



**MILWAUKEE  
PUBLIC SCHOOLS**

# EMPLOYEE HANDBOOK

**Effective ~~July 1, 2015~~**

**Dr. Darienne B. Driver, Ed.D.**  
Superintendent

**Daniel J. Chanen, J.D., M.Ed.**  
Chief Human Capital Officer

This handbook is periodically updated. You will find the most recent version on the Milwaukee Public Schools website at [www.milwaukee.k12.wi.us](http://www.milwaukee.k12.wi.us)

Updated **December 3, 2015**



**MILWAUKEE  
PUBLIC SCHOOLS**

**OFFICE OF HUMAN CAPITAL**  
5225 W. Vliet Street  
P.O. Box 2181  
Milwaukee, Wisconsin 53201-2181  
Phone: (414) 475-8115  
Fax: (414) 475-8722

December 3, 2015

Dear District Employee:

Every employee must be dedicated to improving student achievement and contributing to excellence in this organization. Everything our District does supports our efforts to improve outcomes for all of our students in order to enable them to succeed, both now and in their futures beyond graduation. The Employee Handbook provides important information about our employment practices and procedures, so that you can be a successful partner in the Milwaukee Public Schools efforts to support the success of our students and community.

This handbook provides a quick reference to the employment practices that are necessary for every employee to know. The handbook will not cover all administrative policies and procedures. The handbook is updated annually to continually meet the operational needs of the District in supporting all of its employees; to establish more effective and efficient operations with consistency across job classes, work groups, and trades; and to reframe the attention of each employee in supporting the schools and all our students. Information on employee benefits is published in a separate document available on mConnect. Specific department work rules are available from the Office of the Chief for whom an employee works.

Please read and become familiar with this information. Do not hesitate to request clarification on any district policy or procedure references in this handbook. You may direct these questions to **Employment Relations at 475-8280**. Any comments that will improve the handbook are welcome. The handbook will be updated as needed to reflect changes in procedures, legislation, or Board policy. You may contact your supervisor or other appropriate administrator on matters of work rules.

The Office of Human Capital has been organized in anticipation of questions from all employees whether or not represented.

Listed below is contact information for key services in anticipation of your questions.

Employee Rights Administration: EEO, ADA Accommodations, Unemployment Compensation, Leaves, Mediation, Workplace Conflicts	773-9876
Retirement Services: Pension, 403(b), 457 Plans	475-8730
Talent Management: Job Assignment	475-8224
Benefits and Compensation: Health, Life, Dental, Vision, EAP, Wellness	475-8217
Benefits, Compensation	
Employment Relations: Grievances, Complaints, Criminal Background Checks	475-8280

Sincerely,

Daniel J. Chanen, J.D., M.Ed.  
Chief Human Capital Officer

## Milwaukee Board of School Directors

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Darienne B. Driver, Ed.D., Superintendent of Schools

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~~Tina Flood~~ **Ruth Maegli**, ~~Interim~~ Chief Academic Officer

**Daniel J. Chanen, J.D., M.Ed.** ~~Karen R. Jackson, Ph.D.~~, Chief Human Capital Officer

~~Michelle Nate~~ **Wendell Willis**, ~~Interim~~ Chief Operations Officer

Gerald Pace, Esq. **J.D.**, Chief Financial Officer

Keith Posley, Ed.D., Chief School Administration Officer

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## INTRODUCTION

### DEFINITIONS

This Handbook shall be applicable to the following employee groups of the District:

- A. Classified Employees (non-administrators only)
- B. Administrators and Supervisors
- C. Teachers
- D. Substitute Teachers
- E. Part-Time Recreation Employees (includes seasonal laborers)
- F. Cabinet Level Employees
- G. Office of Board Governance
- H. Office of Accountability and Efficiency
- I. Psychologists
- J. Temporary Employees

These categories are more fully defined below. Throughout this Handbook, each section shall list, by alpha description (i.e., A, B, C, etc.), whether the section is applicable to each alpha group. For example, the section on Jury Duty is applicable to groups A, B, C, E, F, G, H, and I. However, the standard Grievance Procedure is only applicable to groups A, B, C, and I.

The following definitions shall apply to each below listed employee group:

Group A - Classified Employees: All non-administrator employees of the District who are members of the classified service and subject to civil service statutes (§ 63.18 to 63.51, Wis. Stats.).

Group B - Administrators: This group includes, but is not limited to, principals, assistant principals, special education supervisors, and central services administrators. Employees in this group can be either classified or certificated. Classified employees in this group are members of the classified service and subject to civil service statutes (§ 63.18 to 63.51, Wis. Stats.).

Group C - Teachers: All certificated non-administrator personnel, including, but not limited to, teachers, guidance counselors, school social workers, school nurses, librarians, speech pathologists, occupational therapists, and physical therapists.

Group D – Substitute Teachers: Substitute teachers holding the appropriate license issued by the Department of Public Instruction (DPI), who agree to teach in any school on any day in the school year and are not a permanently appointed to a teacher position within the District.

Group E – Part-Time Recreation Employees: Employees who report to the Director of Recreation and work on a part-time, hourly basis.

Group F – Cabinet Level Employees: Under the authority vested by § 119.32, Wis. Stats., and Board Policy 2.04: Superintendent’s Cabinet, as amended. Cabinet Level employees serve at the pleasure of the Superintendent.

Group G – Office of Board Governance: Any employee who reports to the Director of the Office of Board Governance/Board Clerk. Under the authority vested by Board Governance Policy 3.05, all Board staff shall serve at the pleasure of the Board and shall be excluded from classified service under § 63.18-63.53, Wis. Stats., from tenure rights under § 119.42, Wis. Stats., and from any collective bargaining unit.

Group H – Office of Accountability and Efficiency: Any employee who reports to the management of the Office of Accountability and Efficiency ~~Chief Accountability and Efficiency Officer.~~

Group I – Psychologists: School psychologists and psychometric assistants.

Group J – Temporary Employees: Temporary employees, interns, and limited term employees (LTEs). (Does not include part-time recreation employees.)

## **VISION**

The Milwaukee Public Schools (District) will be among the highest-performing urban public school districts in the country, providing rigorous, high-quality learning opportunities for students. Schools will enable lifelong learning among students, families, educators, and other staff focused on continuous improvement. Teaching will be child-centered, based on research-proven methods, and aligned to high academic standards; it will meet the learning needs of individual students. The District, its schools, and its employees will be accountable for measurable gains in student achievement.

Schools will be safe centers of community activity that are welcoming, well maintained, and accessible. Children will be provided maximum educational opportunities to become responsible citizens who make positive contributions to their communities. The District and its schools will strengthen partnerships with families and those in the community who influence and affect students and families.

## **MISSION**

The District educates all students for success in higher education, careers, and responsible citizenship so that the District is the first choice for families.

## **GOVERNANCE**

The District is one of the largest school districts in the nation. Our schools are a mix of traditional, Montessori, charter, alternative, and partnership school models, including early childhood programs and Head Start.



The District is governed by a nine-member elected Board of School Directors. One member is elected at-large and eight members are elected from numbered districts (§ 119.08, Wis. Stats.). The Board holds monthly public meetings. Members serve four-year terms.

The District's administrative leadership team is led by the Superintendent of Schools.

## **CORE BELIEFS**

- Children come first
- The classroom is the most important place in the District
- Leadership and accountability are keys to our success
- Central Services supports student achievement
- Families are valuable partners
- Community partnerships add value

## **CRITICAL TENETS OF THE MILWAUKEE PUBLIC SCHOOLS**

- Student Achievement
- Effective and Efficient Operations
- Student and Family Support

## **CUSTOMER SERVICE**

Milwaukee Public Schools strives to provide timely information and assistance to parents, students and MPS staff. It is important for the District, through its employees, to maintain a culture of exceptional customer service. All employees are expected to support this culture through overall customer service with a strong emphasis on the following three areas:

- **Environment** – Creating a clean, safe and inviting environment in all district facilities.
- **Communication** – Ensuring that everyone is treated with courtesy, respect and dignity throughout all forms of communication.
- **Commitment** – Striving for excellence in all that we do in order to meet and exceed the expectations of our customers.

## **PROFESSIONAL CONDUCT**

All employees shall model professional behaviors at all times while in the workplace. All employees are expected to be professional and courteous when interacting with students, parents, colleagues, and the community.

## **PURPOSE OF THE EMPLOYEE HANDBOOK**

This Handbook is not intended as a complete description of all policies, procedures, work rules, or best practices. None of the statements, policies, procedures, rules, best practices, or regulations contained herein constitute a guarantee of any rights or benefits or a contract of employment, expressed or implied. The provisions set forth in this Handbook and any related policies, procedures, work rules, or best practices may be altered, modified, changed, or eliminated at any time by the District with or without notice. This Handbook is subject to administrative policies and procedures and state, federal, and local law, and it is not intended and should not be construed to create rights that exceed or modify terms and conditions as set forth in or mandated by these other sources. In the case of a conflict between this Handbook and the policies or procedures of the District, the Handbook shall control.

## **EQUAL OPPORTUNITY STATEMENT**

The District is committed to equal employment opportunity and non-discrimination as required by the law for all individuals in the District workplace regardless of race, color, ancestry, religion, gender, sex, national origin, disability, age, creed, sexual orientation, marital status, veteran status, or any other legally protected characteristic. The District complies with employment discrimination laws, including the Wisconsin Fair Employment Law; Title VI and Title VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; the Age Discrimination in Employment Act of 1967, as amended; Title II of the Genetic Information Nondiscrimination Act of 2008; Title 1 of the Americans with Disabilities Act of 1990, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; and Title 34 C.F.R. § 104.01, et. seq. For additional information, contact the Office of Human Capital, Employee Rights Administration Department, at 414-773-9927.

## **COMMUNICATION WITH UNION AND REPRESENTATIVES**

The Milwaukee Public Schools and the Board of School Directors value communication and collaboration with our employees and designated bargaining representatives. We will work together to solve problems and to increase our capacity to make a greater impact on student achievement.

To promote and preserve a productive relationship between employee and employer, there will be regular communication between the employee's certified bargaining representative and the appropriate Milwaukee Public Schools Office. To that end, and when deemed appropriate, the District will establish labor/management committees to discuss matters of urgency or concern.

### **Building Committees**

The purpose of the building committee is to provide a means to address building-wide concerns. A building committee is empowered to and responsible for, through the District's core values, enriching the school community's environment by continuously improving the workplace

morale, safety, general organization, and overall climate for learning and student achievement. The building committee must consist of a minimum of three school-based representative members of the bargaining units at the school, if those units wish to participate. Each school is strongly encouraged to establish a building committee.

The committee will meet in an organized manner, and engage in building-level, collaborative and respectful problem solving and planning. The school's administration shall recognize the committee and shall meet with the committee and any other persons deemed appropriate by either the committee or school administration. All school staff shall have the ability to raise concerns to the committee.

Building committees should meet at least once per month, but no less than twice per semester, with the school's administration or as deemed appropriate by the committee and school administration to jointly problem solve and plan for the improvement of the school. Concerns should be raised with suggested solutions. The concerns shall be provided to each party previous to the meeting.

The existence of a building committee does not prohibit any individual employee from bringing matters of concern directly to the principal or School Administration.

### **Solving Persistent School Problems**

In the event that solutions to matters involving workplace morale, safety, general organization, and overall climate cannot be identified or rectified with the building committee and school administration, the building committee shall work with representatives from their unions and with the regional superintendents or their designee to resolve the remaining problems. In the event problems are still unable to be resolved, the regional superintendent and the union staff shall work directly with top level administration to intervene and resolve in a timely manner.

### **RESPONSIBILITIES TO EMPLOYEES**

Neither the Board nor the Administration will act in an arbitrary or capricious manner, or violate any state, federal, or local law.

## **PART I**

### **REFERENCE TO DISTRICT POLICIES**

The employment policies and administrative procedures discussed in this Handbook are not intended to be an exhaustive list of all employment expectations. Please note that all District employees are subject to the rules, policies, and procedures set forth in the District's Administrative Policies and Procedures Manual, which is accessible online from the homepage of the Milwaukee Board of School Directors website under "District's Policy Manual." Some, but not all, of these rules, policies, and procedures are included or referenced in this Handbook. Upon adoption of the Handbook, the Rules and Governance Policies and the Administrative Policies and Procedures of the Milwaukee Board of School Directors shall be reviewed and

revised to ensure consistency with provisions contained in this Handbook. If any such rules, governance policies, administrative policies, or administrative procedures remain in conflict with any provision contained in this Handbook, the former shall be controlling.

## **A. ACCEPTABLE USE POLICY**

Reference: Administrative Policy 6.34

Applicable Group(s) All:

The District offers electronic network access for students, teachers, and other staff within the school system for educational and administrative purposes. Employees are expected to follow the rules set forth in the District's Acceptable Use Policy regarding the proper use of the network system and computer resources.

## **B. CONFLICTS OF INTEREST/NEPOTISM**

Reference: Administrative Policy 6.04(9)

Applicable Group(s) All:

No administrator of the District shall employ under his/her direct supervision or contract with any person who is related, as defined by administrative policy, to that administrator or use his/her status as an administrator of the District to influence the employment, appointment, evaluation, transfer, or promotion of any such person to a position of employment within the District which is subordinate to that administrator.

## **C. CORPORAL PUNISHMENT AND SAFETY**

Reference: Administrative Policy 8.29, § 118.31, Wis. Stats.

Applicable Group(s) All:

Physical force may not be used by school personnel as punishment against students for any breach of discipline. School personnel must not use or rely on parental consent to support the use of corporal punishment. The District provides programs to assist employees with student behavior interventions. [Please log into employee self-service to view available professional development opportunities, or contact the Department of Organizational Development at 267-5174.](#)

Employees may use reasonable physical force against a student to prevent harm to self or others, to prevent a threatened breach of discipline or to stop a continuing breach of discipline. However, such force may only be used when other means of intervention are ineffective.

No employee shall be required to subject himself/herself to any clear and imminent danger to his/her safety.

## **D. DRUG, ALCOHOL, AND TOBACCO FREE WORKPLACE**

Reference: Administrative Policies 6.07, 6.11, and 6.12

Reference: Administrative Procedure 6.13

Applicable Group(s) All:

All Milwaukee Public Schools' workplaces and facilities shall be drug-free, safe working environment for all employees. Possession, use or distribution of alcohol, illegal drugs, or other controlled substances is not permitted on School District property or while on duty in the employment of the District. Furthermore, employees are not permitted to report for duty while under the influence of alcohol, illegal drugs, or other controlled substances. Employees failing to adhere strictly to this policy will be subject to disciplinary action, up to and including termination. Report any suspicious activity to your immediate supervisor or Employment Relations.

Employees shall be subject to drug and alcohol testing in accordance with applicable procedures. Refusing and failing to submit to a drug and alcohol test as required is prohibited and subject to disciplinary action, up to and including termination.

The use of tobacco products and electronic nicotine delivery devices, regardless of whether such devices actually contain nicotine, is prohibited at all times on Board premises.

## **E. OUTSIDE EMPLOYMENT**

Reference: Administrative Policies 6.04(3)

Applicable Group(s) A, B, C, D, E, F, G, H, I:

Permissible outside employment is employment for compensation that does not overlap with the employee's current position with the District.

An employee shall not engage in any employment activity or enterprise for compensation outside of his/her district employment if it is inconsistent or in conflict with his/her duties with the school district.

Employees of the District may provide compensated services to other institutions, provided that such activities do not involve District resources. Employees may receive fees and expenses for their services, provided those services are rendered during the employee's own time.

For further information contact Employment Relations at 475-8280.

## **F. POLITICAL ACTIVITY**

Reference: Administrative Policy 6.04(7)

Applicable Group(s) All:

Employees may contribute to political candidates, either with financial resources or in donation of services, provided donations do not utilize District equipment, time, or work product. Employees may allow their names to be used on lists of supporters for candidates for public office, but such use of employees' names must not imply District endorsement.

## **G. STUDENT NON-FRATERNIZATION**

Reference: Administrative Policy 6.36

Applicable Group(s) All:

Employees are prohibited from engaging in conduct with students that the District deems inappropriate including, but not limited to, engaging in any romantic or sexual relationships with students; fostering, encouraging, or participating in inappropriate emotionally or socially intimate relationships with students; initiating or continuing communications with students for reasons unrelated to any appropriate purpose; socializing with students outside of class time for reasons unrelated to any appropriate purpose; or providing alcohol (regardless of age) or drugs to students. Employees with information regarding any prohibited relationships have a duty to report such relationship to school administration, the Department of Family Services, or the Office of Human Capital. Violation of this policy may result in disciplinary action, up to and including termination.

## **H. WHISTLEBLOWER**

Reference: Administrative Policy 6.35f

Applicable Group(s) All:

The District encourages its employees to share their questions, concerns, suggestions, or complaints with someone who can address them properly. Any District employee may not be retaliated against for disclosing information regarding:

- A violation of any state or federal law or local ordinances
- A violation of the policies of the Milwaukee Board of School Directors or the District
- Alleged mismanagement, criminal activity, or alleged abuse of authority within MPS
- Alleged substantial waste of public funds
- An alleged danger to public health or safety

A District employee may disclose the information to the President of the Milwaukee Board of School Directors, the **management of the Office of Accountability and Efficiency** ~~Chief Accountability and Efficiency Officer~~, or the Superintendent. If the reporting individual is uncomfortable speaking with or is not satisfied with the response of the foregoing individuals, the information may be reported to the Director of the Office of Board Governance [at \(414\) 475-8284](tel:414-475-8284).

No employee who makes a good-faith report under this policy (or who cooperates in inquiries or investigations) shall suffer harassment, retaliation, or adverse employment consequences. Reports deliberately falsified may result in disciplinary action up to and including termination.

## PART II

### PROFESSIONAL RESPONSIBILITIES AND EXPECTATIONS

#### A. ATTENDANCE

Applicable Group(s) A, B, C, D, F, G, H, I, J:

Punctual and regular attendance is expected of all District employees. Each department shall establish attendance procedures. Employees who are unable to report to work on a scheduled workday must follow the established reporting procedures. Tardiness, unless excused by the supervisor or other appropriate administrator, is not permitted. The District will monitor attendance, tardiness, and absence patterns. Excessive absenteeism or tardiness may result in disciplinary action, up to and including termination.

Failure to report for work, without authorization, at the time and place designated by the immediate supervisor, is considered an unexcused absence that will be designated as an absence without leave (AWOL). An employee who fails to return to work upon expiration of his/her approved formal leave of absence may be considered AWOL if: (1) prior to the expiration of the leave of absence, he/she does not submit to the MPS Leave Administrator a written request for a leave extension (accompanied by supporting medical documentation if the leave request is based on a medical reason); and/or (2) the leave request is not approved by the MPS Leave Administrator. The Employee Rights Department will not declare the employee absent without approved leave (AWOL) under these circumstances unless it has already sent the employee a written explanation of the leave extension requirements and specified the term of the approved leave. Employees AWOL in excess of three consecutive workdays shall be deemed to have committed job abandonment. AWOL absences may result in disciplinary action, up to and including termination.

#### B. DISCIPLINE

Applicable Group(s) A, B, C, D, E, I:

Generally, discipline is progressive in nature and requires communication with employees and/or their representatives. Disciplinary action may include: written ~~warning~~ reprimand, suspension, demotion, or termination of employment. Specific disciplinary actions will depend on the behavior and frequency of occurrences. Non-probationary employees shall only be disciplined or discharged for just cause, except those employees who otherwise serve at the pleasure of the Board or Superintendent. The District may discipline an employee when the employee violates a policy or rule. Any particular concern related to an employee's

conduct may be settled by informal discussion with the immediate supervisor. The employee may have a representative of his/her own choosing present for the discussion which may lead to discipline.

The District may initiate an administrative investigation when an allegation(s) of misconduct is made. Upon completion of the investigation, if evidence substantiates the allegation(s), the District shall specify the allegation(s) against the employee. The District shall then hold a conference at which the District presents evidence substantiating the allegation(s). The employee and/or his or her representative may respond to the allegations at the conference. If the District finds just cause, the District may assess and implement appropriate discipline. All school/departmental issued disciplinary actions will undergo administrative review before implementation occurs.

The District reserves the right to place the employee on immediate suspension during the investigation without loss of pay for the first three workdays. If the charges are ultimately dropped, the employee will be compensated in full for all lost salary during the time of suspension, minus any interim earnings or wage loss benefits. For employees in Group D that are in long term assignments, the immediate suspension pending investigation will be unpaid. If the charges are dropped the employee will be reimbursed for the suspension days served. The provisions in this final paragraph do not apply to employees in Group E.

### **C. EMPLOYEE RULES OF CONDUCT**

Reference: Administrative Policy 6.07

Applicable Group(s) All:

The primary objectives for each employee are to protect and further the public's trust and confidence and to perform at a high quality level so that our students, parents, citizens, businesses, representatives of other entities, coworkers, and visitors receive high quality services from each employee. In furtherance of those objectives, the Milwaukee Board of School Directors has enacted Administrative Policy 6.07: Employee Rules of Conduct, which sets forth the Board's expectations of conduct for each District employee.

Any employee who violates any District policy, procedure, rule, or regulation, whether written or unwritten, may be subject to disciplinary action, up to and including termination.

The following list of prohibited conduct does not, and is not intended to, constitute the entire list of conduct for which discipline may be imposed.

- Insubordination, including disobedience, failure, or refusal to carry out directions, assignments, or instructions
- Falsification, unauthorized modification, or alteration of any District documents or records, including applications for employment, whether by omission or commission



- Damage, unauthorized use, possession, or removal of Board property or another person's private property
- Possession, use, or sale of any illegal drugs, drug paraphernalia, intoxicants, narcotics, or any other controlled substance on or off Board premises
- Possession, sale, or use of alcoholic beverages during assigned work hours or while on Board premises
- Reporting to work impaired by illegal drugs, alcoholic beverages, or intoxicants, and/or impaired by the unauthorized consumption of prescription drugs or other legal substance
- Illegal or prohibited possession of firearms or other weapons during assigned work hours or while on Board premises
- Failure, refusal, or negligence in the performance of assigned duties
- Violation of federal, state, and/or local laws/ordinances which are substantially job-related or render the employee unavailable for work due to incarceration
- Unauthorized non-charitable or business-related solicitation(s) for any purpose during assigned work hours or while on Board premises
- Unexcused or excessive absenteeism or tardiness, including failure to follow appropriate reporting procedures
- Loafing, loitering, sleeping, or engaging in unauthorized personal business
- Failure to comply with health, safety, and sanitation requirements, rules, and regulations
- Threatening, harassing, intimidating, interfering with, coercing, injuring, or using abusive language toward students, Board employees, or the public
- Unauthorized accessing, disclosure, or copying of confidential information or records
- Engaging in activity that significantly detracts from the school District's image or reputation
- Failure or refusal to comply with school/departmental work rules, policies, or procedures

## **D. EMPLOYEE NON-FRATERNIZATION**

Applicable Group(s) All:

Supervisors should not enter into a sexual relationship with a subordinate as such relationships are inadvisable and could lead to allegations of sexual harassment.

## **E. LICENSURE AND CERTIFICATIONS**

Applicable Group(s) A, B, C, D, E, F, G, H, I:

All employees who are subject to licensure or certification requirements for the position in which they are employed shall possess and maintain a valid license or certification throughout their employment in such position. The Office of Human Capital will verify the possession of such license or certification at the time of hire and renewal. Failure to have a valid license or certification shall be grounds for removal from the position and/or termination, as appropriate.

## **F. POSITION DESCRIPTIONS**

Applicable Group(s) A, B, C, D, E, F, G, H, I:

Position descriptions are available for review in the Office of Human Capital. Position descriptions will include the job title, job duties, and the minimum qualifications of the position.

## **G. PRIVACY**

Applicable Group(s) All:

Employees shall have no expectation of privacy with respect to any item or document stored in or on District-owned property in any format (physical or electronic), which includes, but is not limited to, desks, filing cabinets, mailboxes, lockers, tables, shelves, computer, software, and other storage spaces in or out of the classroom. Accordingly, the District may conduct a search of such property, regardless of whether the searched areas or items are locked or unlocked.

Any searches of employees' personal items shall not be conducted without probable cause and in accordance with applicable state and federal law.

## **H. PROFESSIONAL APPEARANCE**

Applicable Group(s) All:

All employees contribute to the reputation of Milwaukee Public Schools in the way they present themselves. All employees are expected to dress in a professional manner. The

District recognizes the varied job responsibilities of its employees, and as such, employees are expected to dress in a manner which reflects the responsibilities and duties of the employee's position. Clothing with MPS logos is permitted and encouraged where appropriate for the employee's position and duties. The District has established the following guidelines:

- No wind or track suits, unless job related
- No sleepwear or loungewear
- No halter tops
- No sweatshirts or sweatpants
- No torn, worn, faded, distressed, or ripped clothing
- No inappropriate length clothing (shorts, skirts, midriff shirts, sagging pants)
- No flip-flops
- No hats indoors (excluding religious headwear and medical accommodations)

Also note that employees required to wear uniforms must follow the above guidelines.

Offices, departments, and school administrators have discretion to designate "casual" days.

Offices and departments have the discretion to create additional dress code provisions beyond the ones listed.

If an administrator or supervisor observes what he/she considers unprofessional and inappropriate dress as outlined above, the administrator or supervisor will confer with the employee and direct him/her to take steps to dress appropriately.

## **I. RECORDING IN THE WORKPLACE**

### Applicable Group(s) All:

In order to protect potentially sensitive or confidential information, and to promote an open and honest workplace, the recording of workplace conversations by way of an electronic recording device is prohibited without the permission of MPS Administration or the consent of all parties to the conversation. This prohibition also extends to the photographing of fellow employees without consent. Electronic recording devices include, but are not limited to, cell phones, tablets, webcams, cameras, audio recorders, and video recorders.

Example situations where the recording of workplace conversations is prohibited include, but are not limited to, the following:

- Disciplinary conferences
- Conversations with coworkers
- Meetings or conferences with supervisors/administrators

The District may, at its discretion, videotape and/or photograph an employee under limited circumstances if a situation warrants such an action.

Any employee who violates this policy may be subject to disciplinary action, up to and including termination from employment with the Milwaukee Public Schools.

## **J. USE OF CELLUAR PHONES AND OTHER DEVICES WHILE DRIVING**

Reference: Wis. Stat. 346.89(3)

Applicable Group(s) All:

For the safety of all staff, students and the public at large, employees who utilize vehicles to conduct District business are prohibited from reading/sending text messages, emailing and/or using other applications that require the entry of text and/or data into a device while driving. This policy applies to all vehicles, whether personally owned or leased by the District.

Employees who violate this policy may be subject to discipline, up to and including termination.

## **K. WORKDAY AND WORKWEEK**

Applicable Group(s) A, B, C, D, F, G, H, I:

Generally, the standard workweek for full-time employees shall consist of eight hours in a business day and 40 hours in week. The District will establish work schedules for all employees based upon elapsed time (i.e., measurement of time between the start and end time of work). Central Services staff may be required to adjust their work schedule. Such a determination will be made and communicated by the Chief or Executive Director of each respective office.

The District reserves the right to assign other work schedules, including part-time and temporary assignments, based upon the needs of the District. The District will provide a minimum of two weeks advance notice of any changes to work schedules. However, once an employee receives his/her assignment for the school year, hours of work will not be reduced for that school year unless the District's budgetary needs dictate such a reduction.

## **L. DISTRICT COMMUNICATION**

Applicable Group(s): All

Official information from Milwaukee Public Schools may frequently come through email correspondence to the employee's MPS issued email address. It is the responsibility of the employee to periodically check their email in order to be informed of up-to-date information.

## PART III

### GENERAL EMPLOYMENT LAWS AND PROTECTIONS

#### A. ACCOMMODATIONS

Applicable Group(s) All:

The District is committed to providing disability-related job accommodations as required by Board policy, state law (including the Wisconsin Fair Employment Act), and federal law (including the Americans with Disabilities Act of 1990, as amended; the Rehabilitation Act of 1973, as amended, and Title 34 C.F.R. § 104.01, et. seq.). Individuals who need disability-related job accommodations may submit a request for accommodations to their supervisors or to the Office of Human Capital, Manager, Employee Rights Administration Department at (414) 475-8161.

#### B. EQUAL EMPLOYMENT OPPORTUNITY

Reference: Administrative Policy 1.04, 6.02

Applicable Group(s) All:

Statement of Policy: The District is committed to equal employment opportunity and non-discrimination as required by law for all individuals regardless of race, color, ancestry, religion, gender, sex, national origin, disability, age, creed, sexual orientation, marital status, veteran status, or any other legally protected characteristic.

The District has an enduring obligation to consider all qualified applicants from our diverse community. This includes, but is not limited to, all decisions made on recruiting, hiring, compensation, benefits, training, education, promotions, transfers, layoffs, discipline, termination, and other conditions of employment.

#### C. HARASSMENT/BULLYING FREE WORKPLACE

Reference: Administrative Policy 6.03, 8.52

Applicable Group(s) All:

The District does not tolerate workplace harassment in any form and will take necessary and appropriate action to eliminate it, up to and including discipline of offenders. Any violation shall be dealt with promptly.

1. Harassment/Bullying (Sexual). It is the policy of the District to maintain and to ensure learning and working environments free of any form of sexual harassment, unwelcome physical contact of a sexual nature, and other verbal or physical conduct of a sexual nature. Unwelcome verbal or physical conduct of a sexual nature includes but is not limited to the repeated making of unsolicited, inappropriate gestures or comments and the display of offensive sexually graphic materials not necessary for the work of Milwaukee

Public Schools. Such conduct is illegal. All supervisors who receive notice of sexual harassment and/or sexual assault complaints shall immediately report such complaints to their immediate supervisor and the Equal Employment Opportunity (EEO) Compliance Officer in the Office of Human Capital.

2. Harassment/Bullying (Non-Sexual). The District is committed to maintaining and ensuring a workplace that is free from all other types of workplace harassment. Harassment based on race or any other statutorily protected classes or protected activity (e.g., religion, age, sex, sexual orientation; retaliation for filing a discrimination complaint) is illegal. Harassment for non-discriminatory reasons is inappropriate.

## Bullying

The District is committed to maintaining and ensuring a work environment free from any and all types of bullying. Bullying is deliberate or intentional behavior using words or actions intended to cause fear, humiliation, intimidation, harm, or social exclusion. Bullying may be repeated behavior and involves an imbalance of power.

Bullying behavior by an employee is prohibited in all schools, school district buildings, educational environments, and on District property, including any property or vehicle owned, leased, or used by the District. Bullying is also prohibited when perpetrated through the use of data or computer software that is accessed through a computer, computer system, computer network, or other electronic means of communication. Employees shall suffer no retaliation for reporting workplace bullying. To report workplace bullying, contact the District's Equal Employment Opportunity (EEO) Compliance Officer, who can be reached at 414-773-9927.

## **D. EQUAL EMPLOYMENT OPPORTUNITY/HARASSMENT COMPLAINT PROCEDURE**

Reference: Administrative Policy 1.04, 6.02, 6.03, 8.52

Applicable Group(s) All:

Milwaukee Public Schools is committed to equal employment opportunity, a bullying free, harassment free and non-discriminatory workplace in accordance with Board Policy, State law (including the WFEA) and Federal law (including Title VI and Title VII of the Civil Rights Act of 1964, as amended; the Age Discrimination in Employment Act of 1967, as amended; Title II of the Genetic Information Nondiscrimination Act of 2008; Title IX of the Education Amendments of 1972; the Americans with Disabilities Act of 1990, as amended; the Rehabilitation Act of 1973, as amended; and Title 34 C.F.R. §104.01, et. seq.) The steps identified in this process allow for resolution of alleged complaints of bullying, harassment or discrimination by the MPS Equal Employment Opportunity (EEO) Compliance Officer or by another designee of the Office of Human Capital, Employee Rights Administration Department. This process is not intended to limit or prevent individuals from seeking resolution or counseling from other sources.

The process begins with a written complaint and initial interview of the complainant. The written complaint may be filed with either the complainant's supervisor or with the District's EEO Compliance Officer, who can be reached at 414-773-9927 in the Office of Human Capital (OHC), Employee Rights Administration Department (ERAD). The complainant's allegations are determined from the complaint form and/or the complaint intake interview. Therefore, it is important that the complainant provide a detailed account of any information surrounding the alleged bullying, harassment, or discrimination along with specific dates, names of persons responsible for the alleged violation, names of persons who may have witnessed the alleged violation, and any background information the complainant believes to be relevant. The complainant should indicate whether he or she is a Milwaukee Public Schools employee or applicant, the issues involved, and if discrimination is alleged, the basis (e.g., race, sex, age, etc) of discrimination.

If the complainant's allegations warrant investigation by the EEO Compliance Officer, an investigation will be undertaken. Witnesses and pertinent management officials may be contacted to discuss the allegations and relevant information. If the evidence leads the EEO Compliance Officer or another ERAD designee to conclude that unlawful bullying, harassment or discrimination has occurred, then Milwaukee Public Schools may recommend discipline, training, and/or counseling. If the investigation does not disclose any unlawful bullying, harassment, discrimination, the complainant, respondent and department head, principal and/or administrator will be informed of the decision. It is important that applicants and employees of Milwaukee Public Schools understand that bullying, harassment, and discrimination complaints are taken very seriously.

## **E. MEDIATION**

Applicable Group(s) A, B, C, F, G, H, I, J:

The purpose of mediation is to allow the parties to come to an amicable resolution of their workplace dispute. If an employee believes he or she has a dispute with a co-worker or supervisor that involves discrimination, harassment, bullying, or any other workplace conflict, the employee may request mediation by submitting a request to the Employee Rights Administration Department (ERAD), Office of Human Capital. ERAD will determine whether mediation services will be offered. Key parties to the dispute must agree to the mediation process.

## **F. FAIR LABOR STANDARDS ACT (FLSA) - OVERTIME**

Applicable Group(s) A, B, C, D, E, F, G, H, I:

The Fair Labor Standards Act (FLSA) is a federal law that sets forth rules for payment of minimum wage and overtime. Certain types of employees are exempt from the minimum wage and overtime pay provisions, including executive, administrative, and professional employees who meet regulatory requirements under the Fair Labor Standards Act (FLSA).

Some employees are considered to have non-exempt status and are covered under these provisions. Overtime or comparable compensatory time off will be paid or provided in accordance with the FLSA. Overtime must be approved in advance by the immediate supervisor. Overtime will be administered by each office or department and must be reported in accordance with District procedures for overtime. For questions regarding applicable regulations regarding the FLSA, please contact Employment Relations at 475-8280. Hours physically worked by non-exempt employees in excess of 40 hours per week will be paid at the overtime rate.

## **G. RECORDS**

### Applicable Group(s) All:

Employees shall use confidential information appropriately and with respect for the rights of other employees, students, and their families. Confidential information shall not be used for personal gain or to the detriment of the District. In the event it is determined that an employee has used access to confidential information for personal gain or to the detriment of the District, said employee shall be subject to discipline, up to and including, termination.

### **1. WISCONSIN PUBLIC RECORDS**

Reference: Administrative Policy and Procedure 9.02 – Public’s Right to Know

#### Applicable Group(s) All:

As a public entity, District records and other information may be subject to disclosure pursuant to an open records request as outlined under Wisconsin’s Public Records Law, Wis. Stats. § 19.31 et. seq.

Employees should be aware that all District-related records are subject to Wisconsin Public Records Law and administrative policy and procedure, including all information transmitted by, received from, or stored in electronic mail systems and computer hardware and/or software, whether provided by the District or personal.

### **2. STUDENT PRIVACY**

Reference: Student and Parent Responsibilities Handbook

#### Applicable Group(s) All:

All student records and information are confidential and may not be used or accessed without authorization.



### 3. PERSONNEL RECORDS

Reference: Administrative Policy 6.14

Applicable Group(s) All:

The District shall maintain a personnel file for each employee that may contain such information as application, credentials, transcripts, references, and other pertinent information concerning the employee. Individual personnel records shall be maintained in accordance with state and federal laws and regulations, including Wis. Stats. § 103.13. The Chief Human Capital Officer is the custodian for personnel records.

An employee shall have the right, upon request, to inspect any documents contained in the personnel file except those delineated in § 103.13(6), Wis. Stats., in the presence of a designated staff member in the Office of Human Capital. An employee may not review letters of reference or similar correspondence. An employee may also receive copies of personnel documents that he or she may permissibly review. An employee has the right to review his or her personnel file two times per year.

If the request to review personnel records is pursuant to an active grievance filed by that employee, the District will provide copies of the records to the employee and the employee and his or her representative may examine the copies outside of the presence of the designated staff member in the Office of Human Capital.

After reviewing his or her personnel records, the employee has the right to request that records he or she believes to be inaccurate or obsolete be removed from his or her file. If the District denies the request, the employee has the right to file a written rebuttal statement and have that rebuttal attached to the disputed record. If the District intends to release the disputed record to a third party, the District must also release the employee rebuttal statement to the third party, § 103.13(4) Wis. Stats.

For further information, please contact the Office of Human Capital at (414) 475-8224.

### H. WORKPLACE VIOLENCE PREVENTION

Reference: Administrative Policy 6.07, 8.23

Applicable Group(s) All:

The District values the safety of its students, employees, and visitors.

All District employees are prohibited from threatening, abusing, harassing, or injuring employees, visitors, or students.

Regardless of permits, concealed firearms and dangerous weapons are prohibited in school buildings and other District property. Please see 2011 Wisconsin Act 35 for further information.

Any employee who has reason to believe that a person has or will violate this policy is required to report to the administrator or their supervisor immediately. Failure to report such information may lead to disciplinary action, up to and including termination. Contact School Safety at 345-6635 to report potential workplace violence incidents.

## **PART IV**

### **EMPLOYMENT MATTERS**

#### **A. CIVIL SERVICE RULES**

Applicable Group(s) A, B – classified employees only:

Pursuant to § 63.53(1), Wis. Stats., District employees who are regularly appointed to a position in the classified service are subject to Civil Service rules which includes layoffs, recall, probationary period, promotion, reinstatement, and seniority. For more information regarding such rules, please contact the Office of Human Capital, Talent Management Department, at 475-8224.

The District maintains authority over all recruitment and hiring, including assignment and transfer, pursuant to § 63.235, Wis. Stats. The District is responsible for all disciplinary matters.

#### **B. ASSIGNMENT**

Applicable Group(s) A, B, C, I:

Employees may be assigned or reassigned to a position within their classification or certification at the District's discretion. The District will consider employees' requests for assignments, reassignments, and seniority when making assignments. If an employee does not receive an assignment or transfer based upon seniority, he or she may request an explanation. Assignments shall not be made in an arbitrary, capricious, or discriminatory manner.

Applicable Group(s) E:

At the discretion of the District, part-time recreation employees may be assigned or reassigned to any recreation position for which they qualify.

Applicable Group(s) D:

Substitute teachers shall be assigned in accordance with procedures established by the Office of Human Capital. Substitute teachers may be assigned or reassigned at the District's discretion to meet the District's needs.

## C. LOSS OF ASSIGNMENT

Applicable Group(s) C, I, A (General Educational Assistants, [Children's Health Assistants](#) and Paraprofessionals):

Employees in Group C and I shall be out of assignment under any one of the following conditions:

1. After being absent more than ~~30~~ 20 workdays during a school semester or 45 30 workdays in a school year.
2. After being absent the first day of the school year without advanced notice to the supervisor and central services giving a satisfactory reason for the absence. Documentation substantiating the reason for the absence may be required from the employee.
3. After being approved for a leave of absence with a definite duration of 30 workdays or more.

General Educational Assistants, [Children's Health Assistants](#) and Paraprofessionals shall be out of assignment after being absent for more than one month.

These provisions shall not apply to FMLA-protected or USERRA-protected absences. The Office of Human Capital, in its discretion, may override these provisions for operational reasons. Disability accommodation requests regarding the retention of an assignment should be submitted, prior to the loss of assignment, to the ADA Administrator at 475-8161.

## D. TRANSFER REQUESTS

Applicable Group(s) A, C, I:

Eligible employees, after having been in their current assignment for one year, who desire a change in their assignment, may request a transfer within their current classification or certification. ~~Employees may voluntarily transfer once every two years and not more than twice in seven years.~~ The transfer process will take place annually during the second semester for the upcoming school year (please see Human Capital manual).—~~If deemed necessary by the Office of Human Capital, an employee may be permitted to transfer mid-year.~~ necessary, mid-year transfers will take place at the beginning of the second semester. All requests for mid-year transfers must be submitted in writing and approved by the Office of Human Capital. ~~An employee may appeal, in writing, to the Office of Human Capital, Department of Talent Management, to obtain a mid-year transfer when there are unique and extenuating circumstances.~~ Employees may only transfer during the school year when there are unique and extenuating circumstances. All vacancies for transfer are posted on Employee Self Service. For any questions regarding this process, contact the Manager of Talent Management at (414) 475-8224.

When considering a request to transfer, the District will review an employee's previous assignments, seniority, and work record. If an employee's transfer request is denied, he or she may request an explanation. The District reserves the right to involuntarily transfer employees based on the needs of the District or safety concerns. Transfers shall not be made in an arbitrary, capricious, or discriminatory manner.

Applicable Group(s) I:

Transfer procedures for psychologists will be determined by the Department of Specialized Services.

Applicable Group(s) B:

The voluntary transfer process is not available to administrators. Administrators must apply for vacant positions as posted. Details on the application process are contained in each job posting.

**E. LAYOFF/RECALL**

Applicable Group(s) A, B - classified employees only:

When the District determines it is necessary to lay off employees, the following procedures shall be used:

- The District shall determine the positions to be eliminated
- The District shall solicit volunteers
- The District shall then lay off employees in order of reverse seniority

The Board shall notify employees of the intent to conduct layoffs by June of each year.

Employees who have been given a notice of layoff shall be placed on a list and recalled in order of seniority to vacant positions for which they are qualified and/or certified, in accordance with Rules X and XII of the Board of City Service Commissioners.

Applicable Group(s) B – certificated employees only, C, I:

When the District determines it is necessary to lay off employees, the following procedures shall be used:

- The District shall determine the positions to be eliminated
- The District shall solicit volunteers
- The District shall then lay off employees in order of reverse seniority based on qualification and/or certification

The Board shall notify employees of the intent to conduct layoffs by June of each year.

Employees who have been given a notice of layoff shall be placed on a list and recalled in order of seniority to vacant positions for which they are qualified and/or certified. Employees laid off shall remain on the recall list for one calendar year after being laid off.

## **F. COMPENSATION**

Reference: Administrative Policy and Procedure 6.21

Applicable Group(s) A, B, C, D, E, F, G, H, I:

Salary and compensation are established annually by the Board of School Directors, except Prevailing Wages (Building Trades Council). Established salary rates will not be subject to change during the fiscal year, with the exception of changes arising out of base-wage negotiations, promotion, reduction in rank, or other disciplinary action. The District will negotiate base wages as required by state law. Salary will be communicated to the prospective or promoted employee in an official offer of employment.

Employees are required to establish and maintain direct deposit for their paychecks. The Office of Finance – Payroll will assist employees in establishing direct deposit.

Employees who are unable to establish, maintain, or change direct deposit information, as required, will be issued a payroll debit card which will be funded through direct deposit in lieu of receiving a paper paycheck.

## **G. TRAVEL ALLOWANCE**

Applicable Group(s) A, B, C, F, G, H, I:

Employees whose duties for the District require them to travel from their official headquarters to other locations shall be reimbursed for travel in their privately owned vehicle at the published Internal Revenue Service (IRS) standard mileage rate for business. Employees must provide a bi-weekly travel report to their supervisor. All travel under this section is subject to administrative approval. Travel reimbursement is also available for employees on professional leave.

## **H. CRIMINAL BACKGROUND CHECKS**

Reference: Administrative Policy 6.15

Applicable Group(s) All:

In making hiring decisions, the District will select individuals who best serve and protect the District's students, directly or indirectly. The District will conduct a criminal background check on all employees prior to their employment. The District may also conduct a criminal background check on any employee at any time during the course of his/her employment with the district. Current District employees who are up for promotion are subject to a criminal background check. Any individual who is disqualified through the criminal background check process has the opportunity to appeal his/her disqualification.

## I. EMPLOYEE RESIGNATIONS - RETIREMENTS

### Applicable Group(s) A, B, C, D, E, F, G, H, I:

1. All employees must give written notice of their intent to resign from their position with the District, including those employees resigning for the purpose of retirement. Such written notice shall include the last day to be worked and the reason for the resignation. The employee must give notice of resignation (excluding resignation for purposes of retirement) at least **14 calendar days** prior to their last workday. Written notice of all resignations must be submitted to the Office of Human Capital. Resignations will not be processed retroactively.

All employees resigning for the purpose of retirement must give written notice that they will retire from their position with the District. Such written notice shall include the last workday and reason for leaving. The employee must give such notice to the Office of Human Capital at least **30 calendar days** prior to their last workday to ensure timely processing of the notice. Retirement is a type of resignation defined as leaving employment with the district on or after 60 years of age.

A special sunset provision allows employees who are age 55 or older with 30 or more years of MPS service to retire before age 60 with retiree health and accumulated leave plan benefits. This special sunset provision applies only to employees who meet the age and service requirements mentioned above and have dates of retirement on/after 7/1/13 and prior to 7/1/15.

Resignations are irrevocable. In the event of rare and extenuating circumstances, the employee may submit a request to rescind his/her resignation to the Chief Human Capital Officer within 30 days of the effective date of his/her resignation. All requests must be in advance of any official board action.

Eligibility for retirement from the District will be verified by the Office of Human Capital, Benefits and Retirement Services Department.

Prior to the end of their last workday, employees must return all keys, uniforms, equipment, ID cards, and any other District property to their supervisor.

2. All certificated staff, who after having signed a contract of employment for the coming school year, leave their employment with the District for any reason except retirement, the employee's documented health related reasons (career ending), or documented health care related reasons where the employee is the primary caregiver shall be required to reimburse the Board in accordance with the following schedule of liquidated damages:
  - a. If an employee resigns before July 1 for the upcoming school year, no liquidated damages will be assessed.

- b. If an employee resigns in the month of July or August, \$1000 in liquidated damages will be assessed.
- c. If an employee resigns between September 1 and the last day of the current school year, \$2000 in liquidated damages will be assessed.

If monies are due to a teacher from the Board as of the last day worked, the liquidated damages amount may be deducted from any remaining paychecks as a payroll deduction(s).

The Office of Human Capital, in the sole exercise of its discretion, may waive the right to pursue collection of liquidated damages from an employee.

## **J. PERFORMANCE AND EVALUATION**

Reference: Educator Effectiveness Manual  
Applicable Group(s) A, B, C, D, E, F, G, H, I:

The District values its employees. As such, the District is responsible for providing a continuous and effective employee evaluation process that focuses on job performance, professional development, effectiveness, and individual growth.

Individual employee performance will be reviewed and when the District determines an employee is struggling to perform at a satisfactory level, it shall assist that employee in improving his/her performance. Such assistance may include mandatory participation in District professional growth activities and/or plan for improvement.

The immediate supervisor will be responsible for evaluating performance using the appropriate District evaluation tools. For specific information regarding performance evaluations, please see immediate supervisor.

Employees will have access and an opportunity to respond to their evaluations. If appropriate, the District may issue an unsatisfactory evaluation supported by evidence and efforts made to help the employee improve. An unsatisfactory rating may lead to a recommendation for a performance improvement plan or separation from the District.

## **K. POSITION RECLASSIFICATION**

Applicable Group(s) A, B, C, G, H, I:

On occasion, job reclassification may be warranted due to significant changes in duties and responsibilities. In such instances, the chief/department head must submit a formal request to the Chief Human Capital Officer. All authorized requests will be forwarded to a compensation review committee.

## L. SENIORITY

Applicable Group(s) A, B, C, I:

The District shall maintain every employee's work history, which includes dates of hire, length of continuous service in a position, information on leaves, and breaks in service.

For classified employees, seniority determinations will be made in accordance with the Rules of the Board of City Service Commissioners, Rule XII.

For certificated staff, seniority is based upon employee's length of service. Seniority of certificated employees will be considered by the District, but is understood to not be controlling with regard to assignment, reassignment, or layoff of such personnel.

Employees on authorized leave or layoff shall maintain their original seniority date.

## M. PROFESSIONAL DEVELOPMENT

Applicable Group(s) A, B, C, D, E, F, G, H, I:

The professional growth of all employees is valued by the District. As such, the District will provide, and at times mandate, professional development or training for its employees. Employees are eligible to attend professional development and training designated for their employee group. Opportunities will be posted on the District portal and through Employee Self Service.

Applicable Group(s) A, B, C, F, G, H, I:

A tuition reimbursement program will be offered to employees, subject to limitations including, but not limited to, courses relating to a reasonable promotional opportunity within the District or have direct impact that supports student learning. Employees must submit application for tuition reimbursement to the Office of Human Capital and obtain approval prior to the start date of the coursework or training. The availability of tuition reimbursement is subject to approved District budget. Tuition reimbursement is subject to successful completion of coursework as verified by the District.

## N. SUMMER ASSIGNMENT

Applicable Group(s) A, C (excluding all 12-month employees), I:

The availability and extent of summer school programming is determined by the District annually. As such, by March 1 of each year, the Office of Human Capital will publish summer school staffing procedures that will be applicable for the upcoming summer.

1. **ASSIGNMENT ELIGIBILITY.** In order to be eligible for a summer school assignment, an employee must have received a satisfactory or at minimum a basic (Group



C) or satisfactory rating (Group A) performance in their evaluation during the previous school year (or the last time he/she was evaluated). Probationary classified staff will not be employed for summer assignment until all permanent classified staff requesting summer assignments have been hired. Any additional eligibility requirements will be published in summer school staffing procedures.

2. **PRIORITY OF HIRING.** For classified employees, selection shall be based on district-wide seniority within each job classification. Teachers will be eligible for a summer school assignment once every three years, except where a lack of eligible applicants necessitates such assignment.
3. **SUMMER SCHOOL IEP TEAMS.** Summer school staffing procedures will be determined by the Department of Specialized Services.

## **PART V**

### **GRIEVANCE PROCEDURE**

#### **1. PURPOSE**

The purpose of the grievance procedure is to provide an efficient and fair method for resolution of disputes related to employee termination, employee discipline, and workplace safety issues.

This procedure is intended to provide an orderly process for a prompt and equitable resolution when a concern has not been resolved. The District intends that whenever feasible, complaints or grievances be resolved at the lowest possible administrative level. Employees are encouraged to discuss problems or concerns with their supervisor or an appropriate administrator at any time.

It is the District's policy to treat all employees fairly and equitably. An employee has the right to bring a grievance to the District's attention without reprisal. Filing a grievance will not adversely affect an employee's employment status.

The District regards workplace safety issues as critical and, therefore will work to immediately resolve these issues at the place where the issue arises. However, if the workplace safety issue is not resolved, the employee may utilize this grievance process.

#### **2. GENERAL PROVISIONS**

Only employees who have passed probation, substitute teachers, ~~and may utilize the grievance procedure, as shown below~~ administrators and teachers with one or more years of service may utilize ~~the this~~ grievance procedure, **as shown below**.

An employee may not file or advance a grievance outside of the designated timeframes, unless the timelines are modified by written agreement of the parties.

In the event that the employee has not received a timely decision at the first step in the procedure, the employee may request review of the grievance by the Superintendent, or his or her designee. This provision does not apply to substitute teachers.

At each stage of this grievance process, an employee may be represented by the employee's union, legal counsel, or any other person of his/her choice. An employee will not be compensated for time spent in processing his/her grievance and shall not initiate a grievance (or engage in grievance related activities) during work hours. Employees may attend grievance hearings scheduled during the employee's workday, provided release for attendance is approved by Office of Human Capital, Employment Relations Department.

A grievance must be submitted on an initiation form. Appeals and reports of disposition shall be processed on the appeals and disposition forms, respectively. Designated forms will be transmitted to the supervisor or principal, the employee, and Employment Relations.

In no event shall any party be entitled to attorneys' fees or other costs associated with any step in this process.

### 3. DEFINITIONS

The term "grievance" as used in this procedure is a dispute between an employee and the District regarding his or her termination, discipline, or workplace safety, as defined herein.

The term "termination" as used in this procedure means a separation of a non-probationary employee from employment with the District because of unsatisfactory performance or conduct.

The term "Termination" shall not include the following:

- Layoffs
- Voluntary separations from service including, without limitation, quitting or resignation
- Job abandonments
- The end of employment due to lack of qualification or licensure
- Retirements
- Removal of an employee from a position during his/her probationary period
- Contract nonrenewals (~~for probationary employees only nonrenewals will be included in this list only if Board approves separate nonrenewal procedure~~)

The term “discipline” as used in this procedure means a suspension without pay because of performance or conduct issues, or a disciplinary demotion of a non-probationary employee.

“Employee discipline” shall not include the following:

- Plans of correction or performance improvement
- Performance evaluations or reviews
- Documentation of employee acts or omissions in an employment file
- Verbal or written reprimands, unless the written reprimand is later used to support a suspension or termination through progressive discipline
- Non-disciplinary wage, benefit, or salary adjustments; or reassignments
- Contract nonrenewals (for probationary employees only ~~nonrenewals will be included in this list only if Board approves separate nonrenewal procedure~~)

The term “workplace safety” as used in this procedure means an alleged violation of any applicable standard established under state or federal laws or regulations relating to workplace safety or any violation of District policy related to the physical health and safety of the employee filing the grievance. ~~or any issue that affects the physical health or safety of an employee.~~

#### 4. **PROCEDURE FOR EMPLOYEE GROUPS A, B, C, G, H, AND I**

Applicable Group(s) A, B, C, G, H, I:

A non-probationary employee (or administrator/teacher with one or more years of service) may file a written grievance with the Office of Human Capital, Employment Relations Department, within 15 workdays of his or her termination, or receipt of discipline, or an inability to satisfactorily resolve a workplace safety issue with his or her immediate supervisor.

**FIRST STEP** - Upon receipt of a written grievance, an appropriate administrator will be designated to hear the grievance. The employee or his/her representative will be notified of the administrator assigned to the grievance and asked to contact the administrator to schedule the hearing. The designated administrator shall meet with the parties within 15 workdays of receipt of the grievance or as soon as practicable to discuss the grievance and attempt to resolve it. If the employee or employee representative does not contact the administrator to schedule the hearing within ~~60~~ 30 calendar days of filing, the grievance will be considered withdrawn. Additionally, the grievance hearing must be held within 60 days of filing. This timeline may be waived by mutual agreement. The designated administrator shall review documentation provided by both parties in support of the employee’s position, may allow the parties to present brief overviews of their positions if this is deemed helpful, and may direct pertinent questions to the parties. If the matter is resolved, then the resolution will be reduced to writing and distributed to the parties. If the matter is not resolved, the administrator shall advise the parties in writing of his/her disposition of the grievance within ten workdays after the meeting.

**SECOND STEP** - Either the employee or the Administration may file an appeal of the designated administrator's disposition to an impartial hearing officer in a matter involving termination, disciplinary demotion, discipline resulting in a suspension in excess of one workday without pay, or workplace safety issues. The appeal must be filed with the Office of Human Capital, Employment Relations Department, within ten workdays after the receipt of the designated administrator's disposition.

- a. **SELECTION OF AN IMPARTIAL HEARING OFFICER (IHO):** The Office of Accountability and Efficiency shall maintain a list of qualified IHO's following consultation with labor unions, which may not include present or former District or union employees. Qualified IHO's may include, but are not limited to, those individuals available to be impartial hearing officers through the Wisconsin Employment Relations Commission or the Wisconsin Association of School Boards. The District will apply any standards developed by the State of Wisconsin for qualifying IHO's. IHO's for appealed matters shall be assigned at random from the list of qualified IHO's by the **management of the Office of Accountability and Efficiency** ~~Chief Accountability and Efficiency Officer~~.

Within ten calendar days of the receipt of the first step appeal, the Office of Human Capital, Employment Relations Department, shall contact the Office of Accountability and Efficiency to request the selection of an IHO. Employment Relations will copy the employee or the employee's representative in the request for the IHO. Once an IHO has been selected by the Office of Accountability and Efficiency, the employee or the employee's representative and Employment Relations will schedule a date for the hearing.

The IHO shall be compensated at his/her established regular rate for the hearing and time spent composing the decision, if such rate is charged. Any charges will be split evenly between the Administration and the party appealing the termination, disciplinary action, or workplace safety concern.

- b. **MEDIATION:** The IHO shall offer the parties an opportunity to mediate the dispute immediately prior to holding a hearing on the matter. During such mediation, the parties shall present their positions to the IHO, but no evidence shall be taken. If no resolution is achieved, the IHO shall immediately commence the hearing.
- c. **HEARING BEFORE THE IHO:** The IHO shall take testimony and evidence, and be responsible for the fair and orderly conduct of the hearing and preservation of the record. All testimony shall be taken and recorded under the supervision of the IHO.

The parties shall provide all exhibits to each other at least ten workdays in advance of the hearing.

For disciplinary or termination hearings, the Administration shall have the burden of proof to show just cause for the action taken.

For hearings related to workplace safety, the employee has the burden of proof to show the action is necessary. The Administration shall have the burden of proof to justify the reasonableness of the action taken.

The IHO shall sustain, modify, or overturn the determination of the designated administrator based upon his or her review of the facts as presented.

The IHO shall submit a written decision to the Office of Human Capital, Employment Relations Department, within ten workdays of the receipt of the hearing transcript, including the reasons for the decision. The Office of Human Capital shall communicate the decision to the parties through electronic means or U.S. mail.

**THIRD STEP** - The employee may appeal the decision of the IHO to the Board. The Administration may appeal the decision of the IHO to the Board only with the concurrence of the appropriate executive officer. The appeal must be filed within ten workdays of receipt of the IHO's decision. An appeal to the Board is permitted only in matters involving an employee termination, disciplinary demotion, a disciplinary suspension in excess of five workdays without pay, or workplace safety issues.

Any appeal to the Board shall be on written record (paper review). The Board procedures governing such reviews, including the circumstances in which a hearing may be conducted, will be located in the Appendices to the Board Rules. The appealing party shall supply a copy of the written record to the other party without charge.

This entire grievance procedure shall not be construed to create and is not intended to establish or give rise to any contractual rights between the Milwaukee Board of School Directors and any of its employees and is at all times subject to modification or elimination by the Board at its sole discretion.

## 5. **PROCEDURE FOR EMPLOYEE GROUP D (SUBSTITUTE TEACHERS)**

### Applicable Groups(s) D:

Any substitute teacher may file a written grievance with the Office of Human Capital, Employment Relations Department, within ten workdays of his or her termination, or receipt of discipline, or an inability to satisfactorily resolve a workplace safety issue with his or her immediate supervisor.

Upon receipt of a written grievance, an appropriate administrator will be designated to hear the grievance. The employee or his/her representative will be notified of the administrator assigned to the grievance and asked to contact the administrator to schedule the hearing. The designee shall meet with the parties within 15 workdays of receipt of the grievance or as soon as practicable to discuss the grievance and attempt to resolve it. If the employee or employee representative does not contact the administrator to schedule the hearing within ~~60~~ **30** calendar days of filing, the grievance will be considered

withdrawn. Additionally, the grievance hearing must be held within 60 days of filing. This timeline may be waived by mutual agreement. The designee shall review documentation provided by both parties in support of the employee's position, may allow the parties to present brief overviews of their positions if this is deemed helpful, and may direct pertinent questions to the parties. If the matter is resolved, then the resolution will be reduced to writing and distributed to the parties. If the matter is not resolved, the designee shall advise the parties in writing of his/her disposition of the grievance within ten workdays after the meeting.

The designee's disposition shall be final and binding.

## **PART VI**

### **COMPLAINT PROCEDURE**

Applicable Group(s) A, B, C, D, E, F, G, H, I:

The purpose of this complaint procedure is to provide a method for prompt and full discussion and consideration of matters of concern that personally impact an the employment within the District of an individual or individuals individual's employment with the District and that do not fall under the category of harassment, discrimination, or bullying and which cannot be processed through the grievance procedure.

Any employee may file a written complaint with the Office of Human Capital, Employment Relations Department, within ten workdays, of his/her inability to resolve the concern with his/her immediate supervisor or within ten workdays of the employee has knowledge of the concern.

Upon receipt of a written complaint, the Chief Human Capital Officer will designate an appropriate designee to hear the complaint. The designee shall meet with the employee within 15 workdays of receipt of the complaint or as soon as possible to discuss the complaint. The designee shall review documentation provided in support of the employee's position and will further investigate the matter. The designee shall advise the employee in writing of his/her disposition of the complaint within ten workdays after the meeting. If the employee or employee representative does not contact the administrator to schedule the hearing within ~~60~~ 30 calendar days of filing, the complaint will be considered withdrawn. This timeline may be waived by mutual agreement.

The designee's disposition shall be the final resolution of the complaint.

## **PART VII**

### **TEACHER NON-RENEWAL PROCESS**

Every teacher signs an individual employment contract with the District upon hire. The District, through the non-renewal process, has the ability to not renew a teacher's employment contract

for the upcoming school year. A non-renewal will result in a teacher no longer being employed by the District. The non-renewal process is only invoked when there are serious performance concerns related to a particular teacher. As such, the Educator Effectiveness System is used ~~important~~ in determining whether to non-renew a teacher. Please see the *Educator Effectiveness System Guide for Teachers* for further information on the evaluation process.

The teacher non-renewal process is as follows:

#### Preliminary Notice

A teacher being considered for non-renewal shall receive a written preliminary notice of non-renewal from the Office of Human Capital during the month of April. This notice must be given at least 15 calendar days prior to a final written notice of refusal to renew individual contract. The preliminary notice shall state that the teacher has five business days from receipt of notice to request a conference with MPS Administration. If a teacher does not request a conference within five business days, the District will move forward with issuing a final written notice of non-renewal.

#### District Conference (if requested)

Upon a request for a conference, the teacher will be provided copies of all evidence used to determine the non-renewal status. At the conference, the teacher will be provided with the reasons why the non-renewal is being contemplated and will have an opportunity to provide a response. The teacher may choose to have representation at this conference. ~~bring any one person to this conference for representation purposes.~~ Within five business days of the conference, the district administrator shall notify the teacher in writing that the proposed non-renewal has been withdrawn or not. If the non-renewal is not withdrawn, the teacher shall be sent a final written notice of non-renewal no later than two business days after the district administrator's decision.

#### Appeal

Upon receipt of final notice of non-renewal, a non-probationary teacher shall have 15 business days to file a written grievance with the Office of Human Capital, Employment Relations. The appeal will follow the grievance procedure as outlined in the MPS Employee Handbook. A probationary teacher who is non-renewed will not be eligible to file a grievance or appeal their non-renewal.

## PART VIII

### LEAVES AND ABSENCES

#### A. ADMINISTRATIVE LEAVE

Applicable Group(s) A, B, C, D, E, F, G, H, I:

The District, through the Office of Human Capital, may place an employee on Administrative Leave if the employee is disrupting operations or if the District has reason to believe that the employee may be: 1) potentially injurious to self or others; or 2) medically unfit to perform the core duties of the job, notwithstanding reasonable accommodations. The employee may elect to use accrued sick leave while on Administrative Leave; otherwise, Administrative Leave is unpaid. If an employee is placed on Administrative Leave, the District will within a reasonable period of time provide a process to assess the employee's suitability for returning to work. Placement on Administrative Leave does not preclude disciplinary action based on the same conduct. Placement on Administrative Leave will be confirmed in writing and may be appealed to the Chief Human Capital Officer.

#### B. FAMILY MEDICAL LEAVE ACT (FMLA)

Applicable Group(s) A, B, C, D, E, F, G, H, I:

The provisions below describe employee rights and obligations under the Federal and State Family and Medical Leave Act (FMLA) and explain the consequences of a failure to meet these obligations.

##### 1. LEAVE ENTITLEMENT

- a. **STATE LEAVE.** The Wisconsin FMLA requires covered employers to provide job-protected leave to eligible employees for the following reasons/durations:
  - Two workweeks for the employee's serious health condition;
  - Two workweeks for the serious health condition of a child, spouse, domestic partner, or parent(s) (including the employee's parents-in-law or the parents of a domestic partner); and
  - Six workweeks for the birth or adoption of a child by the employee.
- b. **FEDERAL LEAVE.** The Federal FMLA requires covered employers to provide job-protected leave to eligible employees for the following reasons/durations:

##### Basic Leave Entitlement

Twelve workweeks of unpaid leave in any 12-month period for:

- Incapacity due to pregnancy, prenatal medical care or child birth;



- To care for the employee’s child after birth, or placement for adoption or foster care;
  - Leave may be taken no later than 12 months after the child’s birth or placement with the employee;
  - If married spouses both are employed by the District, their total leave in any 12-month period may be limited to an aggregate of 12 weeks if the leave is taken for birth or placement of a child;
- To care for the employee’s spouse, son daughter or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee’s job.

### Military Entitlement

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness.

## **2. DEFINITION OF SERIOUS HEALTH CONDITION**

For purposes of Federal FMLA, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or

incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

For purposes of Wisconsin FMLA, a serious health condition is a disabling physical or mental illness, injury, impairment or condition involving any of the following: (i) inpatient care in a hospital, nursing home or hospice, or (ii) outpatient care that requires continuing treatment or supervision by a health care provider.

### **3. CONCURRENT LEAVES OF ABSENCE/LEAVE YEAR**

The employee's Wisconsin and Federal FMLA leave rights will run concurrently to the extent permissible under the law. Wisconsin FMLA leave rights are administered on a calendar year basis; Federal FMLA leave rights are administered on a rolling year basis.

### **4. EMPLOYEE RESPONSIBILITIES**

Under Federal FMLA, employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Under Wisconsin FMLA, employees must give advance notice of an expected birth or placement in a reasonable and practicable manner, and if the FMLA leave is for the purposes of planned medical treatment, the employee must make a reasonable effort to schedule the medical treatment or supervision so that it does not unduly disrupt the employer's operations, subject to the approval of the health care provider involved. The employee must also give advance notice of planned medical treatment or supervision in a reasonable and practicable manner. If the leave is not foreseeable, employees must provide notice as soon as practicable. Employees are generally expected to follow normal call-in procedures to the extent possible.

### **5. EMPLOYER RESPONSIBILITIES**

MPS must inform employees requesting leave whether they are eligible under Federal FMLA. If they are, the notice must specify any additional information required as well

as the employee's rights and responsibilities. If they are not eligible, MPS must provide a reason for the ineligibility.

MPS must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If MPS determines that the leave is not FMLA-protected, MPS must notify the employee.

## **6. INTERMITTENT LEAVE**

An employee does not need to use his/her FMLA leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis. In the event of a birth, adoption or foster care placement, intermittent leave under Wisconsin FMLA will be permitted only during the 16-week period before and after the birth or placement, and the last segment of intermittent leave must begin within 16 weeks of the date of birth or placement. Under Federal FMLA, the employer is not required to permit intermittent leave in connection with a child's birth or placement for adoption.

## **7. ELIGIBILITY**

The employee will be eligible for Federal FMLA leave if he/she has worked for at least 1,250 hours in the 12 months prior to the beginning of his/her leave and has been employed with the District for 12 months over the past seven years. For Wisconsin FMLA purposes, the employee must have been employed for 52 consecutive weeks and been paid for 1,000 hours of work in the 12 months preceding the commencement of his/her leave.

## **8. MEDICAL CERTIFICATION**

If the employee's leave request is based on his/her own serious health condition or the serious health condition of his/her child, spouse, domestic partner or parent, he/she must provide the District with a medical certification prepared by the treating health care provider. The medical certification must be provided to the District within 15 calendar days of notice to the employee of the need to provide such information, unless the District agrees to an extension of time. If the information in the certification is incomplete or insufficient, the District may request a clarification and/or authentication of the certification from the treating health care provider. This document must be completed and returned to the District within seven calendar days unless the District agrees to extend the response time. In the event questions continue to exist, the treating health care provider may be contacted for clarification of the request. If the employee fails to provide a timely certification, his/her leave request or his/her continuation of leave may be denied. If the employee's leave request is denied, his/her absence(s) will be classified under the District's attendance policy. However, the District reserves the right to require the employee to use FMLA leave concurrently with sick leave.

## **9. ADDITIONAL MEDICAL CERTIFICATION**

If the District has any questions about the accuracy of the employee's initial medical certification, the employee may be required to submit to another examination, at the District's expense, by a health care provider selected by the District. If the second opinion differs from the initial certification, a third opinion, from a mutually agreed upon health care provider, may be required. The third opinion is final and binding.

## **10. MEDICAL RECERTIFICATION**

The employee must provide the District, to the extent required by law, with recertification on a periodic basis that his/her serious health condition prevents him/her from performing his/her job functions or that he/she is needed to care for a family member with a serious health condition.

## **11. RETURN TO WORK**

If the employee is on FMLA leave because of his/her own serious health condition, he/she may be required to provide the District with a return-to-work release, signed by his/her treating health care provider, which addresses his/her ability to perform the essential duties of his/her job, before he/she can return to work. If he/she fails to provide the District with a return-to-work release, his/her reinstatement may be denied until the required certification is provided.

## **12. SUBSTITUTION (FMLA PAY STATUS)**

The employee may have the option of using certain types of paid leave; i.e., sick, vacation, or compensatory time, for unpaid FMLA leave pursuant to this FMLA Policy. When using leave under the Wisconsin FMLA act, the employee has the right to substitute any accrued paid leave for FMLA leave. The employee has similar rights to substitute accrued paid leave under the Federal FMLA, except the Federal FMLA recognizes that the employee is not entitled to substitute sick leave for FMLA leave unless the employee independently meets the applicable requirements for the use of sick leave under the Employee Handbook. The Federal FMLA allows the District to require the substitution of any accrued paid leave (vacation, sick, personal, etc.) for periods of unpaid FMLA leave. When accrued paid leave is substituted during the employee's unpaid leave period, the paid leave will not be available to the employee later. These leaves will run concurrently, provided the employee meets the applicable requirements of this leave policy. If the employee does not meet the requirements for taking paid leave, the employee remains entitled to take unpaid FMLA leave. If the employee is injured in the course of employment with the District and receives wage continuation benefits for absences attributable by the District to the work injury, this form of paid leave will be automatically counted against any FMLA entitlement to the extent permitted by law.

### **13. MAINTENANCE OF HEALTH AND DENTAL INSURANCE COVERAGE AND PAYMENT OF EMPLOYEE CONTRIBUTION**

The employee's health/vision and dental coverage will continue in effect during his/her FMLA leave entitlement and he/she will continue to be responsible for paying any required employee health/vision and dental contributions during the employee's leave. In the event of an unpaid FMLA leave, the employee will continue to be responsible for payment of employee contributions that accrue during his/her unpaid leave and such contributions will be deducted in full from his/her first paycheck or billed to him/her in full if he/she does not return to work at the District at the end of his/her unpaid FMLA leave.

### **14. BENEFIT/EMPLOYMENT PROTECTION**

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave. Upon returning to work from the employee's FMLA leave, the employee will be reinstated to the position he/she held prior to his/her leave or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment, unless his/her employment would have otherwise ceased. He/she will have no greater right to employment with the District at the end of his/her leave. If his/her leave extends beyond his/her 12-week FMLA entitlement, the District may fill his/her position.

### **15. DESIGNATION OF LEAVE**

Once the District receives the required information, the Employee Rights Administration Department (ERAD) in the Office of Human Capital will determine and inform the employee whether his/her absence(s) will be designated as FMLA leave. If the employee does not provide the District with the required information within the time specified, the employee's absence(s) will ordinarily be classified as other than FMLA leave and will be subject to the District's attendance policy. However, the District may designate an absence as FMLA leave so long as the designation meets the requirements of the law.

### **16. UNLAWFUL ACTS BY EMPLOYERS**

Federal FMLA makes it unlawful for any employer to:

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

### **17. ENFORCEMENT**

An employee may file a complaint under federal FMLA with the U.S. Department of Labor or may bring a private lawsuit against an employer.

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

An employee may file a complaint under Wisconsin FMLA with the Wisconsin Department of Workforce Development.

Questions regarding FMLA may be directed to the Leave Specialist in the Office of Human Capital, Employee Rights and Administrative Law at (414) 475-8210. Additional information regarding the Federal FMLA may be obtained from the U.S. Department of Labor/Wage and Hour Division at [www.wagehour.dol.gov](http://www.wagehour.dol.gov) or 1-866-487-9243 (TTY: 1-877-889-5627).

### **C. WORKER'S COMPENSATION**

Applicable Group(s) A, B, C, F, G, H, I:

An employee who is injured in the course of employment must file an accident report (Form EB-49) and Employee's Statement of Injury form with the employee's immediate supervisor within 24 hours after the occurrence of the injury (or as soon thereafter as possible).

An employee who is absent because of an injury or disease or assault compensable by the District under the Wisconsin Worker's Compensation Act is eligible for up to 40 days wage continuation during his/her active employment for that injury/disease/assault at approximately 2/3 of the pre-injury gross base salary normally received by the employee. Wage continuation for any and all injuries/diseases/assaults shall not exceed 40 days in any fiscal year and is intended only for the healing period. If the absence extends beyond one of the 40-day limits, the employee has the option of electing sick leave accumulation in accordance with District requirements or statutory workers compensation benefits. In order to be eligible for wage continuation or worker's compensation benefits, proper medical verification/documentation is necessary and wage loss replacement for the absence must be found by the City of Milwaukee to be required under the Wisconsin Worker's Compensation Act. (Note: Employees without a standard, regular work schedule are not eligible for wage continuation benefits. No wage continuation benefits are provided for jobs which did not give rise to the injury.)

All employees shall cooperate with the District's light duty and return to work arrangements where medically advisable and feasible. For additional information regarding worker's compensation benefits, please visit the portal at [www.milwaukee.k12.wi.us](http://www.milwaukee.k12.wi.us) or contact Office of Human Capital Services, Benefits and Compensation Services Department, at (414) 475-8555.

## D. HOLIDAYS

Applicable Group(s) A (except Building Trades seasonal laborers), B, C, F, G, H, I:

1. The following days are paid holidays for 12-month employees regularly scheduled to work 30 or more hours per week:
  - New Year's Day
  - Dr. Martin Luther King, Jr. Day
  - Good Friday
  - Memorial Day
  - Fourth of July
  - Labor Day
  - Thanksgiving Day
  - Day after Thanksgiving
  - Christmas Eve Day
  - Christmas Day
  - New Year's Eve Day
2. When a holiday falls on a Sunday, it shall be celebrated on the following workday. When a holiday falls on a Saturday, it shall be celebrated on the preceding workday.
3. The following days are paid for ten-month employees regularly scheduled to work 30 or more hours per week:
  - Labor Day (only when the work year begins before Labor Day)
  - Thanksgiving
  - Memorial Day (~~only when the work year ends after Memorial Day~~ the District will provide a different holiday for 10 month employees when the school year ends before Memorial Day)
4. Employees regularly scheduled for less than 30 hours per week are not afforded paid holidays.
5. To qualify for and receive holiday pay, an employee must be in paid status both the scheduled workday before and the scheduled workday after the paid holiday.

## E. INCLEMENT WEATHER

Reference: Emergency Closing Procedure

Applicable Group(s) A, B, C, F, G, H, I:

On occasion, due to weather conditions, Milwaukee Public Schools may need to partially or fully close. The type and extent of a District closure will vary based on the severity of the weather.

### Partial Closing (Schools Only)

For the safety of our students, severe weather may necessitate the closing of schools. When travel is not impacted by roadway conditions all non-school based employees are expected to report for work. Any employee not able to report to work is expected to call in their absence in accordance with departmental work rules. Failure of an employee to report the absence will result in the individual not being paid for the day and may result in disciplinary action, up to and including termination.

Inclement weather days are non-paid, non-workdays for substitute teachers and hourly employees.

### Full Closing (Central Services, Schools and All Other Sites)

Central Services may need to close when inclement weather seriously impedes travel and safety. Employees involved in snow/ice removal and building maintenance activities will be expected to report to work as determined by the Chief Operations Officer. The Superintendent may designate additional Central Services staff to report.

If a designated employee is unable to work that day, he or she is expected to call in the absence in accordance with departmental work rules. Failure of a designated employee to report the absence will result in the individual not being paid for the day and may result in disciplinary action, up to and including termination.

All closings will be identified on the MPS Portal and in the local media.

## **F. JURY DUTY**

### Applicable Group(s) A, B, C, F, G, H, I:

Full-time employees of the District will be released to fulfill citizenship obligations of jury duty. When an employee is summoned for jury service, he/she must notify his/her immediate supervisor. Employees shall receive full pay during the period of absence provided he/she remits to the District an amount equal to the compensation paid to him/her for such jury service and attaches the summons.

## **G. MILITARY LEAVE**

### Applicable Group(s) A, B, C, D, E, F, G, H, I:

It is the District's policy that employees will be granted all military leave rights available under the Uniformed Services Employment and Re-employment Rights Act (USERRA). Upon notification of the need for military leave, employees shall request leave through the Office of Human Capital and notify their supervisor. For further information regarding rights under USERRA, employees may contact the Office of Human Capital, Leave Administrator at (414) 475-8210.



## H. SICK LEAVE

Applicable Group(s) A, B, C, F, G, H, I:

1. **ACCRUAL.** All employees, except as otherwise provided, are eligible for 0.067 hour for every hour paid, exclusive of overtime or additional hours.
  - a. Twelve-month employees can accrue up to a maximum of 120 hours per fiscal year. No employee working on a 12-month basis may accrue more than 1,200 hours of sick leave at any point in time during their employment with the District at full pay. Thereafter, sick leave accumulation is unlimited at half-pay.
  - b. Ten-month employees can accrue up to a maximum of 100 hours per fiscal year. No employee working on a 10-month basis may accrue more than 1,160 hours of sick leave at any point in time during their employment with the District at full pay. Thereafter, sick leave accumulation is unlimited, at half-pay.

Note: Substitute teachers and part-time recreation employees are **not** eligible to earn sick leave.

2. **USE OF SICK LEAVE (PERSONAL ILLNESS).** Sick leave is a benefit to be used for illness only, unless otherwise provided.

Sick leave taken because of a serious health condition may be governed by FMLA procedures. Questions regarding the application of FMLA procedures should be directed to the MPS Leave Administrator at 414-475-8210 in the Office of Human Capital. Supervisors and employees are encouraged to promptly notify the MPS Leave Administrator of any serious health conditions.

Ordinarily, an employee may be off work for up to three continuous days for personal illness without a need to furnish the employer with medical documentation. All continuous absences in excess of three days for personal illness do require medical documentation substantiating the absence by a health care professional licensed to treat the condition at issue. Medical documentation shall be submitted to the supervisor within seven calendar days of the first day of absence. ~~or upon the first day of return, whichever comes first.~~ Such documentation should indicate the duration or expected duration of the restrictions or incapacity. Updated medical reports should be submitted by the employee within seven calendar days after the employee's work capacity is no longer described or substantiated by medical documentation previously submitted.

The District may require an employee who has been absent due to personal illness to submit medical documentation demonstrating that he or she is fit for duty and/or does not pose a direct threat to the health or safety of him/herself or others due to the medical condition. Fitness for duty documentation should be submitted routinely for absences in excess of three consecutive workdays, and such documentation may be required for

shorter periods if warranted by special circumstances. The employee should be given reasonable advance notice if documentation will be required for shorter periods.

For any period of sick leave that exceeds 20 continuous workdays, the employee must: (1) give advance notification to the employee's supervisor; and (2) request and obtain approval for a formal leave of absence from the MPS Leave Administrator at 414-475-8210 in the Office of Human Capital. If approved, the formal leave of absence may be applied retroactively to include all sick leave taken from the first date of absence.

3. **USE OF SICK LEAVE (FAMILY ILLNESS).** Employees may use up to ten days per fiscal year of sick leave for illness of an immediate family member. "Immediate family member" is defined as husband or wife, child, stepchild, brother, sister, half-brother or sister, stepbrother or sister, parent, parent-in-law, stepparent, or domestic partner, wherever they may reside, or other relative living in the same household. All continuous absences in excess of two days for family illness require submission of medical documentation of the reason. Family Illness Leave is not intended for employees who do not have sufficient sick leave in their accrued accounts to cover their requested absence(s).
4. **REPORTING OF SICK LEAVE USE.** The employee must notify his/her immediate supervisor before the beginning of the scheduled workday that he/she is going to be off sick in accordance with departmental work rules. Such notice shall be provided to the employee's immediate supervisor in a manner designated in the departmental work rules. Absent emergency circumstances, the failure to provide the required advance notice will result in the absence being considered absent without approved leave (AWOL) under Part II.
5. **MISUSE OR ABUSE OF SICK LEAVE.** Any time the District has reason to believe an employee may be abusing or misusing the sick leave benefit, it may require the employee to submit medical documentation of the reason for the absence. Misuse or abuse of sick leave may result in loss of pay and/or disciplinary action, up to and including termination.
6. **PLACEMENT ON SICK LEAVE CERTIFICATION REQUIREMENT.** A supervisor may prospectively place an employee on a special sick leave certification requirement (i.e., a requirement to submit medical documentation substantiating each absence, regardless of duration) if the supervisor determines in his or her discretion that the employee's absences have been excessive. Sick leave certification requirements should not be in place for more than one year, but they may be extended as needed. An employee's FMLA-approved absences are not subject to a supervisor's sick leave certification requirement.

## **I. MISCELLANEOUS LEAVE**

Applicable Group(s) A, B, C, F, G, H, I:

A total of not more than 32 hours per year, prorated based upon the number of hours worked weekly, deductible from sick leave may be taken for any reason. Employees must obtain prior written approval from their supervisor before use of sick leave under this provision.

Miscellaneous Leave is not intended for employees who do not have sufficient sick leave in their accrued accounts to cover their requested absence(s).

## **J. BEREAVEMENT/FUNERAL LEAVE**

Applicable Group(s) A, B, C, F, G, H, I:

Funeral leaves listed below shall be permitted without loss in pay or deduction from sick leave, within the parameters specified below.

1. Funeral leaves must be commenced within seven calendar days of death.
2. An employee shall be permitted up to three full workdays, taken consecutively, due to the death of husband or wife, child, stepchild, brother, sister, half-brother or sister, stepbrother or sister, parent, parent-in-law, stepparent, or domestic partner, wherever they may reside, or other relative living in the same household.
3. An employee shall be permitted to take one workday, used within the calendar week (any seven consecutive days), due to the death of a grandparent, grandchild, brother-in-law, sister-in-law, son-in-law, daughter-in-law, uncle, aunt, nephew, niece, or first cousin.
4. The employee must give his/her supervisor advanced notice of the leave. Upon request from the supervisor, the employee must provide documentation substantiating the reason for the absence after returning from the leave.

## **K. SABBATICAL**

Applicable Group(s) B (certificated only), C, I:

Upon recommendation of the Superintendent and approval by the Board, employees who have rendered at least seven years of satisfactory service in the District may be granted a leave of absence for study, research, or to work on a thesis or dissertation, for either one semester or one year, subject to the following provisions.

1. Up to 20 sabbatical leaves may be granted as requested each school year.
2. Sabbaticals shall be granted based upon the probable advantage to the District.

3. Those granted a sabbatical under this provision shall be paid at the rate of 50 percent of their current salary as of the date such leave starts. The salary is subject to the fulfillment of the requirements governing study or research leave established by the Superintendent. In the event an employee fails to get an acceptable grade in one of the courses being taken or drops one course being taken, where such course does not exceed three credits, he/she shall be paid a percentage equal to the credits earned with an acceptable grade, divided by the nine semester credits required, multiplied by 50 percent of the current salary. Any employee who voluntarily leaves the District's employment within 36 months of his/her return from or completion of a sabbatical must repay 100 percent of the salary cost of such sabbatical.

Only one sabbatical leave is permitted to be taken by a District employee during the course of their employment by/with the District. This limitation is applicable no matter how many times an individual may be hired by, and work for, the District in any capacity.

#### **L. UNPAID (PERSONAL, NON-FMLA) LEAVE OF ABSENCE**

Applicable Group(s) A, B, C, F, G, H, I:

In order for the District to position itself to consider and deal with the long-term absence of an employee, employees who request time off for a personal, unpaid, non-FMLA leave must submit their request to the MPS Leave Administrator, Employee Rights Administration Department (ERAD), Office of Human Capital, at least 60 days prior to the requested start date of the leave or as soon as they become aware of the need to request leave.

At the Office of Human Capital's discretion, unpaid, personal, non-FMLA leaves of absence may be granted for periods of time not to exceed one calendar year.

Because each leave is considered on its own merits and is dependent to some extent on operations of the District, it must be understood that one leave does not establish a precedent for another.

Employees may continue insurances while on unpaid leave of absence at his/her own expense. If the premium is not received by the first of the month, the employee's insurance coverage shall be terminated. During the unpaid leave of absence, the employee will retain accumulated paid leave, but will not accrue any additional paid leave.

Within five days prior to the end of an employee's approved leave, the employee shall contact the MPS Employee Rights and Administration Department Leave Administrator to give notice of whether the employee intends to return to work. If the employee will continue to be absent, he or she should submit a written request for leave extension to the ERAD Leave Administrator on or before the end of the approved leave. Leave requests based on a medical condition should be accompanied by medical documentation substantiating that the employee is unable to perform his/her regular job duties for the period of time at issue. Leave requests for the purpose of study should designate the intended field of study and/or expected degree.

Employees may continue insurances while on unpaid leave of absence at their own expense. If the premium is not received by the first of the month, the employee's insurance coverage shall be terminated. If the employee exercises this self-pay option, any such period of self-paid coverage will be deemed to be an election to exercise COBRA continuation coverage and will count against the employee's applicable period of COBRA continuation coverage.

## **M. DURATION OF LEAVES**

Applicable Group(s) A, B, C, F, G, H, I:

All leaves must be for a definite period in time. No leave of absence shall continue in force beyond one year. Leaves and leave extensions may be approved at the OHC's discretion for a duration determined appropriate by OHC. The total time allowed for leaves of absence shall not exceed three years in the aggregate within any seven-year period, except as required by law. Any leaves of absence totaling 36 work days or more of a semester or half work-year shall be considered as a half-year for the purpose of determining leave durations. For seasonal laborers, any absence totaling 36 work days during the season will be counted as a year for purposes of determining leave durations.

Each leave is considered on its own merits and is dependent to some extent on operations of the District. It must be understood that one leave does not establish a precedent for another.

## **N. OUTSIDE EMPLOYMENT DURING LEAVE**

Reference: Administrative Policy 6.04(3)

Applicable Group(s) A, B, C, F, G, H, I:

Employees are prohibited from engaging in outside employment when they are on a leave (except for miscellaneous leave). The rules regarding outside employment are specified in Part I of the Employee Handbook.

## **O. VACATION**

### **1. ACCRUAL**

Twelve-month employees shall receive an annual vacation on an accrual basis.

Applicable Group(s) A (except for Building Trades), C, and clericals in G and H:

- a. Employees with less than nine years of service shall accrue 0.057693 hours of vacation for each hour paid excluding overtime hours. These employees may accumulate a total vacation balance which may not exceed 240 hours (six weeks) in any pay period.
- b. On the first full pay period following completion of nine years of service and thereafter, the employee shall accrue 0.076924 hours of vacation for each hour paid

excluding overtime hours. This employee may accumulate a total vacation balance which may not exceed 320 hours (eight weeks) at the end of any pay period.

- c. On the first full pay period following completion of 19 years of service and thereafter, the employee shall accrue 0.096154 hours of vacation for each hour paid excluding overtime hours. This employee may accumulate a total vacation balance which may not exceed 400 hours (ten weeks) at the end of any pay period.

Applicable Group(s) B, F, and administrative staff in G and H:

- a. Employees with less than 19 years of service shall accrue 0.076924 hours of vacation for each hour paid excluding overtime hours. This employee may accumulate a total vacation balance which may not exceed 320 hours (eight weeks) at the end of any pay period.
- b. On the first full pay period following completion of 19 years of service and thereafter, the employee shall accrue 0.096154 hours of vacation for each hour paid excluding overtime hours. This employee may accumulate a total vacation balance which may not exceed 400 hours (ten weeks) at the end of any pay period.

Applicable Group(s) Building Trades:

- a. Employees with less than ~~ten~~ **nine** years of service shall accrue 0.04 hours of vacation for each hour paid excluding overtime hours. These employees may accumulate a total vacation balance which may not exceed 160 hours (four weeks) in any pay period.
  - b. On the first full pay period following the completion of ~~ten~~ **nine** years of service and thereafter, shall accrue 0.06 hours of vacation for each hour paid excluding overtime hours. These employees may accumulate a total vacation balance which may not exceed 240 hours (six weeks) in any pay period.
  - c. On the first full pay period following completion of ~~20~~ **19** years of service and thereafter, shall accrue 0.08 hours of vacation for each hour paid excluding overtime hours. This employee may accumulate a total vacation balance which may not exceed 320 hours (eight weeks) at the end of any pay period.
2. **PAY-OUT OF ACCRUED VACATION.** Upon separation of services or transfer into positions not eligible for vacation benefits, accumulated vacation hours will be paid out up to the maximum allowable accumulated hours.
  3. **USE OF VACATION.** All vacation shall be taken only with prior approval of the employee's supervisor. Employees should request vacation as far in advance of the time as possible. Supervisors should confirm or deny such vacation requests as soon as possible.

## **P. UNION LEAVES/RELEASES**

Applicable Group(s) A, B, C, D, I:

Each designated collective bargaining unit may request that its representatives be released with pay to engage in union-related activities for a maximum of ten days per fiscal year. Any union may request additional leave for its representatives, including full release up to one school year, subject to approval by the District. For all approved leaves in excess of ten days per fiscal year, the District will bill the bargaining unit for their salary and benefits of the individual for this time.

Hearings in accordance with Part II-Discipline, Part V-Grievance Procedure, and Part VI-Complaint Procedure, do not count against the ten days in paragraph 1.

Union representatives shall be released, with pay, to attend negotiations as required by state law. This time does not count against the ten days in paragraph 1.

Union representatives must make every effort not to miss scheduled District work time to engage in union activities.

All requests for union leave or release must be submitted to Employment Relations five work days in advance whenever practical.

## **PART IX**

### **ADDITIONAL ITEMS**

#### **A. EMPLOYEE ASSISTANCE PROGRAM**

Applicable Group(s) A, B, C, D, E, F, G, H, I:

All employees and their families are provided free, confidential counseling and referral service pertaining to personal difficulties related to the following:

- Financial and legal consultation
- Mediation information
- Drug and alcohol abuse
- Childcare search
- Adoption assistance
- School and college planning
- Eldercare assessment

You can call Aurora Employee Assistance Program (EAP) at 1-800-236-3231 to schedule an appointment or work/life services between 8:00 A.M. to 5:00 P.M. or 24/7 to speak with a

counselor. For additional information, you can also visit the Portal at [www.milwaukee.k12.wi.us](http://www.milwaukee.k12.wi.us).

Note: Information regarding District benefits, such as employee health, dental, life insurance, pension, and retirement savings plans, etc., can be found on the District portal at [www.milwaukee.k12.wi.us](http://www.milwaukee.k12.wi.us) – *Employee Benefits News*. This source as well as the District’s annual Open Enrollment Packet provides the most up-to-date benefits information.



## **NOTES**