

#### C-421 FULL YEAR MATERNITY LEAVE OF ABSENCE

The Board of Education, upon the recommendation of the director, may grant a full year maternity leave of absence to a pregnant teacher provided that:

1. Written application is made to the director.
2. The leave of absence shall commence with the first day of the school year as set forth by the school.
3. A suitable one-year replacement can be employed.
4. The leave of absence shall be without pay and all fringe benefits excepting that the Special Education teacher may remain on the school's group health insurance plan providing that said Special Education teacher pays all premiums and such an arrangement is acceptable by the insurance company.
5. The leave of absence shall not be accrued for salary step placement or any other district policies.
6. During her leave and prior to March 1st, the Special Education teacher shall notify the director of her employment plans for the ensuing school year. Failure to comply with said notification shall be considered voluntary termination on the part of the Special Education teacher.

#### C-422 JURY AND CONSULTANT LEAVE

The East Central Board recognizes the importance of the jury system in a democracy and the obligation of all citizens to serve as jurors under appropriate circumstances.

Employees subpoenaed as witnesses, in legal actions other than those in which the unit and an employee or employee association are opposing parties, and employees called for jury duty shall be responsible for the organization and coordination of their regular school responsibilities and shall receive regular salary payment during the time of their service; any witness fees or compensation for jury duty shall be reimbursed to the East Central Unit.

Employees subpoenaed by the East Central Unit in any legal action shall be subject to the same conditions and entitled to the same compensation as employees subpoenaed in matters where the East Central Unit and an employee or an employee association are not opposing parties.

The Director shall have the authority to request that an employee be excused from service or the service delayed, provided the special nature of the employee's

qualifications would make it difficult to secure an adequate substitute, or if the timing of the proposed jury service might be detrimental to the welfare of the school or the children concerned.

An employee asked to serve as a consultant, judge or sports official for an educational function while undertaking assigned duties shall make a leave request to the director. If permission is granted and the employee is reimbursed for said services, the district shall pay the difference between the amount they receive for such service and their regular salary. Leave for such purposes shall be limited to no more than one day annually unless waived by the Board.

#### C-423 PERSONNEL WHO SEEK PUBLIC OFFICE

All persons should be free to seek public office. However, where an employee of the unit seeks public office, the employee must realize that he/she has certain duties and obligations to the unit.

Therefore, the following regulations have been adopted:

1. To require that adequate notice be given to the Board prior to public announcement.
2. That provisions can be made for satisfactory replacement during the period of absence, and that the period of absence be specific as is possible.
3. That school time shall not be infringed upon.
4. That there be complete abstinence of political activity during school hours.
5. The pay of the substitute shall be deducted from the salary of the employee during the period while the employee is carrying out the obligations of the elected office.

#### C-424 ALCOHOL AND DRUG ABUSE POLICY/EMPLOYEE

The Center has a clear responsibility to maintain an atmosphere which will promote a quality learning environment. The misuse of alcohol and other drugs by one employee may endanger the safety and well being of all other employees and all students. It is necessary that our employees be made aware of the danger inherent in making unwise choices about chemical use. Further it is the responsibility of the ECCEC to intervene when the Center's learning environment or the employee's ability to perform assigned duties is threatened.

Therefore, the Multidistrict Board of East Central supports the strict enforcement of the following alcohol and drug policy:

1. The use, possession, distribution, dispensing or manufacture of alcohol or any illegal drug is prohibited in any building belonging to or used by ECCEC. It is also prohibited on any grounds or in any vehicle belonging to the Multidistrict Unit or at any ECCEC related activity.
2. East Central will form a Chemical Health Committee (appointed by the Director,) to create and oversee long range programs to bring about student and employee awareness and understanding of the dangers inherent in the use of alcohol, tobacco, and controlled drugs and provide information about drugs and alcohol counseling and rehabilitation programs available to students and staff.
3. We recognize that chemical addiction is a treatable disease. Employees shall be allowed to use sick leave, to the extent accumulated, for chemical addiction treatment if undertaken at a facility approved by the Division of Alcohol and Drug Abuse of the North Dakota Department of Health. However, no employee shall be granted sick leave for inpatient treatment of alcoholism/chemical dependency more than twice.
4. East Central will attempt to provide a supportive school environment for students and staff who have been harmfully involved with drugs and alcohol, including those whose families are disrupted by chemical abuse.

Cross Ref. Policy G-331 Drug-Free Workplace

Legal Ref. PL 101-226 Drug-Free Schools and Communities Act of 1986  
Section 22 1989 Amendments  
34 CFR Part 86 Regulations

#### C-430 SUBSTITUTE SPECIAL EDUCATION TEACHERS

- A. All substitute Special Education teachers shall make application through the superintendent's office of the participating school district and shall be approved by the local Board. Any approved list of substitute teachers shall be furnished to each school principal. Each principal shall be responsible for selecting substitutes from this list.
- B. All SLD and Speech Pathology substitutes will be paid directly by the ECCEC Board at a rate of pay that will be established each year at the annual meeting of the Board.
- C. The principal may assign a regular teacher to substitute for absent staff at the negotiated rate.
- D. Duties and responsibilities of a Special Education Substitute Teacher:

1. A Special Education substitute teacher should follow the regular teacher's plan. The substitute is expected to complete all daily assignments of the regular teacher, including correction and/or checking of assignments and papers, if requested by the teacher.
  2. Substitute Special Education teachers are expected to perform the additional duties assigned to the teacher he replaces, such as recess duty, noon duty, bus duty and hallway duty.
  3. A good substitute establishes a reputation and fitness for work by conscientious endeavor.
  4. It would be considered unethical for a substitute Special Education teacher to pass judgment or to be critical of regular classroom teachers in the school system. If criticism is made, it should be made only to the appropriate administrator.
  5. A substitute Special Education teacher should leave adequate records after a teaching assignment has been completed so that the regular teacher is able to continue without difficulty or duplication.
  6. If a substitute's assignment continues for 2 days or more and no plans are available, he/she should use the study plans of the regular teacher to prepare plans similar to those used for subsequent days.
- E. The director of Special Education will be notified by the principal whenever a substitute is procured for teaching assignments.

#### C-431 SUBSTITUTE SPECIAL EDUCATION TEACHER CONTRACT

Substitute Special Education teachers shall be reimbursed if the length of absence exceeds one contracted working school week.

Reimbursement shall be a prorated salary calculated by placing the substitute on step zero (0) of the current teacher salary schedule and the appropriate educational level. Said figure shall be prorated according to length of contract with 182 days considered a full year.

#### C-440 PAYMENT OF SALARY

East Central employees must make an election for deferred compensation by submitting a written notice that notifies the employer that the employee wishes to spread out the compensation over 12 months. This election of payment must be filed before the first contract day of the school year and cannot be changed after the school year begins. This election will be effective for future years unless

a new election is completed. Employees who do not make an election of payment will be paid in 9 equal installments.

1. Employees shall receive their salary on the 20th of each month. However, if the 20th falls on a non-working day, employees shall receive their salary on the last working day prior to the 20th.
2. The salary shall normally be paid in twelve monthly installments. At the option of the employee, the salary may be paid in nine monthly installments with the final installment being paid at the conclusion of the term.

Employee benefits and payroll deductions shall remain in effect for twelve months.

If an option is selected, it shall be selected at the time the contract is signed by the employee. No changes in payroll deductions or benefits shall be made by employees after September 13th unless a qualifying event occurs.

3. All monies due retiring or resigning personnel may be paid at the conclusion of the term providing the director of the unit is notified in writing before May 1.

#### C-441 PERSONNEL RECORDS

Personnel records shall be maintained in two areas. Those records required for payroll purposes and for record keeping under the Fair Labor Standards Act and other laws pertaining to payroll record keeping will be maintained by the Business Manager. All personal information defined by law will be maintained in this file. Only employees who have a need to know in order to perform their duties will have access to this information. All other personnel records will be maintained in the Director's office.

The Director shall keep a personnel folder for each employee, certificated and classified. The Director's file shall be kept by the Business Manager. The folder shall contain such information as is required by law and shall include performance evaluations, the Business Manager's record of the certificate held for all certificated personnel, an itemized list of all documents in the file, and a record of access including the date of review and identity of persons reviewing the file if they choose to identify themselves. This file must be open and accessible during reasonable office hours of the unit.

Employment references should be returned to the author immediately following employment. Professional staff will be given their transcripts and asked to have them available for review during accreditation procedures.

An attempt will be made to contact authors of confidential pre-employment references to inform them of the North Dakota open records law. Reference

materials will be returned only upon request of the author.

Transcripts used in the process of hiring will be returned to the employee. Certificated staff will be required to have them available for accreditation purposes as needed.

The folder shall be maintained in the Unit administrative office and shall be available during school hours for review by members of the public under the following procedures:

1. The request to view an employee's record may be made in writing, in person, or by phone. Written requests shall become part of the file.
2. The file may be viewed in the administrative office. A unit employee other than the employee whose file is being reviewed shall be present during the review of the file to maintain the security of the file's contents.
3. A copy may be mailed to the person requesting to view the file if that person so chooses.
4. Copies of any documents in the file will be made upon request and at reasonable charge to the person requesting them. The charge may include the cost of materials, use of equipment, and labor for making the copies, but not time spent in locating the file. The cost of mailing may also be included in the charge if the copy is to be mailed. This charge shall be applied uniformly and without discrimination.
5. The employee may be notified that the file will be reviewed or has been reviewed.
6. The Director may seek legal advice on matters pertaining to the review, but access may not be unreasonably delayed.

Records of medical treatment or use of employee assistance program is not a part of the personnel record and shall not be released without the written consent of the employee.

The Director's folder will be maintained by the Business Manager and review of the Director's folder shall follow the same procedures. The Board President, or other designated board member, may serve as the school employee who is present during the viewing of the file.

Legal Ref: NDCC Ch. 15-38.2 Teachers' Personnel Files

NDCC 44-04-18 Access to public records

NDCC 44-04-18.1 Confidentiality of medical and employee assistance records

Procedural Note:

Exemptions - The following employee information is NOT available for public access:

Employee's medical treatment record

Employee Assistance Program records

Personal Information:

- Home address
- Home telephone number
- Photograph
- Medical information
- Motor vehicle operator's identification number
- Social security number
- Payroll deduction information
- The name, address, phone number, dated of birth, and social security number of any dependent or emergency contact
- Credit, debit or electronic fund transfer card number
- Any account number at any bank or other financial institution

#### C-450 RETIREMENT FUND

The Board of Education and its professional staff members shall participate in the Teachers' Insurance and Retirement Fund which provides for the payment of benefits to its professional staff members or to their beneficiaries.

An employee seeking early retirement, applying for their benefits, may do so according to the provisions of NDCSC 15-39-2; 15-39.1-09

#### C-451 RESIGNATIONS

Resignations shall be in writing to the Director and referred to the Board with recommendations.

#### C-452 EARLY RETIREMENT (No longer available to those employees hired after the completion of the 2013-14 school year)

##### A. DEFINITION AND GENERAL PROVISIONS

1. Early retirement is a plan whereby teachers and administrators receive a predetermined one-time payment if they choose to retire early. The payment is a proportion of the current annual salary at the time of early retirement.

2. Early retirement is designed to be beneficial to both the professional staff member and the East Central Board. The plan provides a positive method for dealing with declining enrollments and the resulting need to reduce staff.
3. Early retirement is fully voluntary, and no professional staff member shall be required or coerced in any manner to retire early under the provisions of this policy. However, all persons who desire early retirement and are eligible may make application. The East Central Board will consider all such requests. The Board may not be able to approve all requests because of the availability of funds, excessive number of requests, or other reasonable factors.
4. Professional staff members who have retired under the provisions of this policy may be eligible for employment as substitutes at the same daily wage rate paid any other substitute. Staff members may also be eligible for full-time or part-time employment in critical shortage areas after the first full year of non-employment at East Central. A retired employee will be allowed to return to East Central in critical need shortage areas.
5. Professional staff members terminating employment due to a disability are not eligible for any early retirement payment under the provisions of this policy, unless contracted prior to incurring the disability.
6. Professional staff members who elect to avail themselves of this policy are personally responsible for determining what effect early retirement will have on their coverage under the Teachers' Fund for Retirement, Social Security and any other programs for which they may be eligible for benefits.
7. A properly completed application and subsequent approval by the Board of a professional staff member's early retirement request shall constitute a legally binding resignation and a waiver of the person's continuing contract and non-renewal rights.
8. All fringe benefits provided by the East Central Special Education Unit to professional staff members are discontinued at the conclusion of the member's full-time employment with the Unit, except that the termination date of fringe benefits may be extended to comply with the provisions of the various group plans and companies providing coverage, so long as it results in no additional expense to the Unit.

## B. REQUIREMENTS

1. Professional staff members who have reached the age of 55 years or older may elect to retire early under the provisions of this policy. The applicant's age as of August 15 in the calendar year of retirement will be used in determining the age qualification and payment amount due.



2. Professional staff members who are eligible for teacher retirement benefits (TFFR) under the "Rule of 85" may elect to retire early under provisions of this policy.
3. Professional staff members 55 years or older, or those eligible under the "Rule of 85", must have completed ten years of employment in this Unit to be eligible for early retirement. The ten years of service may, with Board approval, include authorized health restoration leave not to exceed a total of two years. In addition, five of the ten years of service must be continuous service immediately preceding the date of retirement.

#### C. EARLY RETIREMENT PAYMENT

1. The one-time early retirement payment as provided in this policy will be paid when the early retirement is effective. However, the retiree may elect to defer a portion or all of the payment to a time not later than 12 months from the effective date of early retirement. Also, the East Central Board is not required to make more than two installments of the payment due.
2. The early retirement payment provided for in this policy is based on a proportion of the staff member's current annual salary at the time application is made. The current annual salary is the contract amount a person received on the East Central Special Education Unit's salary schedule considering years of experience and level of education. The current annual salary used in making early retirement payment calculations shall not include amounts paid for extra duty assignments and/or summer employment and/or extended contracts.
3. The amount of the early retirement payment shall be calculated using either Schedule A or Schedule B. The retiree has the option of selecting either Schedule A or Schedule B.

SCHEDULE A

| Age as of August 15th of<br>Early Retirement Year | Payment shall be this percentage of<br>Current Annual Salary |
|---|--|
| 55 .....  | 75%  |
| 56 .....  | 70%  |
| 57 .....  | 65%  |
| 58 .....  | 60%  |
| 59 .....  | 55%  |
| 60 .....  | 45%  |
| 61 .....  | 35%  |
| 62 .....  | 25%  |
| 63 .....  | 15%  |
| 64 .....  | 5%   |

SCHEDULE B

| Rule of 85 as of August 15th<br>of Early Retirement Year | Payment shall be this proportion of<br>Current Annual Salary |
|--|--|
| 1 Year Prior to Eligibility<br>(Rule of 85)              | 75%  |
| Year of Eligibility<br>(Rule of 85)                      | 65%  |
| Year of Eligibility<br>(Rule of 85) +1 Year              | 55%  |
| Year of Eligibility<br>(Rule of 85) +2 Years             | 45%  |
| Year of Eligibility<br>(Rule of 85) +3 Years             | 35%  |
| Year of Eligibility<br>(Rule of 85) +4 Years             | 25%  |
| Year of Eligibility<br>(Rule of 85) +5 Years             | 5%   |

#### D. APPLICATION PROCEDURE

1. Professional staff members choosing to avail themselves of the Unit's early retirement policy may make application at any time during the early retirement school year, but the application form must be received in the East Central office no later than January 15 of the calendar year in which the person plans to retire. The East Central Board will consider early retirement requests no later than February 15 of that same year.
2. Any official Board action regarding early retirement requests shall specify the following:
  - a. Acceptance of staff member's resignation.
  - b. Effective date of early retirement.
  - c. Total dollar amount of early retirement payment which will be paid by the East Central Special Education Unit.
3. Upon approval by the East Central Board of an early retirement request, both parties shall enter into a contractually binding, written agreement which shall set forth all terms and conditions of the early retirement, including but not limited to, the amount of payment, the payment date(s), and a waiver of all continuing contract and non-renewal rights.



EAST CENTRAL CENTER FOR EXCEPTIONAL CHILDREN  
APPLICATION FOR EARLY RETIREMENT

Name \_\_\_\_\_ Social Security # \_\_\_\_\_

Home Address \_\_\_\_\_

Telephone # \_\_\_\_\_ Date of Birth \_\_\_\_\_

Effective Date of Resignation & Early Retirement \_\_\_\_\_

Age as of August 15, 20\_\_\_\_, will be \_\_\_\_\_.

Date of Eligibility for Teacher's Fund for Retirement for normal service retirement using Rule of 85 \_\_\_\_\_

Years of professional service in East Central Unit \_\_\_\_\_

Years of continuous service in East Central immediately preceding date of early retirement \_\_\_\_\_

Calculation of Early Retirement Payment:

\_\_\_\_\_ X \_\_\_\_\_ = \_\_\_\_\_  
Current Annual Salary      Percentage Factor      Payment  
(as defined in Section C-451:c.3)

Payment Plan: (complete either a or b)

\_\_\_\_\_ a. Full amount of \$ \_\_\_\_\_ on \_\_\_\_\_.

\_\_\_\_\_ b. First Installment of \$ \_\_\_\_\_ on \_\_\_\_\_.  
Final Installment of \$ \_\_\_\_\_ on \_\_\_\_\_.

I have read and am willing to comply with the provisions of the East Central Policy C-451, Early Retirement. Further, upon approval by the Board of this early retirement request, agree that both parties shall enter into a contractually binding, written agreement which shall set forth all terms and conditions of my early retirement.

\_\_\_\_\_

Date

\_\_\_\_\_

Employee Signature

NOTE: All information in this application must be verified from Personnel Records or TFFR Records prior to Board action.

The East Central Center for Exceptional Children Board hereby approves this application and offers to provide the benefits as outlined in Board Policy Early Retirement upon the effective resignation of the applicant.

\_\_\_\_\_

Date

\_\_\_\_\_

Board Signature

## C-500 NEGOTIATED AGREEMENT

Insert current negotiated agreement in here.

## C-600 FRAUD PREVENTION AND INVESTIGATION

The ECCEC Board expects all employees, Board members, consultants, vendors, contractors, and other parties maintaining any business relationship with East Central to act with integrity, due diligence, and in accordance with all laws in their duties involving East Central's resources. The Unit is entrusted with public dollars and no person connected with East Central should do anything to erode that trust.

The Business Manager shall be responsible for developing internal controls designed to prevent and detect fraud, financial impropriety, or fiscal irregularities within the Unit. Every member of the East Central's administrative team shall be alert for any indication of fraud. Financial impropriety, or irregularity within his/her areas of responsibility.

Any employee who suspects fraud, impropriety, or irregularity shall report their suspicions immediately to his/her immediate supervisor and/or the Director. The Director shall have primary responsibility for any necessary investigations and shall coordinate investigative efforts with East Central's legal counsel, auditing firm, and other internal or external departments and agencies, including the Eddy County Prosecutor's Office and law enforcement officials, as the Director may deem appropriate.

In the event the concern or complaint involves the Director of ECCEC, the concern shall be brought to the attention of the President of the Board who shall be empowered to contact East Central's legal counsel, auditing firm, and any other agency to investigate the concern or complaint.

The Director may elect to employ the Unit's auditing firm to conduct a partial forensic/internal control/SAS99 audit annually or otherwise as often as deemed necessary. The Director is authorized to order a complete forensic audit if, in his/her judgment, such an audit would be useful and beneficial to East Central.

Fraud, financial improprieties, or irregularities include, but are not limited to:

1. Forgery or unauthorized alteration of any document or account belonging to East Central.
2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.
3. Misappropriation of funds, securities, supplies, or other assets.
4. Impropriety in the handling of money or reporting of financial transactions.



5. Profiteering because of “insider” information of ECCEC information or activities.
6. Disclosing confidential and/or proprietary information to outside parties.
7. Accepting or seeking anything of material value, other than items used in the normal course of advertising, from contractors, vendors, or persons providing services to the Unit.
8. Destroying, removing, or inappropriately using ECCEC records, furniture, fixtures, or equipment.
9. Failing to provide financial records to authorized state or local entities.
10. Failure to cooperate fully with any financial auditors or investigators.
11. Any other dishonest or fraudulent act involving ECCEC monies or resources.

The Director shall investigate reports of fraudulent activity in a manner that protects the confidentiality of the parties and the facts. All employees involved in the investigation shall be advised to keep information about the investigation confidential.

If an investigation substantiates the occurrence of a fraudulent activity, the Director, or Board President if the investigation centers on the Director, shall issue a report to appropriate personnel and to the Board. The final disposition of the matter and any decision to file or not file a criminal complaint or to refer the matter to the appropriate law enforcement and /or regulatory agency for independent investigation may be made in consultation with East Central’s legal counsel. The results of the investigation shall not be disclosed to or discussed with anyone other than those individuals with a legitimate right to know until the results are made public.