

SAFETY

Introduction

- A. The board is concerned for the safety of employees and students and pledges to initiate whatever programs may reasonably be required to provide a safe environment.
- B. It is the intent of the board to comply with all applicable regulations concerning employee and student safety and workers' right to know.
- C. The board hereby confers to the executive director the responsibility for compliance with all applicable health and safety regulations with the board of directors. This board also confers to the executive director the power to establish such procedures as shall be necessary to accomplish this compliance, including but not limited to the issues outlined below, and these procedures shall be on file and be a permanent part of this policy and shall be updated as needed.
- D. In order for the Five Star Interlocal Cooperative to maintain a smoothly functioning Interlocal Cooperative, all employees must constantly be aware of and practice good safety habits. The employee is expected to conform to those safety practices prevalent in his/her particular job assignment. All unsafe working conditions must be corrected and/or reported by the employee.

Recordkeeping

- A. FSILC will maintain and make available to employees such accident and safety reports as required.
- B. FSILC will report any health and safety information as required to the appropriate governing agency.

Placarding and Material Handling

- A. FSILC will maintain proper labeling and storage of hazardous substances and will dispose of hazardous waste only under required regulations and specifications.
- B. FSILC will provide, free of charge, all necessary personnel protective equipment for employee safety.

Employee Training

- A. FSILC will conduct such training as needed to familiarize each employee with the hazards of their position.
- B. FSILC will conduct training as required and necessary to provide a safe environment for all staff and other building occupants.
- C. Such training will be conducted at least annually or on an as needed basis.

HAZARD COMMUNICATION

The board of directors realizes that hazardous materials are used in the day-to-day operation of FSILC and in the support of education requirements. The board also recognizes that with the use of hazardous materials, responsibility must be taken to ensure personal safety and to protect the environment during the use, storage and transportation of such materials.

Hazardous materials are defined as those items listed in Oklahoma and federal law regulations regarding the transportation of hazardous materials. Examples include, but are not limited to the following:

1. Non-building related asbestos materials;
2. Lead and lead compounds (included in school supplies, e.g., art supplies, ceramic glazes, etc.);
3. Compressed gases (natural gas), and explosive (hydrogen), poisonous (chlorine), or toxic gases (including exhaust gases such as carbon monoxide);
4. Solvents (gasoline, turpentine, mineral spirits, alcohol, carbon tetrachloride);
5. Liquids, compounds, solids or other hazardous chemicals which might be toxic, poisonous, or cause seriously bodily injury;
6. Materials required to be labeled by the Department of Agriculture or the LEA (pesticides, algacide, rodenicide, bactericides);
7. Regulated underground storage tank hazardous materials including diesel fuel, regular and unleaded gasoline, oil (both new and used) and propylene glycol.

The term “hazardous materials” includes any substance or mixture of substances that poses a fire, explosive, reactive, or health hazard. Examples are common household cleaning supplies, spray oven cleaners, cleaning solvents, photo chemicals, soldering flux, some ceramic glazes, oils, gasoline and other fuels, and all other materials for which a “Material Safety Data Sheet” (MSDS) has been prepared. The U.S. Occupational Safety and Health Administration maintains complete listings of hazardous substances and materials.

FSILC shall establish and maintain conditions of work which are reasonably safe and healthful for employees. FSILC’s safety standards and safeguards shall be those which are reasonably necessary for the protection of the life, health and safety of employees.

To ensure that information about the dangers of all hazardous chemicals used by FSILC is known by all affected employees, the executive director will develop written procedures (a program) to govern the purchase, storage, handling, transportation and disposal of hazardous materials for FSILC facilities and operations. This program applies to all normal and/or emergency work operations which might expose an employee to hazardous materials.

Such procedures will establish an ongoing process by which each location in FSILC will have a program of identifying and managing hazardous material. Personnel will be encouraged to substitute non-hazardous material for hazardous material to the extent possible and to minimize the quantities of hazardous substances used and stored on FSILC property.

Reference: 29 C.F.R. 1910.1200

HAZARD COMMUNICATION PROCEDURES

In accordance with the policy of the board of directors, the following procedures govern the use, storage and transportation of hazardous materials in FSILC.

The executive director is responsible for ensuring receipt, proper labeling and storage of hazardous materials received at their locations. Inventory lists will be maintained and may be made available to appropriate police, fire and emergency services as appropriate.

The executive director or executive director's designee will maintain a set of Material Safety Data Sheets (MSDS) for FSILC.

Purchase orders for hazardous materials will include a requirement that the shipment of any such materials include MSDS with any order or portion of order. Purchase orders also will note that failure to provide MSDS with the shipment may result in either FSILC's refusing to accept the shipment or conditionally accepting the shipment and refusing to pay for the material until the MSDS is provided. These procedures will apply to all hazardous materials regardless of the method of acquisition.

Storage of hazardous materials will be in compliance with any local ordinances and state and federal law and regulations. Hazardous materials will be separated and labeled according to hazardous characteristics and stored safely in storage areas appropriate to the risk posed by the materials. Where appropriate, storage cabinets may be locked and access to students or non-authorized staff limited. Containers will be labeled to show the date of receipt by FSILC, shelf life, and expiration date. Materials should be stored so that the oldest materials are used first.

The executive director or designee will maintain a master Chemical Information Sheet (CIL) which contains the common and trade names of all hazardous substances used or stored within FSILC. Any new substances introduced into FSILC will be added to the master CIL within 30 days.

The executive director or designee will maintain a CIL on each employee who works with or who has had chemical exposure at a workplace within FSILC. Such CILs shall be presented to any employee upon request and to all appropriate employees at least once annually. The master and individual CILs will be made available for inspection within 24 hours of an employee's request.

Acknowledgement of Receipt of Hazard Communication Training

My signature below acknowledges that I have received training concerning Hazard Communications. I understand that this training fulfills the employee training requirement of OSHA's Hazard Communication Standard.

The jobsite and classroom training included the following:

1. Understanding the purpose and scope of the OSHA Hazard Communication Standard.
2. Explanation of the existence of federal, state and local right-to-know laws.
3. Definition of the classification "hazardous chemical".
4. Explanation of situations and elements that must be present for a material to be considered a health hazard.
5. Explanation and interpretation of labels, what is required on all containers, and the Hazard Materials Identification System (HMIS).
6. Understanding and interpretation of Material Safety Data Sheets (MSDS), which must be obtained for each hazardous chemical.
7. My responsibilities as an employee of FSILC.
8. Policies and procedures to follow in case of exposure.

Employee Name (Please print)

Employee Signature

Date

FSILC Representative

Date

BLOODBORNE PATHOGEN EXPOSURE CONTROL PLAN

This plan delineates specific rules and procedures relating to protecting employees of FSILC from occupational exposure to bloodborne pathogens (e.g., Hepatitis B Virus ("HBV"), Human Immunodeficiency Virus ("HIV"), etc.) as required by law.

Employees who are occupationally exposed to bloodborne pathogens include those who are reasonably anticipated to have skin, eye, mucous membrane or parenteral contact with blood or other potentially infectious materials during the performance of their duties. Other infectious materials include: (1) the following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid and any body fluid that is visibly contaminated with blood or where it is difficult or impossible to differentiate between body fluids; (2) any unfixed tissue or organ from a human, living or dead; (3) HIV-containing cell or tissue culture, organ culture and HIV-or HBV-containing culture medium or other solutions; and blood, organs or tissues from experimental animals infected with HIV or HBV. Any exposure to feces, nasal secretions, breast milk, sputum, sweat, tears, urine, vomitus or saliva, which is not visibly contaminated with blood, does not routinely constitute a risk of transmission of HBV or HIV. Saliva, if injected through a human bite, may pose a risk of HBV transmission.

This Exposure Control Plan delineates rules and procedures to be followed by employees to comply with the OSHA Bloodborne Pathogens Regulation previously cited. Appendix A defines the terms used throughout this Plan.

Employee Exposure Determination

The likelihood of exposure to bloodborne pathogens among employees of FSILC varies among divisions and job classifications. Most job classifications within FSILC have no increased potential for occupational exposure to blood or potentially infectious materials as defined by the OSHA Bloodborne Pathogens Regulation.

Appendix B lists all FSILC employee exposures to bloodborne pathogens by job classification and specific groups of occupational tasks. All potential exposures to blood and potentially infectious materials listed in the tasks shown in Appendix B are based upon risks incurred without the use of personal protective equipment. Based upon this analysis, FSILC has determined that the following groups of employees are likely to have occupational exposure to bloodborne pathogens: school nurse, custodians and coaches/P.E. instructors. These employees will receive the training and will be offered the Hepatitis B vaccinations as required by the OSHA Bloodborne Pathogens Regulation. FSILC will review this Exposure Control Plan and the exposure potential for specific jobs and occupational tasks shown in Appendix B annually or when new or modified tasks or procedures for job positions within FSILC alter potential occupational exposures.

Methods of Compliance with Regulation

Because some tasks present the potential for employee exposure to blood and other potentially infectious materials, a number of engineering and work-practice controls have been adopted to minimize such exposures. Universal precautions are observed throughout FSILC to prevent contact with potentially infectious materials. Employees should consider all body fluids as potentially infectious because it is often difficult to differentiate between body fluid types. Where occupational exposure exists despite compliance with engineering and work practice controls, the use of appropriate personal protective equipment is required, which varies with the specific work tasks involved.

Engineering controls, including handwashing facilities, are maintained and replaced appropriately to insure their effectiveness. Any employee who observes an ineffective or malfunctioning control item or equipment should take immediate appropriate action to replace, discontinue use of and/or seek repair of the item or equipment.

Handwashing

Handwashing by all exposed employees is required. The importance of handwashing as the primary prevention of contamination cannot be overemphasized. It is the single most important means of preventing the spread of infection. Handwashing facilities are interspersed throughout each school building.

All employees of FSILC who have routine occupational exposure are provided with antiseptic handcleaner for disinfection purposes when handwashing is not immediately feasible. However, handcleaners are not provided with the intent of substituting for handwashing. Employees should wash hands with soap and water as soon as possible following use of such antiseptic handcleaners. Employees are also required to wash their hands immediately after removing gloves or other personal protective equipment. Employees must insure that hands and any other skin which becomes contaminated with blood or other potentially infectious material are immediately washed with soap and water and that any mucous membrane exposed to blood or other potentially infectious material is flushed with water as soon as possible.

Protection of Food, Drink, Etc.

Eating, drinking, smoking, applying cosmetics or lip balm and handling contact lenses is prohibited in work areas of FSILC where any risk of occupational exposure exists. The storage of food and drink in refrigerators, freezers or cabinets or on shelves, countertops or benchtops where blood or other potentially infectious materials are present is also prohibited.

Personal Protective Equipment

FSILC provides appropriate personal protective equipment, including gloves, gowns and other appropriate devices, at no cost to any employee with occupational exposure. Appropriate personal protective equipment is that equipment which does not permit blood or other potentially infectious materials to pass through to the employee's work clothes, street clothes, skin, eyes, mouth or other mucous membranes under normal use and for the duration of time the protective equipment is in use.

All occupationally exposed employees of FSILC are required to use appropriate personal protective equipment. The only exception to this requirement allowed by the OSHA Bloodborne Pathogens Regulation might occur when the employee temporarily and briefly declines use of the equipment when "under rare and extraordinary circumstances, it [is] the employee's professional judgment that in the specific instance its use would have prevented the delivery of health care or public safety service or would have posed an increased risk to the safety of the worker or co-worker." When such a judgment is made, the circumstances will be investigated and documented to determine whether changes should be instituted to prevent future recurrence.

Personal protective equipment appropriate for the work tasks in each division are readily accessible at the work site for all employees. Cleaning and laundering of reusable personal protective equipment is provided by FSILC through an outside vendor. Contaminated laundry is disposed of in the appropriate biohazard laundry containers provided by that vendor. Disposable personal protective equipment (e.g., disposable gloves) are discarded in sealed plastic bags.

If a garment becomes penetrated by blood or other potentially infectious materials during the course of its use, it should be removed immediately, or as soon as feasible, and disposed of appropriately. All personal protective equipment must be removed prior to leaving the work area.

Gloves

Latex or vinyl gloves will be worn when it is reasonably anticipated that the employee will have hand contact with blood or other potentially infectious materials, mucous membranes or non-intact skin and when touching contaminated items or surfaces. Disposable (single use) gloves must be replaced as soon as practical when contaminated or when they are torn, punctured or their ability to function as a barrier is compromised. Disposable gloves are not to be washed or decontaminated for reuse.

Utility gloves, such as those used in housekeeping, sterilization and clean-up activities, may be decontaminated for reuse if the integrity of the glove is not compromised, but they must be discarded if they are cracked, torn, punctured or exhibit signs of deterioration. Hypoallergenic gloves or glove liners or powderless gloves are provided to employees who are allergic to the gloves normally provided. Employees with contact dermatitis caused by gloves may find protective skin creams helpful in preventing further irritation.

Protective Body Clothing

Appropriate body clothing must be worn in occupational exposure situations. The types and characteristics of the protective clothing depend upon the task and degree of exposure anticipated. The need for protective body clothing will be rare in the school environment.

Masks, Eye Protection and Face Shields

Because no employees engage in occupational activities in which splashes, spray, splatter or droplets of blood or other potentially infectious materials are likely to be generated and eye, nose or mouth contamination can be reasonably anticipated, masks, eye protection and face shields are not provided.

Housekeeping

Worksites which are subject to contamination by blood and other potentially infectious materials are maintained in clean and sanitary condition by the designated custodial staff who have cleanup responsibility. Appendix C presents the written cleaning and decontamination schedules for the nurse's office.

All equipment, environmental and working surfaces are cleaned and decontaminated after contact with blood or other potentially infectious materials upon completion of procedures and immediately, or as soon as feasible, when surfaces are overtly contaminated or following any spill of blood or other potentially infectious materials. All work surfaces are cleaned and decontaminated at the end of each workshift if the surfaces have become contaminated since the last cleaning. One or more of the following solutions are to be used in disinfection of work surfaces, countertops and equipment: commercially-prepared germicidal disinfectants; commercially prepared disinfectants with an isopropyl alcohol content of 40% to 70%; commercially-prepared disinfectants with a hydrogen peroxide content of 3%; or an individually-prepared solution of one part chlorine bleach to ten parts water. Cleaning and disinfection of floors and walls may be accomplished using commercial cleaning formulations containing quaternary ammonia.

Bins, pails, cans and other similar receptacles intended for re-use that have a potential for becoming contaminated with blood or other potentially infectious materials are inspected and decontaminated on a regular basis and immediately, or as soon as feasible, upon visible contamination.

Spill Cleanup

Spill cleanup requires the use of appropriate protective equipment including gloves, as appropriate. Spills are cleaned up by the individual responsible for the spill in most cases. Appendix D details specific procedures for biological spills cleaning and decontamination.

Broken glassware which may be contaminated is not picked up directly with the hands. Cleanup is effected using mechanical means such as a brush and dust pan. Contaminated broken glassware is discarded in sealed plastic bags.

Waste Disposal

Disposal of waste contaminated with blood or other potentially infectious materials is in sealed plastic bags with FSILC's other non-regulated waste.

Laundry

All contaminated laundry generated by exposed employees of FSILC is bagged or containerized at the location where it is used in appropriately labeled containers. Heavily soiled laundry is bagged in leak-proof plastic bags before being placed in laundry containers, if appropriate. FSILC contracts with an off-site commercial laundry company for laundry services. Laundry is not sorted, rinsed or processed in any other manner on site. Employees who have contact with contaminated laundry wear protective gloves and other appropriate personal protective equipment.

Hepatitis B Vaccination

Each FSILC employee who has occupational exposure is offered the Hepatitis B vaccine series within ten (10) days of initial work assignment and after he or she has received the required training unless the employee has previously received the vaccination series, antibody testing has revealed immunity or the vaccination is contraindicated for medical reasons. FSILC will provide the health care professional responsible for the employee's Hepatitis B vaccination with a copy of the OSHA Bloodborne Pathogens Regulation. Vaccinations are performed by or under the supervision of a licensed physician or by or under the supervision of another licensed health care professional in accordance with U.S. Public Health Service recommendations during normal working hours, at a reasonable location and at no cost to the employee. Participation in a prescreening program is not a prerequisite for receiving the Hepatitis B vaccination. Employees who decline to accept the Hepatitis B vaccination are required to sign the declination statement included as Appendix E to this Plan.

Any employee who initially declines the Hepatitis B vaccination, but at a later date decides to accept the vaccination, is provided the vaccination at that time without cost. Any future recommended routine booster, dose or doses of Hepatitis vaccine recommended by the U.S. Public Health Service will also be provided to exposed employees without cost.

The Hepatitis B vaccination record or signed declination statement is maintained in each employee's confidential medical record in the office of the executive director (see Recordkeeping-Medical Records).

Post-Exposure Evaluation and Follow-Up

All FSILC employees who experience an occupational exposure incident will complete the Incident Report attached as Appendix F immediately after the exposure, or as soon thereafter as feasible.

Each exposed employee is provided a confidential medical evaluation and follow-up, including prophylaxis, at no cost to the employee, by a licensed health care professional of FSILC's choice. As part of the post-exposure evaluation and follow-up, the routes of exposure and the circumstances under which the incident occurred is documented, including identification and documentation of the source individual, unless infeasible or prohibited by law, and testing of the source individual's blood and the exposed employee's blood is completed, as soon as feasible and after consent is obtained. Completion of the Record of Occupational Exposure to Blood or Potentially Infectious Body Fluids included as Appendix G to this Plan satisfies the Regulation's documentation requirements.

FSILC will provide the licensed health care professional who evaluates the exposed employee with the following information: a copy of the OSHA Bloodborne Pathogens Regulation; a description of the exposed employee's duties as they relate to the exposure incident; documentation of the route(s) of exposure and circumstances under which exposure occurred; results of the source individual's blood testing, if available; and all medical records relevant to the appropriate treatment of the employee, including vaccination status, that are FSILC's responsibility to maintain.

The licensed health care professional's written opinion of the post-exposure evaluation is to be provided to the employee within fifteen (15) days of completion of the evaluation and is to be limited to the following: whether Hepatitis B vaccination is indicated for the employee and if the employee has received such vaccination, that the employee has been informed of the results of the evaluation and that the employee has been told about any medical condition resulting from exposure to blood or other potentially infectious materials that require further evaluation or treatment. All other findings or diagnoses are to remain confidential and are not to be included in the written report.

Confidential medical records relating to post-exposure evaluation and follow-up are maintained in the office of the executive director (see Recordkeeping -Medical Records).

Labels and Signs

To the extent required, FSILC uses red color coding and/or fluorescent orange or orange-red biohazard labels to mark all hazardous items. The standard biohazard label and symbol, as shown below, is used for this purpose. Items contaminated with blood or other potentially infectious body fluids which are color coded or posted with biohazard labels include the following: contaminated laundry.

Recordkeeping - Medical Records. Confidential medical records are kept on all FSILC employees with occupational exposure to blood or other potentially infectious materials in the office of the executive director. Each record includes the employee's name, Social Security number, Hepatitis B vaccination record (or declination form), copies of all results of examinations, medical testing and follow-up procedures relating to any exposure incidents and a copy of the health care professional's consultation and written opinion relating to any exposures.

All employee medical records are kept for the duration of employment plus thirty (30) years in accordance with the OSHA Bloodborne Pathogens Regulation.

Recordkeeping - Training Records. Records documenting the provision of information and training relating to occupational exposure to bloodborne pathogens are maintained for three (3) years from the date of training by FSILC's training coordinator. These records include the dates of training sessions, a summary of the training session, names and qualifications of the persons conducting the training sessions and the names and job titles of all persons attending the training sessions. An outline of FSILC's Bloodborne Pathogens Training Program is included as Appendix H to this Plan. A Training Record form is attached as Appendix I.

Information and Training

Information and training pertaining to bloodborne pathogens is provided to all FSILC employees with occupational exposure without cost and during normal working hours. This training is provided within ten (10) days of initial assignment to tasks where occupational exposures occur and annually thereafter or whenever modifications of tasks or procedures or the institution of new tasks or procedures affect an employee's occupational exposure to the extent that additional training is indicated and appropriate. Routine training of new employees is arranged on an as-needed basis through FSILC's training coordinator. Training is presented by qualified staff members.

Training material is appropriate in content and vocabulary to the educational level, literacy and language of employees. The training program is designed to fulfill the requirements for bloodborne pathogen training outlined in the OSHA Bloodborne Pathogens Regulation. A detailed outline of the training program is kept on file with FSILC's training coordinator.

**COMMUNICABLE DISEASE—EMPLOYEES AFFECTED WITH
ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)**

- A. The board of directors is strongly committed to providing a safe environment for staff and students in relation to communicable diseases. Medical evidence indicates that Acquired Immune Deficiency Syndrome (“AIDS”) is a communicable disease. This policy governs the procedures and regulations of this Interlocal Cooperative when dealing with an employee who has been identified by a competent medical authority to have AIDS, AIDS Related Complex (“ARC”), tests positive for AIDS antibodies or has any other life-threatening communicable disease capable of being transmitted in the work place environment (referred to herein as “other life-threatening communicable diseases”). This policy will insure confidentiality and nondiscrimination.
- B. No employee will be dismissed or have his/her contract not renewed merely because he/she has AIDS, ARC, antibodies for the AIDS virus, or other life-threatening communicable diseases.
- C. Upon identification of the employee by a competent medical authority as having AIDS, ARC, antibodies for the AIDS virus, or other life-threatening communicable diseases, the following procedures will be observed:
1. FSILC executive director shall immediately request the employee to provide a comprehensive written statement from the employee’s personal physician regarding the employee’s current health condition. It shall be the duty of each employee to provide such information to FSILC executive director. Willful failure to do so may lead to dismissal or non-renewal of an employee’s contract.
 2. Any decision regarding the employee’s status shall be based upon the best Medical evidence available. FSILC executive director or his/her designee, the employee, and the employee’s personal physician, and an Interlocal Cooperative appointed medical officer (a medical doctor or doctor of osteopathy) shall meet and confer to determine the extent to which the reasonable accommodation of the employee may be necessary due to the employee’s condition. Unless the medical experts are of then opinion that the employee’s condition could reasonably present a hazard of infection to students or other employees, the employee will be permitted to continue the employee’s usual duties. If the employee’s condition could reasonably present a hazard of infection to students or other employees, the Interlocal Cooperative will consider assigning the employee to other available duties for which the employee is qualified at no reduction in pay.

3. The employee is required to provide the Five Star Interlocal Cooperative (FSILC) with periodic written comprehensive reports from the employee's personal physician as to the employee's current health condition. The frequency of such reports will be determined in each case by the medical representatives of the employee and FSILC.
 4. Any employee may apply for and be granted a leave of absence without pay when approved by FSILC executive director upon the advice of the employee's personal physician and, when deemed appropriate, an FSILC medical officer.
 5. An employee may request and be granted return from a leave of absence without pay when approved by FSILC executive director upon the advice of the employee's personal physician, and when deemed appropriate, an FSILC medical officer.
- D. Confidentiality requirements in regard to information about any employee infected with AIDS, ARC, antibodies for the AIDS virus, or other life-threatening communicable diseases shall be respected.
- E. The employee will be requested to consent in writing to the notification of only those persons who, under the circumstances of the employee's particular job duties and health condition, have a "need to know." Normally, this will mean the employee's immediate supervisor, FSILC executive director, the board of directors and its attorney, and any health care professionals. Those persons will be instructed regarding their legal obligation to maintain the confidentiality of the information and the legal consequences of failing to do so. No reference to communicable disease is to be made in the employee's personal file. Under no circumstances will students or the parents of students be notified that any person afflicted with AIDS or any AIDS condition or other life-threatening communicable disease is employed by FSILC.

CONTAGIOUS OR COMMUNICABLE DISEASE OR CONDITION

Short-Term or Transitory Diseases or Conditions

Any employee or student with a contagious or communicable disease or condition of short-term or transitory duration may be prohibited from having contact with others at FSILC when such contact presents a significant risk of communicating the disease or condition. The prohibition may continue until the employee or student no longer presents a significant risk to others. For example, this temporary prohibition could cover employees or students with the flu, head lice, chicken pox, etc. whose continued contact with others while infected/contagious would present a substantial risk of infection.

Long-Term Diseases or Conditions

If the executive director has cause to believe that an employee or student has a contagious or communicable disease or condition of long-term duration that presents a significant risk of substantial harm to others, the executive director may require the individual to be examined by a physician licensed by the State of Oklahoma and selected by the executive director, to consent to having the results of that examination forwarded to the executive director as soon as such results are available, and to consent to the release of medical information of the employee or student to the examining physician. If the physician concludes that the individual poses a significant risk of substantial harm to the health of others in the workplace, the executive director or designee will determine whether the employee or student is an "individual with a disability" as defined by the Americans with Disabilities Act and, if so, whether reasonable accommodations may eliminate or reduce the risk to others to a safe level. If reasonable accommodations are proposed, the executive director may ask the examining physician to issue a medical opinion stating whether or not such contemplated accommodations would eliminate the risk of communicating the disease or condition to others in the workplace or classroom or reduce such risk to a safe level. If reasonable accommodations cannot be made to address a significant risk of substantial harm to the health of others in the workplace or classroom, then the employee may be placed on appropriate leave, with or without pay, or terminated, or the student may be removed from the classroom environment. For example, this process could cover employees or students with drug-resistant tuberculosis, etc.

The cost of such medical examination and review will be borne by FSILC.

USE OF TOBACCO PRODUCTS

Smoking and Background

Smoking has been identified as the number one health problem in the United States. It is the leading cause of premature death, disease, and chronic disability in our country.

Smoking can be hazardous to health for both smokers and non-smokers. For smokers, it can contribute to heart attack, stroke, high blood pressure, emphysema, and several forms of cancer. Non-smokers can be affected by breathing the toxic products that tobacco smoke adds to the air. The use of snuff and chewing tobacco can cause gum disease and oral cancer.

Thousands of Oklahoma adolescents begin smoking each year. The majority go on to become regular, adult smokers.

Purpose

The board is dedicated to providing a healthy, comfortable, and productive environment for staff, students, and citizens. The board believes that education has a central role in establishing patterns of behavior related to good health and that measures are necessary to help its students to resist tobacco use. The board is concerned about the health of its employees and also recognizes the importance of adult role-modeling for students during formative years. Therefore, the board shall discourage the use of tobacco products by its staff.

Policy

Smoking and the use of tobacco products in any form, as well as the use of simulated tobacco products, is prohibited on FSILC property by all persons. "Smoking" means the carrying by a person or having access to a lighted cigar, cigarette, pipe or other lighted smoking article.

Enforcement

The success of this policy will depend upon the thoughtfulness, consideration, and cooperation of smokers and non-smokers. All individuals on school premises share in the responsibility for adhering to and enforcing this policy.

Any violation of this policy by staff will be referred to the appropriate supervisor. One written warning will be issued to the staff member with a copy placed in his or her

personnel file. Further violations will be considered willful neglect of duty and will be dealt with accordingly based on established policies and procedures for suspension, demotion, dismissal and non-renewal of staff.

Citizens

Citizens who are observed smoking or using tobacco products on FSILC property in violation of this policy will be asked to refrain from smoking on FSILC property. If the individual fails to comply with the request, his or her violation of policy may be referred to supervisory personnel and the supervisor shall make a decision on further action. That action may include a directive to leave FSILC property. Repeated violations may result in a recommendation to the executive director or board to prohibit the individual from entering FSILC property for a specified period of time. If deemed necessary by the executive director or board, local law enforcement officials may be called upon to assist with enforcement of this policy.

DRUG / ALCOHOL FREE WORKPLACE

In order to maintain a healthy educational and working environment, and to comply with the requirements of the Drug-Free Workplace Act of 1988 for purposes of receiving federal assistance, the board adopts the following policies and regulations:

1. Use, possession, dispensing, manufacture, sale or distribution or conspiring to sell, distribute or possess or being in the chain of sale or distribution, or being under the influence of a controlled substance, alcoholic beverage, or low-point beer (as defined by Oklahoma law, i.e., 3.2 beer) in any of Five Star's facilities or worksites, on Five Star property or worksites (including vehicles) or at a Five Star or worksite sponsored function or event by an employee is prohibited. Violation of this prohibition shall result in disciplinary action, which may include dismissal or nonrenewal of employment. Violations which constitute criminal acts will be referred for prosecution.
2. Employees who are engaged in the performance of work under the terms of a federal grant must, as a condition of their employment, notify the director, in writing, of any drug conviction (including a plea of nolo contendere) for a violation of a criminal drug statute which occurred at a school district workplace within five calendar days after the conviction. The conviction shall result in dismissal or nonrenewal, or a requirement that the employee satisfactorily participate in a drug abuse assistance or rehabilitation program approved by a federal, state, or local health, law enforcement, or other appropriate agency.
3. The conviction shall be reported in writing by the director to the relevant federal granting agency within 10 calendar days of the notification by the employee or other actual notice of the conviction.
4. This policy statement shall be included in Five Star's employee manual, and shall be distributed to all employees at the commencement of each school year.
5. The employee in-service training period prior to the commencement of each school year shall include a review and discussion of the dangers of drug and alcohol abuse in the workplace, Five Star's policy for a drug and alcohol-free workplace, the penalties for violating the policy, and available sources of information, counseling, rehabilitation and re-entry programs regarding drug and alcohol use.

**CLASSIFICATION OF EMPLOYEES
AND RIGHTS AND RESPONSIBILITIES INVOLVING
NONEXEMPT EMPLOYEES**

It is the policy of FSILC to ensure compliance with the Fair Labor Standards Act (FLSA) provisions concerning the payment of overtime at the established rate to eligible employees. Consistent with that obligation this policy discusses the proper classification of employees as exempt or nonexempt employees and also addresses the rights and responsibilities of FSILC and nonexempt employees in areas related to the authorization necessary for overtime work, and related recordkeeping requirements. The purpose of the policy is to ensure that FSILC correctly identifies those individuals entitled to overtime and ensures that nonexempt employees required to work overtime as a condition of their employment receive either monetary compensation or compensatory time for approved overtime. FSILC's construction and interpretation of this policy shall be consistent with FLSA's mandatory provisions.

FSILC's Overtime Obligations

The FLSA does not limit the number of hours that an employee may work, either daily or weekly. It requires that overtime compensation be paid or time accrued at a rate of not less than one and one-half times the nonexempt employee's regular rate of pay for each hour worked in a workweek in excess of the maximum hours applicable to the type of employment in which the employee is engaged. For FSILC employees this means overtime for hours in excess of 40 per week for non-exempt employees.

While overtime must be calculated on a workweek basis, there is no requirement in the FLSA that the overtime compensation be paid weekly. As a general rule, overtime earned in a particular workweek should be paid where possible on the regular payday for the period in which such workweek ends. When the correct amount of overtime compensation cannot be determined until later, FSILC will pay it as soon after the regular pay period as practicable. Payment shall not be delayed beyond the next payday. In those cases where an employee elects or FSILC enforces compensatory time, the use of accrued time is controlled by FSILC's Compensatory Time for Overtime policy.

Employee Classification for Purposes of FLSA

It is FSILC's intent to adhere to the requirements of FLSA with regard to the classification of employees and with respect to the payment of overtime wages to eligible employees.

Non-Covered Employees

FLSA provides that certain employees are not covered by the Act. Non-covered employees include volunteers, independent contractors, legal advisors, and certain trainees. Non-covered employees are basically treated the same as exempt employees, for purposes of FLSA.

Exempt Employees

In accordance with the FLSA, exempt employees do not receive overtime. Exempt employees include executive, administrative, and/or professional personnel.

FSILC employs a variety of employees. The determination of an employee's proper classification requires evaluation of specific duties, authority and compensation; however, this policy provides guidance regarding how employees are generally classified for purposes of overtime compensation.

Nonexempt Employees

Nonexempt employees are entitled to overtime for all hours worked in excess of 40 in a workweek. Overtime compensation is paid at a rate of not less than one and one-half times the nonexempt employee's regular rate of pay for each hour worked in a workweek in excess of 40 hours per week.

Examples of Employee Classifications

Nonexempt employees include:

- Bus drivers
- Cafeteria workers
- Dietitians
- Custodial workers
- Day-care workers
- Keypunch operators for school records
- Hall or lunchroom monitors
- Non-RN school nurse
- Secretarial or clerical support
- Security personnel
- Maintenance workers

Exempt executives include:

- executive director
- Assistant executive directors
- Principals and assistant principals
- Directors of computer programming

Exempt professionals include:

- Guidance counselors
- Certified public accountants in budget office
- School attorneys
- School psychologists
- School registered nurse
- School librarian
- Teachers

Noncovered positions include:

- Appointed members of the board of directors
- Elected member of the board of directors
- Homeroom mothers/fathers and other volunteers

Authorization Required for Overtime

Employees are not permitted to work overtime without the prior written authorization of the employee's supervisor or the executive director. An employee who works overtime, without authorization, will be subject to discipline up to and including the possibility of termination. If for any reason the employee is unable to obtain approval of overtime prior to working overtime, he/she is required to immediately bring overtime work to the attention of his/her supervisor.

Supervisors are required to strictly enforce FSILC's prohibition of unauthorized overtime. To this end, a supervisor must not allow an employee to work overtime if the supervisor knows or reasonably suspects that the employee is working in excess of hours authorized. **A supervisor who fails to take reasonable action to enforce FSILC's policy will be subject to discipline up to and including possible termination of employment.**

Use of Time Clocks or Other Time Records

Employees will be assigned a method for keeping track of work hours. Each employee is responsible for the complete and accurate reporting of his/her time and must verify that the time reported is truthful to the best of the employee's knowledge and experience.

Employees assigned a time clock must not clock in more than seven (7) minutes prior to the beginning of the employee's work schedule, or more than seven (7) minutes after the end of the schedule. An employee who does not have prior written permission and who is found to have clocked in more than seven (7) minutes before his/her schedule, or clocked out more than seven (7) minutes after his/her schedule, will be in violation of the provisions of this policy. Time accumulated on the time clock before or following the employee's scheduled work hours will not be considered as time worked. An employee who has questions regarding whether the employee should be on the time clock, should immediately contact a supervisor for clarification.

An employee utilizing an alternate method of time keeping is, likewise, required to ensure that the times listed by the employee are complete and accurate and recorded to the best of

the employee's knowledge and experience and is subject to the same requirements and penalties as an employee utilizing a time clock.

An employee who identifies an erroneous entry on his or her time card or record should immediately bring the error or mistaken entry to the attention of his/her supervisor and both should insert and initial the correct entry or information on the time record.

Employees who clock in more than eight (8) minutes late will be docked $\frac{1}{4}$ hour. Employees who are eight (8) minutes early will be paid overtime only if the early report to work is approved by the employee's supervisor. **Voluntary overtime is strictly prohibited because it creates monetary liability for FSILC, even though that result is unintended.**

Notice of Policy to Employees

Each employee will be furnished with a copy of FSILC's FLSA policy and required to sign an acknowledgement confirming that the employee received the policy and that he/she understands the rights and responsibilities that it includes.

Questions concerning any part of the policy should be directed to the employee's supervisor or the executive director.

If at any time an employee believes that he/she is incorrectly classified for purposes of FLSA or is entitled to additional compensation under federal or state law, he/she should promptly notify the executive director in writing, setting out the basis for the employee's complaint of misclassification or incorrect compensation.

COMPENSATORY TIME FOR OVERTIME

The Fair Labor Standards Act (FLSA) extends flexibility to FSILCs in adopting arrangements that provide compensatory time off in lieu of monetary overtime compensation. Accordingly, FSILC will provide, within reasonable limits, compensatory time off. The calculation used to determine the amount of compensatory time available to a nonexempt employee is one and one-half hours of compensatory time for each hour of overtime worked. Compensatory time received by an eligible employee extinguishes the employee's entitlement to monetary overtime compensation. Compensatory time off is subject to all of the conditions provided in this policy and FSILC's other policies concerning FLSA. FSILC's administration shall, at all times, retain the authority to make the decision to permit an employee to accumulate and use compensatory time or to pay the employee for overtime worked; however, the standard of time and one-half for overtime hours worked shall apply in either instance. FSILC's policy and applicable procedures concerning compensatory time are more fully detailed below.

Prior Approval of Overtime Required

Overtime will not be allowed to any non-exempt employee unless prior approval has been given, in writing, by the employee's supervisor or his/her designee. Non-exempt employees working in excess of forty (40) hours per workweek without prior written approval may be subject to appropriate disciplinary action, up to and including possible termination.

Calculation of Compensatory Time

If a non-exempt employee is properly assigned to work more than forty (40) hours in a workweek, FSILC may provide compensatory time ("comp time") off in lieu of monetary overtime compensation at a rate of not less than one and one-half (1 1/2) hours of compensatory time for each hour of overtime worked. It shall be the responsibility of the employee and the employee's supervisor to maintain accurate records of all comp time accrued. All overtime recorded to be accrued as comp time must be initialed by the employee and the immediate supervisor or his/her designee by the end of the week following the week in which the overtime is worked.

Scheduling Use of Compensatory Time

Any non-exempt employee who has accrued comp time and who requests the use of the comp time shall be permitted to use the comp time within a reasonable period, after making the request, as long as the use of the comp time does not unduly disrupt the operation of FSILC. Supervisors are encouraged to limit the accumulation of comp time to eight (8) hours per pay period, but special circumstances may justify a greater accumulation. All requests to use comp time must be in writing. If the request is denied, then the employee and

supervisor are to arrange an alternate date for the comp time to be used. If no agreement can be reached, then a meeting will be conducted with the executive director of schools or executive director's designee to schedule a date for the comp time to be taken. FSILC, at its sole option, may require an employee to use accrued comp time at certain times.

Maximum Accrual of Time

Employees may accrue up to 240 hours of comp time. (Because comp time is accumulated at time and one-half, this is 160 hours of actual overtime work.) Employees who work in a public safety activity, emergency response activity or seasonal activity may accumulate up to 480 hours of comp time (320 actual overtime hours).

When Hours are Not Considered Work Hours

Time periods in excess of twenty (20) minutes during which the employee is not actually performing job duties will not be included as "hours worked" if the time can effectively be used for the employee's own purpose.

Volunteer Work

Non-exempt employees are not allowed to do "volunteer" work for FSILC. Although FSILC appreciates the occasional willingness of nonexempt personnel to volunteer their time, FLSA regulations create an unacceptable risk of overtime liability when nonexempt personnel volunteer to perform services for FSILC or volunteer to work longer hours without compensation. An exception to the volunteer prohibition is an employee of FSILC who is a parent, grandparent, or guardian who volunteers in connection with school activities involving the individual's child or grandchild and the activity is one for which parents or others customarily volunteer. In addition, the volunteer's activities or services must be unrelated to the employee's compensated duties with the school.

Payment for Comp Time Upon End of Employment

Any non-exempt employee whose employment with FSILC terminates and who has accrued but not used comp time shall be paid at his/her regular hourly or salary rate in effect at the time the employee receives the payment. FSILC reserves the right, at any time, to substitute a cash payment, in whole or in part, for comp time.

Notice of Policy to Nonexempt Employees

A copy of this policy will be provided all of FSILC's nonexempt employees along with a compensatory time agreement which employees will sign and which the employee's supervisor will sign. The agreement, unless withdrawn by FSILC, will remain in effect while the employee works for FSILC. This compensatory time off policy shall be considered as a condition of employment for all non-exempt employees of FSILC.

MULTIPLE EMPLOYMENT ASSIGNMENTS

FSILC may have opportunities for its employees to assume more than one type of employment position. FSILC will closely monitor the assignment of more than one position to any employee to ensure that the assignment does not result in the employee working more hours than is advisable or hours which will create overtime or unacceptable overtime liability for FSILC.

Accordingly, FSILC will closely monitor all multiple assignments made to employees to determine whether the positions assigned are exempt from overtime or will require the payment of overtime. Employees must strictly adhere to instructions regarding the hours of work authorized.

Exemption from Overtime

Exemptions from the overtime provisions of the FLSA are provided under federal regulations. School administrators are exempt as administrative employees and teachers are exempt from overtime under the professional exemption. Other employees may be exempt based on the duties performed and whether they meet the tests approved by FLSA for executive, administrative or professional positions.

Multiple Position Employment Prohibition of Exempt Employees

Teachers and administrative employees of the board who are exempt from overtime provisions of the Act under regulations promulgated by the Wage and Hour Division of the United States Department of Labor may not be employed in multiple positions with the board if such employment would jeopardize the exempt status of the employee's teaching or administrative position.

Employment Contract Supplements

Pursuant to employment contracts approved by the board, teachers and other *exempt* personnel may earn a salary supplement for performing assigned duties, such as coaching athletic teams, serving as cheerleading sponsors, and other extra responsibilities incidental to their position as teachers or school administrators.

Multiple Position Employment of Non-Exempt Employees

Non-exempt employees of FSILC and board may be employed in multiple positions only if the time to be worked by the employee in those positions will not normally exceed forty hours during the employee's workweek. Additional position assignments to employees in this category will be subject to the following conditions:

1. *Authorized* overtime will be paid to non-exempt employees who work more than forty hours in a workweek, whether the work is performed in one or more than one job.
2. Supervisors may only permit overtime under unusual or extraordinary circumstances and overtime must be approved in advance, in writing, before overtime hours are worked.
3. An employee working overtime, which is not properly authorized, in advance in writing by the employee's supervisor, is considered to be in violation of this policy and the violation may result in disciplinary action, up to and including possible termination.

Overtime Rates of Pay

Non-exempt employees working more than one position, in which the rate of pay is different for each position, must agree in writing, in advance of performance of the work and as part of the overtime authorization, as to the rate of pay. At the time any overtime hours are approved, the employee's supervisor will determine for which job and rate the overtime hours are to be worked. If overtime hours are properly authorized and worked, they will be paid at the rate established for the work being performed during the overtime hours.

Benefit Entitlements According to Primary Position

Employees who work in more than one position for FSILC will be entitled to benefits in only the primary position unless otherwise provided by law. The primary position is defined as the position in which the person was initially employed by FSILC and will generally be the position which is regularly assigned the most hours of work.

SECURITY

Many job assignments in FSILC require the employee to assume responsibility of a building, office, or area. It is mandatory that each employee exercise caution and prudent judgment in maintaining security as required by job performance.

If the employee possesses keys in the performance of his/her job, all keys will be kept secure. Keys are not to be given or loaned to other people and must be surrendered to the immediate supervisor upon leaving the employment of FSILC. Employees will not have or allow others to have duplicates made of school keys. Employees that fail to meet an acceptable degree of security of FSILC owned properties may be subject to dismissal.

**FIVE STAR INTERLOCAL COOPERATIVE
BOARD OF DIRECTORS POLICY**

Section IV – Personnel (General)

Adopted: September 9, 2003

Revised: March 7, 2012

Revised: February 6, 2013

Revised: November 6, 2013

CRIMINAL RECORDS SEARCHES

FSILC will obtain the results of a national criminal history record check (“record check”), as defined by OKLA. STAT. tit. 74, §150.9, of every prospective employee and conduct an annual search of the Oklahoma Sex Offender and Mary Rippe Violent Crime Offender Registries with respect to all employees who offer or provide services to children, including but not limited to secondary students.

The provisions of this policy shall not apply to employees hired on a part-time or temporary basis for the instruction of adult students only.

Felony Record Search of Prospective Employees

During the first interview with each employment applicant, FSILC will advise the applicant that:

1. FSILC requires a record check of every prospective employee as a condition of employment;
2. To enable FSILC to request the search and obtain the results, the applicant must complete and sign an authorization and release form provided by FSILC;
3. FSILC will only request a felony record search if the director recommends employment of the applicant;
4. If the director recommends employment of the applicant, the applicant must pay the search fee, which will not exceed \$50;
5. FSILC will reimburse the applicant for the search fee unless the search discloses a prior felony offense conviction;
6. If the director recommends employment of the applicant, the applicant must permit himself/herself to be fingerprinted, if applicable, provide a social security number and provide any other information necessary to facilitate the felony record search; and
7. The applicant, if placed on duty prior to receipt of the felony search results, will be classified as a temporary employee until FSILC is notified that the search is clear of any felony conviction(s) within the past ten (10) years, or at any time if the conviction shows a tendency to be a danger to the health/safety of students or if the conviction

indicates a potential conflict with the duties to be performed by the applicant. All felony record searches will be made in compliance with the Federal Fair Credit Reporting Act.

If the results of the record check are not received by FSILC within sixty (60) days, if the record check reveals a prior felony offense conviction(s) within the past ten (10) years, or at any time if the conviction shows a tendency to be a danger to the health/safety of students or if the conviction indicates a potential conflict with the duties to be performed by the applicant, or if the record check reveals a false response to one or more of the questions on the authorization and release, the applicant shall be deemed to have resigned his or her employment. The director will review the facts and circumstances of each situation and decide whether to recommend the resignation be accepted. Such resignation may be accepted by the board at any time. Under these circumstances, the applicant waives any due process procedures which might be available under federal and state law and FSILC policies and procedures. The sixty (60) day temporary employment period shall begin on the first day the prospective employee reports for duty.

FSILC may waive the requirement to obtain a new records search if the applicant for a full-time teaching position has been employed as a full-time or substitute teacher in another Oklahoma school district, produces a copy of an existing national criminal history record check from within the past five (5) years, and produces an original letter from the former district stating that the employee left in good standing.

Felony Record Searches of Employees

FSILC will also request a record check of the name, fingerprints, social security number or other relevant information of any current employee if the board or director requests a search of that employee's felony record.

Felony Record Searches of Substitutes

FSILC may, in its discretion, require a national criminal history record search for substitutes of the same type and using the same standards applicable to prospective employees, or it may obtain a current records search, if available, from a district that employed the substitute in the year preceding prospective employment by FSILC. Likewise, any person seeking employment as a substitute who has been employed as a full-time teacher by a school district in the State of Oklahoma in the five (5) years immediately preceding application for employment as a substitute, is not required to obtain a national criminal history record check if the teacher produces a copy of a national criminal history record check completed within the preceding five (5) years and a letter from the school district in which the teacher was last employed stating the teacher left in good standing. Similarly, any person seeking employment as a substitute who has been employed as a full-time teacher by school district for ten (10) or more consecutive years immediately preceding application for employment as a substitute and who left full-time employment with school district in good standing is not be required to have a national criminal history record check for as long as the person remains employed as a substitute for consecutive years by the school district.

Annual Search of Sex Offender and Violent Crime Offender Registries

Pursuant to OKLA. STAT. tit. 57, § 589, FSILC shall conduct an annual name search against the Oklahoma Sex Offenders Registry and the Mary Rippy Violent Crime Offenders Registry of all employees who provide or offer services to secondary students and children.

AUTHORIZATION AND RELEASE

This Authorization and Release is executed under penalty of perjury on the ___ day of _____, 20__ by _____, an applicant for employment ("Applicant") with FSILC.

Applicant understands that FSILC's receipt of a national criminal history record check is a condition of employment with FSILC, and that the record check must reveal that the applicant has not had any felony conviction(s) within the past ten (10) years, or at any time if the conviction shows a tendency to be a danger to the health/safety of students or if the conviction indicates a potential conflict with the duties to be performed by the applicant, unless after review of the facts and circumstances of each situation the administration decides to recommend employment. Because Applicant desires employment with FSILC, Applicant authorizes FSILC to request and obtain the results of a national felony record search of Applicant's name, fingerprints, if applicable, social security number and any other lawful means of obtaining such results. Applicant hereby releases Applicant's record check results to FSILC. Applicant also releases FSILC of any and all liability relating to its request for, receipt and use of the search results.

APPLICANT ACKNOWLEDGES THAT APPLICANT HAS BEEN FURNISHED AND UNDERSTANDS ALL OF THE REQUIREMENTS OF FSILC'S FELONY RECORD CHECK POLICY AND AGREES TO BE BOUND BY ALL OF ITS TERMS AND CONDITIONS.

Applicant also agrees to truthfully answer the following questions:

Have you ever:

	Yes	No
Entered a plea of guilty or nolo contendere to a state (any state) or federal felony charge? (This question includes non-sealed criminal records involving a "deferred sentence" or "deferred judgment.")		
Been convicted of a state (any state) or federal felony offense?		
Been charged with a state (any state) or federal felony offense which was reduced to a misdemeanor offense to which you entered a plea of guilty or nolo contendere? (This question includes non-sealed criminal records involving a "deferred sentence" or "deferred judgment.")		
Entered a plea of guilty or nolo contendere to, or been convicted of, a state (any state) or federal misdemeanor charge involving illegal chemical substances or illegal sexual activity? (This question includes non-sealed criminal records involving a "deferred sentence" or "deferred judgment.")		
Entered into a deferred prosecution agreement with a state (any state) or federal prosecutor?		

Applicant understands that if Applicant is hired by FSILC prior to receipt of the results of the national criminal history record check, Applicant will be classified as a temporary employee

[FOR CURRENT EMPLOYEES]
AUTHORIZATION AND RELEASE

This Authorization and Release is executed under penalty of perjury on the ___ day of _____, 20___ by _____ an employee ("Employee") with FSILC.

Employee understands that FSILC's receipt of a clear national criminal history record check has been requested by the director and/or board. Employee hereby releases his/her felony record check results of his/her name, fingerprints, social security number and any other lawful means of obtaining such results to FSILC. Employee also releases FSILC of any and all liability relating to its request for, receipt and use of the search results.

Employee acknowledges that he/she has been furnished and understands all of the requirements of FSILC's Felony Record Search Policy and agrees to be bound by all of its terms and conditions.

Employee also agrees to truthfully answer the following questions and to promptly report to the director any change in Employee's criminal history occurring after the answers to questions below are made:

Have you ever:

	Yes	No
Entered a plea of guilty or nolo contendere to a state (any state) or federal felony charge? (This question includes non-sealed criminal records involving a "deferred sentence" or "deferred judgment.")		
Been convicted of a state (any state) or federal felony offense?		
Been charged with a state (any state) or federal felony offense which was reduced to a misdemeanor offense to which you entered a plea of guilty or nolo contendere? (This question includes non-sealed criminal records involving a "deferred sentence" or "deferred judgment.")		
Entered a plea of guilty or nolo contendere to, or been convicted of, a state (any state) or federal misdemeanor charge involving illegal chemical substances or illegal sexual activity? (This question includes non-sealed criminal records involving a "deferred sentence" or "deferred judgment.")		
Entered into a deferred prosecution agreement with a state (any state) or federal prosecutor?		

Employee understands that if the felony record search reveals a prior felony offense conviction(s) within the past ten (10) years, or at any time if the conviction shows a tendency to be a danger to the health/safety of students or if the conviction indicates a potential conflict with the duties to be performed by the applicant, or if Employee has provided a false response to one or more of the above questions, then Employee's employment by FSILC will be reviewed to determine whether there is a basis for non-reemployment or

**ASSAULT AND BATTERY
INVOLVING FSILC EMPLOYEES**

Any Five Star Interlocal Cooperative (FSILC) employee upon whom an assault, battery, assault and battery, aggravated battery or aggravated assault and battery is committed while in the performance of any duties as a school employee shall immediately notify either FSILC executive director, a building administrator or a member of a Safe School Committee at his or her assigned school site. The building administrator or member of the Safe School Committee shall immediately notify FSILC executive director of the incident. If FSILC employee seeks emergency medical treatment as a result of the incident, the employee may make the report after obtaining such treatment or through a designee. All such reports must state the name of the person who committed the offense, the person upon whom the offense was committed, the nature, context and extent of the offense, the date(s) and time(s) of the offense and any other information necessary to a full report and investigation of the matter. The report may be made orally or in writing. FSILC executive director or his or her designee will deliver a copy of this policy to FSILC employee upon receipt of the report. FSILC executive director or designee will investigate the incident and take appropriate action based upon the results of that investigation. FSILC employee must cooperate in the investigation.

FSILC executive director will notify the State Department of Education in writing of all such incidents for the previous year on July 1 of each year or the first business day thereafter if July 1 falls on a weekend or legal holiday. FSILC executive director's report must include a description of the incident and the final disposition of the incident. FSILC will also refer appropriate incidents to law enforcement for investigation and prosecution and will encourage employees to do so, as appropriate. FSILC decision to report or not to report a particular incident to law enforcement does not preclude FSILC employee from making a report to law enforcement. To the extent permitted by law, FSILC will share information and cooperate with law enforcement in the conduct of its investigation and in any subsequent prosecution.

No FSILC employee will be subject to any civil liability for any statement, report or action taken in reporting or assisting in reporting a battery or assault and battery committed upon FSILC employee while in the performance of any duties unless such report or assistance was made in bad faith or with malicious purpose.

For purposes of this policy, an "FSILC employee" means a teacher, administrator, or any duly appointed person employed by FSILC or employees of a firm contracting with FSILC for any purpose, including any personnel not directly related to the teaching process and board of directors' members during board meetings.

For purposes of this policy, the terms "assault," "battery" and "aggravated assault and battery" are defined as follows: An "assault" means any willful and unlawful attempt or offer

with force or violence to do a corporal hurt to another. A “battery” is any willful and unlawful use of force or violence upon the person of another. An “assault and battery” becomes “aggravated” when committed under any of the following circumstances: (1) when great bodily injury is inflicted upon the person assaulted; or (2) when committed by a person of robust health or strength upon one who is aged, decrepit or incapacitated, as defined by law.

ACCIDENTS

- A. In the case of an accident that results in injury to an employee, it must be reported in writing to the supervisor or FSILC executive director immediately.
- B. If the administrator so directs, the employee will report to a doctor or emergency room for medical care.
- C. In the event of an employee injury requiring medical attention, the employee must present a release to return to work from the treating physician. The release to work must be given to FSILC executive director before the employee reports to his/her workstation.
- D. The return to work release will be forwarded to FSILC executive director and become part of the employee's personnel file.

TELEPHONE CALLS

Business Calls

Telephones are provided to conduct school district and FSILC business. When an employee makes a long distance call, it shall be recorded in the telephone log when requested by their supervisor or executive director. All information surrounding the purpose of the call is to be fully completed. Violations will result in disciplinary action.

Personal Calls

Telephone calls take time and tie up telephone lines. Telephone calls may occasionally be needed to conduct personal or family business, but these should be limited both in number and length of time. Unnecessary calls should be avoided during work hours. When long distance is necessary, charges are not to be billed to FSILC or a member school district. Violations will result in disciplinary action.

Cell Phones

FSILC issues cellular phones for business use to certain employees to enable them to more efficiently perform their duties. Employees are to use the cell phones to conduct school business. Although the board discourages personal use of the cell phones it issues, it recognizes that the phones may be used occasionally for personal reasons when no other source is available. However, the board prohibits the use of FSILC-issued cell phones for employees to conduct outside consulting or business enterprises. Any personal use should be minimal and must be reimbursed to FSILC as stated below.

When an employee is issued a cell phone, he or she will be advised of any additional rules or procedures governing its use and the specific dollar amount equivalent to monthly minutes of use the board will reimburse the employee. If the employee incurs a monthly expense greater than that specific dollar amount, the employee will be personally responsible for the excess amount. Likewise, the employee must promptly reimburse FSILC for any personal use of its cellular phone in excess of ten (10) minutes per month.

RECORDS

All employees of FSILC are required to maintain current and correct records of personal information with the business office. All employees are required to promptly furnish a correct address, phone number, number of dependents, and any special tax deduction instructions.

Forwarding addresses should be left with the business office upon separation from FSILC. This address will be used for the mailing of appropriated records and forms such as the Internal Revenue Service W-2 forms.

CAMPAIGN ACTIVITIES DURING REGULAR SCHOOL DAY

The board of directors recognizes and supports the right of its employees to be involved in political activities and to campaign for candidates and issues of personal choice. However, the exercise of this right must not interfere with the educational process—the delivery of educational services to the students of the Five Star Interlocal Cooperative (FSILC) member FSILCs schools. Campaign activities should not be conducted by employees on scheduled duty time and employees who are on duty should both be distracted from their duties by campaign activities conducted by employees who are not on duty. The board has determined that the following standards are necessary to prevent such disruptions and to ensure that employees are properly performing their duties during the school day.

1. Employees may not engage in campaign activities during scheduled duty time.
2. “Campaign activities” include lobbying other employees for their support or contributions, circulating petitions, distributing literature, and planning or preparing for such activities, whether done individually or with other employees and any of which is done in regard to national, state, or local elections for offices or on referenda questions, including school board, mileage levy, and bond issue elections, or in regard to elections for recognition or de-certification of any employees’ organization or for officers of any such organizations.
3. “Scheduled duty time” means all times at which the employee is scheduled to engage in activities to fulfill his/her obligations under the employment contract, including but not limited to classroom instruction, lesson preparation, parent- teacher conferences, supervision of halls, classes, playgrounds, lunchrooms, or other areas, or of extracurricular activities; or in the case of non-professional staff, their assigned duties in the administrative, food service, transportation, maintenance, or other non-educational support areas.
4. Campaign activities may be conducted outside of employees’ scheduled duty time only in those areas of the facilities which are set aside for employee’s use (during other than scheduled duty times).
5. Employees may not direct campaign activities toward other employees who are performing scheduled duties.
6. The use of threats, coercion, or intimidation in campaign activities directed at other employees is prohibited and constitutes grounds for immediate disciplinary action, including dismissal.

7. School bulletin boards and mailboxes may not be used to post or distribute campaign materials.
8. Campaign materials may not be posted on FSILC or school property.
9. Violation of this policy by an employee is grounds for disciplinary action, including but not limited to dismissal.

Legal references: OKLA. STAT. 70-5-113
OKLA. STAT. 70-5-113-1
OKLA. STAT. 84-217 through 84-221

EMPLOYMENT OF FAMILY MEMBERS

The board of directors concurs with and supports the public policy stated in OKLA. STAT., tit. 70, §§ 5-113 and 5-113.1 limiting the employment of individuals related to members of the board of directors.

Therefore, the board has determined that it is in the best interest of FSILC to adopt the following employment regulations:

1. “Family members” means individuals related within the second degree by consanguinity or affinity. Degrees of relationship shall be determined as provided by Oklahoma Statutes, Title 84, Sections 217-221.
2. FSILC shall not employ in a certified or support position any family member of a board member of FSILC.
3. Certified/degreed individuals who are family members shall not be employed for assignment in the same building as the supervising family member.
4. Non-certified individuals who are family members shall not be employed for assignment in the same school unless for different support departments.
5. Current employees who are family members and whose work assignments do not conform to these regulations may be reassigned as may be considered feasible by the administration. No current employee will be terminated because of such nonconformity with these regulations or because reassignment was not feasible.

Legal references: OKLA. STAT. tit. 70, § 5-113
OKLA. STAT. tit. 70, § 5-113.1
OKLA. STAT. tit. 84, §§ 217-221

ELECTRONIC POLICY BOOKS AND DIRECTIVES

In order that pertinent board policies, regulations, and FSILC rules and procedures may be known by all staff members and students affected by them, FSILC executive director is granted authority to publish and issue an electronic policy book that can be found on FSILC's webpage.

It is essential that the contents of all policy books conform to FSILC policies and regulations; it is also important that all policy books bearing the name of FSILC be of a quality that reflects credit on FSILC. Therefore, the board expects all policy books to be approved prior to publication by the board and/or FSILC executive director.

The board will review and approve FSILC and policy books in order that the contents may be accorded legal status of board approved policy and regulation. FSILC executive director will use his/her judgment as to whether other specific policy books need board approval; however, all policy books published are to be made available to the board for informational purposes.

INVENTORY AND DISPOSAL OF FSILC PROPERTY

An inventory shall be maintained by the FSILC inventory clerk. The executive director will review the inventory yearly.

As long as two or more of the current FSILC member schools continue as members, FSILC property shall not be liquidated or otherwise distributed. Two or more contracting schools are defined as an interlocal. If current active member schools agree to totally disband, an equal distribution of property will be conducted. If a contracting school member decides to withdraw at any time, the withdrawing school will not be entitled to any property or equipment.

**CHILD ABUSE, NEGLECT AND EXPLOITATION:
REPORTING AND INVESTIGATION**

Introduction

FSILC employees have a legal obligation under Oklahoma law to report child abuse, neglect and exploitation to the Oklahoma Department of Human Services. In addition, FSILC employees have an obligation to report abuse or neglect affecting students to principals or other school officials to ensure the student's safety and welfare while at school or participating in school activities. Although there are no DHS reporting requirements regarding students who are 18 or older, any employee who suspects that an adult student is being mistreated should notify the site principal and the executive director. The purpose of this policy is to provide directives and guidelines to assist FSILC employees in fulfilling their legal responsibility.

Definitions

Certain terms used in this policy have the following definitions:

"Abuse and neglect" means harm or threatened harm through action or inaction to a child's health or welfare, including non-accidental physical pain or injury, or mental injury or anguish, sexual abuse, sexual exploitation, or negligent treatment or maltreatment, including but not limited to the failure or omission to provide adequate food, clothing, shelter or medical care or protection from harm or threatened harm, by a person responsible for the child's health or welfare.

A "person responsible for a child's health or welfare" includes a parent, a legal guardian, a custodian, a foster parent, a person 18 years of age or older with whom the child's parent cohabitates or any other adult residing in the home of the child, an agent or employee of a public or private residential home, institution or facility, or an owner, operator or employee of a child care facility as defined by Title 10, Section 402 of the Oklahoma Statutes.

"Sexual abuse" includes but is not limited to rape, incest and lewd or indecent acts or proposals, as defined by law. "Sexual exploitation" includes but is not limited to allowing, permitting or encouraging a child to engage in prostitution, as defined by law, or allowing, permitting, encouraging or engaging in the lewd, obscene or pornographic photographing, filming or depicting of a child in those acts as defined by state law.

"Exploitation" means an unjust or improper use of the resources of a child for the profit or advantage, pecuniary or otherwise, of a person other than the child, through the use of undue influence, coercion, harassment, duress, deception, false representation or false pretenses.

“Parent” refers to parents, guardians or others who have legal responsibilities for specific children.

Reporting Suspected Child Abuse, Neglect Or Exploitation

Any FSILC employee having reasonable cause to believe that a student under the age of 18 years is suffering from abuse, neglect or exploitation shall immediately report this matter to DHS through the hotline designated for this purpose (1-800-522-3511). The employee should then provide notice to the school principal or other school official and the executive director that a report was made, the name of the child, circumstances surrounding the report and the confirmation number provided by the hotline representative.

Neither the board of directors nor any employee will discharge or in any manner discriminate or retaliate against the person who in good faith provides such reports or information, testifies, or is about to testify in any proceeding involving child abuse, neglect or exploitation, provided that the person did not perpetrate or inflict the abuse, neglect or exploitation.

After a report is made to DHS via the hotline, the reporting party will prepare a written report which contains the confirmation number of the report, the date and time of the telephone contact, the name of the person to whom FSILC employee made the oral report, the names and addresses of the child, the parents, and any other responsible persons, the child's age, the nature and extent of injuries, any previous incidents, and any other helpful information. A copy of this report will be furnished to the principal or, if the reporter believes the principal is not an appropriate individual, to the executive director. The employee will also provide a copy to the executive director.

Information Concerning Child Abuse, Neglect Or Exploitation

FSILC relies on individual school districts to report any DHS confirmed reports of sexual abuse or severe physical abuse concerning the child to any subsequent school in which the child enrolls.

All information or documents generated or received by FSILC in regard to the matter are confidential and shall not be disclosed except to school officials, investigators of DHS, FSILC's attorneys, the county district attorney's office, a subsequent district in which the child enrolls, a person designated to assist in the treatment of or with services provided to the child or other state or federal officials in connection with the performance of their official duties. The information or documents shall be maintained and transmitted by FSILC in the same manner as special education records. Such records shall be destroyed when the child reaches the age of 18.

Investigating Child Abuse, Neglect Or Exploitation

FSILC will follow individual school policies regarding student interviews during the investigation of reports of abuse.

Reports to Principal or Other School Officials

Suspected instances of child abuse or neglect, whether the result of circumstances at home, school or at other locations, affects the child while he or she is in the care and custody of the school. Consequently, employees are required to report any suspicion of child abuse or neglect by any individual, whether the identity is known or unknown, to the principal or other school official and the executive director. This reporting obligation exists in all instances, including circumstances suggestive of child abuse at school or connected with school activities. Accordingly, this policy includes an obligation to notify the principal or other school official, if for any reason the employee has a reasonable belief that the principal should not be notified, in any instance involving suspected abuse or neglect of a student. The executive director must also be notified.

Immunity for Good Faith Reports

Oklahoma law provides that any FSILC employee who in good faith and exercising due care makes a report to DHS or another appropriate law enforcement office, allows access to a child by persons authorized to investigate a report concerning the child or participates in any judicial proceeding resulting from a report, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed.

COOPERATION WITH COMMUNITY AGENCIES

It shall be the policy of the board of directors and Five Star Interlocal Cooperative (FSILC) personnel to cooperate with community groups and agencies. FSILC is interested in all community work which enhances the cause of education.

STATE AND FEDERAL PROGRAMS ADMINISTRATION

FSILC may operate many specially funded programs which must be administered in accordance with particular federal and/or state laws and conditions of the grants.

The board of directors, through its approval of such programs and acceptance of funds, is ultimately responsible for them even though many of the regulations which govern them are established by another agency.

The executive director is charged with the responsibility for coordinating funded projects, for administration of grants, and for ensuring that the various departments which operate these programs do so within the guidelines pertaining to the particular program.

PARENTAL RIGHTS TO INSPECT INSTRUCTIONAL MATERIAL

It is the policy of FSILC that all instructional materials, including teachers' manuals, films, tapes, or other supplementary instructional material which will be used in connection with FSILC school's curriculum shall be available for inspection by the parents or guardians of any student enrolled in any class or course; provided, however, teacher lesson plans and tests are confidential records under the Oklahoma Open Records Act.

Review of such materials will be at a time mutually convenient to the teacher involved and the parent or guardian.

A complaint by any parent concerning the parent's inability to inspect any instructional material shall first be addressed to the principal of the school where the parent's child attends. Any parental concern with regard to the parent's inability to inspect instructional material, which is not resolved by the principal, may be addressed to the executive director, who shall be the final authority in the matter.

Establishing a curriculum and determining to include or remove particular materials within the curriculum are the legal responsibilities of the board of education, subject to statutory and State Board of Education guidelines. Nothing in this policy is intended to grant or require prior parental approval or control of materials or parental control, approval, or review of teaching techniques or methods.

A copy of this policy will be made available to all certified personnel of FSILC immediately after it becomes effective, and a copy of this policy shall be furnished to any parent of any student when requested in writing and without charge.

WORKING HOURS

School Personnel

FSILC employees assigned to an individual school site must be at their work stations at the time specified by the school site. These employees must follow the schedule and calendar set by the individual school.

Administrative Personnel

FSILC employees who perform an administrative function (e.g., executive director, Medicaid coordinator, office manager, business manager, etc.) are expected work from 8:00 a.m. – 4:30 p.m. Monday through Friday. Administrative employees will receive a 30 minute daily lunch break.

Summer Hours

All 11 and 12 month employees who have completed one full year of employment with FSILC may use flexible hours between June 1 and July 31. Flex hours will be determined annually by the executive director.

DRESS CODE

Students and staff are greatly affected by the character, attitude, and manner of their teachers and Supervisors. Therefore, it is urged that teachers, directors, and other staff conduct themselves in a becoming manner, demonstrate wholesome and positive attitudes, and dress appropriately.

Sport clothing will not be allowed. Clothing not considered permissible attire while on the job includes: blue jeans, tee shirts, and shorts. Shirts and blouses will be of sufficient length not to expose the midriff portion of the body. Exceptions may be made for “Spirit Days” or specific special days defined by the local FSILCs to wear blue jeans. Jeans should be clean, without holes and should be worn with professional looking shirt, sweater, jacket, etc. Shoes should maintain a high quality appearance.

FSILC staff will wear hair clean and well groomed. Extreme hair styles that disrupt the educational process will not be permitted. Beards and mustaches will be permitted but must be clean and well trimmed.

FSILC staff assigned to or visiting a member FSILC(s) should adhere to FSILC dress code, and also comply with any restrictions noted in the member FSILC’s policy.

If situations arise that are not specifically covered in this code, the administrator in charge will interpret the situation and make the final ruling until such time that the policy is revised to cover that situation.

Office staff in administration building are permitted to wear summer casual attire during summer. Administration will announce dates to begin/end summer wear.

SICK LEAVE BANK

The board will establish and maintain a sick leave bank (“bank”) for FSILC personnel.

The bank is an extension of the sick leave policy. It covers sick leave beyond accumulated sick leave and for certified personnel, the twenty (20) days minus certified substitute pay that is provided by OKLA. STAT. tit. 70 § 6-104.5.

Participation

Any employee is eligible to participate on a voluntary basis. The bank may be used only when the employee is unable to return to work because of personal debilitating or catastrophic illness, complications due to pregnancy, or debilitating or catastrophic illness of spouse or child. The bank may not be used for maternity leave.

Assessment

Each employee will be assessed one (1) day of his/her sick leave for three (3) consecutive years upon his/her initial enrollment in the bank. Assessment of one (1) day per year of a member’s sick leave will continue until the bank has accumulated a minimum of one hundred fifty days (150) days. No more days will be added except by new enrollees, until the bank is depleted to below one hundred fifty (150) days. Additions will be made to the bank at the beginning of each school year according to the above limitations. After the first year, new enrollees will be assessed one (1) day per year for three (3) consecutive years regardless of the amount of days in the bank. No more days will be added from new enrollees until the bank falls below one hundred fifty (150) days.

Enrollment

Enrollment will be September 1 of each school year. No one may join at any other time of the year unless employed into the system after the first day of school.

Membership Withdrawal

A person withdrawing from membership in the bank will not be able to withdraw any contributed days, and will have to reapply as a new member at the beginning of a new school year.

Eligibility

Only those employees enrolled in the bank for at least one (1) year are eligible to withdraw sick leave days. Days may be withdrawn only after the member’s own accumulated sick

leave days and for certified personnel, the twenty (20) days minus a certified substitute's pay are used.

Requests

Requests for sick leave benefits shall be made in writing to the Sick Leave Bank Committee ("committee") and accompanied by a doctor's statement of the member's inability to perform their required duties.

Committee

The committee shall be comprised of one (1) employee representative who is a contributor to the bank, the executive director, and one (1) board member. After committee consideration, recommendations will be submitted to the board of directors for action.

Usage

The days available in the bank to any employee will be twenty (20) days per school year. Each employee case shall terminate at the close of the school year.

Conditions

No more than one hundred (100) days may be used by any employee during their entire employment.

If an employee is receiving compensation from the Workers' Compensation Insurance Fund, he/she will not be eligible to receive days from the bank for the same period of time.

Decisions of the committee with respect to eligibility for bank days shall be final and not grievable.

The committee has the authority to grant exceptions in any and all situations.

**UNUSED SICK LEAVE
(Over 60 Current Year Days)**

It is the policy of the board of directors to encourage and reward personnel who exercise particular care in the maintenance of their personal health and job attendance.

In accordance with OKLA. STAT. tit. 70 § 6-104, employees may accumulate sick leave days up to a maximum of sixty (60) days as prescribed by board policy.

In accordance with OKLA. STAT. tit. 70 § 17-116, the total creditable service of a member who retires or terminates employment and elects a vested benefit shall include not to exceed sixty (60) days of unused sick leave accumulated subsequent to August 1, 1959, during the member's membership with the Teacher's Retirement System.

To clarify the difference between the two types of statutory sick leave days, the board has established a sick leave bank for the purpose of accounting for unused sick leave days which may be used for retirement purposes subject to the approval of the Teacher's Retirement System of Oklahoma. The term "unused sick leave days" is defined as those sick leave days for which an employee does not receive credit after the maximum of sixty (60) days of sick leave has been accumulated. Unused sick leave days shall be deposited in the sick leave bank.

Upon retirement, accumulated sick leave days and unused sick leave days in the sick leave bank may be certified to the Teacher's Retirement System of Oklahoma to add creditable service for retirement purposes at a rate of one month of credit for each twenty (20) days of accumulated sick leave up to a total of one hundred twenty (120) days. However, the board of directors shall not certify more than one day of unused sick leave in the retirement bank per each day of accumulated sick leave for the purpose of adding creditable service for retirement purposes.

The maximum sixty (60) days of unused sick leave in the sick leave bank and sixty (60) days of accumulated sick leave may be counted as an additional year of creditable service toward retirement by the Teacher's Retirement System of Oklahoma provided that the total number of sick leave days are acceptable to the Teacher's Retirement System.

Unused sick leave days may be used only to extend creditable service at retirement and for no other purpose. No employee may contribute unused sick days to another employee.

The board will maintain records for the purpose of assisting each employee to account for unused sick leave days for retirement purposes. The board will account for and certify unused sick leave days for each year for which an employee has exceeded sixty (60) days of accumulated sick leave. This provision will apply to employees who have participated in the

Teacher's Retirement System subsequent to August 1, 1959, and who have accumulated the maximum of sixty (60) days of sick leave.

Legal references: OKLA. STAT. tit. 70, § 6-104
OKLA. STAT. tit. 70, § 17-116-2

**FIVE STAR INTERLOCAL COOPERATIVE
BOARD OF DIRECTORS POLICY**

Section IV – Personnel (General)

Adopted: September 9, 2003

Revised: March 7, 2012

Revised: November 6, 2013

FAMILY AND MEDICAL LEAVE

FSILC will comply fully with the requirements of the Family and Medical Leave Act of 1993 (FMLA) and all its related revisions, including the National Defense Authorization Act (NDAA), collectively referred to in this policy as “FMLA.” FSILC is a covered employer and, accordingly, will provide up to 12 weeks of unpaid leave to eligible employees. This leave must run concurrently with any paid leave the eligible employee has available. Eligible employees may also be entitled to 14 additional weeks of leave (26 weeks total) for servicemember family leave.

Any employee utilizing FMLA leave is required to cooperate in matters of scheduling, providing prompt notice of the need to use leave and availability for return to work, completing paperwork, etc.

This policy is not intended to create any leave obligations for FSILC in addition to those provided under the FMLA. In the event any conflict exists between this policy and the FMLA, the FMLA will be the final authority.

Definitions

- “Eligible employees” are those employees who:
 - have been employed for at least one year by FSILC; and
 - worked at least 1,250 hours during the previous 12 month period; and
 - have requested leave for a reason covered by the FMLA; and
 - there are at least 50 employees within a 75 mile radius.

Full-time instructional employees are deemed to have met the 1,250 hours of employment requirement if they worked full time during the prior year.

- A “child” means a biological, adopted, foster or step child, a legal ward, an individual with an in loco parentis relationship with the employee or military member, and adult children who are physically or mentally incapable of self-care.
- A “serious health condition” is one which requires either in-patient care or continuing treatment by a health care provider. This includes conditions or illnesses affecting health to the extent that in-patient care is required, or absences are necessary on a recurring basis or for more than just a few days. A “serious health

condition" does not include short-term conditions for which treatment and recovery are very brief as such conditions would normally be covered by FSILC's sick leave policies.

- A "year" means a rolling 12-month period measured backward from the date an employee uses any leave.
- A "week" means 5 business days.
- A "covered military member" (for purposes of active duty leave) is an individual serving in the Regular Armed Forces or the National Guard and Reserves and who has been called to active duty. Veterans receiving treatment or therapy, or those who are recuperating and were discharged or released for any reason other than dishonorable discharge within the 5 years preceding the employee's request for leave are also included in this definition.
- A "covered military member" (for purposes of servicemember family leave) is an individual serving in the Regular Armed Forces or the National Guard and Reserves who is undergoing treatment or therapy for a serious injury or illness incurred or exacerbated while on active duty.
- A "serious injury or illness" is an injury or illness incurred (or exacerbated) by the servicemember in the line of duty in the Armed Forces or National Guard and Reserves which:
 - may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; or
 - resulted in the member receiving a VA Service Related Disability Rating of 50% or more; or
 - substantially impairs the veterans' ability to be gainful employed; or
 - resulted in the member's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Reasons for Leave

All eligible employees who meet FMLA requirements may be granted leave as provided in this policy and required by law for the following reasons:

1. for the birth of a child and to care for such child, or placement for adoption or foster care of a child;
 - If both parents are employed by FSILC, the combined amount of FMLA leave cannot exceed 12 weeks
2. to care for a spouse, child or parent with a serious health condition;

3. for a serious health condition of the employee that makes the employee unable to perform his or her job functions;
4. for covered active duty leave with one or more of the following exigencies:
 - Short-notice deployment: employees can take up to 7 calendar days leave to address issues that arise from servicemembers' call or order to active duty seven calendar days or less prior to the date of deployment;
 - Military events and related activities: employees can take leave to attend official ceremonies, programs, or events sponsored by the military that are related to servicemembers' active duty or call to active duty or attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to servicemembers' active duty or call to active duty;
 - Childcare and school activities: employees can take leave to arrange alternative childcare, provide childcare on an urgent, immediate need (but not everyday) basis, enroll in or transfer a child to a new school or day care facility, or attend meetings with school or day care staff (such as parent-teacher conferences) due to servicemembers' active duty or call to active duty;
 - Financial and legal arrangements: employees can take leave to make or update financial or legal arrangements to address servicemembers' absence while on active duty or call to active duty, such as executing powers of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System, or obtaining military identification cards and to act as the servicemembers' representative before governmental agencies to obtain, arrange, or appeal military service benefits while servicemembers are on active duty or called to active duty and for 90 days following termination of active duty status;
 - Counseling: employees can take leave to attend counseling that is provided by someone other than a healthcare provider for servicemembers or their children for needs arising from servicemembers' active duty or call to active duty;
 - Rest and recuperation: employees can take up to 15 days leave to spend time with servicemembers on short-term, temporary rest and recuperation leave during a period of deployment;
 - Post-deployment activities: employees can take leave to attend arrival ceremonies, reintegration briefings and events and other official ceremony or program sponsored by the military that occurs within 90 days following termination of servicemembers' active duty status or to address issues arising from servicemembers' death while on active

duty, including meeting and recovering the body and making funeral arrangements; and

- Additional activities: employees can take leave to address any other events that arise from servicemembers' active duty or call to active duty when FSILC and employee agree that such leave qualifies as an exigency and agree upon the timing and duration of the leave.
5. for servicemember family caregiver leave, provided that the leave (when combined with other forms of FMLA leave) does not exceed 26 workweeks during a 12-month period;
 6. for parental care leave to care for (including making arrangements for care, patient transfer and meetings with staff at a care facility) a parent-in-law who is unable to care for him/herself while the servicemember is on active duty.

Application for Leave

Employees who wish to utilize FMLA leave must submit an application for leave (with all required supporting documentation) on the forms available through the director's office (FSILC will utilize all required forms as provided by the US Department of Labor. The forms are available at <http://www.dol.gov/whd/fmla/index.htm#Forms>). FSILC requests that, when practical, FMLA requests be submitted at least 30 days prior to the use of the leave. In emergency circumstances, FSILC may provisionally place an employee on FMLA leave if conditions appear to warrant such action. The employee is ultimately responsible for completing the necessary paperwork to finalize the use of FMLA leave at least 15 days in advance.

Medical Documentation (for Leave Related to a Serious Medical Condition)

In addition to all medical documentation required pursuant to the FMLA, FSILC may, in its sole discretion and at its own expense, require a second opinion related to the need for FMLA leave. If the first and second opinions differ regarding the need for FMLA leave, FSILC and the employee shall mutually agree upon a provider to conduct a third opinion of the employee's need for leave. The cost of this third opinion will be paid for by the employer.

FSILC may also require supplemental certifications of the employee's continuing need for leave. These certifications may not be more than one time per month unless the employee requests an extension of leave, changes circumstances regarding the illness or injury, or FSILC receives information that casts doubt on the validity of an existing certification.

In the event an employee wishes to request an extension of leave, such request must be promptly submitted to his/her supervisor with supporting documentation from the health care provider regarding the reason for the extension. The extension is only available as long as the employee does not exceed the maximum leave permitted by the FMLA.

Intermittent Leave Or Leave On A Reduced Leave Schedule

Eligible employees may request to use their available leave on an intermittent basis by following the same application and certification process as described above and under the following conditions:

- intermittent leave in connection with the arrival of a new child must be approved by FSILC;
- employees must coordinate the intermittent leave with their supervisor to attempt to reduce the negative impact of the leave on school operations;
- FSILC reserves the right to transfer the employee to a position better suited to intermittent leave;
- if an instructional employee will be absent more than 20% of the total working days in the period in which the leave will be used, FSILC may require the employee to either:
 - take leave for a "particular duration" or time which is not greater than the duration of the planned treatment, or
 - be transferred to an alternative position.

Leave Taken Near the End of an Academic Term

If an instructional employee begins any type of covered leave more than 5 weeks before the end of a semester, and if the leave will last at least 3 weeks and the employee would otherwise return to work during the 3 weeks before the end of the semester, FSILC may require the employee to continue taking leave until the end of the semester.

If an instructional employee takes leave (for a reason other than the employee's own serious health condition) which commences during the 5 weeks before the end of the semester, and if the leave will last more than 2 weeks and the employee would otherwise return to work during the last 2 weeks of the semester, FSILC may require the employee to continue taking leave until the end of the semester.

If an instructional employee takes leave (for a reason other than the employee's own serious health condition) which begins during the last 3 weeks of the semester, and if the leave will last more than 5 working days, FSILC may require the employee to take leave until the end of the semester.

The Effect of Leave on Benefits

During a period of FMLA leave, an employee will be retained on FSILC's medical insurance plan under the same conditions that applied before leave began, including making any payments the employee previously made. An employee's failure to timely pay his/her share of the medical premium may result in loss of coverage. The employee is required to pay all of the premiums for any other type of insurance coverage which may exist.

If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse FSILC for payment of health insurance premiums during the FMLA leave, unless the reason for the failure to return to work are due to circumstances beyond the employee's control.

Employees do not accrue or lose any seniority or employment benefits during a period of FMLA leave.

Return to Work

Employees must update their supervisor regarding the intent to return to work, including providing all necessary releases and paperwork, at least 5 business days in advance of the expected return date.

Although FSILC cannot guarantee that an employee will be returned to his/her original position, employees will generally be restored to an equivalent position and employment conditions upon return from FMLA leave. Highly compensated employees are those individuals who are salaried and are among the highest paid 10% of the employees employed within 75 miles of the employee's worksite. A highly compensated employee may not be returned to work if it is necessary to prevent substantial and grievous economic injury to the operations of FSILC. FSILC will make all determinations regarding job duties upon an employee's return from FMLA leave.

Failure to Return from Leave

Employees who fail to return to work when scheduled (absent an approved extension) are subject to immediate termination for cause, subject to applicable due process hearing rights.

LEAVE

Absences

- A. Regular job attendance is expected of every employee. An employee who is unable to report to work is expected to notify the Five Star Interlocal Cooperative (FSILC) office, the school assigned to on that particular day and his/her supervisor as soon as possible so that temporary replacements and work schedules may be arranged accordingly. Each employee will be given specific instructions pertaining to the place and time to call in reporting work absences.
- B. An unauthorized absence from the job during regular work hours, including absences for a portion of the work day, may be without pay and may be grounds for dismissal.

Sick Leave

- I. Certified Employees
 - A. Each Full-time Certified & Degreed BS/MS employee (i.e. administrator, coordinators, itinerant teachers, etc.) is allowed sick leave cumulative to a maximum of sixty (60) days, credited at the rate of ten (10) days (for ten (10) month employees) or twelve (12) days (for twelve (12) month employees) per year beginning the first day of the contract period. Employees may use sick leave for personal accidental injury, illness or pregnancy or accidental injury or illness of members of their immediate family. Provisions of Oklahoma law will be followed if contrary to board policies. Sick leave may be used to attend funerals of immediate family (up to three days).
 - B. If, after exhausting all sick leave, a teacher is absent from his or her duties due to personal accidental injury, illness or pregnancy, the teacher shall receive for a period of not to exceed twenty (20) days his or her full contract salary less the amount:
 - 1. actually paid a certified substitute teacher for his or her position if a certified substitute teacher is hired; or
 - 2. normally paid a certified substitute teacher for his or her position if a certified substitute teacher is not hired.
 - C. The executive director may require certification of illness by a medical doctor, or other bona fide evidence of illness before honoring sick leave. Any attempt by an employee to take unfair advantage of sick leave may constitute grounds for dismissal.

- D. Each certified and degreed employee who is absent any portion of the day may be charged with that absence in half day or full day increments.
- E. Sick leave plan can permit calculation of deductions from teacher's salary on basis of actual employment contract period, so long as contract period does not exceed 190 days. *June 28, 1977 (AG Op. No.77-186)*

II. Support Employees

- A. Each full-time support employee (i.e. secretary, business manager, clerk, paraprofessional, assistant, etc.) is allowed sick leave cumulative to a maximum of sixty (60) days, credited at the rate of ten (10) days (for ten (10) month employees) or twelve (12) days for (for twelve (12) month employees) per year beginning the first day of the contract period. Part-time employees are credited sick leave at the rate of one day per every month of employment. Employees may use sick leave for personal accidental injury, illness or pregnancy or accidental injury or illness of members of their immediate family. Provisions of Oklahoma law will be followed if contrary to board policies. Three days of sick leave may be used to attend funerals of immediate family.
- B. Support employees, after exhausting all sick leave, will have full pay deducted from contact salary.
- C. The executive director may require certification of illness by a medical doctor, or other bona fide evidence of illness before honoring sick leave. Any attempt by an employee to take unfair advantage of sick leave may constitute grounds for dismissal.
- D. Each support employee who is absent any portion of the day will be charged with that absence in half day or full day increments.

Personal Business Leave

- A. In addition to sick leave, an employee, upon request and approval by the executive director or designee, will be allowed three (3) days of personal leave with no deduction in salary.
- B. Personal business will be used for personal business that cannot be handled outside the normal work day and shall not exceed three (3) days per year. A personal business day will not be granted (except with approval of the executive director or designee) in the following cases:
 - 1. The first and last day of a contract period.
 - 2. The day before or the day immediately following an official holiday or day that classes are dismissed according to the official calendar.
 - 3. Teacher workshops during the school year.

- C. When possible, a written request for a personal business day should be submitted two (2) days prior to the day of leave.
- D. Personal business days are not cumulative from year to year.

Maternity Leave

- A. Existing sick leave policy shall prevail and employees can use their sick leave for absence relating to maternity leave. Pregnancy shall be regarded the same as any other disability. The employee's personal doctor shall recommend when the employee should leave and return to her assignment.

Military Leave

- A. When full time certified employees of FSILC are ordered by proper authority to federal active duty, FSILC shall follow current Oklahoma law in reference to loss of status, efficiency rating, and final payment of wages.
- B. The employee must submit, in writing, a request for military leave to the executive director. A copy of the official orders must be attached to the request for military leave.

Inclement Weather

- A. If an emergency travel situation exists due to snow and icy roads, the employee is expected to be at work on time unless the situation is verified and work absence is authorized by the an FSILC executive director.
- B. Whether a FSILC employee has a "snow day" depends upon whether the participating school district to which the employee is assigned closes due to ice or snow. This day will be made-up at the end of the employee's contract/school year, unless FSILC calendar for the employee's assigned school district reflects built-in snow days. This means FSILC employees will work on an assigned snow day as listed on the assigned school district's calendar.
- C. If the school district to which an employee is assigned is in session but the employee chooses to not report to work due to snow or road conditions the employee must take a personal day. If the employee is out of personal days, he/she will have a day deducted from the employee's salary. The only exception is if the employee is sick; then a sick day will apply.
- D. If an employee's school is closed, he/she must take that day off as outlined above. There is no such thing as a comp day if the employee chooses to work that particular day.

Jury Duty and Court Appearances

Full time employees of FSILC shall receive pay at the employee's current salary rate while serving as a juror or as a subpoenaed witness in a criminal, civil or juvenile proceeding.

Any compensation received for serving as a juror or witness will be reimbursed to FSILC at the completion of this service. Mileage reimbursement must be kept by FSILC employee.

Legal reference: OKLA. STAT. 70-6-104

Holidays

FSILC provides a calendar which shows all holidays and breaks which will be observed by FSILC. The calendar is annually approved by the board.

An official holiday which falls on a Saturday shall be observed the preceding Friday; officials holidays which fall on Sunday will be observed the following Monday.

Authorized holidays falling within an employee's vacation period will not count as vacation time.

Vacations

- A. Vacations are granted only to permanent full-time employees who are employed in twelve (12) month positions.
- B. Twelve month employees eligible for vacation shall earn vacation time to a maximum of ten (10) working days per year; and a maximum of twenty (20) working days per year for the executive director.
- C. All vacation time will be paid at the employee's pay rate during which time vacation is actually taken.
- D. In order to schedule personnel work assignment priorities, etc., it is necessary to schedule vacations in advance. Vacation schedules must have approval of FSILC executive director and fall within time limits as stated herein.
- E. If an authorized holiday falls within the vacation period, it will not be chargeable to the employee's vacation allowance.
- F. All employees are encouraged to apply for vacation days in lots of 5 consecutive days.
- G. All requests must be submitted 10 days prior to vacation dates.
- H. Summer hours apply to 11 or 12-month employees only.

**BENEFITS
WORKERS' COMPENSATION**

FSILC provides benefits established under the Oklahoma Workers' Compensation Act ("Act") to all FSILC employees who are injured in on-the-job accidents.

All regular employees who are injured in on-the-job accidents shall receive statutory benefits including medical expenses, temporary compensation and benefits for permanent disability or death as required by the Act.

Accrued and unused personal leave and sick leave benefits shall be paid as allowed by law to the injured employee in addition to workers' compensation benefits for temporary disability if the injured employee should so elect. Attached to this procedure is an appropriate election form which every injured employee will be given as soon as possible after an on-the-job injury. No supplemental payment shall be made until such time as the employee returns the election form to FSILC. If the election for supplemental pay is made sick leave shall be used and exhausted before personal leave unless different instructions are directed by the employee, in writing, to FSILC.

LINE AND STAFF RELATIONS

Each employee of the board, except the clerk, treasurer, auditor, and FSILC attorney will be responsible to the board through the executive director.

All personnel will refer matters requiring administrative action to the administrative coordinator/consultants immediately in charge of the area in which the problem arises. Administrative coordinator/consultants will refer such matters to the next higher authority when necessary.

All personnel will have the right to appeal any decision made by an administrative officer to the next higher authority and through appropriate successive steps to the board of directors.