

SECTION G: PERSONNEL

	Page	Adoption
1. Equal Employment Opportunity & Affirmative Action	2	January 2004
2. Staff Ethics	3	January 2007
3. Criminal Offender Record Information	5	January 2004
4. Alcohol, Tobacco and Drug-Free Workplace	7	January 2004
5. Tobacco-Free Workplace	9	January 2004
6. Staff Health & Examinations	10	January 2004
7. Access to Personnel Files	11	December 2005
8. Creation of New Position(s)	12	April 2004
9. Contracts for Individually Contracted Employees	13	May 2004
10. Professional Staff Vacations & Holidays	14	December 2005
11. Recruitment and Selection of Professional Personnel	15	December 2005
12. Non-School Employment of Professional Staff	16	December 2005
13. Compensatory Private Tutoring	17	January 2007

1. EQUAL EMPLOYMENT OPPORTUNITY & AFFIRMATIVE ACTION

It is the policy of the Beverly Public Schools to hire the best-qualified applicants for any and all positions within the School Department. In pursuing this policy, the system will not discriminate on the basis of an applicant's sex, race, color, national origin, ancestry, religion, age, disability, or sexual orientation. The Beverly Public Schools is an Equal Opportunity Employer, which actively seeks to increase the diversity of its workplace.

In addition, an applicant's residence will not be a factor in considering his/her qualifications for any position.

Title IX of the 1972 Educational Amendments Chapter 622 of the Acts of 1971

Adopted: January 21, 2004

2. STAFF ETHICS

Hiring

In order to ensure that the Beverly Public Schools employs the best possible candidate for every position, the Beverly School Committee requires that any individual involved in the hiring or promoting of a school employee will disclose to the Superintendent of Schools the personal relationship he or she has with any applicant.

For purposes of this policy, “personal relationship” is defined as the employee and his spouse, and their parents, children, brothers and sisters. Persons involved in hiring include those who screen applications, and those involved interviewing or recommending candidates for employment.

In setting this policy, the Beverly School Committee does not intend that personal relationships between applicants and interviewers/employers should necessarily inhibit an applicant’s chances for employment or advancement in the Beverly Public Schools.

Moreover, as there should be no conflict of interest in the supervision and evaluation of employees, at no time may any administrator responsible for the supervision and/or evaluation of an employee have a personal relationship with that employee. Administrators shall disclose in writing any other types of relationships (i.e., cousin, business associate, etc.) with individuals who they have been assigned responsibility for supervision and evaluation of to the Superintendent, who will determine whether or not a conflict of interest exists.

Conflict of Interest

The School Committee expects members of its professional staff to be familiar with state ethics laws and the code of ethics and to adhere to these regulations in their relationship with students, parents, coworkers, and officials of the school system.

It is the policy of the Beverly Public Schools that its employees do not engage in activities that give the perception of a conflict of interest. Consequently, the employee should not:

1. accept employment, including self-employment, which would be in conflict with the position held by the employee; and/or
2. accept personal gifts or gratuities that would appear to give one vendor an unfair advantage.

No employee will engage in or have a financial interest in, directly or indirectly, any activity that conflicts or raises a reasonable question of conflict with his duties and responsibilities in the school system. Moreover, no staff member will engage in any type of private business during school time or on school property.

Employees will not engage in work of any type where information that is not public concerning customers, clients, or employers originates from any information available to them and not available to the general public through school sources.

Confidentiality

The School Committee expects all employees to respect the confidentiality rights of students, parents and other employees. Specifically, employees are expected not to discuss clients (students, parents and employees) in any open or public space, or with others who do not have an educational reason to have this information. Moreover, confidential student information will be maintained in appropriately secured location(s).

M.G.L. Chapter 71, Section 52; Section 268A

Adopted: June 11, 2003
Revised: January 10, 2007

3. CRIMINAL OFFENDER RECORD INFORMATION

It shall be the policy of the Beverly Public Schools to obtain all available Criminal Offender Record Information (C.O.R.I.) from the Criminal History Systems Board of prospective employee(s) or volunteer(s) of the school department including any individual who regularly provides school related transportation to children, prior to hiring the employee(s) or to accepting any person as a volunteer. State law requires that school districts obtain C.O.R.I. data for employees of taxicab companies that have contracted with the schools to provide transportation to pupils.

The Superintendent, and/or his/her certified designee(s), shall periodically, but not less than every three years, obtain all available Criminal Offender Record Information from the Criminal History Systems Board on all employees, individuals who regularly provide school related transportation to children, including taxicab company employees, and volunteers during their term of employment or volunteer service.

The Superintendent, and/or his/her certified designee(s), may also have access to Criminal Offender Record Information for any subcontractor or laborer who performs work on school grounds and shall notify them of this requirement and comply with the appropriate provisions of this policy.

In accordance with state law, all current and prospective employees, volunteers, and persons regularly providing school related transportation to children of the school district shall sign a request form authorizing receipt by the district of all available C.O.R.I. data from the Criminal History Systems Board. The signing of the request form is mandatory for all current and prospective employees, volunteers, and persons regularly providing school-related transportation to children of the Beverly Public Schools. Any concerns regarding signing the request form shall be brought to the attention of the Superintendent. Failure to sign the C.O.R.I. request form will result in disciplinary action consistent with the appropriate collective bargaining agreement and/or personnel policies. The Superintendent, and/or his/her designee(s) certified to obtain information under this policy, shall prohibit the dissemination of school information for any purpose other than to further the protection of school children.

C.O.R.I. is not subject to the public records law and must be kept in a secure location, separate from personnel files in the Superintendent's office, and may be retained for not more than three years. C.O.R.I. may be shared with the individual to whom it pertains, upon his or her request, and in the event of an inaccurate report the individual should contact the Criminal History Systems Board. Upon termination of employment, an employee may request in writing, that he or she be given the originals and all copies of his/her report.

Access to C.O.R.I. material must be restricted to those individuals certified to receive such information. In the case of prospective employees or volunteers, C.O.R.I. material should be obtained only where the Superintendent has determined that the applicant is qualified and may forthwith be recommended for employment or volunteer duties.

The hiring authority, subject to applicable law, reserves the exclusive right concerning any employment decision made pursuant to Chapter 385 of the Acts of 2002. The employer may consider the following factors when reviewing C.O.R.I.: the type and nature of the offense; the date of the offense and whether the individual has been subsequently arrested, as well as any other factors the employer deems relevant.

After review of a C.O.R.I. report, the Superintendent, if he deems it necessary, may meet with the employee who may at such meeting be represented by, in the case of employees who are represented by unions, by a union representative and all other employees by a representative of his or her choosing. Any and all personnel actions resulting from information acquired from a C.O.R.I. report shall be conducted pursuant to the provisions of the collective bargaining agreement, where appropriate and where applicable, and to the General Laws of the Commonwealth.

The Superintendent shall ensure that on the application for employment and/or volunteer form there shall be a statement that as a condition of employment or volunteer service the school district is required by

law to obtain Criminal Offender Record Information for any employee, individual who regularly provides school related transportation, or volunteer. The Superintendent shall inform current employees, persons regularly providing school related transportation, and volunteers in writing prior to the periodic obtaining of their Criminal Offender Record Information.

The Superintendent shall amend employment applications to include questions concerning criminal records that the Massachusetts Commission Against Discrimination has determined may be legally asked of prospective employees. Any employment application which seeks information concerning prior arrests or convictions of the applicant shall include the following statement: "An applicant for employment with a sealed record on file with the commissioner of probation may answer 'no record' with respect to an inquiry herein relative to prior arrests, criminal court appearances or convictions. An applicant for employment with a sealed record on file with the commissioner of probation may answer 'no record' to an inquiry herein relative to prior arrests or criminal court appearances. In addition, any applicant for employment may answer 'no record' with respect to any inquiry relative to prior arrests, court appearances and adjudications in all cases of delinquency or as a child in need of service which did not result in a complaint transferred to the superior court for criminal prosecution."

Records sealed pursuant to law shall not operate to disqualify a person in any examination, appointment or application for public service on behalf of the Commonwealth or any political subdivision thereof.

The Superintendent shall revise contracts with special education schools and other providers to require a signed statement that the provider has met all the legal requirements of the state where it is located relative to criminal background checks for employees and others having direct an unmonitored contact with children.

M.G.L. Chapter 71, Section 38R, 276, 100A
Chapter 385 of the Acts of 2002
MCAD Regulations
D.O.E. Advisory on C.O.R.I. Law (February 17, 2003)

Adopted: January 21, 2004

4. Alcohol, Tobacco and Drug-Free Workplace

Basic Principles

The Beverly School Committee recognizes alcohol, tobacco and other drug abuse (ATODA) as a significant public health problem and supports a comprehensive school and community effort to address this issue. Furthermore, the Beverly School Committee believes ATODA in the workplace is a problem that must be addressed forthrightly and decisively in a fair and equitable manner giving due process and consideration to the rights and responsibilities of the employer, employee, students and the community.

The elements of Beverly's ATODA policy are based on the rationale that the abuse of illicit substances and alcohol by employees in the workplace is unacceptable as it may adversely affect health, safety and security of the individual, students and co-workers. ATODA has no place in the work environment as it also affects work performance and behavior, and undermines community confidence and trust. Beverly's policy addresses work performance and the well being of school department employees. The focus is on helping employees in need, although poor work performance/unacceptable employee behavior will not be tolerated.

Basic principles of Beverly's ATODA policy for staff include, but are not necessarily restricted to:

- the right to privacy for all staff members
- adherence to contractual staff evaluation procedures
- adherence to the rights and responsibilities of personnel under appropriate Massachusetts General Laws
- recognition of the right and responsibility of staff members to seek help for alcohol and/or other drug abuse problems.

District Policy

1. The Beverly School Committee believes that "in most circumstances" employees who have developed problems with ATODA can be helped within the policies and procedures set up as part of the supervisory relationship.
2. The Beverly School Committee supports the belief that through help-oriented programs:
 - a. valued employees may be retained and restored to productivity;
 - b. when necessary, referrals to appropriate alcohol and/or other drug treatment agencies can be provided that will benefit employees and employers alike.
3. The Beverly School Committee believes that the employee is responsible for his/her work performance and for behavior related to maintaining acceptable work standards. Because ATODA is considered a treatable condition, employees who experience problems with ATODA will be expected to seek appropriate treatment.
4. The Beverly School Committee believes employees should be evaluated. Evaluations will be conducted as agreed upon in individual and group contracts. Individuals who are determined to have ATODA problems may be required to participate in community counseling/treatment as a condition of continued employment with the school district.
5. The Beverly School Committee believes an employee who voluntarily seeks assistance or who seeks assistance at the suggestion of a supervisor shall:
 - a. retain the rights accorded to all school district employees;
 - b. be assured that all applicable Massachusetts General Laws will apply, including those related to confidentiality;
 - c. have contractual sick leave benefits prevail while undergoing documented ATODA treatment.
 - d. demonstrate progress while undergoing such treatment.
6. Role of the Employee:
 - a. Voluntarily refer oneself to outside ATODA counseling/treatment facilities for assistance.
 - b. Following consultation with the Superintendent of Schools, appropriate counseling/treatment strategies consistent with employee sick leave benefits will be implemented.

7. Role of the Supervisor:
 - a. Identify “on the job” problems as early as possible such as declining job performance, excessive tardiness or absenteeism, accidents, legal problems, emotional disturbances, alcohol breath, and/or friction with other staff members.
 - b. Document declining job performance and review with employee. Encourage employee to seek assistance voluntarily. Remind employee that school policy requires steady employee job performance; proper/appropriate legal processes will be followed whenever disciplinary action is deemed necessary.

Adopted: January 21, 2004

5. TOBACCO-FREE WORKPLACE

The Beverly Public Schools shall promote a tobacco-free environment that prohibits at all times the use of any tobacco product within school buildings, grounds, facilities, and buses and at any school-sponsored event on and off school grounds. This prohibition applies to all employees, students, visitors, and others in attendance at any activity on any property owned, used, leased or rented by or from the Beverly Public Schools. All Beverly Public School employees, any individual, group or agency using a school facility, or anyone receiving payment for services from the school department are responsible for compliance and assistance in the enforcement of the tobacco-free schools policy.

At the entrance to each building or office area signs shall be posted which state that no smoking is allowed.

M.G.L. Chapter 71, Section 37H

Adopted: January 21, 2004

6. STAFF HEALTH & EXAMINATIONS

Acquired Immune Deficiency Syndrome (AIDS)

The paramount concern of the Beverly School Committee is the protection of the employee and public's health and the right of AIDS-infected employees to continue to engage in as many of their normal pursuits as their condition allows. In this regard, the School Committee subscribes to the policy and procedures established by the Commonwealth of Massachusetts' Office of Employee Relations.

To date, there is no record of transmission of the AIDS associated virus (HIV) to co-workers, clients or consumers in offices, schools, factories, construction sites or other workplaces. Nor is there evidence of casual transmission by sitting near, working in the same classroom, sharing the same water fountain, telephone, toilets, eating facilities or school equipment with a person infected with HIV.

1. Non-Discrimination

In light of the foregoing, the Beverly Public Schools recognizes that employees with AIDS may wish to continue to work. As long as employees meet performance standards, and as long as medical evidence indicates that their condition is not a threat to themselves or others, employees shall be assured of continued employment. Moreover, pursuant to the laws protecting disabled individuals, Federal and State laws mandate that AIDS victims not be discriminated against. If it becomes necessary, some reasonable accommodations will be made to enable qualified individuals to continue to work. Employees having possible contact with the body fluids of persons with AIDS/HIV will be encouraged to wear protective gloves.

2. Confidentiality

Only people with a clear need to know will be informed of the AIDS status of an employee. Personnel and medical files or information about employees are exempt from public disclosure. In addition, information relating to a specifically named individual, the disclosure of which would constitute an unwarranted invasion of personal privacy, is exempt.

M.G.L. Chapter 4, Section 26

Adopted: January 21, 2004

7. ACCESS TO PERSONNEL FILES

Staff Access

Teachers shall have the right, upon written request and by appointment, to inspect the contents of their personnel folder and to make copies of such contents and records contained therein as concern their work or themselves. Staff access to personnel files requires the presence of the Director of Personnel or designee. The teacher will be entitled to have a representative of the Association accompany him/her during such inspection. The teacher shall have the right to submit a written comment on the contents of the file and said comments will be placed in the teacher's personnel file. This section should not be construed as giving teachers the right to inspect confidential information.

School Committee Access

All members of the School Committee shall have the right at any time to look at any books, records or reports of, or in the possession of, any employee of the school department pertaining to any school or schools, department, personnel salaries, purchases of supplies and equipment, and other expenditures or receipts of money for the schools or the school system of the City of Beverly. The School Committee or any of its members shall be entitled to inspect, copy, or receive copies of said books, records, or reports without undue delay so long as he or she may sit or hold office on the School Committee. The member or members of the Committee shall request from the Superintendent of Schools the necessary information or personnel file. Upon request of any individual's personnel file, it shall be so noted in that personnel file the date and the name of the person receiving the information. In written form, the Superintendent of Schools shall report such action to the School Committee with the reason for the request for the person's folder. There shall be no copying of material in the personnel files. No personnel files shall be removed from the central office.

M.G.L. Chapter 71, Section 42C

Adopted: December 16, 2005

8. CREATION OF NEW POSITION(S)

All positions must be recommended by the Superintendent and approved by the Standing Committee on Finance and Facilities prior to consideration by the School Committee. Position recommendations should be brought to the next regularly scheduled meeting of the Standing Committee on Finance and Facilities.

When necessary to meet legal mandates, the Superintendent has the authority to create temporary positions in the interim before a meeting of the Standing Committee on Finance and Facilities and the next regularly scheduled meeting of the School Committee.

All position recommendations must include a Superintendent recommendation, starting date, specific building information, and identification of funding for the position.

Adopted: May 11, 1998

Revised: April 14, 2004

9. CONTRACTS FOR INDIVIDUALLY CONTRACTED EMPLOYEES

It is the policy of the Beverly Public Schools that the Superintendent of Schools or his/her designee will be responsible for negotiating contracts for all professional employees not covered by a collective bargaining agreement.

Prior to posting a position, the Superintendent will obtain School Committee approval for appropriate parameters. To the extent allowed under the Open Meeting Law, this approval may be obtained in Executive Session. However, School Committee action to create any new position will be done in Open Session.

The Superintendent will report the final outcome of any negotiations with individually contracted employees to the School Committee in Open Session as soon as possible after the negotiations have been completed.

M.G.L. Chapter 71, Section 38; Section 40; Section 41; Section 42B; and Section 43

Adopted: May 19, 2004

10. PROFESSIONAL STAFF VACATIONS & HOLIDAYS

Vacations

All personnel must take any vacation days to which they become entitled during the fiscal year in which the entitlement to those days vests, except as provided herein. Up to ten (10) vacation days earned and unused in one fiscal year may be carried over to the next succeeding year (the “carry over year”), only. Employees must use all earned and accrued vacation days on a first-in, first-out (FIFO) basis. Vacation days carried over and not used by the employee in the carry-over year shall be lost, without compensation to the employee. The Superintendent, in his/her sole and exclusive discretion, may vary this policy, but no such variation shall be effective or in any way binding on the employer unless it is in writing, specifically reciting that it is intended to vary this policy, and signed by the Superintendent.

Holidays

Professional staff members will not be required to work on legal holidays. Paid holidays for the professional staff will be established when the School Committee approves the calendar for the school year and will include all legal holidays.

M.G.L. Chapter 4, Section 7
M.G.L. Chapter 136, Section 12

Adopted: December 14, 2005

11. RECRUITMENT AND SELECTION OF PROFESSIONAL PERSONNEL

The Beverly Public Schools will recruit and select for employment the best-qualified candidate for each professional position without regard to race, color, sex, religion, national origin, sexual orientation, age, and/or disability.

All open positions will be posted and, when appropriate, will be advertised to insure that an adequate and diverse pool of applicants is considered.

Superintendent of Schools

In order to secure highly qualified applicants for the position of Superintendent, the School Committee may, at its discretion, appoint an advisory committee, a screening committee, employ a consultant, or seek other advice. The Committee will interview finalists for Superintendent of Schools, appoint the Superintendent, and fix compensation for the position.

Assistant Superintendent, Administrator of Finance and Operations, and Administrator of Pupil Personnel Services

Based on a recommendation from the Superintendent, the School Committee shall appoint the positions of Assistant Superintendent, Administrator of Finance and Operations, and Administrator of Pupil Personnel Services. The School Committee will also fix compensation for these positions.

Other Positions

It is the Superintendent's responsibility, following an appropriate recruitment and screening process, to select the best-qualified candidate for all other open positions within the school district.

M.G.L. Chapter 71, Section 59

Adopted: December 14, 2005

12. NON-SCHOOL EMPLOYMENT OF PROFESSIONAL STAFF

Employees shall at no time engage in any employment that would in any way conflict with assigned duties or create a conflict of interest as a public employee. Employees shall not engage in any other employment or in any private business during the hours necessary to fulfill appropriate assigned duties.

Adopted: December 14, 2005

13. COMPENSATORY PRIVATE TUTORING

Private Tutoring is defined as giving additional instruction or providing lessons to students outside of the normal school day. Tutoring Beverly Public School students for a private fee by an employee of the school district can lead to violations of conflict of interest and professional ethics laws and standards. It is the policy of the Beverly Public Schools, therefore, that the following expectations guide any such activity by school district employees. This policy also applies to private individuals who may use school district facilities to conduct such tutoring. Any exception to this policy must be approved by the Superintendent of Schools or his designee.

1. A parent, guardian, or student may discuss the advisability of private tutoring with teachers, counselors, or administrators.
2. Teachers (including all instructional school personnel) are prohibited from using one's position to solicit private tutoring clients.
3. A teacher may privately tutor a student at the request of a parent if
 - a. the tutoring is not required by the school district,
 - b. the teacher does not recommend the tutoring to the parent,
 - c. the teacher does not solicit the private work,
 - d. the teacher will not act as a private agent of the student or parent in any capacity relating to the student's education in the school district, and
 - e. the teacher files a disclosure of the private business relationship with his/her Building Principal, with assurances that this policy is not violated.
4. A teacher may tutor a former student after having the student in class, providing the grade(s) received during the course of the school year or term is(are) not changed.
5. A teacher must file a written disclosure yearly to his/her Building Principal when a student, previously tutored by the teacher, is assigned to his/her class.
6. A cooperative relationship should be established between the classroom teacher, tutor, and the parent/guardian to optimize the best instructional practices for the student.
7. Teachers may not tutor their own individual students for a private fee when additional help is needed for the student to meet minimum requirements for the course or grade or to provide services to accelerate a student or to engage the student in enrichment opportunities.
8. Teachers will not tutor students for a private fee
 - a. during regular school hours,
 - b. using school facilities or resources,
 - c. in the same grade level to which the employee is assigned or tutor them during the summer prior to the student reaching that grade level,
 - d. in order to change a previously recorded grade or an incomplete.
9. Teachers, in their private capacity, are not prevented from advertising a private tutoring service when the solicitation is general in nature. The teacher may not target students in his class or school nor advertise within school district facilities.

M.G.L Chapter 268A, Sections 17, 23

Adopted: January 10, 2007