

ARTICLE III: CONDITIONS OF EMPLOYMENT - GENERALLY

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POLICY 5-3.1 DRUG-FREE WORKPLACE

The Hanover County School Board is committed to maintaining a drug-free work place. To that end, all School Board work places, including offices, annexes, playgrounds, parking lots, vehicles, and off-campus locations, shall be maintained as drug-free workplaces. Failure of employees to adhere to this standard will result in appropriate disciplinary action, up to and including dismissal.

Violations

While on school property or at school activities and events, School Board employees shall not possess, use, distribute, sell, manufacture, dispense, or be under the influence of any narcotic, hallucinogenic, amphetamine, barbiturate, marijuana, alcoholic beverage, stimulant or intoxicant of any kind or other controlled drug as defined by state or federal law. The use of a drug authorized by a medical prescription shall not be considered a violation of this Policy when used as prescribed by the person for whom it was prescribed. Violation of this Policy may result in appropriate disciplinary action up to and including dismissal. Any employee convicted of any drug-related crime occurring under the circumstances described in this paragraph shall notify the division superintendent or his designee within five (5) days after such conviction. Compliance with this provision is a condition of employment.

Conduct prohibited by the Omnibus Transportation Employee Testing Act of 1991 and U.S. Department of Transportation Regulations shall constitute a violation of this Policy and may result in appropriate disciplinary action up to and including dismissal.

Off-Campus Use

The use of alcohol, narcotics, hallucinogens, depressants, stimulants, or marijuana off School Board property which affects an employee's ability to perform his or her duties, or which generates publicity or circumstances which adversely affect the school division or its employees, may result in discipline, including possible suspension or termination.

Disciplinary Action

The division superintendent and School Board will take appropriate personnel action up to and including dismissal of any employee found to be in violation of this Policy. Such actions of the division superintendent and School Board shall begin immediately on notification of a violation.

Distribution of Policy

All employees shall be given a copy of the "Alcohol and Drug-Free Work Place Acknowledgement Form" which shall constitute notice that they agree to abide by this Policy as a condition of employment.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, Sections 4-78.1, 4-112.4, 18.2-255.2, 22.1-78, 22.1-280.1; Regulations Governing Reporting Acts of Violence and Substance Abuse in Schools, 8 VAC 20-560-10. Drug Free Schools and Communities Act of 1986 (P.L. 99-570); Elementary And Secondary Education Act of 1965 (ESEA) (P.L. 100-279); Drug Free Workplace Act of 1988 (P.L. 100-690); Drug Free Schools and Communities Act Amendments of 1989 (P.L. 101-226); Crime Control Act of 1990 (P.L. 101-647).

Recodified: August 2000

ACCOMPANYING REGULATION

REGULATION 5-3.1 DRUG-FREE WORKPLACE

Generally

The Hanover County School Board requires compliance with both the word and intent of the Drug-Free Workplace Act, acts of the Virginia General Assembly relating to drug and alcohol use, and federal, state and Virginia Department of Education regulations implementing such legislation.

Definitions

As used in this regulation:

"Controlled substance" means a controlled substance in Schedules I through V of the Federal Controlled Substance Act and Schedules I through VI of the Virginia Drug Control Act.

"Conviction" means a finding of guilt by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

"Criminal drug statute" means any federal or state criminal statute involving the manufacture, distribution, dispensing, possession or use of any controlled substance.

"School Workplace" means any site for the performance of school related work by the employee. That includes any school building and all school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; and any other place which is the location of any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the school division.

Alcohol and Drugs on School Board Property or Any School Workplace

The illegal use, possession of, or usage of alcohol, narcotics, hallucinogens, depressants, stimulants, marijuana or other controlled substance by any School Board employee on School Board property or any school workplace is prohibited. The violation of this regulation shall result in suspension or termination of employment.

Alcohol and Drugs off School Board Property

The use of alcohol, narcotics, hallucinogens depressants, stimulants, and marijuana or other controlled substance off School Board property which affects an employee's ability to perform his or her duties, or which generates publicity or circumstances which adversely affect the school division or its employees, shall result in discipline, including possible suspension or termination.

Drug-Free Employee Assistance

The School Board recognizes that alcohol and drug dependencies are illnesses and major community health problems. Early recognition and treatment of alcohol and drug abuse are essential to successful rehabilitation. The School Board may assist any

employee, upon request of the employee, with alcohol and drug abuse problems as well as other personal problems by making referrals to appropriate treatment programs.

An employee voluntarily seeking assistance for a substance abuse problem through the office of human resources will not be disciplined as a result of his disclosure of prior drug or alcohol use provided that he successfully adheres to requirements of and completes the treatment program and does not thereafter violate this regulation regarding use of alcohol, illegal drugs, and unlawful prescription drugs.

Drug-Free Awareness Program

The School Board is aware of its obligation to employees with respect to the use and abuse of drugs. The School Board believes that within the school division a climate which promotes abstinence from illegal drugs must be established. To achieve this goal, the division superintendent or his designee shall establish :

1. A continuing program of required inservice instruction on the nature of drugs and their proper use and on the deleterious effects of drug use on the mental, physical, social, economic and legal status of the individual employee.
2. Opportunities for the community to understand the school division's approach to a drug-free workplace.

Notification of Convictions

An employee convicted for violating any state or federal drug law must notify the assistant superintendent of human resources within five (5) days of his conviction. Failure to comply with this directive will be grounds for termination of employment.

Each employee is required to sign a form acknowledging that the employee is aware of this regulation and its requirements. Forms shall be signed by current and future employees. Department heads and principals have the responsibility for obtaining employees' signatures on the acknowledgment forms which shall be maintained in the office of human resources.

Alcohol- and Drug-Free Work Place Acknowledgment Form for Employee

As a condition of my employment with the Hanover County Public Schools, I certify the following:

1. I am aware of the school division's Regulation 5-3.1 pertaining to an alcohol- and drug-free work place. I understand that I may be dismissed for any violation of this regulation, even if it is a first offense.

2. I am aware I shall notify the assistant superintendent of human resources, if I am convicted by a federal, state, or local court of an illegal drug-related offense. I will inform the assistant superintendent of human resources within five days of the date of such conviction. I understand that I may be dismissed for any such conviction.

Employee's Signature

Date

POLICY 5-3.2 TOBACCO-FREE SCHOOLS

Smoking, chewing or any other use of any tobacco products or nicotine vapor products by staff shall be prohibited on Hanover County Public School property as defined below.

Definitions

For purposes of this Policy, the following definitions shall apply:

1. "School property" shall mean all property owned, leased, rented or otherwise used by the Hanover County School Board, including but not limited to the following:
 - a. All interior portions of any building or other structure used for instruction, administration, support services, maintenance or storage;
 - b. Any indoor facility or portion of such facility owned, leased or contracted for and utilized to provide regular or routine health care, day care or early childhood development (Head Start) services; and
 - c. All vehicles used by the division for transporting students, staff, visitors or other persons.
2. "Tobacco" shall include cigarettes, cigars, pipe tobacco, snuff, chewing tobacco and all other kinds and forms of tobacco prepared in such manner as to be suitable for chewing, smoking or both. "Tobacco" shall include cloves or any other product packaged for smoking.
3. "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.
4. "Smoke" or "smoking" means the carrying or holding of any lighted pipe, cigar, cigarette, or nicotine vapor product of any kind, or any other lighted smoking equipment, or the lighting, inhaling, or exhaling of smoke from a pipe, cigar, or cigarette of any kind.

This Policy shall be posted on bulletin boards and announced in meetings. Staff found to be in violation of this Policy shall be subject to appropriate disciplinary action.

Exemptions

The School Board may direct the division superintendent to issue regulations designating smoking areas on school grounds outside buildings.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 15.2-2820; 15.2-2824; 18.2-371.2; 15.2-2832; 22.1-79.5; 20 U.S.C. §§ 6083, 7183.

Recodified: August 2000

Amended: July 16, 2002, July 16, 2003, August 12, 2014

POLICY 5-3.3 STAFF: WEAPONS IN SCHOOLS

The Hanover County School Board is committed to maintaining a safe and secure working and learning environment. Employees are prohibited from carrying, bringing, using, or possessing any weapon as defined by state and federal law in any school building, on school grounds, in any school vehicle or at any school-sponsored activity without the authorization of the school administration or the School Board. The division superintendent and School Board will take appropriate personnel action up to and including dismissal of any employee found in violation of this policy. Such action of the division superintendent and School Board shall begin immediately on notification of a violation. All incidents involving illegal carrying of a firearm shall be reported in accordance with state law.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 18.2-308.1, 22.1-280.1; Regulations Governing Reporting Acts of Violence and Substance Abuse in Schools, 8 VAC 20-650-10.

Recodified: August 2000

POLICY 5-3.4 STAFF PARTICIPATION IN POLITICAL ACTIVITIES AND PROFESSIONAL ORGANIZATIONS

The Hanover County School Board encourages employees to exercise all their rights as citizens, including involvement in political activities. Employees may solicit support for political candidates or political issues outside regular work hours, but should make clear that their views and actions are made as individuals and that they do not represent the views of the Hanover County Public Schools. No employee shall use his position in the school division to promote a political cause. No employee shall attempt to indoctrinate students by virtue of his position while students are under the supervision of the School Board, as is further outlined in Policy 6-1.10.

Political posters, announcements and flyers shall not be displayed on school bulletin boards or distributed through mail or messenger facilities. These restrictions shall not apply to classroom bulletin boards and displays being used to supplement instructional units.

The School Board recognizes that employees participate in professional organizations.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 40.1-57.2, 40.1-57.3.

Recodified: August 2000

ACCOMPANYING REGULATION

REGULATION 5-3.4 STAFF PARTICIPATION IN POLITICAL ACTIVITIES AND PROFESSIONAL ORGANIZATION

Membership Solicitation and Communications

As Hanover County Public Schools recognize that employees participate in professional organizations, the process of soliciting membership to the organization must be guided by procedures which preserve the integrity of the instructional day. Virginia public school employee organizations may utilize employee mailboxes and bulletin boards used by employees in areas reserved for employees for purposes of membership solicitation and communications. Employee meetings regarding membership solicitation and organizational communication shall take place outside of the contract day and apart from faculty meetings.

Adopted: August 14, 2001

POLICY 5-3.5 NONSCHOOL EMPLOYMENT

Outside Employment

Employees of the Hanover County School Board may accept outside employment provided that such employment does not interfere with or affect their performance in the position for which they are employed and that the outside employment does not reflect adversely upon the school division. The division superintendent may require an employee to report all outside employment.

Aids/Services/Equipment

No employee of the School Board shall take advantage of his or her position to promote or to sell any educational aids to students or parents of students enrolled in the school division.

Licensed Personnel: Tutoring

Professional staff members shall be prohibited during the school year from tutoring students (on a paid basis) in the school where they are employed. No teacher shall recommend that a student be tutored without first conferring with the student’s principal.

Staff Gifts and Solicitations

Exchange of gifts between students and staff shall be discouraged. No school division employee shall solicit goods or services for personal use or for student use during school hours on school property without written authorization from the division superintendent. See Policies 2-2.3 and 2-5.4.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 11.73, 11.75, 22.1-70, 22.1-78.

Recodified: August 2000

ACCOMPANYING REGULATION

REGULATION 5-3.5 NONSCHOOL EMPLOYMENT

In order to avoid any conflict of interest, perceived or otherwise, the following procedures are to be followed in tutoring Hanover students:

1. A teacher, defined here as any HCPS employee who is providing direct instructional services to a Hanover student, may tutor, for pay, students who attend the school in which the teacher is employed as long as the student is not receiving direct instruction from the teacher. Such tutoring must occur outside of the teacher’s contractual day and services cannot be provided on School Board property.
2. Compensation will not be permitted to a teacher for providing tutoring services to a student under his/her direct instructional guidance.
3. Teachers should refer requests for tutoring referrals to the school guidance counselor or school principal as determined within the school building. The principal or guidance counselor may elect to maintain a list of interested employees within the school and others who wish to provide tutoring services.
4. If a list is maintained within the school, it should contain a disclaimer that the school division cannot attest to the qualifications of the individual services provided by employees in the tutoring capacity.

Adopted: October 6, 2003

POLICY 5-3.6 HOURS OF EMPLOYMENT/WORK DAY

Licensed Personnel

Hanover County School Board licensed personnel are employed on a contractual basis to perform specific duties. The individual employee has the responsibility to spend such time as is necessary to fulfill his or her obligations both during and after school hours. Subject to School Board approval, the division superintendent or his designee shall determine specific working hours.

1. Teachers shall work a minimum of seven hours and fifteen minutes per day.

2. All teachers are expected to remain in their schools for periodic inservice training sessions, faculty meetings, etc., which normally will be in addition to the regular teaching day.
3. Teachers also are expected to assume additional responsibilities, such as assisting with the program of extracurricular activities, bus duty, etc., some of which are in excess of the normal school day.

Classified Licensed and Classified Non-licensed Personnel

The division superintendent or his designee, subject to approval by the School Board, shall determine specific working hours for classified licensed and non-licensed personnel and, through appropriate administrative regulations, shall advise these employees of their working hours.

Overtime

Employees who are classified as “non-exempt” under the Fair Labor Standards Act shall not work overtime without approval of their immediate supervisors and the division superintendent or his designee. Overtime compensation shall be paid for work performed by a “non-exempt” employee in any workweek in which the employee works in excess of forty (40) hours. Overtime compensation shall be paid at a rate of one and one-half times the regular rate at which the “non-exempt” employee is actually paid. In lieu of overtime compensation, “non-exempt” employees may be granted compensatory time at a rate of one and one-half hours for each hour of employment for which overtime compensation is required under the Fair Labor Standards Act. Before a “non-exempt” employee can work overtime for which compensatory time is granted, the employee must enter into a written agreement with Hanover County Public Schools to receive compensatory time in lieu of overtime compensation. “Non-exempt” employees may not accrue more than 240 hours of compensatory time (i.e., 160 hours of overtime actually worked). Employees who have accrued and request use of compensatory time shall be permitted to use such time off within a reasonable period after making the request, if the use does not unduly disrupt the operations of Hanover County Public Schools. Upon termination of employment an employee shall be paid for unused compensatory time at the higher of: (1) the average regular rate received by the employee during his last three years of employment; or (2) the final regular rate received by the employee.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-79 (5), 22.1-291, 22.1-291.1; Regulations Governing Contractual Agreements with Professional Personnel, 8 VAC 20-430-10; Regulations Governing the Employment of Professional Personnel, 8 VAC 20-440-10; Regulations Governing Sick Leave Plan for Teachers, 8 VAC 20-460-10; Fair Labor Standards Act, 29 U.S.C. 201, et seq.; 29 CFR parts 553, 778

Recodified: August 2000, Amended: July 16, 2003

ACCOMPANYING REGULATION

REGULATION 5-3.6(A) HOURS OF EMPLOYMENT/WORK DAY

Length of Teaching Day

Teachers serve under the direct supervision of their principals or designees. In establishing hours of employment, principals shall be guided by certain minimum requirements:

1. The minimum school day for Hanover County Public School teachers shall be seven hours and fifteen minutes, which includes the lunch period.
2. Principals may adjust the time of arrival and departure of teachers to meet individual school needs.

3. All teachers are expected to remain in their schools for periodic inservice training sessions, faculty meetings, etc., which normally will be in addition to the regular teaching day.
4. Teachers are expected to assume additional responsibilities, such as assisting with the program of extra-curricular activities, bus duty, etc., some of which are in excess of the normal school day.
5. Student transportation circumstances may dictate some adjustment to the above regulations, but in no case will the teacher's day consist of less than seven hours and fifteen minutes.

Length of Work Day

The scheduled hours of work per day are determined by the employee's position. For calculation of overtime wages, the standard workweek begins at 12:01 a.m. Sunday and ends at 12 Midnight on Saturday.

Timely and regular attendance is an expectation of all HCPS employees. Employees will be held accountable for adhering to their workplace schedule. In the event an employee is unable to meet this expectation, the employee must obtain approval from his/her supervisor in advance of any requested schedule changes. This approval includes requests to use appropriate leave, as well as late arrivals to or early departures from work. If the employee is unable to report to work for the workday or expects to be late, he or she must contact his or her designated supervisor, no later than the beginning of his or her scheduled work period, giving the reason for his or her absence.

Scheduled hours of work of individual employees may be altered by the supervisor, with the approval of the Assistant Superintendent of Human Resources, within the established work schedule of the division as conditions warrant. Principals or directors may approve other temporary occasional work schedule adjustments, which involve some combination of altered work start and stop times, to allow employees to schedule family medical appointments or take care of personal business during work hours and avoid being charged leave.

Amended: September 1, 2016

REGULATION 5-3.6 (B) ON CALL PAY

"On Call" Pay

"On Call" Pay is compensation for those employees who are regularly required to be available, when needed, to handle exceptional situations occurring outside of the employees' defined standard working hours. "On Call" pay is available to maintenance staff members who are required to carry a duty pager and respond to emergency situations outside of their scheduled work hours. Emergency situations may include refrigeration, boiler, HVAC, electrical and other events that are triggered by the building automation notification system.

- A. "On Call" time shall be a period when an employee is not required to remain at the work location and is free to engage in personal activities, but is expected to be available (ready and able) to promptly respond to situations when necessary.

Typically, the "On Call" hours are all hours outside of the normal M-F scheduled working hours of 6AM – 2:30PM and weekends.

- B. Individuals who are required to be "On Call" will be assigned on a weekly, rotating basis and are expected to be available for the entire week that they are assigned.
- C. Employees who are assigned to be "On Call" will be compensated for 4 hours of pay regardless of how many calls they receive during the assigned period. If during the assigned "On Call" week, the employee responds to situations which exceed 4 hours of time, the employee will be compensated for those additional hours.

Adopted: September 1, 2016

POLICY 5-3.7 REDUCTION IN FORCE

Generally

An orderly and consistent plan shall be followed in the event the Hanover County School Board must reduce the number of licensed, classified licensed and classified non-licensed personnel from the school division due to a decrease in student enrollment, insufficient funding, expiration of special grants, a change in curriculum or a modification of the educational program and/or other conditions which may require a reduction in staff. In such event, the School Board authorizes the division superintendent to recommend the program adjustments to be made and the reduction in staff required in accordance with the accompanying regulation. All reductions shall be based on the best interests of the school division and the maintenance of a sound and balanced educational program consistent with the functions and responsibilities of the School Board.

Within two weeks of the approval of the School Board budget by the Board of Supervisors, but no later than June 1, the School Board will notify any teacher who may be subject to a reduction in force due to a decrease in the School Board's budget as approved by the Board of Supervisors.

This Policy will be utilized to select individual employees to be released after efforts have been made to effect the required reductions in personnel through attrition and by reassignment or transfer of personnel.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-304, 22.1-305; Procedure for Adjusting Grievances, 8 VAC 20, 90-10.

Recodified: August 2000, Amended: July 16, 2003

ACCOMPANYING REGULATION

REGULATION 5-3.7 REDUCTION IN FORCE

A. Licensed Personnel

The lay off of licensed Hanover County School Board personnel due to reduction in force shall be accomplished according to the following provisions:

1. The division superintendent shall recommend the specific endorsement areas or instructional programs in which reductions need to be made and the extent of those reductions.

2. The division superintendent shall then recommend the individuals, if any, who shall be laid off. Generally, the primary factors to be considered in making both the recommendation and determination shall be seniority within each class of employment, and performance evaluation. Personnel whose overall ratings on their most recent performance evaluation are "needs improvement" or "unacceptable" will generally be laid off first. After performance factors are considered, then seniority of employees will be used in determining order of lay-off. The division superintendent may recommend exceptions to the seniority rule. Examples of factors which may be considered in excepting the seniority rule are: (1) teaching endorsements on the individual's license which may meet specific school needs, (2) extended responsibilities that the school program may require, (3) teachers on probation, or (4) teachers with licensure deficiencies.
3. Seniority shall be that period of time commencing with the most recent term of continuous service as a licensed employee with the Hanover County Public Schools including authorized leave as shown by School Board minutes, but excluding temporary, interim, substitute, or part-time employment. The initial date of employment shall be the date of appointment to a licensed position (as distinguished from the date of the School Board meeting where such an appointment was approved), as shown by the School Board minutes. A leave-of-absence for two consecutive years or resignation cancels prior seniority. Licensed personnel who are on sabbatical leave shall be granted full seniority credit for the period of absence.
4. Each licensed employee shall be placed on the seniority list for the endorsement area or instructional program in which he is actively assigned. In addition, licensed employees to be recommended for reduction in the area or program of their active assignments shall be placed on the seniority lists in any other areas or programs for which they have a right to be considered pursuant to paragraph A.6.
5. Each licensed employee who is recommended for lay off from an affected endorsement area or instructional program shall have the right to be considered, using the same criteria, in all other programs or instructional areas for which the employee has completed all endorsement requirements.
6. Released continuing contract licensed employees shall be offered reemployment as vacancies occur. The division superintendent shall determine, in order of seniority, which released employees will be offered the vacated position(s) for which they are qualified. No new licensed employee shall be employed for an area or program until all properly licensed continuing contract persons released from such assignment have been provided with the opportunity of filling the available positions. A licensed employee on continuing contract shall have the right to be offered a position by recall letter, pursuant to the provisions of this paragraph, for a period not to exceed two years from the date of the individual's release. Such recall letter shall be sent by the division superintendent or his designee. It shall be the responsibility of the released employee to keep the office of human resources informed of his current address. A licensed employee's eligibility for recall shall terminate if he:
 - a. fails to respond affirmatively in writing fifteen (15) calendar days after the mailing of a recall letter offering him a teaching position;
 - b. indicates in writing that he no longer wishes to be considered for recall; or
 - c. fails to maintain licensure and other employment eligibility requirements.

Upon reemployment, all rights related to salary, fringe benefits, and length of service shall be restored fully. However, time that has elapsed between release and reemployment will not count toward length of service.

Released continuing contract licensed employees may pay the total premium for group life and hospitalization insurance for a period of eighteen (18) months or the date that their eligibility for recall is terminated, whichever occurs first.

B. Administrative and/or Classified Licensed Personnel

Administrative and/or classified licensed personnel shall include those persons who are employed on a full-time contractual basis by the Hanover County School Board and whose position is defined by the uniform pay scale.

1. The division superintendent shall recommend the specific position classification in which a reduction in force needs to be made and the number of positions to be reduced.
2. Where there is only one person in a position classification recommended for mandatory reduction, that person shall be laid off unless the division superintendent considers such employee for another administrative or supervisory position pursuant to paragraph B.5. For purposes of this Policy and Regulation only, an administrative licensed or classified licensed employee with three years continuous experience in Hanover, and who is recommended for reduction, shall also be considered under the "Licensed Personnel" section of this Regulation as a teacher in a program or area, provided that his license is still valid.
3. Where there is more than one person in a position classification, the division superintendent shall recommend which individual(s) shall be laid off. The primary factors to be considered in making both the recommendation and the determination shall be job performance, the specific needs of the school division, and any special qualifications an individual might possess.
4. In those cases where no significant difference among individuals exists after a review of the factors listed in paragraph B.3., the recommendation and determination shall be based on seniority as described in paragraph A.3., the least senior employee within the classification being laid off first.
5. An employee who is recommended for lay off from his or her present position may be considered for other positions which the division superintendent determines to have generally similar duties and for which the person is otherwise qualified.
6. Released employees shall be offered reemployment as vacancies occur in the position which they held under the procedure set out in paragraph A.7.

C. Classified Personnel

1. Classified personnel are defined as those persons who hold positions that do not require licensure and who are assigned by the School Board full-time to a position on the uniform pay schedule.
2. The division superintendent shall recommend the specific position classifications in which a reduction-in-force needs to be made and the specific number of positions needed to be reduced.
3. The division superintendent shall recommend which individuals, if any, shall be laid off within the position classification. The primary factor to be considered in making both the recommendation and the determination shall be seniority, the

least senior being laid off first. The procedure by which classified personnel are recommended by the division superintendent for reduction shall be as set out in paragraph B.3., with the exception that all employment with the Hanover County Public Schools, regardless of position, shall be counted toward seniority. In addition, an employee who is recommended for lay off from his or her present position shall be considered for lesser positions which the division superintendent determines to have generally similar duties and for which the person is otherwise qualified.

4. Released employees shall be offered reemployment as vacancies occur in the position which they held. The division superintendent shall make a recommendation as to the order of seniority in which released employees will be offered the positions. No new person shall be employed for a position until all persons released from such positions have been provided with the opportunity of filling the available positions. A person shall not have a right to be recalled to a position higher than the one in which he or she was working at the time of the reduction. However, the division superintendent may allow recall to a substantially similar lower position. A person may be offered a position by recall letter for a period not to exceed two years from the date of lay off. Such recall letter shall be sent by certified mail to the employee's current address as listed with the office of human resources. An employee's eligibility for recall shall terminate if he:
 - a. fails to respond affirmatively in writing within fifteen (15) calendar days after the mailing of a recall letter offering him a position;
 - b. otherwise indicates in writing that he no longer wishes to be considered for recall; or
 - c. fails to maintain licensure and other employment eligibility requirements, if any.

Upon reemployment, all rights related to salary, fringe benefits, and length of service shall be fully restored. However, time that has elapsed between release and reemployment will not count toward length of service.

Released classified employees may pay the total premium for group life and hospitalization insurance for a period of eighteen (18) months or the date on which the employee's eligibility for recall is terminated, whichever occurs first.

D. Transfer

This Policy and Regulation shall not apply to the transfer of employees but shall only apply when, due to a reduction-in-force, an employee must be laid off. The division superintendent retains the authority to transfer teachers or other employees to other assignments at any time to reduce the number of persons affected by the reduction-in-force.

E. Board Minutes

So that there will be no negative implications regarding the professional record of an employee laid off under this Policy, the minutes of the School Board will clearly show that such termination of employment was due to a reduction-in-force.

F. Activation of Policy

This Policy will be activated upon recommendation of the division superintendent to the School Board. It will not be necessary for the office of human resources to establish seniority lists, etc., until such time as notified by the division superintendent.

G. Effect on Term Contract

Nothing in this Policy shall be construed as granting an employee on a term contract the right to employment beyond the term of his or her contract or to grant such person a property interest in employment beyond the term of his present contract.

H. Interpretations

The School Board realizes that questions will arise about the application of this Policy to a specific case. Consequently, interpretations of this Policy shall be made by the division superintendent when necessary. Any such interpretations shall be presumed valid until specifically ruled otherwise by the School Board.

Amended: August 13, 2013

POLICY 5-3.8 EMPLOYEE LACTATION SUPPORT

In each school in the school division, a non-restroom location that is shielded from the public view shall be set aside and designated as an area in which any mother who is employed by the school board or enrolled as a student may take breaks of reasonable length during the school day to express milk to feed her child until the child reaches the age of one.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §22.1-79.5.

Adopted: July 8, 2014