

PERSONNEL POLICIES GOALS

NOTE: School Committees must realize that even though they are no longer involved in the process of hiring school district employees other than the Superintendent and Assistant Superintendent, they are responsible to the students and residents of the school district they represent to insure that the highest quality individuals available are hired to meet the needs of the District. They have the additional responsibility to articulate the expectations of the District relative to personnel. This must be done in the form of District Policy. The School Committee recognizes that an efficient staff dedicated to education is necessary to maintain a constantly improving educational program.

The District's specific personnel goals are:

1. To develop and implement those strategies and procedures for personnel recruitment, screening, and selection that will result in the employment and retention of individuals with the highest capabilities, strongest commitment to quality education, and greatest probability of effectively implementing the system's learning program.
2. To develop a general staff assignment strategy that will contribute to the learning program, and to use it as the primary basis for determining staff assignments.
3. To provide positive programs of staff development that contribute both to improvement of the learning program and to each staff member's career development aspirations.
4. To provide for a genuine team approach to education.
5. To develop and use for personnel evaluation positive processes that contribute to the improvement of both staff capabilities and the learning program.

SOURCE: MASC

LEGAL REF.: 603 CMR 26:00

EQUAL EMPLOYMENT OPPORTUNITY

The School Committee subscribes to the fullest extent to the principle of the dignity of all people and of their labors and will take action to ensure that any individual within the District who is responsible for hiring and/or personnel supervision understands that applicants are employed, assigned, and promoted without regard to their race, color, religion, national origin, sex, gender identity, sexual orientation, age, genetic information, ancestry, military status, or disability. Every available opportunity will be taken in order to assure that each applicant for a position is selected on the basis of qualifications, merit and ability.

SOURCE: MASC September 2016

LEGAL REF.: M.G.L. 151B:4;
BESE Regulations 603 CMR 26:00

CROSS REF.: AC, Nondiscrimination

NOTE: Although it is not usually necessary to have a policy that simply restates existing law, in this case it is important to reaffirm the School Committee's commitment to equal opportunity and to remind the hiring authorities in the District that many considerations other than District educational goals are factors to be considered.

This is also the category in which to include an affirmative action policy and plans. Details of the affirmative action plan could follow the Committee's policy as a School Committee-approved procedure. The cross references are to related statements in this manual.

STAFF INVOLVEMENT IN DECISION-MAKING

The Haverhill School Committee encourages employees to contribute their ideas for the betterment of the District. The staff will be asked for help in developing policies and regulations, in establishing goals and objectives, and in planning curriculum, services, budgets, and facilities.

SOURCE: Haverhill

STAFF ETHICS / CONFLICT OF INTEREST

The School Committee expects members of its professional staff to be familiar with the code of ethics that applies to their profession and to adhere to it in their relationships with students, parents, coworkers, and officials of the school system.

No employee of the Committee will engage in or have a financial interest in, directly or indirectly, any activity that conflicts or raises a reasonable question of conflict with his duties and responsibilities in the school system. Nor will any staff member engage in any type of private business during school time or on school property.

Employees will not engage in work of any type where information concerning customer, client, or employer originates from any information available to them through school sources.

Moreover, as there should be no conflict of interest in the supervision and evaluation of employees, at no time may any administrator responsible for the supervision and/or evaluation of an employee be directly related to him/her.

Every two years, all current employees, including School Committee members, must complete the State Ethics Commission's online training. New employees must complete this training within 30 days of beginning employment and every 2 years thereafter. Upon completing the program, employees should print out the completion certificate and keep a copy for themselves. Employees will be required to provide a copy of the completion certificate to the municipal or district Clerk through the Superintendent's office.

In order to avoid the appearance of any possible conflict, it is the policy of the School Committee that when an immediate family member, as defined in the Conflict of Interest statute, of a School Committee member or district administrator is to be hired into or promoted within the School District, the Superintendent shall file public notice with the School Committee and the Municipal or District Clerk at least two weeks prior to executing the hiring in accordance with the law.

SOURCE: MASC September 2016

LEGAL REFS.: M.G.L. 71:52; 268A:1 et seq.

STAFF CONDUCT

All staff members are responsible for making themselves familiar with and abiding by all laws of the Commonwealth, policies of the School Committee, and regulations promulgated by the District Administration as the same effect their work.

In the area of personal conduct, the Committee expects that teachers and other staff will conduct themselves in a manner that both reflects credit on the School District and sets forth a model worthy of emulation by the students. Since conduct extends to presentation, the School Committee expects that staff persons will present themselves as employees in a way which is responsible and appropriate.

All staff persons are expected to carry out their assigned responsibilities with conscientious concern and productive effect.

Essential to the success of ongoing District operations and the instructional program are the following specific responsibilities which are required of all personnel.

1. Reliable and prompt attendance at work.
2. Support and enforcement of the policies of the Committee and the attendant regulations and school rules for the same.
3. Diligence in preparing and submitting required reports, etc. promptly at the times specified.
4. Care and protection of District property and resources.
5. Concern for and attention to their own and the District's legal responsibility for the safety and welfare of the students, including the need to ensure that students are under direct supervision.
6. Meet their obligations as state mandated reporters.

LEGAL REFS: M.G.L 71:37H; 264:11; 264:14

SOURCE: MASC/Haverhill

GIFTS TO AND SOLICITATIONS BY STAFF

Gifts

The acceptance of gifts worth \$50 or more by school personnel in a calendar year when the gift is given because of the position they hold, or because of some action the recipient could take or has taken in his or her public role, violates the conflict of interest law. Acceptance of gifts worth less than \$50, while not prohibited by the conflict of interest law, may require a written public disclosure to be made.

In keeping with this policy, no employee of the school district will accept a gift worth \$50 or more that is given because of the employee's public position, or anything that the employee could do or has done in his or her public position. Gifts worth less than \$50 may be accepted, but a written disclosure to the employee's appointing authority must be made if the gift and the circumstances in which it was given could cause a reasonable person to think that the employee could be improperly influenced. The value of personal gifts accepted is aggregated over a calendar year (4 gifts of \$20 value is the same as 1 gift of \$80 if given in the same calendar year).

In general, homemade gifts without retail value are permissible because a reasonable person would not expect an employee would unduly show favor to the giver, so no disclosure is required. Such gifts could include homemade food items (cookies, candy, etc), handpicked flowers, and handmade gifts worth less than \$10 (ten) dollars.

Class Gifts

There is a specific exception to the prohibition against accepting gifts worth \$50 or more, when the teacher knows only that the gift is from the class, not from specific donors. A single class gift per calendar year valued up to \$150 or several class gifts in a single year with a total value up to \$150 from parents and students in a class may be accepted provided the gift is identified only as being from the class and the names of the givers and the amounts given are not identified to the recipient. The recipient may not accept an individual gift from someone who contributed to the class gift. It is the responsibility of the employee to confirm that the individual offering such gift did not contribute to the class gift.

Gifts for School Use

Gifts given to a teacher solely for classroom use or to purchase classroom supplies are not considered gifts to an individual employee and are not subject to the \$50 limit. However, an employee who accepts such gifts must keep receipts documenting that money or gift cards were used for classroom supplies.

Solicitations

In spirit, the School Committee supports the many worthwhile charitable drives that take place in the community and is gratified when school employees give them their support. However, the solicitation of funds from staff members through the use of school personnel and school time is prohibited by the conflict of interest law. Therefore, no solicitations of funds for charitable purposes should be made among staff members. Staff members of course remain free to support charitable causes of their own selection.

SOURCE: MASC December 2012

Legal Ref: M.G.L. 268A:3; 268A:23; 930 CMR 5.00

CROSS REFS.: KHA, Public Solicitations in the Schools
JP, Student Donations and Gifts

DRUG-FREE WORK PLACE

The Haverhill School Committee recognizes that alcohol, tobacco, and other drug abuse (ATODA) is a significant public health issue and supports a comprehensive school and community effort to address the issue. To assure that the educational goals of the system are fully realized and that the professional well being of individual staff members is secured, the School Committee directs the Administration to develop procedures to offer help to District employees who may have developed ATODA problems. While encouraging sensitivity toward employee problems in this vein, nothing in this policy should be construed as relieving District employees of their ultimate responsibility for his/her work performance and for behavior related to maintaining acceptable work standards.

All District employees shall be informed in writing of this policy. Reciprocally, employees will acknowledge in writing their receipt and understanding of the policy. The Administration shall include in the regular in-service programs information relevant to the dangers associated with ATODA. Administration also shall maintain and make available to staff a resource directory, detailing in-school and outside community ATODA support services.

The School District will provide a drug-free work place and certifies that it will:

1. Notify all employees in writing that the unlawful manufacture, dispensing, possession, or use of a controlled substance is prohibited in the District's workplace and specify the actions which will be taken should an employee be found in violation of such prohibitions.
2. Establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace; the District's policy of maintaining a drug-free workplace; and available drug counseling, rehabilitation, and employee assistance programs.
3. Make it a requirement that each employee whose employment is funded by a federal grant be given a copy of the statement as required.
4. Notify the employee in the required statement that as a condition of employment under the grant, the employee will abide by the terms of the statement, and will notify the District of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
5. Notify the federal agency within ten days after receiving notice from an employee or otherwise receiving notice of such conviction.
6. Take one of the following actions within thirty days of receiving notice with respect to any employee who is so convicted; take appropriate personnel action against such an employee, up to and including termination; or require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
7. Make a good faith effort to continue to maintain a drug-free workplace through implementation of all of the provisions of this policy.

SOURCE: MASC/Haverhill

TOBACCO USE ON SCHOOL PROPERTY BY STAFF MEMBERS PROHIBITED

Use of any tobacco products, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco and snuff and electronic cigarettes, electronic cigars, electronic pipes or other similar products that rely on vaporization or aerosolization, within the school buildings, school facilities, on school grounds or school buses, or at school sponsored events by any individual, including school personnel, is prohibited at all times.

Staff members who violate this policy will be referred to their immediate supervisor.

SOURCE: MASC September 2016

LEGAL REF.: M.G.L. 71:37H

STAFF PERSONAL SECURITY AND SAFETY

Through its overall safety program and various policies pertaining to school personnel, the Committee will seek to assure the safety of employees during their working hours and assist them in the maintenance of good health.

Employees offered a position as a custodian, maintenance worker or food service worker must successfully pass a pre-employment physical examination (provided at School Committee cost) prior to the date of employment.

The Superintendent may require an employee to submit to a physical examination by a physician appointed by the school system whenever that employee's health appears to be a hazard to children or others in the school system or when a doctor's certificate is legally required to verify need for sick leave.

School employees, their families and members of their household are eligible to use the confidential services provided by the municipality's employee assistance program,

SOURCE: MASC September 2016

LEGAL REFS.: M.G.L. 71:54; 71:55C

CROSS REFS.: EB, Safety Program

NOTE: This category is for statements on staff physical and mental health examination requirements, the School Committee's commitment to assisting employees in maintaining good health, its concern with occupational safety, and so on.

Observe the cross-references. Health insurance plans for employees are properly coded under Fringe Benefits for the appropriate category of staff.

DOMESTIC VIOLENCE LEAVE POLICY

It shall be the policy of the school district to permit an employee to take up to 15 days of domestic violence leave from work in any 12 month period. In order to be eligible for said leave:

- (i) the employee, or a family member of the employee must be a victim of abusive behavior;
- (ii) the employee must be using the leave from work to seek or obtain medical attention, counseling, victim services or legal assistance; secure housing; obtain a protective order from court; appear before a grand jury; meet with a district attorney or other law enforcement official; or attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee; and
- (iii) the employee must not be the perpetrator of the abusive behavior against such employee's family member.

The employer shall have the sole discretion to determine whether this leave shall be paid or unpaid. An employee seeking such leave shall exhaust all annual or vacation leave, personal leave and sick leave available to the employee, prior to requesting or taking domestic violence leave, unless the employer waives this requirement.

Except in cases of imminent danger to the health or safety of an employee, advanced notice of domestic violence leave shall be required. If such imminent danger exists the employee shall notify the employer within 3 workdays that the leave was taken. The notification may be communicated to the employer by the employee, a family member of the employee or the employee's counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee in addressing the effects of the abusive behavior. If an unscheduled absence occurs, an employer shall not take any negative action against the employee if the employee, within 30 days from the unauthorized absence or within 30 days from the employee's last unauthorized absence in the instance of consecutive days of unauthorized absences, provides any of the documentation found in (1) to (7) below. An employer may require documentation that the employee or employee's family member has been a victim of abusive behavior and that the leave is consistent with clauses (i) to (iii) as above referenced; provided, however, that an employer shall not require an employee to show evidence of an arrest, conviction or other law enforcement documentation for such abusive behavior. The documentation shall be provided to the employer within a reasonable period after the employer requests it.

An employee shall satisfy this documentation requirement by providing anyone of the following documents to the employer:

- (1) a protective order, order of equitable relief or other documentation issued by a court of competent jurisdiction as a result of abusive behavior against the employee or employee's family member;
- (2) a document under the letterhead of the court, provider or public agency which the employee attended for the purposes of acquiring assistance as it relates to the employee or family member;

- (3) A police report or statement of a victim or witness provided to police documenting the abusive behavior;
- (4) documentation that the perpetrator of the abusive behavior has admitted to sufficient facts to support a finding of guilt ; or has been convicted of , or has been adjudicated a juvenile delinquent by reason of any offense constituting abusive behavior;
- (5) medical documentation of treatment as a result of the abusive behavior;
- (6) a sworn statement, signed under the penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, , shelter worker, legal advocate or other professional who has assisted the employee in addressing the effects of the abusive behavior;
- (7) a sworn statement, signed under the penalties of perjury, from the employee attesting that the employee has been a victim of or is a family member of a victim of abusive behavior.

All information related to the employee's leave shall be kept confidential and shall not be disclosed, except to the extent that disclosure is:

- (i) requested or consented to, in writing, by the employee;
- (ii) ordered to be released by a court of competent jurisdiction;
- (iii) otherwise required by applicable federal or state law;
- (iv) required in the course of an investigation authorized by law enforcement, including, but not limited to, an investigation by the Attorney General; or
- (v) necessary to protect the safety of the employee or others employed at the workplace.

The Superintendent shall ensure that notice is provided to all employees in the next school year and beyond by appropriately amending the district's employee handbooks, by whatever title they may be known, or by direct notice about the Domestic Violence Law and securing the employees signature acknowledging receipt of the handbook/notice. The Superintendent shall be responsible for notifying all current employees, unless they have been notified through the handbook, of this policy in a manner that he/she deems appropriate.

No employer shall coerce, interfere with, restrain or deny the exercise of, or any attempt to exercise, any rights provided herein or to make leave requested or taken contingent upon whether or not the victim maintains contact with the alleged abuser. No employer shall discharge or in any other manner discriminate against an employee for exercising the employee's rights under law. The taking of domestic violence leave shall not result in the loss of any employment benefit accrued prior to the date of such leave. Upon the employee's return from such leave, he/she shall be entitled to restoration to the employee's original job or to an equivalent position. Definitions of 'abuse', 'abusive behavior', 'domestic violence', 'employees' and 'family members' may be found in the laws referenced below.

SOURCE: MASC October 2014

LEGAL REF.: M.G.L. 149:52E; Section 10
Chapter 260 of the Acts of 2014

NOTE: The School Committee should seek the advice of counsel, deliberate, and determine whether or not to change the following language in the first paragraph as the School Committee, in consultation with the Superintendent, may choose to 1) make this type of leave paid or unpaid, and 2) make an employee exhaust other leave options or not:

“The employer shall have the sole discretion to determine whether this leave shall be paid or unpaid. An employee seeking such leave shall exhaust all annual or vacation leave, personal leave and sick leave available to the employee, prior to requesting or taking domestic violence leave, unless the employer waives this requirement.”

Additionally, the statute does not require that employers with less than 50 employees provide this leave.

FAMILY AND MEDICAL LEAVE

The Haverhill School Department shall comply with the mandatory provisions of the Family and Medical Leave Act of 1993. The Superintendent shall issue and, from time-to-time, amend regulations setting forth the rights and procedures granted by the Act, and shall ensure compliance with those regulations.

LEGAL REF: P. L. 103-3, "Family and Medical Leave Act of 1993."

SOURCE: MASC/Haverhill

STAFF PARTICIPATION IN POLITICAL ACTIVITIES

The Haverhill School Committee recognizes that employees of the School District have the same civic responsibilities and privileges as other citizens. Included among these are campaigning for an elective public office, campaigning for another candidate, campaigning for issues, and holding an elective or appointive office.

In connection with any campaign, an employee will not use school system facilities, equipment or supplies, during his/her campaign with school personnel or students during the working day, use any time during the working day for campaigning purposes. Under no circumstances, will students be pressured into campaigning.

SOURCE: MASC/Haverhill

PERSONNEL RECORDS

Information about staff members is required for the daily administration of the school system, for implementing salary and other personnel policies, for budget and financial planning, for responding to appropriate inquiries about employees, and for meeting the School Committee's education reporting requirements. To meet these needs, the Superintendent will direct the implementation of a comprehensive and efficient system of personnel records maintenance and control under the following guidelines:

1. Personnel information for each present and former employee will be maintained accurately in the central administrative office. In compliance with applicable laws and regulations, this information will be arranged into distinct folders corresponding to personnel, medical, and payroll files.
2. The Superintendent, or his/her designee, will be the official custodial of personnel files and will have overall responsibility for maintaining and preserving the confidentiality of the files consistent with provisions of the law.
3. Personnel records are considered confidential under the law and will not be open to public inspection. Access to personnel files will be limited to persons authorized by the Superintendent to use the files for the reasons cited above. Additional access to personnel files will only be considered in response to a subpoena.
4. Consistent with the provisions of M. G. L. Chapter 71, Section 42C; each employee will have the right, upon written request, to review the contents of his/her own personnel file. All such inspections of personnel records require the presence of the Executive Director of Personnel, or his/her designee. A nominal fee, compliant with state regulations, may be charged.
5. Employees may make written objections to any information contained in their file. Any written objection must be signed by the staff person and will become a part of the employee's personnel file. Further, no negative comment will be placed in a staff member's file unless it is signed by the person making the comment and the staff member is informed of the comment and afforded the opportunity to include his/her own written response in the file.
6. Lists of school employees' names and home addresses will be released only to governmental agencies as required for official report or by law.

LEGAL REFS: From Educational Rights & Privacy Ref Source: M.G.L. 4:7; 71:426

SOURCE: MASC/Haverhill

STAFF COMPLAINTS AND GRIEVANCES

The School Committee will encourage the administration to develop effective means of resolving differences that may arise among employees and between employees and administrators; reduce potential areas of grievances; and establish and maintain recognized channels of communication between the staff, administration, and School Committee.

It is the Committee's desire that grievance procedures provide for prompt and equitable adjustment of differences at the lowest possible administrative level, and that each employee be assured opportunity for an orderly presentation and review of complaints and concerns.

Channels established will provide for the following:

1. That teachers and other school employees may appeal a ruling of a Principal or other administrator to the Superintendent.
2. That all school employees may appeal a ruling of the Superintendent to the Committee, except in those areas where the law has specifically assigned authority to the Principal and/or the Superintendent and Committee action would be in conflict with that law.
3. That all hearings of complaints before the Superintendent or Committee be conducted in the presence of the administrator who made the ruling that is the subject of the grievance.

The process established for the resolution of grievances in contracts negotiated with recognized employee bargaining units will apply only to "grievances" as defined in the particular contract.

SOURCE: MASC September 2016

LEGAL REFS.: M.G.L. 150E:5 and 8

CONTRACT REFS.: All Contract Agreements

NOTE: Grievance procedures established through negotiated agreements may be referred to, as in the policy above. Many school systems also cite specific article and section numbers with the contract references.

PROFESSIONAL STAFF POSITIONS

All professional staff positions in the school system will be created initially by the School Committee. It is the Committee's intent to activate a sufficient number of positions to accomplish the school system's goals and objectives and to provide for the equitable staffing of each school building. Although such positions may remain temporarily unfilled, only the Committee may abolish a position it has created.

Each time a new position is established by the Committee, the Superintendent will present for the Committee's approval a job description for the position, which specifies the jobholder's qualifications and the job's performance responsibilities. The Superintendent will maintain a comprehensive set of job descriptions for all positions.

SOURCE: MASC

NOTE: Job descriptions for professional staff positions are available for review in the office of the Superintendent.

NOTE: Subcategories may be added to code GCA for filing job descriptions of professional staff positions. However, if a school system has more than 20 job descriptions, it is recommended that they be filed in a special manual (and referred to, as was done on the sample policy above) to prevent the policy manual from becoming unwieldy.

PROFESSIONAL STAFF COMPENSATORY SCHEDULES

Teachers

The Haverhill School Committee will adopt a salary schedule for regular teaching personnel as a part of the collective bargaining process with the teachers' bargaining unit. The schedule will be designed to recognize and reward training and experience and encourage additional study for professional advancement.

Principals

Salaries should be reviewed annually prior to July 1. The School Committee, with the advice of the Superintendent, will establish levels of compensation for each position based on the circumstances, dynamics, and requirements of each position. Consideration may be given to individuals for exceptional performance as a basis for establishing merit increases for Principals. It is the responsibility of the Superintendent to present evidence to the School Committee to support recommendations for merit increases.

Administrators

Salaries will be reviewed by the School Committee and any adjustments to be made will be accomplished through the collective bargaining process. The Superintendent may, upon the request of the School Committee, survey other school systems to determine salaries being paid for comparable positions in other systems.

LEGAL REFS: M. G. L 71:40; 71:43
 Collective Bargaining Agreements

SOURCE: MASC/Haverhill

EMPLOYMENT OF PRINCIPALS

Principals shall be employed by the School District under individual contracts of employment. Said contracts shall be submitted to the School Committee for their approval of all terms concerning compensation/benefits, prior to the presentation of a contract of employment to the Principal. The compensation/benefit levels, above referenced, may be exceeded only with the approval of the School Committee.

Initial contracts issued to Principals may be up to three years in length, and may be reissued by the Superintendent at levels of compensation/benefits, determined by the School Committee, provided that the Superintendent may employ a Principal under the terms and conditions of the previous contract of employment.

The length of second and subsequent contracts of employment for Principals shall be in accordance with state law.

As a condition of employment, each Principal must maintain current certification, adhere to the policies and goals of the School Committee and the directives of the Superintendent, and annually must submit, with the school council, the educational goals and school improvement plan for the school building(s) under his/her direction.

SOURCE: MASC September 2016

LEGAL REF: M.G.L. 71:41; 71:59B

PROFESSIONAL STAFF SUPPLEMENTARY PAY PLANS

Certain assignments require extra responsibility or extra time over and above that required of other staff members who are on the same position on the basic salary schedule. When such supplemental assignments require extra time and responsibility beyond that regularly expected of teachers, they will be rewarded with extra compensation.

Assignments that are to be accorded extra compensation will be designated by the Committee. Appointments to these positions will be made by the Superintendent for District-wide positions or by the Principal with the approval of the Superintendent for building based personnel. The amount of compensation for the position will be established by the Committee at the time the position is created.

A teacher who is offered and undertakes a supplementary pay assignment will receive a supplementary contract specifying the pay, duration and terms of the assignment. If a teacher will not be extended the assignment for the following school year but will remain on the teaching staff, he or she will be so notified in writing prior to the expiration of the contract. Upon termination of the assignment, the supplementary pay will cease.

SOURCE: MASC September 2016

LEGAL REF.: Collective Bargaining Agreement

PROFESSIONAL STAFF RECRUITING/POSTING OF VACANCIES

It is the responsibility of the Superintendent, with the assistance of administrative staff, to determine the personnel needs of the school system and it is the responsibility of the principal, in consultation with the Superintendent, to determine the needs of the individual schools. In addition, school councils may review personnel requirements as a means of evaluating the needs of a school. Any recommendations for the creation of a new position must be approved by the School Committee.

The search for good teachers and other professional employees will extend to a wide variety of educational institutions and geographical areas. It will take into consideration the characteristics of Haverhill and the need for a heterogeneous staff from various cultural backgrounds.

Recruitment procedures will not overlook the talents and potential of individuals already employed by the Haverhill School Department. Any current employee may apply for any position for which he/she has certification and meets other stated requirements.

Openings in the Haverhill School Department will be posted in sufficient time to permit current employees to submit applications. All professional positions to be filled in the Haverhill School Department, including, but not limited to, promotional positions, teaching, counseling, summer and evening school positions, shall be posted in each of the buildings for not less than ten (10) school days prior to being filled unless the parties to the contracts mutually agree to a shorter period. Such postings shall include the qualifications and job descriptions of the position being posted.

Any teacher desiring to be notified of parallel or promotional vacancies/openings between the close of the school year in June and the opening of school in August/September, will be notified if a written request and self-addressed, stamped envelopes are submitted.

LEGAL REF: Collective Bargaining Agreements

SOURCE: MASC/Haverhill

PROFESSIONAL STAFF HIRING

Through its employment policies, the District will strive to attract, secure, and hold the highest qualified personnel for all professional positions. The selection process will be based upon awareness to candidates who will devote themselves to the education and welfare of the children attending the schools.

It is the responsibility of the Superintendent, and of persons to whom he or she delegates this responsibility, to determine the personnel needs of the school system and to locate suitable candidates. No position may be created without the approval of the School Committee. The District's goal is to employ and retain personnel who are motivated, will strive always to do their best, and are committed to providing the best educational environment for the children

It will be the duty of the Superintendent to see that persons considered for employment in the schools meet all certification requirements and the requirements of the Committee for the type of position for which the nomination is made.

The following guidelines will be used in the selection of personnel:

1. There will be no discrimination in the hiring process due to race, color, religion, national origin, sex, gender identity, sexual orientation, age, genetic information, ancestry, military status, or disability.
2. The quality of instruction is enhanced by a staff with a wide variation in background, educational preparation, and previous experience.
3. The administrator responsible for the hiring of a staff member (in the case of District-wide positions, for the position of Principals, it is the Superintendent; for building-based personnel, it is the Principal) is directed to establish a representative screening committee. The administrator has the final say in determining who will be hired but it is expected that the screening committee's input will be a factor in the decision. For those positions where the hiring authority rests with the School Committee, a representative screening committee may be established by the School Committee, or the School Committee may direct the Superintendent to establish a screening committee to assist the Superintendent in making his/her recommendation to the School Committee.

SOURCE: MASC September 2016

LEGAL REFS.: M.G.L. 69:6; 71:38; 71:38G; 71:39; 71:45
Massachusetts Board of Education Requirements for Certification of Teachers, Principals, Supervisors, Directors, Superintendents and Assistant Superintendents in the Public Schools of the Commonwealth of Massachusetts, revised 1994
BESE Regulations 603 CMR 7:00, 26.00, and 44:00

NOTE: School Committees may determine the size and composition of the screening committee.

SUBSTITUTE PROFESSIONAL STAFF EMPLOYMENT

The school system will employ as substitute teachers, to the extent possible, persons who meet the requirements for teacher appointments and will assign teachers substitute-teaching positions on the basis of their areas of competence. When the supply of potential substitutes in a particular subject area is too limited to meet school department needs, there will be active recruitment for substitutes in those areas. All substitute teachers will be expected to provide educational services, rather than to assume merely a student-supervisory role. They will be provided with as much support as possible by building administrators and teachers.

The School Committee will set the daily rate of pay for substitute teachers, including extended-term substitutes. The latter will be granted such additional benefits as approved by the School Committee.

SOURCE: MASC

JOB SHARING IN PROFESSIONAL STAFF POSITIONS

The Haverhill School Committee generally supports the concept of job-sharing. All job-sharing positions lie within the exclusive authority of the School Committee and must be recommended by the Superintendent. Such arrangements are not subject to the grievance or any other appeal procedure as to whether approval will be granted or not granted by the School Committee.

Job-sharing arrangements may be continued or discontinued from one year to another upon the exclusive determination of the School Committee on the basis of recommendations from the Superintendent.

The Superintendent is authorized to develop and implement terms and procedures to guide the practice of job-sharing consistent with the collective bargaining agreement.

SOURCE: Haverhill

PROFESSIONAL STAFF ORIENTATION

The Haverhill School Committee recognizes that an appropriate orientation program can aid in the assimilation of new staff members into the school system. It will, therefore, be the responsibility of the Superintendent, or his/her designee, to provide for an orientation for all new professional staff members.

Orientation of personnel new to the school system may extend over a period of time and will provide a broadly based effort to supply information and background details which will improve the new staff person's understanding of the District's framework, including state laws relating to the public schools, policies of the School Committee, and the instructional program.

The building Principal, or the immediate supervisor, shall orient all teachers to the evaluation procedures and standards during the first two weeks of their assignment to their respective building or program. No formal observations shall take place until such orientation has been completed.

SOURCE: Haverhill

PROFESSIONAL STAFF DEVELOPMENT

All staff members will be encouraged to obtain and be provided with suitable opportunities for the development of increased competencies beyond those they may attain through the performance of their assigned duties and assistance from supervisors.

Opportunities for professional growth may be provided through such means as the following:

1. Planned in-service programs and workshops offered within the school system from time-to-time; these may include participation by outside consultants.
2. Membership on curriculum development committees drawing personnel from within and without the school system.
3. Released time for visits to other classrooms and schools and for attendance at conferences, workshops, and other professional meetings.
4. Leaves of absence for graduate study, research, and travel.
5. Partial payment of tuition for approved courses.

The Superintendent will have authority to approve or deny released time for conferences and visitations, and reimbursements for expenses, provided such activities are within the budget allocations for the purpose.

Requests for such allowances will be made from the teacher to the principal, who, in turn, will submit them to the Superintendent for approval. The Superintendent may request that the staff person submit a report on the professional improvement activity in order that other personnel may profit by them. The Superintendent shall exercise judgment to limit time away from school for any single staff member.

LEGAL REF: Collective Bargaining Agreement

SOURCE: Haverhill

PHILOSOPHY OF STAFF DEVELOPMENT

All staff members will be encouraged in and provided with suitable opportunities for the development of increased competencies beyond those they may attain through the performance of their assigned duties and assistance from supervisors.

Opportunities for professional growth may be provided through such means as the following:

1. Planned in-service programs and workshops offered within the school system from time to time; these may include participation by outside consultants.
2. Membership on curriculum development committees drawing personnel from within and without the school system.
3. Released time for visits to other classrooms and schools and for attendance at conferences, workshops, and other professional meetings.
4. Leaves of absence for graduate study, research, and travel.
5. Partial payment of tuition for approved courses.

The Superintendent will have authority to approve or deny released time for conferences and visitations and reimbursements for expenses, provided such activities are within budget allocations for the purpose.

SOURCE: MASC

NOTE: Related policies in a school system's manual might include those on Fringe Benefits (if tuition refunds are included), Leaves and Absences (if these include leave for conferences and workshops, professional development, or sabbaticals). Cross references should be provided to such statements.

PROFESSIONAL TEACHER STATUS

The Superintendent, upon recommendation of the Principal, may award such status to a teacher who has served in the Principal's school for not less than one year or a teacher who has obtained such status in any other public school district in the Commonwealth. The Superintendent will base his/her decisions on the results of evaluation procedures conducted according to Committee policy.

At the end of each of the first three years of a teacher's employment, it will be the responsibility of the Superintendent to notify each employee promptly in writing of the decision on reappointment. Notification to a teacher not being reappointed must be made by **June 15** or at an earlier date if required by a collective bargaining agreement.

A teacher who attains professional teacher status will have continuous employment in the service of the school system subject to satisfactory evaluations. A teacher with professional teacher status whose position is abolished by the School Committee may be continued in the employ of the school system in another position for which he/she is legally qualified.

Nothing in these provisions will be considered as restricting the Superintendent from changing teaching assignments or altering or abolishing supervisory assignments except that, by law, no teacher may be assigned to a position for which he/she is not legally qualified.

Established by law and Committee policy

SOURCE: MASC September 2016

LEGAL REFS.: M.G.L. 71:38; 71:38G; 71:38H; 71:41; 71:42; 71:43

NOTE: Regional school districts should cite M.G.L. 71:42B at this code.

PROFESSIONAL STAFF ASSIGNMENTS AND TRANSFERS

The basic consideration in the assignment of professional staff members will be the needs of the students and the instructional program.

Consequently, the assignment and transfer of professional staff members will be accomplished by the Superintendent on the basis of the needs of the School Department, the employee's qualifications, preferences, and interests, as well as the employee's expressed desires.

Care will be taken by the Superintendent to assure that all schools are staffed with effective teachers.

Within an individual school, the building administrator will have the authority to assign classes and courses, provided that this is done with full regard for the teacher's area of certification and the policies outlined above.

LEGAL REF: Collective Bargaining Agreement

SOURCE: MASC/Haverhill

EVALUATION OF PROFESSIONAL STAFF

In order to assure a high quality of teacher and administrator performance and to advance the instructional programs of the schools, a continuous program for teacher and administrator evaluation will be established by the School Committee. Regular reports will be made to the Superintendent concerning the outcomes of these evaluations.

The evaluation process will include:

1. The development and periodic review of techniques and procedures for making evaluations.
2. Interpretation of the information gained in the evaluative process in terms of the objectives of the instructional program.
3. The application of the information gained to the planning of staff development and in-service training activities, which are designed to improve instruction and increase teacher competence.

The evaluation process will include self-evaluation, supervisor initiated observations, and teacher initiated observations.

The formal evaluations will be written and will be discussed by the supervisor and the person being evaluated. The discussions may either precede or follow the writing of the evaluation document. Copies of the written document will be signed by both parties and incorporated into the personnel files of the teacher or administrator. In addition, the individual and his department chairman (if applicable) will receive a signed copy. The signature should indicate that the evaluation has been read and discussed.

The written evaluation should be specific in terms of the person's strengths and weaknesses. Those areas where improvement is needed should be clearly set forth and recommendations for improvement should be made. Subsequent evaluations should address themselves to any improvement or to any continuing difficulty that is observed.

SOURCE: MASC

LEGAL REFS.: M.G.L. 69:1B; 71:38; 71:38Q; 150E; 152B
603 CMR 35:00

CONTRACT REF.: Teachers' Agreement

RESIGNATION OF PROFESSIONAL STAFF MEMBERS

Professional staff members may discontinue their service in the school system during the school year by submitting a written notice of intent to resign to the appropriate hiring authority.

Such written notice of intent to resign will be given to the Superintendent. The staff member will be notified in writing of the Superintendent's action on the resignation.

When a resignation is accepted by the Superintendent the employee may be expected to continue in service at his or her assigned duties for a period of 30 days after submission of the resignation.

SOURCE: MASC

RETIREMENT OF PROFESSIONAL STAFF MEMBERS

Annually, the Superintendent will inform the Committee of the professional staff members who have indicated their intention to retire at the end of the current school year. No further School Committee action is necessary unless approval is needed for the payment of or participation in continued local benefits.

SOURCE: MASC

LEGAL REF.: Age Discrimination in Employment Law, P.L. 95-256

CONTRACT REF.: Teachers' Contract

NOTE: Under Massachusetts law (Teachers' Retirement Act), all professional personnel participate in a teachers' retirement plan, which provides several options on time of retirement and benefits granted to those who retire. It also sets limitations on the number of days a retired employee may be re-employed annually on a temporary basis by the school system. Temporary employment up to 90 days or 720 hours per calendar year is permitted at the discretion of the employer.

SUSPENSION AND DISMISSAL OF PROFESSIONAL STAFF MEMBERS

The Superintendent will strive to assist staff to perform their duties efficiently. However, the Superintendent and/or Principal may dismiss any employee in accordance with state law and any applicable provisions of collective bargaining agreements. The Haverhill School Committee acknowledges the constitutional rights of the District's employees and assures them the protection of due process of law. To guarantee these rights, a system of constitutionally and legally sound procedures will be followed in each case of the suspension or dismissal of an employee.

When the Superintendent or a Principal determines that sufficient cause exists to suspend or dismiss a professional employee from service in the school system, he/she will:

1. Be certain that each case is supported by defensible records.
2. Determine if the individual is to be suspended immediately with the understanding that the suspension will be subject to restoration of salary and position if an appeal is decided in favor of the individual.
3. Follow the procedures for suspension or dismissal that are contained in applicable laws as well as those in the pertinent collective bargaining agreements.
4. Provide the individual with a written statement that will:
 - a. Indicate whether the action the Superintendent is taking is suspension or dismissal.
 - b. State the reason for the action, where required by state law.
 - c. Guarantee that all procedures will be in accord with due process of law.
 - d. Inform employees who have a right to request a hearing under appropriate laws that they may be represented at such a hearing by counsel of their choice.

LEGALREFS: M. G. L 71:42; 71:42D
Collective Bargaining Agreements

SOURCE: MASC/Haverhill

TUTORING FOR PAY

Definition: "Tutoring" means giving private instruction or help to an individual or group for which the teacher receives remuneration other than through the School Committee.

A teacher cannot recommend that one of his or her own students get tutoring, and then be paid to tutor that same student in a second job.

A teacher may not tutor students who are currently in his/her class. Even if the teacher does not recommend that the current student receive private tutoring, the teacher should not tutor current students.

Teachers and other public employees may not approach a student, or the student's parents, seeking private tutoring work. A teacher may provide tutoring when the relationship is initiated by the parents or a student, but, if the student is, or in the future may be, under the teacher's authority, the teacher will need to provide a written disclosure.

A teacher cannot use school resources such as classrooms or materials in connection with a private tutoring business. A public school employee cannot use a school or district website to advertise private tutoring services. Schools cannot send home brochures for a particular tutoring service with the children.

Tutoring is not to be recommended for a student unless the appropriate teacher of the student involved is consulted and agrees that it will be of real help. If tutoring seems advisable, the Principal may give the parents a list of persons who are willing to tutor. This list may include teachers, but not the student's teacher of the subject in which he or she is to be tutored.

Tutoring for pay is not to be done in the school building.

LEGAL REF: M. G. L. 268A Mass. Ethics Commission FAQs for Public School Teachers

SOURCE: MASC 2013

NOTE: A teacher cannot tutor in their own district if the district is going to pay for the tutoring unless the district has included a provision in the teachers' collective bargaining agreement providing a set amount of extra pay for tutoring by teachers that will be included in the teachers' regular paychecks.

SUPPORT STAFF POSITIONS

Education is a cooperative enterprise in which all employees of the school system must participate intelligently and effectively for the benefit of the children. This school system will employ support staff members in positions that function to support the education program.

All support staff positions will be established initially by the Committee. In each case, the Superintendent will submit for the Committee's consideration and action a job description or job specifications for the position.

Although positions may remain temporarily unfilled or the number of persons holding the same type of position reduced in event of de-staffing requirements, only the Committee may abolish a position it has created.

SOURCE: MASC

SUPPORT STAFF CONTRACTS AND COMPENSATION PLANS

In establishing rates of pay and levels of compensation for support staff personnel, the School Committee will take into account the responsibilities of the position, the qualifications needed, past experience of the individual, and years of service in the school department.

Compensation plans will be reviewed annually for all categories of staff. Such review, where applicable, will be carried out in connection with negotiations with representatives of recognized bargaining units. The master agreements with these units will be considered appendices to this manual and will have the full force of School Committee policy.

The School Committee will set the rates of pay for personnel not covered by collective bargaining agreements.

Overtime

Support staff employees will be paid overtime wages for work performed in excess of 40 hours in a work week.

In counting hours for the purpose of allowing overtime work and pay, supervisors will consider sick leave, vacation time, and holidays as time worked.

Every effort must be made to minimize overtime by scheduling duties during the regular workday. Overtime will be authorized only by the Superintendent and only to cover emergency situations. All such work will be assigned on a fair and equitable basis.

SOURCE: MASC

LEGAL REF.: M.G.L. 71:38

CONTRACT REFS.: All Contracts

NOTE: For the convenience of all concerned, it is suggested that policies relating to the support staff parallel in coding, format, and treatment of negotiated items policies relating to the professional staff.

SUPPORT STAFF FRINGE BENEFITS

Certain fringe benefits may be established through negotiations with employee bargaining units. Because the Haverhill School Committee wishes to be fair with all of its employees, benefits granted to employees who are not members of a collective bargaining group generally will be comparable to those granted to employees in similar positions that are covered by a collective bargaining agreement.

LEGAL REFS: M. G. L 71:37B; 71:48B

SOURCE: Haverhill

SUPPORT STAFF LEAVES AND ABSENCES

All leaves and absences for support staff will be determined by administration in accordance with the relevant collective bargaining agreement between the bargaining unit and the Haverhill School Committee.

Further, the Haverhill School Department will abide by the provisions of the "Family and Medical Leave Act of 1993" and all relevant U. S. Department of Labor regulations pertaining to leaves and absences.

LEGAL REFS: M. G. L 149: 105D; 71: 41A
 P. L 103-3,"Family and Medical Leave Act of 1993"

SOURCE: Haverhill

SUPPORT STAFF VACATIONS AND HOLIDAYS

All support staff vacations and holidays, allowed by the Haverhill School Committee, will be determined by administration in accordance with the relevant collective bargaining agreements.

However, it should be noted that support staff may request a maximum of five (5) vacation days for carryover into the next fiscal school year. All requests must be approved by their immediate supervisor and submitted in writing, with reason(s) for said request, to the Superintendent for approval prior to June 1st. All vacation days carried over must be taken in the following year and may not be carried over for a subsequent year. The decision of the Superintendent on these matters is final.

SOURCE: Haverhill

SUPPORT STAFF RECRUITING/POSTING OF VACANCIES

The Haverhill School Committee will establish and budget positions for support staff in the school system on the basis of need.

The recruitment and selection of candidates for such positions will be the responsibility of the principal for building-based positions and the Superintendent for district-wide positions. In making the latter selections, the Superintendent will confer with principals and other supervisory personnel, as appropriate.

SOURCE: Haverhill

SUPPORT STAFF HIRING

All candidates for support staff positions will be considered on the basis of their merits, qualifications, and the needs of the school system. In each instance, those playing a role in the selection process will seek to employ the best-qualified person for the job.

Vacancies in positions will be filled by the Superintendent and/or the Principal in accordance with the law and all applicable regulations.

In the selection of support personnel for employment in the Haverhill Public Schools, preference will be given to a Haverhill resident when the qualifications and attributes of that candidate are equal to those of non-resident candidates. The resident applicant must fully satisfy the qualifications and meet the requirements stated in the Position Announcement to be eligible for an interview.

LEGAL REFS: M. G. L 71: 55B; 71: 59B

SOURCE: Haverhill

SUPPORT STAFF ASSIGNMENTS AND TRANSFERS

The Superintendent, or his/her designee, will make district-wide assignments and transfers of support staff for the efficient operation of the Haverhill School Department as necessary subject to any relevant provisions of collective bargaining agreements.

The preferences of employees will be taken into consideration in making assignments and transfers; however, the best interests of students and the educational program will be given priority.

Within an individual school building, the Principal may assign support staff to tasks appropriate to their positions and qualifications.

SOURCE: Haverhill

SUPPORT STAFF TIME SCHEDULES

The workday and the work year for members of the support staff will be set forth in the appropriate collective bargaining agreement.

Specific time schedules for support staff members will be set by the appropriate administrators in line with relevant school opening and closing times, student schedules, and so on. When such changes are to be made, every effort will be made to provide reasonable advanced notice to the affected staff. Administrators will inform the Superintendent of the assigned schedules so that there may be continuity, as needed, throughout the school system.

SOURCE: Haverhill

SUPPORT STAFF IN-SERVICE REQUIREMENTS

All courses to be submitted for salary credit must be approved by the supervising administrator and Superintendent as being relevant to the educational responsibility of the educational support staff person.

All support staff who have acquired the necessary credits will be placed at the proper step and rate.

SOURCE: Haverhill

SUPERVISION OF SUPPORT STAFF

Custodians are under the immediate supervision of a senior building custodian who, in turn, is under the general supervision of the building Principal. Where no senior building custodian is assigned, a custodian may serve under the supervision of a principal, or his/her designee.

Itinerant support staff supervision will be provided/coordinated through the relevant program supervisor or coordinator, where building supervision is impractical.

All instructions regarding procedures, extra work, and/or overtime work shall come from the principal of the respective building with prior approval of the Superintendent, or his/her designee.

SOURCE: Haverhill

EVALUATION OF SUPPORT STAFF

A program of continuous observation and evaluation will be developed to find the right employees to fill vacancies, determine assignments and equitable workloads, and establish wage and salary policies that encourage employees to put forth their best efforts.

Each employee will be informed of the basis upon which the evaluation will take place in advance of the evaluation. Where appropriate, all evaluations will be conducted in accordance with applicable collective bargaining agreements and job descriptions.

SOURCE: Haverhill

EVALUATION OF SUPPORT STAFF

A program of continuous observation and evaluation will be developed to find the right employees to fill vacancies, determine assignments and equitable work loads, and establish wage and salary policies that encourage employees to put forth their best efforts.

The evaluation will cover the major areas of the employee's responsibilities and their job descriptions.

Each employee will be informed of the basis upon which he/she is to be evaluated in advance of evaluation.

SOURCE: MASC September 2016

CONTRACT REFS.: All support staff agreements

NOTE: Evaluation is an area in which many negotiated agreements contain information directly related to policy. The "contract reference" was added to this policy by the school system to direct the user of the manual to pertinent statements in the negotiated agreement. This type of referencing is only one method for dealing with the content of such agreements.

SUPPORT STAFF PROMOTIONS

When support staff vacancies are to be filled, preference will be given to qualified applicants from within the school system, provided their qualifications (proven and potential ability, Civil Service status, training, experience, and personal characteristics) are equal to those of other applicants. However, the best qualified person from among all who apply within and without the school system will be selected.

SOURCE: Haverhill

RESIGNATION AND RETIREMENT OF SUPPORT STAFF MEMBERS

Personnel intending to resign shall give their immediate supervisor written notice thereof as outlined in the relevant collective bargaining agreements.

All full-time non-instructional personnel are required to participate in the Commonwealth of Massachusetts Retirement System.

Periodically, the Superintendent will present to the Haverhill School Committee the names of support staff persons who have indicated their intentions to retire.

SOURCE: MASC/Haverhill

SUSPENSION AND DISMISSAL OF SUPPORT STAFF MEMBERS

Support staff employees employed by the Haverhill School Department may be suspended or terminated by the Superintendent and/or the Principal of the school building in which they serve consistent with the terms of the pertinent collective bargaining agreements. However, employees so suspended or terminated may request the Superintendent to review the circumstances of the action.

Support staff employees generally will be given notice of their dismissal two weeks prior to the effective date, unless governed by Civil Service rules and regulations in which case, the applicable rules will be applied.

SOURCE: Haverhill

SUSPENSION AND DISMISSAL OF SUPPORT STAFF MEMBERS

Support staff employed by the School District may be terminated by the Principal of the building in which they serve, with the approval of the Superintendent. However, employees may request the Superintendent to review the circumstances of their termination.

In the event of failure to perform as required, the Superintendent may immediately suspend or terminate employment depending upon agreement language.

Support staff employees may or may not be given prior notice of their dismissal, depending upon the circumstances.

The Superintendent, or the Principal, with the approval of the Superintendent, may also suspend/remove employees from their individual assignments.

SOURCE: MASC September 2016