

DALLAS COUNTY SCHOOLS
EMPLOYEE HANDBOOK
2010-2011

TABLE OF CONTENTS

	PAGE
I. INTRODUCTION	1
HISTORICAL PERSPECTIVE	1
ADMINISTRATIVE OFFICE	2
NOTIFICATION REGARDING INCLEMENT WEATHER	2
NAME AND ADDRESS CHANGES.....	2
II. EMPLOYMENT	2
EQUAL EMPLOYMENT OPPORTUNITY	3
AMERICANS WITH DISABILITIES ACT	3
EMPLOYMENT CRITERIA.....	3
EMPLOYMENT STATUS	3
VACANCIES.....	4
ATTENDANCE	4
DCS CALENDAR & HOLIDAYS.....	5
III. GENERAL GUIDELINES FOR NON-EXEMPT EMPLOYEES.....	5
WORK WEEK.....	5
WORK HOURS	5
TIME-RECORDS.....	5
OVERTIME.....	5
IV. PAYROLL & BENEFITS	6
EMPLOYEE COMPENSATION.....	6
PAY PERIOD.....	6
DIRECT DEPOSIT	6
PAYROLL DEDUCTIONS	7
GROUP HEALTH INSURANCE PLAN.....	7
COBRA.....	7
OTHER OPTIONAL INSURANCE COVERAGE.....	8

V.	EMPLOYMENT LEAVE POLICIES.....	8
	DEFINITION OF “DAY” FOR LEAVE PURPOSES.....	8
	PERSONAL LEAVE	8
	ATTENDANCE INCENTIVE	8
	USE OF PERSONAL LEAVE	9
	TEMPORARY DISABILITY.....	9
	ASSAULT LEAVE.....	9
	BEREAVEMENT LEAVE	10
	CATASTROPHIC ILLNESS LEAVE	10
	LEAVE WITHOUT PAY	11
	VOTING LEAVE	11
	JURY DUTY	11
	MILITARY LEAVE – FEDERAL.....	11
	MILITARY LEAVE – STATE.....	12
	TEMPORARY LEAVE FOR MILITARY SERVICE DURING WARTIME.....	12
	FAMILY AND MEDICAL LEAVE	12
	SERVICE MEMBER FAMILY AND MEDICAL LEAVE	13
	WORKERS’ COMPENSATION LEAVE.....	14
	REPORTING ABSENCES.....	15
	BENEFITS WHILE OUT ON LEAVE	15
	AUTOMATIC TERMINATION OF EMPLOYMENT.....	15
VI.	EMPLOYMENT PRACTICES.....	15
	COMPLIANCE COORDINATOR.....	15
	HARASSMENT.....	16
	EMPLOYEE EXPENSE REIMBURSEMENT.....	16
	MEDICAL INQUIRIES	16
	ALCOHOL/DRUG TESTING	17
	NEPOTISM.....	23
	EMPLOYEE COMPLAINTS/GRIEVANCE PROCEDURES	24
	WHISTLE-BLOWER PROTECTION	25

VII.	EMPLOYEE STANDARDS OF CONDUCT	25
	RESPECTFUL WORKPLACE	26
	TOBACCO, ALCOHOL, AND DRUG USE	26
	WEAPONS	30
	GIFTS TO EMPLOYEES.....	30
	CORRECTIVE ACTION	30
	SUSPENSION OF EMPLOYEES.....	30
	REPORTING ARRESTS OF EMPLOYEES	30
	DISCHARGE OF CONVICTED EMPLOYEES	31
	CRIMINAL HISTORY CRITERIA.....	31
	ACCEPTABLE TECHNOLOGY USE	32
VIII.	IMPORTANT NOTIFICATIONS	37
	VISITORS TO DCS PROPERTIES	37
	EMPLOYEE UNION AND ASSOCIATION DISCUSSION	37
	PUBLIC INFORMATION ACCESS.....	38
	DISTRICT RECORDS.....	38
	MEDIA RELATIONS.....	39
	STUDENT RECORDS AND CONFIDENTIALITY	39
	STUDENTS AND CHILD ABUSE.....	39
	REPORTING FRAUD.....	39
	REPORTING HAZARDS	41
	WORKPLACE VIOLENCE	41

I. **INTRODUCTION**

This handbook is intended to provide basic information and answers to some of the most common questions from Dallas County Schools (“DCS”) employees. The topics in this handbook are not treated in an exhaustive manner and additional information may be found in DCS Policies, procedures, and/or departmental directives. Transportation employees should also refer to the Transportation Procedures Manual. Additional information regarding employment and general information about DCS may also be found on the DCS website at www.dcschools.com. Your supervisor will provide you with a job description, expectations and directives for your position. Although the employee handbook has procedures that have been developed by the Administration, and are not official Policy as adopted by the Board, employees are expected to follow these procedures, and failure to do so may impact performance evaluations and/or result in disciplinary action. Throughout the handbook, references are included to the appropriate Policy section number that includes additional information on the topics discussed here. Not all DCS Policies are included in this handbook. DCS Policies and procedures may be modified or withdrawn at any time. For additional information, please consult the DCS Policy manual or your supervisor. To the extent of any conflict, Board Policy supersedes the employee handbook and any administrative procedures.

This handbook is not a contract of employment, nor do any procedures, guidelines, or rules stated herein imply or create a contract for employment or any property interest in employment for any employee. Wherever gender pronouns are used in this handbook, the masculine gender shall include the feminine, and the feminine gender shall include the masculine. For additional information about any aspect of your employment, you may contact your supervisor or the Human Resources Office at DCS.

HISTORICAL PERSPECTIVE

DCS is a county school district providing services to independent school districts throughout the State of Texas. Four unique divisions work together to ensure that we reach our goal of strengthening education through service. Over the past decades, DCS has adapted its services to fit the unique and changing needs of the districts it serves. From a one-room schoolhouse to an award-winning presence on the internet, DCS continues to grow and change to better serve the students, parents, teachers, and community of Dallas County and the State of Texas.

Over 150 years ago, a patchwork quilt of small communities covered what is known today as Dallas County. As the communities grew, so did the settlers’ commitment to educating their children. In 1846, less than one year after Texas became a state, the Legislature mapped Dallas County boundaries.

Throughout the next century, as cities began to spring up around the County, Independent School Districts (ISDs) began to form. While these ISDs took over the classroom functions, DCS played an integral role in the educational process by providing services such as Transportation (est. 1927), Instructional Media Services (est.

1928), Psychology (est. prior to 1967), and Technology (est. 1997). Today, DCS has one of the five largest pupil transportation fleets in the United States.

ADMINISTRATIVE OFFICE

The DCS administrative offices are located at 612 North Zang Boulevard, Dallas, TX 75208. The office hours are generally from 8:00 a.m. to 4:30 p.m., Monday through Friday.

NOTIFICATION REGARDING INCLEMENT WEATHER

In the event DCS determines that inclement weather makes travel between home and work potentially unsafe, DCS will put an announcement on the DCS voice mail system (214) 944-4518 and the website (www.dcschools.com), advising employees of a late-opening, early-closing or temporary shutdown of one or more offices. If, however, an employee believes that he/she cannot safely commute to work because of weather conditions, the employee should advise their appropriate supervisor. Employees who do not report to work when the office is open may use available vacation or personal leave, if any, to receive their regular pay.

Transportation employees should tune to radio stations KRLD, WRR and WBAP for information about potential school closings, late starts or early release due to inclement weather. Announcements about school closings are made on these stations at 5:30 and 6:00 a.m. Bus route schedules will run as necessary to accommodate the hours of school operation.

NAME AND ADDRESS CHANGES

An employee who has a change of name, address, home phone number, cell phone number, email address and/or emergency contact information must advise DCS as soon as possible after the change occurs. An employee's name and information maintained for payroll purposes must match the name and information maintained by the Social Security Administration. It is especially important that Bus Drivers/Monitors keep DCS staff informed regarding how they may be contacted during the day in case of an emergency. Changes may be documented with the employee's supervisor or in the Human Resources Office. It may be necessary for the employee to complete additional paperwork to document a name change on the W-4 form for withholding taxes, insurance coverage, TRS, etc.

II. EMPLOYMENT

It is the intent of the Board that DCS will employ the most qualified people. All offers of employment shall be contingent on approval of the Superintendent or designee. References and criminal histories will be checked on all new applicants. A pre-employment, post-offer drug test at an approved test site will be required for all employees.

EQUAL EMPLOYMENT OPPORTUNITY (See DCS Policy § 9.001)

Our goal at DCS is to recruit, hire, and maintain a diverse workforce. Equal employment opportunity is good business as well as being the law and applies to all areas of employment at DCS, including recruitment, selection, hiring, training, transfer, promotion, termination, compensation, and benefits. As an equal opportunity employer, DCS does not discriminate in its employment decisions on the basis of race, religion, color, national origin, gender, sex, age, military status, disability, genetic information, or on any other basis that would be in violation of any applicable federal, state, or local law.

AMERICANS WITH DISABILITIES ACT (See DCS Policy §§ 9.001, 9.003, 9.005 & 9.006)

DCS will not illegally discriminate against an individual with a disability in regard to job application procedures; in the hiring, advancement, or discharge of employees; in employee compensation or job training; or in other terms, conditions, and privileges of employment. DCS will provide reasonable accommodations to qualified individuals with disabilities, unless to do so would cause undue hardship, as mandated by the Americans with Disabilities Act, the Americans with Disabilities Act Amendments Act and any implementing regulations. If you have a disability and require a reasonable workplace accommodation, please contact the Human Resources Department.

EMPLOYMENT CRITERIA (See DCS Policy § 8.002)

Dallas County Schools establishes the following objective criteria for decisions regarding the hiring, dismissal, reassignment, promotion, and demotion of DCS personnel. This is not an exhaustive list of all criteria DCS may use in making employment decisions. The following criteria are not rank-ordered and may be considered in whole or in part in making such decisions:

- High School Diploma or GED (or currently enrolled and participating in an accredited GED program)
- Academic or technical preparation, supported by transcripts
- Proper certification or licensure for assignment
- Experience
- Recommendations and references
- Evaluations
- Suitability for the position and professional competence
- The needs of DCS
- Criminal History

EMPLOYMENT STATUS (See DCS Policy § 8.001)

In order to meet its organizational needs, DCS employs a variety of types of employees. Some employees may fall under more than one definition. Non-exempt and exempt employment status is determined by the Fair Labor Standards Act ("FLSA") and

Department of Labor (“DOL”) rules and regulations. The following definitions apply to employee classifications, except where otherwise specified:

- Full-time employee: An individual who is employed at least 30 hours per week in a position with regularly scheduled duties assigned over a 12 month period.
- Part-time employee: An individual who is employed less than 30 hours per week; or an individual employed at least 30 hours per week in a position with regularly scheduled duties assigned over less than a 12 month period.
- Temporary employee: An individual who is employed in a temporary assignment.
- Active employee: An individual who is currently employed by DCS with regularly assigned duties or is on an approved leave of absence. A trainee is not an active employee.
- Substitute bus driver A bus driver who is not assigned a route or regularly scheduled duties, but may be called to drive on an as-needed or regular basis to cover routes or extra-curricular trips.
- Reserve driver A bus driver hired prior to the 2009-2010 school year who is not assigned a route, but who is regularly scheduled for at least 10 or more hours each week. Reserve drivers may also be called to drive on an as-needed basis to cover routes or extra-curricular trips. Unless otherwise specifically noted, all policies and procedures applicable to substitute bus drivers apply to reserve drivers as well.
- Coach driver A bus driver who is not assigned a route or regularly scheduled duties, but drives his or her own team(s) to extra-curricular events.

VACANCIES (See DCS Policy § 11.004)

Information about available positions is posted on the DCS website and is also available in the Human Resources Department. Current DCS employees seeking a particular open position must apply if they wish to be considered.

ATTENDANCE

DCS expects regular and prompt attendance from all employees and failure to do so may result in disciplinary action. Excessive absences and tardiness puts an unfair

burden on co-workers and will be a significant factor in an employee's continued employment, performance appraisals, salary reviews and advancement opportunities.

DCS CALENDAR & HOLIDAYS

See DCS Policy § 12.003

III.

GENERAL GUIDELINES FOR NON-EXEMPT EMPLOYEES

WORK WEEK

The DCS workweek for salaried employees starts on Sunday at 12:01 a.m. and ends on Saturday at midnight. The DCS workweek for hourly paid employees, including Transportation School Bus Drivers and Monitors, starts on Friday at 12:01 a.m. and ends on Thursday at midnight.

WORK HOURS

Scheduled work hours may vary according to service requirements and employment classification. Generally, the scheduled work hours for DCS employees will conform to the regular schedules of the schools served by DCS.

TIME-RECORDS

All non-exempt employees must accurately report their work time. The primary method of recording work hours is by use of the Employee Information Centers ("EICs") located in each facility. If the EIC is not functioning, employees are to record their work hours on a manual log provided by their supervisor. Any employee who falsifies his or her own time worked or the work time of another employee will be subject to discipline, up to and including immediate discharge from employment. All employees must immediately notify DCS in the event of a mistake in their time or payroll records, whether the mistake is to DCS' benefit or the employee's, so that the mistake may be promptly corrected. If an employee has been overpaid or had an improper amount of deductions withheld from their paycheck, DCS reserves the right to recoup any overpayments or incorrect payments from the employee.

While all hours worked will be compensated appropriately, an employee's failure to report hours accurately, whether too low or too high, is cause for disciplinary action. Employees should immediately report to Human Resources any effort by a supervisor or manager to participate in, encourage, or even permit an employee to work "off the clock" in violation of the overtime policy.

OVERTIME (See DCS Policy § 12.001)

Overtime pay is paid to non-exempt employees who work for DCS for more than forty hours in a workweek in accordance with the FLSA and DOL rules and regulations. Employees are not allowed to work overtime unless it has been approved in advance by

a supervisor. Under no circumstances should an employee work “off the clock,” or outside of the employee’s approved work schedule.

Non-exempt employees may receive, in lieu of overtime pay, compensatory time off at a rate of not less than one and one half hours for each hour of overtime work, pursuant to an agreement or understanding arrived at between DCS and the employee before the employee works overtime. See DCS Policy § 12.001 for limitations on compensatory time.

The minimum wage and overtime provisions do not apply to any employee employed in an exempt position as defined by the FLSA and DOL rules and regulations.

IV. PAYROLL & BENEFITS

The following payroll and benefits information is provided as an overview of payroll operations and benefits offered to employees. For specific information about any particular topic in this section, please contact the Human Resources Department, located in the Administration Building.

EMPLOYEE COMPENSATION (See DCS Policy § 12.001)

DCS strives to pay competitive wages within the industry and the community. The Superintendent will set the salary schedules and hourly wage rates annually, which are then reviewed and approved by the DCS Board of Trustees. Employees will be compensated in accordance with the FLSA and DOL rules and regulations.

PAY PERIOD

All salaried employees are paid twice monthly, typically on the 15th and 30th of each month. DCS will not authorize advances on paychecks or loans to employees. If an employee is unable to pick up a paycard or a paycheck that was not directly deposited, then the employee may send a representative, who must present written authorization before the card or check will be released. If a payday falls on a weekend or holiday, then employees will be paid on the last scheduled workday prior to that date. At DCS’ discretion, pay may be issued earlier than the scheduled date.

DIRECT DEPOSIT

For the sake of convenience and efficiency for both the employee and DCS, employees should have their payroll checks processed through direct deposit. The Payroll Department will split an employee’s paycheck between up to three different checking or savings accounts. If an employee does not have a checking or savings account, they may choose to receive a paycard in lieu of direct deposit. For more information, please contact the Payroll Department.

PAYROLL DEDUCTIONS

DCS is required by law to make certain deductions from an employee's paycheck, including but not limited to federal withholding tax and social security (FICA), Teachers Retirement System of Texas (TRS), 457(b) FICA Alternative deductions, and/or any deduction amounts ordered by a court as a wage garnishment. DCS will also deduct amounts authorized by the employee in writing, such as for insurance premiums or employee associations. See also DCS Policy § 12.015 for more information.

GROUP HEALTH INSURANCE PLAN (See DCS Policy § 12.002)

DCS offers participation in TRS ACTIVE-CARE major medical health plans to full-time employees and certain part-time employees. Each year, the Board of Trustees or the Superintendent will decide the amount DCS will contribute toward employees' health insurance premiums. The Board may distinguish between full-time and part-time employees for purposes of its contribution to employees' health insurance premiums. DCS will contribute to the cost of the employee's health insurance benefits as long as the employee is an active employee and/or on approved paid personal leave, military leave, or FMLA leave, and the employee contributes his or her share of the health insurance cost. An employee is responsible for paying his or her share of any insurance premiums while they are on any type of approved leave.

New employees have 30 days from the date of hire to enroll in any offered insurance program. Existing employees may only enroll after a "qualifying event" or during the annual "open enrollment" period, which is the month of August, unless otherwise determined by DCS. Early enrollment may start as early as April.

Employees who participated in insurance program(s) at the end of a school year will automatically have their insurance election remain the same for the new school year. Insurance cancellations and changes will be effective on the 1st day of the month following the date the written request for the cancellation or change is received by the Human Resources Department.

Substitute bus drivers and coach drivers are generally only employed on an as-needed basis and may not be eligible for the same benefits as full-time or part-time employees. Per TRS rules, substitutes, temporary employees, independent contractors, and volunteers are not eligible for TRS-ActiveCare coverage.

COBRA

Employees and dependents are entitled to continue insurance coverage under the health plan on the occurrence of certain qualifying events. For more information, review DCS Policy § 12.002 or the Group Health Plan Booklet, available from the Human Resources Department. This continuation of coverage is provided under the Consolidated Omnibus Budget Reconciliation Act (COBRA).

OTHER OPTIONAL INSURANCE COVERAGE

In addition to health insurance, DCS regularly offers other insurance programs available to full-time employees and certain part-time employees. Participation in these programs is voluntary. The insurance programs may include, but are not limited to, coverage for vision, dental, life, and disability. An employee is responsible for paying his or her insurance or other benefits premiums while they are on any type of approved leave.

Substitute bus drivers and coach drivers are generally only employed on an as-needed basis and may not be eligible for the same benefits as full-time or part-time employees.

Contact the Human Resources Department for enrollment information or to address changes in your benefits selections.

V. **EMPLOYMENT LEAVE POLICIES**

DEFINITION OF “DAY” FOR LEAVE PURPOSES

For purposes of DCS Policy Chapter 12 and all leave granted to employees, a “day” for purposes of accumulation, use, or recording of leave is determined based on the employee’s average workday. Full-time and part-time employees’ average workday will be determined based on their regularly scheduled route or shift. For example, if a route bus driver’s regularly scheduled route totals 4 hours a day, a “day” for purposes of leave would be 4 hours of pay. Coach drivers and substitute bus drivers’ average workday will be determined based on the actual trips and routes driven and actual number of days worked in a 36 workday period. No “day” for purposes of leave can be more than 8 hours. If the employee transfers to a position with different hourly requirements, the accumulation of leave is not adjusted, and leave will be based on the current assignment.

PERSONAL LEAVE (See DCS Policy § 12.004)

Each employee working for a full school year is entitled to state personal leave, in equivalent workdays, of five days per year as mandated by state law. Personal leave may accumulate from year to year without limit.

Full-time and part-time employees shall earn one personal leave “day” for each 36 workday period during the school year, up to five days per year. Salaried employees who work twelve months per year shall earn an additional “day” of personal leave, for a total of six days. Persons employed for a partial year shall earn state personal leave, in equivalent workdays, at the rate of one-half “day” for each 18 workdays of employment, up to five days per year.

ATTENDANCE INCENTIVE (See DCS Policy § 12.004)

As an incentive to reduce absenteeism, an employee who has accumulated more than 30 days of personal leave may be paid at the end of the school year for up to 5 *unused*

personal leave days earned in the current school year. The employee will also keep for future use the unused days for which the employee is paid. Bus drivers and monitors are not required to accumulate 30 days to be eligible for this incentive.

USE OF PERSONAL LEAVE (See DCS Policy § 12.004)

Although DCS policy may not restrict the purposes for which personal leave is taken, the scheduling of personal leave is subject to certain restrictions so that such use does not interfere with the needs and operation of DCS. If a personal leave request is denied, the employee's absence from work will be unexcused. An employee will always be allowed to use personal leave for the observance of a holy day observed by the employee's religion. Personal leave must be used concurrently with any leave authorized by the Family Medical Leave Act.

In order to use accrued personal leave, an employee should complete a Leave of Absence Request form and obtain approval from their supervisor prior to the time they wish to take their leave. Use of personal leave must be requested for a specific date or dates. Full-time and part-time employees shall not drive or perform their regularly scheduled duties on the day(s) they are on leave. Substitute bus drivers shall not be assigned to drive on the day(s) they are on leave.

TEMPORARY DISABILITY (See DCS Policy § 10.003)

The Superintendent may place an employee on a leave of absence for temporary disability if the Superintendent reasonably believes that the employee's condition interferes with the performance of their regular duties and/or the safety of themselves or others. If the employee refuses, the Superintendent is entitled to require a medical exam of the employee, using a licensed physician of the Superintendent's choosing. If the employee refuses to submit to the examination, the Superintendent is entitled to place the employee on a status of leave of absence for temporary disability. Temporary disability leave shall not exceed six months and must be used concurrently with any leave authorized by the Family Medical Leave Act. However, an employee will not be charged for any of the 180 calendar days of temporary disability leave at the same time the employee is using state and local sick and/or personal leave.

ASSAULT LEAVE (See DCS Policy § 12.005)

A DCS employee who is physically assaulted during the performance of the employee's regular duties is entitled to the number of days of paid leave necessary to recuperate from all physical injuries sustained as a result of the assault. At the employee's request, the employee will be immediately assigned to assault leave. DCS will thoroughly investigate every claim for assault leave. Upon investigation of the claim, if it is discovered that the employee was not assaulted as defined under state law, DCS may change the assault leave status and charge the leave against the employee's accrued personal leave, or against an employee's pay if insufficient accrued personal leave is available. Days of assault leave properly taken under this subsection will not be deducted from accrued personal leave. The assault leave period may not extend more

than two years beyond the date of the assault or beyond the time necessary to recover from the assault, which ever is shorter. For purposes of this leave, an employee is physically assaulted if the person engaging in the conduct causing injury to the employee could be prosecuted for assault, or could not be prosecuted for assault only because the person's age or mental capacity makes the person a non-responsible person for purposes of criminal liability.

Notwithstanding any other law, assault leave policy benefits due to an employee shall be coordinated with temporary income benefits due from Workers' Compensation so that the employee's total compensation from temporary income benefits and assault leave policy benefits equals 100 percent of the employee's weekly rate of pay. The number of days of leave necessary to recuperate from all physical injuries means the number of days the employee is medically unable to work per a doctor's diagnoses.

BEREAVEMENT LEAVE (See DCS Policy § 12.004)

All full-time and part-time employees are allowed 3 days paid Bereavement Leave without deduction from their accrued Personal Leave in the case of death of a spouse, child, parent, current parent-in-law, or sibling. The use of Bereavement Leave and/or up to 2 days accumulated Personal Leave as additional Bereavement Leave does not affect a driver/monitor's attendance bonus. Additional days of absence beyond the 3 day Bereavement Leave will be charged against the employee's accrued Personal Leave balance.

Substitute bus drivers and coach drivers are not eligible for bereavement leave because they are only employed on an as-needed or temporary basis.

CATASTROPHIC ILLNESS LEAVE (See DCS Policy § 12.006)

In the event of an extended disability due to serious injury, serious illness, or significant non-elective surgery of the employee or employee's immediate family member, an employee may request additional paid leave days only after the employee has exhausted all accumulated paid leave.

All full-time and part-time employees who have completed at least twelve months of employment with DCS, and who have exhausted all accumulated paid leave, are eligible to apply for up to 30 additional days (15 days for leave related to an immediate family member) of paid leave during the school year. An employee must have worked at the beginning of the school year in which they apply. If the employee knows in advance that an extended disability will occur or is likely, the employee must request catastrophic leave prior to the beginning of the disability. Otherwise, the employee must request catastrophic leave as soon as reasonably possible after the extended disability becomes known, but in any event not later than thirty days after the disability begins.

Catastrophic Illness Leave is a discretionary leave and not an automatic right. The decision of the Extended Leave Committee is final. The Extended Leave Committee, which is responsible for approving or disapproving all requests, is appointed by the Superintendent or his designee, and is made up of one management employee from the

Human Resources Department, one Transportation Area Director, three bus drivers/monitors, and two non-management full-time employees. Applications to receive this leave may be obtained from the Human Resources Department. Employees must provide the Extended Leave Committee with proper medical documentation in order to be considered for this leave. Catastrophic Illness Leave must be used concurrently with any leave authorized by the Family Medical Leave Act.

Substitute bus drivers and coach drivers are not eligible for catastrophic illness leave because they are only employed on an as-needed or temporary basis.

LEAVE WITHOUT PAY (See DCS Policy § 12.007)

After all personal leave, vacation, and any compensatory time has been used, an employee may be approved to be absent from work for up to, but not more than, 6 months on leave without pay, subject to certain restrictions so that such use does not interfere with the needs and operation of DCS. In order to take leave without pay, an employee should complete a Leave of Absence Request form and obtain approval from their supervisor prior to the time they wish to take their leave. Unless protected by law, leave without pay is a discretionary leave and not an automatic right, and there is no guarantee of continued employment upon return from leave without pay. For information on any type of leave or to obtain a leave request form, please contact the Human Resources Department.

VOTING LEAVE (See DCS Policy § 12.008)

Any full-time or part-time employee who does not have two consecutive non-work hours while the polls are open on election day will be given up to two hours off with pay in order to vote, unless more time is required by state law. Please notify your supervisor before Election Day if you will need time off, so that the timing of your absence can be pre-arranged.

Substitute bus drivers and coach drivers are not eligible for voting leave because they are only employed on an as-needed or temporary basis.

JURY DUTY (See DCS Policy § 12.009)

DCS employees who receive jury fees for jury services may retain such jury pay in addition to their salary as an employee. DCS will continue all benefits, salary and/or hourly wages for the duration of the employee's jury service, provided the employee is an active employee at the time of the jury duty call and is not a substitute bus driver or coach driver.

MILITARY LEAVE – FEDERAL (See DCS Policy §§ 9.007, 12.010)

In compliance with the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA"), DCS' applicants and employees who apply or perform military service, whether on a voluntary or involuntary basis, will not be denied initial employment, reemployment, retention in employment, promotion or any benefit of

employment on the basis of the performance of military service. Eligible military service includes performance of a duty on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and a period of time for which the employee is absent to determine fitness for duty. For more information on the qualifications for reemployment following military service, please review DCS Policy § 12.010.

Federal military leave will be without pay, but the employee may use accrued personal leave pay during the absence. Employees will be allowed to continue health care insurance coverage at the current level of coverage by paying the employee's portion of the insurance premium during the absence. Upon reemployment, any break in employment due to military service will not be treated as a break in service for purposes of determining accrual of benefits and seniority. Employees do not accrue vacation or personal leave while on military leave of absence status, but may use any leave accrued prior to such military service during the absence.

MILITARY LEAVE – STATE (See DCS Policy §§ 9.007, 12.011)

Any employee who is a member of the Texas National Guard, Texas State Guard, or reserve component of the armed forces will be granted a paid leave of absence, without loss of any accumulated leave, for authorized training or duty orders. Paid military leave will not exceed 15 days per year. For more information regarding reemployment after a term of active duty with a state military force, please review DCS Policy § 12.011.

TEMPORARY LEAVE FOR MILITARY SERVICE DURING WARTIME (See DCS Policy § 12.012)

A leave of absence with pay will be granted to employees serving on active military duty in any branch of the United States or state military armed forces or Coast Guard, pursuant to procedures established by the Superintendent. The leave shall be granted for a one-year period, and is automatically renewable, unless acted upon otherwise by the Board. Any employee who receives paid leave pursuant to this policy shall be required to notify DCS of any salary or income received for military service. DCS and the employee shall coordinate leave under this policy so that the combined annual wages of the employee do not exceed the employee's regular DCS annual wages.

FAMILY AND MEDICAL LEAVE (See DCS Policy § 12.013)

An active employee may qualify for unpaid leave of up to 12 work weeks during any 12-month period under the Family Medical Leave Act ("FMLA") if the employee has been employed by DCS for at least 12 months and has worked at least 1,250 hours over the previous 12 months. The 12 months of employment generally do not have to be consecutive months, but the 1,250 hours only includes hours actually worked and does not include time spent on paid or unpaid leave. FMLA leave will be granted for any of the following reasons: (1) the employee's serious health condition; (2) to care for the

employee's spouse, son, daughter, or parent who has a serious health condition; or (3) to care for the employee's child after birth, placement for adoption, or foster care. FMLA leave must be taken concurrently with any available personal, state or federal leave.

The employee is required to provide advance leave notice and medical certification of a serious health condition. The employee must provide at least 30 days notice when the leave is "foreseeable" or as soon as practicable. Failure to give proper notice of the need for FMLA leave may result in denial or delay of the commencement of the leave. Medical certification for a serious health condition is required at the time of the leave request and at 30-day intervals thereafter. If an employee takes intermittent leave or leave on a reduced schedule due to medical necessity, it is the employee's obligation to schedule appointments and/or treatment so that it does not unduly disrupt DCS operations.

During FMLA leave, DCS shall maintain the employee's coverage in the group health plan in the same manner as prior to the leave. The employee is still responsible for payment of his/her share of the premium cost.

The employee should notify DCS of his or her intent to return to work two weeks prior to the anticipated date of return. If the employee returns to work on or before the expiration of available FMLA leave, the employee will normally be returned to his or her former position or an equivalent position. If, however, the employee cannot return to work until after the expiration of all available FMLA leave, there is no guarantee of reinstatement. Failure of the employee to return from FMLA leave, or otherwise request a reasonable accommodation prior to expiration of all available FMLA leave, may result in the absences being considered unexcused. If the employee is on leave for his/her own serious health condition, a "fitness for duty" certification from the employee's health care provider verifying the ability to return to work, with or without restrictions, will be required. If an employee has been medically released to return to work and fails to report to work or call in with a satisfactory explanation, DCS will treat this as a voluntary resignation.

SERVICE MEMBER FAMILY AND MEDICAL LEAVE (See DCS Policy § 12.013)

The Family and Medical Leave Act ("FMLA") also entitles eligible employees to take leave for a covered family member's service in the Armed Forces ("Service Member FMLA"). This handbook provision supplements DCS' FMLA policy and provides general notice of employee rights to such leave. Except as mentioned below, an employee's rights and obligations to Service Member FMLA Leave are governed by DCS' existing FMLA policy.

Service Member FMLA provides eligible employees unpaid leave for any one, or for a combination, of the following reasons:

- (1) A "qualifying exigency" arising out of a covered family member's active duty or call to active duty in the Armed Forces in support of a contingency

plan; and/or

- (2) To care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating.

When leave is due to a "qualifying exigency" an eligible employee may take up to 12 workweeks of leave during any 12-month period. When leave is to care for an injured or ill service member, an eligible employee may take up to 26 workweeks of leave during a single 12-month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period. Service Member FMLA runs concurrent with other leave entitlements provided under federal, state and local law.

WORKERS' COMPENSATION LEAVE (See DCS Policy § 12.014)

Establishing and maintaining a safe work environment is the shared responsibility of both DCS and the employees. When an employee sustains an injury or occupational illness while on duty, the employee must report the injury to a supervisor or the Risk Management Department immediately, but in no event later than thirty days. If an employee sustains an injury that arises out of and in the course and scope of their employment, a claim will be filed under Workers' Compensation. If the injury is not reported as soon as reasonably possible, the claim may be denied. Employees must cooperate with the Risk Management Department and any third-party administrators contracted by DCS in connection with the filing and processing of their claim, including submitting proper documentation, answering necessary questions, etc.

An employee who is unable to return to work due to an on the job injury must contact his/her supervisor weekly to update the supervisor as to the status of the employee's return to work status. An employee who is released by a doctor to return to work, with or without restrictions, must notify his/her supervisor of their expected return date and must be prepared to return to work as soon as released by their doctor. An employee who has not been medically released to return to regular duty is expected to cooperate with DCS' modified duty program, which is designed to return employees back to productive work within their medical restrictions. Employees are expected to provide proper medical documentation to DCS regarding their leave and/or return to work status, including whether they are requesting any type of accommodation.

Employees who are injured on the job and are placed on Workers' Compensation Leave may use earned personal leave for the first five days absent from work. Employees are still responsible for payment of their share of any insurance or benefits premiums while out on Workers' Compensation Leave. For more information, please contact the Risk Management Department.

REPORTING ABSENCES

Absences for reasons other than unexpected illness, injury or other emergency must be scheduled in advance with the appropriate supervisor. On those occasions when you are unable to report to work due to unexpected illness, injury or other emergency, you must personally notify your supervisor at least 30 minutes before your scheduled starting time. If your supervisor is not available, notify the supervisor on duty. The failure to call in, as required under this procedure, will be treated as an unexcused absence. Three consecutive absences without proper notification may be treated as a voluntary resignation. Employees are to contact their supervisor each day they are absent, unless other arrangements have been made. Your supervisor may request a doctor's release to return to work for absences due to illness or injury.

BENEFITS WHILE OUT ON LEAVE

If an employee is out on any type of unpaid leave for more than five (5) days at a time, the employee is responsible for contacting the Human Resources department to coordinate payment of any voluntary deductions or premium payments the employee may be responsible for. The employee must arrange for payment of these deductions or premiums or risk having the benefits terminated.

AUTOMATIC TERMINATION OF EMPLOYMENT (See DCS Policy § 11.012)

Any employee who is absent from work for more than six months or misses 180 calendar days in any rotating one year period (exclusive of time spent on FMLA leave, Military leave or other Federal or State protected leave, if any), regardless of the reason, will be automatically discharged from employment unless a reasonable accommodation under the ADA has been requested and approved in advance. Such discharged employees are welcome to reapply for employment when they are able and willing to return to work.

VI. EMPLOYMENT PRACTICES

COMPLIANCE COORDINATOR (SEE DCS POLICY § 9.002)

DCS is committed to honor the laws that prohibit discrimination based upon an applicant's or employee's race, sex, religion, national origin, disability, age, or other protected class recognized by applicable law. Listed below are the laws and the person responsible for coordinating DCS' compliance effort with state and federal anti-discrimination laws:

The contact for Title IX relating to sexual discrimination, including harassment; Title II of the Americans with Disabilities Act; and Section 504 of the Rehabilitation Act is:

DCS Employee Relations Manager
612 North Zang Blvd., Dallas, Texas 75208
214-944-4537

The compliance coordinator shall be responsible for investigation of complaints on behalf of employees and citizens. Discrimination complaints made to the compliance coordinator are separate from the employee grievance process and will be investigated outside of the grievance process. Employees may also pursue such complaints through the employee grievance process. Employees are required to cooperate in any investigations as needed, and refusal to participate in an investigation may result in disciplinary action, up to and including termination.

HARASSMENT (See DCS Policy §§ 14.007-14.009)

Employees shall not engage in conduct constituting harassment of other employees or students, including, but not limited to, sexual harassment, or harassment based on race, sex, religion, national origin, disability, age, genetic information, or other protected class status of other employees or students. Harassment is unwelcome conduct that unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

Employees who believe they have been harassed by other employees should bring the matter to the attention of the compliance coordinator or the appropriate person in accordance with the DCS employee grievance procedures. An employee alleging harassment is never required to present the matter to the person who is the subject of the complaint. A complaint made outside the time allowed for an employee grievance will not be treated as a timely grievance, but will be investigated and appropriate corrective action will be taken if warranted. DCS shall promptly investigate all allegations of harassment or discrimination and shall take prompt and appropriate disciplinary action against employees found to have engaged in improper conduct. No employee shall be discouraged from making or supporting a charge of harassment, discrimination or other violation of law. Retaliation or retribution will not be tolerated against any employee or administrator because they reported suspected harassment or discrimination.

EMPLOYEE EXPENSE REIMBURSEMENT

See Business Procedures Highlights.

MEDICAL INQUIRIES (See DCS Policy § 10.003)

Each employee certified to drive a school bus shall have an annual medical examination by an appropriate health professional. DCS has the right to choose the health professional who will conduct the exam and pay for the cost of the exam. All DCS drivers must maintain their medical certificate on their person at all times. DCS may also require a medical examination after an offer of employment is made, but prior to the beginning of employment duties, and may condition the employment offer on the results of the examination, provided all employees within the same job category are subjected to this requirement. The results of such an examination will be used only to determine an applicant's ability to perform job-related functions.

During employment, a medical exam may be required of any employee if DCS has a reasonable belief based on objective evidence that the employee's condition interferes with the employee's ability to perform job-related functions, meet job requirements, or may pose a direct threat to the health and/or safety of others. Evidence may include observations by DCS or reliable information obtained from a third-party. Examples could include but are not limited to, losing consciousness or fainting on the job, learning that a driver is on medication that can affect driving ability, or when a driver who has been on leave for a medical condition seeks to return to work. An employee required to operate a commercial motor vehicle as part of their job duties will be removed from all driving duties pending the outcome of a medical examination to determine the employee's ability to perform essential job functions or whether the employee poses a direct threat.

Additional follow-up or periodic medical examinations may also be required for employees performing safety sensitive functions under specific circumstances when job-related and consistent with DCS business necessity.

ALCOHOL/DRUG TESTING (See DCS Policy §§ 14.001-14.004)

A. Post-Offer/Pre-Employment Testing

All employees are subject to a post-offer/pre-employment drug test, paid for by DCS, before beginning employment. DCS shall also request alcohol and drug information from previous employers in accordance with applicable laws. Refusal to consent to, or refusal to disclose results of, a drug test by an applicant shall result in the applicant not being hired. Persons confirmed positive for the usage of a controlled substance, a dangerous drug, or other un-prescribed or illegal drugs on a required post-offer/pre-employment drug test shall not be hired. Likewise, an applicant shall not be hired if they tested positive on a test performed by a former employer or have been convicted of a drug-related offense.

B. Employees Performing "Safety Sensitive" Functions

During employment, employees performing "safety sensitive" functions shall be subject to random and reasonable suspicion drug, alcohol, and controlled substance testing in accordance with state and federal law to help prevent accidents and injuries resulting from the misuse of those substances, and to ensure the safety of students, employees, and members of the public. Reasonable suspicion may include but is not limited to, the occurrence of an accident or incident that results in damage or loss to DCS property or injury to an employee or student; articulable observations of appearance, behavior, speech, or body odors; and/or reports or complaints about use of alcohol or illegal substances during work hours from other employees or members of the public. Employees who operate commercial motor vehicles, including school buses; monitors; employees required to inspect, service, repair, or maintain, vehicles or equipment; and other positions as determined by the Superintendent, are considered "safety-sensitive" positions for purposes of random and reasonable suspicion drug, alcohol, and controlled substance testing. These employees occupy "safety-sensitive" positions

because maintenance department employees and drivers are responsible for the safe operation of commercial motor vehicles and because monitors interact with children, physically handle special-needs students, and operate wheelchairs and wheelchair lifts on a regular basis. DCS may conduct alcohol or drug testing in accordance with this provision because its interest in maintaining safe buses and ensuring the physical safety of the children on those buses is substantial and outweighs the privacy interests of employees who interact with students on a regular basis and operate potentially dangerous equipment.

C. Employees Required to Operate Commercial Motor Vehicles

Employees who are required to operate a DCS commercial motor vehicle and hold a commercial driver's license (CDL) may be subject to additional testing, including but not limited to, pre-employment, post-accident or post-incident, random, reasonable suspicion, return-to-duty, and follow-up drug and alcohol testing, in accordance with state and federal laws.

Employees whose current job position does not require them to operate a commercial motor vehicle but who volunteer to operate a school bus must then meet all qualifications and comply with all rules and regulations under federal and state law and DCS policies, including drug and alcohol testing. Such employee's decision to perform bus driving duties is voluntary and the employee may decide to cease bus driving duties at any time.

D. Reasonable Suspicion Testing

In addition to alcohol and drug testing under Federal Department of Transportation ("DOT") regulations of employees who are required to operate commercial motor vehicles, and testing of school bus monitors pursuant to Board policy, the Superintendent is authorized to designate categories of employees who are required to submit to alcohol or drug testing. The Superintendent has determined that an employee who performs "safety sensitive" functions should be required to undergo alcohol or drug testing when DCS receives information from a reliable source that gives rise to a reasonable suspicion that the employee is under the influence of alcohol while on duty or that the employee uses illegal drugs, whether on or off duty and whether on or off DCS premises. The Superintendent reserves the right to designate other categories of employees for required alcohol or drug testing.

E. Types of Tests

1. Pre-Employment/Pre-Duty Testing

Applicants for and employees transferring to qualifying positions will be required to undergo alcohol and/or drug tests after an offer of employment has been made but before they will be allowed to begin work.

2. Post-Accident Testing

Federal DOT regulations require employees to submit to a post-accident test for alcohol and drugs as soon as practical following an accident involving a commercial motor vehicle, including school buses if:

- If the accident involved a fatality; or
- If the employee receives a citation under State or local law for a moving traffic violation as a result of an accident, and
 - One or more persons involved in the accident receive medical attention immediately from the scene of the accident, or
 - If one of the vehicles involved in the accident cannot be driven from the scene under its own power without minor repairs.

In addition to the Federal post-accident testing requirements, DCS requires employees to submit to a post-accident test for alcohol and/or drugs as soon as practical following an accident involving school buses if:

- The accident involves another vehicle on the roadway, or
- The accident is on or off the roadway when students are onboard.

Employees shall remain readily available to submit to alcohol testing within 2 hours of an accident and within 32 hours for drug testing and should report at one of the specimen collection sites as soon as practical after an accident. The employee should not consume alcohol or drugs, unless medically prescribed, until the accident testing time period has passed.

3. Random Testing

Federal DOT regulations require DCS to select 10% of the annual average number of CDL drivers for alcohol and 50% of the annual average number of CDL drivers for random drug testing. Once an employee has been notified that they have been randomly selected for alcohol and/or drug testing, the employee will be expected to immediately proceed to the collection site.

4. Reasonable Suspicion

In accordance with Federal DOT regulations, employees may be required to submit to alcohol and/or drug testing based on objective observations documented by a trained observer. Employees required to submit to reasonable suspicion testing will be suspended from duty without pay pending the results of the test. Employees shall remain readily available to submit to alcohol testing within 2 hours and within 32 hours for drug testing of being notified that testing is required. In all cases, the employee should submit to the required test as soon as practical at the closest specimen

collection site. If the test results are negative, the employee will be reinstated to duty without penalty and will be paid for any lost wages.

In addition to the Federal reasonable suspicion testing requirements, employees may also be required to undergo alcohol or drug testing when DCS receives information from a reliable source that gives rise to a reasonable suspicion that the employee is under the influence of alcohol while on duty or that the employee uses illegal drugs, whether on or off duty and whether on or off DCS premises.

5. Return to Duty Testing

In accordance with Federal DOT regulations, an employee who believes he/she has a problem with drugs or alcohol may voluntarily advise DCS of such a problem before any circumstance occurs, which would give rise to a direction to take a drug or alcohol test, or a notification to take a random alcohol or drug test, and thereby avoid any disciplinary action for such voluntary identification. The employee will be provided leave pursuant to DCS leave of absence policies, to secure treatment for such condition. Alcohol and drug testing will be conducted before the employee's return to work, after completion of a substance abuse program evaluation and recommended rehabilitation.

6. Follow-Up Testing

Follow-up testing for employees who have been returned to duty is required for employees who tested positive for alcohol or drugs under the following circumstances:

- If an employee tests positive for alcohol, follow-up testing for alcohol is required and testing for drugs is optional.
- If an employee tests positive for drugs, follow-up testing for drugs is required and testing for alcohol is optional.
- If an employee tests positive for both drugs and alcohol, follow-up testing for both drugs and alcohol is required.
- Optional follow-up testing is determined by the substance abuse professional based on a clinical assessment of the employee.

Testing will be unannounced and at least six tests must be conducted in the first 12 months after returning to duty. Follow-up testing may be extended for up to 60 months as recommended by the substance abuse professional.

Periodic follow-up testing after return to work is required for employees who voluntarily identified themselves as provided in the above section as having a substance abuse problem. Testing will be unannounced and at least six tests must be conducted in the first 12 months after returning to duty. Follow-up testing may be extended for up to 60 months as recommended by a substance abuse professional.

In addition to the Federal follow-up testing requirements, certain employees performing “safety sensitive” functions may also be required to undergo follow-up drug testing when DCS receives information from a reliable source that gives rise to a reasonable suspicion that the employee uses illegal drugs, whether on or off duty and whether on or off DCS premises.

F. Testing Methodology, Procedures, and Results

1. Alcohol and Drug Specimen Sites

A list of the collection sites may be obtained through your supervisor or the Human Resources Office.

2. Alcohol Testing

A “Breath Alcohol Technician” (“BAT”) utilizing an Evidential Breath Testing (“EBT”) device approved by the National Highway Traffic Safety Administration will administer the alcohol test. The test will be performed in accordance with DOT regulations and procedures.

When the employee enters the test collection site, the BAT will require the employee to provide positive identification (photo ID, such as the employee’s CDL). On request by the employee, the BAT shall provide positive identification to the employee. The BAT will then document the arrival time of the employee submitting to be tested and shall then explain the testing procedures to the employee.

The test shall consist of possibly two or more breath tests, a screening test, and a confirmation test to determine if the employee being tested has a prohibited alcohol concentration. If the employee fails to comply with the instruction of the BAT, does not complete the test, or fails to submit to the test within 2 hours of notification or after a qualifying accident or incident, the employee may then be considered as having refused to be tested and may be subject to disciplinary action.

3. Drug Testing

Employees will be tested for drugs by testing a sample of the employee’s urine through the use of an Enzyme Multiplied Immunoassay Technique (“EMIT”) for screening, and a Gas Chromatography/Mass Spectrometry (“GC/MS”) Test for the confirmation test. A DOT/U.S. Department of Health and Human Services (“DHHS”) approved laboratory will perform all tests. The employee will provide a urine specimen in a location that affords privacy, except in certain circumstances where direct observation is required by law. The collector will measure the temperature of the specimen, and seal and label the split sample specimen in accordance with chain of custody protocol to insure security, proper identification and integrity of the specimen for delivery to the approved laboratory. The laboratory will utilize the primary specimen container for testing purposes and store the secondary split specimen container for confirmation testing if requested by the employee. All test results are reported to a Medical Review Officer (“MRO”) for confirmation. The MRO will contact any employee who has tested “positive” to

determine the validity of the test results. The employee is responsible for responding to the request and inquiries of the MRO within a reasonable time period.

4. Blind Performance Test Procedures

Blind Performance Test is a urine specimen submitted to a laboratory for quality control testing purposes, with a fictitious identifier, so that the laboratory can not distinguish it from employee specimens, and which is “spiked” with known quantities of specific drugs or which is blank, containing no drugs.

5. Drug Test Results

If the test results are confirmed by the MRO as “negative,” the employee will be allowed to return to duty. If the test results are confirmed by the MRO as “positive,” disciplinary action may be taken. Employees will have 72 hours to request in writing that they wish to have the “split sample” container tested by another DOT/DHHS-certified laboratory at DCS’ expense.

If an employee fails to provide a sufficient quantity of a urine specimen, or fails to provide a specimen as soon as practical (but within 32 hours of being notified that a test is required or after a qualifying auto accident), the employee may then be considered as having refused to be tested.

Confidentiality of all test results shall be strictly maintained, with only those having a need to know being informed of the results.

G. Substances Tested

Employees may be tested for Alcohol and/or Marijuana (THC), Cocaine, Opiates, Phencyclidine (PCP), and Amphetamines (including Methamphetamines). Some prescription and “over-the-counter” medications and some personal hygiene products, such as cough syrups, mouthwashes, etc., can contain alcohol or other ingredients that may result in a positive test, and their possession during work hours and/or use of these products could result in a violation.

H. Refusal to Submit to Testing

No employee shall refuse to submit to an alcohol or drug test. DCS shall not permit an employee who refuses to submit to such tests to perform or continue to perform “safety sensitive” functions. Additionally, refusal to consent to, or refusal to disclose results of, a drug test by an employee shall be grounds for termination of employment.

“Refuse to submit” to an alcohol or controlled substance test means that as an employee you:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT regulations, after being directed to do so by the employer;

- (2) Fail to remain in the immediate testing area under the control of the authorized collection personnel until the testing process is complete, unless otherwise instructed by the collection personnel (except for a pre-employment test before it has commenced);
- (3) Fail to provide a urine specimen for any drug test required by DCS or DOT regulations (except for a pre-employment test before it has commenced);
- (4) In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of the employee's provision of a specimen;
- (5) Fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- (6) Fail or decline to take a second test DCS or the collector has directed the employee to take;
- (7) Fail to undergo a medical examination or evaluation, as directed by the Medical Review Officer ("MRO") as part of the verification process, or as directed by the Designated Employer Representative ("DER"). In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;
- (8) Fail to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process, etc.); or
- (9) Is reported by the MRO as having a verified adulterated or substituted test result.

I. Consequences of a Positive Result

Persons found to have engaged in any prohibited conduct under the Federal DOT regulations or DCS policies and procedures concerning alcohol and drug use, persons found to have any alcohol concentration while on duty, or persons confirmed positive for the usage of a controlled substance, a dangerous drug, or other un-prescribed or illegal drug on a drug test, shall be immediately removed from the performance of any "safety-sensitive" functions and will be subject to termination. It is DCS' practice to terminate any employee who is found to have tested positive for the usage of a controlled substance, a dangerous drug, or other un-prescribed or illegal drug. Persons confirmed positive will be referred to rehabilitation resources for assistance, at the individual's expense.

NEPOTISM

See DCS Policy § 10.006

EMPLOYEE COMPLAINTS/GRIEVANCE PROCEDURES (See DCS Policy § 13.001)

DCS has implemented a voluntary grievance process designed to give employees a fair and impartial forum to resolve issues of concern to them. In addition, the grievance process serves as an important tool for DCS to ensure that all management personnel comply with federal and state fair employment practice requirements.

Employees should follow the grievance procedures for at-will employees set out in the DCS Board Policies. Employees may attempt to adjust grievances or discuss complaints during working hours. However, preparation of a grievance is not permitted during the employee's working hours and such time will not be paid.

Per DCS Policy, a grievance must be submitted to the appropriate person within 10 business days of the date the employee first knew, or with reasonable diligence should have known, of the action or conduct giving rise to the complaint or grievance. If an employee is appealing the decision of a previous level, the grievance appeal must be submitted to the appropriate person within 7 business days after the employee or their representative receives the previous level decision. These deadlines are necessary to ensure a prompt investigation and so as to not unduly interrupt and burden DCS operations. Time periods may be modified by mutual consent if the circumstances warrant an extension. If a grievance is not timely filed, the complaint may be dismissed, on written notice to the employee, at any time during the grievance process. If an employee submits an untimely grievance, a written explanation must accompany the grievance setting forth the reasons why the grievance was not timely filed in accordance with DCS Policy requirements. If an adequate justification does not exist for the untimely grievance, it may be dismissed on written notice to the employee. The employee may appeal the dismissal by seeking review in writing within seven business days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness. An appeal limited to the issue of timeliness may not be appealed past a Level Three Grievance.

A grievance form that is incomplete in any material aspect must be refiled with all of the requested information within five days of the date the employee was notified of the deficiency in order for a hearing to be scheduled. After a level one grievance hearing, no new information (documents or testimony) may be submitted by the employee unless the employee did not know the information existed before the level one hearing.

In the event a hearing is necessary for a grievance, reasonable attempts will be made to schedule a hearing at a time that is mutually convenient for DCS and the employee. If that time is during the employee's non-working hours, that time will be treated as unpaid. If an employee fails to schedule a hearing within a reasonable amount of time or misses or cancels two or more scheduled hearings without reasonable notice to DCS, DCS administration may rule on the grievance based on the written documentation and without a hearing for that level. If the employee is unable to attend the scheduled hearing, the employee may instead submit a written statement or send a representative in their place. Both alternatives will equally be taken into consideration,

and no adverse inference will be drawn if the employee chooses to submit a written statement or send a representative to the hearing in their place.

The Superintendent or his designee is authorized to take such actions as are reasonable and necessary to ensure the effective and efficient operation of the grievance process, which may include combining similar complaints, beginning the process at a higher level, including necessary individuals in the grievance process, offering an alternative method of dispute resolution, or other actions the Superintendent or his designee deems appropriate under the circumstances.

If another employee is selected to provide assistance or representation on the grievance, that employee will not be paid for their time at such hearing. Likewise, an employee who is also member of a professional association and acting as a representative/agent of the association when meeting with a member of management, and not discussing employment issues specific to themselves, their time in the meeting will not be paid. In this circumstance the employee is not in the meeting as an employee but as a representative of the professional association.

These procedures in no way discourage employees from voicing concerns or informally discussing employment issues specific to themselves with their supervisors during working hours. Retaliation or retribution will not be tolerated against any employee or administrator because they engaged in the grievance process.

WHISTLE-BLOWER PROTECTION

See DCS Policy § 15.001

VII. EMPLOYEE STANDARDS OF CONDUCT

To ensure efficient operations and provide the best work environment, DCS expects employees to follow rules of conduct that will protect the interests and safety of all employees and DCS. While it is not possible to list all forms of conduct that are considered unacceptable in the workplace, the following examples are provided to demonstrate what conduct may result in disciplinary action, up to and including discharge of employment. This list is not exhaustive and there may be other forms of conduct that could subject an employee to disciplinary action and/or termination. None of the following reasons create an employment contract or negate or modify an employee's at-will employment status.

1. Unlawful discrimination or harassment.
2. Falsification of DCS records, including, but not limited to, employment application, time records, and student discipline records.
3. Theft, fraud, bribery, or gambling in the workplace.

4. Threatening or intimidating conduct, including fighting, misbehaving and practical jokes that adversely affect operations, damage DCS property, or endanger persons on DCS' premises.
5. Use of threatening, intimidating, unprofessional, coercive or abusive language in the workplace.
6. Transmitting offensive or harassing messages towards employees, customers or vendors via email, text message, or the internet.
7. Improperly treating, fighting with, gossiping about, or servicing a fellow employee, customer, student, or any other nonemployee.
8. Insubordination (refusal to comply with instructions), lack of cooperation, or failure to perform reasonable duties as assigned.
9. Use of DCS material, time or equipment, including but not limited to school buses, for the manufacture or production of an article for unauthorized purposes or personal use.
10. Immoral or indecent conduct in the workplace.
11. Disclosing confidential information without authority.
12. Performance which does not meet the requirements of the job.
13. Excessive absenteeism or leaving DCS premises during working hours without permission from the supervisor.

RESPECTFUL WORKPLACE

DCS strives to maintain a workplace that fosters mutual respect and promotes harmonious, productive working relationships. DCS expects all employees to treat each other in a manner in which they would like to be treated and to give to others the respect that is due to every individual, whether a fellow employee, member of management, customer, vendor or visitor to our premises. DCS prohibits any behavior that is discourteous or demeaning to other employees.

Disrespectful behavior may include, but is not limited to, the following:

- Jokes that demean another individual or group of individuals;
- Name calling or nicknames that may be offensive;
- Taking credit for another individual's work or ideas;
- Refusing to communicate or speak with another individual;
- Offensive verbal, visual or physical conduct;
- Repeated negative comments about others either orally or in writing;
- Any form of electronic harassment;
- Threatening another individual;
- Invading another's privacy;

- Knowingly blaming other individuals for a mistake they did not make;
- Purposefully invading another's personal space;
- Gossiping about another individual; and
- Any type of "bullying" behavior.

DCS will take appropriate corrective action, up to and including termination, against any employee engaging in disrespectful behavior.

TOBACCO, ALCOHOL, AND DRUG USE

(See DCS Policy §§ 14.001-14.004)

A. Tobacco Use in the Workplace

Employees shall not use tobacco products on DCS properties except in designated areas. At all times, the use of tobacco products is prohibited on school buses, in the presence of students, or at school-related activities.

B. Alcohol and Drugs in the Workplace

DCS, in an effort to ensure the safety and health of its employees, prohibits the possession, distribution, selling, testing "positive" for, and the use of any alcohol, illegal drugs, or controlled substances on DCS properties, including vehicles, or while an employee is on duty.

Prohibited conduct under the Federal DOT regulations includes:

- Reporting for duty or remaining on duty requiring the performance of a "safety sensitive" function while having an alcohol concentration of 0.04 or greater.
- Being on duty or operating a vehicle while the employee possesses or uses alcohol or other drugs. The use of drugs pursuant to the instruction of a physician is not prohibited as long as the physician has advised the employee that the substance does not adversely affect the employee's ability to safely operate a vehicle, including school buses.
- Performing "safety-sensitive" functions within four hours of using alcohol. "Safety-sensitive" functions include functions routinely conducted by drivers, monitors, and maintenance employees, including but not limited to driving, interacting with students, and maintenance of vehicles.
- Using alcohol within eight hours following an accident requiring a post-accident alcohol test, or until that employee undergoes a post-accident alcohol test, whichever occurs first.

- Refusing to submit to a post-accident, random, reasonable suspicion, and/or follow-up alcohol or drug testing.

C. Prescription and “Over the Counter” Medications

Prescribed medications and “over-the-counter” medications are not prohibited as long as they will not impair an employee’s ability to perform their duties and the prescribed medication was prescribed for the employee taking the medication. Employees are required to report to their supervisor, before the start of their shift, any medication prescribed by a doctor or “over-the-counter” medication that may affect the employee’s ability to perform their duties. All prescriptions are subject to verification by DCS, and each employee must provide medical authorization when requested. It is the employee’s responsibility to confirm with their doctor whether their medication would negatively affect their work ability.

Employees reporting their need to use prescribed or “over-the-counter” medications may be temporarily reassigned to an existing vacant position that does not perform “safety-sensitive” functions or be required to take leave with or without pay until the use is discontinued. Each instance shall be evaluated on its individual merits. Failure to report the need to use a prescribed or “over-the-counter” medication that may affect the employee’s ability to safely conduct their duties may be considered a violation and result in disciplinary action.

D. Effects of Alcohol and Controlled Substances Use and Employee Assistance/Counseling

1. Effects of Use of Alcohol or Controlled Substances

Below are some common effects of alcohol and controlled substances use on an individual’s health, work and personal life and signs and symptoms of abuse or problem.

Behavioral and Physical:

- Appearance: unkempt, blood shot eyes, dilated/constricted pupils, puffy face, blank stare
- Behavior: shaking, staggering, poor motor coordination, uncontrollable laughter, “in a daze”, wears sunglasses at inappropriate times, weariness, excessive yawning, nodding off, excessive irritability, depression, anxiety, suspicious of others, suspicious behavior, withdrawn, argumentative, talkative, disregard of self and others, violent
- Speech: slurred speech
- Body Odors: alcohol on breath

Work Performance Problems:

- Tardiness
- Attendance
- Productivity

- Quality of Work
- Emotional Changes
- Missed Deadlines
- Unreasonable Excuses
- Accidents
- Increased Sick/Personal Leave
- Complaints from Co-workers
- Lack of Attention to Detail
- Lack of Focus
- Promise to Improve Behavior

Other Signs:

- Increased risk taking
- Abrupt changes in work attendance or quality of work
- Borrows money
- Series of personal crisis; financial, marital, etc.
- Irritability or intense conflict
- Unexplained memory lapses
- Cries easily
- Change in friends
- Persistent job transfers
- Excessive telephone use
- Violent or confrontational

2. Methods of Intervening When Abuse or a Problem is Suspected

DCS will use one or more methods to intervene when it is suspected that an employee has a problem with alcohol or controlled substance. DCS may use one or a combination of confrontation, testing, referral to counseling/assistance program or referral to management.

3. Counseling and Assistance for Employees

DCS encourages any employee who has a drug and/or alcohol abuse problem to seek counseling and therapy from a qualified "Substance Abuse Professional" ("SAP"). Any employee who has been identified, as having tested "positive" for alcohol or drugs will be referred for treatment/counseling to a suggested treatment facility. The employee will be responsible for any cost associated with the treatment/therapy.

A SAP is a licensed physician (Medical Doctor or Doctor of Osteopathy) or a licensed or certified Psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance/drug related disorders.

The Director of Risk Management for DCS is the contact person or Designated Employer Representative (“DER”) an employee may contact to answer questions about the drug and alcohol testing rules or to inquire about treatment facilities that may provide free drug or alcohol treatment and counseling.

WEAPONS

See DCS Policy § 14.011

GIFTS TO EMPLOYEES

See DCS Policy § 10.008

CORRECTIVE ACTION

DCS intends to address violations of the standards of conduct through progressive discipline. Progressive discipline is the process of using increasingly severe steps or measures when an employee fails to correct a problem after being given a reasonable opportunity to do so. The goal of corrective action or progressive discipline is to correct an employee's work-related performance or behavior problem. Thus, the underlying principle of sound progressive discipline is to use the least severe action necessary to correct the undesirable situation.

Progressive discipline means, with respect to most disciplinary problems, an employee will normally be subject to counseling and/or a verbal warning, followed by a written warning, and then suspension and/or discharge from employment. Progressive discipline may be modified and/or accelerated for repeat violations of the same or similar offense. Employees should also recognize that in DCS' discretion, certain types of violations or numerous violations may justify immediate suspension or even discharge from employment with no prior warning, and that progressive discipline does not in any way create an employment contract or modify an employee's at-will status. By using progressive discipline, DCS hopes that most employee problems can be corrected at an early stage, benefiting both the employee and DCS.

SUSPENSION OF EMPLOYEES

The Superintendent or his designee is authorized to place any employee on administrative leave with pay or place any employee on suspension without pay. The employee shall be notified in writing of the terms and conditions, if any, of the action taken.

REPORTING ARRESTS OF EMPLOYEES (See DCS Policy § 14.015)

All employees are required to notify DCS of any arrest or criminal charge within 24 hours after the arrest or charge. Employees must also inform DCS within 24 hours of any changes to any pending criminal charges.

Employees required to operate commercial motor vehicles as part of their job functions, who receive a citation for any moving traffic violation or whose driver's license is suspended or revoked for any reason, must report the citation, suspension or revocation to the employee's immediate supervisor within 24 hours of receipt.

Upon notification, DCS will conduct an investigation and appropriate disciplinary action may be taken. Failure to report an arrest, criminal charge, citation, and/or a license suspension or revocation will subject employees to disciplinary action, up to and including termination.

DISCHARGE OF CONVICTED EMPLOYEES (See DCS Policy § 11.008)

An employee may be discharged if DCS obtains information of the employee's conviction of a felony or a misdemeanor involving moral turpitude that the employee did not disclose to the State Board for Educator Certification, if applicable, or to DCS. An employee may also be discharged if they lie to DCS about a prior conviction or criminal charge.

CRIMINAL HISTORY CRITERIA (See DCS Policy §§ 11.007, 11.008)

DCS will not employ or continue the employment of a person if the person has been convicted of any of the following offenses. For the purposes of employment criteria, a conviction shall include a probation or deferred adjudication, a finding of guilt, or acceptance by the court of a plea of guilty, or *nolo contendere*.

- (a) any criminal offense involving the injury, abduction, or molestation of a child, any indecent conduct with or toward a child, and/or any crime involving danger or injury to a child;
- (b) the illegal use, possession or trafficking of any narcotic, opiate or other controlled substance;
- (c) unlawfully using or carrying a firearm or other deadly weapon within the last 7 years;
- (d) any crime of violence that is punishable as a felony, including but not limited to murder, attempted murder, rape, aggravated assault and armed robbery;
- (e) any felony involving crimes of violence;
- (f) any felony within the last 7 years not involving criminal violence;
- (g) driving while intoxicated within the last 7 years if the employee is required to operate commercial motor vehicles as part of their job responsibilities;
- (h) any non-violent crime within the last 7 years that is punishable as a felony;

- (i) any assault or other act of violence within the last 7 years that is punishable as a class A misdemeanor (or higher class);
- (j) theft, fraud, forgery or other criminal act punishable as a misdemeanor within the past 3 years that is indicative of moral turpitude; or
- (k) any felony or misdemeanor involving moral turpitude that in the discretion of DCS adversely affects the mission of DCS.

“Moral turpitude” is an act of dishonesty, baseness, vileness, or depravity in the private or social duties outside the accepted standards of decency and that shocks the conscience of an ordinary person. Examples of offenses that involve moral turpitude include but are not limited to, public lewdness, prostitution, theft in excess of \$500, and swindling.

Upon notice to DCS of any of the above convictions or any conviction of a crime of equal gravity that adversely affects the mission of DCS, the employment of the convicted person shall be disapproved or, if employment has already begun, terminated.

An applicant shall not be employed by DCS if he or she fails to disclose on the employment application—or when questioned regarding criminal convictions—any criminal conviction, crime, or deferred adjudication (or similar type of decree); or misrepresents any information regarding any such conviction, crime, or deferred adjudication (or similar type of decree).

Federal, state and local criminal records shall be considered proof of most convictions, and DCS shall not be held responsible for any inaccuracy in such records. Criminal history information is privileged and for the use of DCS, the State Board for Educator Certification, and TEA only. No DCS employee shall release or disclose such information to a person other than the applicant, under penalty of law and/or discharge.

ACCEPTABLE TECHNOLOGY USE (SEE DCS POLICY § 14.010)

DCS expects that all employees with computers will learn to use electronic mail and telecommunications and/or the Internet tools and apply them daily in appropriate ways to the performance of tasks associated with their positions and assignments. Toward that end, DCS will provide staff with training in the proper and effective use of telecommunications, electronic mail (email), Internet, and PC usage.

Communication over networks and/or Internet should not be considered private. Network and/or Internet supervision and maintenance may require review and inspection of directories or messages. Messages may sometimes be diverted accidentally to a destination other than the one intended. Privacy in these communications is not guaranteed. DCS reserves the right to access stored records in cases where there is reasonable cause to expect wrongdoing or misuse of the system. Courts have ruled that old messages may be subpoenaed, and network supervisors

may examine communications in order to ascertain compliance with network guidelines for acceptable use.

DCS will specify those behaviors which are permitted and those which are not permitted, as well as appropriate procedures to guide employee use. In general, employees are expected to communicate in a professional manner consistent with state and federal laws governing copyrights and the behavior of school employees. Electronic mail and telecommunications and/or the Internet are not to be utilized to share confidential information about students or other employees.

DCS prohibits all forms of electronic harassment and will monitor and investigate all use of DCS electronic systems, devices, and platforms, which may have been used to transmit or post offensive, inappropriate, or harassing comments. Employees should be aware that employees have no expectation of privacy in electronic communications sent from or to the employer's electronic communication or computer systems, or to other employees, no matter whose electronic communications equipment or email account is being used. Employees may be disciplined for inappropriate use of electronic communications devices and platforms.

DCS encourages staff to make use of telecommunications and/or the Internet to explore educational topics, conduct research, and contact others in the educational world. DCS anticipates that the new systems will expedite the sharing of effective practices and lessons across DCS and will help staff stay on the leading edge of practice by forming partnerships with others across the nation and around the world.

A. Staff Access to Networked Information Resources and/or Internet Procedures

1. Staff will employ electronic mail on a daily basis at work as a primary tool for communications. DCS may rely upon this medium to communicate information, and all staff will be responsible for checking and reading messages daily.
2. The network and/or Internet are provided for staff and students to conduct research and communicate with others. Communications over the network and/or Internet are often public in nature; therefore, general rules and standards for professional behavior and communications will apply. Safety and security when using electronic mail, chat rooms, and other forms of direct electronic communications is essential.
3. Electronic mail, telecommunications and the Internet are not to be utilized by employees to share confidential information about students or other employees because messages are not entirely secure. Unauthorized disclosure, use and dissemination of personal information regarding minors will not be permitted.

4. Network administrators may review files and communications to maintain system integrity and to ensure that staff members are using the system responsibly. Users should not expect that files stored on district servers or any other storage device (i.e. diskettes, CD ROM, hard drives, optical, door back-up) will be private.

B. The Following Behaviors Are Not Permitted on DCS Networks and/or the Internet:

1. Sharing confidential information regarding students or employees.
2. Sending or displaying offensive messages or pictures.
3. Assisting a campaign for election of any person to any office or for the promotion or opposition to any ballot proposition.
4. Using obscene language.
5. Harassing, insulting, or attacking others.
6. Engaging in practices that threaten the network (e.g. downloading files that may contain a virus).
7. Unauthorized access to any network and/or network devices (e.g. hacking).
8. Violating copyright laws.
9. Using others' passwords.
10. Trespassing in others' folders, documents or files.
11. Intentionally wasting limited resources.
12. Employing the network and/or Internet for commercial purposes.
13. Violating regulations prescribed by the network provider.
14. Promoting, supporting, or celebrating religion or religious institutions.
15. Unauthorized use of the DCS logo or name.

The Technology Director will report inappropriate behaviors to the employee's supervisor who will take appropriate disciplinary action. Access to e-mail and other telecommunications and/or the Internet is a privilege, and violations of these procedures may result in a loss of access and/or disciplinary action up to and including termination. When applicable, law enforcement agencies may be involved. Each employee must sign an acceptable use agreement before using DCS systems.

C. Email, Internet, and PC Usage Procedures

In order to ensure compliance with local, state, and federal computer crime laws, copyright laws, and to prevent inappropriate and non-company related use of DCS Communication and Information Systems by DCS Employees and to protect DCS from being victimized by malicious acts of compromising organization assets, the following is DCS's regulations on the use of DCS Communication and Information Systems and/or the Internet:

1. DCS Communication and Information Systems and/or Internet are not to be used in a way that may be disruptive, illegal, offensive to others, or harmful to morale, including unauthorized access and other unlawful activities. DCS

maintains a process for monitoring employee usage of DCS' Communication and Information Systems and/or Internet and will fully investigate suspected abuse. Employees are responsible for preventing misuse of their computer equipment and login ID and should take reasonable and appropriate precautions to protect DCS' systems, including using measures such as a password protected screen saver. DCS Communication and Information Systems and/or the Internet are not to be used as personal bulletin services. DCS Communication and Information Systems and/or the Internet are not to be used to transmit or knowingly receive vulgar, profane, insulting, or offensive messages, including racial, sexual slurs or jokes, harassing or threatening messages or pornography. DCS is required to comply with all applicable state and federal laws and will report to authorities any individual accessing, transmitting, or knowingly receiving illegal information through a DCS Communications and Information System and/or the Internet, including child pornography and illegally obtained software.

2. Employees using DCS Communication and Information Systems and/or Internet are to use such services in a professional manner so as not to damage the reputation of the organization. DCS Communication and Information Systems and/or Internet are to be used in compliance with DCS' standard of business ethics and professional conduct. DCS may choose to hold an employee liable for any damage to DCS' reputation or systems as a result of an employee's misuse of DCS' Communication and Information Systems and/or Internet.
3. Files that are downloaded from the Internet must be scanned with up-to-date virus detection software before installation or executions. All appropriate precautions must be taken to detect for a virus and, if necessary, to prevent its spread. The introduction of viruses, or malicious tampering with any computer system, is expressly prohibited. Questions on how to scan with virus detection software should be directed to the Help Desk. All identified viruses must be reported to the Help Desk.
4. Unauthorized employees shall not place company confidential or proprietary material (including but not limited to copyrighted software, internal correspondence, or e-mail) on any publicly accessible Internet computer. Sensitive material transferred over the Internet may be at risk of detection by a third party without precautions. Employees must exercise caution and care when transferring such material in any form. DCS confidential information or trade secrets (i.e. DCS software) are not to be transmitted or forwarded to outside individuals or companies not authorized to receive the information, or to DCS employees who do not have a business need for the information. All communications of company material through DCS Communication and Information Systems and/or the Internet will be made in compliance with DCS' Policy on Confidential Information. Alternate Internet Service Provider (ISP) connections to DCS' internal network are not permitted. Examples of ISP's

are America Online, Microsoft Network, Internet America, etc.

5. Unless otherwise noted, all software on the Internet should be considered copyrighted work. Therefore, employees are prohibited from downloading software and/or modifying any such files without consulting the Help Desk. Employees are required to adhere to all licensing and copyright laws and cannot use electronic communications systems to send (upload) or receive (download) copyrighted materials including software.
6. DCS reserves the right to restrict access to any materials that are inappropriate to minors and/or illegal materials. DCS also reserves the right to restrict access to and/or filter any type of direct communications (including electronic mail and chat rooms) that are outside of the DCS Communication and Information Systems and/or the Internet.
7. Vandalism is prohibited. Any malicious attempt to harm or destroy DCS equipment or materials, data of another user of the DCS' system, or any of the agencies or other networks that are connected to the Internet is prohibited. Deliberate attempts to compromise, degrade, or disrupt system performance may be viewed as violations of DCS policies and administrative regulations and, possibly, as criminal activity under applicable state and federal laws. This includes, but is not limited to, the uploading or creating of computer viruses.
8. DCS Communication and Information Systems and/or the Internet are DCS property and are not private and are subject to the Texas Public Information Act. Employees do not have a personal privacy right in any material created, stored, received or sent in or through DCS Communication and Information Systems and/or the Internet. By using DCS Communication and Information Systems and/or the Internet, all employees knowingly and voluntarily consent of their usage of these systems being monitored and acknowledge and agree to DCS' right to conduct such monitoring. DCS, in its sole discretion, reserves the right to access, monitor, copy, transcribe, forward, download, capture, and/or disclose all communications sent via any DCS Communication and Information System and/or the Internet at any time, with or without prior notice. Violations of DCS' procedures on use of its Communications and Information Systems and/or the Internet may result in disciplinary action up to and including termination of employment.

D. Internet Safety Procedures

DCS utilizes software for monitoring and filtering Internet traffic. Each year DCS evaluates whether to upgrade or purchase new and other products to give the organization and the services we provide the protection needed. Internet filtering blocks or filters Internet access. It protects against access by adults and minors to visual depictions that are obscene, pornographic, or - with respect to use of computers with

internet access by minors – harmful to minors. It may be disabled for adults engaged in bonafide research or other lawful purposes. It includes monitoring the online activities of minors.

DCS internet filtering prevents access by minors to inappropriate matter on the Internet. It also monitors electronic mail, chat rooms, and other forms of direct electronic communications and unauthorized accessing and other unlawful activities online. DCS is committed to the education of minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

Questions regarding Internet or Intranet Usage should be directed to the Help Desk. All other questions regarding these procedures should be directed to Human Resources.

VIII. IMPORTANT NOTIFICATIONS

VISITORS TO DCS PROPERTIES

To the extent it is reasonably foreseeable, employees should provide notification to their supervisor or the Superintendent's designee prior to a visitor's arrival to DCS property. "DCS property" includes all buildings and grounds owned or under the operational control of DCS, as well as all DCS vehicles. The term "visitor" refers to any person who is not a DCS employee (including but not limited to, family members, friends, vendors, representatives of "for profit" or "not-for-profit" organizations, former DCS employees or DCS employees visiting a facility that is not their regular assigned work facility).

DCS reserves the right to refuse an employee's request for a visitor(s), and/or restrict the visitor(s) while on DCS properties (including the designation of a meeting place and length of visit), based on DCS operational, security and/or safety concerns. All visitors must report to the facility's receptionist immediately upon arrival to a DCS property. The employee host is responsible for ensuring every visitor is signed in and out.

The employee host of every visitor is to remain with his/her visitor at all times and is responsible for the visitor's conduct and adherence to DCS rules and procedures. Visitors found on DCS properties, unattended by the specific employee host, will be escorted to the facility management office. If the responsible employee host cannot be located, the visitor will be asked to leave the premises. Visitors may not solicit or market goods, products, and memberships nor distribute or post any written materials, etc., while on DCS properties except for those visitors who have been pre-approved by DCS, for example, DCS employee benefits providers or employee associations.

EMPLOYEE UNION AND ASSOCIATION DISCUSSION (See DCS Policy §§ 15.002, 15.003 & 20.003)

DCS permits access for employee unions and employee associations to discuss work related matters and membership related matters in non-working areas during non-

working hours. "Non-working hours" means those hours during which the employees involved in the discussion are not on duty.

An employee who is also member of a professional association and acting as a representative/agent of the association when meeting with a member of management, and not discussing employment issues specific to themselves, their time in the meeting will not be paid. In this circumstance the employee is not in the meeting as an employee, but as a representative of the professional association.

An employee's participation in a professional employee association shall not interfere with the employee's performance of assigned duties and responsibilities and shall not be associated with the employee's position or title with DCS. Whether or not an employee is acting in the capacity of a representative of the association, all employees should follow the chain of command within DCS to resolve issues of concern to themselves or other employees.

While DCS will attempt to reasonably accommodate an employee's request to have a representative present during an investigatory or disciplinary employer-employee meeting, DCS is not required to do so, and an employee is still required to comply with their supervisor's directives even if a representative was not present. If an employee's representative is allowed to be present during an employer-employee conference, the representative shall not play an active role in the discussion other than to observe and advise the employee. Should the representative interfere with the discussion, the representative may be asked to leave.

PUBLIC INFORMATION ACCESS (See DCS Policy §§ 10.006, 26.001)

Periodically, information concerning district employees is requested by the public. The Public Information Act requires DCS to release information regarding name, salary, dates of employment, job title, etc. to the public. Employees may choose to keep private their address, phone number, social security number, and information regarding whether they have family members. This request must be made in writing to the Human Resources department within 10 working days of employment.

An employee generally has the right to inspect DCS records that contain information relating to the employee, subject to certain exceptions under the Public Information Act. An employee that wishes to review his or her personnel file should contact the Communications Department in order to make a Public Information Act request to view their file. For questions about specific documents within their file, employees should contact the Human Resources Department.

DISTRICT RECORDS

All documents, papers, letters, books, maps, photographs, sound and video recordings, microfilm, magnetic tape, electronic media, or other information recording media, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, which are created or received by DCS

or any of its officers or employees pursuant to law or in transaction of public business, are the property of DCS.

No DCS official or employee has, by virtue of his/her position, any personal or property right to such records, even though they may have developed or compiled them. The unauthorized destruction, removal, release, or use of such records is prohibited.

MEDIA RELATIONS

The Board has designated the Director of Communications as the official spokesperson for DCS. Any media requests or official statements from DCS to the media are to be handled through the Director of Communications or the Superintendent or his/her designee.

STUDENT RECORDS AND CONFIDENTIALITY (See DCS Policy Chapter 19)

Student records are confidential and are protected by law from unauthorized inspection or use. Employees must take precautions to maintain the confidentiality of all student records. Employees should not discuss any matters pertaining to students with anyone but authorized DCS staff and/or campus administrators.

STUDENTS AND CHILD ABUSE (See DCS Policy §§ 14.008, 14.009, 15.005)

A DCS employee who has cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect shall report the suspected abuse or neglect to the proper authorities as required by law. The employee shall also report the suspected abuse or neglect to an "appropriate DCS authority" as defined in DCS Policy § 15.001(b).

Romantic relationships between DCS employees and students constitute unprofessional conduct and are prohibited.

If a bus driver becomes aware of harassment that occurs on a route to school, the driver shall report the incident to the campus principal by submitting a written discipline report and reporting the incident to the DCS supervisor. The DCS supervisor shall contact the campus principal by a written discipline report sent by hand delivery or facsimile. If the incident occurs on the route home from school, the driver shall report the incident to the DCS supervisor upon arrival at the transportation facility. The DCS supervisor shall contact the campus principal or a DCS administrator by a written discipline report sent by hand or facsimile. The DCS supervisor shall also retain all written documentation and report the incident to the next immediate supervisor in the chain of command.

REPORTING FRAUD (See DCS Policy §§ 14.016, 15.006)

DCS is committed to the highest standards of moral and ethical behavior by all administrators, staff and employees. All DCS employees have a duty to report concerns they have or information provided to them about the possible fraudulent or

dishonest activity of any employee, vendor, or other party with any association with DCS.

All employees who engage in dishonest acts or fraudulent activity of any kind, or who fail to report dishonest acts or fraudulent activity, will be subject to appropriate disciplinary procedures and possible criminal and/or civil legal action.

Retaliation or retribution will not be tolerated against any employee or administrator because they reported suspected fraudulent or dishonest activities. However, if an employee is determined to have acted maliciously or with deceit, the employee will be subject to disciplinary action.

The definition of a dishonest act or fraudulent activity includes but is not limited to an intentional or deliberate act to deprive DCS of something of value, or to gain an unfair benefit using deception, false suggestions, suppression of truth, or other unfair means, which are believed and relied upon. Examples of a dishonest act or fraudulent activity may be (but is not limited to) activity that is unethical, improper, or illegal such as:

- Authorization or receipt of compensation for hours not worked;
- Authorization or receipt of compensation for goods not received or services not performed;
- Acceptance or solicitation of anything of material value from contractors, vendors or persons providing services/material to DCS in violation of applicable state and federal laws;
- Falsification or alteration of expenses, invoices or payroll records, as well as the inappropriate destruction of paper or electronic documents;
- Misappropriation, misapplication, destruction, removal, or concealment of DCS property or assets including, but not limited to money, tangible property or equipment or intellectual property;
- Misapplication of computer systems including hacking and software piracy;
- Failure to disclose conflicts of interest;

All reports will be taken seriously and will be investigated by the Internal Audit Department.

Any person who has a reasonable basis for believing that a fraudulent or dishonest act has occurred has a responsibility to immediately report the suspected activity to the Fraud, Waste and Abuse Hotline at 214-944-4529. Employees are required to cooperate in any investigations as needed, and refusal to participate in an investigation may result in disciplinary action, up to and including termination.

REPORTING HAZARDS

If you notice any unsafe conditions or acts committed by employees, immediately report the situation to your supervisor or to the Risk Management department. Establishing and maintaining a safe work environment is the shared responsibility of both DCS and the employees.

WORKPLACE VIOLENCE

DCS has a zero tolerance position toward workplace violence and related conduct. This means that any employee who physically harms, attempts to physically harm, or who threatens physical harm to a co-worker or to other individuals, while on duty or on DCS property, will be subject to immediate discharge from employment.

DCS EMPLOYEE HANDBOOK
ACKNOWLEDGEMENT PAGE

I, _____, am employed by DCS. I have received a copy of the DCS Employee Handbook and understand that it is my responsibility to read the handbook and to ask my supervisor questions if there are any provisions I do not understand. I acknowledge that the handbook is not a contract and that my status as an at-will employee is not altered by this handbook. I understand that the Policy provisions contained in the Employee Handbook are updated throughout the school year by the DCS Board of Trustees and can be viewed on DCS' website at any time. I understand that if I do not have internet access at home, I can access the DCS website at a DCS service center or ask the Human Resources Department for a copy of any updated policies.

I understand that it is my responsibility to read DCS' harassment policies and procedures, and I agree to comply with them.

Signed this _____ day of _____, _____.

Employee

DCS Representative