



HR Employment Practice Manual

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Introduction:

This handbook is intended to provide managers and employees with guidance around key HR practices. Employees and managers are expected to familiarize themselves and comply with Board policies and the practices contained in this handbook.

In the event the language in this document conflicts with provisions of a collective bargaining agreement or an innovation plan, the collective bargaining agreement or the innovation plan shall control. Language in this handbook which is conflicting with a school or department handbook shall supersede the school/department-based handbook.

Leaves of Absence

Policy Statement

Denver Public Schools offers leaves of absence to enable employees to temporarily leave active service for covered purposes. Leaves of absence are available to protect the service of employees who wish to temporarily leave active service but plan to return to the District within the time specified by their leave of absence request.

Please note: These policies do not apply to an employee who is covered by a collective bargaining agreement that has alternative leave provisions.

Types of Leave

The District provides the following ways in which leaves of absences can be taken.

They include the following:

Sick Leave

The District grants a certain number of paid days per year to full-time employees to be used for the purpose of sick leave, depending on the work year and job classification.

Personal Leave

The District grants a certain number of paid days per year to full-time employees to be used for personal leave, depending on the work year and job classification.

Family Medical Leave

Pursuant to the Family Medical Leave Act, eligible District employees are entitled to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

Military Leave

Pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA), while a District employee is performing military service, he or she is deemed to be on a leave of absence and is entitled to non-seniority rights accorded other individuals on non-military leaves of absence. For more information regarding military leave of absence please visit hr.dpsk12.org

Maternity Leave

An employee who is an expectant or new mother and is ineligible for leave under the FMLA is entitled to a total of up to eight weeks of unpaid maternity leave for prenatal care or incapacity related to pregnancy, the birth of a child, and/or for physical recovery from childbirth, unless the provision of leave to the employee would be an undue hardship on the District.

Bereavement (Funeral) Leave

The District grants a certain number of unpaid days per year to employees to be used to handle matters related to a death in the family.

Legal Proceedings (including Jury Duty) Leave

The District provides paid leave to employees for jury duty for the first three days of juror service and for testifying as a subpoenaed witness in a case related to employment at the District.

Parental Involvement Leave

Pursuant to the Parental Involvement in K-12 Education Act, eligible District employees are entitled to take a specified number of hours of unpaid, job-protected leave for attending academic activities.

Domestic Abuse Leave

Pursuant to C.R.S. 24-34-402.7, the District provides leave to eligible employees who are the victims of domestic violence or abuse.

Voting Leave

Pursuant to C.R.S. 1-7-102, eligible employees may be entitled to leave work for a specified period for the purpose of voting.

Discretionary Leave

The District may provide leave to employees who are not eligible for another type of leave at the District's sole discretion.

Leave Guidelines**Initiation of a Leave**

Human Resources must approve all leaves of absence. To initiate any type of leave, a Leave of Absence request must be submitted via employee self-service in GHR at: <https://ltmweb.dpsk12.org/richclient/richclientapplet.html?opt=-g%20-m%20ltmapp.dpsk12.org:50005%20ltmprod>. If you have difficulty accessing the GHR system or otherwise need assistance applying for a leave, please contact your direct supervisor.

Certain leaves will require a medical certification and/or other supporting documentation

Vacation, Personal and Sick Leave Accrual

Vacation, personal or sick leave do not accrue while an employee is on an unpaid leave of absence.

Vacation, personal or sick leave do accrue when an employee is on a paid leave of absence. However, any leave that is accrued while on a paid leave cannot be used consecutively with the original leave.

Continued Benefits Coverage

An employee on a leave of absence may continue coverage under the District-sponsored insurance program. If the employee is on an FMLA-qualified leave of absence, benefits will automatically be continued under the same terms and conditions as if the employee had not taken leave. Questions concerning continued benefits and premium payments may be referred to HR Connect (720) 423-3900.

Returning from Leave

In order to return to active service, an employee returning from a medical leave of absence must provide a return to work authorization from their physician.

Employees who fail to return to work on the agreed upon return date will be considered to have resigned effective on that date.

Working while on leave

Employees are not authorized to work elsewhere while on a leave of absence.

Use of Accrued Time

Any accrued time in the form of sick, personal, vacation and sick leave bank must be used (in that order) prior to taking an unpaid leave of absence. The use of accrued leave runs concurrently with and does not extend the duration of the leave.

Procedure: Sick Leave

The District will allow a certain number of paid days per year to full-time employees to be used for the purpose of sick leave, depending on the work year and job classification, which may be used for the purpose of sick leave. Sick leave is to be used for an employee's own illness, illness of an immediate family member, or the death of a family member or friend.

Unused sick leave shall be accumulated from year to year.

Qualified employees may be paid out for a portion of unused sick leave upon resignation from the District if they also retire from PERA within 60 days of resignation. However, any employee who does not leave the District in good standing is not eligible for a payout of unused sick leave.

If an employee qualifies for FML, ADA and/or any other type of job-protected leave, then the employee will be reinstated into his/her position at the end of sick leave. If an employee does not qualify for job-protected leave, the District may, in its sole discretion, attempt to reinstate an employee who wants to return to work after taking sick leave, but the District cannot guarantee reinstatement.

Procedure: Personal Leave

The District will allow a certain number of paid days per year to full-time employees, depending on the work year and job classification, for personal leave.

Personal leave may be granted for personal reasons not limited to family or business transactions, graduation of a family member, religious holidays, legal transactions, parent-teacher conferences, or an unforeseen emergency.

Unused portions of such leave for personal reasons shall not accumulate from year-to-year but will be converted to sick leave on an annual basis

Procedure: Family Medical Leave

Pursuant to the Family Medical Leave Act, eligible District employees are entitled to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. FML runs concurrently with all applicable forms of paid and unpaid leave.

Eligibility

In order to be eligible for FML, an employee must have been employed for at least 12 cumulative months during the last seven years and must have worked for at least 1,250 hours during the 12-month period prior to the requested leave. The 12 months during which the employee must have been employed do not have to be consecutive.

FML may be taken for up to a total of 12 weeks within a rolling 12-month period. FML may be taken for the following reasons:

- The birth of a child and to care for the newborn child within one year of birth;
- The placement of a child with an employee for adoption or foster care and to care for the newly placed child within one year of placement;
- To care for the employee's spouse, child, or parent who has a serious health condition;
- The employee's serious health condition that makes the employee unable to perform the essential functions of his or her job;

In addition, FML may be taken for up to a total of 26 weeks for any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, parent, or next of kin, including, but not limited to care for an ill or injured service member or covered veteran.

During the leave period, the position is typically held for the employee's return.

Note: The use and interpretation of the word "family" as stated herein is applicable only to the "Family and Medical Leave" segments of this handbook.

Request for Family Medical Leave

- Employees requesting maternity, paternity, adoption or foster leave should provide their school/department with no less than 30-days' notice prior to the date on which the leave is to begin – except in cases in which the date of a birth,

adoption or foster placement requires the leave to begin earlier than the 30-day notice. In such cases employees are expected to provide such notice as soon as practical.

- Employees requesting illness and/or injury leaves or leaves to care for seriously ill family members should make a reasonable effort to schedule treatment so as not to unduly disrupt school/department operations. Such leaves are also subject to the approval of a health care provider. If at all practical, the employee should provide at least 30 days' notice prior to the date on which the leave is to begin.
- Any time an employee is eligible for family medical leave and the reason for the absence qualifies for family medical leave; the time will be attributed to family medical leave even if another leave is running concurrently.
- The Request for Leave of Absence should be submitted to Human Resources using the online request a leave process in GHR at:

<https://ltmweb.dpsk12.org/richclient/richclientapplet.html?opt=-g%20-m%20ltmapp.dpsk12.org:50005%20ltmprod>.

If you have difficulty accessing the GHR system or otherwise need assistance applying for a leave, please contact your direct supervisor.

Description

- Family Medical Leave may not exceed 12 weeks within a 12-month period.
- Military Family Leave may not exceed 26 weeks within a 12-month period.
- "Intermittent leave" is understood as time off in increments shorter than 12 consecutive weeks.
 - Intermittent leave may be taken when medically necessary to care for a seriously ill family member, or because of the employee's serious health condition.
 - Intermittent leave may not be taken for the care of a newborn or newly placed adopted or foster care child.
 - Employees needing intermittent/reduced schedule leave for foreseeable medical treatment must work with their manager to schedule the leave so as not to unduly disrupt the District's operations. In such cases, the employee may be transferred to an alternative position with equivalent pay and benefits, that accommodates recurring periods of leave better than the employee's regular job.

When an employee returns to work, he/she will be restored to his/her position or an equivalent one, subject to the provisions of the Family and Medical Leave Act. An equivalent position is one with the same pay grade, benefits, work schedule, proximate geographic location, and other terms and conditions of employment. This does not apply if the employee's employment would have otherwise been terminated had he/she not taken family/medical leave, such as lay off or disciplinary termination.

Benefits Continuation

The District will continue to pay the employer's share of the cost of health care premiums during the leave period (12 or 26 weeks).

The employee should contact HR Connect at 720-423-3900 to determine the procedure for payment of his or her share under group insurance plans should he or she go on unpaid status.

Further Information and Available Forms

Please contact HR Connect (720) 423-3900 or visit the [Leaves of Absence website](#) for detailed information on forms.

Family Medical Leave Definitions

Please refer to the table below for a list of FMLA words and phrases and their definitions.

- **Child**

A biological, adopted, legal ward, foster-care, step-child, or child of a person standing in loco parentis ("in place of a parent") who is either under 18 years of age or is 18 years of age or older and incapable of self-care because of a mental or physical disability at the time the leave is to commence. (Note: There is no requirement that the child live with the employee or be a legal dependent of the employee.)

- **Spouse**

A partner in a marriage, civil union, domestic partnership or common-law marriage.

- **Parent**

A biological parent, adoptive parent, stepparent, foster parent, or an individual who stands *in loco parentis* to a child.

- **Intermittent Leave**

Leave taken in separate blocks of time due to a single illness or injury as opposed to a leave taken in one continuous period of time. "Intermittent Leaves" may be taken in hours, days, or weeks.

- **Reduced-leave Schedule**

A leave schedule that reduces an employee's regularly scheduled number of working hours per

workweek or workday.

- **Serious Health Condition**

An illness, injury, impairment, or a physical or mental condition resulting in either:

A period of incapacity or treatment in connection with or consequent to inpatient care in a hospital, hospice, or residential medical care facility; or

A period of incapacity of more than three consecutive calendar days that involves subsequent or continuing treatment by or under the supervision of a health care provider.

Note: A chronic health condition also qualifies as a serious health condition even if a employees member or family member does not receive treatment and if it does not last three days (for example: asthma or severe morning sickness).

Caution: Unless complications arise, ailments such as the common cold, the flu, ear aches, upset stomachs, minor ulcers, and headaches (other than migraines) are not considered as serious health conditions and do not qualify for FML.

- **Covered Service member**

A service member who is recovering from a serious illness or injury sustained in the line of duty on covered active duty.

- **Eligible Employee for Military Medical Leave**

Spouse, son, daughter, parent, or next of kin of covered service member.

- **Continuing Treatment by Health Care Provider**

A serious health condition involving continuing treatment by a health care provider who must provide:

Treatment two or more times or treatment on at least one occasion that results in a regimen of continuing treatments under the health care provider's supervision.

Pregnancy or prenatal care. This treatment qualifies the employee even if she does not receive treatment and even if her care does not last three days.

Treatment for a chronic health condition that requires periodic visits for treatment, treatment that continues over an extended period of time, or treatment for episodic rather than continuing incapacities (for example: asthma, diabetes, and epilepsy).

Treatment for a permanent or long-term condition for which such treatment may not be effective (for example: Alzheimer's, severe stroke, or the terminal stages of a disease).

Treatment either for restorative surgery after an accident or injury or for a condition that would likely result in an incapacity of three or more days if not treated (for example: cancer, severe arthritis, or kidney disease).

Treatment for allergies or mental illnesses resulting from stress (but only if these conditions meet all of the other criteria of a serious health condition).

Treatment for substance abuse. (Note: Absences due to a employees member's use of a substance rather than treatment for addiction do not qualify for FML).

- **Health Care Provider**

A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices. For example, this may also include podiatrists; dentists; clinical psychologists; optometrists; chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by an x-ray as existing); nurse practitioners and nurse-midwives who are authorized and are performing under the scope of their practice as defined under state law; clinical social workers; and Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts (any additional certification may be required).

Also included in this category are health care providers who practice outside of the United States and any other health care providers from whom the District-group health care benefits manager will accept as certified for treating serious health conditions that warrant benefit claims.

Procedure: Military Leave

The District is committed to protecting the job rights of employees absent on military leave. Military leaves of absence will be provided to employees in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and applicable Colorado laws that protect individuals with military commitments from detrimental employment decisions based on those commitments. Military leaves of absence may be paid or unpaid leaves in accordance with the provisions of this policy.

Eligibility

Employees taking part in a variety of military duties are eligible for benefits under this policy. Such military duties include leaves of absence taken by members of the uniformed services, including Reservists, National Guard members for training, periods of active military service, and funeral honors duty, as well as time spent being examined to determine fitness to perform such service. Subject to certain exceptions under the applicable laws, these benefits are generally limited to five years of leave of absence.

Notification of Leave

Unless military necessity prevents it, or is otherwise impossible or unreasonable, an employee should provide the District with notice of the need for leave as far in advance as is reasonable under the circumstances. Written notice is preferred, but not required under the law or this policy.

- To request a temporary or extended military leave of absence, the employee should complete a request for leave of absence in GHR at:

<https://ltmweb.dpsk12.org/richclient/richclientapplet.html?opt=-g%20-m%20ltmapp.dpsk12.org:50005%20ltmprod>.

If you have difficulty accessing the GHR system or otherwise need assistance applying for a leave, please contact your direct supervisor.

Human Resources will review the request, collect any applicable insurance premiums from the employee, generate other applicable documents, and process accordingly.

Employees on temporary or extended military leave may, at their option, use any or all accrued paid vacation or personal leave during their absence.

When the employee intends to return to work, he or she must make application for reemployment to Human Resources within the application period set forth below.

If the employee does not return to work, the supervisor must notify Human Resources so that appropriate action may be taken.

Benefits

If an employee is absent from work due to military service, benefits will continue as follows:

1. An employee on extended military leave may elect to continue group health insurance coverage for the employee and covered dependents under the same terms and conditions for a period not to exceed 31 days from the date the military leave of absence begins. The employee must pay, per pay period, the premium normally paid by the employee. After the initial 31 day period, the employee and covered dependents can continue group health insurance up to 24 months at 102% of the overall (both employer and employee) premium rate.
2. The group term life/AD&D insurance provided by the District will terminate the day the employee becomes active military.
3. The group long-term disability insurance provided by the District will terminate the day the employee becomes active military.
4. Employees do not accrue vacation, personal leave or sick leave while on military leave of absence status.
5. With respect to the District retirement plan, upon reemployment, employees who have taken military leave will be credited for purposes of vesting with the time spent in military service and will be treated as not having incurred a break in service. Immediately upon reemployment, the employee may, at the employee's election, make any or all employee contributions that the employee would have been eligible to make had the employee's employment not been interrupted by military service. Such contributions must be made within a period that begins with the employee's reemployment and that is not greater in duration than three times the length of the employee's military service. Employees will receive all associated district match for such contributions.
6. Voluntary supplemental life/AD&D insurance will terminate the day the employee becomes active military. Converting to an individual policy may continue voluntary

dependent life insurance coverage. To exercise this conversion option, dependents must submit a written application and the first premium payment within 31 days immediately following the termination of coverage.

Reemployment

Upon an employee's prompt application for reemployment (as defined below), an employee will be reinstated to employment in the following manner depending upon the employee's period of military service:

1. Less than 91 days of military service - (i) in a position that the employee would have attained if employment had not been interrupted by military service; or (ii) if found not qualified for such position after reasonable efforts by the District, in the position in which the employee had been employed prior to military service.
2. More than 90 days and less than 5 years of military service - (i) in a position that the employee would have attained if employment had not been interrupted by military service or a position of like seniority, status and pay, the duties of which the employee is qualified to perform; or (ii) if proved not qualified after reasonable efforts by the District, in the position the employee left, or a position of like seniority, status and pay, the duties of which the employee is qualified to perform.
3. Employee with a service-connected disability - if after reasonable accommodation efforts by the employer, an employee with a service-connected disability is not qualified for employment in the position he or she would have attained or in the position that he or she left, the employee will be employed in (i) any other position of similar seniority, status and pay for which the employee is qualified or could become qualified with reasonable efforts by the District; or (ii) if no such position exists, in the nearest approximation consistent with the circumstances of the employee's situation.

Application for Reemployment

An employee who has engaged in military service must, in order to be entitled to the reemployment rights set forth above, submit an application for reemployment according to the following schedule:

1. If service is less than 31 days (or for the purpose of taking an examination to determine fitness for service) - the employee must report for reemployment at the beginning of the first full regularly scheduled working period on the first calendar day following completion of service and the expiration of eight hours after a time for safe transportation back to the employee's residence.

2. If service is for 31 days or more but less than 181 days - the employee must submit an application for reemployment with Human Resources no later than 14 days following the completion of service.
3. If service is over 180 days - the employee must submit an application for reemployment with Human Resources no later than 90 days following the completion of service.
4. If the employee is hospitalized or convalescing from a service-connected injury - the employee must submit an application for reemployment with Human Resources no later than two years following completion of service.

Exceptions to Reemployment

In addition to the employee's failure to apply for reemployment in a timely manner, an employee is not entitled to reinstatement as described above if any of the following conditions exist:

1. The District's circumstances have so changed as to make reemployment impossible or unreasonable.
2. Reemployment would pose an undue hardship upon the District.
3. The employee's employment prior to the military service was merely for a brief, non-recurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period.
4. The employee did not receive an honorable discharge from military service.

General Benefits upon Reemployment

Employees reemployed following military leave will receive seniority and other benefits determined by seniority that the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have attained, with reasonable certainty, had the individual remained continuously employed. An employee's time spent on active military duty will be counted toward their eligibility for FMLA leave once they return to their job at the District. Additionally, upon reemployment, a covered employee will not be discharged except for cause for up to one year following reemployment.

Documentation

An employee's manager will, upon the employee's reapplication for employment, request that the employee provide the District with military discharge documentation to establish the timeliness of the application for reemployment, the duration of the military service, and the honorable discharge from the military service.

Procedure: Bereavement (Funeral) Leave

Denver Public Schools provides between three to five days off to employees to handle matters related to a death in the family. The amount of time provided is based on relationship to the family member. The leave is unpaid but employees may use accrued sick leave for salary continuation.

Relationship: Immediate Family Member (*spouse, child/stepchild, parent/stepparent, brother/stepbrother, or sister/stepsister*)

- Any missed workdays (up to 40 hours) that happen to fall within five consecutive calendar days of the death or funeral of immediate family members may be used as Bereavement Leave.
- A maximum of five consecutive calendar days may be taken at the employee's convenience as long as one of the days includes either the day of death or the day of the funeral.

Note: For purposes of this policy, "child" also includes an adopted child and a child for whom the employee was a legal guardian.

Relationship: Other Family Member (*grandparent, great-grandparent, grandchild, parent-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law or uncle/aunt*)

- Any missed workdays (up to 24 hours) that happen to fall within three consecutive calendar days of the death or funeral of other family members may be used as Bereavement Leave.
- A maximum of three consecutive calendar days may be taken at the employee's convenience as long as one of the days includes either the day of death or the day of the funeral.

Pay

- Bereavement Leave will be unpaid but employees may elect to use their accrued sick, personal or vacation leave (in that order) for salary continuation purposes during the leave.
- Should the death of a family member occur while the employee is on a scheduled vacation, the employee should immediately notify his or her supervisor so that necessary time off (up to the maximums stated above) may be counted as Bereavement Leave.
- In the event that a Bereavement Leave day falls on a designated holiday, the holiday overrides the Bereavement Leave day.

Requesting Additional Time Off

- Should additional time off be necessary for an employee to attend the funeral, such additional time off may be requested either as vacation or personal time or as time off without pay.
- Such requests should be arranged with the employee's supervisor who will try to accommodate the request.

Service Announcement or Program

- To verify the relationship of the deceased to the employee, a funeral program or obituary may be required by the employee's supervisor.

Procedure: Legal Proceedings (including Jury Duty) Leave

Policy Statement

Denver Public Schools provides paid leave to employees for jury duty service. Additionally, employees subpoenaed as witnesses in cases related to employment at the District will be provided paid leave. Unless otherwise agreed by the supervisor, employees shall take vacation or personal leave, if available, or leave without pay for leaves attributable to subpoenas unrelated to employment. Upon return to work the employee must present proof of jury duty or subpoenaed-appearance service including dates of service.

Policy Details

Legal Proceedings (including Jury duty) Leave should be approved immediately upon an employee's submission of an authentic summons, employment-related subpoena, or notice to a supervisor.

Pay for each day of jury duty will be made at the employee's current rate of pay for a regularly scheduled workday. Employees who are on jury duty and are scheduled for work on night shifts the same workday should be protected from loss of pay for the entire 24-hour period.

All fees received for such service during regular working days shall be turned in to the Disbursing Office of the School District.

Employees who are subpoenaed for court appearances as witnesses in cases related to employment at the District should not suffer loss of pay for performing any such duties. Proof of appearance must be submitted to the supervisor upon completion of such service.

Upon return to work the employee must present proof of jury duty or subpoenaed-appearance service (including dates of service).

Procedure: Parental Involvement Leave

An employee is eligible for parental involvement leave if he/she works in a nonexecutive or nonsupervisory capacity and is the parent or legal guardian of a child enrolled in either public or private school grades K-12 or certain nonpublic home-based educational programs.

An eligible employee may request leave for the following academic activities:

1. Parent-teacher conferences;
2. Meetings about special education services;
3. Response to intervention;
4. Dropout prevention;
5. Attendance;
6. Truancy; or
7. Disciplinary issues.

An eligible employee must use accrued paid leave (e.g., personal or vacation days) to attend academic activities for school-aged children. Employees who have exhausted their accrued paid leave may take unpaid leave. Paid and unpaid leave is granted at the discretion of the employee's supervisor.

Length of Leave

Eligible employees may take up to a maximum of 18 hours in an academic year to attend such activities. Eligible part-time employees may take leave on a prorated basis (e.g., if the employee is a 0.5 FTE then he/she would be eligible for 9 hours of Parental Leave in an academic year). Eligible employees may not take more than six (6) hours of leave in any one-month period.

Notice Requirements

If the necessity for the leave is foreseeable, an employee is required to provide at least one calendar week's advance notice of the need for leave. If requested by their supervisor, employees may need to provide written verification of the academic activity from the school or school district.

In emergencies, employees are required to provide notice and written verification from the school as soon as possible after learning of the need for leave. Employees are required to make a reasonable attempt to schedule academic activities outside regular work hours.

Supervisors have the right to limit the ability of an employee to take Parental Involvement Leave in cases of emergency or in other situations where the employee taking leave may endanger a person's health or safety or in a situation where the absence of the employee would result in a halt of service or production.

Procedure: Domestic Abuse Leave

The District provides leave to employees who are the victims of domestic violence or abuse, stalking, sexual assault, or a crime found by the court to include an act of domestic violence. Employees must be employed for at least 12 months preceding the leave. Upon reasonable advance notice (except in cases of imminent danger to the health or safety of an employee), an employee may take up to three working days of leave in any 12-month period. The 12-month period will be measured forward from the date the first domestic violence leave begins.

Leave is unpaid although employees may use vacation, personal or sick leave (in that order) to provide for salary continuation

Employees must use the leave to:

- Seek a civil protection order to prevent domestic abuse
- Obtain medical care or mental health counseling for the employee or for the employee's children to address physical or psychological injuries resulting from the domestic abuse, stalking, sexual assault, or other crime involving domestic violence
- Make the employee's home secure or seeking new housing to escape the perpetrator
- Seek legal assistance, attending, and preparing for court-related proceedings arising from domestic violence acts

Employees must contact Human Resources to request leave. The District requires appropriate documentation to approve leave, which may include police reports, court orders, confirmation of court appearances, or documentation from medical and other professionals.

Procedure: Voting Leave

The District complies with applicable laws regarding registered voters' right to vote.

During each state and national election, each regular full-time employee who is (1) a registered voter for that election and (2) whose work schedule on an election day means the employee will not have at least three hours outside of work to vote in that election is allowed up to two hours of paid time on Election Day to vote.

Employees are encouraged to vote before or after work, but, if it is necessary to use work time, the time to vote must be taken at the beginning or the end of the workday. Employees should give their supervisors as much advance notice as possible if they will miss any work time to vote.

Procedure: Discretionary Leave

Employees who are not eligible for another type of leave may submit a written request for an unpaid discretionary leave of absence to their supervisors.

The District will consider such requests on a case-by-case basis. Subject to applicable law and the requirements of any applicable insurance plan, the District may, in its sole discretion, choose not to continue health insurance and other benefits to any employees while on an unpaid discretionary leave of absence.

Although the District may, in its sole discretion, attempt to reinstate an employee who wants to return to work after an unpaid discretionary leave of absence, the District cannot guarantee reinstatement.

Procedure: Reasonable Pregnancy Accommodation and Maternity Leave

The District has implemented this procedure to prohibit discrimination on the basis of pregnancy and provide reasonable accommodation for conditions related to pregnancy and childbirth to enable an applicant or employee to perform the essential functions of her job. This procedure will also enable expectant and new mothers who are ineligible for leave under the Family Medical Leave Act (“the FMLA”) to take time off for prenatal care or incapacity related to pregnancy, the birth of a child, and/or for physical recovery from childbirth.

Prohibition of Discrimination

The District shall:

1. Not take adverse action against an applicant or employee who requests or uses a reasonable accommodation related to pregnancy, physical recovery from childbirth, or a related condition;
2. Not deny employment opportunities to an applicant or employee based on the need to make a reasonable accommodation related to the applicant's or employee's pregnancy, physical recovery from childbirth, or a related condition;
3. Not require an applicant or employee affected by pregnancy, physical recovery from childbirth, or a related condition to accept an accommodation that the applicant or employee chooses not to accept, if the employee or applicant has not requested an accommodation or the accommodation is unnecessary for the applicant or employee to perform the essential functions of the job; and
4. Not require an employee to take leave if the employer can provide another reasonable accommodation for the employee's pregnancy, physical recovery from childbirth, or related condition.

Reasonable Pregnancy Accommodation Procedure

Upon request, the District shall provide reasonable accommodation to an applicant or employee for a health condition related to pregnancy or physical recovery from childbirth to enable the applicant or employee to perform the essential functions of her job. The District shall provide reasonable accommodation unless the provision of the requested accommodation would be an undue hardship on the District.

It shall be the applicant's or employee's responsibility to inform her hiring manager or supervisor of the need for an accommodation and to provide the hiring manager or supervisor with sufficient information to support the need for the accommodation requested.

Once the applicant or employee has requested an accommodation and submitted any supporting documentation requested by the District, the hiring manager or supervisor shall engage in a timely, good-faith, and interactive process with the employee to determine effective, reasonable accommodations. The hiring manager or supervisor shall then determine whether the District can provide the applicant or employee with reasonable accommodation and whether the requested accommodation would be an undue hardship on the District.

An applicant or employee may appeal the denial of a requested accommodation in accordance with the procedure in Superintendent Regulation GBA-R2, available at <http://www.boarddocs.com/co/dpsk12/Board.nsf/goto?open&id=9Q7TXV7977A0>

Leave Procedures

An employee who is an expectant or new mother and is ineligible for leave under the FMLA is entitled to a total of up to eight weeks of unpaid maternity leave for prenatal care or incapacity related to pregnancy, the birth of a child, and/or for physical recovery from childbirth, unless the provision of leave to the employee would be an undue hardship on the District.

Employees requesting maternity leave in accordance with this Procedure must provide their school/department with no less than 30 days advance notice prior to the date on which the leave is to begin, except in cases in which 30 days notice is not practicable, due to of a lack of knowledge of approximately when the leave will be required to begin, a change in circumstances, or a medical emergency. In cases in which 30 days notice is not practicable, notice must be given as soon as practicable.

When an employee returns to work, she will be restored to her position or to an equivalent position. An equivalent position is one with the same pay grade, benefits, work schedule, proximate geographic location, and other terms and conditions of employment. An employee will not be restored to her position or to an equivalent position if her employment would have otherwise been terminated had she not taken maternity leave, such as in the event of a lay off or disciplinary termination.

Non-FMLA-eligible employees who wish to request more than eight weeks of maternity leave may do so in accordance with the above Reasonable Pregnancy Accommodation Procedure or Policy GBA-R2, if applicable.

Procedure: Religious Accommodation

The District respects the religious beliefs of all employees and will, on request, provide reasonable accommodation for religious observances, practices, and beliefs when an accommodation is available that does not create an undue hardship on the District.

Procedures

Requesting a Religious Accommodation

An employee who seeks a religious accommodation must submit a written request for an accommodation to his or her immediate supervisor or Human Resources Business Partner. The written request shall include a statement regarding how the employee's religious practices conflict with his or her job or work schedule, the District's policy or practice on dress and appearance, or other aspects of employment; and the employee's suggested accommodation. The employee's immediate supervisor will evaluate the request and consider:

- Whether a work conflict exists due to a sincerely held religious belief or practice; and
- Whether a reasonable accommodation is available that would not create an undue hardship on the District.

After evaluating the request, the immediate supervisor shall meet with the employee to discuss the requested accommodation. If the employee's immediate supervisor concludes that the requested accommodation is reasonable and would not create an undue hardship on the District, the supervisor shall implement the requested accommodation.

If the employee's immediate supervisor concludes that the requested accommodation is unreasonable or would create an undue hardship on the District, the supervisor shall inform the employee that the requested accommodation will not be implemented. However, if an alternative reasonable accommodation is available that would not create an undue hardship on the District, the employee's supervisor shall offer to implement the alternative accommodation. If the employee's supervisor declines to implement the employee's requested accommodation, the employee may appeal the supervisor's decision in accordance with Board Policy GBA and Superintendent Regulation GBA-R1.

Fitness for Duty/Health Examinations

The District seeks to promote the safety of employees during working hours and assist them in the maintenance of good health through its overall safety program and various policies pertaining to school personnel. The District shall encourage all its employees to maintain good health and practice good health habits.

Under the following circumstances, the District may require physical examinations of its employees. The district shall pay for all such physical examinations. Results of such physical examinations shall be maintained in separate medical files and not in the employee's personnel file and may be released only in limited circumstances.

Bus drivers' physical examinations

All bus drivers including full-time, regular part-time and temporary part-time drivers shall be required to have a physical examination once every two years to obtain or renew an operator's permit. Annual visual evaluation shall be required.

Food service employee requirements

Food service employees shall conform to and meet all minimum rules and regulations of the City and County of Denver governing the sanitation of restaurants. A valid food handler's card shall be required.

Health examinations

The District reserves the right to require physical or mental status examinations of any district employee:

- When there is a need to determine whether an employee is able to perform the essential functions of his job
- As may be required to determine the necessity or feasibility of reasonable accommodations for a disability
- As may be necessary periodically to comply with fitness for duty or monitoring requirements imposed by law
- If there is reason to believe that an employee's health interferes with the ability of the employee to perform the essential functions of his/her job or is likely to interfere with the safety or health of students, the employee or other employees

The administrator in charge of the employee's department shall make the request for such an examination in writing with specific reasons for the request. The request shall be sent to the HR Partner assigned to the school or department who will forward the request to the appropriate HR representative and, if appropriate, request employee and labor relations to arrange for the examination. Any costs for consultative services shall be borne by the District.

Return to work

If an employee has been absent from work due to a health condition, an appointment shall be made with employee health services before returning to work.

Confidentiality

In all instances, district personnel shall respect the individual's right to privacy and shall treat any medical diagnosis as confidential information. Results of all physical or mental examinations shall be treated as confidential records by the District and shall be maintained separate from district personnel records.

Vacations/Holidays

Vacation time is accrued monthly depending on work assignment and work year. Information regarding your accrued vacation time is available on the GHR system. Your direct supervisor must approve any request for use of vacation time.

Worker's Compensation

All employees are covered by workers' compensation insurance, which compensates an employee for lost time, medical expenses and loss of life or dismemberment from an injury arising out of or in the course of work. All employees of Denver Public Schools are covered by workers' compensation insurance as required by law. Employees must immediately report any accident or injury to their supervisor and the district so that the necessary paperwork may be completed.

A description of the workers' compensation process and applicable forms are available at: http://riskmanagement.dpsk12.org/workers_comp

If a qualified employee is injured on the job within the course and scope of his/her employment, and the injury is covered by workers' compensation insurance as required by law, and due to that work-related injury the employee is unable to work, the employee will continue to be paid his/her full pre-injury salary/benefits during a Wage Continuation Period ("WCP"). The WCP is defined as four (4) calendar months from an employee's date of injury, or the date of employee's termination; whichever is sooner. An employee will not be charged with any earned vacation leave or sick leave for any approved time missed due to a workers' compensation covered injury during the WCP. However, Family Medical Leave will run concurrently with the WCP for any time missed.

To the extent further leave is required after the WCP time period, and Family Medical Leave is not exhausted. Any further leave will also run concurrently with Family Medical Leave.

Personnel Records and Files

The District will develop and implement a comprehensive and efficient system of personnel records under the following guidelines:

1. A personnel file for each employee shall be accurately maintained in the District administrative office. Personnel records shall include home addresses and telephone numbers, financial information, and other information maintained because of the employer-employee relationship.
2. All personnel records of individual employees shall be considered confidential except for the information listed below. Personnel files shall not be open for public inspection. The superintendent and his designees shall take the necessary steps to safeguard against unauthorized use of all confidential material.
3. Each employee shall have the right, upon request, to review the contents of his own personnel file, with the exception of references and recommendations provided to the District on a confidential basis by universities, colleges or individuals.
4. The following information in personnel records and files shall be available for public inspection:
 - a. Applications of past or current employees
 - b. Employment agreements
 - c. Any amount paid or benefit provided incident to termination of employment
 - d. Performance ratings except for teacher evaluations as noted below
 - e. Any compensation including expense allowances and benefits

Athletic Coaches

High school athletic coaches shall be assigned annually to coaching duties, which shall be in addition to teaching duties. The principal or school leader shall inform each assigned coach of the fact that the seasonal assignment is for one school year only. All assignments shall carry the written recommendation of the teaching school principal, if applicable, the coaching school principal, and the department of athletics and student activities. The department of human resources shall make all final decisions regarding assignment of coaches.

Coaches shall not receive any pay, gift or other remuneration for teaching or coaching other than the stipulated contract salary or pay scale agreed upon by the Board of Education.

Athletic coaches may be selected and assigned coaching duties for one or more three-month periods, i.e., September through November, December through February, and/or March through May. Remuneration shall be on a monthly basis.

All coaches shall report for duty on the opening practice dates of their respective sports as set by the Colorado High School Activities Association. In addition, coaches shall attend required meetings and meet all terms and conditions established by the athletic board of control.

Staff Training Workshop and Conferences

Attendance of staff members at appropriate meetings, conventions and conferences of national, state and local associations whose activities deal with education likely will benefit the school system as teachers, supervisors and administrators share with their counterparts from other school systems ideas and concepts of importance to the educational enterprise.

Attendance by school personnel at professional meetings shall be justified by meaningful guidelines or rationale for such attendance. Such guidelines or rationale may differ by department but shall be well defined and understood by appropriate personnel. Value to the school district shall be assessed against the cost to the district in terms of released time and substitute time as well as actual costs.

Participation by an employee at a meeting, convention or clinic as a speaker, panelist, officer or participant shall be evaluated on the basis of value to the school district as well as to the organization.

Duplication of attendance at meetings shall be justified on the basis of the size and nature of the meeting and shall require advance assignment or selection of clinics, sections, etc. to be attended by each participant in order to ensure maximum coverage and benefit to the district.

Board of Education Policy DK-R-A sets forth District requirements for authorizing business travel, identifying travel related allowable charges, determining travel expenses eligible for reimbursement, and accomplishing the reimbursement process.

Contracting with PERA Retirees

The District may employ and/or contract with PERA retirees based upon their expertise to perform certain job functions and the critical needs of the District to retain qualified persons to carry out certain tasks. Under Colorado law, certain restrictions exist regarding the amount of hours that a retiree can work without penalizing their retirement income.

The District may elect to either employ a retiree according to the restrictions regarding the amount of hours that a retiree can work without penalizing their retirement income or can enter into a contract with a retiree as an independent contractor.

PERA Retiree as Employee of the District

If the District employs a retiree according to the restrictions regarding the amount of hours that a retiree can work without penalizing their retirement income, it is the ultimate responsibility of the employee to ensure that the employee is working according to the restrictions and that the employee is not jeopardizing his/her retirement income.

Current Statutory Maximums for the Employment of Retirees without Penalty of Retirement Benefits

A. Pursuant to Colorado law, retirees may be employed by the District Pursuant to the following statutory parameters:

1. Employment for full days and half days does not exceed one hundred ten full days during the calendar year;
2. Hourly employment does not exceed seven hundred twenty hours during the calendar year; and
3. Employment consisting of a combination of full-day, half-day, and hourly employment does not exceed one hundred ten full days per calendar year.

PERA Retiree as Independent Contractor with the District

If the District enters into a contract with a retiree as an independent contractor, the following guidelines will apply. The District will only approve independent contractor agreements if it is in the interest of the District to retain retirees to fill a position. It is not the amount of hours worked that will determine whether or not a retiree qualifies for an independent contractor agreement. Retention of former employees under these circumstances is founded upon the premise that a retiree can perform a specialized

and/or critical job function for the District, usually for a temporary period of time until a permanent employee is hired. Therefore, independent contractors may or may not exceed the statutory hourly/daily maximums. This employment relationship is not based upon a continuing relationship between a former worker and the District but rather the provision of services much like outside vendors, paid advisors or consultants would provide the District.

Employment of Retirees as Independent Contractors

A. The Board of Education may approve the employment of a retiree as an independent contractor under the following four criteria.

1. A critical need job function has been identified by a cabinet level administrator that requires certain specialized expertise or knowledge; and
2. A retired individual has the specific skills to perform the critical need function; and
3. The proposed job function is contemplated to exceed current statutory maximums; and
4. The employment of the retiree has been recommended/approved by the Superintendent.

B. The following procedures shall be utilized by all district personnel seeking to retain a retired employee as an independent contractor:

1. District employees who support the hiring of a retiree under this section shall address a memorandum to the Superintendent requesting the individual be employed.
2. If the Superintendent and/or his designee shall consider and approve the District employee's request and, when appropriate, approve the contract.

C. In relation to employment of individuals under this section, the following criteria shall apply to all Independent Contractor Agreements.

1. All such independent contractor agreements shall relate that the individual is an independent contractor and not an employee of the District for any purpose. No fringe benefits will be given to said individual.
2. No independent contractor agreement shall be entered into by the District which exceeds one year.

3. In order for an individual to qualify as an independent contractor, it is necessary to meet certain Internal Revenue Service rules and guidelines. These guidelines are found in IRS Revenue Ruling 87-41 and the IRS looks to them for guidance in connection with its definition determinations to determine whether or not any individual is or is not an "employee" for taxation purposes. The combination of these factors is generally called the common law test. The common law test is specifically and consistently used to determine employee status in connection with FUTA and FICA taxes, as well as in federal income tax withholding.

- a. The District can exercise little or no control over the contractor or his/her methodology for performing delegated job functions.
- b. The contractor must possess unique skills which require an ability or a degree of independent judgment to be exercised.
- c. The contractor will determine where the services are to be performed and the hours necessary to complete the job function, not the District.
- d. The contractor is not subject to control by the Board of Education or the Superintendent. However, the District has the authority to terminate the independent contractor agreement pursuant to District standards or as may be determined pursuant to each individual agreement.
- e. The contractor must be paid by the job function or task completion but generally this can be calculated on an hourly basis.
- f. The contractor's employment should be considered to be temporary and usually for a defined period and/or the completion of a specific job function.
- g. The contractor has the sole authority to determine whether or not to employ other individuals to aid in the completion of work for which the contractor was hired.
- h. Finally, the contractor must not perform functions which are "substantially similar" to functions performed by current employees of the District.

6. Independent contractors may not undertake certain actions that employees for the District would normally perform. Examples include the inability to perform appraisals on employees, the inability to sign payroll or execute some departmental manager

responsibilities, or enter into contracts with other third parties that would bind the District.

7. Independent contractor agreements under this section may be with an individual who has created a limited liability company (LLC). In all circumstances, the independent contractor or the entity created by an individual shall be responsible for the payment of the following taxes and the District shall receive evidence that such taxes are being paid by the individual or entity.

- a. Federal Insurance Contributions Act (FICA).
- b. Federal Unemployment Tax Act (FUTA).
- c. Colorado State Unemployment Compensation Taxes.
- d. Colorado State Workers Compensation Taxes.
- e. Any applicable local taxes depending upon the location where the individual resides or the work is performed.

8. The Superintendent shall develop specific procedures for use by District personnel to implement this policy.

General Provisions

All employment and/or contracting of retirees under this section, shall be recommended by the appropriate cabinet level administrator and approved by the Superintendent

Procedure: Job Abandonment

This policy provides assurance that the business of the District shall continue without undue interruption and allows limited yet reasonable unreported absence in the event of personal emergency.

Procedures

District employees are expected to report to work on time for every scheduled shift. Employees who are unable to report to work at the designated time must notify their supervisors as soon as possible, but no later than two hours before their scheduled start time, absent extenuating circumstances.

Employees who fail to report to work for three consecutive work days without notifying their supervisor of the absence will be deemed to have voluntarily resigned from the District as a result of job abandonment. An employee will also be deemed to have voluntarily resigned from the District as a result of job abandonment if the employee fails to return to work for three consecutive work days without notifying his or her supervisor of the reason for the absence following the expiration of any approved leave of absence, disciplinary suspension, or recall from layoff status.

If an employee is unable to contact his or her supervisor to report an absence, he or she should ask a representative (such as a family member or friend) to do so on the employee's behalf. If the employee or a representative is unable to contact the employee's supervisor due to extreme circumstances (such as a medical emergency or natural disaster that prohibits the employee or his or her representative from contacting the employee's supervisor within three work days), the employee or his or her representative must contact the employee's supervisor as soon as practicable. The District will consider any explanation provided by the employee or his or her representative before determining if the voluntary resignation will be upheld.

When an employee has abandoned his or her job, his or her employment with Denver Public Schools shall immediately be terminated. Such termination shall be considered a voluntary resignation and shall not be subject to Board of Education Policy GDQD, Superintendent Regulation GDQD-R, or any dismissal procedure identified in the employee's collective bargaining agreement. Employees who abandon their jobs will not be eligible for reemployment with the District for a minimum period of three years and must provide evidence of three years of effective job performance at another organization prior to being reconsidered for employment following expiration of the three-year ineligibility period.

This policy supersedes all school/departmental policies with regard to job abandonment. This policy shall not be construed as prohibiting an employee from receiving corrective action for unreported absences of less than three consecutive work days.

Procedure: Staff Reductions (Non-Teacher)

A reduction in force (RIF) is defined as a separation from employment due to lack of funds, lack of work, redesign or elimination of position(s) or reorganization. A RIF may be necessary or appropriate when there is a redesign or elimination of work, redundancy in roles, or excess capacity within a work group or across work groups, such that it would be economically feasible and responsible to reduce the number of employees in a school or department.

When a school or department becomes aware there may be a need for a reduction of staff, the supervisor should contact his or her assigned Human Resources Partner (“HR Partner”), who will guide the school or department in assessing options and developing a plan for implementing the reduction.

Employee Notification

As a best practice, employees will generally be given at least 30 calendar days' notice that their positions are going to be eliminated. When implementing a reduction, in some situations, it is in the best interests of the employee or the department that the notice period is a non-working notice period. This decision should be made in consultation with the assigned HR Partner. The employee should be informed, during notification, whether the notice period will be working or non-working (or some of both). For a non-working notice period, the employee shall be placed on paid leave.

When a reduction is necessary, the HR Partner should assist the supervisor with providing the impacted employee(s) with written notification regarding the position elimination and should ensure all details regarding the reduction (i.e. last day worked, last day on the payroll, benefits information, etc.) are included in the notification. The notice period begins the day of notification.

Under certain collective bargaining agreements, the notice requirements and specific reduction procedures may vary. Bargaining unit employees should consult their collective bargaining agreements for the specific reduction procedures that apply to them. Please consult with your HR Partner for more information.

Cross Reference:

ATU- Article 6- Layoffs, Recalls and Transfers. **ABGW-** Article 21- Reduction in Force

CWA- Article 31- Reduction in Force. **DAEOP-** Article 6- Reduction in Force

DCTA- Article 13- Assignment, Schedules and Transfer & Article 20- Reduction in Force

DFPNSE (Paras)- Article 22- Staff Reduction. **FMA-** Article 27- Reduction in Force

CFSSP- Article 20- Staff Reduction. **VTF-** Article 33 –Reduction in Force

District-wide Closure Procedures for Employees

To ensure that the District staff has a safe work environment, and that all departments work together to maintain safety for all, the following procedures clarify work schedules and pay methods for district employees during District wide closures.

Communication of District Closure for Employees:

1) It is each employee's responsibility to seek out District closure status. To facilitate this, the following communication methods will be utilized:

- a) The Superintendent or designee will determine if the District will be closed due to emergency reasons, such as snowstorms, tornados, floods or other reasons.
- b) In the case of District closure, the central District phone center message will be updated daily by 5 am to reflect District closure information. The phone number is 720-423-3200.
- c) The District website will be updated by 5 am to reflect District closure. The website can be accessed from any computer or smart phone with an internet connection at www.dpsk12.org.
- d) Communication to Employees: Employees will be notified of District closure in the following methods, in the order described:
 - i) Departments that have established protocols will communicate to all department employees using established procedures which have been communicated to all department employees.
 - ii) If they are unsure of the District closure status, all other District employees are expected to contact the central District phone center message. The phone number is 720-423-3200.
 - iii) Employees may also log on to the District website at www.dpsk12.org for updated District closure information.
- e) The local media (TV, radio, newspaper) is a secondary point of communication for District employees; however, the information provided by the media is not to be used by employees to determine the District closure status. The official District closure status will be communicated as identified above.

2) Designated Emergency/Essential Employees: It may be necessary for specific departments to designate emergency and/or essential employees who will be required to report to work in the case of District closure.

a) Employees designated as emergency or essential will be covered by the policies and procedures published by management and approved by the Superintendent or designee.

b) All designated emergency or essential employees will be notified of their designation by their management in a timely manner. If any changes occur in their designation, they will receive notification from their management in a timely manner.

3) Pay Procedures:

DESIGNATED EMERGENCY OR ESSENTIAL EMPLOYEES

(Employees who are required to report to work during District closure)

Employee Classification	Report to Work	Failure to Report to Work
Exempt employees	Paid for normal work hours Do not receive additional pay	Charged with a personal day, if available, or a vacation day, if available, or unpaid leave.
Non-exempt employees	Paid according to department procedures, as communicated to employees, or per negotiated agreements. OVERTIME: Employees who report to work and who work more than 40 hours in the week in which the closure occurs will receive overtime pay, according to department procedures, as communicated to employees	Charged with a personal day, if available, or a vacation day, if available, or unpaid leave. Overtime: The district closure day(s) will not count towards the 40 hour work week for overtime calculation purposes

EMPLOYEES WHO ARE NOT DESIGNATED AS EMERGENCY OR ESSENTIAL

(Employees who are not expected or required to report to work during District closure)

Employee Classification	Pay Procedures
Daily Substitutes (includes all teacher and classified substitutes)	Not paid
Other employees who are paid by the hour (includes retirees)	Hourly employees who are scheduled to work on the day of a District-wide closure will be compensated up to a maximum of three days per school year; this will not apply if make-up days are scheduled later in the pay period.
Exempt and non-exempt employees paid on a Work Year basis (for example, but not limited to 200, 207, 212, 223, 235 days, etc.)	Paid normal hours. Overtime: The district closure day(s) will not count towards the 40 hour work week for overtime calculation purposes

EMPLOYEES ON PREARRANGED LEAVE

(Includes vacation, medical/sick, personal and general)

All employees	Will be charged with the leave time as prearranged. This includes vacation, medical or sick, personal and general leave, as well as other leaves covered by negotiated labor agreements.
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Please Note: During a delayed start, all District employees are expected to report to work at their regular start times unless otherwise communicated by their direct supervisor.

Procedure: Voluntary Resignations or Retirements

For employees to leave DPS in good standing, they must provide written notice of resignation or retirement. Generally, employees are required to provide a minimum of two weeks' notice prior to the separation of employment.

Certain employees may have specific notice requirements outlined in their employment contract and should be expected to provide notice accordingly.

Managers/supervisors in consultation with Human Resources can choose to waive the notice requirement.

Employees who do not provide sufficient notice may have their eligibility for rehire impacted.

TEACHER FAQ – “PORTING” NON-PROBATIONARY STATUS FROM ANOTHER DISTRICT

Q1: What does it mean to “port” non-probationary status from another school district?

A1: In certain situations, a new DPS teacher can bring his or her non-probationary status earned in another Colorado district to DPS.

Q2: Do I qualify to “port” my non-probationary status?

A2: You may qualify if you meet the following criteria:

- (1) You were a non-probationary teacher in another Colorado school district.
- (2) You left that other District in good standing (i.e. you weren't dismissed and didn't resign in lieu of termination etc.)
- (3) There is no break in time from your previous teaching position and your new position in DPS. (e.g. You taught in the 2016-17 school year in Aurora and you are being hired to teach in the 2017-18 school year in DPS.)
- (4) You can show that your last two years of evaluations were effective.
- (5) You can show that you have two years of effective student growth.

Q3: How do I ask to “port” my non-probationary status?

A3: You must make the request to “port” your status during the onboarding process – in the period between when you get your offer and when you sign your teacher contract with DPS. If you request to port your status, you will be asked to provide evidence of the above eligibility criteria. After review of the evidence provided, Human Resources will notify you about whether you qualified for non-probationary status.

Q4: What kind of documents can I provide to show that I meet the criteria?

A4: You can ask for a letter from your former Colorado district that states (1) whether you were non-probationary when you left; (2) your date of resignation from that district; and (3) whether you left in good standing. You should also provide the end-of-year reports from your last two years of evaluations. Lastly, please provide any evidence of student growth that you have available to you (e.g. from your end-of-year reports, state assessment data, Student Learning Objective outcomes etc.).

Q5: What if I already signed the teacher contract and I now want to request non-probationary status?

A5: We can provide a 30-day grace period from when you signed the teacher contract for you to apply to port your status.

Q6: If I wasn't a non-probationary teacher in another district, can I bring over my first, second, and/or third years of effective evaluations over to DPS so that they can count toward my non-probationary status with DPS?

A6: No, you can't port over years of effectiveness. Under law, you can only port non-

probationary status that was previously earned. For example, if you left another district at the end of your third year, you would still start DPS as a probationary teacher because you wouldn't have been non-probationary with the other district until the start of your fourth year. (Note: those years do count toward setting your salary.)

Q7: What if I acquired non-probationary status with DPS, then left to work in another state for a year, and then came back to DPS?

A7: Please see our FAQ on the implications of a “break-in-service” from DPS. In this case, you would come back as a probationary teacher.

Q8: What if I was effective at a charter or innovation school at another district?

A8: Under the law, teachers can only bring “non-probationary” status. Teachers at charter or innovation schools generally do not have or acquire non-probationary status. Check with your former school district regarding your status.

Q9: What if I am applying for a DPS innovation school or as a Specialized Service Provider?

A9: If you work at a DPS innovation school, your employment status is determined by the innovation plan. Many DPS innovation schools do not recognize probationary or non-probationary status, so you will not be able to port over your non-probationary status if you are applying to work in an innovation school. This is also true for Specialized Service Providers (SSPs) because SSPs do not gain or lose non-probationary status in DPS.

Questions?

Please reach out to HR Connect at 720-423-3900 or
Connect.HumanResources@dpsk12.org

TEACHER FAQ – PROBATIONARY AND NON-PROBATIONARY STATUS 2017-18 SCHOOL YEAR

1) Q. How is teacher performance measured in Denver Public Schools?

A: The Leading Effective Academic Practice (LEAP) growth and performance system, developed in collaboration with DPS teachers, creates a common set of expectations for effective teaching. Our overwhelming focus with LEAP is in supporting the professional growth of teachers. Our teachers deserve honest and constructive assessments of their strengths and areas for growth, evidence-based feedback, and support for their professional development. The system is also designed to meet the state’s legal requirements around teacher evaluations. For example, fifty percent of the evaluation must be based on student learning outcomes and the evaluation must include at least one measure of student growth that is individually attributed to the teacher and at least one collective measure of student growth (e.g. school-wide or District-wide). There are four overall LEAP ratings that can be assigned: Distinguished, Effective, Approaching, and Not Meeting.

2) Q: What is the difference between a probationary and non-probationary teacher?

A: Whereas probationary teachers can be non-renewed at the end of the school year, non-probationary teachers can only be dismissed after receiving the process that is outlined in the Teacher Employment, Compensation, and Dismissal Act (TECDA), C.R.S. §§ 22-63-301 to -302. There are also additional rights for non-probationary teachers who are reduced from their current schools based on, for example, decreasing enrollment or changes in programming.

3) Q: How does a teacher move from “probationary” to “non-probationary” status?

A: End-of-year LEAP ratings are used to determine whether a teacher is probationary or non-probationary. Prior to the passage of the Great Teachers and Leaders Act, also known as Senate Bill 10-191, the award of non-probationary status to teachers was based solely on time in position, rather than a demonstration of effectiveness. Today, based on that change in the law, the attainment of non-probationary status is intended to represent an acknowledgment of a proven track record of effectiveness. A probationary teacher is defined by law as “a teacher who has not completed three consecutive years of demonstrated effectiveness.” C.R.S. § 22-63-103(7). Of the four LEAP ratings, two are considered “effective”: Effective and Distinguished. The other two ratings (Not Meeting and Approaching) indicate that additional growth is needed and do not constitute demonstrated effectiveness. This means that while some teachers may attain non-probationary status in as little as three years, others may take longer to meet the standard to become a non-probationary teacher. The rights associated with that non-probationary status start when that teacher earns those “three consecutive years of demonstrated effectiveness” and then returns the following year to a school and role that recognizes non-probationary status. A teacher must work 120 days in a school year for an effective LEAP rating to count toward gaining or losing non-probationary status. **See Questions 7 and 8 for information about innovation schools and roles that do not recognize non-probationary status.**

Example: A teacher earned non-probationary status because she had effective ratings in 2014-15, 2015-16 and in 2016-17 at a school that recognizes non-probationary status. The teacher was renewed and returns to a school that recognizes non-probationary status. She will be non-probationary for the 2017-18 school year.

4) Q: What happens if I move into a non-teaching or non-DCTA position with DPS?

A: Non-DCTA/non-teaching positions include, for example: Principals, Assistant Principals, other school-based administrators such as Ritchie Interns and Learn to Lead positions, ProTechs, Long Term Subs, Guest Teachers, Paraprofessionals, Deans, Specialized Service Providers (SSPs), teachers employed less than .5FTE, and central office positions. These positions do not qualify for gaining and losing non-probationary status and any previously acquired non-probationary rights will not apply while in these positions (e.g. no Limited Term Assignments provided if the position is reduced). Check with your Human Resource partner regarding any other position not listed here.

Starting with the 2017-18 school year, teachers who had already acquired non-probationary status in DPS before transferring to a non-DCTA or non-teaching role will have their non-probationary status put on hold for five years. In other words, the non-probationary status will not have any meaning or impact while they are in the non-DCTA or non-teaching role. However, if they return to a teaching position in a DPS school that recognizes non-probationary status within five years, they can return with the non-probationary status that they previously held. In order to take advantage of this option and have non-probationary status reinstated, the teacher must contact his/her HR Partner within 30 days of returning to the DCTA/teaching position.

5) Q: Can a non-probationary teacher lose non-probationary status?

A: Yes. State law says that non-probationary teachers who have two consecutive years of less than effective ratings may lose their non-probationary status and return to probationary status. The 2014-15 school year was the first year a less than effective rating could be considered for the loss of non-probationary status for a teacher. For example, if a teacher received a Not Meeting or Approaching rating in 2014-15 and again in 2015-16, he/she became a probationary teacher for the 2016-17 school year. A change in status does not mean the teachers lose their positions. Also, the teacher can earn back non-probationary status if s/he subsequently gets three consecutive years of effective ratings in a school that recognizes non-probationary status.

6) Q: What constitutes a “break in service from DPS” that could affect my non-probationary status and/or accrual of years of consecutive effective teaching?

A: A break in service from DPS results when an employee resigns or is terminated from DPS and later returns to a DPS position. When a formerly non-probationary teacher resigns or is terminated and later returns to teach at DPS, he/she will return as a probationary teacher. (One exception for teachers that “port” their non-probationary status from another district – See Portability FAQ for additional information). An approved leave of absence is not considered a break in service, but rather a “hold harmless” year if the leave of absence results in the employee not working at least 120 days.

7) Q: Do the same processes apply in Innovation Schools?

A: Most innovation schools do not recognize non-probationary status and teachers do not gain and lose non-probationary status. As a result, many teachers at innovation schools are classified as “at will” or “annual contract” as opposed to probationary or non-probationary. Review your innovation school plan to determine employment status and whether the school recognizes non-probationary status. If you have any questions, please contact your HR partner.

If a teacher has non-probationary status prior to moving from a traditional DPS school to a DPS innovation school, the teacher’s non-probationary status will be put on hold – meaning that the end-of-year ratings will not count toward the gain or loss of non-probationary status and any previously held non-probationary rights will not apply while at the innovation school (e.g. no Limited Term Assignment provided if position reduced). However, if the teacher returns to a traditional DPS school without a break in service (as defined in Question 6 in this FAQ), s/he can return with the non-probationary status s/he previously held. In order to take advantage of this option and have non-probationary status reinstated, the teacher must contact his/her HR Partner within 30 days of returning to the DCTA position.

To learn more about LEAP, please visit leap.dpsk12.org.

To learn more about the implementation of Colorado’s Great Teachers and Leaders Act, visit this CDE webpage <http://www.cde.state.co.us/educatoreffectiveness/overviewofsb191>.

Immigration Officials Access to District Property and Student Records

For purposes of this procedure, an “Immigration Official” is an employee of U.S. Immigration and Customs Enforcement or an individual acting on behalf of U.S. Immigration and Customs Enforcement and/or on behalf of any other state or federal agency conducting immigration- related activities.

Collection of student immigration information

District employees shall not collect any information about student immigration status. District employees who become aware of a student’s immigration status through the performance of their duties for the District shall maintain the confidentiality of that information and shall not share that information with Immigration Officials unless required by law.

Immigration Official Request for Access to District Property or Students or to Review Student Education Records

Upon receipt of a request from an Immigration Official: (a) for entry into any District school or other District property, (b) to communicate with any student while that student is under the supervision of the District during any school activity or while using District transportation, or (c) for any information about a DPS student or students, all District employees shall immediately forward the request to the District’s Office of the General Counsel.

In responding to such requests, the District’s Office of the General Counsel will not provide access to District property or students or share information unless required by law and will do everything in the District’s lawful power to protect the constitutional and legal rights of the District’s students. District employees shall not share any information with Immigration Officials unless the District’s Office of the General Counsel has specifically authorized the release of the requested information. Immigration Officials shall generally not be granted access to District property or students without a valid search warrant or exigent circumstances.