member or former member of the cooperative shall not be entitled to an equity consideration for its contribution to the cooperative's assets unless the cooperative is dissolved and not succeeded by another regional education service agency. Upon dissolution, where no succession occurs, the assets of the cooperative shall be apportioned among member districts in a fair and practicable manner by the executive board serving at the time of dissolution.

F. Accountability

The cooperative is required to report to the State Department of Education upon receipts and disbursements in a format prescribed by the Department. In addition to the prescribed reporting, expenditures of federal and state monies must be apportioned on a school-by-school basis. The cooperative shall strive to routinize such accountability measures for reporting to the state and its member school districts. To the extent practicable, reports of those aspects of service easily counted such as numbers of staff in staff development programs and numbers of media items utilized by each district shall be utilized.

G. Personnel

With the full realization that no program can be better than its staff, this cooperative shall strive to hire the best available qualified persons; its personnel policies and pay schedules shall be designed to attract and hold such people. Consistent with this goal the following personnel policies shall apply:

1. Applicable statutes and regulations: this cooperative will comply with applicable personnel

statutes of the State of Arkansas and the federal government, and applicable rules and regulation of the Arkansas Department of Education and other official control agencies affecting employment practices.

2. Non-discrimination: this cooperative shall not discriminate in recruiting, hiring, firing, and day-to-day working policies and practices affecting its employees. It is hereby declared to be the policy of the governing body that equal opportunity shall be pursued for all employees regardless of race, color, sex, national origin, creed, religion, age or handicap.

3. Responsibility for policy execution: the governing body of this cooperative assigns responsibility for executing personnel policies to the director.

H. General Section Policies

1. The Board is required by law to establish personnel policies within the Cooperative. These policies, including an affidavit signed by the President of the Board attesting compliance with state law requiring personnel policies, shall be filed with the Chairman of the State Board of Education.

2. All personnel policies adopted by the Board shall be given to each certified employee employed for the first time by the Cooperative. Any amendments to the personnel policies shall also be given to all personnel within thirty (30) days of approval by the Board.

3. Personnel Policies are a part of the contract between the employee and Board. Amendments to policy that are mutually agreed upon between the employees and Board are effective immediately. Otherwise, amendments adopted by the Board will take effect the following school year.

4. The Board shall consider and adopt, reject, amend, or refer for further study and revisions any proposals or amendments that are submitted to the Board for consideration.

I. Goals and Objectives

1. The Board believes that the primary function of the Cooperative is service to member districts, and all functions of the Cooperative operation shall be directed toward that purpose. In addition, the supporting activities shall be directed and conducted toward the same purpose.

2. The Board established the following to provide direction for all employees:

To provide an environment in the Cooperative that is safe, comfortable, and positive so that maximum service opportunities may be provided,

To make a conscious effort to provide to member schools services that are effective, efficient, and relevant.

J. Operational Personnel Policies

A. Employment of Personnel

1. The Board of Directors shall employ, upon recommendation of the director, such employees as deemed necessary to carry out the successful operation of the cooperative.

2. Certified personnel shall be able to meet all requirements prescribed by law or set

by the director and the executive committee at the time of employment. Items required to be on file in the office of the director shall include: a valid teaching certificate, if required for the position, a complete official copy of the transcript of all college credits, a health certificate, a teacher retirement system number as evidence of membership in the system, a completed W-4 form, a personal information sheet and work record, and a copy of social security card.

B. Employment Criteria

The Board adheres to the policy that the selection, transfer, promotion, demotion, and dismissal of professional personnel in the Cooperative shall be made without regard to race, creed, color, national origin, religion, sex, age, handicap or other similar personal distinction. The following objective and subjective criteria shall be used in selecting new professional personnel and in transferring, promoting, demoting, and dismissing professional personnel:

1. Objective Considerations

- a. Instructional Personnel
- b. Type of certificate

2. Number of years of professional educational experience

- a. Degree or degrees held (verified by official transcript)
- b. Endorsement in subject area(s)
- c. Number of semester hours beyond degree
- d. Number of hours of voluntary participation in in-service training, workshops, seminars, etc.
- e. Related occupational experience.
- f. Administrative Personnel.

In addition to the criteria listed in "A" above, the following criteria shall apply to selection of administrative personnel:

- 1. Number of years of administrative experience
- 2. Classification of school in which experience was attained

3. Subjective Considerations

- a. Past performance verified by previous employers
- b. Ability
- c. Leadership

The Board may establish procedures which subjective criteria will be implemented.

C. Professional Development Opportunities

The Board required the development and implementation of a comprehensive program for the continuing education of professional employees. The program shall be cooperatively developed through the efforts and recommendations of professional employees and administrators, and shall be consistent with mandates of the Department of Education. Attendance of professional personnel at local institutes and/or training programs may be required by the Board.

C.1. Code of Ethics

Arkansas Department of Education Rules Governing the Code of Ethics for Arkansas Educators



- 1.00 Title
  - 1.01 These rules shall be known as the Arkansas State Board of Education rules Governing the Code of Ethics for Arkansas Educators.
- 2.00 Regulatory Authority
  - 2.01 These rules are promulgated pursuant to the State Board of Education's authority under Ark. Code Ann.6-11-105, 6-17-410, 6-17-422 (Act 846 of 2007) and 25-15-201 et. Seq.
- 3.00 Purpose
  - 3.01 The purpose of the Rules governing the code of Ethics for Arkansas Educators (Code) is to define Standards of professional conduct and to outline procedures for investigations and enforcement of the Code.
  - 3.02 The professional, ethical educator contributes to the development and maintenance of a supportive student-centered learning community that values and promotes human dignity, fairness, care, the greater good and individual rights. These values are the ethical premises for the Standards of professional behavior and ethical decision-making established in this Code of Ethics for Arkansas Educators. By establishing Standards of ethical conduct, this code promotes the health, safety, and general welfare of students and educators and ensures the citizens of Arkansas a degree of accountability within the education profession.
- 5.00 Standards of Professional Conduct
  - 5.01 Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.
  - 5.02 Standard 2: An educator maintains competence regarding skills, knowledge, and dispositions relating to his/her organizational position, subject matter, and/or pedagogical practice.
  - 5.03 Standard 3: An educator honestly fulfills reporting obligations associated with professional practices.
  - 5.04 Standard 4: An educator entrusted with public funds and property, including school sponsored activity funds, honors that trust with honest, responsible stewardship.
  - 5.05 Standard 5: An educator maintains integrity regarding the acceptance of any gratuity, gift, compensation or favor that might impair or appear to influence professional decisions or actions and shall refrain from using the educator's position for personal gain.
  - 5.06 Standard 6: An educator keeps in confidence information about students and colleagues obtained in the course of professional service, including secure standardized test materials and results, unless disclosure serves a professional purpose or is allowed or required by law.
  - 5.07 Standard 7: An educator refrains from using, possessing and/or being under the influence of alcohol, tobacco, or unauthorized drugs or substances while on school premises or at school-sponsored activities involving students.

D. Solicitations by Staff Members (Employees)

The Board prohibits any employee of the cooperative from directly or indirectly gaining personal profit or reward from the sale or purchase of goods or services to any person in the school districts served, except as provided by law, or that which is clearly outside the scope of duties and services the employee is under contract to promote.

D.1. Employee Use of Internet - Act 801 of 1997

Employees of the DMESC who are allowed to use Co-op computers and/or given Internet access, are expected to use this responsibility to perform their job responsibilities. Employees who violate

technology user agreements are subject to the penalties in the agreement and may also be subject to disciplinary action for violations. Recreational or personal use of this equipment and technology is not permitted, whether before, after or during the workday.

In addition, technology may not be used to violate other policies; if this occurs, the employee will be disciplined both for technology misuse and the policy violation. Violation of this policy will result in disciplinary action being taken against the employees. Repeated violations of this policy may result in non-renewal or termination.

E. The board shall require complete and current personnel records on all employees.

All information contained in an employee's records shall be considered confidential and shall not be transmitted to other persons or agencies without written approval by said employee, or as legally subpoenaed or required by the FOI Act.

It shall be the responsibility of each employee to insure that their central office personnel files are complete and current in compliance with established Board procedures. The personnel file of each employee shall be available for inspection and copying at the employee's expense. The employee may submit for inclusion in the file written information in response to any of the information contained in the file.

F. Information For Personnel Files

All applicants recommended to the board for employment shall provide the Director with a complete application including personal vita with transcripts.

Within thirty days after being notified of employment and before any payment for service, Co-op employee must furnish the Director with:

1. Social Security Number
2. Teaching Certificate-if required
3. A complete transcript of college work
4. Current W-4 form
5. Teacher Retirement Form

Co-op personnel employed in the system for the first time will be given experience increments equal to the number of years of full-time teaching service with an "A" rating or higher. This will be subject to limitations set forth in the co-op salary schedule.

G. Payment of Salary

Personnel employed by the DeQueen-Mena Education Service Cooperative who work less than twelve (12) months will have the option of receiving the annual salary in nine or twelve equal payments.

The first payment for the nine month option will be made in September with the final payment in May.

The first payment for the twelve month option will be made in August with the final two payments in June. This will be phased in over time.

Co-op personnel will be paid on the 4<sup>th</sup> Friday of the month except in November and December. In November the payment will be made on the last day of work before the Thanksgiving holidays. In December the payment will be made on the last day of work before Christmas holidays.

H. Base Salary, Size, and Number if Increments

At the Board's discretion and depending upon funds available, changes in the salary schedule can be made by:

1. Changing the base salary
2. Changing the fringe benefits
3. Across the board increases
4. Changing individual multipliers
5. Adding increments for experience and additional education

I. Leaves and Absences

The Board believes that the provision of leaves for co-op employees helps to attract and retain a faculty who will continue to grow professionally, maintain their physical health, and have a feeling of security. This is done by:

1. Providing co-op personnel with an opportunity for continued professional growth.
2. Encouraging personnel to take the necessary time to recuperate from illnesses.
3. Providing personnel with income in the event of illness or accident.
4. Providing a way for co-op personnel to arrange for absence in the event of an emergency.
5. Cooperation with personnel in arranging time for the performance of certain obligations or for other personal purposes that can be accomplished only during school time.

Definitions used in this series of policies are:

1. Co-op personnel is used to refer to any and all full-time employees.
2. Sick leave shall be defined as leave granted because of personal illness, or childbirth, or injury of any co-op personnel's immediate family.
3. Parental leave shall be defined as leave granted for an extended length of time, without pay, for the purpose of childbirth or adoption.
4. Personal leave shall be defined as leave to conduct personal business.
5. Educational leave is defined as leave granted for the professional benefit of the co-op employee. Such leave shall be sanctioned by the cooperative board.
6. Professional leave is defined as leave granted for the professional benefit of the co-op employee. Professional leave should be granted at the discretion of the cooperative board.

J. Sick Leave

The Board shall provide paid sick leave for each of its co-op employees at a minimum rate of one day per month, not to exceed 12 days per year. Part time employees get prorated sick leave days according to the number of days employed.

<b>Days Employed</b>	<b>Sick Days Received</b>
185	10
190	10
200	10
240	12

Sick leave shall be in force beginning the first day of the first school term for which each co-op employee is employed, and accumulate on a monthly basis.

Co-op personnel shall be entitled to such leave only for childbirth, or personal illness or injury of the employee or member of his/her immediate family, or death in his/her immediate family.

NOTE: Immediate family shall be defined as in Act 80-1250-AR, and also in-laws, grandparents, and other relatives when approved by the director.

A record of sick leave used and accumulated shall be established and maintained by the co-op for each of its employees. Sick leave that is unused by an employee during any school year shall be accumulated in such person's sick leave account at the rate of 12 days per year until 120 days have been accumulated. An employee who qualified for sick leave under this stipulation may use any amount of said sick leave up to his/her total number of accumulated days.

When the accumulated sick leave days are used, they may be restored up to 120 days in the same manner that they were first accumulated.

K. Parental Leave

An employee shall inform the director if there is a need for a temporary leave of absence.

The co-op employee will be permitted to return to work when he/she is able or when the leave ends.

Pregnancies resulting in medical complications can be extended to limitations set in accumulated sick leave.

L. Employee Sick Leave

1. Payment of unused sick leave above the one hundred twenty (120) accumulated days will be made at the rate of \$50 per day for certified employees and \$25 per day for non-certified employees. This payment will be made at the end of the contract period.

2. An accurate up-to-date record of sick leave will be kept in the office of the director who may, at his discretion, require proof of illness.

3. The cooperative office is to be notified by the employee when illness prevents the employee from working. The employee should call the office at 7:30 a.m. and notify one of the secretaries or the bookkeeper and the employee's immediate supervisor will be notified by email. If the employee has scheduled a visit to a school, etc., the employee will need to notify the school of the change. The office will assist if necessary.

4. Sick leave will be kept to the nearest half (1/2) day. Officially the work day is as follows:

8:00 a.m. - 11:30 a.m. Morning  
12:30 p.m. - 4:00 p.m. Afternoon

5. Reimbursement for unused sick leave upon retirement. Addition to co-op policy relating to sick leave. A co-op employee who has been employee of the co-op for ten or more years may be reimbursed for unused sick leave upon retirement from the co-op. The rate of reimbursement will be equal to 1/4 of the daily rate of pay of the employee. As an example an employee whose daily rate of pay would be \$50.00 per day would be reimbursed at the rate of \$12.50 for each day of unused sick leave. If the employee had the full 120 days of sick leave accumulated they would receive a

check for \$1500.00 less deductions. Payment will be made for the unused sick leave when the co-op receives official word that the employee has officially retired.

M. Personal or Business Leave

Employees who are under a twelve month contract shall be allowed two days leave for business or personal reasons. This leave is non-cumulative and must be approved in advance by the Director and the employee's immediate supervisor. Except in emergencies all requests shall be submitted in person and in writing a minimum of two work days prior to the leave being taken. Personal or business leave may be requested for the following reasons: court appearances, marriage or divorce, graduations of immediate family members, bank loans, meetings with the IRS, major purchases like a home or automobile, funerals of non-family members and other reasons approved by the Director. Employees who work less than a twelve month contract shall be allowed one day per year for business or personal leave. The requirements for taking this leave are the same as for the twelve month employees. One (1) day personal leave for 10 month personnel. Adopted by Board 09/09/1999.

N. Other Absences

1. An employee who is unable to complete the contract year as agreed upon, will not be eligible for reemployment under the continuing contract law. Such employee may seek reemployment by making application to the director.

2. An employee may serve on jury duty without penalty or loss of pay.

O. Staff Rights and Responsibilities

The Board recognizes that each employee has the same civil and constitutional rights as any other citizen.

P. State School Employee Insurance

The State of Arkansas provided blanket health insurance coverage for all eligible cooperative employees who choose to participate. The state makes a monthly contribution for members in an amount that is determined by the governing committee at the state level. Employees desiring membership and coverage under this plan for their spouse and/or dependents must bear the cost of additional premiums above the state contribution.

Q. Workmen's Compensation

**WORKERS' COMPENSATION POLICY**

**EVERY EMPLOYEE SHOULD KNOW**

Effective July 1, 1994, Act 862 of 1993 requires school districts and Educational Cooperatives to provide Workers' Compensation for all employees. The Cooperative, along with every school district in the state, except Little, has joined the Arkansas School Boards Association (ASBA) Workers' Compensation Trust Program. The third party administrator is:

**MANAGEMENT CLAIM SOLUTIONS, INC.  
4620 WEST COMMERCIAL DRIVE, SUITE A  
P O BOX 15430**

**LITTLE ROCK, AR 72231  
501-753-3677/FAX 501-753-3678**

Regarding claims for work-related injuries or illnesses which are covered by the Arkansas Workers' Compensation Law, you are hereby advised that A.C.A. 11-9-514 explains the employer's and employee's rights and responsibilities with respect to medical care and treatment.

The law provides that the employer and the employer's insurance company has a duty in the first instance following injury to provide medical care to the employee.

**THE FOLLOWING STEPS MUST BE FOLLOWED WHEN A JOB-RELATED INJURY OCCURS. Failure to do so may result in your claim for Workers' Compensation being denied.**

1. Notify your supervisor immediately.
2. The employee will be provided Form N, Employee's Notice of Injury, which must be completed even if medical attention is not required. The form must be signed, dated and returned to the bookkeeper.
3. If medical attention is required, the employee must go to one of the designated physicians\*. The designated physician for the Cooperative are:
  1. Dr. Randy Walker, DeQueen
  2. Mountain View Clinic, Mena
  3. Dr. Mike Verser, Mt. Ida
  4. St. Joe's Clinic, Mt. Ida
  5. Dr. Lawson Kile, Texarkana
  6. Dr. Joe King, Nashville

R. If medical attention is required, additional forms which must be completed are available in the bookkeeper's office. These forms must be submitted to Management Claim Solutions, Inc., within five (5) days of injury.

**A CLAIM FOR TREATMENT BY AN UNAUTHORIZED PHYSICIAN MAY BE DENIED.**

Workers' Compensation benefits for lost wages are not payable in addition to sick leave.

Some key personnel will receive safety training to aid in providing the safest possible working conditions and also to help minimize the tremendous cost to the Cooperative in implementing Act 862.

If you have questions related to Workers' Compensation claim which occurred after July 1, 1994, **you may contact Sedgwick James. After July 1, 1998, you may contact Management Claim Solutions, Inc.**

**WORKERS' COMPENSATION/SICK LEAVE SALARY BENEFITS**

Sick leave pay is an employee benefit whereas Workers' Compensation is a mandate of law to compensate an employee for lost wages. An employee ON SICK LEAVE has no lost wages and is not entitled to Workers' Compensation (other than medical) as a bonus to salary. Therefore, an employer does not have to pay an employee sick pay while off work for a work related injury and receiving Workers' Compensation.

Under Workers' Compensation Laws, an employee who is injured on the job is entitled to 2/3's of his average weekly wage up to a maximum of \$267.00 per week (the maximum for 1994). This represents

compensation benefits for lost wages only. Workers' Compensation is non-tax reportable.

An employee who elects to receive Workers' Compensation is NOT ENTITLED to sick leave pay benefits. If an employee's pay is continued, albeit sick pay, there is no wage loss, therefore no Workers' Compensation benefits are due.

Effective 7-1-94, an employee WILL NOT be able to draw both sick pay and Workers' Compensation benefits. An exception will be made if the employer elects to pay the employee 1/3 sick pay per day to make up the difference against the Workers' Compensation benefits.

There is a seven (7) calendar day waiting period which will not be picked by Management Claim Solutions, Inc., until the 14<sup>th</sup> day. An employee who has accumulated sick days and chooses may count the work days in this period as sick days and receive sick pay compensation with an equal number of sick days deducted. Please note this on payment option form.

\* The employer has a legal right to choose the initial designated treating physician.

S. Qualifications and Duties

1. The Board requires that each certified employee in the cooperative hold a degree from an accredited college or university.
2. Each professional employee shall hold a current and valid Arkansas Teacher's Certificate, if required by the position for which they are employed, which shall be on file in the office of the director.
3. If an employee subsequently receives a higher certificate during the school year the salary increase shall become effective the following school year. Proof of the advanced certificate or degree must be on file by July 1 for the salary increase to take affect that fiscal year.
4. A deficient professional employee must fulfill the continuing education requirements set forth by the Board during his term of employment.

T. Professional Personnel Recruitment

The Board recognizes the Director as the chief executive officer of the Board, and places upon him the responsibility for recommending the appointment of personnel. Although the Director may assign to others certain duties concerning appraisal of the qualifications of candidates, the final decision concerning the recommendation of candidates shall be the responsibility of the Director. All recruitment and hiring practices shall adhere strictly to applicable equal employment opportunity policies and regulations.

U. Hiring

The Board shall employ personnel based upon the Director's recommendations. As a minimum all employment contracts shall comply with the form mandated by the State Board of Education. All prospective employees are subject to a background check through the state policies and other appropriate agencies. False statements on the job applications will be grounds for dismissal.

V. Assignments

The Board authorizes the Director to assign, or reassign, if necessary all professional employees and other employees of the cooperative to their respective positions upon employment.

W. Professional Personnel Orientation

The Board recognizes the importance of an organized orientation program for all employees new to the cooperative each school year, and directs the administration to plan and implement an orientation program in accordance with legal and other requirements.

X. Probation

The Board shall require, in accordance with statutory provisions, each professional to serve a probationary period of the first three (3) successive years of employment in the cooperative. During the probationary period, the Director may recommend to the board non-renewal of a probationary professional employee's contract. A copy of the non-renewal recommendation shall be sent to the employee by certified or registered mail, return receipt requested. The notice shall be sent no later than ten (10) days from the end of the current contract period. All non-renewal procedures shall be in accordance with the provisions of Act 166 of 1979, the Teacher Fair Dismissal Act, or as updated.

The Board shall act on the recommendation and the Director shall notify the probationary professional employee, by certified or registered mail, the decision of the Board.

Y. Supervision

The Board is vested with the general administration and supervision of the cooperative. Actual supervision, administration and maintenance of the cooperative is delegated to the Director as the executive officer of the Board.

Z. Employee Grievance Procedure

1. The Cooperative's Board recognizes that harmonious relations with its employees can be maintained and improved through effective communications. The interests of all parties can best be served by sincere efforts of all concerned to promote understanding and cooperation. The Board, therefore, has adopted the following grievance procedure as a means to examine and resolve possible problems which relate to the administration of personnel policies of the co-op.

2. The purpose of this procedure is to secure, at the lowest possible level, equitable solutions to the problems that may from time to time arise affecting employees. A grievance is a wrong, considered as ground for complaint; a circumstance or condition thought to be unjust, capable of causing friction, or not in keeping with the written co-op policy.

AA. Definitions

1. "Grievance" is a claim or dispute concerning the interpretation, application, or claimed violation of the personnel policies of the Co-op. Other matters for which other means of resolution are provided or foreclosed by statute or administrative procedures shall not be considered grievances. A grievance does not include matters involving the Board's right to establish educational policy and prescribe rules and regulations for the conduct and management of the co-op, it does not include conferences or documentation of an employee's performance deficiencies as contemplated by the Arkansas Teacher Fair Dismissal Act, the Public School Employee Fair Hearing Act, or otherwise.

2. Employees covered by this procedure shall mean permanent employees of the Board of Education.



3. Immediate Supervisor is that employee possessing administrative authority to direct the activities of the grievance.

II. Procedure

All grievances shall be handled in accordance with the following procedure:

1. **Step 1.** Any employee shall promptly present to the employee's immediate supervisor the grievance in writing. Such notice shall be presented not later than five (5) working days after the date on which the alleged grievance occurred. The employee and his immediate supervisor shall attempt to resolve the grievance. The immediate supervisor shall make a proper disposition of the grievance and date of submission. If the grievance is not submitted within the time prescribed the employee shall be deemed not to have any further right with respect to said grievance.

2. **Step 2.** In the event the employee wishes to appeal the decision at Step 1, the appeal must be presented in writing to an administrative officer of higher rank than the employee's immediate supervisor. Such appeal shall be presented within five (5) working days of the receipt of the Step 1 decision. Such appeal shall contain a statement of the grievance and specific references to the section of the co-op's personnel policies which the employee claims to have been violated. The administrative officer shall schedule a meeting with the employee as promptly as is reasonably possible to attempt to resolve the grievance. Notice of the conference shall also be given to all parties involved in the alleged grievance. The administrative officer shall issue a written decision to the employee within five (5) working days after the conference. Unless the grievance shall be so appealed, it shall be deemed to have been settled and the employee shall have no further right with respect to said grievance.

3. **Step 3.** In the event the employee wishes to appeal the decision at Step 2, the appeal must be presented to the Co-op Director within five (5) working days of the receipt of the Step 2 decision. A copy of the Step 3 appeal, together with Step 1 and Step 2 decisions must be submitted simultaneously to the Director. The Director shall schedule a meeting with the employee within ten (10) working days to attempt to resolve the grievance. Notice of the Step 3 conference shall be given to the employee, as well as to the individuals who rendered the Step 1 and Step 2 decisions. The Director shall issue a written decision within ten (10) working days after the conference with the employee. Unless the grievance shall be so appealed, it shall be deemed to have been settled and the employee shall have no further right with respect to said grievance.

4. **Step 4.** In the event the employee wishes to appeal the decision at Step 3, the appeal must be presented to the Director within five (5) working days of the receipt of the Step 3 decision. A copy of the Step 4 appeal, together with copies of the grievance, the Step 1, Step 2 and Step 3 decisions, and the name of the representative of the employee, if any, must simultaneously be submitted to the Director. The employee's appearance to present his appeal before the Board will be scheduled in accordance with regular procedures adopted by the Board. The employee may appear along at this conference or be accompanied by a representative of his choice. The Board shall issue a written decision within thirty (30) days after the conference with the employee.

BB. Evaluation of Professional Staff  
(Personnel required to hold a teaching certificate)

The Board recognizes the importance of implementing a program for the evaluation of professional staff members in accordance with State law for the purpose of identifying and correcting deficiencies, improving professional competence, establishing a means for determining reemployment, and improving the quality of services received by the member schools.

Supervisors shall make every effort to assist professional staff members in the remediation of deficiencies disclosed by observations and evaluations for employees and, if needed, may conduct additional observations and evaluations for employees.

Supervisors should recognize that the purpose of this policy cannot be realized by evaluations which do not record the strengths and weaknesses of teaching staff members. Assessments which are less than honest and candid serve neither the professional growth of the employee nor the interest of the cooperative in building a staff of highly competent, well-trained personnel.

CC. Transfer

The Board may transfer any itinerant employee upon the recommendation of the director when in the best interest of the cooperative to do so. Such transfers shall not be arbitrary, capricious, or discriminatory.

The Board may also grant a requested transfer if the employee so requesting possesses the required qualifications for the desired position and if a vacancy in such position exists. All requests for voluntary transfers shall be carefully considered and reviewed on a nondiscriminatory basis.

DD. Reduction in Force (RIF) Policy

DeQueen-Mena Education Service Cooperative is an entity whose charge is to administer programs that benefit member districts. As such, the cooperative has no independent funding source. Rather, it administers various programs that are accepted by the Governing Board. In the course of the administration of these programs, personnel may be hired, equipment purchased, and other attendant costs necessary for success may be expended. Several factors must be in place for the board to consider acceptance of a program's administration, the most important of which is an adequate funding mechanism.

All personnel contracts drawn between the cooperative and an employee shall state the "...compensation is dependent upon receipt of funding..." from the appropriate granting source. It is the case, then, that any personnel contract becomes null and void at any point in its existence as funding from the grant source ceases to exist. This RIF Policy shall include any and all personnel contracts and matching benefits, as well as other attendant program expense for which funding ceases to exist.

EE. Termination

It shall be the policy of the Board to strive to assist personnel in every way possible to adjust to their positions and to perform their responsibilities satisfactorily. Every reasonable effort shall be made to avoid the necessity of dismissing personnel.

The Board may terminate the contract of any professional employee or non-renew the contract of any professional employee having successfully served three (3) successive years of employment upon the recommendation of the Director. The notice of termination of a contract of an employee or non-renewal of contract of a professional employee who has successfully completed the probationary period shall be sent by certified or registered mail, return receipt requested, and include a statement of the grounds for such recommendation.

Within thirty (30) days of receipt of notice of termination of contract, or non-renewal of contract of a professional employee's having successfully completed the probationary period, the employee may file a written request with the President of the Board and the Director for a hearing by certified or registered mail, or may be delivered in person to each of the above by the employee. Upon receipt of the request for a hearing, the Board shall schedule a hearing and conduct the same in

accordance with statutory provisions.

Upon conclusion of the hearing the Board shall render a decision within ten (10) days of the hearing, and the professional employee shall be notified of the decision in writing.

Should a professional employee enter into a contract with another school district, the receiving district shall be liable to the cooperative for the contract amount as set forth in Arkansas Statutes. All dismissal procedures of the Board and employees shall be carried out in accordance with "The Teacher Fair Dismissal Act" (Act 166 of 1979).

FF. Resignation

During the period of employment contract or within ten (10) days after the end of the contract term, a professional employee may deliver or mail by registered mail to the board, his resignation.

Contracts for succeeding years shall be issued on or before May 1 and shall be signed and returned to the Director no later than May 30. Failure to meet that latter deadline releases the cooperative from the provisions of the continuing contract clause and the Board may deem the position open.

GG. Professional Personnel Retirement

All professional employees and other selected employees shall be members of the Arkansas Teacher Retirement System.

Age 70 is the mandatory retirement for all professional personnel. However, any employee of the cooperative may be permitted to continue in his employment beyond the attainment of age 70 upon written authorization of the Director. Such authorization shall be based solely on the ability of the individual to perform employment tasks.

HH. Travel Expenses

The Board authorizes reimbursement to personnel for travel expenses incurred as a requirement of their jobs. Reimbursement may be made for travel which is at the request of, or has received prior approval from the Director and the employee's immediate supervisor. Such reimbursement shall be at a rate as set by the Board in accordance with established procedures. Prior approval for all travel shall be obtained before any travel expenses can be incurred.

Rate of reimbursement for travel shall follow cooperative policy and not exceed the Federal per mile rated allowance.

Employees of the cooperative will be reimbursed for expenses incurred in pursuit of their official duties in the following manner:

1. Travel reimbursement will be once a month. Reimbursement request forms should be turned in to the director's office for approval by the afternoon of the 4<sup>th</sup> Friday of each month. VISA receipts need to be turned in by the 3<sup>rd</sup> Friday of each month. Payment will be ready by the following Tuesday afternoon--except where we have a holiday. Employees of the cooperative will be reimbursed for expenses incurred in pursuit of their official duties in the following manner:

2. Most employees official business travel will be from the office and out to the school districts. No allowance will be paid for travel between the employee's home and the office.

3. Employees who spend most of their time in the field and who do not need to come to the office each day may use the first school they visit that day as the point of beginning in logging travel expense for reimbursement. NOTE: Since the normal work day starts at 8:00 a.m., you need to be at the school, etc., at 8:00 a.m. If you chose not to use the first school you visit each day we will establish a base point for you. You would then compute your travel expense reimbursement as the distance from the base point to the actual first school visited that day, unless the actual distance traveled from your home to the school is less. The lesser will be counted as allowable business mileage. Travel from point A through the day for business purposes is then accumulated throughout the day until the last school is visited. The distance from this school to your home is considered a trip from the office to your home and is non-reimbursement expense unless the distance is greater than the most direct route from your home to the office. The distance in excess of the travel distance from the office to your home would be allowable for reimbursement. Travel to meetings in Little Rock, etc., will be computed as a round trip from point of origin of trip. This can be either your home or the office and should be the actual business mileage of the trip. If you leave your home compute from there. If you come to the office and work a couple of hours and then leave on the trip, mileage will be computed from office.
4. End of the day actual mileage from base back to your home or the last school visited back to your home is not allowable for reimbursement.
5. Actual expenses of lodging will be reimbursed when common sense dictates the necessity of overnight accommodations. A hotel/motel receipt will be attached to the request for reimbursement. Reimbursement for lodging expenses will be made only in instances that have prior approval from the director.
6. Reimbursement for meals will be at actual cost only when the employee is traveling outside the immediate area of the co-op office. Receipts are required for reimbursement. Reasonable requests are expected. Maximums for meal reimbursement and room reimbursement will be set each year by the director.
7. All travel outside the co-ops immediate service area must be approved in advance by the employee's immediate supervisor and the co-op director. Documentation of agenda or schedule of workshop must be provide. (Proof of workshop)
8. Extended or out-of-state travel for all co-op employees must be approved by the director. Out-of-state travel reimbursement will be made on the basis of actual expenses. Documentation of agenda or schedule of workshop must be provided. (Proof of workshop)
9. All requests for expense reimbursement will be made on the standard co-op "Travel Expense Reimbursement Forms", and will be approved by the director and the employee's immediate supervisor.

### **Travel Reimbursement Policy**

Travel reimbursement paid to employees of school districts that are a part of the DMEC Carl Perkins's consortium will be based on each of the local school districts travel policy. The rate per mile will be the rate allowed by the local school district.

Where specific grants limit the amount per mile that can be reimbursable we will pay the rate allowable by the grant. For example the Tobacco Grant may limit the amount per mile to 55 1/2 cents per mile. Therefore any reimbursement paid out of this grant will be at the 55 1/2 cents cents per mile rate.

Foster Grandparents mileage rate will be set each year at a specified amount per mile. When funds in this grant specified for reimbursement are exhausted the paying of mileage reimbursement will be discontinued until additional funds are available.

The general rate for the other co-op employees will be established at the beginning of each fiscal year.

The reimbursement rate for mileage follow the federal rate for effective July 1, 2008 will be fifty-five and one half cents per mile for official co-op business.

We will use a "standard map miles" mileage chart. Use the map miles mileage chart and record only the miles traveled according to the chart. Any vicinity miles will need to be counted separately. For vicinity travel odometer readings will be given as documentation.

If the trip you are claiming mileage on is not listed on your mileage chart you will need to use Microsoft "Streets and Trips", or a similar map program, to get directions and figure the allowed miles. Figure the mileage using the route you would follow to get there.

Reimbursement for meals while traveling.

Only overnight stays will provide full reimbursement for meals. The IRS regulations prevent us from reimbursing you for meals when you leave home and return the same day. Also the IRS will only allow us to reimburse you for up to 75 percent of the daily allowance for meals on days when you are traveling to and from the overnight meeting. Receipts are required for reimbursement.

Meal reimbursements within the co-op area. Co-op employees are not eligible for meal reimbursements when the employee is traveling within the co-op area, unless the meal is a co-op organized business related meeting whereby multiple participants are involved (board meetings, seminars, staff development training, etc.)The reimbursement for such meals shall be the actual cost of the meal and employees are expected to use sound judgment regarding appropriate expenditures. Itemized receipts and appropriate documentation illustrating the meeting purpose shall be required. No gratuities will be reimbursed.

Each year in June the governing board will review travel mileage reimbursements based on the average of federal and state allowances. The new rate will become effective July 1 and will remain at that rate for the remainder of the fiscal year unless changed by the board

Credit card use. Because the co-op wants to assist its personnel that have to travel extensively outside the co-op area many people have been issued a co-op credit card. This card is to be used for business purposes only. Its primary purpose is to limit the employee's out of pocket expenses for meals and lodging while on co-op business. Purchases other than meals and lodging are discouraged. However there will be times when the credit card can be used for official purchases. A purchase order will be required to back up the purchase. Fill it out and get it approved by the appropriate supervisor ASAP but no later than the date when travel reimbursement requests are due. Receipts are also required.

Failure to provide the appropriate receipts to verify any use of the credit card will result in the deduction from the individuals travel reimbursement or salary the amount charged for which no receipt is provided by the 4th Friday of the month when travel reimbursement requests are due.

## II. Conferences and Visitations

The Board authorizes the Director to grant professional employees time to engage in educational activities related to the goals and needs of the cooperative without pay reductions. The number of absences allowable for such activities shall be at the discretion of the Director.

JJ. Vacations

All personnel employed on 12 month contract earn vacation time as set by the Board. Arrangements for this time off will be made through the Director and shall not immediately precede or follow scheduled holidays except in rare exceptions that shall be cleared with the Director. Part time employees will receive prorated days.

If an employee has been employed for less than 12 months, the accrued vacation time will be apportioned accordingly.

Vacations will be accrued at the rate of one day per month for each month of employment for 12 month employees. Employees on less than a 12 month contract do not accrue vacation time.

1. Employees desiring to take vacation time must obtain the approval of the director.
2. It is preferable that vacations be scheduled during the summer months. Vacation days may be scheduled during the school year provided that it does not adversely affect the performance of the job requirements.
3. Vacation days accumulated must be used by December 31 or be lost.

KK. Holidays

A calendar for the co-op will be established each year prior to beginning of the fiscal year. The co-op calendar will coordinate as closely as possible to the school districts calendars. In a normal year the co-op will be closed on the following holidays:

1. Labor Day
2. Thanksgiving (Thursday and Friday)
3. Christmas Break (# of days to be determined each year)
4. Memorial Day
5. Independence Day (4<sup>th</sup> of July)

LL. All personnel who work out in the school districts-

1. On or by Friday afternoon of each week, you should have your Google calendar completed.
2. This itinerary should provide two pieces of information:
  - a. Where you will be
  - b. Purpose of being there
3. Personnel in the positions listed should either come to the office or call the office each day for messages, etc:

Distance Learning Coordinator  
Community Health Nurse Specialist  
Teacher Center Coordinator  
Gifted/Talented Coordinator  
Special Education Supervisors  
Early Childhood Coordinator  
Vocational Coordinator  
Literacy Specialists  
Early Childhood Behavior Specialist  
Transition Specialist

FGP Coordinator  
Computer Technicians  
Science Specialist  
Professional Development Coordinator  
Reading First Technical Instruction Assistant

KK. Professionalism

1. We are here to serve the people of the school districts that belong to the DeQueen-Mena Education Service Cooperative.
2. All staff (certified and non-certified) are to practice courtesy, friendliness and a willingness to assist any and all personnel of the school districts we serve.
3. We are strictly a service organization and our job is to help school districts educate young people.

LL. Employee leave to work on additional college hours-The DMEC's basic philosophy is to encourage and assist our employees in furthering their education. Since most of our employees work twelve months each year, the chances for educational advancement are limited. When employees are taking courses at night, once a week for example, and may need to leave work early, the director is to make the decision about approving this action.

Longer periods of time-If a staff member is willing to use all of the accumulated vacation days plus the 2 days of personal leave allowed each year for summer school, the co-op would grant unpaid educational leave for the remainder of the summer term. Approval by the director and the Board of Directors for a total time period longer than six weeks would not be granted except in extremely pressing or urgent and unusual circumstances.

1. All leave for educational purposes needs to be worked out in advance with the director.
2. Common sense and the best interests of the co-op and its personnel are to be used.

3. DeQueen-Mena ESC's Pre-School Tuition Policy Purpose: To assist Preschool teachers and para-professionals employed by the DeQueen-Mena Education Cooperative in offsetting the cost of becoming fully credentialed by the Arkansas Department of Education in the area of P-4 Early Childhood Education and to assist those teachers seeking additionally the Special Education Early Childhood Instructional Specialist (P-4)". The para-professionals must be seeking either an AA Degree or a CDA credential in Early Childhood to be eligible for reimbursement. Reimbursement: The DMEC preschool department will reimburse its teachers and para-professionals the cost of tuition upon completion of required courses. Tuition is defined as actual tuition and includes textbooks and other required material for the course(s). A maximum of six courses may be reimbursed per fiscal year. (July 1 to June 30). Course work and classes for which reimbursement will be requested must be approved as applying to the employee's improvement of their position with the co-op. This approval will be made by the Early Childhood Coordinator. Tuition will not be reimbursed if tuition is paid from another grant or scholarship. DMEC will pay the difference if the other grant scholarship do not cover the actual expense of tuition, textbooks and required materials. Additionally, upon completion of required coursework, DMEC will reimburse one time the registration cost of the two required Praxis examinations. Should the employee's Praxis exams fall below the ADE requirements, the employee will not be reimbursed for re-assessment costs. Reimbursement will be made when the employee submits an official transcript indicating a grade of A or B in each course or a grade of "C" if approved by the Early Childhood Coordinator and the Director, documentation of tuition amounts and other reimbursable expenses like textbooks paid

and documentation of Praxis registration fees paid. These documents are to be submitted to the Preschool Coordinator within one month following the completion of the summer, fall and spring terms and no later than June 25th of the fiscal year. This policy may be suspended or terminated due to lack of funding.

Conditions: The employee must be under contract to DMEC when reimbursement is made. The employee must submit to DMEC an approved course of study with a university and must sign the ADE Additional Licensure Plan (ALP) agreement. Prior to the initial reimbursement. The employee must sign a statement agreeing to re-pay DMEC in full for reimbursement received if they fail to work for two additional years at DMEC after completion of the additional licensure program. If termination is either voluntary or involuntary the co-op will be fully reimbursed within that two year time frame.

Conditions:

1. The employee must be under contract to DMEC when reimbursement is made.
2. The employee must submit to DMEC an approved course of study with a university and must sign the ADE Additional Licensure Plan (ALP) agreement.
3. Prior to the initial reimbursement. The employee must sign a statement agreeing to re-pay DMEC in full for reimbursement received if they fail to work for two additional years at DMEC after completion of the additional licensure program. If termination is either voluntary or involuntary the co-op will be fully reimbursed within that two year time frame.



MM. Probations

Each employee hired for a non-certified position will serve a one-year probation period to allow assessment on both the part of the cooperative and employee to the desirability of continuing the employment.

Additionally, marginal performance of duty may be grounds for placing an employee on probationary status to allow appropriate time to effect desired improvements.

NN. Evaluation of Staff

a. The development of a strong, competent licensed and classified staff employees, and the maintenance of high morale among this staff, are major objectives of the Board. The selection of the right employees to fill vacancies, the determination of assignments and equitable work loads, the establishments of wage and salary policies which encourage employees to put forth their best efforts, the evaluation of employee achievements and the provision of a good atmosphere in which to work are some of the major duties of the Board. A program of continuous evaluation is necessary in fulfilling these duties.

The evaluation will cover the major areas of the employee's responsibilities and shall include the following:

1. Specific work assignments
2. Attitude toward public school students
3. Attitude toward public education
4. Attitudes toward supervisor, teachers, and fellow employees
5. Work habits

b. The employee's supervisor is responsible for informing each employee in advance of the criteria to be used in evaluation.

c. Each employee will be given an explanation of his or her duties and responsibilities and guidance in performing them satisfactorily by his or her immediate supervisor.

d. Approved Preschool Site Directors will be paid a stipend \$50 per classroom per month for 9 months. Payments will be issued in 2 installments. Approved October, 2008.

OO. Termination

The Board may terminate the employment of any non-certified employee for any just reason that is not arbitrary, capricious or discriminatory. Every reasonable effort shall be made, however, to avoid the necessity of dismissing personnel. The co-op will follow the applicable State Law, Act 631 of 1991 and any subsequent state laws that are applicable.

PP. Resignation

The Board shall authorize the Director to accept the resignation of any non-certified employee who tenders his resignation in writing and gives the cooperative two weeks advance notice.

QQ. Illness

The Board shall grant to each non-certified cooperative employee sick leave at the rate of one (1) day per month or major portion thereof that the employee is employed at full pay not to exceed twelve (12) days per year. Cooperative employees shall only be allowed such leave for the reasons of personal illness or illness in the employee's immediate family. The Board shall maintain a record of sick leave used and accumulated for each cooperative employee.

The Director may require a statement from a medical doctor or other acceptable proof that the employee was unable to work to the end that there will be no abuse of sick leave privileges. The Director may require a physician's verification of sick leave when absence exceeds four continuous days or when absence indicates need for verification.

If an employee resigns or leaves his employment position for any reason before the end of the contract term, the Board may deduct from salary payment compensation for any days of sick leave in excess of the number of days earned.

RR. Reemployment

The Board shall act on recommendations of the Director for reemployment of non-certified employees at the regular meeting in April of each year.

SS. Family and Medical Leave Policy

The DeQueen-Mena Education Service Cooperative (DMESC) recognizes that employees, on occasion, need extended leave time in order to care for themselves in the event of serious personal illness or to provide care for an immediate family member with a serious illness. Therefore, pursuant to the provisions of the Family and Medical Leave Act of 1993, the following procedures are implemented to provide family and medical leave to all eligible employees.

## **FAMILY AND MEDICAL LEAVE ACT OF 1993**

### **I. Summary of the Act**

The Family and Medical Leave Act of 1993 makes available to eligible employees up to 12 weeks of unpaid leave per year based on a full year of employment. Leave may be taken (1) upon the birth of the employee's child, (2) upon the placement of a child with the employee for adoption or foster care, (3) when the employee is needed to care for a child, spouse, or parent who has a serious health condition, or (4) when the employee is unable to perform the functions of his or her position because of a serious health condition.

The right to take a leave applies equally to male and female employees. A father, as well as a mother, can take family leave because of the birth or serious health condition of a child. If husband and wife are employed at same company, husband and wife would be allowed 6 weeks each for a child and if one spouse has a catastrophic health condition then each would be allowed 12 weeks. A FMLA leave request form May be printed from DMESC website..

### **II. Eligible Employees**

An employee of a covered employer must have been employed by the employer for at least 12 months and must have at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave.

### **III. Employer's Duty to Designate FMLA Leave**

DMESC will determine whether a requested leave qualifies as FMLA leave. If leave is granted without the employee providing facts sufficient to establish that the leave is for FMLA purposes, the leave is not FMLA leave and does not count against the 12 weeks of FMLA leave to which the employee is entitled. This is true even if the employer learns after the end of the leave that it would have qualified under FMLA. However, if the employee tells the employer facts which establish the leave qualifies as an FMLA leave while the employee is still on the leave, or if the employee seeks an extension of the leave, all or that portion of the leave can be charged as FMLA leave. (Only information from the employee may provide the basis for designating time off as FMLA leave.)

### **IV. Calculation of the 12-Month Period**

An eligible employee is entitled to a total of twelve work weeks of leave during any 12-month period for any one, or more, of the reasons specified in the FMLA. The twelve month period will start July 1<sup>st</sup> or August 1<sup>st</sup> each year and run through June 30 or July 31<sup>st</sup> of the following year.

### **V. Limitations on Leave**

The entitlement to leave because of birth or adoption expires at the end of the 12-month period beginning on the date of the birth or placement of the child. Any leave must be concluded within this one-year period.

Leave for the birth or placement of a child may not be taken intermittently or on a reduced leave schedule unless the employee and the employer agree otherwise.

Spouses employed by the same employer are limited to a total of 12 weeks of leave for the birth or adoption of a child or for the care of a sick parent.

VI. Requirement of Notice

When the need for leave is foreseeable the employee must provide reasonable prior notice and make efforts to schedule leave so as not to disrupt unduly the employer's operations. Sixty days will be required.

Employee's should report periodically during the leave period on the employee's leave status and intention to return to work. Report once a month.

An employee must provide the employer with at leave thirty-days notice of the need for leave for birth, adoption or planned medical treatment when the need for such leave is foreseeable. Sixty days is preferred.

Thirty-day advance notice is not required in cases of medical emergency or other unforeseeable events-for example, a premature birth, or sudden changes in a patient's condition which may require a change in scheduled medical treatment.

The employee shall make a reasonable effort to schedule the treatment or supervision so as not to disrupt unduly the employer's operations (subject to the approval of the employee's doctor or other health care provider).

If an employee fails to give 30 days notice for foreseeable leave with no reasonable excuse for the delay, the employer may deny the taking of FMLA leave for at least 30 days after the date the employee provided notice.

VII. Medical Certification

Medical certification to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse or parent is required. An employee must give written notice of a requirement for medical certification and the employee has 15 days in which to provide certification. Requests for additional certifications to support renewals or extensions of FMLA leaves may be oral, but ordinarily not be more frequent than each 30 days. Failure to provide proper certification which is requested will result in FMLA being denied.

In the case of foreseeable leave, if the employee fails to provide timely certification, the leave will be denied until the required certification is provided.

For the employee's own medical leave, the certification must include a statement that the employee is unable to perform the functions of his or her position.

For the leave to care for a seriously ill child, spouse or parent, the certification must include an estimate of the amount of time the employee is needed to care for the child or parent. DMESC may require a second medical opinion and periodic recertification at its own expense. If the first and second opinions differ, the employer, again at its own expense, may require the binding opinion of a third health care provider approved jointly by the employee and employer. The employer may not regularly contract with or otherwise regularly utilize the services of the health care provider furnishing the second opinion unless the employee is located where access to health care is limited.

If the certification is for intermittent leave for planned medical treatment, for example, for periodic chemotherapy treatments or physical therapy sessions, the certification must also state the dates on which the treatment is expected to be given and duration of such treatment.

DMESC requires all employees as a condition of restoration from leave to provide medical certification that the employee is able to resume work.

VIII. Intermittent or Reduced Leave Schedule

An employee needing leave because of his or her own serious health condition or the serious health condition of a child or parent may, if medically necessary, take leave intermittently or on a reduced leave schedule that reduces the employee's usual number of hours per work week or per work day.

Intermittent leave includes leave of periods from an hour to several weeks. Examples of intermittent leave would include leave taken on an occasional basis for medical appointments, or leave taken several days at a time spread over a period of six months, such as for chemotherapy.

A reduced leave schedule is a leave that reduces an employee's usual number of working hours per work week, or hours per work day.

DMESC may require an employee who requests intermittent or reduced schedule leave to transfer temporarily to an alternative position which better accommodates recurring periods of leave than the employee's regular position, provided that the position has the equivalent pay and benefits.

An employee taking leave to care for a newborn child or a child which has been placed with the employee for adoption or foster care may not take leave intermittently or on a reduced leave schedule unless the employer and the employee agree to such an arrangement.

An employee is entitled to twelve full weeks of leave even if it is taken intermittently or on a reduced schedule. The amount of leave charged against an employee's twelve work week entitlement is to be based on the actual time away from work, compared to the employee's regular schedule. For example, if an employee takes one day of intermittent FMLA leave per a five day work week, one-fifth of a week is to be charged. If an employee taking a reduced leave schedule works for four hours a day rather than eight hours a day, only one-half week can be charged at the end of the week against the twelve-week entitlement.

If an employee's work schedule varies from week to week, the twelve-week time period immediately preceding the leave is analyzed to determine a weekly average of hours. This average is used as the basis for calculating that employee's normal work week.

An employer may not require that FMLA leaves be taken in increments of specified minimum duration, such as one-half day or one hour. An employer may charge FMLA leave to employees based on the shortest time period used in its payroll system to account for absences and leaves.

Providing unpaid leave in accordance with the Act is not intended to affect in any way the exempt status of bona fide executive, administrative and professional employees. Where an employer provides family or medical leave in accordance with the Act, providing such leave, whether paid or unpaid, and maintaining records with respect to such leave will not be a factor in determining whether the employee is paid on a salary basis.

IX. Employment and Benefits Protection

An employee taking leave is entitled to be returned to his or her previous position or to "an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment".

If an employee is no longer qualified for the prior position because of his or her inability to meet certain job requirements (i.e., renew a license) because of the FMLA leave, the employee must be given reasonable opportunity to fulfill those conditions upon returning. An employer may be required to reasonably accommodate a returning employee as required by the Americans with Disabilities Act.

The employer may not deprive an employee who takes leave of benefits accrued before the date on which the leave commenced. However, the employer is under no obligation to allow the employee to accrue seniority or other employment benefits during the leave period.

An employee returning from FMLA leave is not entitled to any right, benefit or position of employment other than any right, benefit or position to which the employee would have been entitled had the employee not taken leave. For example, if but for being on leave an employee would have been laid off, the employee's right to reinstatement is whatever it would have been had the employee not been on leave when the layoff occurred.

X. Meaning of Serious Health Condition

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

1. Any period of incapacity or treatment in connection with or consequent to inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility;
2. Any period of incapacity requiring absence for work, school, or other regular daily activities, of more than three calendar days, that also involves continuing treatment by (or under the supervision of) a health care provider; or
3. Continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or for prenatal care.

The term "health care provider" is defined in the Regulations and includes: A doctor of medicine of osteopathy, podiatrist, dentist, clinical psychologist, optometrists, chiropractors, nurse practitioners, nurse-midwives, and Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts.

Routine preventive physical examinations are excluded. Voluntary or cosmetic treatments which are not medically necessary (such as most treatments for orthodontia or acne) are not included.

According to the Committee Report, examples of "serious health conditions" include but are not limited to heart attacks, heart conditions requiring heart bypass valve operations, most cancers, back conditions requiring extensive therapy or surgical procedures, strokes, severe respiratory conditions, spinal injuries, appendicitis, pneumonia, emphysema, severe arthritis, severe nervous disorders, injuries caused by serious accidents on or off the job, ongoing pregnancy miscarriages, complications or illnesses related to pregnancy such as severe morning sickness, the need for prenatal care, childbirth and recovery from childbirth.

XI. Exemption Concerning Certain Highly Compensated Employees

The Act contains a limited exemption from the restoration requirement to an equivalent position for certain highly compensated employees.

To be considered highly compensated an employee must be a salaried employee and be among the highest paid ten percent of an employer's employee within 75 miles of the facility at which the employee works.

For such employees restoration may be denied if (a) the employer shows that such denial is necessary to prevent substantial and grievous economic injury to the employer's operations, (B) the employer notifies the employee that it intends to deny restoration on such basis at the time the employer determines that such injury would occur and, (c) in any case in which the leave has commenced, the employee elects not to return to employment within a reasonable period of time after receiving such notice.

In measuring grievous economic harm, a factor to be considered is the cost of losing a key employee if the employee chooses to take the leave, notwithstanding the determination that restoration will be denied.

A key employee who takes leave is still eligible for continuation of health benefits, even if the employee has been notified that reinstatement will be denied. Under such circumstances, no recovery of premium may be made by the employer if such employee has chosen to take or continue leave after receiving such notice.

#### XII. Maintenance of Health Benefits During Leave and COBRA

The employer must maintain health insurance benefits during periods of FMLA leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave. The employer need only pay that portion of the premium normally paid. The employee must continue to make his or her contribution. Nothing in the Act requires an employer to provide health benefits if it does not do so at the time the employee commences leave. However, if an employer establishes a health benefits plan during an employee's leave, entitlement to health benefits would commence at the same point during the leave that the employee's would have become entitled to such benefits if on the job.

An employee may choose not to retain health coverage during FMLA leave. However, when an employee returns from leave, the employee is entitled to be reinstated on the same terms as prior to taking the leave, without any qualifying period, physical examination, exclusion of preexisting conditions, etc.

If the employee pays a portion of health insurance premiums:

1. Payment due at the same time as the payroll deduction is made;
2. Payment due on the same schedule as payments are made under COBRA.

Leave under the Act does not constitute a qualifying event under COBRA. However, a qualifying event triggering COBRA may occur when it becomes known that an employee is not returning to employment and therefore ceases to be entitled to leave under the Act.

#### XIII. Special Rules for Employees of Schools

Educational institutions are covered by the FMLA without reference to the Acts fifty employee coverage test. However, school employees are "eligible" for leave only if employed at a "worksite" where at leave fifty employees are employed within seventy-five miles. For example, employees of a rural school would not be eligible for FMLA leave if the school has fewer than fifty employees and there are no other schools under the jurisdiction of the same employer within seventy-five miles.

The special rules affect instructional employees who take intermittent leave, leave on a reduced leave schedule or leave near the end of an academic term (semester). "Instructional employees" are defined by the Regulations as "those whose principal function is to teach and instruct students in a class, a small group, or individual setting. This term includes not only teacher, but also athletic coaches, driving instructor and special education assistants such as signers for the hearing impaired. It does not include, and the special rules do not apply to teacher assistants or aides who do not have as their principal job actual teaching or instruction, nor does it include auxiliary personnel such as counselors, psychologists, or curriculum specialists. It also does not include cafeteria workers, maintenance workers or bus drivers".

If an eligible instructional employee requests intermittent leave or leave on a reduced leave schedule and the employee would be on leave for more than twenty percent of the total number of working days over the period the leave would extend, the employer may require the employee to choose to:

1. Take leave for a period or periods of a particular duration not greater than the duration of the planned treatment; or
2. Transfer temporarily to an available alternative position with equivalent pay and benefits which better accommodates recurring periods of leave.

DMESC may require an instructional employee who begins leave more than five weeks before the end of the term to continue taking leave until the end of the term if (1) the leave will last at least three weeks, and (2) the employee would return to work during the three week period before the end of the term.

DMESC may require an instructional employee who begins taking leave for purposes other than the employee's own serious health condition during the five week period before the end of the term if (1) the leave will last more than two weeks and (2) the employee would return to work during the two week period before the end of the term.

DMESC may require an instructional employee who begins leave, for purposes other than the employee's own serious health condition, during the three week period before the end of the term to continue taking leave until the end of the term, if the leave will last more than five (5) working days.

The Regulations define "academic term" as "the school semester which typically ends near the end of the calendar year and the end of the spring each school year." The Regulations give an example of leave falling within these provisions as an employee who plans two weeks of leave to care for a family member which will begin three weeks before the end of the term. In that situation the employer could require the employee to stay out on leave until the end of the term.

If an instructional employee chooses or is required to take leave for "periods of a particular duration" the entire period of leave taken will count as FMLA leave. However, in the case an employee who is required to take academic leave until the end of the academic term if the employee's leave entitlement ends before the involuntary period is completed, the employer must still maintain health benefits during the entire period.

The determination of how an employee is to be restored to an equivalent position upon return from FMLA leave must be made on the basis of established school policies and practices and must provide for restoration to an "equivalent position" with equivalent employment benefits pay and other terms of the conditions as provided by the Act.



XIV. Anti-Discrimination Provisions

It is unlawful under the Act for any employer to interfere with or restrain or deny the exercise of any right provided under the Act. It is also unlawful for any employer to discharge or otherwise discriminate against any individual for opposing a practice made unlawful under the Act or for participating in any inquiry or proceeding related to the rights established under the Act.

XV. Enforcement of the Act

To insure compliance with the Act, the Secretary of Labor is given investigative authority parallel to the authority provided to the Secretary with regard to enforcement of the Fair Labor Standards Act. Employers are required to make, keep and preserve records pertaining to compliance with the Family and Medical Leave Act.

Rights established under the Act are enforceable through civil actions. A civil action for damages or equitable relief may be brought against an employer in and federal or state court by the Secretary of Labor or by any employee, except that an employee's right to bring such an action is terminated if the Secretary files an action seeking relief with respect to that employee. The enforcement scheme is modeled on the enforcement scheme of the Fair Labor Standards Act and relies on the Fair Labor Standards Act procedures already established by the Department of Labor.

The relief provided by the Act also parallels the provisions of the Fair Labor Standards Act. It provides for injunctive and monetary relief for violations of the Act. An employer who violates the Act is liable to the eligible employee for an amount equal to the wages, salary, employment benefits or other compensation denied or lost to such employee because of the violation. In cases in which no wages or other compensation were denied, the employer is liable to the employee for an amount equal to the actual monetary losses sustained by the employee as a result of the violation, such as the cost of providing care, up to a sum equal to 12 weeks of wages or salary for the employee. Interest at the prevailing rate and liquidated damages are also available. However, the court has the discretion not to award liquidated damages if the employer proves to the satisfaction of the court that the act or omission was made in good faith and the employer had reasonable grounds for believing that it was not a violation.

Equitable relief in the form of reinstatement or promotion of the affected employee is also available as is any other appropriate equitable relief, including preliminary relief.

Attorney's fees are allowable under the same basis as under the Fair Labor Standards Act and the Act contains a specific provision that defendants must pay reasonable expert witness fees.

XV. Fair Labor Standards

The Fair Labor Standards Board has caused some new requirements on keeping up with time sheets, the work day, and overtime calculations. Since many school districts have been sued by different personnel over overtime, etc., the Fair Labor Standards Boards has strengthened their standards. Therefore please comply with the following regulations starting July 1, 2004.

1. On your time sheet which must be filled out each week. (Do not make out a time sheet and run off copies.) A. List your starting time. Be exact. The end of the day is 4:00 p.m., Monday through Thursday and 3:30 p.m. on Friday. Summer hours are 7:30 a.m. to 4:30 p.m. Monday through Thursday
2. Time sheets need to be signed by you and your supervisor and turned in to bookkeeping on Monday of each week.

3. If you are asked to work overtime, or if you ask to leave early by working through your lunch hour this must be approved by your immediate supervisor in advance.

6. We will follow the Standards and pay overtime pay or provide comp time for any hours beyond a normal forty (40) hour week. We will provide comp time for any hours beyond the normal co-op work week of thirty-five (35) hours. If you are leaving early due to comp time that has been approved by your supervisor you must notify all the secretaries of your intentions in detail.

7. If you are not at work due to vacation, sick, personal or holidays, you must turn in a time sheet. You must have a copy of your approved vacation or personal leave form attached to your time sheet.

8. Hourly employees need to turn time sheets in weekly.

#### XVI. Record-Keeping Requirements

The Regulations specify that the following records must be kept for each employee for at least three years:

1. Basic payroll and identifying employee data, including name, address and occupation; rate or basis of pay and terms of compensation; daily and weekly hours worked per pay period; additions to or deductions from wages; and total compensation paid.

2. Dates FMLA leave was taken by employees. Regulations indicate that these dates do not have to be listed separately on a record, but can be designated on an attendance card. Leave must be designated in the records as FMLA leave.

3. If FMLA leave is taken in increments of less than one full day, the hours of the leave.

4. Copies of employee notices of leave furnished to the employee under FMLA, if in writing, and copies of all general and specific notices given to employees as required under FMLA and the Regulations.

5. Any documents describing employee benefits or employer policies and practices regarding the taking of paid and unpaid leave.

6. Premium payments of employee benefits.

7. Records of any dispute between the employer and the employee regarding designation of leave as FMLA leave, including any written statement from the employer and employee of the reasons for designation and for the disagreement. If employees are not subject to the Fair Labor Standards Act record-keeping Regulations for purposes of minimum wage or overtime compliance, an employer need not keep a record of actual hours worked, provided that eligibility for the FMLA leave is presumed for any employee who has been employed at least twelve months.

For employees who take FMLA leave intermittently on a reduced leave schedule, the employer and the employees must agree on the employee's normal schedule or average hours worked each week and reduce this agreement to a written record maintained in accordance with the Regulations.

XVII. Notice

Employer must post a notice “in conspicuous places on the premises of the employer where notices to employees and applicants for employment are customarily posted”. The notice is to be prepared or approved the secretary “setting forth excerpts, or summaries of, the pertinent provisions of this Act.” Employers may duplicate the text of the notice contained in Appendix C to the Regulations or copies of the required notice may be obtained from local offices of the Wage and Hour Division. Notice must be at least 8 ½ by 11 inches.

If an employer has any written guidance to employees benefits or leave rights, such as in an employee handbook, information concerning FMLA entitlements and employee obligations under the FMLA must be included in the handbook or document. If the employer does not have written policies, the employer shall provide written guidance to an employee concerning all the employee’s rights and obligations under the FMLA whenever the employee requests leave under the FMLA. Employers may duplicate and provide the employee a copy of the FMLA Fact Sheet available from the Wage and Hour Division to provide such guidance.

When an employee provides notice of the need for FMLA leave, the employer shall provide the employee with notice of the following, if applicable,

1. That leave will be counted against FMLA leave entitlement;
2. Any requirement to furnish medical certification and consequences of failing to do so;
3. Whether employee will be required to substitute paid leave;
4. Any requirements for the employee to make health insurance premium payments;
5. Any requirement to present return-to-work certification;
6. Employee’s right to restoration to the same or equivalent job upon return from leave;
7. Employee’s potential liability for payment of health insurance premiums paid by the employer during FMLA leave if the employee fails to return to work after leave;
8. Status as a “key employee”.

XIII. Effective Date

The Act was signed into law by President Clinton on February 5 and became effective on August 5, 1993. Employers with collective bargaining agreements will not be subject to the law until 12 months after February 5 or the termination of the agreements whichever is earliest.

## YOUR RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to “eligible” employees for certain family and medical reasons. Employees are eligible if they have worked for their employer for at least one year, and for 1,250 hours.

### Reasons For Taking Leave:

Unpaid leave must be granted for any of the following reasons:

- to care for the employee’s child after birth or placement for adoption or foster care;
- to care for the employee’s spouse, son or daughter, or parent, who has a serious health condition;  
or
- for a serious health condition that makes the employee unable to perform the employee’s job.

At the employee’s or employer’s option, certain kinds of paid leave may be substituted for unpaid leave.

### Advance Notice and Medical Certification:

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- The employee ordinarily must provide 30 days advance notice when the leave is “foreseeable”.
- An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer’s expense) and a fitness for duty report to return to work.

### Job Benefits and Protection:

- For the duration of FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan”.
- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

### Unlawful Acts By Employers:

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA;
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

### Enforcement:

- The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
- An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any Federal or State law prohibiting discrimination, supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

### For Additional Information:

- If you have access to the Internet visit our FMLA web-site: <http://www.dol.gov/eas/whd/fmla>. To locate your nearest Wage-Hour Office, telephone our Wage-Hour toll-free information and help line at 1-866-4USWAGE (1-866-487-9243): a customer service representative is available to assist you with referral information from 8am to 5 pm **in your time zone**; or log onto our Home page at <http://www.wagehour.dol.gov>.

### TT. Drug Free Work Environment

The purpose of this policy is to comply with the Drug Free Schools and Communities Act of 1989 and amendments. This policy is applicable to all employees of the DMESC All employees are to be made cognizant of this policy and are required to sign an acknowledgment form and return it to office of the Director.

The DMESC is strongly committed to providing a drug-free work place for the health and safety of its employees. Drug abuse and use during working hours are subjects of immediate concern in our society. From a safety perspective, the users of drugs may impair the well-being of all employees, students, the public at large, and may cause damage to co-op property. Therefore, it is the policy of the DMESC that the unlawful manufacture, distribution, possession, sale, dispensation of use of alcohol or a controlled substance on co-op property or related activities is prohibited. Any employee violating this policy will be subject to the discipline up to and including termination. The specifics of this policy are as follows:

1. The DMESC will not differentiate between drug users and drug pushers or sellers. Any employee who gives or in any transfers a controlled substance to another person or sells or manufactures a controlled substance while on the job or on co-op premises or at co-op related activities will be subject to discipline up to and including termination and referral for prosecution.
2. The term "controlled substance" means any drug listed in 21 U.S.C. Section 812 and other federal regulations. General, these are drugs which have a high potential for abuse. Such drugs include, but are not limited to, Heroin, Marijuana, Cocaine, "Crack", PCP, "Ice". They also include "legal drugs" which are prescribed by a licensed physician.
3. Each employee is required by law to inform the co-op within five (5) days after he or she is convicted for violation of any federal or state criminal drug statute where such violation occurred on the co-op's premises or during co-op sponsored activities. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal court, state court or other of competent jurisdiction. Failure to report such conviction may result in immediate termination without recourse.
4. If an employee is convicted of violating any criminal drug statute while in the work place, he or she will be subject to discipline up to and including termination. Alternatively, the co-op may require the employee to successfully finish a drug abuse program sponsored by an accredited and approved private or governmental institution. Employees are encouraged to seek treatment and/or counseling for drug problems. Employees voluntarily requesting assistance will not have their employment jeopardized by the request. However, a request for assistance by an employee after violating this regulation will not affect the imposition of disciplinary action.
5. As a condition of employment involving any federal government contract, the law required all employees to abide by this policy.

6. Nothing in this regulation shall limit the co-op's right to discipline up to and including termination of an employee for off duty, off premises activity. Employees suspected of or known to be using illegal substances or abusing prescription drugs beyond their therapeutic intent will be confronted by administration and expected to submit to screening tests. If test results are positive and in administration's sole discretion and judgement such drug usage may be subject to termination or may be afforded the option of beginning a rehabilitation program (as deemed necessary) which may include requiring the employee to submit to random drug screening on a quarterly basis for one year to ensure the employee's system is free of drugs.

Testing will include drug and alcohol screening if deemed necessary.

Employees who refuse testing will be suspended and subject to termination.

An Incident Report will be placed in the personnel file of those employees with positive test results. No action will be taken if the drug screen is negative and results will not be placed in the personnel file unless specifically requested by the employee.

Test results will be mailed to Administration.

UU. Policy: Maintaining a Drug Free Work Place

The co-op recognizes its responsibility to employees to provide a drug-free work place. The co-op also recognizes that the problem of use, possession, and sale of illegal drugs by employees may extend to the work place and requires both attention and action by everyone. In addition to making employees aware of prohibitions through the employee handbook the co-op will include information about the effects and dangers relating to illegal drugs and provide information about agencies which provide help with drug abuse situations.

When it has been established that an employee possesses or is under the influence of alcohol or other substances expressly prohibited by federal, state or local laws, or of any mind altering non-prescribed substances while he/she is on co-op property, at co-op functions, or on official co-op events he/she will be subject to probation, suspension with or without pay or dismissal. The employee may be reported to legal authorities.

SERVICE AND TREATMENT RESOURCES

Southwest Arkansas Counseling and  
Mental Health Center, Inc.  
Hwy 70 West, DeQueen  
Phone: 1-800-652-9166

Red River Council on Drugs and Alcohol  
104 South 5<sup>th</sup>  
DeQueen, AR 71832  
Phone: 1-870-642-3822

Chemical Dependency Services, Inc.  
4536 Summerhill Road., Texarkana, AR

Feir, Betty J., PhD.  
PC & Associates

Employees are encouraged to seek treatment and/or counseling for drug problems. The DMESC will not assume any expenses incurred in counseling or attendance in a drug/alcohol program.